

Nader Challenges White House On Nixon Remarks to Dairymen

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WASHINGTON, Jan. 11 — A "blank" 18 minutes of the White House tape of June 20, 1973.

Mr. Nader and others are suing the Administration for allegedly basing a 1971 decision to raise milk price supports on political considerations, including campaign contributions by milk companies.

The tape referred to in today's motion recorded a meeting between milk industry representatives and President Nixon.

The motion, filed in the United States District Court here, quoted an extract from the recording and asserted that the President's remarks could well be construed as an expression of thanks to the milk industry representatives for financial support.

It was the first time that any verbatim portion of the White House tapes has been put on the public record, other than the playing in court of the

Continued on Page 17, Column 4

Continued From Page 1, Col. 8

on at the White House on March 23, 1971. Following that meeting and another meeting with his advisers later that day, the President acceded to the dairy representatives' request to raise price supports, thus reversing a decision made only 12 days earlier by his Secretary of Agriculture.

In a statement issued on Tuesday the White House said that at the meeting on March 23 President Nixon thanked the dairy leaders "for the support they had given to Administration policies and praised them for their activism in pursuing goals which were important." According to the statement, "there was no mention whatsoever of campaign contributions."

However, Mr. Nader's lawyers said in their brief that, based on their transcription of the White House tape recording of that meeting, the White House version of the President's remarks did not appear to be "exact."

Nixon Statement Quoted

The motion then quoted the following statement by Mr. Nixon from the tape recording, which had been turned over by the White House:

"I first want to say that I am very grateful for the support that we have had [inaudible word] from this group. I know that in American agriculture you're widely recognized; that it cuts across all the farmer organizations, is represented in all the states.

"I know, too, that you are a group that are politically very conscious, not in any party sense, but you realize that

what happens in Washington not only affects your business success but affects the economy; our foreign policy [inaudible word] affects you.

"And you are willing to do something about it. And I must say a lot of businessmen and others I get around this table, they yammer and talk a lot but they don't do anything about it. But you do and I appreciate that. I don't need to spell it out. Friends talk [?] and others keep me posted as to what you do."

Type of Support Queried

Judging by the actual words used at the meeting, the motion said, "The President could be thanking the dairy farms for their financial 'support,' of which he had been told by Mr. [Charles W.] Colson in September with a suggestion that he 'acknowledge' it and of which he had been reminded just before the meeting, instead of thanking them for 'support' of his 'policies.' The difference could be crucial."

Mr. Nader's lawyers were suggesting, in other words, that the President's statement to the dairy representatives that they were willing to "do something" about their political needs instead of doing nothing but "yammer" might well have been an allusion to their pledge of heavy campaign contributions—even though the President did not want to "spell it out."

The Nader motion was filed for the purpose of asking the court to require the White House to turn over other tapes and documents relating to the milk case over which Mr. Nixon still asserts executive privilege.

Among the items asked for was a tape of the meeting of Mr. Nixon and his advisers on the afternoon of March 23, 1971, after the meeting with the dairy group. It was after this second meeting that Mr. Nixon personally decided to raise the price supports on the basis of Congressional pressure and political considerations as well as economic criteria, the White House statement of Tuesday said.

Although this second tape and other documents have been given by the White House to the trial judge in the Nader case, as well as to the office of the special Watergate prosecutor, the White House still asserts executive privilege over them.

Materials Is Sought by Nader

Today's motion, however, says that the description of these documents in the statement issued by the White House on the milk case was detailed enough to constitute a waiver of privilege. It asked, therefore, that these materials be turned over to Mr. Nader's representatives for use in their case against the Government.

The documents are necessary for their case, Mr. Nader's lawyers said, because the White House has admitted that they show that President Nixon was aware of a \$2-million campaign pledge by milk interest before he made the decision to raise the milk support price.

Because of the White House admissions, the motion asserted, there is "obviously a triable issue of fact" that the President ordered the price support change as a result of the campaign contributions, as alleged in Mr. Nader's complaint.