

AUSTIN KNUDSEN



STATE OF MONTANA

February 19, 2026

Marcia McNutt
President
The National Academy of Sciences
500 Fifth Street NW
Washington, DC 20001

Neil H. Shubin
President-Elect
The National Academy of Sciences
500 Fifth Street NW
Washington, DC 20001

Dear President McNutt and President-Elect Shubin:

The Federal Judicial Center removed the climate science chapter from the *Reference Manual on Scientific Evidence, Fourth Edition* (“Fourth Edition”) because it is not appropriate for use by federal judges. We, the undersigned Attorneys Generals of 21 States, urge the National Academy of Sciences, Engineering, and Medicine (“National Academies”) to immediately take the same action and remove the climate science chapter from all versions of the Fourth Edition produced by the National Academies.

On January 29, 2026, 27 Attorneys General called on the Federal Judicial Center to withdraw a chapter on climate science from the Fourth Edition.¹ The Attorneys General outlined many significant methodological and bias issues that undermine the judiciary’s impartiality and place a thumb on one side of the scale in pending litigation. The goal of this “one-sided advocacy” was “judicial indoctrination.”²

On February 6, 2026, the Director of the Federal Judicial Center, Judge Robin L. Rosenberg, informed the Attorneys General that “the Federal Judicial Center has omitted the climate science chapter from the *Reference Manual on Scientific*

¹ Office of the West Virginia Attorney General, *West Virginia Leads Fight Against Efforts by Climate Activists to Improperly Influence Federal Judges*, Jan. 29, 2026, <https://ago.wv.gov/article/west-virginia-leads-fight-against-efforts-climate-activists-improperly-influence-federal>.

² The Editorial Board, *A Failed Climate Coup in the Courts*, THE WALL STREET JOURNAL (Feb. 8, 2026), <https://www.wsj.com/opinion/reference-manual-on-scientific-evidence-climate-science-elena-kagan-federal-judges-f8e8604a>.

DEPARTMENT OF JUSTICE

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Evidence, Fourth Edition.”³ The Federal Judicial Center immediately removed the chapter from the version of the Fourth Edition available on its website and inserted the following note where the chapter used to be found: “** The FJC omitted Reference Guide on Climate Science on 2/6/2026.”⁴ Following the chapter’s removal, The Wall Street Journal called for a “public accounting” into whether “someone on the Judicial Center was either asleep or tried to slip ideology into what should be ‘a dispassionate guide.’”⁵

The Federal Judicial Center and the National Academies worked together on the Fourth Edition as a “joint project.”⁶ However, the National Academies does not appear to have followed the Federal Judicial Center’s correct decision to remove the Fourth Edition’s climate science chapter. Instead, the National Academies’ online version still contains the original chapter.⁷ Like the Federal Judicial Center, the National Academies should immediately remove the climate science chapter from all available versions of the Fourth Edition to stop any continued claims of “political pamphleteering.”⁸

Unfortunately, the National Academies is building a reputation as a partisan actor. In September 2025, the U.S. House Committee on Oversight and Government Reform began investigating the National Academies’ decision to “‘fast-track’ a review of the Environmental Protection Agency’s (EPA) decision to rescind its 2009 Endangerment Finding.”⁹ The Committee observed that this decision “appears to be inconsistent with the purpose of the National Academies and a blatant partisan act to undermine the Trump Administration.”¹⁰ When it issued its fast-tracked report,

³ Letter from Judge Robin L. Rosenberg to Attorney General John B. McCuskey, Feb. 6, 2026, <https://ago.wv.gov/sites/default/files/2026-02/2026.02.06%20--%20Federal%20Judicial%20Center%20Letter%20Chapter%20Withdrawal.pdf>.

⁴ FED. JUD. CTR., REFERENCE MANUAL ON SCIENTIFIC EVIDENCE 1561 (4th ed. 2026), https://www.fjc.gov/sites/default/files/materials/15/Reference%20Manual_02052026.pdf.

⁵ *A Failed Climate Coup in the Courts*, *supra* note 2.

⁶ Federal Judicial Center, *Reference Manual on Scientific Evidence, Fourth Edition*, <https://www.fjc.gov/content/396456/reference-manual-scientific-evidence-fourth-edition>.

