

Nader's 1971 Milk Suit Delayed Indefinitely

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Ralph Nader's lawsuit challenging President Nixon's controversial 1971 increase in milk price supports was pigeonholed yesterday on the grounds that it might interfere with the House impeachment inquiry.

U.S. District Court Judge William B. Jones ordered an indefinite postponement of the three-year-old litigation at the government's request.

Justice Department lawyers had asked for the stay on the grounds that the only issue still to be thrashed out in discovery proceedings was the claim that Mr. Nixon had been bribed.

Judge Jones not only granted the postponement, but in a surprise move told government attorneys to file a motion to dismiss the lawsuit on the grounds that it was moot.

"I have serious doubts of any liability left in this case," Jones said at a hearing here yesterday afternoon. He pointed out that new milk price support orders have been issued each year since the 1971 decision and that Congress has fixed minimum levels for the last two.

Judge Jones had previously hinted from the bench

that he considered the White House's own admissions of political considerations behind the 1971 decision damaging enough to hold it illegal. At the same time, the judge has voiced doubts that he could grant any relief.

Nader said last night that he intended to keep pressing for some type of restitution, perhaps a setoff against current or future milk price supports.

He said he had no objection to taking a back seat to the House impeachment inquiry, but added: "We think there are two dimensions to this case: political bribery and consumer fraud. The justice of the case requires some restitution in some fashion to consumers."

In granting the postponement, Jones also voiced concern that the court case could prejudice the rights of potential criminal defendants who might be indicted as the result of the Watergate Special Prosecution Force's milk-money investigation.

The ruling could serve as a precedent for delays being sought in a string of Watergate-related civil suits by former White House aides

H. R. (Bob) Haldeman and John D. Ehrlichman.

Fighting against any delay at yesterday's hearing, Nader's lawyer, William A. Dobrovir, said that facts brought to light by the lawsuit had helped rather than hindered the House inquiry. He said that neither the House Judiciary Committee nor Watergate prosecutors had asked for a delay of the civil suit and charged in a written motion that its postponement was undoubtedly sought "at the instance of the White House."

"Every day in the newspapers, for what it's worth, we see things that indicate we will be able to prove conspiracy to defraud," Dobrovir declared.

Judge Jones said, however, that he thought it would be "highly improper" to go ahead with the litigation under the circumstances.

Copies of still-secret White House tapes and documents turned over to Judge Jones as a result of the milk suit were recently forwarded to the House Judiciary Committee. "Obviously," Jones said, "the matter of the (1971) milk order is under consideration by the House committee."