

COMMONWEALTH OF PENNSYLVANIA



SUPREME COURT  
SIX GATEWAY CENTER  
PITTSBURGH, PENNSYLVANIA 15222

JOHN P. FLAHERTY  
JUSTICE

July 31, 1979

Sir Dove-Myer Robinson, Mayor  
Auckland, New Zealand

Dear Sir Mayor:

I am in receipt of your letter of July 25, 1979, and thank you for it.

You are correct that I entered an injunction against the fluoridation of the public water supply for a large portion of Allegheny County, Pennsylvania. I did this after a very lengthy series of hearings on the issue. The trial brought into my court experts on the subject of fluoridation, and I meticulously considered the objective evidence. In my view, the evidence is quite convincing that the addition of sodium fluoride to the public water supply at one part per million is extremely deleterious to the human body, and, a review of the evidence will disclose that there was no convincing evidence to the contrary. Since my decision, I have received hundreds of letters, quite a few of which have been sent by physicians and dentists, all concurring with my decision. Contrary to your information, my decree has not been set aside by a higher court. Presently, the issue is on appeal to the Commonwealth Court of Pennsylvania, but the appeal involves merely the jurisdiction of the court--it does not involve the substantive merits of the case.

Prior to my hearing this case, I gave the matter of fluoridation little, if any, thought, but I received quite an education, and noted that the proponents of fluoridation do nothing more than try to impugn the objectivity of those who oppose fluoridation. I seriously believe that few responsible people have objectively reviewed the evidence. If you are interested, I suggest that you review the twenty-eight hundred pages of testimony and all of the exhibits presented in this case.

Thank you very much for your inquiry.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "John P. Flaherty".

JOHN P. FLAHERTY  
Justice  
Supreme Court of Pennsylvania

JPF:p:d

P.S. I enclose a copy of a letter I received from the Chancellor of Fairleigh Dickinson University, which is representative of the hundreds I have received.

Fairleigh Dickinson University

Chancellor's Office

140 Ridge Road

Rutherford, New Jersey 07070

201 . 438.6134

201 . 438.1970

PETER SAMMARTINO  
CHANCELLOR

December 19, 1978

The Hon. John P. Flaherty, Jr.  
Alleghany County Common Pleas Court  
Pittsburgh, Pa. 15219

Dear Judge Flaherty:

Every once in a while a judge makes a watershed decision of great moral impact. You have made one in regard to fluoridation. It will take about five years for the turn of events to catch up with the seriousness of your decision.

Having founded a school of dentistry I accepted fluoridation like everyone else and had faith in my faculty, in the A.D.A., in the Public Health Service which made sizable grants to our school.

Then one day I read somewhere that water for kidney machines had to be defluoridated. Since I am prone to kidney stones, the statement aroused my interest. I found that the fluorides combine with the calcium in the body and could cause serious illness or even death.

I began to ask my dentists all of whom are specialists in the field and for whom I have great regard. In a pleasant way they said, "Look Peter, this is not your field. Fluoridation is good and it decreases cavities by 60%."

But I began to read and the more I read the more I became convinced that fluoridation was evil. I began to prod the A.D.A. Again, the cavalier response: "Why everyone knows fluoridation is good. Do you think the Public Health Service would be for it if it wasn't good?"

So I began to poke around in Washington. I ran into a wall of gobbledegook. They pointed majestically to the Kingston-Newburgh experiment. Well, I read the report of that experiment six times. That was the most unscientific and souped-up experiment ever foisted as a breakthrough.

The strange part of it all is that the Department of Agriculture tells farmers not to use fluoridated water, and of course, the F.D.A. forbade the manufacture of pre-natal fluoride tablets.

But even if the case for the 60% decrease had been established (which it hasn't) the fact remains that in the United States and in a number of other countries, it is becoming abundantly clear

that the medical side-effects are most serious.

And then, even if fluoridation were effective and even if there were no side effects, the forced medication is totally repugnant to basic principles.

Now, it is becoming evident that the fluoridated communities have eventually a higher rate of tooth defects than non-fluoridated communities.

I am 74 and it doesn't make too much difference to me, but when I think how every day, in fluoridated communities, we are adding a little poison to bodies knowing full well that some of it (probably about 40%) is cumulative, I cringe at our stupidity.

You probably will find that the greatest decision of your professional career will be that on fluoridation and that should give you the greatest moral satisfaction.

I should like to meet you sometime. Do you ever come to New York? Perhaps we could have lunch or dinner at the Univer Club.

A Merry Christmas to you.

