

Judge to See Documents

Milk Fund Tape Decision

Washington

The White House has decided to surrender to a U.S. district judge a bundle of documents in the milk fund case, including a tape recording of a key meeting between President Nixon and top administration officials, government lawyers said yesterday.

Irwin Goldblum, the Justice Department attorney in the case, said the turnover could come as early as today. He said, however, that the White House continues to claim that the materials are protected by executive privilege and will ask U.S. District Judge William B. Jones to keep the documents secret.

The materials were demanded by consumer advocate Ralph Nader in a civil suit charging that the Nixon administration raised milk price supports in 1971 in exchange for more than \$200,000 in secret contributions from the dairy industry to the Nixon re-election campaign.

(Last week, the Justice Department turned over documents in the milk case to Watergate Special Prosecutor Leon Jaworski after the White House decided to waive executive privilege. But Justice officials said the documents did not include any tape recordings.)

The tape would be the first to be released not related directly to the Watergate break-in and bugging.

The tape is of a White House meeting on March 23, 1971 — one day after the dairy industry made the first of many secret contributions to the campaign and two days before the administration reversed a 13-day-old

decision not to increase the federal support price for milk.

Nader lawyers have said that meeting appeared to be a critical one in the abrupt policy change which by industry estimates was worth some \$300 million to \$700 million to the nation's dairy farmers.

In the morning, Mr. Nixon and his top agricultural and economic advisers met with dairy industry representatives to discuss the support program. There are conflicting reports about whether a tape of that meeting in the Cabinet Room of the White House exists.

That same afternoon, the President met with domestic-affairs adviser John D. Erlichman, Agriculture Secretary Clifford Hardin, Budget Director George P. Schultz and perhaps some other aides.

Evidence already made public in the case shows that some of Mr. Nixon's aides

knew of the dairy industry's pledge of large contributions at the time.

But Hardin has sworn he changed his mind on the price support increase solely because of new economic evidence brought to his attention. Shultz has said he switched because of congressional pressure that threatened to increase milk supports by even more than the administration finally granted.

The President told Associated Press managing editors last month that "the Congress put a gun to our heads" by demanding higher support prices.

The tape of that meeting might show just what factors led to the decision.

Sources said 68 other documents turned up in an exhaustive file search in the White House and various government agencies also will be turned over to the judge with the request that they be withheld.

Nearly 30 more are to be given to the plaintiffs in the case with no such privilege claims.

The White House last summer refused to surrender the documents after they were subpoenaed and appealed Jones's order that it comply with the subpoena. But Goldblum said the government has "re-examined its position" on the issue and decided to permit the judge to inspect the evidence in private to determine whether it should be used in the case.

The judge is expected to listen to the tape and examine the other materials in chambers before ruling on the claim of executive privilege.

If he should reject the

White House claim and order that the evidence be made public, that order could then be appealed perhaps all the way to the Supreme Court, legal authorities said.

Associated Press

See entry, Chronology,
18 Sep 73

also

10 Sep 73

24 Oct 73