

Tape of Nixon Talk on Milk Prices Acknowledged

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WASHINGTON, Sept. 18—

The White House acknowledged today the probable existence of a tape recording of a 1971 meeting between President Nixon and leaders of the dairy industry that occurred just before the Administration announced a major milk price support increase.

The fact that the dairy industry made a \$422,100 contribution to the President's re-election campaign shortly thereafter has resulted in a suit brought by Ralph Nader and several consumer organizations.

The suit charges the Administration with "improperly and unlawfully" increasing the price supports and seeks the public disclosure of documents relating to this sequence of events.

In indicating that a tape recording of the March 23 meeting was "believed" to have been made, J. Fred Buzhardt, special counsel to the President, reiterated Mr. Nixon's position on refusing to release tapes of conversations recorded in the Oval Office.

He said the President believed that the confidentiality of the tapes "is fundamental to the preservation of the Executive's ability to perform his constitutional duties" and that the compulsory disclosure of the tapes to a co-equal branch of the Government "is inconsis-

ent with the doctrine of separation of powers."

In addition to the tapes, the affidavit disclosed the existence of additional relevant documents, including the following:

¶A memorandum dated Feb. 1, 1972, between two Presidential assistants that relates in part to political contributions and the lawsuit.

¶A list of pre-April 7, 1972, campaign contributions to the Committee for the Re-election of the President.

Both documents were offered to the United States District Court that is hearing the case by Mr. Buzhardt for in camera inspection.

Disclosure Sought

Upon receipt on Mr. Buzhardt's affidavit today, William A. Dobrovir, an attorney for the consumer organizations, filed a motion seeking the immediate production of those two documents and the tape recording for inspection by the plaintiffs.

He stated in the motion that the claim of executive privilege respecting a public meeting such as on March 23, at which dairy industry counsel, Department of Agriculture figures, and White House and Office of Management and Budget officials were present, in addition to those previously mentioned, "is almost as ludicrous as such a claim made with respect to a televised Presidential address."

Mr. Dobrovir said later that he believed a tape of the meeting did exist or it would not have been mentioned at all by Mr. Buzhardt.

According to a member of the White House counsel's office, it is believed a tape of the meeting exists "given the time frame" of when the recording equipment was installed.

The staff member added that the documents referred to in the affidavit were in addition to a group of documents released when the lawsuit first began.

Although there has been a delay in the court order to supply documents until a ruling on the President's claims of executive privilege can be given, the staff member said it was "always our assumption this was a continuing search" and that yesterday's reporting of documents was "something we felt we should do." The affidavit added that the search was still continuing.

See WXPPost 19 Sep 73, Lardner
Chronology 18 Sep 73