

COMMONWEALTH OF
MASSACHUSETTS,
MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 93-2219

S. FRED SINGER, Ph.D.,

Plaintiff,

v.

JUSTIN LANCASTER, Ph.D.,

Defendant.

DEFENDANT'S

FIRST AFFIDAVIT

The defendant Justin Lancaster hereby submits the following statement, sworn under penalty of perjury to be true to the best of his knowledge:

1. I am a resident of Lexington, County of Middlesex, State of Massachusetts. I was born May 6, 1955, in Hanover, New Hampshire. I resided in Vermont until age 25.

2. I am currently employed as a Research Fellow at the Harvard University School of Public Health (since September, 1991). My area of research is risk analysis of global warming and the interaction between physical science and policy making at the national and international level. My most recent paper titled "Global Warming Risk Analysis" has recently been accepted for publication by the *International Journal of Environment and Development*. I am current Chair of the Global Risk Analysis Specialty Program of the Society for Risk Analysis. I earned my Ph.D. in Oceanography in 1990 from the Scripps Institution of Oceanography and my M.S. in Oceanography from the same institution in 1985.

3. I have previously been an attorney in good standing admitted to the Bar in Vermont (1978), California (1983) and Colorado (1986); I am now on inactive status in all three states. I earned my J.D. from Vermont Law School in 1978.

4. Between September, 1980, and July, 1991, I worked closely and intimately with Dr. Revelle, first as an undergraduate student (1980-1983), then as a graduate student and teaching assistant (1983-1989) and finally as a postdoctoral researcher, lecturer, and colleague (1990-1991). During the spring academic quarter in the years 1983 and 1984, and each year from 1987 through 1991, I joined Dr. Revelle in teaching a course in Ocean Policy at the University of California, San Diego (UCSD). During 1983 through 1985, Dr. Revelle served on my Master's thesis committee. During 1987 through 1990, Dr. Revelle served on my doctoral thesis committee. In 1987-88, Dr. Revelle and I collaborated on a proposal to establish an expanded ocean policy program at UCSD. During 1987 and again in 1990, I worked with Dr. Revelle to videotape Dr. Revelle's lectures and interviews with him concerning the science of global warming. In 1989, Dr. Revelle became the first member of, and assisted me in assembling the remaining members of, a Board of Advisers for the Environmental Science and Policy Institute. During 1990-91, Dr. Revelle and I collaborated in submitting proposals to the California Policy Seminar and to the National Institute for Global Environmental Change concerning research on assessing the potential risks to human welfare from global warming. Because of this close working relationship, I was personally and directly informed by Dr. Revelle about Dr. Revelle's views on the science of global warming, on the risks of delaying policy responses, and on appropriate societal responses to the global warming problem.

5. During or about March, 1990, at age 81, Dr. Revelle underwent extensive medical treatment requiring intensive hospitalization, including a heart operation to perform a triple-bypass to improve blood flow. Following the surgery, Roger survived complications that kept him close to death for many weeks and extremely weak for many months. During the following year, Dr. Revelle recuperated very slowly, returning to his office for limited work during the summer of 1990. Dr. Revelle's personal secretary, Ms. Christa Beran, and I developed a common understanding that we would not involve Roger in efforts that required his full attention for more than 20 or 30 minutes duration, out of sensitivity to his attention and concentration weakening in longer meetings. This understanding lasted until Roger's death in July, 1991.

6. In or about February or March, 1991, I met with Dr. Revelle in Dr. Revelle's office at the Scripps Institution of Oceanography on numerous occasions to discuss a variety of topics. During one of these meetings, Dr. Revelle handed me a photocopy of what appeared to be a final version of an article co-authored by Dr. Singer, Dr. Revelle, and Dr. Chauncey Starr published, or about to be published in the *Cosmos* Journal. I quickly read portions of the article in Dr. Revelle's presence and briefly discussed the content and Dr. Revelle's co-authorship with Dr. Revelle. Ms. Christa Beran, Dr. Revelle's personal secretary, was present in Dr. Revelle's office during at least part of this meeting.

