

NYTimes JAN 11 1973

Milk Aide Says a Lawyer For Nixon Sought Funds

By BEN A. FRANKLIN
Special to The New York Times

WASHINGTON, Jan. 10— The San Antonio-based milk marketing cooperative gave at least \$197,500 of the more than \$400,000 that flowed from the country's three largest dairy farm co-ops to Mr. Nixon's re-election campaign following the 1971 price-support rise.

The papers, say the lawyer, Herbert W. Kalmbach, asked "quite unequivocally" for dairy campaign gifts — and then abruptly sought to shut at least part of them off when dairy leaders insisted on making the contributions public, as required by law.

Mr. Kalmbach, a partner in the Los Angeles and Newport Beach firm of Kalmbach, De Marco, Knapp & Chillingworth, was reported "out for the day" at both his California offices and could not be reached for comment.

The court papers are the 87-page deposition, or sworn pre-trial statement, of George L. Mehren, general manager of Associated Milk Producers, Inc.

This increase in the Federal price support reversed an earlier decision by the Agriculture Department to hold the line on milk prices.

The Mehren deposition, and another taken from his deputy, Robert O. Isham, associate general manager of the milk cooperative, were filed yesterday in the United States District Court here by William A. Dobrovir, the lawyer who conducted the pre-trial examination. The depositions were taken last Nov. 25 in San Antonio but were not public records until filed.

Mr. Dobrovir is a young Washington public interest

Continued on Page 26, Column 2

Sought Aid

Continued From Page 1, Col. 7

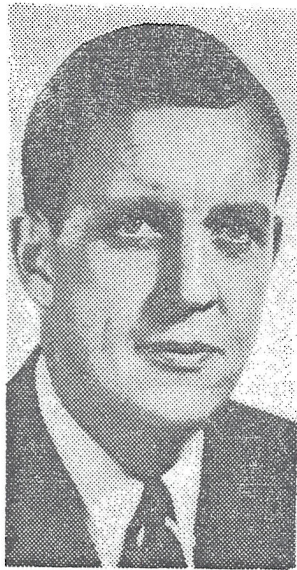
lawyer and attorney for Ralph Nader in an unusual year-old lawsuit that seeks to rescind the price-support rise — worth \$200-million to \$500-million a year to the dairy farm industry — on the ground that it was "improperly and unlawfully influenced" by more than \$300,000 in dairy campaign gifts to Mr. Nixon's 1972 re-election campaign.

The pending Nader suit contends that the March, 1971, subsidy rise was granted illegally for "extraneous" political reasons.

The suit says that a March 23, 1971, White House meeting of 16 dairy leaders with Mr. Nixon resulted within 24 hours in the reversal of an announced decision by the Agriculture Department not to increase the support level. Within days and weeks, the suit contends, the meeting resulted in contributions to Mr. Nixon's campaign that totaled \$322,500 when the Nader complaint was filed in January, 1972.

Reported dairy-farm contributions to Mr. Nixon since then have raised the total to at least \$417,500.

Mr. Mehren, a former Assistant Secretary of Agriculture, took over as the milk co-op's



Herbert W. Kalmbach

head—and as treasurer of its political contributions arm, TAPE, or the Trust for Agricultural Political Education—early in 1972.

The Mehren deposition repeatedly asserts his belief that, after the "misconstrued" publicity given the dairy farm co-ops through the Nader suit early in 1971, TAPE should

avoid making any Presidential campaign contributions in 1972.

Under questioning by Mr. Dobrovir, Mr. Mehren said that he had flown to Los Angeles to meet Mr. Kalmbach in February, 1972. He said he had been told there by Mr. Nixon's lawyer that the President "would be grateful" if TAPE could make a contribution.

Mr. Mehren said that the California lawyer had begun with a "careful prelude that nothing here involved could be interpreted ever to involve any reference to quid pro quo — now, in the future or ever."

The dairy executive testified that he would make no commitments to Mr. Kalmbach then, but that Mr. Mehren had requested that "all contributions would be explicitly identified and fully reported [in campaign finance statements required by law] and that no circumlocutory activity would be considered."

At a later meeting at the Madison Hotel in Washington, the Mehren testimony says, Mr. Kalmbach said he was "terminating" his request for TAPE funds, and that "for reasons he did not specify" there would be no "further discussion or request for political assistance from TAPE."