Sincerely,

Peter Sammartino  
Chancellor

Note:

Justice Flaherty's 1978 decision to stop fluoridation, was overturned by a higher court, solely on jurisdictional grounds. Some claim it was overturned for other reasons. The scientific evidence of harm established in the lawsuit remains intact. Justice Flaherty's 1/5/96 letter sets the record straight.

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SUPREME COURT

JOHN P. FLAHERTY  
JUSTICE

SIX GATEWAY CENTER  
PITTSBURGH, PENNSYLVANIA 15222

January 5, 1996

Ms. Carol S. Kopf  
104 Meridian Road  
Levittown, New York 11756


Dear Ms. Kopf:

Thank you for your letter. My decision regarding the fluoridation of the public water supply, made during my tenure as a trial judge almost twenty years ago, was, on appeal, purely a jurisdictional issue, thus you are totally correct in your understanding.

Over the years the scientific establishment has taken a more serious interest in the subject of fluoridation than it did at the time I made my ruling. Responsible concerns have been expressed in respected scientific publications, and statistics, then seriously sacrosanct, now questioned. That the practice is deleterious is more and more accepted -- its utility doubted, yet there remain those who promote the practice!

Again, thank you for writing and I hope this answers your inquiry.

Sincerely,

  
JOHN P. FLAHERTY  
Justice  
Supreme Court of Pennsylvania

JPF:pdm

Note:

In 1978, Justice Flaherty made a landmark decision in a major court trial with lengthy hearings and almost 3,000 pgs. of testimony, that he was "compellingly convinced" of the serious health hazards of fluoridation. His scientific background makes his decision even more significant.



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Note:

In 1988, Justice Flaherty re-affirms his convictions that fluoridation is a very dangerous practice. In correspondence he has written: "there is strong, indisputable evidence that fluoridation, even at 1 p.p.m., is extremely deleterious to the human system."

JOHN P. FLAHERTY  
JUSTICE

January 26, 1988

Ms. Evelyn Hannan  
Post Office Box 263  
Old Beth Page  
New York, New York 11804-0263

Dear Ms. Hannan,

Upon my return from Philadelphia I found your letter of January 19, 1988 and its enclosures dealing with the subject of fluoridation of the public water supply. Please excuse my delay in responding.

It has been years now since the case involving fluoridation was before me as a trial judge, but since that time nothing I have seen changes my view of the serious hazards occasioned by public fluoridation. To the contrary, what I have read convinces me all the more that indepth, serious, scientific effort should be undertaken before further expanding a questionable practice. Those who belittle critics of fluoridation do the public a mis-service, yet it seems in the face of strong, uncontradicted prima facie evidence, that is the tactic most often employed.

Whether government has the right to force what it perceives as a benefit to the public was not directly before me in the case, but that also is to be pondered.

My hope is that groups such as yours\* will spur the scientific community into an objective posture on this issue.

I enclose an essay which was sent to me a few years ago focusing on the issue presented by analyzing epidemiological law data. Perhaps resolution of this narrow question will provide the answer.

Thank you for writing.

Very truly yours,

JOHN P. FLAHERTY  
JUSTICE  
SUPREME COURT OF PENNSYLVANIA

\* (Letter to New York State Coalition Opposed to Fluoridation, Inc.)

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JOHN P. FLAHERTY  
JUSTICE

April 30, 1981

Ms. Carol S. Kopf  
104 Meridian Road  
Levittown, New York 11756

Dear Ms. Kopf:

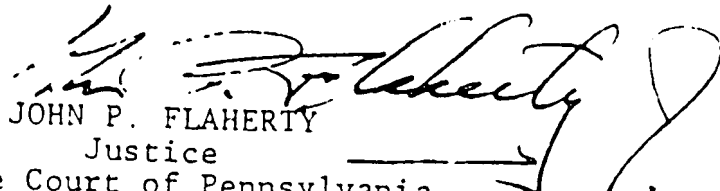
Upon my return from Philadelphia I received your letter of April 25, 1981 regarding my decision in the case of the fluoridation of the water supply in Allegheny County, Pennsylvania.

Quite to the contrary, my decision was not "thrown out of court because of a lack of evidence." I enclose here-with a copy of a letter I sent some time ago to one inquiring about the status of that case. In answer to your question, therefore, Dr. Carnahan uttered a mistruth to you, which is somewhat typical of the methods of those promoting fluoridation, so I have found.

Enclosed please find a copy of my Opinion along with items of correspondence representative of those received.

You might note that Quebec has recommended the suspension of fluoridation pending an unbiased and independent study. My only hope is that, some day, there will be a responsible inquiry into the practice of fluoridating the public water supply. There is every indication that this a horribly dangerous practice.

Very truly yours,

  
JOHN P. FLAHERTY

Justice

Supreme Court of Pennsylvania

JPF:pld

Enclosures