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UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT

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CASE NO. 15-1363

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STATE OF WEST VIRGINIA, ET AL  
*Plaintiff-Appellant*

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET ALS  
*Defendant-Respondent*

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BRIEF OF PHILIP ZOEBISCH, AMICUS CURIAE

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**LEGAL ARGUMENT****POINT I  
INTEREST OF AMICUS**

I, Philip Zoebisch, am a private citizen who believes that free debate is the heart of democracy. I also believe that intrusive governmental regulations are subverting the interests of the American people. Pursuant to my beliefs I have been involved in successful civil constitutional litigation to oppose governmental regulations. Having risked criminal and quasi-criminal sanctions and having successfully held a governmental entity responsible for violating my rights through intrusive regulations, I believe I am specially equipped to present the arguments contained in this brief.

**POINT 2****When is "Normal" Temperature?  
Question Assumptions**

If temperature is measured from the warmth when Christ was born 2000 years ago, then there is no global warming and we have just returned to "normal" temperature.

If temperature is measured from the depths of the cold Little Ice Age (1400 to 1900), as climate scientists do, then there is global warming. Pre-industrial temperature is measured from 1750 to blame industry/CO2 and create climate jobs.

Climate scientists arbitrarily and maliciously chose the Little Ice Age as normal temperature so that they could "prove" climate

warming even though there were 10,500 warm years like now between the Little Ice Age and the last Ice Age 11,000 years ago. It is fraud to use the Little Ice Age as normal temperature. Why isn't "normal" temperature a major scientific debate? Is this a science?

The fact is that we have naturally returned to the normal warm temperature over the past 11,000 years and this is good, get used to it. There are consequences, such as 100 year droughts, lots of rain, coastal flooding, and bigger crops. The market will move fresh water and people. No rush, this is geological timescale.

**Measuring temperature increases from 1750 is a BIG secret.**

Here are some cites:

*Global atmospheric concentrations of CO<sub>2</sub>, CH<sub>4</sub> and N<sub>2</sub>O have increased markedly as a result of human activities since 1750 and now far exceed pre-industrial values*

[http://www.ipcc.ch/publications\\_and\\_data/ar4/syr/en/mains2-2.html](http://www.ipcc.ch/publications_and_data/ar4/syr/en/mains2-2.html)

**United Nations.**

*Since the Industrial Revolution began around 1750, human activities have contributed substantially to climate change by adding CO<sub>2</sub> and other heat-trapping gases to the atmosphere. These greenhouse gas emissions have increased the greenhouse effect and caused Earth's surface temperature to rise.*

