

Harry Vere Lehmann
Principal Attorney

Law Offices of Harry V. Lehmann PC
4 Vineyard Court
Novato, California 94947

Area Code 415
Telephone: 897-2121
Facsimile: 898-6959

April 8, 2019

TO: Sonoma County Supervisor David Rabbitt

RE: 1) 5G Science sources provided:
2) Information on Telecom's Long Con,
3) Explanation of Sonoma's 5G Liability
4) Financial prudence requires an immediate Moratorium

Dear Supervisor Rabbitt -

Fast Overview

On Monday of last week the city of Brussels, Belgium, banned 5G:

"I cannot welcome such technology if the radiation standards, which must protect the citizen, are not respected, 5G or not. The people of Brussels are not guinea pigs whose health I can sell at a profit. We cannot leave anything to doubt."

*- Celine Fremault, Minister of the Government (Brussels-Capital Region),
responsible for Housing, Quality of Life, Environment and Energy*

For further data on the ban in Brussels see the below link:

<https://ehtrust.org/brussels-belgium-and-rome-municipality-oppose-wireless-5g-antennas/>

For the health of all of its residents, especially kids, Sonoma County should not allow 5G here, nor the installation of high density 4G while treaties between cable and Big Wireless bring us Gilligan's Island and the rest of what is now via cable by wireless instead. Sonoma's *best immediate choice* is a Moratorium on density increase permits *until the currently pending 9th Circuit case on the recent FCC regulation is resolved*.

1. The telecom industry has managed an elaborate Long Con in which it has convinced us all that cell phones are safe, whereas the radiation from them causes cancer.

2. There exists overwhelming scientific evidence, some of it likely new to you proving that cell phone radiation causes cancer.

3. Sonoma County faces catastrophic liability from so-called 'small cell' towers erected on county-poles as does any public entity owning such poles. The telecom companies are not insured for injuries from microwave radiation and seek to stick taxpayers with the tab.

4. In terms of the scope of litigation risk, the *least* litigation risk appears to reside from a decision to outright deny all 5G permit requests.

5. Independent of the issues showing long term liability exposure, any permits or contract with industry should be avoided until the outcome of the now-pending 9th Circuit litigation in which many municipalities are challenging the FCC regulation.

Sonoma County taxpayers face crushing liability from 5G antennas

California state and regional and local governments cannot be sued for 'negligence.' For a lawsuit to proceed against the State or an element thereof, the case must, be grounded in a statutorily prescribed Cause of Action. In governmental tort situations, seasoned counsel will file, a Governmental Tort Claim alleging **Dangerous Condition of Public Property** and after of the claim, the central plead liability theory of most such cases is just that, **Dangerous Condition of Public Property** as provided for in Government Code 835.

The defendants in a lawsuit do not get to choose whether to be sued. That choice is made by plaintiffs' counsel. There is no way for any industry representative to honestly claim that the State will not be sued for such injuries. Once the involved cellular antenna box is attached to the involved governmental utility pole, for several reasons including the Doctrine of Fixtures as seen in tenancy situations, a melding takes place, and plaintiffs counsel will allege, consistent with law, that the melded unit as a whole is Public Property.

These *public* utility poles are demonstrably 'Dangerous' within the meaning of Government Code 835, because the radiation they emit has been scientifically proven to be carcinogenic, and the radiation is damaging to the human biological system. Therefore on the above basis, and on other theories including Joint Venture and Joint and Several Liability for the Concurring Acts of Independent Tortfeasors (Summers v. Tice et al) public entities face becoming the insurers for telecom where 5G is concerned.

Whether the FCC power grabs will be found Constitutional or not is now before the Ninth Circuit Court of Appeals. Respectfully, you can't put a puzzle together if the pieces are changing shape and it would be fiscally irresponsible to issue any increased density permits until the 9th Circuit cases are resolved. An immediate Moratorium is financially prudent.

Refusal to issue 5G permits means *less* potential litigation. not more.

If telecom were to sue any public entity, that entity faces only one suit or a few related suits likely to be consolidated. That's only a few lawsuits and Sonoma has strong positions including those mentioned here.

