

## **A thin-ice way to save polar bears**

### **A court-forced decision on polar bears is not the way to impel Americans to cut emissions.**

Lawsuits are not the best way to force the public into solving planet-size problems such as climate change. In most cases, political consensus – as Al Gore is trying to achieve – brings the most fitting solutions. But the environmentalists who sued on behalf of polar bears likely knew that and shouldn't be surprised at what their suit has wrought.

On Wednesday, as a result of a 2005 suit filed by three environmental groups trying to speed up government action on global warming, the Interior Department listed the polar bear as "threatened" under the 1973 Endangered Species Act. The finding was based on computer projections of continuing climate change, caused in part by humans, and an estimated loss of Arctic ice where some 25,000 bears hunt for their main food, seals.

But for a number of reasons, the decision may end up being largely symbolic, leaving the issue of global warming right back where it belongs: with Congress.

For one, the finding is expected to bring a legal ricochet in a promised countersuit testing the presumption that the bears face extinction within a few decades. Some polar bear populations, such as in Norway, are increasing. And it's not yet known if the bears will eventually adapt to warmer climes.

This kind of legal wrangling proves again that courts aren't the place to force the United States – or China or India – into taking bold action on a global-scale problem. Politics and diplomacy are more effective, even if they are slower. Mr. Gore's latest campaign to create grass-roots momentum against global warming is spending millions, with an eye for decisive action in Congress next year.

The lawsuit only further pushed the Bush administration into a defensive posture, setting back political progress toward taking action.

Interior Secretary Dirk Kempthorne laid down conditions that will limit the impact of his finding on oil and gas drilling in Alaska. If more roadblocks to tap Arctic petroleum are needed, lawmakers are the ones to do it, not Interior.

Mr. Kempthorne also tried to limit larger action on global warming by instructing his department that "the best scientific data available today cannot make a causal connection between harm to" polar bears "and greenhouse-gas emissions from a specific facility, or resource development project, or government action." Such reasoning may be based in part on research by NASA that one cause of Arctic ice decline may be shifting wind patterns.

The decision, in other words, can't justify a wind farm in the Dakotas or kill off a coal plant in Kansas. The Endangered Species Act is not the proper law to make those kind of linkages.

What now? The lawsuit's mixed results may be a sideshow, with all three main presidential candidates proposing plans to cut greenhouse gases. The impatience that drove the suit – filed by Greenpeace, the Center for Biological Diversity, and the Natural Resources Defense Council – must now yield to the political process.

That won't be easy. Congress is in a panic to lower gasoline prices so Americans can drive cars as usual. Learning to share the burden of reduced carbon emissions takes time and persuasion, not the bang of a judge's gavel.