7. I have believed since my conversation with Roger Revelle in his office in La Jolla in or about March, 1991, and I continue to believe, that (1) the *Cosmos* article did not represent Roger's views, *inter alia*, on the seriousness of the risk of delaying policy responses to global warming, (2) Roger did not write the *Cosmos* article to the extent that a reasonable scientist or public reader would assume by virtue of his name appearing as a co-author, and (3) Roger was not an author to the extent that a person would assume by seeing him listed as a co-author. This belief, formed during that meeting, was based on: (1) my perception then of Roger's embarrassment by the article, (2) his concern about what I thought of it, (3) my surprise then at the statements in the article that seemed so contrary to his views at that time, (4) his expressly agreeing with me when I suggested that it was a good thing this article was only published in the *Cosmos Journal* and not in *Science* or *Nature*, and (5) the fact that I was rather close to Roger during the period of February 1990 through February 1991, but was completely unaware that Roger was involved in a collaboration with Drs. Singer and Starr, whereas I was aware of his other projects.

8. Global warming presents a risk to public health, so that global warming is *per se* a public concern. Debate about whether the risk of global warming justifies government now taking no action, serious action, or drastic action is a public controversy. The *Cosmos* article defended taking no action now, concluding that there was "little risk in delaying policy responses." Thus, the extent to which policy makers should rely on the conclusions of the *Cosmos* article is a matter of public concern.

9. The proper weighting of the *Cosmos* article, in the policy discussion about what responses now to global warming government should make, depended and still depends critically upon Dr. Revelle's co-authorship role. Had Dr. Revelle not been

named as a co-author, the *Cosmos* article would have been taken with the weight of a grain of salt. Dr. Singer and Dr. Starr, who were the primary authors of the *Cosmos* article, were and are known in the scientific and political community as scientists who have regularly discounted the risk of global warming and whose objectivity on the issue of climate change easily may be doubted because of alliances with electric utilities and the commercial energy sector. Dr. Revelle, however, was the leading global warming scientist and science statesman of the 20th Century, with an impeccable reputation for scientific objectivity. Mr. Gore, who has been for many years the leading U.S. politician proposing governmental action to slow global warming, often stated his reliance upon Dr. Revelle's expert judgment. Thus, Dr. Revelle's co-authorship role in the *Cosmos* article is a matter of public concern.

10. On or about April 22, 1991, I received a letter from Dr. Richard Geyer requesting that I agree to serve on an Editorial Board for a volume on "Geophysical/Geochemical Aspects of Global Warming." This letter stated that authors would be solicited who could "make significant contributions" by submitting a chapter describing "results of some aspects of their recent research." Dr. Geyer also invited me to submit my own such chapter for consideration.

11. On or about May 8, 1991, I responded to Dr. Geyer by letter, agreeing to serve on the Editorial Board for the CRC volume. I conveyed a particular concern to Dr. Geyer about the scholarly quality of the upcoming volume in the following words:

A substantial amount of "flotsam and jetsam" has been published on the topic of global warming. I trust that you want to publish a volume that is "state-of-the-art" for 1992.

12. In a telephone call between Dr. Geyer and me on or about May 16, 1991, I reiterated my concern that the CRC volume be a compendium of original and scholarly research.

13. On or about May 17, 1991, Dr. Geyer communicated with me by letter, saying the following:

[I] am delighted to learn of your decision to serve on the Editorial Board of [the CRC] volume, . . . Looking forward to cooperating with you in this endeavor.

Dr. Geyer enclosed with his letter, for my information, a copy of the *Cosmos* article, but he made no mention of republishing the *Cosmos* article in the CRC volume. I read the *Cosmos* article again, more closely this time, and found my belief strengthened that it did not represent Revelle's views.

14. I received subsequent letters from Dr. Geyer relating to the CRC volume, these being written on or about July 7, 1991, on or about August 8, 1991, and on or about August 22, 1991. None of these letters contained any mention of the *Cosmos* article being submitted or included for republication in the CRC volume. A list of authors and chapter titles sent by Dr. Geyer to me on or about September 14, 1991, did not list Dr. Singer or the *Cosmos* article.

