KPFA-FM, Berkeley
6:30 p.m. news, excerpt
(transcribed from tape)

25 January 1974

From correspondent John Roberts, Sacramento:

The questionable practice of deducting the cost of donating Presidential or vice-presidential papers, such as the case of Richard Nixon, took on a new twist today.

Secretary of State Edmund G. Brown Jr.'s office announced today the preliminary findings of a continuing investigation into Richard Nixon's vice-presidential papers. The Secretary of State's office has been investigating for several months alleged misconduct by a California notary public, and, according to Deputy Secretary of State Douglas Fagin [phonetic], the investigation is not yet complete and will continue for several more weeks. But a number of witnesses have been interviewed and a final determination on the course of action to be taken against alleged misconduct on the part of the notary public will be made at the conclusions of that investigation. Also, the information will be turned over to proper Congressional committees.

What the investigation has revealed so far is that a notary date on the Nixon vice-presidential papers is false. Supposedly, the notarization occurred in 1969, but in fact -- according to the Secretary of State's office investigation -- it took place in 1970. This contradicts the claim made by President Nixon in explaining to the press the reason why his tax bills were so low for several years running.

[Insert of recording of Nixon's voice, presumably from his 17 November 1973 address to the ~~AMPA~~ APME editors' convention at Orlando, Fla, beginning: "Lyndon Johnson came in to see me shortly after I became President," and ending: "x x x and I thought of that a moment, and I said, 'All right, I'll turn them over to the tax people.'"]

Deputy Secretary of State Fagin, in releasing the findings of the investigation so far, said the deed to the vice-presidential papers, used to justify deductions by President Nixon on his tax returns, was actually signed after the July 1969 cut-off date for such deductions. Fagin said the principals involved in the case told him the deed was dated March 27th, 1969, but was not actually signed and notarized until April 10th, 1970. The information came from Frank de Marco Jr., of the

law firm of Kalmbach, Knapp and Chillingsworth of Los Angeles and Newport Beach. The firm's senior partner, Herbert Kalmbach, is Nixon's long-time personal attorney, and de Marco is Nixon's California tax attorney.

The secretary of State's office investigation also revealed, through a legal deposition taken from de Marco's secretary, that the typewriter used to prepare the deed and the accompanying affidavit was not even purchased until July of 1969, a period of four months after the dates of the documents. Deputy Secretary of State Fagin said that the April 21st, 1969, notarized date, by attorney and notary public de Marco, is obviously false. De Marco is scheduled to give a formal legal deposition next week in Los Angeles. De Marco has already told the Secretary of State's office that the original deed was executed in April 1969, before the expiration date of the tax law that permitted that kind of deduction claimed by President Nixon in donating his vice presidential papers. But de Marco also says he has no copies of the original deed, and the Secretary of State's office says. They have yet to locate a copy of the original deed, possessing only notarized copies of the original that are on file in the State's archives, which is not an original.

But there is still more. The papers may have been notarized before they actually were signed, which is illegal, and they may have been signed outside of California, which is also illegal.

The copy of the deed on file in the State archives carries the signature of Edward L. Morgan, who is a former deputy counsel to the President in Washington, and it is dated March 27th, 1969, along with an affidavit claiming Morgan's right to sign on behalf of President Nixon, acting as his counsel, with the date on the affidavit reading April 21st, 1969, and notarized by Frank de Marco. But now Morgan says he has since learned that he did not have the legal power to sign the deed on the President's behalf, but nevertheless both de Marco and Morgan claim the signatures were actually attached in the state of California. They make that claim because the state law requires the documents in question to be signed within the boundaries -- thus the legal jurisdiction -- of the state of California, and to be notarized within the legal jurisdiction of California.

The whole matter stems from the Internal Revenue Service investigation, and the Joint Congressional Committee on Internal Revenue Taxation investigation. President Nixon was able to claim, due to this gift of vice-presidential papers, $482,000 over four years in deductions from his income tax. This enabled him to pay less than $6,000 federal income tazes over the past three years on a total income of $800,000.

The significance of the whole matter is this: The possible violations of California law, and the possible obvious falsification of the documents -- the notarization, etc. -- could be construed as violations of the law on the part of Richard Nixon, as well as the attorneys acting in his behalf, and could, more significantly, fall into the category of an impeachable offense.

John Roberts, Pacifica Radio, in the state capital.
