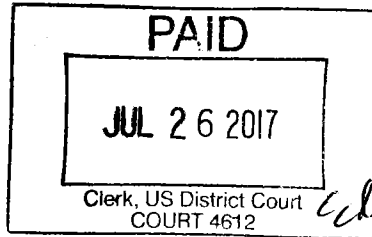


FILED

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY 

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

**WILLIAM A. MASTERS,** )  
Pro Se Plaintiff )  
vs. )  
 )  
**PRESIDENT BAROCK OBAMA,** )  
in his official capacity as President )  
**NATIONAL AERONAUTICS AND** )  
**SPACE ADMINISTRATION;** )  
**NATIONAL OCEANIC AND** )  
**ATMOSPHERIC** )  
**ADMINISTRATION;** )  
**ENVIRONMENTAL PROTECTION)**  
**AGENCY;** )  
**SENATOR ALAN FRANKEN, in his** )  
official capacity as the Senator )  
from Minnesota )  
 )  
Defendants )

Case No.

**CV 17-05532-RGK(PLA<sub>x</sub>)**

**COMPLAINT FOR:**  
**CONSTRUCTIVE FRAUD**

Hearing Date:

Judge:

**FOR: CONSTRUCTIVE FRAUD.**

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Original

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1 **JURISDICTION**

- 2 1. This action is filed under Title 28 USC 1331, "federal questions";
- 3 and
- 4 • Title 18 USC 1001, Fraud: Statements or entries generally.
- 5 • Title 18 USC 1037, Fraud and related activity in connection with the
- 6 electronic mail.

7 **VENUE**

- 8 2. Venue is proper pursuant to 28 U.S.C. 1391 because the events
- 9 giving rise to this complaint happened in this district.

10 **PARTIES**

- 11 3. Plaintiff William A. Masters resides at 18929 Vanowen St.
- 12 Reseda, CA 91335.
- 13 4. I am a Peer Reviewed author in Physics, Astro-physics and
- 14 Environment Affairs.
- 15 5. Defendant President Barack Obama, address C/O United States
- 16 Attorney General's Office, Department of Justice, 950 Pennsylvania Avenue,
- 17 NW, Washington, DC 20530-0001
- 18 6. President Obama served as President of the United States from
- 19 2008 to 2016, and is currently a Private citizen.

1           7. Defendant National Aeronautics and Space Administration  
2 (NASA), with its headquarters at 300 E. Street SW, Ste. 5R30, Washington  
3 DC 20546.

4           8. NASA is a Federal Scientific Agency.

5           9. Defendant National Oceanic and Atmospheric Administration  
6 (NOAA) with its headquarters at 1401 Constitution Ave., NW, Room 5128,  
7 Washington, DC 20230,

8           10. NOAA is a Federal Scientific Agency.

9           11. Defendant Environmental Protection Agency (EPA), with its  
10 headquarters at 1200 Pennsylvania Avenue, N.W., Washington DC 20460.

11           12. The EPA is a Federal Scientific Agency.

12           13. Senator Alan Franken with his address at 309 Hart Senate Office  
13 Building, Washington, DC 20510.

14           14. Senator Franken is a Senator from Minnesota serving in the  
15 United States Senate.

16                           **FIRST CAUSE OF ACTION**

17           15. The Defendants commit Fraud when they use the phrase "Climate  
18 Change" on their web sites, in their publications, on there TV and cable and  
19 internet programs, in their public speeches, in their physical mailings, and  
20 in their electronic mailings. The Defendants are actually speaking about

1 Anthropogenic, Carbon dioxide caused, Global Warming (AGW). Climate  
2 Change is real, it has been happening for over four-billion years. AGW is  
3 not Climate Change it is not real, but even if it were real, it would be a  
4 subsystem of climate change, it is not the system of Climate Change itself  
5 and so the statement Climate Change used in place of AGW is Fraud as it  
6 misleads persons to believe something that is false in violation of the  
7 Defendant's duty to proved truthful and fare service to the American People

8 **SECOND CAUSE OF ACTION**

9 16. The Defendants claim, on their web sites, in their publications, on  
10 their TV, cable, and internet programs, in their public speeches, in physical  
11 mailings, and in electronic e-mails that:

12 a. There are gases in the atmosphere that absorb Infrared heat photons  
13 called "Greenhouse Gases

14 b. That carbon-dioxide is one of these greenhouse gases and that by  
15 adding carbon-dioxide to the atmosphere via the burning of fossil  
16 fuels, humans are warming the planet because the Greenhouse Gases  
17 "trap" heat in the Earth's atmosphere.

18 c. That greenhouse gases only absorb outgoing Earth emitted heat not  
19 incoming Sun heat.

1           17. Thus the Defendants claim there are atoms of gas that are  
2 transparent to incoming Sun heat, but opaque to outgoing Earth emitted heat,  
3 which is an impossibility. Either an atom absorbs Infrared heat photons or it  
4 doesn't, no atom or molecule does both. If a photon of the proper energy  
5 strikes an atom, then it will be absorbed by the atom period! The direction  
6 of the photon's travel (up or down), is immaterial.

