

Cox Moves for Testimony Of Milk Co-op Ex-Council

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Watergate Special Prosecutor Archibald Cox asked for a court order yesterday that would compel grand jury testimony from a former attorney for the Associated Milk Producers Inc.

U.S. District Judge John J. Sirica took the request under advisement after a secret hearing involving AMPI's claims of an attorney-client privilege.

The closed session, from which other attorneys and spectators were barred, was suggested by Cox's office and supported by counsel for the big dairy farmers' co-op.

Cox's office is investigating \$422,500 in contributions to President Nixon's campaign by the political arms of AMPI and two other dairy co-ops. The co-ops won a controversial 1971 increase in milk price supports from the Nixon administration.

According to pleadings filed before yesterday's hearing was closed, the former AMPI lawyer, Joseph Rose, of San Antonio, Tex., went to the FBI on Aug. 6 "when employed as in-house counsel for AMPI, and informed the FBI in a general way presumably of the matters about which he is being called to testify."

Prosecutors from Cox's office said that Rose "may have information" involving viola-

tions of the federal law banning corporate campaign contributions "or other federal crimes, by AMPI."

They said that Rose himself believes that some of the information he has is not covered by the attorney-client privilege, but that he "feels bound to abide by AMPI's claim of privilege" until the issue is settled in court.

AMPI's Washington lawyer, Sidney Harris, contended that Rose had already violated the canons on legal ethics "in disclosing matters to the FBI" and that further disclosures would cause "irreparable harm" to the Associated Milk Producers.

Rose was hired by AMPI as in-house counsel last April 9, but Cox's office said, "his employment was terminated, in the midst of a controversy," on Sept. 4, several weeks after he went to the FBI.

When pressed for details, first by the FBI, and then yesterday morning before the federal grand jury investigating presidential campaign financing, he asserted the attorney-client privilege.

Assistant Special Prosecutor John A. Sale maintained in a 9-page motion that the privilege was inapplicable for the information sought of Rose. While letters from a client to an attorney are protected, he said that pre-existing documents—such as checks—were

on "an entirely different footing."

In an 18-page memo on AMPI's behalf, Harris said, "certain of the revelations sought . . . are thought to relate to an alleged failure to disclose information concerning matters under investigation." But he said he knew of no request to Rose "that he aid in the commission or furtherance of a crime."

Speaking for Cox's office, Sale suggested the unusual secret hearing on the grounds that it would involve the reading of grand jury testimony. Sirica ordered the hearing closed after Harris joined in the request.