Alternatively, in contractually allowing telecom to use regional entity utility poles binds that entity *as a participant in the tort*, due to joint venture, doctrine of fixtures et al, leaving pole owners permanently open to cases without end. It is reasonable to expect that if 5G is allowed by public entities, each such entity will face suits from injured persons or their survivors, *including under ADA*. If such an entity will simply say no to 5G, the scope of litigation will remain narrow. A Moratorium on 5G presents the greatest opportunity to do good that you will ever encounter in your life in public service.

Financial Prudence favors a Moratorium on 5G permits until 9th Circuit case resolved.

There are legal and Constitutional issues now before the 9th Circuit, where many municipalities, San Jose, Newport Beach, Fairfax, Seattle, et al, have sued to stop the FCC from seizing utility poles owned by public entities. That action was originally in the 10th Circuit, but has been recently transferred to the 9th. It is reasonable and prudent to hold off on any permit issuance until the law has become clarified through this 9th Circuit litigation.

The Long Con

All of us, me too, were misled into thinking that dense towers posed no big risk. For convincing data on this point and well-researched history, see the March 29, 2018 edition of The Nation magazine, here is the link to the article which describes this advertising history:

<https://www.thenation.com/article/how-big-wireless-made-us-think-that-cell-phones-are-safe-a-special-investigation/>

Please make an Internet search for: 'Dr. Henry Lai Seattle Magazine,' see the disclosed industry memo which pitched that the company involved needed to 'war game,' against Dr. Lai of the University of Washington, who proved that cellular radiation breaks DNA strands.

The Science

Most important, please see the below-linked letter from Dr. Golomb, a Professor at the University of California School of Medicine, San Diego, referencing more than 360 scientific sources showing that non-ionizing microwave radiation is dangerous to health.

<https://ehtrust.org/wp-content/uploads/Golomb-SB-649-5G-letter-2017-08-18b.pdf>

For access to a large selection of peer reviewed science on this issue please see the collection at the website of Epidemiologist and Toxicology expert Dr. Devra Davis at:

<https://ehtrust.org/peer-reviewed-published-science-on-radiation-from-4g-5g-small-cell-wireless-antennas/>

The industry's historic position is that living tissue can't be damaged by the non-ionizing radiation from cellular radiation boils down to: *"Non-ionizing radiation does not have sufficient power to displace an electron from its shell. Therefore it is impossible for microwave radiation to cause any direct non-thermal chemical change in tissue."*

However, contrary to the industry pitch, the final report from the National Toxicology Program of the U.S. National Institutes of Health on the NTP's \$25 million study of whether cellular radiation causes cancer shows such causation, and by non-thermal means, even though the *current* FCC risk standards are thermal, way remote from the science. As first announced on May 27, 2016 (see the article that date in Mother Jones), and as said by NTP using the term 'clear evidence' on March 28, 2018, cellular radiation causes the formation of glioma cells, the rootstock of glioblastoma, the brain cancer that kills as demonstrated in the NTP's final report of November 2, 2018. Details at the this link:

<https://www.niehs.nih.gov/news/newsroom/releases/2018/november1/index.cfm>

I respectfully submit that the 'shaken DNA syndrome' nature of DNA strand breakage is illustrated in the University of Maryland interferometer experiments of 1983. As I recall it, that University of Maryland interferometer study showed that addition of a 7.43 percent DNA into plain water caused a 24 fold (*24 times*) increase in Specific Absorption Rate (how much energy the fluid absorbed), *which change in energy absorption was determined to be non-ionic, but rather 'acoustic.'* meaning by transmitted vibration. In that study there was DNA molecular change (increased energy absorption in the DNA molecule) but it was *not ionic*.

In my opinion, a decade of study having lost friends: All these years the industry had been saying, ' the vibration won't hurt you, no harm until you cook.' However, Dr. Henry Lai's findings from the University of Washington School of Medicine proved that DNA strand is broken by exposure to cellular signal, established beyond rational scientific doubt. More recently, please see the calcium ion analysis from Dr. Martin Pall, late of the University of Washington School of Medicine proving cellular damage: Please see a 15 minute video of his 2015 presentation at The Commonwealth Club event organized by EMF safety expert Camilla Rees, <https://vimeo.com/132870272>. For Dr. Pall's scientific studies on the effects of EMF see: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3780531/>.

Conclusion

An immediate Moratorium is the only financially prudent choice to avoid long term contractually based litigation exposure of massive extent.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Harry V. Lehmann". The signature is stylized with a large, sweeping "H" and "L".

Harry V. Lehmann