<http://www.epa.gov/climatechange/science/causes.html> US

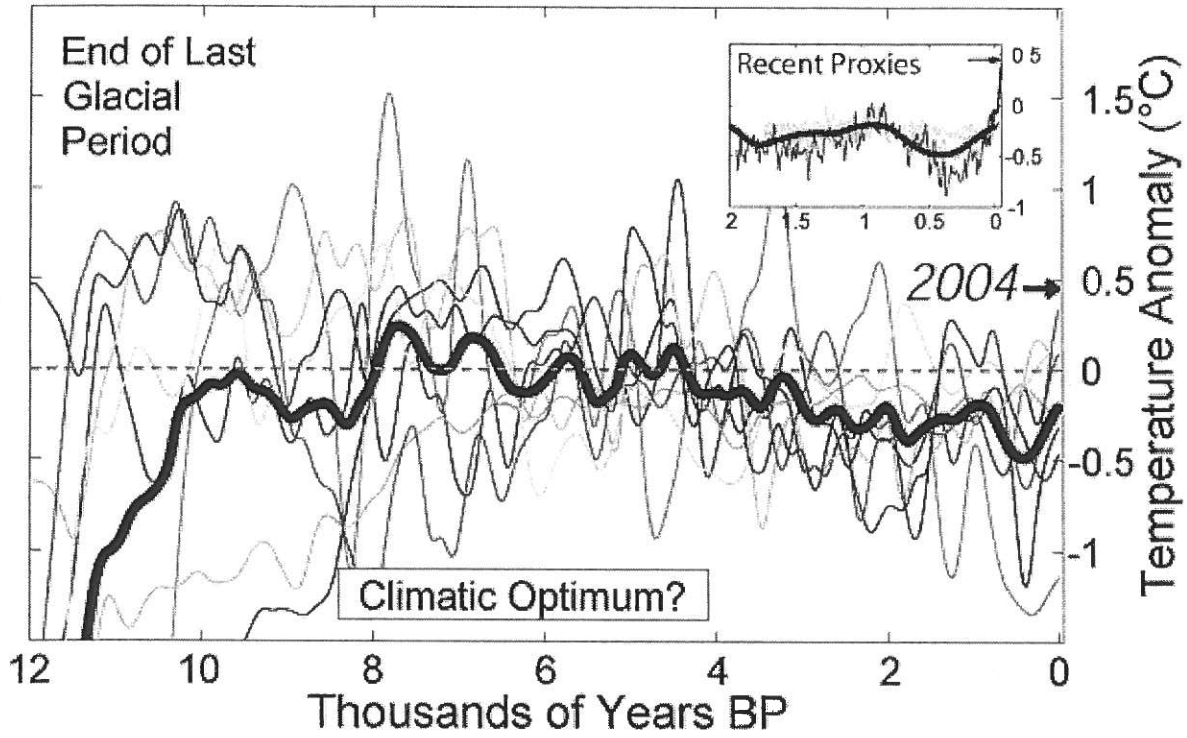
**Environmental Protection Agency**

F o r m o r e r e f e r e n c e s , g o t o  
http://www.epa.gov/climatechange/ghgemissions/gases/co2.html and  
type 1750 in the top right search box.

*Read Wiki Little Ice Age and Holocene Age.* Below is a standard  
chart of temperature proxies (tree rings, pollen and CO2 in ice  
plugs, etc) for the past 12,000 years. The black dip on the far  
right is the Little Ice Age and temperature increases are measured  
from the coldest part. You have to go back to the last Ice Age to  
find a similar cold temperature. The temperature proxies have a  
wild variance and cannot record today's temperature, giving one  
pause.

[https://en.wikipedia.org/wiki/Holocene#/media/File:Holocene\\_Tempe  
rature\\_Variations.png](https://en.wikipedia.org/wiki/Holocene#/media/File:Holocene_Temperature_Variations.png)

# Holocene Temperature Variations



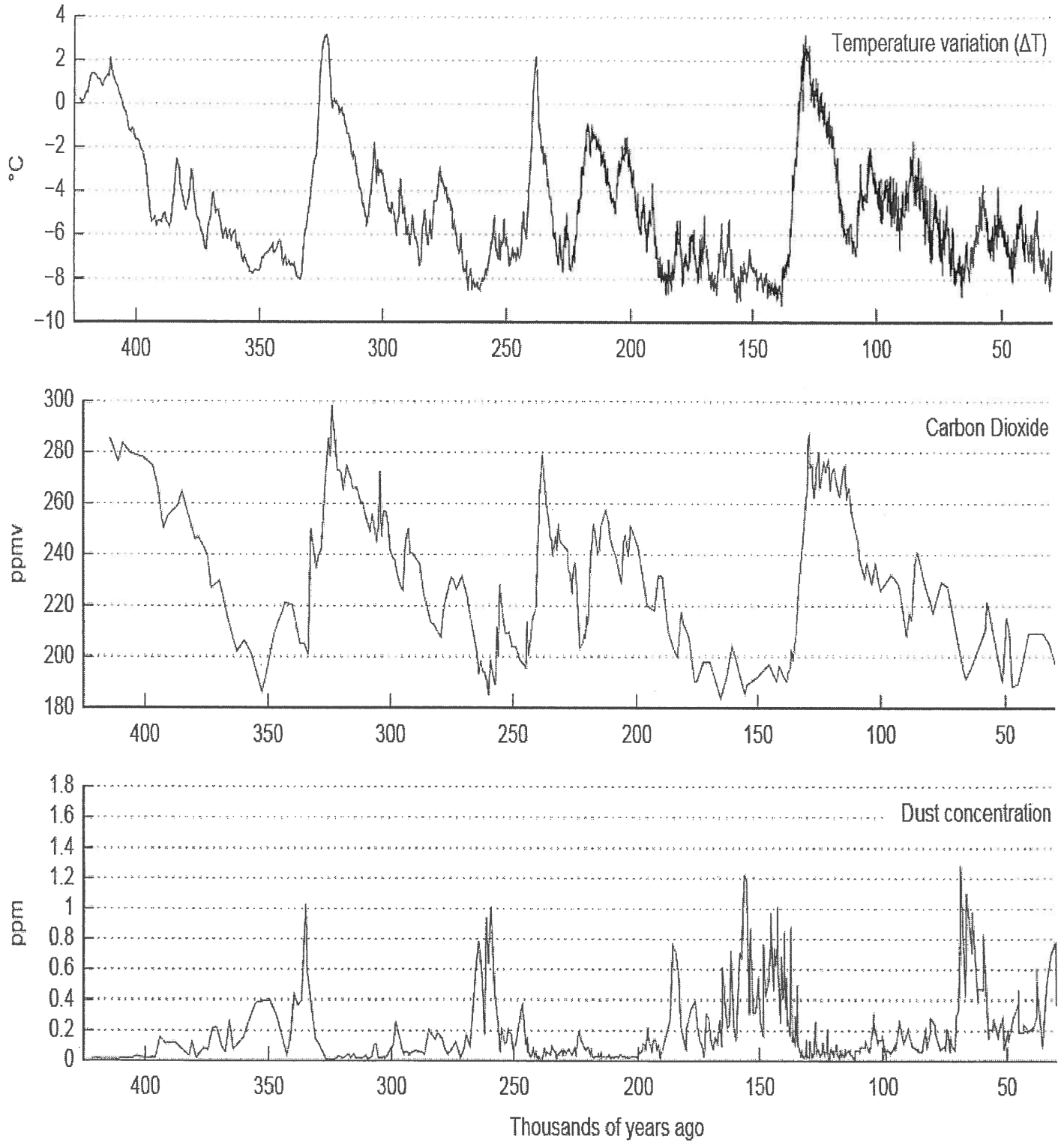
Previous interglacial ages hundreds of thousands of years ago were two degrees warmer than this one.