⁷ See THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, REFERENCE MANUAL ON SCIENTIFIC EVIDENCE 1561 (4th ed. 2026), <https://www.nationalacademies.org/read/26919/chapter/21>.

⁸ *A Failed Climate Coup in the Courts*, *supra* note 2.

⁹ Letter from Chairman James Comer to President Marcia McNutt, Sept. 3, 2025, 1, <https://oversight.house.gov/wp-content/uploads/2025/09/National-Academies-of-Sciences-President-McNutt-re-Endangerment-Finding-Letter-09032025.pdf>.

¹⁰ *Id.*

the National Academies “exposed itself as a political organization rather than a source of objective science.”¹¹

In addition to climate science, the National Academies has advanced political agendas for other liberal crusades. The National Academies hosted multiple DEI workshops.¹² Some of the same individuals behind the Fourth Edition’s climate science chapter pushed “implicit bias” concepts on the legal profession through the National Academies.¹³ And just last year, the National Academies published a guide for addressing “misinformation,” which identified the First Amendment as a barrier to combatting online content: “Some countries have developed regulatory approaches to content moderation online, but long-standing free speech protections, while desirable, may make it challenging to readily adopt such approaches in the United States.”¹⁴

This partisanship is especially troubling since taxpayer money provided by the federal government is the largest source—more than \$200 million—of the National Academies’ budget.¹⁵ Taxpayer money should not be used for political causes, particularly by an entity that Congress created to provide independent and objective scientific reports.¹⁶

The National Academies even has been accused of making its positions available for sale. Questions about the National Academies’ independence were raised when the National Academies took a “pharma-friendly stance” after it and

¹¹ Travis Fisher, *The National Academies Just Switched Their Major to Political Science*, CATO AT LIBERTY BLOG (Sept. 19, 2025), <https://www.cato.org/blog/national-academies-just-switched-their-major-political-science>.

¹² See, e.g., THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, ADDRESSING STRUCTURAL RACISM, BIAS, AND HEALTH COMMUNICATION AS FOUNDATIONAL DRIVERS OF OBESITY: PROCEEDINGS OF A WORKSHOP SERIES (2022), <https://www.nationalacademies.org/publications/26437>; THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, ADDRESSING DIVERSITY, EQUITY, INCLUSION, AND ANTI-RACISM IN 21ST CENTURY STEMM ORGANIZATIONS: PROCEEDINGS OF A WORKSHOP—IN BRIEF (2021), <https://www.nationalacademies.org/publications/26294>; THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, THE IMPACTS OF RACISM AND BIAS ON BLACK PEOPLE PURSUING CAREERS IN SCIENCE, ENGINEERING, AND MEDICINE: PROCEEDINGS OF A WORKSHOP (2020), <https://www.nationalacademies.org/publications/25849>.

¹³ THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, THE SCIENCE OF IMPLICIT BIAS: IMPLICATIONS FOR LAW AND POLICY: PROCEEDINGS OF A WORKSHOP—IN BRIEF (2021), <https://www.nationalacademies.org/read/26191/chapter/1>.

¹⁴ THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, UNDERSTANDING AND ADDRESSING MISINFORMATION ABOUT SCIENCE (2025), 7-8, <https://www.nationalacademies.org/read/27894/chapter/2#7>.

¹⁵ Jackson Walker, *National science group made \$200m in government funds while promoting DEI*, KATV (Feb. 28, 2025), <https://katv.com/news/nation-world/national-science-group-made-200m-in-government-funds-while-promoting-dei>.

