

STARTING POINT

Welcome to SUFFOLK, the new monthly magazine designed especially for you!

Explore with us the many exciting faces of Suffolk County: its beaches and cultural centers, its industries and schools, its restaurants and sports arenas, its politics and scientific contributions, its past and its present, the place where we live.

Life here cannot be dismissed with the one word suburbia. We have developments that sprang up yesterday cheek by jowl with hamlets that have been thriving communities since the 17th century. We have residents whose families have never lived anywhere else as far back as anyone can remember. And we have newcomers in search of the good life.

There is a splendid diversity in every field. We will introduce you to the people behind the headlines, the people who have the power to make changes as well as those who work hard to preserve the best that is already here.

In the months to come, we'll bring you interesting and entertaining articles about the things that make Suffolk tick. We'll look at:

the emerging Long Island Philharmonic - the shifting sands beneath the new orchestra's first season.

the Pine Barrens, Long Island's last source of clean water and a living museum of natural history.

the new industry of the Shinnecocks in Southampton.

the birth of vineyards and the beginning of some vintage years for Suffolk.

and more, more, more!

Join us every month and see just how rewarding life can be in SUFFOLK.

Teri Bardash

Publisher

Suffolk

VOLUME NO. 1 ISSUE 1



page 31



page 38



page 58

Features

Touring Suffolk	10
Suffolk's Main Street?	34
Soldiers, Androids, and Wizards	38
A Lake for Fisherpeople	42
A Thriving Guild	44
Boiled Lobsters	47
A Glimpse of a Bygone Suffolk	52

