

Mr. Nixon and the Milk Deal

Post 1/10/74

"Nobody gets anything back as far as the general contributions are concerned in this administration. Second, as far as those who receive them are concerned, they must be accepted with no misunderstandings, expressed or implied, that anything is to be done, as a result of those contributions, that would not be done in the ordinary course of events."—President Nixon, in his press conference of March 27, 1973.

"In terms of campaign contributions I have had a rule . . . I have refused to have any discussion of contributions. As a matter of fact, my orders to Mr. (Maurice) Stans were that after the campaign was over, I would then send notes of appreciation to those that contributed, but before the election, I did not want to have any information from anybody with regard to campaign contributions."—President Nixon, in his press conference of Oct. 26, 1973.

WELL, AFTER the months of denials and the months of litigation over access to evidence, it now turns out that, yes, Mr. Nixon knew quite a lot about the milk producers' contributions. The White House published on Tuesday a long and intricate answer to the charges of corruption in the 1971 decision to raise milk-price supports. The President now concedes that he did indeed know of the proffered contributions when, on two occasions, he made decisions of great importance to the dairy industry.

Mr. Nixon defends himself by arguing that he never took these financial offers into account, and that he made his decisions solely on the public and stated grounds. The contributions, he emphasizes, were no more than the customary campaign assistance from professional lobbying organizations like, for example, the labor unions that are the Democrats' mainstay. It is perfectly legal, of course, for a lobbyist to make a donation to a political campaign, as long as it is not contingent on a specific official action. To make a firm agreement exchanging a contribution for a specific action by a public official, on the other hand, gets into the realm of bribery. Bribery is not only a crime but, under the Constitution, it is grounds for impeachment. The distinction between a legal contribution and a criminal bribe may seem a thin distinction to establish, in the turmoil of actual political campaigning. But in this case a great deal turns on it, and the best way to approach a judgment on the milk case is through its chronology:

- In August 1969, a lawyer for the Associated Milk Producers Inc. (AMPI) put \$100,000 into a briefcase and delivered the briefcase to Herbert Kalmbach, then Mr. Nixon's personal attorney. The White House paper published Tuesday says that Mr. Nixon had no knowledge of this contribution.

- In September 1970, Charles W. Colson, then a presidential aide, wrote a memo to Mr. Nixon telling him that the AMPI had pledged \$2 million to the 1972 campaign. "That memorandum was attached," the White House paper says, "to a presidential briefing paper for the courtesy meeting between the President and the AMPI representatives of September of 1970." But, the White House document continues, there was "no mention of the asserted pledge during the meeting." The 1972 Nixon campaign was evidently getting off to an early start, since the 1970 elections had not yet been held.

- The promise of \$2 million was repeated on Dec. 16,

23, 1971. A few days earlier the then Secretary of Agriculture, Clifford Hardin, had turned down the dairy men's demands for a higher support price for milk. On March 22, the AMPI donated \$10,000 to Mr. Nixon's campaign. The following day, the way thus prepared, the dairy spokesmen came in to see the President.

"Prior to this meeting," Tuesday's White House paper says, "a staff memorandum was prepared as a briefing paper for the President. That paper briefly noted that the dairy lobby—like organized labor—had decided to spend political money . . ." At this meeting, the White House declares, "There was no mention whatsoever of campaign contributions."

• Two days later, on March 25, 1971, the Agriculture Department raised the milk supports. That increase added more than \$500 million a year to milk producers' income. Mr. Nixon argues that the reasons were pressure from Democrats in Congress, the need to increase milk production, and the normal pursuit of farmers' votes. As it turned out, the dairymen gave less than their pledge. Their contribution came only to \$437,000 which, as the White House notes, is less than 1 per cent of the total funds collected for the 1972 campaign.

Throughout this paper there is the constant theme of Mr. Nixon's defense in this and all the other scandals: everybody does it. In this instance, certainly, other people have done it. One of them was former Sen. Daniel Brewster, a Democrat from Maryland, who was sentenced to prison for accepting contributions that a jury found to be bribery.

The Brewster case is a particularly enlightening example in this gray and ambiguous corner of our national life. The Senator was fighting a mail rate increase, and he took a contribution from a lobbyist representing a mail order house. Was it a legal contribution, or corruption? Federal Judge George L. Hart told the jury that it was entirely proper for a company to make a contribution if it is only in the "hope" that a politician will maintain a general position helpful to the donor. But the jury decided that there was more involved in the Brewster contribution than "hope," and more than a general position.

That is the question which, in this larger case, now goes to the larger jury of the American people. The record is presumably not yet complete, but it shows a close correspondence between pledges and contributions on one hand, and favorable actions on the other. As the White House now acknowledges—belatedly, as usual—Mr. Nixon was quite aware of the money that was being thrown on the scales in these public decisions. In fact, in many respects the "explanation" of the President's role in the milk case is reminiscent of his "explanation" of his larger Watergate involvements in the compendious May 22 document of last year. Like that document, this one constitutes a kind of shadowy, pre-emptive confession, a belated acknowledgement of certain presidential involvements that had hitherto been denied, and an attempt to precondition the public's response to possibly worse evidence to come.

Tomorrow: Mr. Nixon and ITT.

1970, in a letter to Mr. Nixon from his old associate Patrick J. Hillings, a lawyer then representing the AMPI. The White House says that Mr. Nixon never saw that letter. But it arrived at a moment when the administration was considering import quotas on dairy products. Two weeks after Mr. Hillings wrote his letter, the President imposed the quotas. The White House argues that the President's quotas were, after all, less favorable to the dairy industry than those recommended by the Tariff Commission on purely economic grounds.

• The climax to the AMPI's lobbying effort, and the incident around which the charge of scandal mainly revolves, is a meeting held at the White House on March