

Judge to Get White House Tape And Papers on Milk Fund Case

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WASHINGTON, Dec. 4—Justice Department officials said today that they would shortly turn over to a Federal judge a key White House tape and other documents related to a possible link between a possible link between Administration help to the milk industry and campaign contributions by dairymen.

The tape will also be given to Leon Jaworski, the special prosecutor, one official said. The tape records conversations during a meeting between President Nixon and his top aides on March 23, 1971, at which price supports for the milk industry were reportedly discussed. The meeting took place after another meeting earlier that day in which the President and his aides met with leaders of the dairy industry.

Two days later, the Department of Agriculture reversed its previous policy and announced a sharp increase in price supports for milk.

Lawyers familiar with the milk fund case said that the tape could help determine whether there had been a quid pro quo relationship between the change of policy and campaign contributions given and pledges by the dairymen.

Nader's Civil Suit

The tape and 69 documents on the milk issue are being turned over to Judge William B. Jones of the United States District Court, who is hearing arguments in a civil suit filed by Ralph Nader, the consumer advocate, accusing the Government of granting favors to the dairy industry in return for campaign contributions.

The White House still contends that it has executive privilege over the milk tape and documents, however, and Judge Jones will be asked not to make them public or admit them to evidence in the case. He will hear the tape and review the documents in private

and decide whether the claim of privilege is valid.

If Judge Jones rules that executive privilege cannot be claimed for the tape and documents, the White House may appeal the decision to a higher court, Justice Department officials said.

The officials did not say whether any restrictions would be placed on Mr. Jaworski's use of the tape. Last week, the department gave Mr. Jaworski, without conditions, a series of documents on the milk case that the White House had previously refused Archibald Cox, the former special prosecutor.

Since last week, the White House has released the milk tape to the Justice Department.

\$422,000 Contributed

The milk industry made official contributions of more than \$422,000 to President Nixon's re-election campaign last year. It was asserted recently in sworn testimony that a representative of a big milk marketing cooperative, the Associated Milk Producers, Inc., delivered \$100,000 in cash to Mr. Nixon's personal lawyer, Herbert W. Kalmbach, in August, 1969.

The cooperative, which is a defendant in an antitrust suit brought by the Government, said in a motion filed in a Federal court last week that Government officials had used "extortion" to extract campaign donations.

The president Nixon said at his Disneyland news conference on Nov. 24 that he had been forced by Congress to raise milk price supports.

In a related development, The Washington Post reported today that Mr. Jaworski had asked for the tape recording of a telephone call by Mr. Nixon in 1971, ordering the Justice Department to call off an antitrust appeal against the International Telephone and Telegraph Corporation.