

JUDGE SUSPENDS
NADER MILK SUIT

He Also Tells U.S.
Lawyers to File in
10 Days a Motion
for Dismissal of case

By William Robbins
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WASHINGTON, May 14 -
A Federal judge, citing a danger
of "jeopardizing the
rights of a defendant,"
suspended proceedings today
in a suit charging im-
proper political moti-
vation for an increase
in milk price supports
that was ordered by Pres-
ident Nixon in 1971.

Judge William B. Jones
also told Justice De-
partment attorneys to
file within 10 days a
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The judge ordered the Jus-
tice Department lawyers to file
the dismissal motion on the
ground that the case was moot,
because several milk-price
rulings have been made since
the one of 1971. In his ques-
tioning of Mr. Dobrovir, the
judge suggested that redress
might not be available now.

Although the judge did not
name the President, it was
clear that the "defendant" he
referred to was Mr. Nixon, for
his order came in reference to
the Justice Department's
argument that the case might
affect impeachment proceedings
in the House of Representatives.

Earlier Dismissal Recalled

"It is highly improper in civi
for this court to take
any action jeopardizing the
rights of any defendant," Judge
Jones said as he announced his
ruling.

He had previously dismissed
the Nader suit but had been
overruled by the United States
Court of Appeals here.

If, as his orders implied he
might do, Judge Jones dismiss-
es the case after the Justice
Department's filing and an an-
swer by Mr. Dobrovir and his
associate counsel, Andra N.
Oakes, a new appeal is ex-
pected.

The defendant in the case
nominally is Secretary of Agri-
culture Earl L. Butz, because of
his official position. The Gov-
ernment is represented in the
case by Irwin Goldbloom and
David J. Anderson of the Jus-
tice Department.

The case stemmed from a
revel in March, 1971, by the
President of a ruling by the
then Secretary of Agriculture,
Clifford M. Hardin, that no eco-
nomic justification could be
found for increasing milk price
supports.

Newspaper articles subse-
quently cited heavy campaign
contributions from three large
milk cooperatives following the
President's order. The Nader
suit followed those disclosures.

President Nixon has acknowl-
edged knowing of pledges by
the co-ops for campaign sup-
port but said that they had not
affected his judgment. However,
in a "white paper" last Jan.
8, he said that he had taken
"traditional political consider-
ations" into account.

Subsequent investigations
are generally acknowledged to
have been prompted by the
Nader suit. The milk case is
now a subject of inquiry by
the special prosecutor, Leon Ja-
worski, and the Senate Water-
gate committee, as well as the
House Judiciary Committee in
its impeachment study.

Judge Jones's order went be-
yond the pleading of the de-
fense attorneys. They asked
only for a stay, asserting in
their written motion, "Defen-
dants submit that the constitu-
tional process of impeachment
is paramount to the private in-
terests arguably at stake in
this lawsuit

The motion also argued, "The
sole remaining issue on which
plaintiffs continue to seek dis-
covery is the claim of bribery."

"The facts of political con-
siderations" have been admit-
ted, the Government lawyers
added.

Argument Rebutted

In a written response, Mr.
Dobrovir and Miss Oakes ar-
gued that the Justice Depart-
ment had no proper role in
arguing that the case would
impede the House proceedings.
They said, "Only if such a
request came from the House
of Representatives — for whom
the Secretary of Agriculture
and the Department of Justice
do not speak—should it be en-
tertained."

Only the President "will ben-
efit from further concealment,
by stay of these proceedings,
of evidence of bribery," they
added.

In oral argument, Mr. Dobo-
vir asserted that redress was
available, if fraud were found,
in the form of double damages.
Such damages, he contended,
could be based on extra sub-
sidies paid to milk producers
by the Government in the 1971-
72 fiscal year as a result of
the decision to increase price
supports.

No estimate has ever been
made as to the amount in-
volved.