

April 5, 1971

THE CROOKS' DILEMMA

There are all sorts of crooks in the world. Some steal your property. Some steal your good reputation. But this Newsletter is about crooks in the Federal Government who steal from the people the right to obtain justice in the Federal Courts. These crooks who will be named in this Newsletter, are much worse than the others for they are destroying the democratic foundation upon which the United States exists and which has been copied by nations all over the world.

For the benefit of Easterners and Mid-Westerners who are unfamiliar with the desert area in Southern California just South of Palm Springs, a short survey of the legal problem will be given. The United States in 1935 completed the Boulder Dam whose main purpose was to store water for use in farming for the Imperial Irrigation District, the Coachella County Water District, the Palo Verde Irrigation District, and the Bard Irrigation District, all located in California, plus several irrigation districts located in Arizona.

The Imperial Irrigation District, which is the largest in the Western Hemisphere and the Coachella County Water District receive yearly 70% of the 4.4 million acre feet of Colorado River water allotted to California by means of a Federally built project called the ALL-AMERICAN CANAL. The Boulder Dam and all the subsidiary dams and various auxiliary structures were built with the money paid in taxes by all the people of the United States.

In 1902, 33 years before the Boulder Dam was built, a U.S. Reclamation Law was passed telling who was to get the water and how much when the Federal Government put up the money for such projects. The person getting the water had to live on the land or close by, and each person was to get water to be able to farm up to 160 acres.

But farming in these desert areas is not like farming in the East, Mid-West or South (with the exception of Florida). Here farming goes on all year round for the sun is always out in the desert and with the Colorado River supplying the water, there are no droughts. There are no storms as seen in the East or Mid-West. So one acre of this desert farmland will grow $2\frac{1}{2}$ crops a year as contrasted to the single crop in the Mid-West and East AND IN ADDITION THE CROP IS 2-3 TIMES GREATER THAN THE CROP IN OTHER SECTIONS OF THE U.S. So in fact, one acre of desert farmland gives a yearly production equal to five acres in the Mid-West or East.

A SINGLE PERSON FARMING 160 ACRES IN THE IMPERIAL IRRIGATION DISTRICT IS THE SAME AS FARMING 800 ACRES IN THE MID-WEST OR EAST. A HUSBAND AND WIFE CAN FARM HERE 320 ACRES WHICH IS EQUIVALENT TO 1600 ACRES IN THE REST OF THE UNITED STATES.

But the U.S. Reclamation Law has not been enforced in the Imperial Irrigation District since 1940 and in the Coachella County Water District since 1950. Federal officials just did not enforce the law of the person having to be a resident and the limitation of 160 acres per person because of the political influence of big absentee landowners.

It was just like the REFUSE ACT OF 1899, a Federal Law which forbid the dumping of industrial waste, municipal waste, etc. into the rivers. The owners of the big factories had so much political influence that they were able to stop the Federal officials from enforcing the REFUSE ACT. But now 72 years later, the people all over the U.S. have been aroused by all this pollution and the FEDERAL OFFICIALS ARE FORCED TO TAKE LEGAL ACTION AGAINST THE BIG FACTORIES, MUNICIPALITIES, ETC.

Because of non-enforcement of the U.S. Reclamation Law of 1902, 70% of the farmland is owned by absentee landowners. Big corporations like UNITED FRUIT CO., PUREX CORP., DOW CHEMICAL CORP., TENNECO, INC. etc. multimillions or billion dollars companies own land here and farm. Thousands of absentee landowners own farms as "tax shelters". There was even an absentee landowner who lived in Switzerland.

Imperial County with an agricultural production of \$250 millions in 1970, ranks 5th in the U.S. The profits are \$50 millions yearly. The residents who legally are the ones who should own the land and do the farming are afraid to protest because of fear of reprisals like loss of jobs or boycott of merchants and businessmen.

