

A close-up photograph of a honeybee on a bright yellow flower, likely a rapeseed flower, against a soft-focus background of more yellow flowers and a clear sky. The bee is positioned on the left side of the flower, facing right.

INTERNATIONAL APPEAL

Stop 5G on Earth and in Space

Sign the Appeal: www.5gSpaceAppeal.org

AMICUS CURIAE BRIEFS NEEDED TO SUPPORT OUR CASE IN THE SUPREME COURT

If your organization opposes 5G, we need your help. We have an opportunity, on appeal from the Tenth Circuit Court of Appeals, to get the issue of the health and environmental effects of radio waves before the United States Supreme Court this fall. The Supreme Court will only agree to hear our case if we can convince the Court that this is an issue of great and urgent importance to the public health of the nation. Therefore we need as many organizations, and as many different kinds of organizations, as possible to write or join amicus curiae (friend of the court) briefs in support of our appeal.

If you are connected with or affiliated with any organization that may wish to help, please contact Kathleen Prlich, Esq., RN at <kmprlichesq@gmail.com>. Our petition to the Supreme Court must be filed before October 25, 2021, and all amicus briefs in support of us must be filed by November 22, 2021.

We are appealing the [decision](#) of the Tenth Circuit Court of Appeals in [Santa Fe Alliance for Public Health and Safety v. City of Santa Fe](#).

These are the issues that we are bringing to the Supreme Court:

- 1. “Environment” does not mean “health” in Section 704 of the Telecommunications Act of 1996.** Section 704 prohibits local governments from regulating cell towers on the basis of the “environmental” effects of radio frequency (RF) radiation.

It does not say “health” effects and Congress did not mean health effects. Cities and states must be permitted to protect the health of their citizens.

2. People injured by RF radiation have the right to go to court to ask for a remedy.

Section 704 has been interpreted not only to prohibit city councils and zoning boards from considering the health effects of RF radiation, it has also been interpreted to prohibit state *courts* from considering the health effects of RF radiation. People who are injured and killed by RF radiation cannot go to court to ask for damages. They cannot go to court to ask that the cell tower be removed. People who lose their homes and businesses because of cell towers also have no remedy. All state court remedies have been preempted by Section 704, and there is no substitute federal remedy. This violates the Right of Access to Courts that is guaranteed to all persons by the First Amendment to the United States Constitution.

3. City and State laws that permit antennas on the sidewalk in front of homes and businesses constitute a taking of property without just compensation. This violates the Fourteenth Amendment of the Constitution.

4. City, State and Federal laws that prohibit citizens from protecting their health violate several sections of the Constitution. They violate the Right to Free Speech. They violate the Right to Petition the Government for Redress of Grievances. They deprive people of their Life, Liberty and Property without Due Process of Law.

The recent opinion by the Court of Appeals for the D.C. Circuit in [*Environmental Health Trust v. Federal Communications Commission*](#) was not a clear victory and will not stop 5G from continuing to be rolled out all over the country. I discuss that case, and all its implications, below. But the real obstacle to protecting everyone’s health is not the FCC, it is the preemption contained in the Telecommunications Act. We are not suing the FCC, and we are not suing to change the RF exposure standards. We are suing to restore the constitutional rights of every person in this country.

THE OPINION IN EHT V. FCC

On August 13, 2021 the United States Court of Appeals for the District of Columbia Circuit issued its opinion in *Environmental Health Trust v. FCC*. This case actually originated back in 2013, when the FCC issued a Notice of Inquiry asking if it should revisit its RF exposure guidelines that were adopted in 1996. The FCC accepted comments for almost seven years, and collectively the commenters submitted

thousands of pages of scientific studies showing why the FCC's existing guidelines are totally inadequate.

