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**COURT URGED TO AFFIRM DISMISSAL
OF GLOBAL WARMING LAWSUIT
(*California v. General Motors Corp.*)**

The Washington Legal Foundation (WLF) filed a brief this week in the U.S. Court of Appeals for the Ninth Circuit urging it to reject an appeal filed by the State of California claiming that global warming is a public nuisance that has caused California to suffer environmental damages, and that the district court should have awarded billions of dollars against the six major automakers because their vehicles emit carbon dioxide. The automakers are General Motors, Toyota Motor North America, Ford Motor Co., American Honda Motor Co., Chrysler, and Nissan North America.

The district court dismissed the lawsuit last year, ruling that the case raises a nonjusticiable political question that is more appropriately resolved by the political branches of government than the courts. "The extent of any global warming and its causes and effects is highly controversial and should not be decided by federal judges," said Paul Kamenar, WLF's Senior Executive Counsel. "If California's novel theory is upheld, then every owner and operator of a motor vehicle could be sued for emitting carbon dioxide," Kamenar added.

WLF argued in its brief filed on behalf of itself and the Allied Educational Foundation that the district court was correct in dismissing the case on political question grounds because the case involves complicated scientific and policy issues that should be resolved by the political branches of government. WLF rebutted California's claim that automobiles emit 20 percent of all man-made carbon dioxide in the U.S. by noting that the relevant figure is the amount of such carbon dioxide emitted globally, which is only four percent. Moreover, the impact is even much smaller when one considers that 95 percent of all greenhouse gases is water vapor.

WLF's brief also noted that the Bush Administration and the Congress are currently proposing several measures to reduce greenhouse gases. Several years ago, the Senate rejected the Kyoto Treaty that would impose unfair mandatory caps on carbon dioxide emissions while leaving China and India free from any constraints. WLF also participated in a similar case, *Connecticut v. American Electric Power*, filed against the major power companies. A ruling by the Second Circuit in that case is expected within weeks. The Ninth Circuit case will be argued later this year.

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