¹⁶ Mar. 3, 1863, ch. 111, § 1, 12 Stat. 806.

committee members received millions in gifts from pharmaceutical companies.¹⁷ This history makes it noteworthy that the National Academies is soliciting donations to “Climate Crossroads,” which it describes as “a major initiative that will harness the full complement of expertise and skills across the National Academies to catalyze actions to meet the unprecedented challenges and opportunities of climate change.”¹⁸

Donor money would only amplify the many bias issues tainting the Fourth Edition’s climate science chapter. Start with who wrote the climate science chapter. Co-author Jessica Wentz is a climate change advocate at Columbia Law School’s Sabin Center for Climate Change Law.¹⁹ Wentz is an expert in the Climate Judiciary Project,²⁰ where she authored curriculum on “Government Action and Climate Science.”²¹ In an amicus brief opposing the oil-drilling “Willow Project” in Alaska, Wentz argued that “the world needs to phase out fossil fuels as rapidly as possible in order to avert potentially catastrophic levels of global warming and climate change.”²²

The other co-author is Radley Horton, a climate professor at Columbia University’s Climate School.²³ Horton inappropriately trained judges on climate science at the Climate Judiciary Project’s first events.²⁴ He has argued that “it’s absolutely critical that there be a global effort to do everything we can to dramatically draw down emissions.”²⁵

Next look at who reviewed the climate science chapter. In their acknowledgements, the authors thank Michael Burger for “the insights and helpful

¹⁷ Christina Jewett, *National Academies’ Report Took Pharma-Friendly Stance After Millions in Gifts From Drugmakers*, KFF HEALTH NEWS (Aug. 12, 2021), <https://kffhealthnews.org/news/article/national-academies-big-pharma-support-drug-waste-report/>.

¹⁸ National Academies of Sciences, Engineering, and Medicine, *Donate to Climate Crossroads*, <https://www.nationalacademies.org/donate-to-climate-crossroads>.

¹⁹ REFERENCE MANUAL, *supra* note 7, at 1561.

²⁰ Climate Judiciary Project, *Jessica A. Wentz*, <https://cjp.eli.org/experts/jessica-wentz>.

²¹ Climate Judiciary Project, *Curriculum Summary*, <https://cjp.eli.org/curriculum>.

²² See Doc. 101-1, Amicus Brief of the Sabin Center for Climate Change Law in Support of Plaintiffs, *Sovereign Inūpiat for a Living Arctic v. Bureau of Land Mgmt.*, No. 3:23-cv-00058-SLG (D. Alaska July 26, 2023), <https://climate.law.columbia.edu/sites/climate.law.columbia.edu/files/content/Willow%20amicus%20brief%20-%20FILED.pdf>.

²³ REFERENCE MANUAL, *supra* note 7, at 1561.

²⁴ See C. Scott Fulton, *Educating the Judges for the Climate Litigation of Today and Tomorrow*, Environmental Law Institute (Oct. 30, 2019), <https://www.eli.org/vibrant-environment-blog/educating-judges-climate-litigation-today-and-tomorrow>; *Judging in a Changed Climate*, ELI Policy Brief No. 17 (July-Aug. 2022), 58, <https://www.eli.org/sites/default/files/files-pdf/Judging%20in%20a%20Changed%20Climate.pdf>.

²⁵ Radley Horton, *Dangerous Climate Change Is Here and Worse to Come, Major Report Warns*, THE REAL NEWS NETWORK (Nov. 28, 2017), <https://therealnews.com/rhorton1127climate>.

feedback.”²⁶ The chapter also repeatedly cites to an article by Burger on “The Law & Science of Climate Change Attribution.”²⁷ Burger represents the City of Honolulu in its climate change case against energy companies,²⁸ and he is of counsel at the Sher Edling law firm that is leading most of the climate lawsuits pending in the United States.²⁹ In other words, the Fourth Edition’s climate science chapter was reviewed by, and relies on, a plaintiffs’ attorney in pending climate change cases.

Using litigation to advance climate change policies is an objective of another reviewer the authors thanked for his insights and helpful feedback, Michael Gerrard.³⁰ Gerrard co-authored a book published by ELI titled, “Legal Pathways to Deep Decarbonization in the United States,” which he hoped to finish “in time to present it to an incoming Hillary Clinton administration.”³¹ The American people’s election of President Trump foiled that plan, which caused Gerrard to focus even more heavily on the courts. “Until and unless elections bring to power a president, a Congress, and local officials who will take the necessary measures,” Gerrard has argued, “litigation is needed to inhibit those who will try to move backwards, spur on those with good intentions, help implement the policies set by wise Congresses past, and continue the quest for redress for victims.”³²

Finally consider the sources relied upon by the Fourth Edition. The climate science chapter relies upon at least three individuals³³ who supported climate change litigants just last year through expert testimony in on-going lawsuits.³⁴ One of the

²⁶ REFERENCE MANUAL, *supra* note 7, at 1640.

