

July 20, 1973

CONGRESSMAN PETER RODINO, JR.

This is an OPEN LETTER to you in response to the news dispatch from Washington, D.C. via Associated Press in the Los Angeles Times of June 16, 1973.

This news item reads, "Chairman Peter W. Rodino of the House Judiciary Committee said Friday the panel was planning an extensive investigation of the Justice Department. The New Jersey Democrat said the inquiry would be aimed at determining whether politics influenced Justice Department activities and decisions. Possible areas of investigation, he said would be the Watergate affair, wiretapping, anti-trust cases against big business, and furnishing of information gathered by the FBI to political committees".

I desire that your Committee take up the highly irregular actions of the Justice Dept. in these lawsuits, United States v. Imperial Irrigation District and Ben Yellen, et al. v. Walter Hickel, Secretary of the U.S. Dept. of Interior. Both lawsuits originated in the U.S. District Court at San Diego, Calif. These two lawsuits fall into the area of "antitrust cases against big business" as the dispatch reads.

Some background must be given to understand the situation. There is a U.S. Reclamation Law of 1902 which states that when Federal Project water is used for irrigation farming, only persons living on the land or close by, are entitled to get the water and one person can get only enough water to farm 160 acres (husband and wife can farm 320 acres).

Practically speaking, the aim of this law is to keep out big corporations or big landowners so that little people can have homes on farmland and make a living there if the irrigation water is furnished by Federal Water Projects. The Reclamation Law applies to the 17 Western States west of the 100th meridian which is about 250 miles west of the Mississippi River. The law also applies to the entire State of Texas which was brought about by a special law to do this.

THE RECLAMATION LAW REALLY IS THE ANTITRUST LAW OF FARMING. THAT IS DONE BY IRRIGATION WATER FROM FEDERAL PROJECTS IN THE 17 WESTERN STATES BUT UNFORTUNATELY THE INTERIOR DEPT. HAS BEEN INFLUENCED BY BIG CORPORATIONS NOT TO ENFORCE THE LAW ALL OVER THE WEST.

The Imperial Irrigation District is the biggest irrigation district in the Western Hemisphere and the irrigation water comes from the water dammed by the Boulder Dam on the Colorado River and transported by the All-American Canal, all built by the U.S. I and 123 landless persons are trying to get the law enforced here where there is irrigation farming by multi-national corporations like TENNECO, INC., UNITED FRUIT CO., PUREX CORP., KAISER CHEMICAL & ALUMINUM CO. and big corporations like SOUTHERN PACIFIC RR., IRVINE CO., ELMORE CO. etc. plus many persons who are absentee and own the land for "tax shelters".

Now the big farming corporations have made efforts to overturn the U.S. Reclamation Law. In the San Joaquin Valley where the Federal Government built many irrigation projects, the late U.S. Senator Sheridan Downey, in the late 1940's pushed for repeal, but he and the corporations were defeated. Senator Downey at that time said words to this effect, "I have learned that no frontal attack must be made against the U.S. Reclamation Law. The attack must be from the sides". The tactics of the big corporations have been to intimidate and use economic reprisals against those who attempt to get the law

enforced. The famous IVANHOE WATER DISTRICT v. McCracken lawsuit was decided unanimously by the U.S. Supreme Court that the 160 acres limitation must be applied in this irrigation district in the San Joaquin Valley. But this decision is almost valueless for the absentee landowners and corporations by means of "dummy corporations" and other means still do the farming BECAUSE THIS LAWSUIT NEVER TOOK UP THE RESIDENCY LIMITATION WHICH IS IN THE SAME SENTENCE WITH THE 160 ACRES LIMITATION IN SECTION 5 OF THE RECLAMATION LAW OF 1902.

President Richard Nixon when he came here to Imperial Valley in 1949 when he was running for U.S. Senator from California, made a speech saying that he was against enforcement of the U.S. Reclamation Law. Ex-U.S. Senator George Murphy in his campaigns for election made speeches that he was against enforcement of the Reclamation Law.

For many years despite many reprisals against me, I kept up my activities to get the U.S. Reclamation Law enforced. Then on January 11, 1967, the lawsuit U.S. v. Imperial Irrigation District was filed but it was only to enforce the 160 acres limitation. So I wrote letters to get the Justice Dept. to amend the lawsuit so that the residency limitation would also be in the lawsuit. I sent letters to Attorney General John N. Mitchell and to Assistant Attorney General Shiro Kashiwa. But they did nothing.

So in June 1969, I had my lawyer, Arthur Brunwasser, file the lawsuit BEN YELLEN et al. v. WALTER HICKEL, SECRETARY OF THE U.S. DEPT. OF INTERIOR to enforce the residency limitation. The big absentee farm corporations using O'Melveny & Myers (a big California law firm with a lot of political influence--they have Big Republicans and Big Democrats--former Deputy Attorney General of the U.S., Warren Christopher who refused the position that Archibald Cox took as Prosecutor in the Watergate affair) entered as intervenors in U.S. v. Imperial Irrigation District. THE U.S. DEPT. OF JUSTICE DID NOT OPPOSE THEIR ENTRY.

I printed on Sept. 6, 1970 an "OPEN LETTER TO JUDGE TURRENTINE" complaining about the almost 4 years delay in bringing to trial U.S. v. I.I.D. in which I and 123 other landless persons had a long time before entered as "friends of the Court". This resulted in the trial being held. Judge Turrentine ruled that the 160 acres limitation does not apply to the Imperial Irrigation District.

We soon learned that Judge Turrentine had a "conflict of interests" in that he was a big farmland speculator at Borrego Springs whose land would increase greatly in value with Colorado River water. Attorney General John Mitchell was informed of this and strongly urged to appeal the Turrentine decision. Congressman Victor Veysey told the local newspapers he was going to use his influence to stop the appeal. He told the papers he had gone to Deputy Attorney General Richard Kleindienst whose Phoenix, Ariz. law firm was the legal advisor to many big farm corporations which were farming in violation of the Reclamation Law in the SALT RIVER PROJECT around Phoenix, Ariz.

We soon realized that the Justice Dept. was not going to appeal although it had made public statements prior to the trial that it would appeal if it lost. So we made an attempt to enter U.S. v. I.I.D. as intervenors to appeal. We were fought not only by the lawyers of the I.I.D. and O'Melveny & Myers for the big absentee corporations BUT ALSO BY THE U.S. JUSTICE DEPT. Judge Turrentine refused us admission as intervenors. So we appealed this refusal. By this time, it was learned that the big farm corporations had spent \$600,000 and the I.I.D. \$200,000 for a total of \$800,000 in the research and legal tactics against enforcement of the U.S. Reclamation Law.

About 6 months later, Judge William Murray ruled that the Reclamation Law DOES APPLY to the I.I.D. in the residency lawsuit. Then the big farmers claimed their interests were at stake and entered the residency lawsuit as intervenors. The Justice Dept. did not oppose this entry. Judge Murray held a trial and again ruled the Reclamation Law applies to the I.I.D. The big absentee farm corporations appealed this decision as to residency as did the Justice Dept. So the Justice Dept., the big corporations, and the Imperial Irrigation District, with all their money, are on the same side opposing the little landless people who do not know where the money will come from to pay for the legal expenses. IS THIS JUSTICE???