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CHATS WITH THE WEATHER MAN

RELEASE Friday, January 6, 1933

FOR BROADCAST USE ONLY

Reading Time: 10 Minutes.

ANNOUNCEMENT: And now for our Chat with the Weather Man. Today the Weather Man recalls a few interesting tales about how Uncle Sam's weather men help the courts solve baffling murder cases, and damage suits.

—oOoo—

I remember reading a story in one of my first history books about how Lincoln used an almanac in court to save a man from the gallows.

Perhaps you know the details of that story better than I.

But, as I recall, a certain man was on trial for murder. One of the witnesses testified he saw the accused man commit the murder by the light of the moon. Things looked bad for the defendant. But, the young lawyer—Lincoln—had an idea. The witness had testified he saw the details of the murder in the moonlight. But was the moon shining at the time of the murder? Lincoln consulted an almanac. It was not. The accused man went free.

That may sound like a rather unusual case. But it isn't. Dr. C.C. Clark, of the United States Weather Bureau, tells me astronomic and weather records figure in thousands of court cases every year.

However, the procedure in such cases has changed a great deal since Lincoln's day.

Lincoln, himself, presented the record of the moon's rising.

Today, a lawyer in a similar case would more than likely call on one of Uncle Sam's trained weather men to present such testimony. He would call the weather man into court as an "expert witness."

Lincoln went to court armed with an almanac.

The present-day weather witness would likely find the almanac quite inadequate. To be sure, he might look in his almanac and find that the sun, or moon, rose, or went down at such and such a time on a particular day. But when a lawyer asked him, "How much rain—if any—fell on December 16, 1928?" or "What was the temperature at midnight on January 23, 1925?" or "Was there any fog on March 4, 1931?" I'm afraid the almanac would be found wanting. At least, I'm sure no judge would admit the almanac's word as evidence.

Lincoln had a rather clear-cut question: What time did the moon rise on such and such a night?

But, the Twentieth-Century weather witness runs into question after question that would stump a Philadelphia lawyer. At least, the questions would stump a Philadelphia lawyer of Lincoln's day.

For instance, Dr. Clark told me of a suit brought by a furniture company against one of the big railroads.

The furniture company shipped a car of furniture from North Carolina to the Northwest. When the car arrived at its destination, the furniture was dripping with water; the veneer and finish of the furniture were completely ruined. The furniture company sued the railroad to recover damages.

"You ruined our furniture through negligence," the furniture company charged.

"We were not responsible," the railroad replied. "The damage occurred through an 'act of God'--- through conditions beyond our control."

How would you settle a dispute of that kind?

Well, the Philadelphia lawyer might scratch his head quite a while over that question. But not the trained weather man. The weather man who testified in that case looked up the route that carload of furniture took in going from North Carolina to the Northwest. Then, he got out his weather records to get the relative humidity---in other words, to see how "damp" the air was---at various points along the route. His records showed the furniture passed through regions where the air was very damp.

The court examined those records and then said to the railroad: "You could and should ---have known about that weather condition and should have prevented damage to the furniture by proper ventilation of the car. So, we hold that you must pay the furniture company damages."

Clark told me about another case that wound up in much the same way.

The sewerage department in one of our larger cities threw up a bank of dirt across a road while putting in a sewer system. A big rain came along. The bank of dirt caught the water running down the street and backed the water up into a nearby house. The owner of the house charged the water damaged the foundation. He sued the city for damages.

In his suit, the home owner accused the city of negligence. He held the sewerage department should have put in a culvert to carry off water above the bank of dirt.

The city countered with the old, popular "act of God" plea for "limitation of damages." The city said, "Such rains as the one that damaged this man's house are very unusual. We could not foresee a big rain of that kind and so did not take steps to handle the large amount of water that collected behind the bank. Consequently, we should not be held responsible for damages."

But the home owner wasn't satisfied with the city's excuse about the unusual size of the rain. He asked the Weather Bureau to produce records of rainfall for that city.

The representative of the Weather Bureau took his rainfall records to court.

The lawyer asked the weather man, "Are rains like the one that damaged this man's house a common thing around here?"

"Yes."

"How often do they occur?"

"About a dozen times a year."

That testimony ruined the city's "act of God" plea.

That same weather man threw a bombshell into another damage suit.

A woman claimed she slipped on the ice at the front of a certain store and injured herself. She sued the storekeeper for damages.

But that woman overlooked one little point. When the weather man produced his records in court, he showed the weather on the day of the woman's accident was warm---much too warm for ice to lie around on the sidewalk. So, naturally, the weather man's testimony ruined the woman's plea.

Well, Clark told me of case after case where the court called upon the Weather Bureau to furnish weather records of this and that kind. He had records on something around 50,000 different cases. They included about every kind of question about the weather you could imagine.

For instance, a party to a suit at Bismarck, North Dakota, asked for the date of the first killing frost in 1911---and a record of the frost warnings issued---and to whom the warnings were issued.

At Birmingham, Alabama, the court asked for facts about a wind that blew over a big wall and wrecked a store. If the man who owned the wall could prove the wall went over in an unusually high wind he could lay the wrecking of the store to an "act of God," and so escape paying damages.

A man at Des Moines, Iowa, asked for information about the weather--- especially the amount of snow and sleet on the ground---on February 1 to 10, 1916.

Other persons asked for records about cloudiness, and fog, and the temperature, and wind direction, and wind violence, and time of sunset, and the time the moon rose on certain dates.

I asked Clark if the weather men have much trouble answering those questions.

"Usually not," he said.

"We have a vast army keeping tab on weather conditions throughout the country 24 hours a day. First, we have our 250 regular Weather Bureau stations in the various towns and cities throughout the country and at the big airports. Then, reporting to those stations, we have 5,000 local observers covering every county in the United States. Those 250 stations make up daily reports on the rainfall, and snow, and wind direction and velocity, and temperature, and many other facts about the weather. They send copies of their records to the Weather Bureau at Washington. From those records, we can tell the story of weather conditions at any time for almost any part of the country."

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ANNOUNCEMENT: And that is the story of how the United States Weather Bureau supplies its vast store of weather records for use in court. You will hear another talk about the weather men and their work at this same time two weeks from today.

# **National Oceanic and Atmospheric Administration**

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