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Supervisor Damon Connolly
Room 329 Civic Center,
3501 Civic Center Drive
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February 4, 2019

Re: Compact science & liability briefing on 5G

Dear Supervisor Connolly -

The purpose of this briefing letter is to provide Marin Supervisors and senior staff with verifiable analytical tools concerning 5G and to suggest that the County step away from tin foil hat theories on 5G, and into step with what the analytical science **actually** shows about these alleged dangers to government finance, DNA, and national security.

If the 5G critics are right, the 24/7 pulsating multi-channel microwave saturation of our towns and cities will supposedly lead to health problems. Is there any evidence to support this disruptive idea? Let's look at what the National Toxicology Program of our U. S. government's National Institutes of Health **really** had to say after completion of their \$25 million, 30 month study of the question of whether cellular non-ionizing radiation causes cancer, let alone brain cancer.

On May 27, 2016 the National Toxicology Program (hereafter NTP) of the U. S. National Institutes of Health (hereafter NIH) issued its first report on results of the NTP's \$25 million study of whether cellular non-ionizing radiation causes cancer. The NTP determined that cellular radiation causes an increased risk of cancer, including the thereby-forced creation of glioma cells, the root cells of glioblastoma, the deadly brain cancer. The study also showed that the radiation caused the formation of the cells which causes acoustic neuroma in humans. On 2/27/16 when the NTP study results were made public, a thorough discussion of the findings appeared in a *Mother Jones* article titled; "***Game-Changing***" ***Study Links Cellphone Radiation to Cancer***, which you can easily find. Then followed nearly two years of peer review, until March 28th of 2018, when, at the end of a three day peer consortium on the issue in Research Triangle NC the NTP used the clarifying language that their \$25 million study showed 'clear evidence' that cellular radiation causes cancer. ***But that wasn't the NTP's final word on whether cellular microwave causes cancer.***

The final report of the National Toxicology Program on the NTP's \$25 million study was issued on November 2, 2018. This final report confirmed the finding that microwave radiation from cellular sources is carcinogenic, and that the mechanism of harm is non-thermal. The entire industry-influenced 'regulatory,' standards used by the FCC are based on the assumption that the only possible mechanism of tissue damage is thermal. The best website for your obtainment of scientific findings is www.ehtrust.org, for The Environmental Health Trust. At the EHT site, please see the letters to school

districts from Dr. Martha Herbert, a Pediatric Neurologist at Massachusetts General Hospital and on the faculty of the Harvard Medical School, citing hundreds of studies. Hundreds of pages could easily be taken simply to list sources on this subject yet there are sufficient sources stated above to show the 5G cancer hazard to all Marin residents. When requested an extensive Resources page will be provided digitally.

Credible science proves that cellular microwave by breaking DNA hurts plants and trees and our County of Marin is morally bound resist 5G due to its direct impact on all life.

Many of us, sadly not the youngest, remember how our windshields used to clog with insects, especially in low elevation roads, like out on highway 37, especially between 101 and Black Point, or on 121 before Arnold Drive. We don't see that any more. A recent study showed more than 75 percent decline over 27 years in total flying insect biomass in the sample areas studied in Germany - see Hallmann CA, Sorg M, Jongejans E, Siepel H, Hofland N, et al. (2017).

All life is built of DNA, not just our rapacious human species. It is scientifically established that exposure to cellular mast radiation will cause tree withering proportional to exposure. Please see a careful a 26 page study report on the effects of radiofrequency radiation on trees around mobile phone base stations can be found through your search for the unusual title 'Bernartzky (1986), revisited'. Quoting briefly from the Abstract, after a discussion of methods; "***The measurements of all trees revealed significant differences between the damaged side facing a phone mast and the opposite side, as well as differences between the exposed side of damaged trees and all other groups of trees on both sides.***" (emphasis added) These findings are consistent with the determination by Dr. Henry Lai of the University of Washington School of Medicine that ***DNA strand fracture results from cellular signal exposure.*** All DNA., There is a particularly instructive article on Dr. Lai in Seattle magazine, as information exchange in a lawsuit turned up a memo from one telecom advocate to another about how to 'war game' against Dr. Lai.

Briefly, as thoroughly discussed in a ten page letter to Assembly Appropriations dated July 19, 2017 in opposition to CA SB 649 (available at www.greenswan.org) in 1983 a team at the University of Maryland found that establishing a 7.43 concentration of DNA to plain water resulted in a 24-fold increase in the Specific Absorption Rate of the resulting fluid, compared to the plain water used as a base, ***and that the mechanism was 'acoustic,' in physics language, not ionic.*** This is consistent with the way a microwave oven works, which is that heat is the *result* of molecular agitation, *not the cause.* The industry-lap-dog FCC continues to push that the mechanism of causation must be thermal despite the fact that our own federal government, after \$25 million dollars and the efforts of our best toxicology scientists has proven that the cancer mechanism is non-thermal.