15. In March of 1992, I learned from Ms. Katie McGinty, an environmental aide to Senator Al Gore that Mr. Gore was being embarrassed politically by critics holding up Roger's co-authorship on the *Cosmos* paper. I knew from my conversations with Roger that he was proud of the early influence he had on Gore when Roger was a professor at Harvard and that Roger approved of Gore's environmental position. I was, and am, certain that if Roger had been alive he would have been very distressed at this turn of events, and he would have taken steps to stop it.

16. On or about June 1, 1992, Dr. Geyer wrote a letter to me conveying a draft Table of Contents for the CRC volume. This list of authors and chapters now included the same article as had been previously published in the *Cosmos* Journal. Dr. Geyer's handwritten postscript included the following statement: " Thanks again for all your help in this endeavor . . ." I read the *Cosmos* article again, reading much more carefully this time than I had in La Jolla.

17. On or about June 24, 1992, the July 6th issue of the *New Republic* magazine was released for sale containing an article by columnist Gregg Easterbrook, titled, "Green Cassandras," which criticized Senator Gore for relying upon Roger Revelle for the view that global warming is a serious crisis, given that Revelle had co-authored the *Cosmos* article.

18. On or about June 26, 1992, I received a telephone call from Senator Gore inquiring about what I knew regarding Dr. Revelle's co-authorship of the *Cosmos* article, Dr. Revelle's views during his last year on the risk of delaying policy responses to global

warming, and Dr. Revelle's mental and physical health during his last two years of life. I reported to him my beliefs and opinions as described in Paragraph 7, above.

19. During the months of June and July, 1992, I carefully reviewed the *Cosmos* article in consultation with Dr. C. D. Keeling of the Scripps Institution, who had also worked closely with Roger for many years. In addition, Keeling had recently developed strong expertise on the global temperature record and interannual variations. We examined the *Cosmos* article for scientific validity and scholarship, and to determine to what extent it departed from the standards that we knew to be characteristic of previous work in which Dr. Revelle was an active co-author. Dr. Keeling and I concluded that the *Cosmos* article did not exhibit the standard of scientific validity and scholarship that would have been present if Dr. Revelle had been an active participant in writing, reviewing and editing the article. This conclusion was based upon: (1) detecting numerous statements of questionable validity, both as to science and as to assessment of the position of the scientific community; (2) detecting numerous examples of statements that were cleverly misleading (see points raised in my letter to Dr. Singer dated August 18th, 1992, attached as Exhibit D to defendant's Answer); (3) the style of writing; and (4) the overall tenor of the article. I concluded, with Dave Keeling's assistance, that the *Cosmos* article is not objective and not carefully substantiated. It was clear to us, based on our close knowledge of Dr. Revelle's work and views, and based upon our careful analysis of the *Cosmos* article, that the *Cosmos* article was not the product of "active" co-authorship by Roger Revelle.

20. My close analysis with Keeling added support for my earlier belief that (1) Roger Revelle's views on the risks of global warming were not well represented by the *Cosmos* article. Also, because neither Keeling nor I had known Roger to ever before associate himself with such an unobjective assessment of global warming science, our analysis added support for my earlier formed belief that (2) Roger did not write the *Cosmos* article to the extent that a reasonable scientist or public reader would assume by virtue of his name appearing as a co-author, and (3) Roger was not an author to the extent that a person would assume by seeing him listed as a co-author. Keeling and I agreed that there were too many misleading and inaccurate statements in the *Cosmos* article for Roger to have been carefully, attentively and enthusiastically "writing" or "authoring" the *Cosmos* paper.

