

Attorneys Say Milk Decision Suit Not Moot

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Attorneys for Ralph Nader said yesterday that his legal challenge to President Nixon's 1971 milk price support increase will remain a live legal issue as long as the President defends its legality.

Opposing a Justice Department motion to dismiss Nader's suit against the Agriculture Department and other agencies, Nader's lawyers said the issue is not moot.

Government lawyers, acting on a suggestion by U.S. District Court Judge William B. Jones, have contended that the case had become moot — legally dead — because the price order has been superseded by new directives and laws.

The suit charges that the milk decision was politically motivated and corruptly influenced by a campaign pledge of \$2 million from dairy cooperatives. President Nixon has denied the corruption charge but has said he yielded to congressional pressure in reversing the Agriculture Department's

decision against raising the price supports.

Nader attorneys William A. Dobrovir and Andra N. Oakes said the plaintiffs' legal argument that milk price support levels must be based on congressionally established economic standards clashes with the administration view. That view, they said, is "that the President may establish milk price support levels for political advantage."

Jones suggested last month that he may lack power to grant the plaintiffs any relief even if he finds illegality. He has set no date for a hearing on whether the issue is moot.

The Nader lawyers asked Jones not only to keep their lawsuit alive but to permit them to file a new complaint adding President Nixon and others as defendants.

Dismissal would "reward" government officials for delays in the litigation, the lawyers said. Even at this late date, they added, "an injunction is necessary to stop the corrupting influence of the dairy co-ops' contributions upon our government."

The lawyers asked Jones to rule now that President Nixon acted illegally even if his version of the price decision is accepted. "The question of a corrupt motive" could be tried later, they said.