Our County and Marin's cities face huge liability if 5G is allowed - ask County Counsel

It is established beyond dispute that the telecom companies can't get insurance coverage for their liabilities to people injured by cellular microwave signals. Lloyds and the major re-insurers have turned them down, this has been the case for many years. Now

with 5G, whether by lawyer skill or coincidence that liability will be pinned on taxpayers.

As we evaluate the 5G issue it is vital that each and all of us are at least aware of the extent to which our views have been and professionally created through massive & effective industry propaganda. A Marin resident, Mr. Dowie, co-authored an example of the highest principles of honorable investigative journalism in a 2018 article on how our attitudes have been formed by telecom's polished and expensive propaganda efforts, see ***How Big Wireless Made Us Think That Cell Phones Are Safe - A Special Investigation - The disinformatin campaign - and massive radiation increase - behind the 5G rollout***, by Mark Hertsgaard and Mark Dowie. So that we can strive for science, not tin foil, telecom's two decade fraudulent yet successful effort at forming our opinions must be recognized so that policy decisions we make are based on hard science and public safety, not Skinnerian conditioning.

Currently the industry relies upon the Telecommunications Reform Act of 1996 to protect it from liability, with the industry even literally claims that the Act puts telecom above the law, kind of like Big Pharma; claiming that under the Act no court can interfere with 5G deployment. There are substantial legal and Constitutional doctrines including Separation of Powers, which provide salient good faith legal arguments against forced 5G deployment. I am not accepting new legal work after 40 years in trial practice. However I volunteer to donate two lawyer days, with a colleague, without any charge, to provide the County's lawyers with data in this area, though the links and sources here should be objectively persuasive. Marin residents face immediate irreparable harm from 5G. The County can protect its residents and save regional and local governments from financial ruin by deep legal study and thoughtful good faith litigation. Delay is not a valid reason for litigation nor should it be, yet every additional day saved from exposure saves all of Marin from harm. County Counsel can readily advise you whether the legal positions next here stated are credible. Any experienced lawyer long engaged in plaintiffs work with governmental entities will agree with the following points, not involving rocket science:

- 1) The defendants in a lawsuit do not get to choose whether to be sued. That choice is made by plaintiffs' counsel.
- 2) Once the involved cellular antenna box is attached to the governmental utility pole with telecom as the tenant, the Doctrine of Fixtures from ordinary landlord tenant law applies and a melding takes place, and plaintiffs counsel will allege, as is consistent with the law, that the melded unit as a whole is now Public Property.
- 3) The main CA Government Code section which is pled by experienced public entity lawyers is Dangerous Condition of Public Property, Government Code 835.
- 4) There is now overwhelming evidence of DNA and cellular damage from radio-frequency EMF as emitted by cellular phones and towers. Therefore, 5G's close proximity radiation source is 'dangerous' under Government Code 835.
- 5) Liability of the County of Marin and other regional and local governmental

and regulated entities (here we go, PG&E again) will be alleged, and in legal logic and fact shown to exist on multiple other basis, including joint venture and with the damages resulting from the concurring actions of independent tortfeasors under the Summers v. Tice approach, see 33 C2d 80.

6) In California and elsewhere, 'joint and several liability' means that a 1% liability contributor has 100% of financial responsibility from a loss in the instance of the insolvency (or in this instance unavailability if the 1996 Act is sustained) , ***the result of the combination of the factors stated above is that all financial burdens from cellular injury are shifted to the taxpayers.***

Bottom line, if 5G is allowed in Marin in every case that arises from people claiming injury, whether that injury is in reality from cell phones or towers, industry will say that the 1996 Act protects them, but not the involved local entities. A far more detailed explanation of this issue can be found in the above July 19, 2017 letter to Assembly Appropriations from our successful effort against CA SB 649.

As is now understood by some of our US Senators, 5G presents vast risks to our privacy; for one example existing extensions of the underlying science allow scanning the interior of buildings. 5G is a national security disaster using 5G, which can be used to survey the street where you live, and which will allow tracking of the disposition of most of our military assets.

Finally, a non-political issue upon which all who actually study the science can agree.

In my 70 years I've never seen our society so polarized and hateful, this is worse than what we experienced domestically during Viet Nam, when many of us were anti-war advocates. If, as now suggested, our Constitution is suspended for the stated purpose of building a two thousand mile wall, it will be suspended for all purposes, the end of two and a half centuries of peaceful civil transfer of power for at least an interlude of military rule; the consequences are vastly underestimated. I say that to you from the standpoint of a person of Republican registry who sent the Bernie Sanders campaign \$270 because I care about Character more than party. We will fall apart from feedback if this circus of hate continues, and the extremes at both ends are at fault.

The industry idea behind 5G is that 5G will take the place of cable. As a result, everyone who lives in a crowded apartment complex will be saturated with everybody else's email and Bonanza re-runs. Those whose circumstances cause them to live in public housing will be among the most saturated. 5G is a hazard that threatens my grandchildren as much as it threatens you and yours. This is a major issue where we could all work together towards public health and against any extreme.

Very truly yours,



Harry V. Lehmann