

More on Mr. Nixon's Taxes

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QUESTIONS RUSH through this city these days like unchecked flood waters. And like the flood waters, unanswered questions erode all the foundations they touch. IRS Commissioner Donald M. Alexander gave a nonanswer the other day to a question about President Nixon's taxes which has the effect of eroding confidence in the integrity of both the presidency and the tax system.

Tax Analysts and Advocates, a public interest law firm, asked some penetrating questions last July about the legality of the gift to the United States Mr. Nixon made of some of his pre-presidential papers. That gift resulted in a very substantial savings on his taxes over a number of years. Tax Analysts and Advocates also asked that Mr. Alexander cause an independent audit to be made of those tax returns filed by Mr. Nixon which were relevant to the gift and the deductions which flowed from it. After considering the matter for some months, Mr. Alexander wrote the law firm saying he lacked the authority to appoint an independent auditor "to audit the returns of any taxpayer."

That is a Delphic answer. If it simply means that the IRS is unalterably committed to the privacy of every taxpayer's returns—to keeping them within the confines of official use—it is just fine. But, if in addition, it means—as it seems to from its silence on the substantive questions raised by Tax Analysts and Advocates—that IRS now considers the whole matter closed, then the answer is clearly insufficient on a number of counts.

First, there are the serious questions which have been raised about the validity of the gift which are now unresolved. Without going back over the whole complex matter, a review of just a few of the questions should illustrate the point. The deed of gift by which the papers were donated to the United States was never signed by Mr. Nixon and has never been formally accepted on behalf of the United States by GSA. There are strong indications that the gift itself could not have been assembled until about four months after the congressionally set deadline for making such gifts. And Mr. Nixon's lawyer admits that the deed of gift itself was not delivered to the GSA until about seven months after that deadline had passed.

All those facts are on the public record. Now, it well may be that there are other facts which have escaped

public notice that demonstrate that the gift was perfectly valid and considerably less questionable than it now seems. The trouble is that if those facts do exist, they are known only to Mr. Nixon, to his lawyers and to the IRS. The public is thus left with the impression that the President of the United States is reaping substantial tax benefits from a very dubious gift and with published and uncontroverted reports that he paid less than \$2,000 income tax in 1970 and 1971 on an income of at least \$400,000.

That impression provides the other two compelling reasons for Mr. Nixon and his tax chief to come up with some better answer than has so far been provided. One is that public confidence in the integrity of the presidency has been put under such severe strain in recent months that Mr. Nixon should not permit even the appearance of his having engaged in a questionable tax transaction with the government to linger in the public mind. The other concerns public confidence in the fairness of the IRS itself. Mr. Alexander understands that people's belief in the impartiality of the tax system—especially its impartiality in applying and enforcing the law—is essential to its operations, for in an interview in the current U.S. News and World Report he says that harsher punishment for tax cheaters would deter others who may have an inclination to cheat. The other side of that coin is that people's confidence in the fairness of the IRS encourages the system of voluntary disclosure of income on which the tax system so largely depends.

There is no question that Mr. Alexander is in a tight spot. He is being asked to justify the treatment his agency accorded his boss. Laying to rest the questions about Mr. Nixon's gift—if there are answers—without disclosing the details of his returns is a task which should not defy the ingenuity of intelligent minds. However, it could be difficult, and there is in fact an easier way. Mr. Nixon and his lawyers could come forward with all the facts surrounding the gift and the deductions and lay the matter to rest themselves. That way the President would take his Commissioner off the spot, increase confidence in his presidency and enhance the efficacy of the tax system. Considering the fact that he is not just any taxpayer, but the man elected to preside over and protect the institution of federal government, Mr. Nixon's duty would seem clear.