

June 28, 1977

THE CONSTIPATED 9TH CIRCUIT COURT OF APPEALS

On May 28, 1974, the U.S. Court of Appeals of the 9th Circuit, located at San Francisco, Calif. heard the appeals on the combined lawsuits U.S. v. Imperial Irrigation District and Ben Yellen, et al. v. Walter Hickel, Secretary of the U.S. Dept of Interior.

THREE YEARS HAVE GONE BY AND THIS CONSTIPATED APPEALS COURT HAS NOT HAD A MOVEMENT YET--IT HAS NOT GIVEN ANY DECISIONS ON THE LAWSUITS.

There is an old saying, "Justice long delayed, is not justice at all. It is injustice". This is particularly so for in these two lawsuits, little people living in Imperial and Coachella Valleys, close to the Mexican Border in California, are being cheated out of \$50 millions in profits yearly by multi-national companies and various other corporations and wealthy persons who live all over the United States and some in foreign countries. Some of the multi-national companies are Tenneco, Inc., United Brands formerly known as United Fruit Co., Purex Corp., Kaiser Aluminum & Chemical Corp. etc. Other big U.S. corporations are S.P. Land Co., a subsidiary of the Southern Pacific Railroad, the Newhall Land & Farming Co. and the Irvine Co. which almost became a multi-national company when Gulf Oil Corp. tried to buy about 1/3 of its outstanding stock for about \$330 millions, etc.

Each year that this constipated Circuit Court stalls the decisions on these lawsuits means that the little people are being swindled out of \$50 millions. Now this court has given interviews that it is over-worked, short of judges, etc. But many other courts make the same complaints for their slowness. Yet decision after decision come out of this constipated court which are only minor lawsuits whereas these lawsuits will set the precedents for similar lawsuits in the 17 Western states where the U.S. RECLAMATION LAW OF 1902 is not enforced just as it is not enforced in the Imperial and Coachella Valleys. THE TRUTH OF THE MATTER IS THAT NO MATTER WHAT THE DECISIONS ARE IN THIS U.S. COURT OF APPEALS, THE LOSER IS GOING TO APPEAL FAST TO THE U.S. SUPREME COURT.

This delay in giving the decisions is such a terrible injustice to the little people, that the peculiar happenings in these two lawsuits must be revealed to the people of the United States so they fully realize how the courts are maneuvered by the wealthy and powerful so that these big interests even though they EVENTUALLY may be judged wrong, make tremendous sums of money while the lawsuits go at a snail's pace through the courts.

The U.S. Reclamation Law of 1902 was made for the benefit of little people in the 17 Western states. Many people desired to be farmers but the Western area is full of desert and semi-arid land. Little people would take land close to a river and try to divert water from the river to irrigate the land since there was very little rain. But this requires dams, and aqueducts which are expensive and beyond the pioneers' financial ability. As a matter of fact, big companies tried this also and failed. So a group of farmers would start a campaign to convince Congress to build the dams and aqueducts. That is how the Boulder Dam and the All-American Canal came to be built by the U.S. Bureau of Reclamation for the benefit of Imperial and Coachella Valleys.

To spread the benefits of this expenditure of money, the Reclamation Law of 1902 states that only persons living on the land or close by (to prevent absentee ownership) can get water to farm and each person can get enough water to farm 160 acres. Husband and wife and 3 children can get water 5x160 acres for a total of 800 acres. Now the big farm interests have put out a lot of propaganda to fool you that a family here can not make living on 160 acres.

The sun is out every day here for it is desert. The growing season is 12 months a year. An Acre here produces 5 times the quantity in Kansas, 7 times that in North Dakota and 4 times that in Georgia. There are no hailstorms, rain, drought, or cyclones. Farming is done by contractors although one can do his own work here. By contractors, you need not own any farm machinery. Contractors use Mexicans who cross the border and work for 50 cents per hour. About 2½ different crops are grown on the same land in one year.