21. In and about June and July, 1992, I inquired of Dr. Revelle's widow, Mrs. Ellen Revelle, and of his closest colleague, Dr. Walter Munk, and of his personal secretary, Ms. Christa Beran, about the knowledge that each of them might have regarding Dr. Revelle's level of participation in writing the Cosmos article between February 1990 and March 1991. Ellen told me that she believed Roger may have met with Dr. Singer in February, 1990 just before his heart surgery, at the AAAS meeting and, because he hated to say "no" to anybody, that Roger may have agreed to think about a joint paper with Drs. Singer and Starr. Christa, who had been Roger's personal secretary from 1985 until his death in July, 1991, told me that Roger had not been enthusiastic about taking part in this article, that he had "back-burnered" the article and had avoided responding to Dr. Singer's letters regarding the article by burying the letters and article beneath one of the many, large, slow-moving stacks on his desk, and that he had dragged his feet on returning calls and comments to Professor Singer, who was apparently the lead author. Christa told me that she had been present on a particular day in La Jolla when Professor Singer had arrived unannounced in Roger's office to talk about the paper. Christa said that she was distressed that Professor Singer remained the better part of the day (about four to five hours) trying to resolve Roger's complaints and concerns about the paper. Apparently he departed with Roger's "marginalia" and Roger's assent to be listed as a co-author. Christa reported to me that Professor Singer just wore Roger down. I realized that the sharpness of Christa's memory of that day reflected her high level of concern about what happened.

22. At the time of this visit by Professor Singer to La Jolla, Roger was still in a period of slow recovery from his triple-bypass heart surgery, which recovery continued until his death. I concluded that if Dr. Singer remained in Roger's office for a number of hours in February, 1991, until he had reduced Roger's objections to various aspects of the proposed article, this could only be interpreted as an insensitive act of wearing Roger down until he assented to this final copy. If many hours of discussion were needed, then Roger must have had serious and many objections; yet, I am sure that in his condition his critical faculties must have been diminished for most of that session.

23. I concluded in July, 1992, therefore, based upon (a) my personally formed beliefs in 1991, (b) my current analysis with Dave Keeling, and (c) the current report of Christa Beran, that only three explanations fit the evidence: either (1) Roger's ability to think critically was impaired by fatigue during his review of the paper; or (2) his opportunity to critique the article was too limited in time, or (3) his objections may not

have been fully accounted for in the final copy. I believe that any one of these explanations, or any combination of them, must lead to the conclusion that Dr. Singer pressured or took advantage of Roger in gaining approval on the final draft. In my opinion, Roger Revelle was a reluctant co-author who only assented to the final copy out of fatigued graciousness to a fellow member of the Cosmos Club at the close of an insensitively long session in La Jolla. I do not believe that a reluctant, inactive and pressured co-author can qualify as "an author."

24. Between June 26, 1992, and July 20, 1992, I conferred with Dr. Walter Munk and Dr. Charles David Keeling on a draft letter to the editor of the *New Republic* regarding the Gregg Easterbrook article in the *New Republic*. I learned from Dr. Munk that he had also contacted Christa Beran and formed a similar opinion to mine about the circumstances of Roger's co-authorship on the *Cosmos* article.

25. On or about July 21, 1992, Dr. Munk notified me that Dr. Munk and Dr. Ed Frieman would be writing their own letter to the editor of the *Cosmos Journal*. On July 23, 1992, I received a copy of their letter to the editor, Mr. James Wallace (see Defendant's Exhibit C), stating that, "S. Fred Singer wrote the paper and, as a courtesy, added Roger as a co-author based upon his willingness to review the manuscript and advise on aspects relating to sea-level rise." In or about October, 1992, this letter from Munk and Frieman was published in the journal *Oceanography* (Vol. 5, p.125, 1992), where the same sentence appears. This statement, published in an internationally distributed journal, by two eminent scientists of impeccable integrity, one of whom was Revelle's closest friend, provided further support for my belief that Roger Revelle did not write the *Cosmos* article and was not an active contributor.

26. Between July 20, 1992, and July 30, 1992, I conferred further with Dr. Keeling to draft a joint letter to the editor of the *New Republic*, which was transmitted on July 30th, but was not published.

27. On July 20, 1991, on the basis of my beliefs and information described above, I conveyed by telephone and letter to Professor Singer my request that he not support republication of the *Cosmos* article as a chapter in the CRC volume unless he was willing to (a) improve the scholarship of the piece and/or (b) remove Roger as a co-author, for the reason that Roger could not now act to protect his own scholarly reputation (Defendant's Exhibit A). Most importantly, I informed him of my beliefs

regarding Roger's co-authorship of the *Cosmos* article ,based upon my conversation with Roger and upon Christa Beran's reporting.

