

Milk Case Decision Seen Near

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A federal judge hinted yesterday that the White House's public admissions about a controversial 1971 increase in milk price supports may be damaging enough to overturn the increase.

U.S. District Court Judge William B. Jones raised the possibility at a hearing on a lawsuit challenging the higher price supports because of political pressures generated by three huge dairy co-ops that lobbied for the increase.

Brought by Ralph Nader and several consumer groups, the 2-year-old lawsuit has been tied up by a prolonged fight over claims of executive privilege for relevant White House documents and tape recordings.

Judge Jones said yesterday that the still secret documents might not be needed in light of the so-called "white paper" that the White House issued Jan. 8 in defense of President Nixon's decision to increase the support prices.

Jones said he might be able to settle the controversy if government lawyers and Nader's attorneys could simply agree by legal stipulation to the accuracy of the White House account.

The judge said the White House not only acknowledged that the political power of the dairy co-ops influenced the decision, but also that Mr. Nixon had been told in advance of a \$2 million pledge for his reelection by the biggest co-op involved, Associated Milk Producers, Inc.

The attorney pressing the lawsuit, William A. Dobrovir, protested the proposed stipulation and maintained that he was entitled to pursue his charges that the higher price supports were a payoff for early contributions to the President's 1972 campaign.

The judge indicated, however, that he was reluctant to overturn claims of executive privilege for "private interests

in a civil suit." He said Dobrovir's aim ought to be to "win the case"—in contrast to Watergate prosecutors and House Judiciary Committee investigators who are looking into the price support increase for possible violations of federal bribery and conspiracy laws.

"This is not the grand jury. This is not the House Judiciary Committee," Jones said of the Nader lawsuit.

Dobrovir said he wanted "to win the case, but also to ascertain the truth." He maintained that any rules preventing him from doing both are "silly".

"Mr. Dobrovir, any time you look silly by winning a case, I want you to point that out to me," the judge replied.

Jones gave the Justice Department lawyers defending the price support decision 10 days to check out the White House account and draft a legal stipulation based on it. The judge gave Dobrovir another 10 days to accept or reject it, and said he would hold another hearing April 10.

The White House has denied that AMPI's \$2 million pledge—which was reported to Mr. Nixon six months before the price support decision—influenced the President in any way.

Jones has already been given for private inspection 68 White House documents and a tape recording of the March 23, 1971, meeting at which Mr. Nixon conferred with his senior advisers and ordered the higher price supports. The White House has also turned over to Dobrovir the tape of an earlier meeting that day between Mr. Nixon and representatives of the three dairy co-ops.

In addition, Watergate prosecutors have been given a third tape bearing on the controversy, and they have asked for still more White House recordings in connection with their investigation. The third tape has not been identified publicly, but the White House has acknowledged that Mr. Nixon also discussed dairy prices at a March 5, 1971, meeting on "a wide variety of subjects."

Dobrovir asked the Justice Department this week to produce the new tapes for the civil suit, but has yet to get a response. Secretary of Agriculture Cliffore Hardin initially refused to raise milk price supports on March 12, 1971, but he reversed himself after the March 23 meetings with Mr. Nixon.