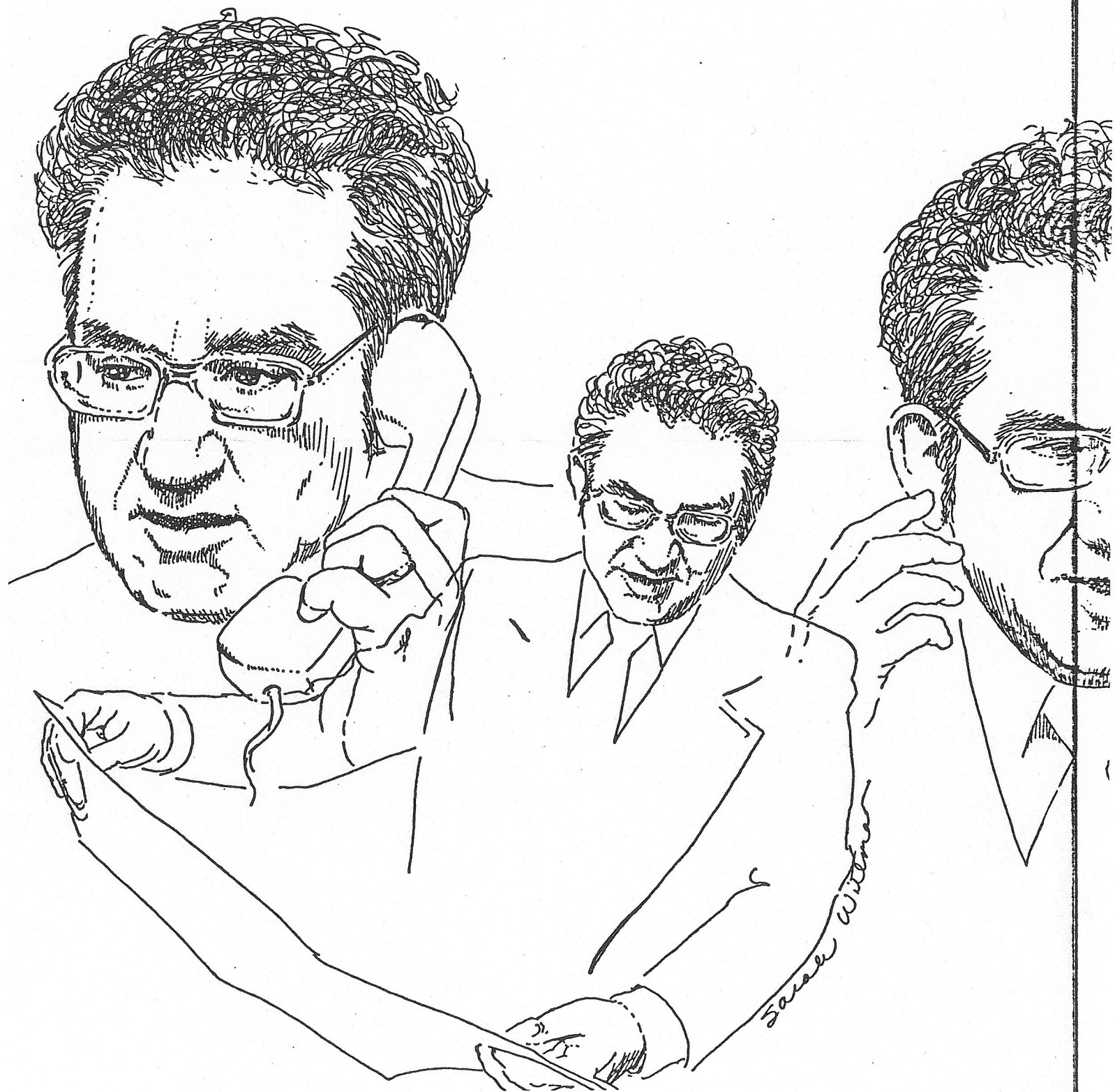
Departments

Starting Point	2
Suffolk Starters	4
Calendar Listings	16
Calendar Highlights	28
Behind the Signs: Bellport	31
After Five	56
Suffolk Profile: Victor Yannacone	58
Shopping Basket	64
Suffolk Scenes	68

Begin next Pg. ← *

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SUFFOLK is published monthly by Isis Publishing, Inc., Box 470, East Setauket, N.Y. 11733. Mary Tynan Weber, President; Susan Bridson, vice-president; Teri Bardash, secretary-treasurer. Controlled circulation pending at Hanover, N.H. and additional mailing offices. Copyright 1979 by Isis Publishing, Inc. All rights reserved. No part of this publication may be reproduced without written permission. No responsibility is assumed for unsolicited material, but story outlines may be submitted. Subscriptions: 1 year for \$12; 2 years for \$18. Please direct all subscription inquiries to: Subscription Department, SUFFOLK Magazine, Box 470, East Setauket, N.Y. 11733.



VICTOR YANNAZONE VS THE WORLD OF CHEMISTRY

SUFFOLK PROFILE

by Mary Tynan Weber



The beleaguered and often abandoned veterans of the Vietnam War have found themselves a general to lead them into what may be their biggest fight. The battleground is a federal court in Westbury, the enemy five major chemical companies who produced the defoliants used during the Vietnamese War. The general is Victor Yannacone Jr., a self-described "country lawyer" from Patchogue, the same attorney who helped form the Environmental Defense Fund and led the battle against DDT.

Between 1962 and 1970, the United States sprayed 107 million pounds of toxic herbicides—including Agent Orange—over six million acres of Vietnam. Agent Orange contained 2,4,5,T—a dioxin-tainted herbicide and one of the most deadly substances known to man. The veterans say their legacy from this has been tumors, cancer, neurological disorders and horrendous birth defects in their children.

This campaign, like any other, has a command center: an old house on Rose Avenue in Patchogue, filled with three computers and stacks of books and files. Like any command center, it's a place of noise and confusion with constantly ringing phones and visitors who gingerly find their way through cartons and stacks of files—all research on the Agent Orange case.