28. On or about August 7, 1993, Dr. Singer responded to my letter to him of July 20 (see Defendant's exhibit B attached to his Answer). His statements did not contradict Christa Beran's report, nor did they contradict my conclusions formed from my conversation with Roger and my detailed analysis of the *Cosmos* article with Dave Keeling. Further, Dr. Singer informed me in this letter that he had received and reviewed a copy of the communication from Drs. Walter Munk and Ed Frieman to Mr. James Wallace, Editor of the *Cosmos Journal*, requesting publication of their concerns regarding Revelle's perceived co-authorship of the *Cosmos* article (Defendant's Exhibit C). Of this communication by Drs. Munk and Frieman, Dr. Singer writes:

. . . . , and frankly we feel that theirs would be a much more positive step than the one you suggest.

Thus, Dr. Singer notified me in August, 1992, that he endorsed publication of a statement that he wrote the *Cosmos* article and that Dr. Revelle was not an active author. Further, Dr. Singer says that publishing such a comment would be a "positive" step.

29. On August 18, 1992, I wrote to Dr. Singer, providing details of the questionable and misleading statements in the *Cosmos* article that helped persuade me that Roger Revelle was not an active co-author (see Defendant's Exhibit D), reiterating my chief concern being for the scholarly integrity of the CRC volume in my role as an editorial adviser, and reiterating my statement that "I believe strongly, from personal communication with Roger Revelle, his secretary and his widow, that Roger joined [Dr. Singer] as a coauthor reluctantly, so that republishing this paper [as is] after his death is highly inappropriate." Dr. Singer did not reply to this letter.

30. I believe the question of ethics is properly invoked. A principle of right or good conduct between these two scientists was violated, in my opinion, (1) by the insensitivity to Roger Revelle's condition shown by Professor Singer on the day of his visit to La Jolla and (2) by the insensitivity to Roger Revelle's memory and reputation shown by Dr. Singer in supporting republication of the *Cosmos* article in the situation as it existed a year after Roger's death. I do not feel these actions were right or good. Either of these actions violates my sense of how a principle of right or good conduct should have guided Dr. Singer's actions, both in Roger's presence and after his death.

31. Under the foregoing circumstances, I did believe that it was an error for anybody to submit the *Cosmos* article for republication in the CRC volume bearing Roger's name as a co-author. I did believe it was an error for Dr. Singer to support the *Cosmos* article being republished in the CRC volume bearing Roger's name as a co-author, and that it may have been unethical, too. And I did think it was an error for Dr. Geyer to accept the article for republication in the CRC volume bearing Roger Revelle's name as a co-author, and I still do.

32. On or about August 17, 1992, I wrote to Richard Geyer, editor of the CRC volume, feeling it my duty as a member of the Editorial Board for the CRC volume to state my views on the entire situation, and I urged him to request revision of the chapter in question, out of respect for Revelle's reputation for scholarship and out of concern for the scholarly integrity of the CRC volume (see Plaintiff's Exhibit A, attached to Complaint). I told him I felt so strongly that my continued participation in the CRC volume would depend on responsible actions being taken. Dr. Geyer did not respond to my letter.

33. On or about September 3, 1992, syndicated columnist George Will wrote and disseminated through the *Washington Post* and numerous other newspapers in the United States an editorial that noted Revelle's co-authorship of the *Cosmos* article and quoted from the article to support the suggestion that Dr. Revelle had renounced his belief in global warming. Mr. Will further noted that Dr. Revelle was Senator Gore's mentor at Harvard, suggesting that Dr. Revelle's alleged change in view in 1991 should have modified Senator Gore's environmental position.