Carbon dioxide, CO2, is a bogeyman. The Vostok 400,000 year old ice core proves CO2 changes lag behind temperature change. CO2 does not cause temperature change, it measures it. CO2 in the air during the dinosaurs millions of years ago was five times higher than today's CO2 level. Savannahs, forests, and swampland is not a bad worst case scenario.

The IPCC notes that Milankovitch cycles drove the ice age cycles; CO2 followed temperature change "with a lag of some hundreds of years" (visible on a graph more zoomed in than this); and that as a feedback amplified temperature change. Among other factors, CO2 is more soluble in colder than in warmer waters.

[https://en.wikipedia.org/wiki/File:Vostok\\_Petit\\_data.svg](https://en.wikipedia.org/wiki/File:Vostok_Petit_data.svg)

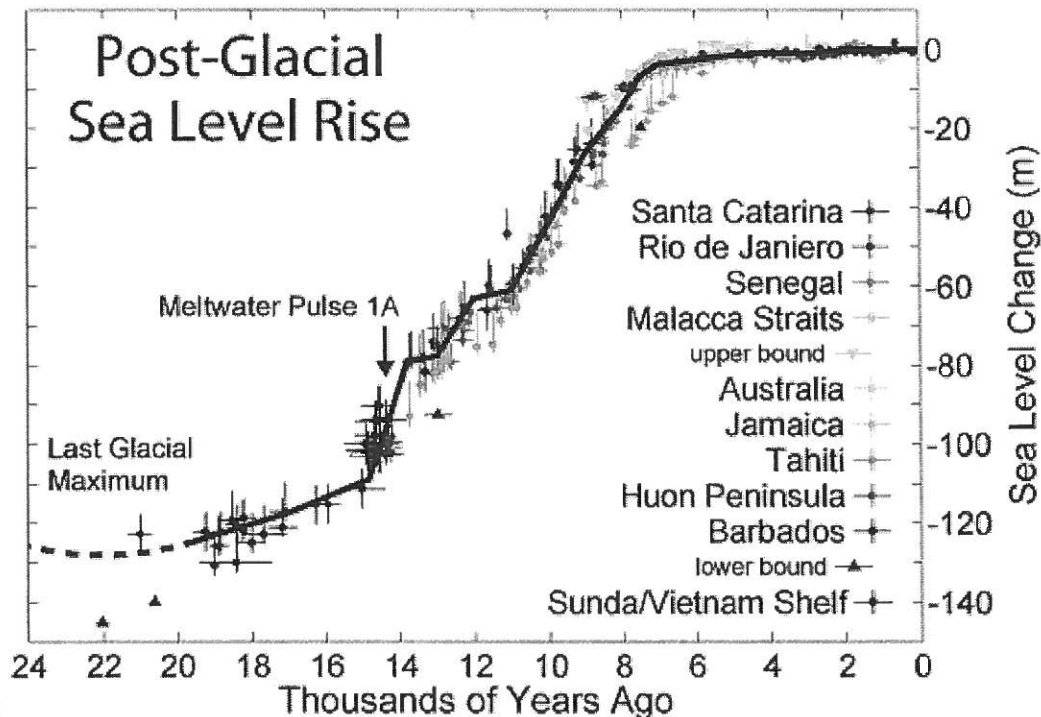






Will oceans rise? They should, but they won't. Since the last Ice Age 11,000 years ago, the oceans rose for 5,000 years, absorbing the glacier melt, and now for the past 6,000 years the oceans have been relatively level. 5,500 of those years were warm like now and so the ocean will not rise. The recent 500 yearlong Little Ice Age must not have lowered the ocean through ice accumulations in East Antarctica and Greenland as one would expect. It makes sense, East Antarctica is a desert with little precipitation and all the glacier melt in the world is less than one percent of the output of the Amazon River.