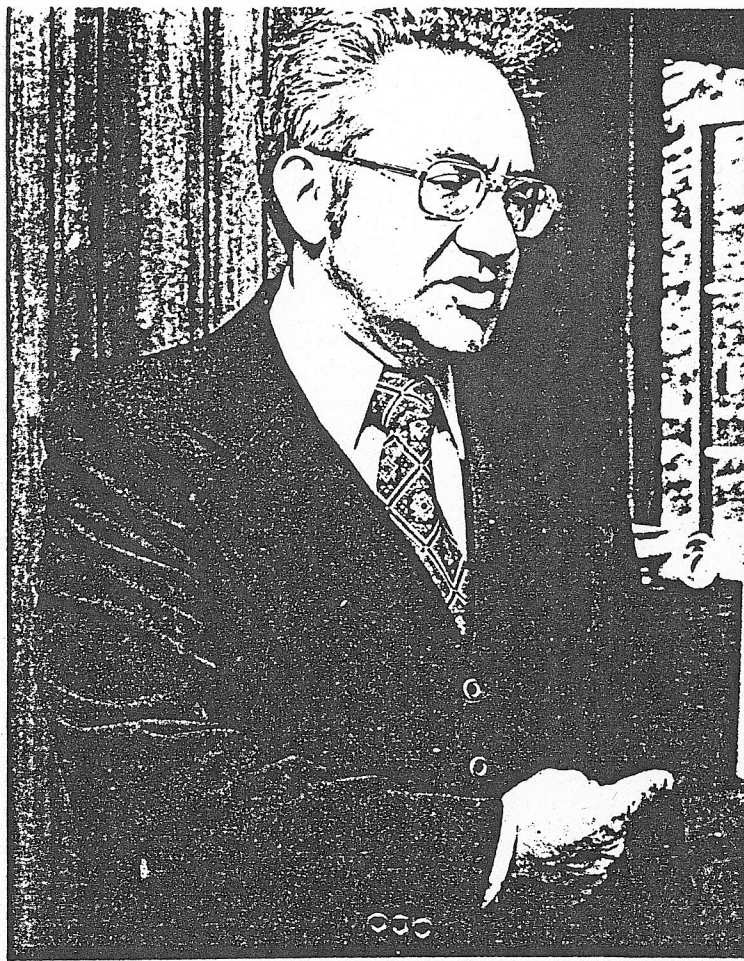
In the midst of it is Yannacone who conducts a freewheeling two hour interview while answering phones and talking to his secretary and to his wife, Jinx. He never stands still, pacing back and forth as he argues on the telephone, reaching for the proper file or book and answering the questions of aides.

His secretary, Muriel Aldrich, looks on in dismay, telling a visitor, "I promised you an interview but I didn't say it would be uninterrupted."

This day is crazier than usual because it is shortly before a hearing and veterans and lawyers are calling for more information. On top of that, a newly installed computer isn't working right and a technician adds his questions to the confusion.

Yannacone, who obviously loves electronic gadgets—he installed his stereo himself—fields questions in between phone calls while a variety of music plays on the stereo until his secretary protests the noise level. At one point Jinx shushes him as he is describing symptoms of Agent Orange in vivid detail. She is talking to a veteran long distance and it isn't clear whether she can't hear her caller, or doesn't want the caller to hear Yannacone's frightening remarks.

What is clear is that Agent Orange has taken over a good deal of their lives. Jinx says she has always helped her husband in his law practice but now she is at it seven days a



week, interviewing would-be clients, doing research, answering phone calls, seeking medical help and information.

It was not a case Yannacone really wanted, he says, but now he is involved all the way.

It started with young Paul Reutershan, a helicopter crew chief in Vietnam who was dying of a "virulently malignant, rapidly metastasizing gastro-intestinal cancer."

From the opening remark, it's obvious Yannacone does not mince words or try to prettify the horrible – a trait that is at once his biggest asset and biggest defect.

He took the Reutershan case at the request of another law firm but before it could come to trial, Paul died. That was in December. "By New Year's Eve, we knew we were going to file a class action suit. The suit was filed in district Federal court on Monday, Jan. 8 at 11 a.m. and the phone didn't stop ringing from noon until well after midnight. One call came from Hawaii."

The newspapers carried stories and within a month Yannacone had 100 inquiries from sick and dying veterans. Then came February and 12-year-old Marcelle Jean Smith of

Allentown, Pennsylvania – the first child. She was born with one eye, a missing ear, cleft palate and club foot – a syndrome that has been seen in laboratory animals exposed to dioxin, according to Yannacone.

Soon he and his wife were screening ten to 20 cases a week, carefully ruling out any other cause for birth defects. Each case, Yannacone says, was checked against the medical profession's "bible" – a fat volume edited by McKusick called *Development Defects and Syndromes*. He will not take a case if the child's condition is described there or if the defects could be caused at any single point in pregnancy by some insult to the fetus, or explained by family history.

He is passionate about these children. "There is no mental retardation. Every one of these poor children knows exactly what is going on. They are all going to grow up and they are all going to need a lot of help."

