

Nixon Aides Seek Role in Tax Inquiry

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By Edmund L. Breton
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President Nixon's tax lawyers have rejected suggestions that he voluntarily amend his questioned tax returns and pay additional tax, and have asked to argue their case before an investigating congressional committee, sources close to the inquiry said yesterday.

The sources said the Joint Committee on Internal Revenue Taxation will receive from its staff within a week a report concluding that Mr. Nixon owes substantially more than the \$78,651 tax he paid on income totaling more than \$1 million received in the years 1969 through 1972.

The committee will meet in executive session on the staff report and, if the Nixon attorneys press their request, will give them a chance to argue against the conclusions, sources said.

Whether the committee calls witnesses and holds public hearings on questions of fact will depend on the committee's findings, they said.

Although the joint committee's inquiry is not directly related to the general investigation into possible grounds for impeachment being conducted by the House Judiciary Committee, permitting his lawyers to participate could be cited as a precedent affecting the broader inquiry.

James D. St. Clair, Mr. Nixon's chief Watergate attorney, has asked for an opportunity to challenge evidence, cross-question witnesses and introduce his own evidence before the Judiciary Committee. The committee, divided on the issue, has not replied.

On the biggest single item in the tax controversy, Mr.

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President's Counsel Seek Role In Hill Probe of Nixon's Taxes

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Nixon's contention that he made a valid gift of papers worth \$578,000 to the National Archives, sources reported, could lead to suggestions for a new appraisal of the papers has put a much lower value on them, they said, so that, if the donations were ruled valid, Mr. Nixon still would owe some tax.

However, one source said that nothing he had seen convinced him that the donation qualifies under the law. A key question is whether the gift was completed and accepted before July 25, 1969, when a change in the applicable law took effect.

The staff report is understood to cover also such questions as whether Mr. Nixon should have paid capital gains tax on the profits from sale of his New York condominium apartment and a portion of his San Clemente establishment on the basis of official use and several other items involving smaller sums.

On all of these, sources said the Nixon tax lawyers conten-

that legal authorities can legitimately differ and that Nixon's counsel should be heard in opposition to any adverse conclusions. The sources said the committee is concerned that the investigation be seen as completely fair and will grant such a request before making public its own conclusions on the staff material.

The suggestion that Mr. Nixon voluntarily file new returns for the years in question was made publicly by Rep. Thurmond (D-S.C.), vice chairman of the joint committee and chairman of the tax-writing House Ways and Means Committee. The White House has not responded publicly but sources said the committee has been given to understand that Mr. Nixon has no intention of conceding in advance that his returns were incorrect.