34. On or about September 13, 1992, Dr. Revelle's daughter, Carolyn Revelle Hufbauer, with the assistance of Dr. Revelle's widow and other children, published an editorial in the *Washington Post* that explicitly countered George Will's use of Dr. Revelle's co-authorship of the *Cosmos* article to criticize Senator Al Gore (see Defendant's Exhibit F, attached to the Answer). Ms Hufbauer showed that Dr. Revelle's views were not well represented by the *Cosmos* article, particularly by the statement in the *Cosmos* article that "There is little risk in delaying policy responses [to global warming]." She reported that Dr. Revelle said in November 1990 that he had hoped to tell John Sununu, "what a dim view I take of the administration's environmental policies [of inaction on global warming]," that Dr. Revelle often spoke of a \$1.00 per gallon tax

on gasoline as an "eminently reasonable" step to reduce fossil fuel emissions, and that Dr. Revelle thought that a small probability of an extremely adverse event, such as a 10-degree temperature rise, warranted serious action now. This editorial published by Ms. Hufbauer provided additional support for my beliefs that had formed as described above and that had not been shown to be false by Dr. Singer or others.

35. On or about October, 1992, the single 1992 Vice Presidential debate occurred, between Vice President Quayle, Senator Gore and Admiral Stockdale. During this debate Admiral Stockdale asked Senator Gore about his mentor's [Dr. Revelle's] authorship of the *Cosmos* article, and why did Senator Gore not change his environmental position to conform with his mentor's position espoused in this paper? Senator Gore replied that Dr. Revelle's views were not represented by that paper, and that the Revelle family was "up in arms" about it and about statements being taken out of context.

36. Still concerned that republication of the *Cosmos* article in the CRC volume would detract from the scholarly integrity of the CRC volume, and still concerned about the issue of fairness to the late Roger Revelle, and receiving no response to my letter to Richard Geyer, I wrote to Ms. Barbara Caras and Ms. Helen Linna, editors at CRC Press, Inc., on or about October 20, 1992. (see Plaintiff Exhibits B and C, attached to Complaint). These letters to Linna and Caras were communications from me as a member of the volume's Editorial Board to the volume editors about the appropriateness of a specific chapter, and from me as an author discussing proposed changes to a text. The footnote change that I proposed in my letter to Ms. Linna was conveyed in the context of an ongoing discussion of the situation. The truthfulness, my meaning and my honest belief in these statements regarding Roger's co-authorship has been explained above. Regarding the use of the *Cosmos* article to undermine Mr. Gore, I clearly state that this is my belief, rather than my assertion of fact, in my letter to both Caras and Linna. The letter to Ms. Linna explicitly incorporates the letter to both by reference.

37. My submitted chapter for the CRC volume, titled "The Developing Law of the Atmosphere," was an academic research article that examined the topic of legal and political responses to global warming, including discussion of the historical background of the science and policy, the connection between risk and precautionary response, and the problem of scientific uncertainties. The conclusions of the *Cosmos* article, the weight to be given to it, and, thus, the issue of whether or not the *Cosmos* article represented Dr.

Revelle's views, was directly relevant to the history and current dilemma discussed in my chapter.

38. Concerning the CRC footnote addendum, I have not said, and certainly never meant to convey, that Professor Singer listed Roger as a co-author without Roger's permission. I have offered to apologize for such a misconstruction of my opinion, although it can only be made by taking my remarks completely out of the context in which, to whom and when they were made. My statement in Complaint Exhibit C was written to mean, "Singer entered Revelle as a co-author despite his objections [to the content and tenor of the article]."

On November 12, 1992, I wrote to Mr. Wayne Yuhasz of CRC Press, who was managing editor and supervisor for Ms. Linna and Ms. Caras (see Defendant's Exhibit E, attached to the Answer), which contains the following language:

As you requested, I am sending you language that I believe should be included in the CRC volume in the interest of ethics and Dr. Revelle's reputation for scholarship. I have tried hard to remove any language that would be directly offensive to Drs. Singer and Starr. If you were to add another short paragraph giving their view, then I think we have done our best to serve the reader.

. . . . I would be willing to tone down drastically the statement that I have inserted in the revised footnote to my paper.

39. The CRC editors did publish a short explanatory note attached to the republished Cosmos article. My proposed footnote addendum (Plaintiff's Exhibit c) was not published in the CRC volume.