One in particular he has gotten close to – eight-year-old Kerry Ryan of Stony Brook who was born with 18 different birth defects and suffered a brain stem stroke at the age of two. Bright-eyed, aware, Kerry has been



in and out of courthouses and congressional hearings since the start of this thing, accompanied by her father Michael (who suffers from the tell-tale Chloracne that is the mark of many vets), her mother Maureen, and seven-year-old Claire Yannacone, Victor's daughter. The two girls have become buddies, talking and giggling in the courthouse corridor, and sitting solemnly at the hearing until they begin to get bored and turn to reading a book or whispering to their mothers.

As for the adults, Yannacone has a long list of the symptoms he says are typical to Agent Orange exposure. It starts with the Chloracne rash and here is often a liver dysfunction which shows up in complete intolerance for alcohol. Then there are the cancers — made more horrible because in many cases these veterans can't get relief from the usual pain killers due to their liver problems. There are also neurological problems including a multiple sclerosis-like disease.

"For years they've been absolutely ignored," Yannacone explodes. They've been told their children are freaks of nature. Some families had a

second child before they realized." Yannacone says the Veterans' Administration's attitude "has been a disgrace. They've done absolutely nothing."

It's certainly not that no one knew what this stuff could do. Back in 1970, Jacqueline Verrett of the U.S. Food and Drug Administration — the same researcher who discovered the carcinogens in cyclamates — told a U.S. Senate subcommittee that dioxin is "100,000 to a million times more potent" than thalidomide as a cause of birth defects. Despite that testimony, herbicides containing the contaminant dioxin were heavily used in this country until March of this year when the Environmental Protection Agency issued a temporary suspension order forbidding the sale, use, or transportation of the stuff. Two exceptions were allowed — the herbicides can still be sprayed on ricelands and grazing lands where beef cattle feed.


The VA too became officially aware in 1977 when Chicago benefits counselor Maude DeVictor began to make the connection and documented 27 cases of cancer among Chicago veterans in which the only

apparent common factor was exposure to dioxin. Still the VA continued to say there was no proof of a causal relationship between dioxin and the veterans' health problems. So the affected veterans formed their own organizations and finally began to get attention recently after Congressional hearings and the start of the suit.

So far, Yannacone has won some and lost some in the court battle that will continue with arguments before the Federal Court Judge George C. Pratt this month. Pratt refused to ban all civilian uses of dioxin-contaminated herbicides as Yannacone requested, saying that primary jurisdiction for regulating pesticides lies with the Environmental Protection Agency. He directed Yannacone to prune his massive original brief and base his liability claims only on federal common law.

On the other hand, Pratt denied the chemical companies' request that Yannacone be barred from discussing the case with reporters or veterans' groups, citing the unique nature and public importance of the litigation. Four of the companies — Monsanto, Hercules, Diamond





Shamrock, and North American Philips – had asked for the gag order while the chief defendant, Dow Chemical, said it was improper.

Attorneys for the chemical companies said they were not trying to restrict the press but were concerned that Yannacone was soliciting new clients. The charge was hotly denied by Yannacone and by Hyman Herman of Deer Park, another attorney who has joined Yannacone in the court action.

"Nowhere is there any evidence of soliciting, nowhere is there any intention of soliciting," said Herman in court. Another attorney, Brendon Stynes, pointed out there was no need to solicit since clients come to them. This was confirmed by the veterans and their families who were sitting in the audience. Both the Ryans and John and Linda DeBoer of North Babylon commented that they had called on Yannacone once they heard of the suit.

Yannacone himself described the charge "as an affront to my integrity" and a "most insidious attempt to cover up a scandal," while Judge Pratt commented mildly that he thought Yannacone was overreacting and "exaggerating the implications of the request."

That tendency to dramatize and exaggerate amuses and delights the veterans who tell Yannacone stories and it infuriates Yannacone's detractors who complain he is a showman who plays to the press. There is no doubt of his flamboyance and occasional abrasiveness but there is also no doubt he does his homework and attracts talented people to help him.

This day in court, he came prepared with two bulging suitcases of paper although the judge had already remarked on the quantity of paper he had to read. For the most part, his manner was – for Yannacone – subdued, although, at one point, opposing attorney Leonard Rivkin complained that "the boys of the press" were taking down every word.

Earlier, Yannacone had exulted in the fact that "lawyers from all over the country with nothing to gain are helping – including Herman, his partner Norman Abrams, James J. Kelly of Deer Park, Brendan Stynes of

Garden City, Albert J. Fiorella of Mineola, and the husband and wife team of Milton and Shirley Mokohtoff – all experienced trial lawyers with solid reputations.

