

Release to Judge

White House Shift On Milk Memos

Washington

Trimming back its claims of executive privilege, the White House offered a series of secret administration memos for private judicial review yesterday in connection with a lawsuit over an allegedly corrupt increase in milk price supports.

Acting White House counsel stressed, however, that the most sensitive documents sought in the case were still being held back.

He told the U.S. Court of Appeals here that President Nixon had authorized the step in order to narrow the issues at stake.

In an affidavit filed with the appellate court yesterday afternoon, Garment said he was turning over seven memos to Ralph Nader and other plaintiffs in the case and submitting 24 others, six of them censored, for a court ruling on their release.

The censored segments of the six memos and an additional 36 memos — all "censored by the President and his staff" — are being kept in White House custody, according to the court pleadings.

Acting on Mr. Nixon's orders, the White House had asserted executive privilege

in July for all 67 memos concerning the dairy farm in 1971 increase in milk price supports.

Liam B. Jones rejected Garment's sweeping claims of secrecy and ordered all of the documents turned over to him for private inspection.

The Justice Department appealed the decision on Garment's behalf, putting the issue before the appellate court.

The documents had been subpoenaed in a lawsuit brought by Nader, Public Citizen Inc., and other consumer groups who charged that the higher price supports were a payoff for early campaign contributions to Mr. Nixon's 1972 re-election effort.

Garment made clear, however, that the White House maintain the secrecy of the biggest batch of documents — 36 memos with supporting papers and portions of six others.

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