

NEWSLETTER FROM DR. BEN YELLEN
Brawley, Calif.

September 6, 1970

OPEN LETTER TO JUDGE TURRENTINE

On January 11, 1967, in the United States District Court at San Diego, Calif., a lawsuit was filed by the U.S. Government entitled U.S. v. IMPERIAL IRRIGATION DISTRICT. This lawsuit is to compel the Imperial Irrigation District to supply only enough water for one person to farm 160 acres which principle is commonly known as the 160 acres limitation. The lawsuit is identified as Civil No. 67-7-T.

You, Judge Turrentine, were appointed to be Judge of the U.S. District Court at San Diego on April 27, 1970 and this lawsuit has been assigned to you. There are certain serious irregularities about this lawsuit that must be brought to your attention.

This lawsuit has been constantly postponed from Jan. 11, 1967 until Sept. 25, 1970 which is 3½ years. If this lawsuit is again postponed, it means that the next scheduled hearing will be in 1971 or 4 years of postponement. This is most serious for I am sure that you will recall the old saying, "Justice long postponed, is not Justice at all. It is Injustice."

Now postponements in legal proceedings are very common and often necessary. During the illness and death of Judge Fred Kunzel, your predecessor to whom this lawsuit was assigned, postponements were necessary. But there has been many postponements for which the reason can not be easily obtained.

The reason as given in the local newspapers and the San Diego Union, is usually a quotation by Reginal F. Knox of the law firm of HORTON, KNOX, CARTER, & FOOTE, which is the law group handling this lawsuit for the Imperial Irrigation District. This is highly objectionable for the public may not get the correct explanation for the postponement.

My objection can best be understood by this incident. In the famous IVANHOE WATER DISTRICT v. McCRACKEN case which involved the very same question of the 160 acres limitation, this very same law firm was the lawyers for the big ranchers who were fighting this limitation. The lawsuit finally went to the U. S. Supreme Court where it was unanimously decided that the 160 acres limitation must be applied. Harry Horton who was the head of this law firm and who personally appeared before the U.S. Supreme Court on this lawsuit, had the effrontery to issue a statement to the EL CENTRO POST-PRESS which took up one entire page, saying that all the 9 U.S. Supreme Court Justices were wrong and rehashing the reasons which were the arguments he had personally presented to the U.S. Supreme Court.

You can therefore understand why it is highly objectionable for the public to get its information from the statements of the law firm of HORTON, KNOX, CARTER, & FOOTE. I have attacked this law firm for publicity statements it has put out before. Publicity releases to newspapers are a way of practicing law before the BAR OF PUBLIC OPINION and a method of moulding public opinion especially if done by a law firm.

To explain these innumerable postponements, Knox is quoted by the newspapers as saying words to this effect, "The San Diego Federal Court is very busy with criminal cases so all civil lawsuits are being postponed since criminal cases take precedence." Now this sounds like a

reasonable statement on the surface but is it the truth or half truth?

If the final decision is for applying the 160 acres limitation plus a favorable decision in Yellen et al. v. Walter Hickel (Civil No. 69-124-S in the U.S. District Court, San Diego) which is a lawsuit to compel enforcement of the residency limitation so that only persons living here can get water to farm, IT MEANS THAT THE LOCAL PEOPLE WILL NOT BE DEFRAUDED OUT OF \$50 MILLIONS YEARLY IN PROFITS FROM FARMING.

The Irvine Co., Purex Corp., United Fruit Co., Dow Chemical Co., Tenneco, Inc., Kaiser Chemical & Aluminum Co., Southern Pacific Land Co., etc. which are amongst the biggest corporations in the U.S., are farming in this area and they are not doing this for small profits. I strongly doubt that the U.S. District Court at San Diego has on the criminal calendar any case involving the stealing of \$50 millions yearly. If the U.S. Government is correct in its lawsuit and if I am correct in mine, it puts the Court in the untenable position of helping in this fraud if postponements are granted without good reason. These may be civil actions but they really cover criminal actions of misfeasance, malfeasance, and nonfeasance by officials of the U.S. Interior Dept. The Interior Dept. is notorious for such blemishes on its reputation and I give offhand the famous Teapot Dome Scandal of the 1920's when Secretary of Interior, Albert Fall, was convicted of taking \$100,000.00 as a bribe.

Gossip already is heard here which is putting a tarnish on the integrity of the U.S. District Court at San Diego by these innumerable postponements. People are saying the big farm corporations have enough political influence to stall the lawsuit indefinitely. The citizens remember the testimony the Calif. State Attorney General's office gave before a State legislature committee that the assessments on the Irvine Co. 80,000 acres ranch in Orange County, were so false that instead of paying \$10½ millions yearly in property taxes, Irvine was paying only \$1½ millions. THE IRVINE CO. ESCAPED PAYING \$9 MILLIONS YEARLY AND EACH FAMILY IN ORANGE COUNTY HAD TO PAY \$36.00 MORE PER YEAR IN TAXES TO MAKE UP FOR THE TAXES IRVINE DOES NOT PAY. People are no fools. They have a good idea how this fraud is brought about.

The Irvine Co. in Imperial Valley has \$16 millions of valuable farmland and is in violation of the U.S. Reclamation Law if the Federal Gov't and I are correct. Irvine escapes 66% of its correct farmland taxes here by false assessments. It escapes large amounts of water bills by an electricity swindle whereby it and the other absentee farm corporations pay only 1/4 of the correct price for irrigation water while the residents are forced to pay 3 times the correct price for electricity to subsidize the big ranchers who are mainly absentee and own 70% of the farmland here.

There is a big outcry for LAW & ORDER now. I feel that you will agree that LAW & ORDER should apply to the low and high. Innumerable postponements to these big corporations which control the Imperial Irrigation District just hurts the reputation of the Court.

These big corporations are controlled by very clever people. When it was announced that the Federal Government was going to enforce the Reclamation Law, the Irvine Co. sent its Vice President Long down here to make speeches and to organize the IMPERIAL RESOURCES ASSOCIATES to collect money and enter the lawsuit U.S. v. IMPERIAL IRRIGATION DISTRICT as "intervenor". With the exception of Stephen Elmore, a big local rancher who is in violation of the 160 acres limitation, the other 9 local landowners who entered as "intervenor" ARE IN CONFORMANCE WITH THE RECLAMATION LAW. Not one big absentee farm corporation has its name on the legal paper asking to be admitted as "intervenor". They stay well hidden behind the 9 misguided local farmers who signed this paper.

This Imperial Resources Associates hired O'Melveny & Myers, a law firm that probably has the biggest political influence of all law firms in California. It has both big Republicans and Big Democrats and ex-Deputy Attorney General of the U.S. Warren Christopher. Lawyers from O'Melveny & Myers came down to Imperial County and made speeches advocating non-enforcement of the Reclamation Law and were prominently quoted in the local papers and the San Diego Union. I started the attack on this law firm by accusing it of "practicing law before the Bar of Public Opinion" by means of Newsletters. These Newsletters were distributed to the general public, lawyers, Judges, and Bar Associations all over California. My pamphleteering stopped them. The local newspapers in collusion with the big farmers keep a "Curtain of Silence" on what I say and how the reputation of the Court is being besmirched.