7           18. The Defendant's Frauds are causing irreparable harm to the  
8 Country and its People by diverting scarce tax revenues away from needed  
9 spending initiatives and putting it into purely Political spending coffers that  
10 only reward political allies of the Defendants. They bring distrust upon  
11 scientific institutions which people know are lying to protect their funding.

12           19. Further, the Defendants have harmed me and other Scientists who  
13 speak out on this fraud via outright blacklisting, censoring my scientific  
14 papers, denying my work primacy, as well as getting other scientists fired, or  
15 getting their funding canceled essentially ending their careers in science.

16                           **CONTROLLING CASE LAW**

17           20. ""Fraud" is a generic term, which is not limited to  
18 misrepresentations and misleading omissions, but which  
19 embraces all of the multifarious means which human ingenuity  
20 can devise and which are resorted to by one individual to gain



1 advantage over another by false suggestions or by suppression  
2 of truth."

3 McClellan v. Cantrell, 217 F.3d 890

4 21. "Duty not to make misrepresentations does not depend on  
5 existence of fiduciary relationship."

6 Fry v. UAL. Corp. 84 F3d 936, cert. den. 117 S.Ct. 447, 519  
7 U.S. 987, 136 L.Ed.2d 343.

8 22. "If one asserts that a thing is true within his personal  
9 knowledge, or makes a statement as of his own knowledge, or  
10 makes such an absolute unqualified positive statements as  
11 implies knowledge on his part, when in fact he has no  
12 knowledge whether his assertion is true or false, and his  
13 statement proves to be false, he is as culpable as if he had  
14 willfully asserted that to be true which he knew to be false and  
15 he is equally guilty of fraud."

16 Howell v Courtesy Chevrolet, Inc. (1971, 2nd Dist) 16  
17 Cal.App. 3d 391, 94 Cal.Rptr. 33.

18 23. "False statement make by one who does not have sufficient  
19 information to justify making such statement is fraudulent even  
20 though it is believed by the one making it."

1 J.C. Millett Co. v. Park & Tilford Distillers Corp. (1954 DC  
2 Cal.) 123 F.Supp 484

3 24. "Statement of what might otherwise be opinion, if based on  
4 alleged facts, is statement of fact and not statement merely of  
5 opinion."

6 French v Freeman (1923) 191 Cal. 579, 217 P. 515

7 25. "Misrepresentations of opinion are actionable when the  
8 declarant holds himself out to be specially qualified; thus, a  
9 representation by a party possessing or assuming to possess  
10 superior knowledge or special information regarding the subject  
11 matter of the representation, make to a party situated so that he  
12 may reasonably rely on such supposed superior knowledge or  
13 special information, will not be excused if it be false, though it  
14 might be regarded as but the expression of an opinion if made  
15 by anther person."

16 Breceda v. Gampby (1968, 3rd Dist.) 267 Cal.App. 2d 167, 72  
17 Cal.Rptr. 832.

18 ///

19 ///

1       26. "Suppression of fact by one who gives information of other  
2       facts likely to mislead for want of fact concealed is fraud."

3       Hawkins v Fielder (1957, 2nd Dist.) 150 Cal.App. 2d 528, 310  
4       P2d 423

5       27. "If party speaks at all, he must make full and fair  
6       disclosure."

7       Hodgeson v Brant (1958 4th Dist) 156 Cal.App. 2d 610, 319  
8       P2d 684.

9       28. "Though one may be under no duty to speak as to matter, if  
10      he undertakes to do so, either voluntarily or in response to  
11      inquiries, he is bound not only to state truly what he tells but  
12      also not to suppress or conceal any facts within his knowledge  
13      which materially qualify those stated."

14      Pohl v. Mills (1933) 218 Cal 641, 24 P2d 476. Wice v Schilling  
15      (1954) 124 Cal.App. 2d 735, 269 P2d 321.; Hodgeson v. Brant  
16      (1958, 4th Dist) 156 Cal.App. 2d 610, 319 P2d 684.

17      29. "In its broad, general sense, the concept of fraud embraces  
18      anything which is intended to deceive, including all statements,  
19      acts, concealments and omissions involving a breach of legal or

1 equitable duty, trust or confidence, which results in injury to  
2 one who justifiably relies thereon."

3 Ach v. Finkelstein (1968, 2nd. Dist) 264 Cal.App. 2d 667, 70  
4 Cal Rptr. 472.

5 **HISTORY:**

6 30. In 1988 NASA scientist Dr. James Hansen testified before the  
7 Congress stating that humans were burning fossil fuels thus adding Carbon-  
8 dioxide, a greenhouse gas, to the atmosphere, and that the added gas was  
9 warming the Earth by blocking in additional Earth emitted heat. This  
10 testimony was in many respects the beginning of the Fraud of Greenhouse  
11 Gas warming or what is properly called Anthropogenic Carbon-dioxide  
12 caused Global Warming here in the United States. The Democrats took up  
13 this argument because the coal and oil fields were largely in Republican  
14 controlled States. The bankrupting of these industries would deny the  
15 Republicans a substantial financing sector.