When it was learned that the absentee landowners owned 90% of the farmland here and were depriving the little people of \$50 millions yearly in farming profits, a small group of people led by Dr. Ben Yellen, started a campaign to get the Federal Government to enforce the U.S. Reclamation Law of 1902. The campaign was successful and on Dec. 31, 1964, the Government ordered the Imperial Irrigation District to stop supplying water to farms in excess of 160 acres per person.

BUT THE IMPERIAL IRRIGATION DISTRICT IS REALLY UNDER THE CONTROL OF THE BIG FARM INTERESTS despite the fact that it is supposed to operate for the benefit of the people who live here and pay taxes to it. It refused to obey the law and on Jan. 11, 1967, U.S. Attorney General RAMSEY CLARK filed U.S. V. Imperial Irrigation District regarding the 160 acres per person limitation. Because the Government failed to file on the residency provision, Dr. Yellen et al. filed a lawsuit against Secretary of Interior Walter Hickel who had come in with the Nixon Administration. The District used local hick lawyers to defend itself. This law firm always put out pro-big farmers statements. The local newspapers controlled by Franklin D. Schurz, publisher of the South Bend(Ind.) Tribune, formerly on the Executive Board of the Associated Press and now on the Board of Trustees of Notre Dame University, refused to print the statements of the group favoring enforcement. Since Schurz always prints editorials for FREE PRESS and FREESPEECH but does not practice these, his newspapers were nicknamed SCHURZ'S SLAVE PRESS. Leaflets such as this one were distributed everywhere that Schurz's newspapers were sold.

The absentee corporations not having any confidence in the local hick lawyers, HORTON, KNOX, CARTER & FOOTE, organized the Imperial Resources Associates and hired O'MELVENY & MYERS of Los Angeles, probably with more lawyers and political influence in California than any other law firm in California. This law firm using the names of about 9 small local farmers, entered the lawsuit as intervenors to hide the fact that it really represents the big absentee corporations.

Almost 4 years passed by and there was no action on the lawsuits. But a constant stream of propaganda was printed in SCHURZ'S SLAVE PRESS claiming that the U.S. District Court in San Diego was overworked and short of Judges, etc. so that only criminal cases were heard. So in an "OPEN LETTER TO JUDGE TURRENTINE" which was widely distributed in Southern California, he was told that the reputation of the court was being besmirched by this stalling. He was challenged to show one criminal case involving the stealing of \$50 millions yearly.

This letter got results and in Dec. 1970, the trial of U.S. v. Imperial Irrigation District was held. It lasted about one week and one week afterwards, Judge Turrentine announced that the I.I.D. had won and that the 160 acres limitation not be enforced. But it was soon learned that Judge Turrentine had a "conflict of interests" for he was a big speculator in farmland at Borrego Springs which is trying to get an aqueduct built from the All-American Canal to bring irrigation water.

Attorney General John Mitchell, convicted in the Watergate scandal, was notified of the "conflict of interests" and urged to appeal especially so since in an exactly similar case IVANHOE WATER DISTRICT v. MCCracken, THE U.S SUPREME COURT UNANIMOUSLY DECIDED FOR ENFORCEMENT. Victor Veysey, Republican Congressman, announced he would contact Richard Kleindienst, Deputy Attorney General, also convicted in the Watergate scandal, to prevent appeal.

Stephen Elmore, a big farmer here whose family had an estate next to President Richard Nixon at San Clemente, Calif., had a secret meeting with the Justice Dept. to prevent an appeal. The Elmore family had sold Nixon \$100,000 of land to round out Nixon's estate. The Justice Dept. refused to appeal and we appealed in place of the Government which is very unusual and caused us great expense. THESE ARE INDEED PECULIAR HAPPENINGS!!!

P.S. Dr. Yellen fed up with all this politics personally went up to San Francisco and picketed the 9th Circuit Court of Appeals while distributing the above leaflet in August 1977 without the knowledge of his lawyer Arthur Brunwasser. Three weeks later the Court gave its decision and the little people won 2 to 1.