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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 13, 2026

Judge Robin L. Rosenberg  
Thurgood Marshall Federal Judiciary Building  
One Columbus Circle NE  
Washington, DC 20002

Judge Robin Rosenberg,

We write to express concern about the Federal Judicial Center’s (“FJC”) Reference Manual on Scientific Evidence (the “Manual”), and in particular, its prior inclusion of the now-withdrawn chapter on “Climate Science” (the “Chapter”), which had inconspicuously been tucked into the end of the volume. Though the Chapter has since been removed (albeit, without explanation), we send this letter in order to gain clarification on how the FJC safeguards its credibility and ensures that its programming remains rigorously neutral.

As reference materials circulated to federal judges and staff, the content should reflect a balanced, transparent, and rigorous evidentiary standard—citing peer-reviewed science and a general consensus where appropriate and identifying contested or evolving areas of science as needed. But the Chapter at issue did no such thing. Instead of serving as a neutral and objective resource for federal judges and staff, it read as if it were a plaintiff brief in a climate lawfare suit.

Though the falsities and weaknesses that pervade the Chapter are too numerous to list here in their entirety, it is deeply problematic for the FJC to circulate a chapter that presents disputed scientific assertions as settled, relies heavily on politically mediated sources, and offers prescriptive conclusions without the safeguards that normally accompany the admission and testing of expert evidence under the Federal Rules of Evidence (“FRE”).

Indeed, the Chapter is replete with “scientific” statements, asserted flatly, that are clearly subject to modern scientific debate. These statements represent a naked attempt to bypass the FRE and to circumvent tests established by the federal judiciary in cases such as *Daubert v. Merrill Dow* and *Kumho Tire Co. v. Carmichael* by encouraging judges to rely on scientific assertions that have not undergone rigorous scrutiny from the bench. With the publication and wide distribution of such a chapter across the federal judiciary, there is neither cross-examination of expert witnesses nor rebuttal from the various parties that would traditionally be afforded the chance to review and challenge scientific evidence.

Furthermore, as a general matter, in making such statements, the Chapter emphatically overstates the validity of computer climate models and fails to disclose that there is not one correct climate model but rather, a huge number of models that generate wildly different climate paths. Adding to the confusion, in many instances, the sources cited do not actually support the assertions made in the Chapter or the assertions themselves are simply misleading in nature.

The material presented in the Chapter was designed to influence judicial decision-making in ways that extend beyond the proper role of judiciary education by injecting policy preferences into judicial education. Such behavior represents the precise opposite of the federal judiciary, which has been mandated to apply the law to the facts presented. Indeed, it is difficult to justify the continued expenditure of taxpayer funds on an agency whose programming appears to reflect and forward a particular ideological perspective rather than balanced, nonpartisan discourse.

Given the particularly disturbing content of the Chapter, we would like answers to the following inquiries provided to our offices no later than ten (10) business days from receipt of this letter.

1. How does the FJC define the boundary between neutral judicial education and normative policy influence?
2. What formal criteria generally govern the selection of outside faculty, experts, or contributors to FJC programming? Is intellectual, methodological, or political balance considered in that process?
3. What safeguards are in place to ensure the empirical neutrality and methodological rigor of FJC research products? Are those methodologies subject to external peer review?
4. To what extent are FJC educational materials, curricula, and research outputs publicly accessible, and what principles guide decisions about transparency?
5. How does the FJC evaluate whether its programming strengthens judicial independence rather than shaping judicial philosophy or encouraging specific policy-driven outcomes?
6. Did anyone contribute to the drafting of the Chapter who was not listed as an author?
7. What precise internal review procedures were followed prior to publication (*e.g.*, committee review, subject-matter review, external consultation)?
8. What criteria governed the selection of the outside experts who contributed to the Chapter in some fashion?
9. What form of methodological or peer review was the Chapter subject to prior to dissemination?
10. What prompted the decision to remove the Chapter, and what internal process governed that decision?

11. Why does the Chapter remain in the online version of the Manual published by the National Academies?

We are prepared to provide further details or engage in constructive dialogue to ensure that judicial education remains principled, evidence-based, and faithful to its constitutional responsibilities.

Thank you for considering these concerns.

Sincerely,



Senator Ted Cruz  
Chairman  
Subcommittee on Federal Courts, Oversight,  
Agency Action and Federal Rights  
Senate Committee



Senator Eric Schmitt  
Chairman  
Subcommittee on the Constitution  
Senate Committee on the Judiciary



Senator Mike Lee  
Chairman  
Subcommittee on Antitrust, Competition  
Policy and Consumer Rights  
Senate Committee on the Judiciary



Senator Marsha Blackburn  
Chairman  
Subcommittee on Privacy, Technology  
and the Law  
Senate Committee on the Judiciary