In December 2019, the FCC issued its final order in which it decided not to change its RF exposure guidelines. Not only did the FCC decide not to revisit its guidelines, but the thousands of pages of studies that had been submitted during the seven years of the proceeding went into a black hole and were never even looked at by anyone at the FCC or any other government agency. The Environmental Health Trust and Children's Health Defense sued, and the D.C. Circuit Court has now ordered the FCC to evaluate the scientific studies that had been submitted to it.

But not all of them. Only the non-cancer studies. The D.C. Circuit ruled, in effect, that RF radiation does not cause cancer, and it did so primarily on the basis of the National Toxicology Program (NTP) studies on rats and mice that the petitioners and the amici had focused so much of their briefs on. This part of the court's decision could have been predicted and it hurts our cause. It hurts our case because RF radiation is in fact responsible for *the majority* of cancer in today's world. It could have been predicted because the NTP studies, as I have been saying for three years, were horribly designed and should *never* be cited. A discussion of the NTP studies follows, below.

There is another, crucial aspect of this issue that was not addressed by the petitioners in the D.C. court or by the court itself. And that is the assumption everyone seems to be making that the FCC's exposure guidelines have the force of law. They do not. The FCC was created and is authorized by the Communications Act of 1934, as amended, and that Act gives the FCC no authority or jurisdiction over health. Not only does the FCC have no authority over health, but its RF exposure guidelines that are being used to preempt states and local governments are procedural guidelines only that are not even enforceable. They are not enforceable because they were adopted not under the Communications Act but under the National Environmental Policy Act and are only cutoff values to determine whether or not a company licensed by the FCC must file an Environmental Assessment before it builds a cell tower. The plain fact is that ***there are no mandatory, enforceable RF exposure standards in the United States.*** The FCC does not have the authority to enforce its own guidelines, and none of the agencies that do have such authority, including the Environmental Protection Agency and the Food and Drug Administration, have adopted any RF exposure standards themselves. This is one of the things that we must impress upon the Supreme Court. The real problem does not

lie in the FCC but in the law. It lies in the fact that there are no enforceable exposure limits and that people have no remedy for their injuries.

THE NTP STUDIES

The NTP studies that everyone keeps on citing are terrible studies that should never be cited, especially in a court of law.

The National Toxicology Program is a program of a U.S. government agency called the National Institute of Environmental Health Sciences (NIEHS). And the studies of interest here were studies of both rats and mice that were exposed continuously to cell phone radiation for two years. The official reports of these studies concluded that there were significant increases in a type of malignant tumor called a schwannoma of the heart in animals exposed to the radiation. But this occurred only in male rats, not in female rats, and not in mice. And not with any other type of tumor. And not even with schwannomas in general, only with schwannomas of the heart. Schwannomas in general were equally distributed among both exposed and unexposed animals, even in male rats.

When I looked at the raw data, the exposure setup, and who designed these studies, I was flabbergasted.

Although these studies were conducted by a government agency, the RF exposure facility that the studies were conducted in was designed, built, maintained, and monitored throughout the two years of the studies by the IT'IS Foundation, which receives most of its funding from telecommunications companies: AT&T, Deutsche Telecom, Nokia, Qualcomm, Samsung, Motorola, Mitsubishi, Ericsson, Vodafone, DoCoMo, Intel, TCT Mobile (Alcatel and Blackberry), Panasonic, SONY, the CTIA, the GSM Association, and many others.

The “unexposed” rats and mice were not unexposed. The exposed and unexposed rooms shared walls, were not adequately shielded from one another, and were connected to each other by multiple cables. All the rooms, including the “unexposed” rooms, were monitored by wireless microphones. All the animals ate irradiated food and slept on irradiated bedding. The meters used for monitoring exposure levels could only measure down to 2 V/m. All the RF levels in the exposed rooms were thermal levels of exposure. The actual, measured levels of RF radiation were all over the map, varied from minute to minute, and did not correspond to

what was reported. The “highest exposure” rats were actually exposed to anywhere between 0.734 W/kg and 25.815 W/kg, while the “lowest exposure” rats were actually exposed to up to 6 W/kg, which was the target for the “highest exposure” rats.