16 31. Since the Democratic Party members were controlling the  
17 Congressional funding purse, Federal Agencies like: NASA, EPA, and  
18 NOAA were forced to aid the Democrats in their fraudulent claims or risk  
19 loosing funding. While Individual scientist were forced to agree publicly

1 with the Democrat's fraud or risk loosing their jobs, funding and access to  
2 Peer Review.

3 32. I myself was blacklisted and had my papers taken down from  
4 Peer Review Journals after criticizing AGW in a Peer Review Journal  
5 article. In my 1997 paper STRETCHED AND NEAR ZERO SPACE-  
6 TIME, A NEW MODEL OF GRAVITATION AND BLACK HOLE  
7 DYNAMICS, I laid out my discovery of Dark Energy a force that should be  
8 causing the Universe to expand at an accelerating rate of speed rather than at  
9 Hubble's Constant. My projection was verified two years later, while in  
10 2012 the Nobel Prize was awarded for my discover, however, I was NOT  
11 awarded the Nobel for my discovery, nor was I even mentioned at the  
12 ceremony. The astronomers who proved my theory correct received my  
13 Nobel for the discovery of Dark Energy. Now, 20 years after my paper, my  
14 theory is still the only paper explaining the acceleration in the rate of  
15 universal expansion, and why the Big Bang happened. My blacklisting for  
16 denying AGW has robbed my work of its Primacy, and me the Nobel for the  
17 Discovery of Dark Energy. The actions of the Defendants are harmful to  
18 Science, Scientist and to the United States and its People.

19 ///

20 ///

**ARGUMENT**

**33. FORAMINIFERA, NATURE'S THERMOMETER.**

Forams are single celled, water living creatures that are the size of the period at the end of this sentence. They were evolved 650,000,000 years ago and are found, after 600,000,000 years ago, in all aqueous sediment on the planet. Forams have evolved to live in hot water, cold water, salt water, briny water, brackish water, muddy water, and fresh water. They have conquered the Earth's watered areas. More importantly they make shells of calcium-carbonate that survive their deaths as fossils. These fossil shells remain in the depths until scientists dig them up and examine their chemical make-up for clues to the Climatologic past.

34. Paleo-climatology is the study of ancient climate, and the Foram is its greatest tool. Since the Foram takes its shell building material from the water itself, the Foram shell is a historical record of the chemical composition of the water at that time. Today, we know that the chemical composition of water changes with its temperature. However, Forams can not only tell us the temperature of past waters, but also the chemical composition of past atmospheres, and how much ice there was on the Earth at that time.

1           35. Thanks to Foram shells we have exacting climate and  
2   atmospheric data for the past 600,000,000 years. This should come as quite  
3   a surprise to you your Honor. You have been reading and listening to the  
4   Defendants lie and talk about AGW for decades and yet none have ever  
5   mentioned Forams, this is the first time you have probably ever heard the  
6   word uttered! V. President Gore has made two films about AGW, and he  
7   never mentioned Forams, nor the 600,000,000 years of temperature and  
8   carbon-dioxide data they provide, nor have the Defendants herein named.  
9   The reason for the Defendant's silence is shown in Exhibit A.

10           **36. Exhibit A, 600,000,000 YEARS OF FORAM DATA**

11   Exhibit A is a chart showing Forma data for the Past 600,000,000 years.  
12   Specifically it shows the Earth's temperature and the amount of Carbon-  
13   dioxide over that time line.

14           37. Remember in its 5th report the United Nations International Panel  
15   on Climate Change (IPCC), and the Defendants are stating that Carbon-  
16   dioxide in the air is responsible for 100% of the temperature change that the  
17   Earth has seen since the end of the Little Ice Age in 1855. Thus, the  
18   Defendants hold that CO2 is the major dominant Greenhouse Gas of them  
19   all. Responsible for all current warming.

20           38. Looking at the Foram data chart for temperature and Carbon-

1 dioxide levels over the past 600,000,000 years, on the far left we can see for  
2 the first 300,000,000 years of data we have, the Earth averaged 4,000 parts  
3 per million (ppm) of Carbon-dioxide, with a high of 7,000ppm during the  
4 Cambrian Period, and a low of just under 400 ppm (similar to today's levels)  
5 during the Carboniferous Period. There was a long gradual decline in  
6 carbon-dioxide in the atmosphere reaching a low during the Carboniferous  
7 Period. However, during much of this decline the Earth sees no change in  
8 its temperature.

