

December 11, 1967

SCHURZ'S NEWSPAPERS AGAIN SMEAR DR. YELLEN

On Nov. 8, 1967, a Newsletter entitled "PUBLIC RETRACTION TO MR. F. D. SCHURZ" was printed by me. I did this willingly without any coercion from anyone for Mr. Schurz's newspapers had printed the news about the election for Director of the Imperial Irrig. Dist. in a fair way. In addition, Virgil Pinkley, the previous publisher of these newspapers had been removed. It was felt at that time that Mr. Schurz with the elimination of Pinkley, had started the newspapers on the path of true reporting. I therefore felt it would be the fair thing to print, "PUBLIC RETRACTION TO MR. F.D.SCHURZ" to make up for calling this chain of newspapers SCHURZ'S PROSTITUTED PRESS.

But I am sorry to report that Mr. Schurz's newspapers have again made a very bad publicity smear about me in its papers of December 7, 1967 by omitting very important testimony in the trial in the Superior Court on Dec. 6th in El Centro, Calif. At this trial, I am denying that I owe any money for legal services to Lawyer Lewis Plourd in the Warren libel suit. As a matter of fact, I say that the agreed price for the Warren lawsuit was \$1,000.00 for the entire case and that Lawyer Plourd did not do what was agreed on, mainly to file a cross-complaint for libel against Warren amongst various other things.

To make this smear worse, the local radio stations do not have reporters who attend trials. They just read the local newspapers which belong to Schurz and his associates. So this big smear against me was repeated many times over the various radio newscasts so that everyone is led to believe that I do not pay my honest debts. This of course is character assassination.

The peculiar thing about this smear is this. The report of the trial in Mr. Schurz's newspapers is correct as far as it goes. The smear is due to what was not printed--important testimony was left out of the newspaper report so that my reputation is blackened. I went to the main office of Schurz's newspapers on the morning of Dec. 8th at 9 a.m. and asked them to print the omitted testimony that day. This was not done and it is now Dec. 11th, and it has not been done. I am not going to wait around waiting to see if the newspapers are going to print this important omitted testimony. So here is the truth.

I was called to the stand by Mr. Richard McKee, the lawyer for Plourd. He asked me what was said between me and Plourd as to the cost of the lawsuit. I testified that Plourd told me his fee would be \$1,000.00 to handle the case. I agreed to this price. I denied that I agreed to pay Mr. Plourd by the hour by testifying that nothing else was said about the fees. When I went to the main office of the Schurz newspapers, I told them to speak to Jim Knox, the court reporter at the trial to confirm that this was my testimony.

Now read again what appeared in Schurz's newspapers. NOWHERE WILL YOU SEE PRINTED THAT I TESTIFIED THAT THE AGREED PRICE WAS A FLAT \$1,000.00 for the entire lawsuit. Instead, the papers only give the testimony of Lawyer Plourd. If my testimony was printed, the readers would know that there is conflicting testimony and could decide for themselves who was telling the truth. The newspapers instead of printing my testimony have in the article such paragraph headings as "Refused to Pay" on the front page of the newspapers and in the Brawley News, the heading "Lawyer seeks Fee's Balance From 1964 Suit". On the

2nd page of Schurz's newspapers, the article is continued with this heading, "PLOURD STARTS LAWSUIT TO COLLECT YELLEN FEES". Headings are put in to give information quickly. Why was there no heading, " YELLEN SAYS AGREED PRICE IS \$1,000"?

The newspaper article correctly states that Lawyer Charles Sturdevant was called by Plourd's lawyer to testify as to fees. Sturdevant testified as to fees which Plourd claims also. But again important testimony is omitted. My lawyer, Arthur Brunwasser, of San Francisco, got Mr. Sturdevant to admit that he was the lawyer for Warren in the libel suit. My lawyer then asked Sturdevant, "How much did you charge Warren for your services in the Warren libel suit?". Sturdevant claimed his memory was hazy. My lawyer then asked, " Did you not charge \$800.00 as a flat fee to Warren". Lawyer Sturdevant then agreed he had charged Warren a flat fee of \$800.00.

Jim Knox can confirm this to the Schurz papers. Why was this testimony not printed? If Sturdevant testifies to charging similar prices as Lawyer Plourd, the readers could by seeing all the testimony realize that Sturdevant got \$800 whereas Plourd is claiming a fee of over \$3000.

The readers then begin to suspect something is wrong if Plourd wants 4 times more than Sturdevant for his legal services. I agreed to Plourd's \$1,000 price because I knew before I hired Plourd that Warren was paying Sturdevant \$800. This will come out in future testimony. I hope Schurz's papers will report the future testimony.

You citizens of Imperial County might as well find out that the way this trial is being run is open to big criticism. I paid the fees to have a jury trial. I would be a fool to ask that a Judge decide this lawsuit. There are only 2 active Judges here and they are close friends with the lawyers. Technically, lawyers are officers of the Court. If a Judge decided for me, it would in plain English mean that he was calling Plourd a liar. You can readily see why a jury is necessary so that no Judge get in the embarrassing position of judging if an officer of his court is telling the truth.

This Plourd lawsuit was originally scheduled for Monday, Dec. 4, 1967. Arthur Brunwasser, my lawyer tells me he was tied up with a case in San Francisco and could not be present here on Dec. 4th. He called up Mr. McKee to get a continuance. McKee told him Plourd will not give a continuance unless the jury trial is given up. So Brunwasser had to give up the jury trial so that the case was postponed 2 days later so he could get here. Why did Plourd not want a jury trial? Why did he put a Judge in an embarrassing position? The funny thing about it is, that my lawyer was here and ready to proceed Wednesday and Thursday but this trial was stopped so that Plourd could catch a airplane for an out of county lawsuit he was the lawyer for. Apparently, Plourd thinks he is a privileged character who can force other lawyers to give up jury trials if they want a continuance, but he gets a continuance on my lawsuit and leaves me and my lawyer in the lurch. My lawyer has to go back to San Francisco and I am forced to an extra big expense.

Now this is not the only monkeyshines in this lawsuit. About 8 months ago, I did not have a lawyer. Plourd wanted a pre-trial hearing. According to the file of the lawsuit, the notice was sent to me at an Imperial Ave. address in Brawley. I never received this notice. The phone book shows my address as 128 South 8th St. Why was it not sent here? The Imperial County Directory also gives my address as 128 So. 8th St.

Why was a phone call not made to me about this? Why when the time arrived for the pre-trial hearing and I had not shown up, why was I not phoned? Plourd and McKee are professional lawyers. I am a layman. Could they not have the courtesy to call me so that I should be able to protect my interests as well I could? Since I was not there McKee and Plourd ran the pretrial hearing for their benefit. I have as much chance in this lawsuit as a snowball in hell. I have interesting testimony to give. I hope Schurz's Press will report future testimony correctly. IF NOT, READ MY NEWSLETTERS AND LEARN THE TRUTH.