[https://en.wikipedia.org/wiki/Sea\\_level](https://en.wikipedia.org/wiki/Sea_level)



Other topics about climate statistics

For 5 years no federal funding should go to any climate scientist who claimed 1750 was normal temperature. They knowingly committed perjury for employment gain and should be held responsible for their actions. All federal court cases based on climate change must be vacated for fraud for using an unscientific normal temperature upon which to measure increases.

Climate scientists cherry pick dates to produce studies that prove their theory. James E. Hansen, formerly of NASA (National Aeronautics and Space Administration) and the godfather of rigged studies, used 1950 (cold) and 2000 (warm) to "prove" global warming for the United Nations. Despite its ridiculously short duration, why not use the warm dust bowl years in the 1930's, or the warm temperature when Christ was born?

One of the reasons that we have not had global climate temperature increases in the past 17 years is that climate scientists allegedly cooked the books. Raw temperature statistics must be massaged because there are anomalies. If a town in the middle of three other towns has a different temperature, then they change it to the average of the others. This is statistically correct and half the temperatures should go up and half down. The original temperature records over the past 100 years have now been massaged three times and each time the older temperatures get colder

and the newer ones get warmer. After time, those massaged warmer newer temperatures ran into the wall of actual temperatures today.

University of East Anglia in England was the depository of all ancient temperature data records and it destroyed them because there was not room. These were records of sailing ships dumping buckets into the ocean and measuring the water temperature. It was criminal to destroy these records. Some institution would have gladly taken them. Now we have to trust their computer numbers.

The five hundred yearlong Little Ice Age that climate scientists fraudulently claim is normal temperature is statistically insignificant. This incredibly cold period is less than five percent of the normal warm temperatures since the last Ice Age 11,000 years ago and so it should not even be included in calculations of "normal" temperature. In statistics one always throws out the highs and lows.

Storms were much worse during the Little Ice Age, there was just less property to be destroyed 250 years ago. Climate scientists must stop claiming that warm weather causes more storms. Warmer climate moderates storms.

Polar bears lived just fine for the 10,500 warm normal years since the last Ice Age. Now biologists claim this massive top predator cannot survive in the same warm temperature again. This is slander.

We have to stop accepting every environmental crackpot's ideas as legitimate. All scientific studies must be replicated using scientific methodology, based on a scientific normal temperature. Hysterias that have been thoroughly debunked must be stopped, such as, "97% of climate scientists believe man caused global warming." The sample and assumptions are suspect.

Why do climate scientists say, "the warmest temperature in recorded history" and only include temperatures from the middle of the Little Ice Age to today? What about the other 10,500 warm years since the Last Ice Age? There was no thermometer back then, but temperature proxies are records. The easy answer is that temperature was invented in 1725 by Fahrenheit and only thermometer records are used to measure temperature change, maliciously ignoring 10,500 years of known warm temperatures.

Why do weather forecasters use 150 years of Little Ice Age temperatures and 100 years of normal warm temperatures in their calculations of "average" temperature in the daily forecast? Of course everything is warmer. To avoid contamination by cold temperatures in the Little Ice Age, current "average temperature" calculations should only include temperatures in the last 100 years.

The real statistical crime is that little is spent on the reality of returning to a warmer normal temperature. There will be more long droughts. The United States is rich in water, it is just

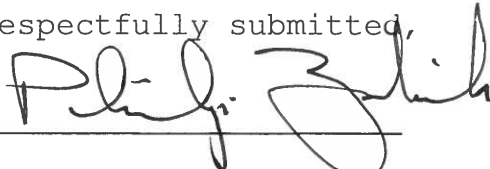
not in natural drought prone deserts where huge populations want to live.

It is misanthropic for the EPA to steal 40% of California's water for a few smelt fish. We used to catch them by the trashcan in Minnesota. Breed them elsewhere until the drought is over.

First blush long-term canal routes are Oregon to California and Louisiana through the southern states to Arizona. Shift all federal climate change funding to canal and reservoir funding and the canals will be built in a couple years. We will need these over the next 10,000 years

The take-away is that we have been swindled by environmental "scientists," forced to try to hold back the tide because the sky is falling with an annual cost of tens of billions of dollars. Our 1,000 year energy source, coal, was needlessly destroyed by the Federal EPA, thus increasing electricity costs on the poor. Dirty air is not good, but it did not cause climate change. We have naturally returned to normal warm temperature and must adjust.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Phillip Zoebisch", written over a horizontal line.

Phillip Zoebisch

## CERTIFICATE OF SERVICE

I hereby certify that on this date I ~~electronically~~ <sup>mailed</sup> filed with the Clerk of the Court using the ECF system, which will send notification of such filing to counsel of record. I also mail original and 8 copies of same to the Clerk's office.

By: \_\_\_\_\_



Philip Zoebisch

Dated:

11/24/15