The “unexposed” rats had a lower survival rate and higher mortality than the “exposed” rats. Only 78% of the mice, and 50% of the rats, survived to the end of the two years. Only 25 of the 90 “unexposed” male rats survived the two years. They died early of kidney failure, heart failure, and a large variety of benign and malignant tumors. All the surviving rats and mice, “exposed” and “unexposed,” were in terrible shape at the end of the experiment. They had breathing problems, diarrhea, uncoordination, eye abnormalities, tremors, and paralysis.

And as for the numbers of tumors, the most glaring outcome of these studies, that the scientists who published the results did not even comment on, was the thousands of tumors, both benign and malignant, that developed in *all* of the animals, male and female, rats and mice, “exposed” and “unexposed.” This had never happened before in any previous long-term study of the effects of RF radiation on mice or rats and the researchers did not even wonder why. The researchers emphasized the significance of 20 schwannomas of the heart that occurred in the male rats, and ignored the 7,231 tumors including 3,405 malignancies that were evenly distributed among all the animals.

The NTP studies are worthless, and their continued citation can only continue to backfire. My complete two-part analysis of the NTP studies is here:

[NTP Analysis – Part I](#) and [NTP Analysis – Part II](#)

PROTEST PLANNED AT 6G SYMPOSIUM SEPTEMBER 21-22, 2021

As mentioned in my last newsletter, a 6G Symposium will take place at Halcyon House in Washington, DC on Tuesday and Wednesday, September 21-22, 2021. Sponsored by an organization called 6G World, the symposium will host speakers from industry, universities and governments all over the world. The program will begin at 10:00 a.m. each day.

A protest is being planned outside Halcyon House from 9:00 a.m. to 10:30 a.m. on each of the two days. Flyers are being prepared as handouts to be given to the

attendees, the public, and the media. Halcyon House is at 3400 Prospect St. NW in Georgetown. Anyone wishing to participate in the protest should contact Kate Kheel at <team@stop5Ginternational.org> for details about meeting location, parking, etc.

RECENT INTERVIEWS

Nutritionist Nancy Addison recently interviewed me for her podcast:

<https://organichealthylife.com/electricity-wifi-and-life-with-arthur-firstenberg>

Nancy is the author of several books, including “Diabetes and Your Diet,” “Raising Healthy Children,” and “How to Be a Healthy Vegetarian.”

On September 10-12, there will be an online conference called “5G and Our Health” sponsored by Take Back Your Health and hosted by its founder Robin Shirley. Besides myself, a few of the other speakers at this event are shielding expert Daniel DeBaun, building biologist Chris Buonocore, Geobiologist Brian Hoyer, physician and author Tom Cowan, pediatrician Larry Palevsky, Kurt Cobb of SafeG Alliance, natural foods chef Andrea Beaman, and Weston A. Price Foundation president Sally Fallon Morell. The main presentations have already been recorded. In addition to the recorded presentations, there will be live lessons in hardwiring your home, cooking, and qigong. [Reserve your virtual seat here.](#) A portion of the price of all tickets purchased through this newsletter will go toward our appeal to the U.S. Supreme Court.

SMART ELEPHANT

Two summers ago, some students from Grace Prep High School in State College, Pennsylvania were visiting Zambia and stopped to admire a female elephant who was looking at them from the edge of a 10,000-acre wildlife preserve. The elephant had extended her trunk over the wall toward the students and some of them were petting it. One of the girls took out her smartphone to take a picture of the elephant, and the elephant immediately smacked it out of her hand with its trunk and attempted to grab it off the ground. This is a picture of the elephant:



And this is the video of the elephant smacking the phone out of the girl's hand and trying to take it away: <https://twitter.com/FritoCorn1/status/1144755062004228096>

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