9       39. Over the next 300,000,000 years, the Earth averaged 1700ppm of  
10 carbon-dioxide. Eventually falling to today's levels at just under 400ppm.  
11 Only two times in the past 600,000,000 years has the Earth seen  
12 temperatures and only once has the Earth seen carbon-dioxide levels this  
13 low! At the end of the Ordovician Period, with carbon-dioxide at more than  
14 4,000ppm, temperatures plummeted down to below today's temperatures  
15 while carbon-dioxide levels were rising. Clearly no relationship between  
16 carbon-dioxide in the air and temperatures there.

17       40. This cold snap ended at the start of the Silurian Period, however,  
18 as temperatures skyrocketed back to their past norm, carbon-dioxide levels  
19 were falling sharply down to 3,000ppm before jumping back up to 4,000



1 ppm. No relationship between temperature and carbon-dioxide levels there  
2 either.

3 41. From the Mid Devonian Period both temperature and carbon-  
4 dioxide levels seem to be falling apace of each other, then break they away  
5 with temperatures holding steady for over 30,000,000 years while Carbon-  
6 dioxide continues its steady drop to today's low levels. After a 30,000,000  
7 years pause in temperature movement, temperatures rapidly fall to below  
8 today's temperatures, and remain there for another 30,000,000 years.

9 42. Just after the start of the Permian Period temperatures start to rise  
10 then quickly accelerate at the Mid-Permian reaching, at the Permian/Triassic  
11 boarder, the second highest temperature spike of the past 600,000,000 years.  
12 However, carbon-dioxide levels remained below 2,000ppm, half that of the  
13 historical average for carbon-dioxide. Yet this Permian/Triassic spike in  
14 tempeartures lasts for millions of years.

15 43. Temperatures fall back to the average once into the Triassic  
16 Period and hold steady for over 50,000,000 years, while carbon-dioxide falls  
17 down to only 1,200ppm, then rises back up to 2,000 ppm. However, as  
18 carbon-dioxide levels are rising throughout the Mid- Jurassic Period, the  
19 Earth sees its third significant drop in temperatures as the Earth enters the  
20 Cretaceous. After some 10,000,000 years at this low in temperature,

1 temperatures start to rise after the start of the Cretaceous, yet carbon-dioxide  
2 levels are falling!

3 44. Again with carbon-dioxide levels are falling from over 2,000ppm  
4 to 880ppm, the Earth's temperature holds steady at its historic average for  
5 over 50,000,000 years. Millions of years into the Tertiary Period, with  
6 carbon-dioxide levels falling, the Earth sees its highest temperature,  
7 followed by a ragged 50,000,000 years decline in temperatures down to  
8 today's levels. With the Earth seeing low carbon-dioxide levels for only the  
9 second time in the past 600,000,000 years.

10 45. If there were any link between Earth temperatures and higher  
11 carbon-dioxide levels as claimed by the Defendants, then the highest  
12 temperatures would have occurred during the Cambrian Period when  
13 carbon-dioxide levels were always over 5,000ppm, not during low levels of  
14 carbon-dioxide as we see occurring in Permian/Triassic boarder and in the  
15 Tertiary Period. The Earth has been this cool only three times in the past  
16 600,000,000 years and, in two of these cool periods there was low carbon-  
17 dioxide levels, but not in the first low temperature period at the end of the  
18 Ordovician Period but where carbon-dioxide was over 4,000ppm.  
19 The highest Earth temperatures are seen during historically low carbon-  
20 dioxide level periods not the highest carbon-dioxide levels.

1           46. The Forma data clearly shows that there is no identifiable  
2 relationship between carbon-dioxide in the atmosphere and higher Earth  
3 temperatures over the past 600,000,000 years to support the Defendant's  
4 claim of a carbon-dioxide link with higher temperatures. The Earth has held  
5 its average temperature with 7,000 ppm carbon-dioxide and with only  
6 500ppm. Obviously if carbon-dioxide was as powerful as the IPCC says it  
7 is, to be responsible for 100% of temperature change we are seeing since the  
8 end of the Little Ice Age, then we should see a clear relationship throughout  
9 Earth's climatologic history between carbon-dioxide levels and Earth  
10 temperature, yet we see none. Earth temperatures historically moved with  
11 indifference to, or in opposition to carbon-dioxide levels throughout much of  
12 the history that we have data for. With no historical link to be seen over the  
13 past 600,000,000 years, it is un-scientific and fraudulent for the Defendants  
14 to claim that there is a statistical link over the last 150 years. The  
15 Defendants are cherry picking the last 150 years to make their point while  
16 ignoring the past 600,000,000 years that prove them wrong.

17 ///

18 ///

19 ///

1           **47. MILANKOVITCH CYCLES, WHY WE ARE GETTING**  
2   **HOT.**

3   Milutin Mialnkovitch was a Serbian genius Mathematician and Astronomer  
4   born at the end of the 19 the century. It was he who first notice that there  
5   were three distinct cycles throughout Earth's climatic past. He was the first  
6   to understand that these periods were based upon the Earth's tilt, precession,  
7   and orbit. Important for our discussion here is the last of these cycles, the  
8   orbital cycle Milankovitch named the "Eccentric Cycle".

