

# Petition Filed Asking U.S. Supreme Court to Restore the Right of Americans to Protect Their Health, Their Lives and Their Property From Microwave Radiation

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[Petition Filed in U.S. Supreme Court Yesterday](#)

by [Arthur Firstenberg](#), [Cellular Phone Task Force](#)

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The Santa Fe Alliance for Public Health and Safety filed a petition yesterday afternoon asking the U.S. Supreme Court to rule on a threat to the very existence of this country, and this world.

Twenty-five years ago, Congress passed a law that permitted the unlimited pollution of every square inch of this country with microwave radiation. The polluters – telecommunications companies – were exempted from all liability for injury, death and property damage. Cities and states were forbidden to

protect their citizens. State courts were prohibited from hearing lawsuits. The millions of people who have been injured, killed, and deprived of their income and property by cell towers and antennas have had no remedy for their injuries, deaths and losses.

The law that accomplished this assault on our country is the Telecommunications Act of 1996. Section 704 of that law states:

*“No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”*

The “Commission” is the Federal Communications Commission (FCC), which has no authority over health or environment, and does not even have the power to enforce its own regulations concerning microwave (also called radio frequency) radiation.

The result of Section 704 is that no one has been protecting our country, our citizens, and our environment from this radiation for the past 25 years – not the FCC, not the states, not the cities, and not the courts.

The advent of 5G technology has brought this situation to a crisis point. Like many other cities, Santa Fe, New Mexico passed an ordinance exempting antennas in the public rights-of-way from all land use requirements, and in 2018, franchises were awarded to five telecommunications companies to place cell towers and antennas anywhere they please in the streets and on the sidewalks of Santa Fe. The Santa Fe Alliance for Public Health and Safety immediately filed a lawsuit in federal district court. That lawsuit is now before the highest court in the land.

We are asking the Supreme Court to rule on two related questions:

1. Does Section 704 of the Telecommunications Act of 1996 violate the right of access to courts guaranteed by the First Amendment of the Constitution?
2. Does “environmental effects” mean “health effects” in Section 704?

Either an affirmative answer to the first question, or a negative answer to the second, would immediately restore to all Americans the right to protect their health, their lives and their property from microwave radiation, and would subject telecommunications companies to liability for the injuries, deaths and property damage they are causing.

The petition we filed in the Supreme Court yesterday is here: <https://www.cellphonetaskforce.org/wp-content/uploads/2021/10/Santa-Fe-Alliance-Petition-for-Certiorari-as-filed.pdf>

We need as many organizations as possible to support this petition by joining the amicus (friend of the court) brief that is now being prepared, and which must be filed in the Supreme Court by November 24, 2021. The Supreme Court picks and chooses the cases it will decide, and the more support we have from organizations throughout the world, the more likely the Court will grant our petition and hear our case. The granting of our petition, by itself, will get publicity, and will advance public awareness of this invisible threat to our nation.

Simply talking to one another, putting on conferences, organizing protests, and filing lawsuits against the FCC, which has no authority over health, has not and cannot advance our cause to any significant degree. The proper target for attack is not the FCC, but the unconstitutional law that

Congress passed 25 years ago. If your organization would like to join the amicus brief and has not already done so, please send the following information to me at [<info@cellphonetaskforce.org>](mailto:info@cellphonetaskforce.org) as soon as possible:

1. Organization's name, email address, mailing address, and phone number
2. Your name and your role in the organization
3. Organization's website and social media URLs (if any)
4. Roughly, how many members?
5. Mission statement
6. Is your organization for profit?
7. Any other information you would like to share Thank you.

Donations in any amount are always appreciated. This litigation has been costly. The Cellular Phone Task Force is a 501(c)(3) nonprofit organization, and donations from U.S. residents are tax-deductible.

**[~Donate~](#)**

**Arthur Firstenberg**

Author, [The Invisible Rainbow: A History of Electricity and Life](#)

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