²⁷ *Id.* at 1586 n.77, 1609 n.182, 1636 n.295, 1645; *see also id.* at 1639 n.308.

²⁸ *See* Compl., *City & Cnty. of Honolulu v. Sunoco LP, et al.*, 1CCV-20-0000380 (Hawai’i 1st Cir. Mar. 9, 2020), https://www.climatecasechart.com/documents/honolulu-sued-fossil-fuel-companies-in-state-court_550e; Br. for Respondents City and County of Honolulu, and Honolulu Bd. of Water Supply, *Sunoco LP v. City & Cnty. of Honolulu*, Nos. 23-947& 23-952 (U.S. May 1, 2024), https://www.supremecourt.gov/DocketPDF/23/23-947/308817/20240501143151593_2024-05-01%20HNL%20Resp%20to%20Writ%20Petitions%204855-4880-3514%20v.1.pdf.

²⁹ Michael Burger, Sher Edling LLP, <https://www.sheredling.com/team/#michael-burger>.

³⁰ REFERENCE MANUAL, *supra* note 7, at 1640.

³¹ Michael B. Gerrard, *An Environmental Lawyer’s Fraught Quest for Legal Tools to Hold Back the Seas*, 149 DÆDALUS 79, 88 (2020), https://www.amacad.org/sites/default/files/publication/downloads/Fa20_Daedalus_06_Gerrard.pdf.

³² *Id.* at 79.

³³ *See* Reference Manual, *supra* note 7, 1601 n.137, 1601 n.139 (citing Myles Allen); 1622 n.239 (citing Richard Heede); 1610 n.185 (citing Justin S. Mankin); 49 n.2, 53 n.10, 81 n.85, 98 n.130, 1603 n.147, 1648 n.324 (citing Naomi Oreskes); 1602 n.144, 1603 n.146, 1615 n.215, 1621 n.236 (citing Friederike E.L. Otto).

³⁴ *See, e.g.*, Decl. of Richard Heede, *Cnty. of Multnomah v. Exxon Mobil Corp.*, No. 23CV25164 (Oregon Cir. Ct. Apr. 11, 2025); Decl. of Justin S. Mankin, Ph.D., Doc. 86, *United States v. New York*, 1:25-cv-03656-PKC (S.D.N.Y. Oct. 27, 2025), https://cdn.climatepolicyradar.org/navigator/USA/2025/united-states-v-new-york_882ae2711d0110a875a50d8154d7be24.pdf; Decl. of Naomi Oreskes, Ph.D., *City & Cnty. of Honolulu v. Sunoco LP*, No. 1CVV-20-0000380 (Hawai’i 1st Cir. May 8, 2025) (PDF p. 29),

individuals is reportedly on retainer with the law firm leading climate change lawsuits against energy companies.³⁵ These individuals also have filed amicus briefs supporting climate change litigants.³⁶ In a moment of candor, one individual relied upon by the Fourth Edition admitted that her research “[has] always been tied to the possibility of legal action” as its purpose: “Unlike every other branch of climate science or science in general, event attribution was actually originally suggested with the courts in mind.”³⁷

Not surprisingly given the strong biases of its authors, reviewers, and sources, the climate science chapter presents as settled the very methodologies that plaintiffs rely on to impose liability on fossil-fuel defendants. The chapter presents this science as authoritative without acknowledging contrary views or disclosing the many conflicts of the authors, reviewers, and sources. Ethics experts have noted that these issues raise serious ethics concerns.³⁸

Providing information to judges containing these significant issues undermines the constitutional guarantee to an independent and impartial judiciary. The National Academies thus should withdraw the climate science chapter immediately.

https://www.climatecasechart.com/documents/city-county-of-honolulu-v-sunoco-lp-opposition_8a26;
see also Isabella Kaminski, *In Courtrooms, Climate Change Is No Longer Up for Debate*, UNDARK (June 17, 2019) (describing expert testimony by Myles Allen), <https://undark.org/2019/06/17/in-courtrooms-climate-change-is-no-longer-up-for-debate/>.

