

JUDGE SUSPENDS  
NADER MILK SUIT

He Also Tells U.S.  
Lawyers to File in  
10 Days a Motion  
for Dismissal of case

By William Robbins  
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WASHINGTON, May 14 -  
A Federal judge, citing a danger  
of "jeopardizing the  
rights of a defendant,"  
suspended proceedings today  
in a suit charging im-  
proper political moti-  
vation for an increase  
in milk price supports  
that was ordered by Pres-  
ident Nixon in 1971.

Judge William B. Jones  
also told Justice De-  
partment attorneys to  
file within 10 days a  
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The judge ordered the Jus-  
tice Department lawyers to file  
the dismissal motion on the  
ground that the case was moot,  
because several milk-price  
rulings have been made since  
the one of 1971. In his ques-  
tioning of Mr. Dobrovir, the  
judge suggested that redress  
might not be available now.

Although the judge did not  
name the President, it was  
clear that the "defendant" he  
referred to was Mr. Nixon, for  
his order came in reference to  
the Justice Department's  
argument that the case might  
affect impeachment proceedings  
in the House of Representatives.

**Earlier Dismissal Recalled**

"It is highly improper in civi  
for this court to take  
any action jeopardizing the  
rights of any defendant," Judge  
Jones said as he announced his  
ruling.

He had previously dismissed  
the Nader suit but had been  
overruled by the United States  
Court of Appeals here.

If, as his orders implied he  
might do, Judge Jones dismiss-  
es the case after the Justice  
Department's filing and an an-  
swer by Mr. Dobrovir and his  
associate counsel, Andra N.  
Oakes, a new appeal is ex-  
pected.

The defendant in the case  
nominally is Secretary of Agri-  
culture Earl L. Butz, because of  
his official position. The Gov-  
ernment is represented in the  
case by Irwin Goldbloom and  
David J. Anderson of the Jus-  
tice Department.

The case stemmed from a  
revel in March, 1971, by the  
President of a ruling by the  
then Secretary of Agriculture,  
Clifford M. Hardin, that no eco-  
nomic justification could be  
found for increasing milk price  
supports.

Newspaper articles subse-  
quently cited heavy campaign  
contributions from three large  
milk cooperatives following the  
President's order. The Nader  
suit followed those disclosures.

President Nixon has acknowl-  
edged knowing of pledges by  
the co-ops for campaign sup-  
port but said that they had not  
affected his judgment. However,  
in a "white paper" last Jan.  
8, he said that he had taken  
"traditional political consider-  
ations" into account.

Subsequent investigations  
are generally acknowledged to  
have been prompted by the  
Nader suit. The milk case is  
now a subject of inquiry by  
the special prosecutor, Leon Ja-  
worski, and the Senate Water-  
gate committee, as well as the  
House Judiciary Committee in  
its impeachment study.

Judge Jones's order went be-  
yond the pleading of the de-  
fense attorneys. They asked  
only for a stay, asserting in  
their written motion, "Defen-  
dants submit that the constitu-  
tional process of impeachment  
is paramount to the private in-  
terests arguably at stake in  
this lawsuit

The motion also argued, "The  
sole remaining issue on which  
plaintiffs continue to seek dis-  
covery is the claim of bribery."

"The facts of political con-  
siderations" have been admit-  
ted, the Government lawyers  
added.

**Argument Rebutted**

In a written response, Mr.  
Dobrovir and Miss Oakes ar-  
gued that the Justice Depart-  
ment had no proper role in  
arguing that the case would  
impede the House proceedings.  
They said, "Only if such a  
request came from the House  
of Representatives — for whom  
the Secretary of Agriculture  
and the Department of Justice  
do not speak—should it be en-  
tertained."

Only the President "will ben-  
efit from further concealment,  
by stay of these proceedings,  
of evidence of bribery," they  
added.

In oral argument, Mr. Dobo-  
vir asserted that redress was  
available, if fraud were found,  
in the form of double damages.  
Such damages, he contended,  
could be based on extra sub-  
sidies paid to milk producers  
by the Government in the 1971-  
72 fiscal year as a result of  
the decision to increase price  
supports.

No estimate has ever been  
made as to the amount in-  
volved.