9           48. The Earth, as you no doubt have heard, will in 4.5 billion years  
10   from now, drift off from the Sun never to return to it. The Earth's orbit  
11   around the Sun is decaying. Each year the Earth gets a little farther from the  
12   sun. However, it is not decaying gradually as you might think. The Earth's  
13   orbit around the Sun has a wobble in it. Over a 100,000 year Earth cycle.  
14   The Earth goes from having a near circular orbit around the Sun, to an  
15   elongated one, then it goes back to a near circular orbit. At the furthest point  
16   the Earth is calculated to be 2.78 million miles farther from the Sun. The  
17   Earth thus has an Ice Age every 100,000 years when it is at its furthest  
18   distance from the Sun. For 50,000 years the Earth wobbles away from the  
19   sun an cools into an Ice Age, then Earth wobbles back towards the Sun and  
20   warms for the next 50,000 years.

1           49. Current scientific estimates state that the Earth has been moving  
2 closer to the Sun for the past 45,000 years, and will continue to get closer to  
3 the sun, and so warm up, for the next 5,000 years. As the Earth warms there  
4 is less and less cold areas to absorb the increasing heat and so the rate at  
5 which the Earth warms increases as the dwindling cold areas are  
6 overwhelmed by the increasing warmth of the Earth.

7           50. During the Little Ice Age, the Earth continued to get closer to the  
8 Sun but the Sun was in a solar Minimum, reaching its trough during the  
9 Maunder Minimum (1645 - 1715). The Sun was putting out less heat and  
10 light, so there was no increase in warmth for the entire 400 year long Little  
11 Ice Age. When the Little Ice Age ended, the Sun returned to its usual  
12 output, but the Earth was now 400 years closer to the Sun, so the Earth got a  
13 big increase in solar radiating dumped on it all at once. At first the increased  
14 ice and snow left over from the Little Ice Age absorbed that added warmth,  
15 but over the century that ice and snow melted and the heat started to get the  
16 upper hand. In 1971, the National Oceanographic and Atmospheric  
17 Administration announced that the surface water temperature in the North  
18 Atlantic rose for the first time since humans started to keep records. The  
19 North Atlantic had used up its extra cold left over from the Little Ice Age  
20 and now would start to warm noticeably. Leading to greater ice melt in the

1 Arctic as North Atlantic waters flowed northward bring its new warm  
2 surface waters into that region.

3 51. The defendants know these things, they know there is nothing that  
4 can be done to stop the Earth from warming over the next 5,000 years, we  
5 are going to go back to where the Earth was during the last interglacial age  
6 when the sea level was 22 to 24 feet higher than today and Greenland was  
7 completely free of ice. This future cannot be altered, that the Defendants are  
8 saying that it can is a lie, and they know it. The Earth is warming, it has  
9 happened numerous times before and it will happen long after the human  
10 race is dead. The Earth's orbital dynamics cannot be changed. The  
11 Defendants lie to raise donations for their Political party, and to further their  
12 own careers, in violation of the laws and their positions of trust.

13 **52. THE OPACITY OF THE EARTH'S ATMOSPHERE**

14 Exhibit B is NASA's chart showing the Earth's Atmospheric Opacity.  
15 It tells us what wavebands are being blocked out by the atmosphere and by  
16 what percentage they are being blocked out. On the Far left of NASA's  
17 chart we see that 100% of the Gamma Rays and X-Rays are blocked out  
18 while 70% of the UV wavebands are blocked out.

1           53. 11% to 7% of the visible light is blocked out by the atmosphere,  
2 while to the right of the rainbow of visible light we see that over 60% of the  
3 Near Infrared (0.8 microns to 8 microns), are blocked by the atmosphere.  
4 To the right of the Near IR, is the Mid-Infrared (8 microns to 40 microns).  
5 Only 1/3rd of this heat is blocked out by the atmosphere, 2/3rds make it to  
6 the surface. This Mid-IR range is known as the "Water Vapor Window".  
7 Water vapor, the most powerful of the insulating "greenhouse gases" but is  
8 very poor at absorbing IR radiation of this Mid-IR waveband range.  
9 Given the Water Vapor Window, the Earth primarily radiates in the Mid IR  
10 wavebands with its heat emissions peaking at 12 microns. This peak is very  
11 important due to the fact that Carbon-dioxide's peak absorption is at 12 to 15  
12 microns! Right where water vapor is the least effective, Carbon-dioxide is  
13 the Most effective at absorbing Infrared photons.

14           54. Exhibit C is a NASA chart showing the outgoing Earth emitted  
15 heat in blue above the corresponding incoming Sun heat reaching the Earth's  
16 surface as registered by NASA ground stations. As can be seen the outgoing  
17 heat is identical in waveband and amplitude to the incoming Sun heat.  
18 Proving once again, the Law of Conservation of Energy is at work. What  
19 comes in, goes out, all energy is Conserved.

