

## Grants Time for Privilege Ruling

# Court Delays Milk Data Action

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U.S. District Judge William B. Jones granted an administration request yesterday to delay giving him information about a controversial 1971 increase in milk price supports.

Last month Jones rejected a broad White House claim of executive privilege for 67 memos dealing with the case. He ordered the government to turn them over so he could examine them in private.

Both the Justice Department and Special Prosecutor Archibald Cox asked the judge last week to delay enforcement of that ruling while the government seeks a reversal in higher courts.

They argued that Cox's "direct confrontation" with President Nixon over his re-

fusal to release nine tape-recorded White House conversations about the Watergate scandal should be resolved first as the best test of the executive privilege issue.

Yesterday Jones agreed, saying he was taking "the most responsible course of action" in permitting the appeal of his milk case ruling to proceed with, and not ahead of, the expected appeal in the Cox case.

"Rarely have such complex and important legal issues ever commanded the attention and concern of the public as has executive privilege," Jones said. Final resolution of the issue can only come from the Supreme Court, he declared.

Neither the Justice Department nor Cox nor William A. Dobrovir, attorney for the plaintiff seeking the milk

memos, had any comment on the judge's decision.

Dobrovir had asked Judge Jones to require the Justice Department to expedite its appeal in the milk case, but the judge's order yesterday did not do so. It is doubtful that Justice will rush the case.

The plaintiffs—several consumer groups led by Ralph Nader's Public Citizen Inc.—have charged that the government's 1971 milk price support increase was a payoff for \$422,500 in early contributions from the dairy industry to Mr. Nixon's 1972 campaign.

Acting on direct orders from Mr. Nixon, the White House invoked the executive privilege doctrine for the 67 memos Dobrovir sought. In rejecting that claim, Jones said he himself should examine

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them to determine whether privilege should apply to any or all of them.

But the Justice Department argued last week that inspection of the documents—even by Jones alone—would "do irreparable injury to the principle of the separation of powers."

Jones, however, repeated his July 27 opinion that an affidavit filed by Leonard Garment, acting counsel to the President, failed to state specifically why any of the 67 memos should be privileged.

He insisted that granting the delay yesterday did not mean he was retreating from his earlier view that his own private inspection of the docu-

ments "is required under present law."

"But at the same time the Court recognizes that the public interest will best be served by a fair and orderly disposition of the public controversy surrounding executive privilege," he said, adding that he hopes his delay "will facilitate that process."