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RELEASE: MARCH 23, 1982

VICTORY FOR PERSEVERANCE

There is an old quotation whose source I do not know, which reads like this: "Nothing in the world can take the place of persistence. Talent will not; genius will not; education alone will not. Persistence and determination alone are omnipotent."

I was reminded of that quotation when I read the news account of the recent court decision which held unconstitutional an Illinois law requiring fluoridation of public water supplies. The victory in the 14-year-old case was due solely to the persistence and determination of one Alton, Illinois, homemaker named Ruby Hale.

Few people would have had the initiative to start such a case without major financial backing. Fewer still would have had the perseverance to continue the battle over 14 years, through assignment to eleven different judges, while the state of Illinois invoked every postponement and delay which ingenious lawyers could devise.

Mrs. Hale brought the case in the name of her little Illinois Pure Water Committee against the big State of Illinois and the Illinois Department of Public Health. The Illinois Environmental Protection Agency later joined the case against her. She had to change her own attorney a dozen times.

It is a sad commentary on the American court system that, although the appellate court ordered her case to trial in 1968, it never actually came to trial until 1980. The trial lasted 40 days over a ten-week period, from April 14 to June 20, 1980. Because of the pressure of his other caseload, it took Judge Ronald A. Niemann of Salem, Illinois, until February of 1982 to render his decision, which ran 37 pages.

According to Mrs. Hale, the reason the trial lasted 40 days was that the lawyer for the other side consumed so much time asking the anti-fluoridation witnesses who was paying them. Apparently, he thought Mrs. Hale would be overwhelmed and have to give up because of the tremendous expense of a 40-day trial.

But Mrs. Hale produced a star witness, Dr. John Yiamouyiannis, the world's leading expert on biological effects of fluroides. He is president of the Safe Water Foundation

of Delaware, Ohio, and science director of the National Health Action Committee.

Dr. Yiamouyiannis provided scientific evidence of a possible cancer-fluoride link which the court found persuasive. He effectively disputed claims made by dental associations and by government agencies.

The judge did not rule that fluorides cause cancer, or that a health hazard from fluoridation was conclusively proved. He said that testimony convinced him that "a risk exists of serious health hazards." He concluded that the plaintiffs raised the possibility of a health danger and that the state had not done the scientific research or statistical studies necessary to assess the potential hazards.

The lawyer for the anti-fluoridationists argued that "once we showed some harm, it seems the state has an obligation to show fluoridation really is safe." But the state presented no evidence that fluoridation of drinking water is safe.

Commenting on the decision, a spokesman for the American Dental Association in Chicago argued that fluoridation is "the safest, most effective, most economical measure for the prevention of tooth decay." But nevertheless, Judge Niemann said in his decision that, "under cross examination, Dr. Lance [the state's chief witness] said that she knew of no published study which tended to show that fluoride added to the drinking water at the level of one part per million reduces tooth decay under laboratory conditions."

A jubilant Ruby Hale, whose Pure Water Committee grew from its original 20 members to 2,000 fluoride fighters (including a number of dentists), said, "This is an important victory because now the people have a right to choose."

The court decision means that a court has added fluoride to the list of modern health hazards -- a list which the court said also includes cigarette smoking, the use of some tampons, exposure to asbestos, and toxic waste dumps such as the Love Canal. The decision affects all public water supplies in the state of Illinois, and is expected to have a major impact nationwide and even internationally.

And it all started with one homemaker in Alton, Illinois, who believes that it is unconstitutional to force medication of any kind on people without their permission, especially when there is considerable evidence that the medication is a health hazard.