1           55. Continuing with the chart in Exhibit B, to the right of the Mid IR  
2 is the Far-IR. Over 90% of this is blocked out by the atmosphere, as well as  
3 most of the Microwave radiation to its right.  
4 To the right of the Microwave bands is the AM/FM radio-waves. Only the  
5 AM and FM bands of radio-waves make it to the Earth's surface without  
6 blockage. While the Long Radio-waves to the right of the AM/FM bands  
7 are completely blocked out like the Gamma Rays on the far left side of the  
8 Chart. These percentile figures showing the blockage of incoming Solar  
9 Radiation are based upon the current amount of gases in the air now. If we  
10 increase or decrease the amount any gases in the atmosphere, then the total  
11 amount of Solar radiation making its way to the Earth will also change  
12 accordingly.

13           **56. INSULATING GASES, WHAT THEY DO FOR YOU**

14 Greenhouse Gases are insulating gases. This means that these atoms and  
15 molecules absorb Infrared photons, or radiant heat. We all learned in school  
16 that the sky is blue because the Nitrogen and Oxygen in our sky absorbs and  
17 scatters the blue photons. Different atoms absorb different wavebands of  
18 light, but all of the insulating gases (the GHGs), absorb the Infrared (IR),  
19 radiant heat photons.



1           57. Half of the Sun's energy output is in the form of Infrared heat  
2 radiation. The Sun's output peaks at a frequency of 880 nanometers (0.88  
3 microns), inside the Infrared wave range (.8 to 1,000 microns). However,  
4 you have probably been told by the Defendants that the Sun's output peaks at  
5 a wavelength of 550 nanometers inside the visible range! And it does,  
6 kinda.

7           58. The Defendants use "wavelength" rather than "frequency" so as to  
8 mislead the general public who are unaware of the significance and meaning  
9 of the two words. If you look at the energy contained in only one photon  
10 emitted by the Sun in each waveband the Sun radiates in, the Photon at 550  
11 nanometers has more energy than any other photon. However, the solar  
12 energy received by the Earth is not dependant on only one photon, it is  
13 dependant upon all the photons that arrive at the Earth. Frequency tells us  
14 how often a photon of a particular wavelength reaches the Earth versus other  
15 photons of other wavelengths. Since Visible light is found in a tiny area  
16 from 400 nanometers to 800 nanometers. The Sun doesn't produce many  
17 visible light photons. The Infrared waveband range however, is 2,800 times  
18 larger than visible light's waveband range. So while each visible light  
19 photons has more energy than any one of the IR photons, the Sun makes a  
20 lot more IR photons. This causes the IR range to deliver more energy to the

1 Earth's surface than the more energetic, but much fewer visible light  
2 photons.

3 59. Obviously, since half of the Sun's energy output is in the IR, half  
4 of the radiant energy that reaches the Earth's surface after filtration by the  
5 Atmosphere is also IR radiation. So how does IR radiation warm the Earth?  
6 It is an important question, but a more important answer.

7 **60. THE QUANTUM VIBRATIONAL STATE.**

8 IR photons have energies from 0.001 electron Volts (eV) to 1.7 eV.  
9 Photons with this energy range, when absorbed by an atom or molecule,  
10 changes the atom's Quantum Vibrational State. This is important because  
11 the rate of an atom's vibration, how fast it vibrates, is its heat energy. The  
12 faster an atom vibrates the hotter it is. The slower the atom vibrates the  
13 cooler it is.

14 61. When visible light photons (photons with energy greater than 1.7  
15 eV), are absorbed they don't change the rate of vibration, rather they change  
16 the Quantum Energy State. This leads to an electron in an inner orbit,  
17 circling the nucleus of the atom, to jump to a higher orbit. This does create  
18 some movement and so some slight warming, but no significant heat is  
19 produced by it. The most obvious example of this difference between IR  
20 and Visible light's ability to create heat is in the EASYBAKE OVEN.

1           **62. THE QUANTUM PHYSICS OF THE EASYBAKE OVEN**

2     Since the 1950's the EASYBAKE OVEN used a 100 watt incandescent light  
3     bulb to create the heat it needed to cook its mini-cookies and muffins. and  
4     cakes. According to the Environmental Protections Agency, incandescent  
5     light bulbs only emit 10% of their energy as visible light while 90% is  
6     emitted as invisible infrared heat. However, these incandescent bulbs have  
7     been phased out in favor of more efficient, brighter, cooler Florescent and  
8     LED light bulbs. These bulbs put out a great deal more visible light  
9     photons, but much less IR photons. As such they cannot produce the change  
10    in the Quantum Vibrational State needed to bake a mini cookie in the  
11    EASYBAKE OVEN. The manufacturers have resorted to installing an  
12    electrical heating element, like the ones found in electric ovens, to produce  
13    the heat needed to bake with their toy oven now.