40. My paper submitted to the Revelle Memorial Symposium (see Complaint Exhibit D), titled "Uncertainty About the Uptake of Excess Atmospheric CO₂: Value to Decision Makers," was an academic research article that examined the topic of scientific uncertainty in global warming research and the problem of making decisions in the face of this uncertainty. The paper also highlighted Dr. Revelle's contributions to the debate. The conclusions of the Cosmos article, the weight to be given to it, and, thus, the issue of whether or not the Cosmos article represented Dr. Revelle's views, was directly relevant to the history and current dilemma discussed in my chapter.

41. I felt a duty to report by views at the Revelle Memorial Symposium, out of respect for Roger's reputation and his colleagues who gathered to honor him. The opinions in the footnote I believed then to be strongly substantiated, as explained in the Paragraphs above, and I continue to hold the same opinions, having been presented no evidence by Dr. Singer to the contrary. In his letter to me of August 7, 1992 (Defendant's Exhibit B), Dr. Singer notified me that the *Cosmos* article had "already been widely disseminated and quoted." Given this, along with the slated republication in the CRC volume, it is fair to say Dr. Singer has distributed the article ambitiously. As explained above Gregg Easterbrook, George Will and Admiral Stockdale used the article to undermine the position of Al Gore solely because it bore the name of Roger Revelle.


42. My footnote for my Symposium, however, was not drafted until October 18, 1992, and I delivered the paper to the Symposium organizers the next day, which was too late for the paper to be mailed out to participants as most others papers were mailed. My paper, then, was written well after the Symposium organizers decided to withdraw Dr. Singer's presentation of the *Cosmos* article from the agenda. Further, that decision was made independently of me or my influence. I made no effort and took no action to cause Dr. Singer's presentation to be removed from the Symposium agenda, nor was I consulted, nor was I aware that the decision was under consideration. I am informed recently by Dr. Peter Rogers that the decision was made by Dr. Robert Dorfman and Dr. Rogers on the basis that (1) the organizers wanted original and scholarly papers presented, which criteria the *Cosmos* article failed, and (2) the organizers were aware of the published expressions of concern about the *Cosmos* article by the Revelle family and Walter Munk, who would all be participants at the Symposium, and the organizers sought to avoid the awkwardness of the potential confrontation that might develop.

43. In response to the February 5, 1993, communication from counsel for Dr. Singer, I promptly responded with a six-page settlement letter, protected by negotiation privilege, carefully detailing the foundation for the truth of my statements. To this letter was attached a draft apology and clarification of my statements to assure their proper interpretation. In addition, I indicated my willingness to comply with all the remaining demands made by Dr. Singer's counsel on February 5th. I requested that Dr. Singer provide me a copy of the version of the final draft of the *Cosmos* article that he asserts proves Dr. Revelle's active contribution, but Dr. Singer has declined to do so.

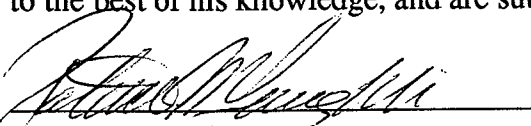
44. On February 26th, 1993, I reiterated to Dr. Singer in a telecopy transmission (fax), privileged for settlement purposes, my willingness to remove any reference to the controversy entirely in the upcoming publication of the Revelle Memorial Symposium Proceedings and asked that Dr. Singer agree to release me from liability for previously published statements.

45. I have offered repeatedly to retract any false statements if it would be demonstrated to me that any of my statements have been false. I have repeatedly requested Dr. Singer to provide a copy of a draft article bearing Roger Revelle's "marginalia", yet Dr. Singer has repeatedly declined to do so.

Sworn, signed and sealed by me on this 20th day of May, 1993, in the County of Middlesex, Commonwealth of Massachusetts.


Justin Lancaster, Defendant
6 Valley Road, Lexington, MA 02173
(617) 674-1147

On May 20, 1993, the above-named Justin Lancaster did personally appear before me and swear, under penalty of perjury, that the statements made in the above Affidavit are true to the best of his knowledge, and are subscribed by him as his free act and deed.


NOTARY PUBLIC

My Commission Exp 10-16-98