

Post 6 4.74 Milk, Bribery and the President

THE EXTRAORDINARY importance of the milk case resides in the mounting evidence of bribery — bribery that appears to have involved the President personally. The staff of the Senate Watergate Committee has now compiled a voluminous report of its own investigations. That report adds to the record many details which, if true, greatly strengthen the case against the President.

It is necessary for every citizen to keep it firmly in mind that this case has not been proved, in the rigorous terms that a trial would require. No jury has delivered a verdict. The witnesses have testified under oath, but they have not yet been subjected to cross-examination in public. Not all of the documents are available to the public. This latest report was in fact leaked last Friday even before the committee had printed it. The issue is not whether it convicts the President or anyone else. The real issue is whether the present evidence suffices to prosecution of those involved. The answer to that question was affirmative even before the Senate Committee staff's report appeared. Now it has become doubly necessary and urgent to prosecute. With respect to the involvement of the President, this prosecution will follow the constitutional procedure of impeachment.

The Senate Watergate Committee staff report is the third version of the milk case to have been presented to the American public. Doubts and inquiries regarding this case began long ago, with newspaper stories that led to a suit by one of Ralph Nader's groups. The suit forced the administration to produce evidence that, in turn, attracted the attention of the Congressional committees investigating the scandalous and illegal financing of the 1972 presidential campaign. The first version of the milk case was the White House's response to a rising volume of accusations. It was in the form of a white paper, and appeared early last January. It acknowledged that Mr. Nixon was aware, in a general way, of the milk lobby's pledge of \$2 million in campaign contributions when he overrode his own secretary of agriculture to raise the milk support price in March, 1971. But, the white paper argued, he was only responding to the needs of the dairy industry in the conventional manner of American politics. It emphasized that he was not influenced in his judgment by the campaign contributions.

The second version of the case came from the House Judiciary Committee a month ago. As part of its impeachment inquiry it is seeking Presidential tapes and documents bearing on the milk support decision. To substantiate its demand for that evidence, it produced its own

chronology of the events surrounding the increase. That chronology made the highly interesting point that two days lapsed between the President's decision to raise the subsidy and the public announcement of it. According to the Judiciary Committee, in this interim period of two days the White House required the milk lobby to reaffirm its \$2 million pledge and, in fact, the lobbyists actually delivered \$25,000.

Now the staff of the Watergate Committee, which has been carrying on its own inquiries, contributes a much more detailed recital of the whole affair. The most striking new fact is the assertion that the public announcement was conditional on the renewal of the \$2 million pledge. That assertion, according to the staff report, is contained in the sworn testimony of Herbert Kalmbach, who was then the President's personal lawyer and a leading fund raiser for his re-election campaign. The public announcement of the increased milk support price, Mr. Kalmbach told the Senate investigators, "was, in fact, linked to this reaffirmation of the \$2 million pledge . . ."

Political bribery is the crime of buying and selling official actions. In this case the official action was the raising of a support price—a favor that brought the dairy farmers at least several hundred million dollars, a burden which was shared by the government and American consumers. The distinction between a legal political contribution and a bribe involves motives. If a contributor thinks that he is buying a specific favor, and if a politician lets him think so, both are guilty of bribery. The Kalmbach testimony suggests that the higher price supports were contingent, in the crudest and most explicit terms, on the milk lobby's promise to pay.

Impeachment is a solemn proceeding with vast consequences. Some members of Congress have come to believe that a President can be impeached only if there is evidence that he has committed a crime, and only if the crime is an impeachable offense. Those Congressmen will want to follow the milk case with particular attention, for bribery is a crime under long-established federal law and it is an impeachable offense under the Constitution. Congress is now required to look both backward and forward. It must look backward to the President's actions three years ago to determine whether he has in fact forfeited the right to hold office by committing the crime of bribery. It must then look forward to future elections, and the protection of American politics against men who would buy and sell public policy.