14           **63. ABSORBTION, SCATTERING, AND BLOCKING OF SUN**  
15    **HEAT.**

16    As the Sun's radiant heat photons travel through the vacuum of space they  
17    finally reach the Earth's outer atmosphere. As the IR photons pass through  
18    the atmosphere they are absorbed by the insulating gases, mostly water  
19    vapor and carbon-dioxide. After absorbing the photons the atoms emit them  
20    out. When an atom emits a photon, it is emitted out randomly, the direction

1 of the photons original path is irrelevant. The Law of Conservation of  
2 Momentum doesn't apply to quanta, which photons are. Thus, each atom  
3 emits photons like a little sun, in every direction. Some of these photons  
4 will go down and hit the Earth's surface warming it, but most, 2/3rds, will be  
5 cast back out into space. Blocked from reaching and warming the Earth.  
6 With no atmosphere, all these photons would all reach the Earth and warm  
7 it like the Moon.

8 64. The Moon has no atmosphere and its daytime temperature is 250  
9 degrees, versus 71.9 degrees for the Earth. Most of the Sun's heat, as NASA  
10 satellites tell us, is absorbed and blocked out by the insulating gases in the  
11 Earth's atmosphere, the water vapor and carbon-dioxide. While the Moon,  
12 with no atmosphere, gets struck with the full force and fury of the Sun's total  
13 radiant output, the Earth is protected by a gaseous parasol.

14 65. How much of this heat is kept out is a simple mathematical  
15 formula. The Max Planck Institute has worked out that one atom can absorb  
16 and emit one photon in 100 attoseconds, that's one quintillionth of a second.  
17 So, in one second one carbon-dioxide molecule can absorb and then emit out  
18 one quintillion photons. 1/3rd of these will be emitted out in the direction of  
19 the Earth, while 2/3rds will get sent back out into space. So, simply put, if  
20 we remove one molecule of carbon-dioxide, or any greenhouse gas, that's

1 one quintillion more heat IR photons per second that can make it to the  
2 Earth, as that carbon-dioxide molecule won't be there to absorb them and  
3 block out 2/3rds of them. However, if we add more atoms of insulating  
4 carbon-dioxide, each additional molecule will absorb one quintillion more  
5 heat photons from the Sun each second, with 2/3rds of them being emitted  
6 back out into space, blocked from reaching the Earth by the additional  
7 carbon-dioxide molecules.

8 66. With fewer heat photons reaching the Earth the Earth's surface  
9 temperature will be lower. With a reduction in the Earth's temperature, the  
10 Earth will give off less heat for the Greenhouse Effect to trap in, and so the  
11 Greenhouse Effect will fall as well.

12 **67. YOUR OVEN AS A SUN**

13 Let's look at your home's oven and how it is like our Earth and its insulating  
14 Atmosphere. The oven in your home is a box of strong insulation wrapped  
15 around a heating element or burner, plus some racks for setting your food  
16 upon. The heat in your oven comes from inside the oven. The insulation in  
17 your oven is there to keep the heat inside the oven where the food is. This is  
18 why the oven works.

19 68. The Earth's heating element however, is not inside the insulating  
20 gases in our the atmosphere, it is outside the insulating gases. Let's do the

1 same thing with your oven. Take out the heating element and put it in front  
2 of the oven door, and turn it on. How long will it take your meal to cook  
3 now with the heat outside the oven, outside the insulation?  
4 Did you say never? You are correct. With the heater outside the oven's  
5 insulation, now the insulation is not keeping the heat inside the oven, it's  
6 keeping the heat outside of the oven. Insulation keeps heat from crossing  
7 the insulating barrier and getting to the other side of the insulation. Your  
8 oven will be at 350 degrees but your kitchen won't, because the insulation  
9 prevents the heat from getting from inside your oven into your kitchen. But  
10 take out the heater and put it outside the insulation of the oven, and the  
11 insulation now keeps the burner's heat from getting inside your oven at your  
12 meal and cooking it.

13 69. The Primary role of the insulating gases surrounding the Earth is  
14 the same, they keep two-thirds of the Sun's heat from crossing the insulating  
15 barrier. Thus, keeping the Earth from reaching the same 250 degrees the  
16 Moon does because it has an atmosphere. Just like your home, more  
17 insulation will keep out more heat, and less insulation will keep out less  
18 heat. More Carbon-dioxide, or any other insulating gas, put into the  
19 atmosphere will keep out more Sun heat and cool the Earth.  
20 ///

1           **70. WHAT IS THE GREENHOUSE EFFECT?**

2   All things when warmed above absolute zero degrees Kelvin, will give off  
3   some infrared radiant energy. On the Earth, when the Earth absorbs the  
4   Sun's morning heat it warms up and then it radiates out heat in the infrared  
5   (note the Earth has to be warmed by the Sun's heat BEFORE it can give off  
6   any heat itself). This Earth emitted heat travels upward and like the Sun's  
7   incoming heat photons, are absorbed by the insulating gases in the air.  
8   When the insulating gas emits the IR photons out they get emitted out in all  
9   directions just like the incoming Sun heat, so 2/3rds of those absorbed  
10   photons are emitted out into space, while 1/3rd is redirected back at the  
11   Earth! This Earth emitted heat returning to the Earth's surface by the  
12   insulating gases in the atmosphere is in addition to the Sun heat that makes it  
13   through the atmosphere. This reflected Earth heat currently adds over 60  
14   watts per meter square to the heat from the Sun, increasing the heat the Earth  
15   gets. This additional 60 watts of heat is the Greenhouse Effect heat.