³⁵ William Allison, *Bombshell: Naomi Oreskes on Retainer with Plaintiffs’ Law Firm*, ENERGYINDEPTH (May 13, 2021), <https://eidclimate.org/bombshell-naomi-oreskes-on-retainer-with-plaintiffs-law-firm/>.

³⁶ Brief of Amici Curiae including Naomi Oreskes, Doc. 95, *Cnty. of San Mateo v. Chevron Corp.*, Nos. 18-15499, 18-15502, 18-15503, 18-16376 (9th Cir. Jan. 29, 2019), https://cdn.climatepolicyradar.org/navigator/USA/2017/county-of-san-mateo-v-chevron-corp_14ad40a1b6f6d2318591724e0e573ec4.pdf; Brief of Amici Curiae including Friederike Otto, Doc. 00117533532, *Rhode Island v. Shell Oil Products Co.*, No. 19-1818 (1st Cir. Jan. 2, 2020), https://admin.climatecasechart.com/wp-content/uploads/case-documents/2020/20200102_docket-19-1818_amicus-brief-3.pdf; Brief of Amici Curiae including Friederike Otto, Doc. 93, *Mayor & City Council of Baltimore v. BP PLC*, No. 19-1644 (4th Cir. Sept. 3, 2019), https://admin.climatecasechart.com/wp-content/uploads/case-documents/2019/20190903_docket-19-1644_amicus-brief-4.pdf; Brief of Amicus Curiae including Donald J. Wuebbles, Doc. 144, *Delaware v. B.P. Am. Inc.*, No. 22-1096 (3d Cir. Apr. 21, 2022); Brief of Amicus Curiae including Donald J. Wuebbles, Doc. 98, Nos. 18-15499, 18-15502, 18-15503, 18-16376 (9th Cir. Jan. 29, 2019), https://admin.climatecasechart.com/wp-content/uploads/case-documents/2019/20190129_docket-18-15499-18-15502-18-15503-18-16376_amicus-brief-6.pdf.

³⁷ Mandi Risko, *Exposed; Plaintiff Counsel’s Fingerprints on ‘Independent’ Climate Studies*, ENERGYINDEPTH (Sept. 18, 2025) (quoting Friederike Otto), <https://eidclimate.org/exposed-plaintiff-counsels-fingerprints-on-independent-climate-studies/>.

³⁸ Michael A. Fragoso, *Bias and the Federal Judicial Center’s ‘Climate Science,’* NAT’L REV. (Jan. 17, 2026), <https://www.nationalreview.com/bench-memos/bias-and-the-federal-judicial-centers-climate-science/>.

We respectfully request a response to this letter by March 2, 2026. In that response, we ask that the National Academies address the following questions:

- (1) Will the National Academies immediately withdraw the Fourth Edition's climate science chapter from all versions of the Fourth Edition produced by the National Academies, including hard copies and online?
- (2) Why did the National Academies not withdraw the Fourth Edition's climate science chapter at the same time as the Federal Judicial Center?
- (3) Why did the National Academies include a chapter on climate science that is not based on balanced or sound science?
- (4) Have any hard copies of the Fourth Edition containing the climate science chapter already been distributed? If so, please provide an accounting of the number of copies distributed, the identities of all recipients, and the National Academies' plan to replace the erroneous versions with hard copies that do not contain the climate science chapter.
- (5) What procedures will the National Academies establish to prevent similar advocacy-based chapters in future editions?

We look forward to receiving your response.

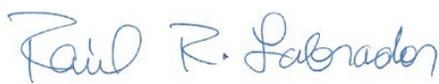
Sincerely,


Austin Knudsen
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Steve Marshall
ATTORNEY GENERAL OF ALABAMA


Stephen J. Cox
ATTORNEY GENERAL OF ALASKA


Tim Griffin
ATTORNEY GENERAL OF ARKANSAS


Raúl Labrador
ATTORNEY GENERAL OF IDAHO



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ATTORNEY GENERAL OF INDIANA



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