In addition John Schniper of Philadelphia, one of the authors of a six volume treatise on class action, volunteered to handle the class action part of the case for no fee.

"That's how we know we're on the side of the angels," says Yannacone as he describes the various lawyers from all over the country who have called, looking for information and offering advice. He has an impressive file of clippings which he cheerfully hands over that show the nationwide attention this case has received – in some cases, more detailed attention than on Long Island.

That stubborn certainty and determination that the courtroom is the place to settle serious questions has gained Yannacone both admirers and enemies. Originally in the limelight because of the DDT case in the late 60s, Yannacone broke with the Environmental Defense Fund a year or so later when Fund members complained he wasn't earning his fee. Yannacone says they lost their "nerve" and were trying to be "respectable."

He was "on the side of the angels" in the DDT case and in an earlier case when he resurrected the Dongan patent to reclaim the use of Old Field Beach for all Brookhaven residents. The Dongan patent or charter issued in 1686 gives the Town the power to control all land and waterways in the Town deemed necessary for common use. Since the 60s, the ancient law has been used in several environmental cases. On the other hand, he infuriated conservationists when he defended a developer who proposed to construct a 307 foot observation tower on the Gettysbury battlefield.

Born in Brownsville, the 43-year-old attorney grew up in that mostly Jewish section of Brooklyn and in Patchogue where he attended Seton Hall High School. His checkered academic career included several colleges before he decided on law school and eventual practice with his father.

Continued on page 46

In August of 1978, a group of wells on Hedges Avenue in East Patchogue were found to contain carcinogens including 2,4,5,T contaminated with dioxin. Yannacone says this was not surprising since some companies had sprayed their rights of way with Agent Orange and homeowners had used weed killers containing the toxic stuff in their backyards. It is contained in over 200 herbicides that were used widely all over Long Island until the March 1st ban. It's also a component of septic tank and cess-pool cleaners.

The Hedges Avenue residents were the first in a long line to come before Brookhaven Town Board asking for aid in hooking up to the Suffolk County Water Authority since their wells were toxic. The town has spent all of its remaining Community Development Funds to aid neighborhoods in Patchogue, East Patchogue, North Bellport, and Gordon Heights and the end is not in sight. More tragically, Yannacone says the contaminated water has already claimed its first victim: one young couple on Hedges Avenue has lost

Continued on page 51.

YANNAZONE

As an attorney, he has plunged into controversy over and over again although no case has been as absorbing as this one. Yet he still has time for a related case involving dioxin and cancer – this time not in the jungles of Vietnam but the suburbs of Brookhaven.

YANNAZONE

their baby to cancer. Another two residents have cancer.

Yannacone is suing the same five chemical companies and unsuccessfully has tried to persuade the Town Board to enter the suit with him but they have refused, despite several angry sessions this past winter and spring.

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The problem is particularly deadly on Long Island since the water supply does not come from rivers, which can cleanse themselves, but from underground aquifers. "What God and a glacier took 10,000 years to give us can be lost in a generation," he says, repeating one of his favorite warnings to the Board.

He is openly angry and disgruntled with Brookhaven officials, publicly berating and privately chiding them for not doing anything. Only Town Clerk Eugene Dooley has joined the suit as a private citizen. Other Town officials feel Yannacone is in the case for his private gain or that he is too controversial to get involved with.

George Proios, Director of the Town's Department of Environmental Conservation, comments that the Town would not get involved because: "The Town Board doesn't like Vic and that's a crazy reason." Proios - who is currently doing a lengthy study on the amount of contamination from all sources - says

that Yannacone had good witnesses and good evidence. While many might object to his style - or even question his motives - few question his knowledge. In 1971 a two volume work of his "Environmental Rights and Remedies" was published by the Lawyers Cooperative and is considered a definitive treatise on environmental law.

This thoroughness seems to pervade all his work, including his bread-and-butter cases before the Workmen's Compensation Board. In the midst of Agent Orange, he is still handling these clients. And, with typical thoroughness, he recommended second medical opinions for veterans. Yannacone says he did this when he learned that the VA was treating Chloracne with cortisone (which had no effect on the condition and could itself cause serious problems). He contacted Dow Chemical to find out the proper treatment and passed the information along to the vets.

He credits his legal adversary with being cooperative with information. Yannacone himself does not hesitate to call on chemical company employees as witnesses, figuring they should know their products better than anyone else.