16           **71. THE STEFAN-BOLTZMANN LAW.**

17   Now that we understand the workings of insulating gases and the  
18   Greenhouse Effect, and what they do, the question is what effect will more  
19   carbon-dioxide heat blocking gas have on the Greenhouse Effect? The  
20   Defendants claim that more carbon-dioxide will cause the Greenhouse Effect

1 to rise, but how can we tell? We can tell because of Josef Stefan who  
2 discovered the constant named after him "Stefan's Constant". This constant,  
3 as part of the Stefan-Boltzmann Law tells us exactly how much heat will be  
4 given off by any mass that is warmed to a known temperature, and so it tells  
5 us what the Greenhouse Effect will be.

6 72. The Stefan-Boltzmann Law tells us that the amount of heat a  
7 mass will give off is equal to its temperature taken to the temperature's Forth  
8 Power! This means that any time the temperature changes, the emitted heat  
9 will change by the fourth power of the change in temperature. For example,  
10 let us raise the amount of carbon-dioxide in outer atmosphere so that it  
11 becomes 1% more efficient an insulator. This means the Earth will get 1%  
12 fewer heat photons to warm it, dropping the Earth's temperature by 1%. For  
13 that one percent drop in temperature, the Earth will emit -4% less heat off its  
14 surface.

15 73. The Earth, with more Carbon-dioxide in our example here, is 1%  
16 more efficient at keeping heat in, but there is -4% less heat to keep in. Thus  
17 the Greenhouse Effect will fall by -3%. The 1% rise in efficiency will only  
18 off-set 1% of the drop in Earth emitted heat, leaving a Net -3% drop in the  
19 Greenhouse Effect. A 2% drop in temperature will cause an -8% drop in  
20 emitted heat, and so on. Because the change in emitted heat will always be



1 greater than the change in the Earth's temperature, it is impossible to  
2 increase the Greenhouse Effect and warm the Earth by adding heat blocking  
3 insulating gases to the air. More insulating gas will block out more Sun heat  
4 cooling the Earth which will then give off much less heat.

5 **74. CLOUDS, THEY ARE INSULATORS TOO YOU KNOW**

6 The most obvious example of this cooling effect brought on by the Stefan-  
7 Boltzmann Law are Clouds! Clouds are made of the most powerful  
8 insulating gas of them all, water vapor. When Nature naturally increases the  
9 amount of water vapor in the air it doesn't get warmer does it? It is true,  
10 Clouds are 100,000 times more insulating than carbon-dioxide gas, but that  
11 means clouds block out 100,000 times more Sun heat than carbon-dioxide  
12 gas. If the Sun's heat never reaches the Earth's surface, the Earth cannot  
13 warm up. If the Earth doesn't get warm it won't give off IR radiation for the  
14 Greenhouse Effect to trap in, ergo no Greenhouse Effect!

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**SUMMATION**

75. The Defendants have been knowingly lying about the effects of insulating gases on temperature to enrich their political supporters, and to aid their political ideals, and further their careers. It is well known to the Defendants that Clouds, which are made of water vapor (an insulating greenhouse gas), cools the Earth by blocking out the Sun's heat. All insulating gases, as the Defendants know, do the same thing as water vapor, only not as well as water vapor does it. The Defendants know that carbon-dioxide blocks out Sun heat cooling the Earth and that more carbon-dioxide in the atmosphere will cool the Earth even more than today.

76. In furthering the lie of AGW, the Defendants are harming the Country and its People. In forcing Scientists to lie or loose their jobs and or funding, and be blacklisted with Scientific Peer Review Journals. The are harming Science and Scientists who are caught between a Rock and a Hard-place. They have also destroyed my career, robbed me of my Nobel for the discovery of Dark Energy, and so denied me my place in Science history.

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**RELIEF REQUESTED**

77. An order of the Court:

A. Ordering the Defendants to publicly admit on all forms of media

that they have used to lie about AGW, that they were lying and to

explain how it is impossible for the Earth to warm via more

insulating gases; and to cease claiming AGW is real.

B. Ordering the Defendants to remove from all media sources any and

all products alleging AGW warming.

Date Signed: July 25, 2017



William A. Masters

Plaintiff in Pro Se

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