In 1960, I, Ben Yellen, a physician, decided to protest by making this Newsletter and distributing it all over the United States, telling about the "colonialism" being practiced in the Imperial Irrigation District by the power structure. In December of 1964, Frank Barry, the Solicitor of the U.S. Dept. of Interior (highest lawyer in the Dept.) with the consent of Secretary of Interior Stewart Udall, gave a legal opinion that the U.S. Reclamation Law SHOULD BE ENFORCED in the Imperial Irrigation District.

A lawsuit, U.S. v. Imperial Irrigation District was filed in the U.S. District Court at San Diego, Calif. to enforce the 160 acres limitation BUT DID NOT INCLUDE ENFORCEMENT OF THE RESIDENCY PROVISION. Then the BIG FARM INTERESTS with their political influence started stalling so that the lawsuit would not proceed. Finally, in a Newsletter entitled "OPEN LETTER TO JUDGE TURRENTINE" dated Sept. 6, 1970, I pointed out that \$50 millions yearly in profits are being stolen from the people living in Imperial County as long as this lawsuit is postponed. He was told that his Court was having its reputation greatly blemished and tarnished by these postponements which would soon be 4 years. THE TRIAL WAS THEN SET FOR DECEMBER 1970.

THE IMPERIAL IRRIGATION DISTRICT HAD ITS LAWYERS. THE BIG FARM INTERESTS WHO HAD ENTERED THIS LAWSUIT AS INTERVENORS, HAD O'MELVENY & MYERS, A LAW FIRM WITH THE MOST POLITICAL INFLUENCE IN CALIFORNIA. THE FEDERAL GOVERNMENT HAD DEPT. OF JUSTICE LAWYERS.

The lawyers for all sides announced prior to the trial that if they lost, THEY WOULD APPEAL THE LAWSUIT ALL THE WAY TO THE U.S. SUPREME COURT. Judge Howard Turrentine DECIDED AGAINST ENFORCEMENT. He is quoted in the newspapers "that nothing should be done since the government did not enforce the law for so long". But this is nonsense for if this is proper legal reasoning, the REFUSE LAW OF 1899 which was never enforced for 70 years, would not be enforced now. A Nader Haider investigated Judge Turrentine and found that he was a land speculator who set up the Coyote Creek Corporation which owns much land at Borrego Springs in this area. The farming at Borrego Springs is now done by wells which give insufficient water. In the future, if the Colorado River is augmented by water brought to it from the Columbia River, Borrego Springs farmland would by pipeline or canal get Colorado River water not only for the present acreage in cultivation but for more acreage to be cultivated. Judge Turrentine's land would boom in value. This information by letter dated Feb. 22, 1971, was sent to U.S. Attorney General John Mitchell urging immediate appeal since Judge Turrentine has a possible "conflict of interest".

As soon as Judge Turrentine's decision was announced, the first crook Congressman Victor Veysey, publicly announced he was going to use his influence SO NO APPEAL WOULD BE MADE. Senator John Tunney, the second crook said he was against enforcement. Both these politicians get their campaign funds from the big farm interests. Other crooks are James Smith, Asst. Secretary of Interior, Mitchell Melich, Solicitor of the Interior Dept., Shiro Kashiwa, Asst. Attorney General, etc. They are stalling the appeal thereby stealing "due process" from oppressed people.

The Washington-Merry-Go-Round of Jan. 24, 1971 (Drew Pearson and Jack Anderson) said, "The pressure is on the White House to close its eyes to a potential bonanza for the great, grasping land barons of the West" in referring to the fact that no appeal has been made. So lawyer Arthur Brunwasser and I, copying William Bennett who outfoxed the crooks on the Calif. Public Utilities Commission who would not appeal the El Paso Gas Transmission lawsuit, have intervened and appealed the 160 acres case. THE CROOKS IN WASHINGTON AND THEIR ALLIES ARE VERY WORRIED NOW!!!