On the side of the angels or not, Yannacone is certain to break new ground and make new law that will go far beyond Long Island in its impact.

FARM STAND

squash, gourds, pumpkins (incl. cheese). Before frost they will have corn, tomatoes, etc.

Spruce Acres on Rte. 25, 1000 ft. off Edwards Ave. (going west). 727-4772. 10-6 every day until New Years then only Thurs. through Sunday until April. Cabbage (incl. savoy), cauliflower (incl. purple cauliflower), broccoli, gourds, Indian corn, turnips, tomatoes, potatoes, apples (many varieties), and cider. Squash (acorn, hubbard, banana-same as spaghetti).

Lewin Farms Sound Ave., Wading River. 929-4327. Hours 8-6 until Nov. 1. Cider, apples, pumpkins, gourds, Indian corn, winter squash, tomatoes, eggplant, zucchini. Also a full line of Maple grove products: jellies, preserves, syrup, honey, cone honey.

Reeve Farm on Sound Ave. between Co. Rd. 105 and Doctors Path in Northville. 727-1095. 10-5 weekends and holidays only until Thanks-

giving. Broccoli, cauliflower, cabbage (savoy, red and green), Brussels sprouts, pumpkins, gourds, Indian corn, apples, winter squash, purple cauliflower.

Fox Hollow Farm Sound Ave., Calverton. 727-1786. 9-5:30 daily until Oct. 31. Pumpkins, Indian corn, squash (butternut and acorn), apples, cider, summer squash, corn, tomatoes, cabbage, cauliflower, broccoli.

Sunburst Acres Sound Ave., 1/4 mile east of Northville Tpke. in Riverhead. 10-5 daily, Sundays 9-6 until Thanksgiving. Cabbage, cauliflower, Brussels sprouts, broccoli, potatoes, fall squashes, tomatoes, pumpkins, gourds, Indian corn, green beans. Specialty: homemade jams and jellies.

Louis Gatz 120A Sound Ave. 722-3703. 9-5 daily until the beginning of Dec. Cabbage, cauliflower, broccoli, turnips, potatoes, pumpkins.

Little Chief Farm Stand Main Rd. (Rte. 25) 1/4 mile east of Brasby's Restaurant in Aquebogue. 722-3077. 8:30-6 daily until Thanksgiving or later depending on weather. Corn, tomatoes (until frost) then: cauliflower (incl. purple), cabbage, broccoli, Brussels sprouts, onions, potatoes (incl. russet), Indian corn, many varieties of pumpkins and squashes. Local but not own apples and cider. Specialty: corn stalks for decorating. Also freezer specialties available for people who buy in bulk with big discounts.

Skelly Farm Stand Rte. 25 in Aquebogue. 722-3796. 9-5:30 every day until Thanksgiving after that not every day but until Christmas. Produce: cauliflower (incl. purple), Brussels sprouts, broccoli, turnips, squash (incl. spaghetti, acorn, butternut), white, red, Spanish onions and shallots, yams, sweet potatoes, celery, fennel, apples, pears, apple cider, pumpkins, cabbage (incl. flowering cabbage), collards, kale, gourds, and some summer things until frost incl. tomatoes, spinach, peppers, cucumbers, radishes, scallions, beets and kohlrabi. Specialties: L.I. duckling, duck eggs, homemade breads and cakes.

McKay's Farm Stand Main Rd. (Rte. 25) Aquebogue. 722-4142. 9-6 every day until Christmas Eve. Cauliflower, broccoli, carrots, Brussels sprouts, cabbage (red and white), varieties of pumpkin and squash (incl. butternut, spaghetti). Specialties: jellies and jams, chrysanthemums, dry statice (dried themselves).

Manor Hill Farms Main Rd. (Rte. 25) in Cutchogue 1 mile west of Cutchogue village. 298-8682. 9-5 every day at least until Thanksgiving if not later depending on weather. Brussels sprouts, cauliflower, broccoli, potatoes, some summer squash left and cucumbers until frost, turnips, pumpkins.

Farmer Mike's Farm Stand on Rte. 25 in Cutchogue/Peconic area. 734-6959. 9-5 every day until Dec. 1. Cauliflower, Brussels sprouts, corn until frost, squashes, gourds, pumpkins.

YANNAcone

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