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# LAWYER PLOURD TRY'S CASE IN NEWSPAPERS

Lawyers are supposed to try their cases in the courts and not in the newspapers. This is very important in a small community because persons who are liable to be jurors when the case comes to trial, are often influenced consciously and subconsciously by what they read in the newspapers.

That is why Dr. Yellen always refers to Harry Horton as the HUCKSTER. A Huckster is a person who tries to convince people to buy products like soaps, breakfast foods, etc. and Hucksters try to convince people to believe in certain ideas. Harry Horton is always trying to convince the citizens that the 160 acres limitation does not apply. He used to be quoted in newspapers very frequently. The worst instance is after the U.S. Supreme Court in an unanimous decision in the IVANHOE WATER DISTRICT CASE (which resembles very closely the situation in the Imperial Irrigation District) said that the 160 acres limitation DOES APPLY TO THE IVANHOE WATER DISTRICT. So Harry Horton on a full page of the El Centro Post Press wrote an article telling why the U.S. Supreme Court is wrong. Harry (the Huckster) was the lawyer for the big ranchers in the Ivanhoe Water District case. He pleaded the case before the U.S. Supreme Court BUT HE LOST. So you can now understand what a HUCKSTER IS.

Under the pounding that Dr. Yellen has given him in the Newsletters, Harry has now learned to keep his BIG HUCKSTER'S MOUTH SHUT.

So the Imperial Resources Associates had to find for themselves another lawyer who would act as a HUCKSTER. This Association of Big Farmers found ALLYN KREPPS to be its Huckster. He is going around making speeches. Why does not Huckster Krepps save his speeches for the COURTS? The firm of O'MELVENY & MYERS has a big reputation for being bigshots and having a lot of political influence but Dr. Yellen is going to work on them also if they do not shut up Krepps. A LAWYER DOES HIS WORK IN COURT. IF O'MELVENY & MYERS WANT A PUBLICITY BATTLE, DR. YELLEN WILL GIVE IT TO THEM UNLESS THEY SHUT UP KREPPS.

Now the situation shifts to Attorney Lewis Plourd. Dr. Yellen filed a lawsuit against him #37303 in the Superior Court of Imperial County. Dr. Yellen gave no statements to the newspapers on this lawsuit. But see in the San Diego Union of Nov. 24, 1965, this is printed, "Plourd said he may file a complaint against Yellen for abusing legal process by using the courts in a "frivolous" manner". In another part of the news article Charles Warren whom a jury decided was not libelled when he was called "AN IGNORANT JACKASS" by Dr. Yellen, makes several misleading statements as regards the lawsuit. The Brawley News of Nov. 23, 1965 has a similar article.

So Dr. Yellen feels perfectly justified to try this lawsuit in his Newsletter to overcome the poor public image created in the minds of the newspaper readers by the statements of Plourd and Warren. Of course, WINKLEY'S PROSTITUTED PRESS which is always downgrading Dr. Yellen, will not print his answer to Plourd and Warren.

Many of you readers must have read about the famous libel suit of Quentin Reynolds against Westbrook Pegler. There was a book about it and it was in several magazines. Dr. Yellen learned his law about libel and slander lawsuits from this case. Quentin Reynolds and Westbrook

Pegler were famous reporters. They had newspaper columns which many papers printed daily. Each one probably made at least \$1/4 million yearly in his profession. Quentin Reynolds in particular had a big reputation as a war correspondent who was in the front lines.

Westbrook Pegler wrote an article in which he said that Quentin Reynolds instead of being in the frontlines during the war, was really most of the time in Paris enjoying wine, women, and song. Reynolds retorted by saying some nasty things about Pegler. This exchange of defamation continued for sometime.

Quentin Reynolds then sued Westbrook Pegler for libel or defamation. The lawsuit was for several millions. The lawyer for Westbrook Pegler in answering the lawsuit, filed what is called a cross complaint in which Pegler demanded several millions in damages for the nasty things Reynolds had said about him.

So to a layman like Dr. Yellen, it was very clear how to answer the Charles Warren lawsuit against him. Warren had caused to be printed in various newspapers nasty statements about Dr. Yellen. The Brawley News of Feb. 5, 1963 has this as the main headline, "BRAWLEY CITY COUNCIL CENSURES DR. BEN YELLEN FOR "UNTRUTHS". The Doctor urged Attorney Plourd several times to file a cross-complaint against Warren asking damages for the nasty things he caused to be put into the newspapers. But Plourd never did this. This is the main reason that the lawsuit was filed against Lewis Plourd. If a layman who has read the Quentin Reynolds vs. Westbrook Pegler case knows about this, why did Lawyer Plourd fail to do this? If this had been done, it is highly possible that Dr. Yellen would have won a judgment against Charles Warren and would have been able to collect much money in damages.

But there are other complaints against Mr. Plourd. Dr. Yellen at one time felt that Mr. Plourd was not efficiently doing his job. This was in the first few months when the lawsuit was young. Dr. Yellen felt it was possible that Mr. Plourd was afraid of reprisals from the big ranchers if he defended the Doctor well. So the physician wrote a letter telling Mr. Plourd that "if he is afraid of the big ranchers, to just return the \$1,000 fee and I would not hold it against him for I knew the big ranchers could cause him a lot of trouble!" But Mr. Plourd in a return letter told the Doctor that "he would defend the doctor to the best of his ability and was not afraid of the big ranchers!" So Dr. Yellen took Lewis Plourd at his word and felt that he would get the proper legal services.

Now in the Reynolds vs. Pegler lawsuit, 2 principles of the law in defamation cases were brought out--1. The person making the defamatory statements must prove that they are true; 2. Supposing that the person making the defamatory statements had made a mistake and the statements were not true, it was still possible that if he could prove that the defamed person had a poor reputation, it would mean that no damage was done because THERE WAS NO REPUTATION TO DAMAGE.

In the Warren vs. Yellen lawsuit, Dr. Yellen had available witnesses and documented evidence to prove that the people of Brawley were paying more for their water than the Imperial Valley Farmers Association camp which was outside Brawley and used Brawley water. The doctor had plenty of evidence to prove that the Brawley City Council had intended to let the Imperial Valley Farmers Assoc. make a sewage connection to the city's sewage system with the down payment of \$10,000 and 10 years to pay the remaining \$10,000. Warren denied that this was true and this is why Dr. Yellen had called him "AN IGNORANT JACKASS".

Attorney Plourd DID NOT INTRODUCE THIS EVIDENCE DURING THE TRIAL. The lawyer for Warren, Mr. Sturdevant, at the end of the trial in his summation to the jury said, "The defense has not proved the truth of Dr. Yellen's defamatory statements". In the Reynolds vs. Pegler suit, Pegler claimed that Reynolds had no reputation that could be damaged because Reynolds was a woman chaser. Dr. Yellen had interesting evidence to present along these lines. Is Warren, a married man, a woman chaser? You readers should go and see the deposition by Edward Rademacher in lawsuit # 35131, Warren vs. Yellen. PLOURD DID NOT INTRODUCE THIS EVIDENCE.