

Dear Je,

4/19/74

Your marking of the LATimes story in SFChron 9/1/73 on the alteration of the date in the Nixon land-sale documents, which I also had forgotten, has the obvious meaning that the story cites, shifting dubious tax credits back to a year in which it enable GL to gyp a little more.

However, I suggest that it also has another meaning, that this whole business was improvised to defraud the government out of that and perhaps other taxes.

From the reasons given earlier for the sale of the San Clemente land there was no need to delay the deal until so late in the year that GL knew the capital-gains tax rate was going to go up.

Accepting the official story as true, they didn't agree until November 15, and they then decided arbitrarily that they would sign the deal December 15.

But they don't arrange for a survey until 12/28/70?

There never was any such land sale!

Had any agent of a y kind been in on the arrangement, the survey would have been arranged immediately because it is basic to the deal. The property sold must be defined in the contract. The contract can't be drawn until the survey is completed. Prior to this there can be an understanding only.

With an average citizen, this 12/28/70 date added to the request of the surveyor that he alter the records to date the completion of his survey to two weeks before he could have begun it when there was money involved would be considered and charged as conspiracy and fraud and intent to defraud.

The dates of surveys and of the signing of contracts never coincide because the survey must come and be completed first. So, there is no possibility of the innocent explanation, the alteration was just to make a neat package.

Several times I have referred to Nixon's cannibalizing of others and to the fact that this is so basic to his character and career that early in my writing, so the overall story could be credible to the average reader, I had a chapter on this cannibalizing.

Yesterday or the day before I made the some kind of reference to Ehrlichman.

This reminder includes DeMarco.

The question is how long will this long list of victims take the rap? For GL, that is.

I simply can't be believed that each and everyone one of these people did what he did only on his own initiative.

The date on which the land sale was consummated for tax purpose was utterly immaterial to DeMarco, as was whether or not the dates were neat and orderly, as they ordinarily never are and can't be.

He is a lawyer. He knew there was at least the possibility of criminality. Why should he run any risk for no apparent need?

The answer is the same as in every other case. Nixon's interest only was served. And as in every other case, that interest was in crooked money.

In each case it seems to have been a lawyer. This is normal because lawyers handle these kinds of deals. So, there is a long and growing list of lawyers who for no apparent reason and no personal gain engaged in acts that range from the dubious at best to the overtly criminal at worst.

To date I don't know of a single clean deal involving money on which Nixon ever engaged in his entire lifetime. And this is the kind of thing that prosecutors do use in court against ordinary citizens. In my writing I traced this back to his Navy days, when he took money from the corporation he was supposed to be investigating. (In fact, he was part of college-day crookedness in a break-in of the dean's office.) But to date no public figure and no writer has had the courage to report this.

No fabled emperor ever wore such clothes!

14 Apr 74

Have already sent you copy of this clipping; sending another to save you the time of hunting for yours.

I was checking something else when I came to this - had entirely forgotten this other case of pre-dating, again involving DeMarco.

Je

Nixon Land Documents-- Date Altered

Washington

Dates were altered on some land survey documents released by the White House this week in connection with the financing of President Nixon's San Clemente home, it was revealed yesterday.

Charges that dates were changed to conform to the reported re-sale date by Mr. Nixon of 23 acres of his estate were made by Representative Jack Brooks (Dem-Tex.) and later confirmed by Mr. Nixon's attorney and surveyor.

Brooks said the survey in connection with the re-sale to Robert H. Abplanalp and Charles G. (Bebe) Rebozo, wealthy friends of the President, was not completed until Jan. 3, 1971. However, survey records were prepared to Dec. 15, 1970, to conform to a sales agreement of that date, he said.

Brooks heads a House subcommittee that has studied government improvements on Mr. Nixon's California and Florida homes.

RESPONSE

Responding to Brooks, deputy presidential press secretary Gerald L. Warren said at San Clemente that the land survey dates were "irrelevant."

There was nothing irregular or improper in changing the date of the subsequent land survey to conform to

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that of the earlier sales agreement, he said.

"This is much ado about nothing . . . it has absolutely no bearing," Warren said.

LETTER

Brooks told a news conference he did not know why the records were changed. He released a letter he had written to Bryce Harlow, counsel for the President, asking for an explanation.

"Since government funds have been and are being spent upon the property in question, I would appreciate receiving a clarification as to when the transfer to B and C Investment Co. was in fact completed, when each of the related documents was actually executed, and for what purpose dates on the survey documents were changed," Brooks wrote.

B and C was a partnership by Abplanalp and Rebozo at the time, but Abplanalp recently bought out Rebozo's interest, the White House has said.

TAXES

Brooks was asked if his government activities subcommittee would seek Mr. Nixon's income tax returns to determine if his \$1.2 million property sale — listed as occurring Dec. 15, 1970 — was more advantageous than if the property had been sold in January 1971.

Brooks said he would not speculate on tax consequences of the sale, and that his panel would not seek the President's tax returns.

Warren told newsmen Mr. Nixon did not select Dec. 15, 1970, to transfer the bulk of his San Clemente property to Abplanalp and Rebozo be-

cause of any tax considerations.

Later he was asked, "can you state flatly there is no tax effect that resulted from this transaction?"

He replied:

"I am not a tax attorney, auditor or accountant."

LAW

As part of the 1969 Tax Reform Act, Congress approved higher taxes on capital gains of the type Mr. Nixon may have experienced in this sale. For 1970, for example, the maximum tax a person paid on capital gains was 29½ per cent, but the rate went up to 32½ per cent for 1971.

Warren said negotiations for the sale began in mid-September, 1970, and that by November 15 of that year the deal had been set for completion on December 15.

He released a letter from Harlow to Brooks, dated yesterday, which made some of these same points. Warren complained that Brooks delivered his letter to Harlow only minutes before the congressman's press conference, giving Harlow no time to respond.

Harlow's letter said there is "no inconsistency" in the property deal and that the survey date was "irrelevant to the effective date of the sales agreement." He added there was no significance to the date or year of the transaction.

ERASE

Brooks acknowledged there was nothing illegal in altering dates on the survey records, which were attached to the sales agreement. In one case there was an erasure with the earlier

date of Dec. 15, 1970, inserted, he said.

This erasure was discovered by committee staff investigators who visited the offices of South Coast Engineering Service of San Clemente, the surveying firm, and inspected the original documents, Brooks said. It could not be detected from a photostatic copy, he added.

South Coast officials told these investigators they were asked to change the records in January 1971 by Los Angeles attorney Frank De Marco, who represented Mr. Nixon in the sale, Brooks said.

'COMMON'

De Marco, in an interview, said it is "a very common thing in real estate" for a land survey to occur after a sales agreement.

He said this survey began on Dec. 28, 1970, but had to be re-figured because of a mistake in acreage.

"I told him (the surveyor) when he re-typed it to date it the 15th, which was the date of the (sales) transaction," De Marco said.

William Ayer, vice president of South Coast, said he was questioned a week ago by committee investigators and "we gave them all the information we have."

He said statements made by Brooks about the changes are "essentially correct."

"We only date some documents by month because surveys take more than one day," he said. "A precise dating of a survey really isn't too important to us. Why it was important to our clients — we wouldn't know this."

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