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# CHRISTIAN SCIENCE MONITOR ARTICLE ON DR. BEN YELLEN

The CHRISTIAN SCIENCE MONITOR is a daily newspaper of high reputation for telling the truth. It is distributed all over the United States, Canada, and foreign countries. In its April 5, 1972 issue is a big article about the fight to enforce the U.S. Reclamation Law of 1902 in Imperial and Coachella Valleys of Southern California. It is felt that the residents of these Valleys would like the opportunity to read this article by an independent, unbiased newspaper. It is reproduced exactly as it was written.

## REFORMER THREATENS TO SHUT OFF DESERT FARMERS' WATER CALIFORNIA CONSERVATIONIST DUSTS OFF 1902 LAW

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BRAWLEY, CALIF.

California desert farmers--whose rich crops have been wetted down for seven decades with federal water--suddenly find their "oases" threatened by a Brooklyn-born, rural-type Ralph Nader.

Dr. Ben Yellen, self-styled country reformer, is taking the farmers to court--seeking enforcement of a 1902 law that could result in the splintering of the multibillion-dollar agricultural combines here, and the return of the family farm.

The name of the game is water rights. And Dr. Yellen's trump cards are two seldom-enforced canons of the Federal Reclamation Act--acreage limitation and residency. According to the turn-of-the-century legislation, which spurred homesteading in the West, government water was only to be available without cost to those who tilled 160 acres or less and lived on the land they farmed.

Imperial Valley here lies hard on the Mexican border. With little annual rainfall and a summer sun that sends temperatures to a blistering 110 degrees or more, this dry desert region would be a barren wasteland--without irrigation. But with it, Imperial has become the garden of Southern California.

475,000 ACRES

With 475,000 acres under the tractor and hoe, \$300 million is reaped annually from lettuce, hay, sugar beets, cotton, and livestock production.

Imperial's aqua-lifeline is the federally financed Boulder Dam hundreds of miles to the North through which the Colorado River water gushes to the valley via a network of canals.

Through the years, Imperial farmers have thrived on this irrigation--paying little heed to either the 160-acre limitation or residency requirements. They were assured via a letter from Secretary of Interior Ray Lyman Wilbur in 1933 of special exemption from the excess-land ownership restriction of the 1902 act.

In 1964, however, the Interior Department abruptly changed its stand and ruled that the Imperial Valley was subject to acreage

limitation. A lengthy court battle ensued--with a federal district judge in January 1971 upholding the Wilbur exemption--and striking down the U.S. Government's case against Imperial Valley farmers.

#### CHAGRIN

But much to the chagrin of the landholders--who reportedly invested over \$500,000 in this seven-year court battle--final victory is still not theirs.

The rambunctious Ben Yellen--a licensed physician who since the 1930's has pursued his "favorite hobby" of "bugging the farmers" via newsletters, radio speeches, and "symbolic" political candidacies--is insisting that the U.S. Department of Justice appeal the district court decision on acreage limitation to the state court of appeals, and if necessary, the U.S. Supreme Court.

So far, U.S. Attorney General-Designate, Richard G. Kleindienst (as well as former Attorney General John N. Mitchell) has turned a deaf ear to Dr. Yellen's demands. Accusing the Justice Department nominee of yielding to political pressures from powerful farm interests in letting such an important case rest with a trial court verdict, Dr. Yellen says he himself will seek a reopening of the case-- as an intervenor on behalf of the government.

Meanwhile, he has already copped a major judicial verdict in a suit brought against the Interior Department--demanding that absentee landholders be denied excess water rights in accordance with federal law.

A federal district judge recently made a summary judgment in favor of Dr. Yellen and 122 other complainants in this matter. And this time it is the farmers who will be seeking an "intervenor" reversal at a hearing scheduled for April 25.

Dr. Yellen confides that the residency issue could be his big trump--in paving the way to final victory in the courts. The district court judgment brought him his first real financial support--about \$4,000 from the National Farmers Union, the California Labor Federation, Environmental Defense League, National Audubon Society, and the Sierra Club.

"The ecology groups are concerned about land uses. And the unions believe "to the tiller goes the soil", Dr. Yellen explains. (He says that so far he has invested \$10,000 of his personal funds on the absentee-landlord issue).

#### DETERMINATION SEEN

However, grower groups are determined to reverse the "residency" decision--if necessary battling it up to the U.S. Supreme Court. And under the umbrella of the Imperial Resources Associates, funds are being raised on behalf of 750 absentee landholders--owning 20 acres or more in this valley.

J. Lawrence Hass, the group's coordinator, says he represents mainly small owners who have for years depended on Imperial Valley land for retirement or extra income. And his clients hold that the "residency" requirement in the 1902 law has never been enforced-- nor has the government even suggested that it might be.

However, Dr. Yellen says that he isn't interested in the "small fry", but the huge, corporate, nonresident landlords like United Fruit Company, Dow Chemical, Kaiser Industries, Purex, and the Irvine Land Company which own huge chunks of Imperial Valley acreage, farm it by proxy, and receive water "subsidies".

Both Dr. Yellen and his farmer adversaries tend to believe that sooner or later the acreage-limitation and residency cases will be consolidated into one.

How far will the battle be carried? Farm interests here-- with strong financial backing and \$300 million investment at stake-- are determined to finally get the 1902 law invalidated or obtain permanent exemption from it.

Dr. Yellen says he'll fight them as long as his money and new-found backing hold out.