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A DECISION SOUGHT ON PARDON FIGURE

Justice Department Asked If Intermediary for Ford Must Face Tax Trial

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WASHINGTON, Sept. 26—The United States Attorney's office here has forwarded to senior Justice Department officials for a final decision a tax-fraud case involving Benton L. Becker, the Washington lawyer who served as President Ford's intermediary in the pardoning of Richard M. Nixon.

A summary of the allegations against Mr. Becker, sent to the Justice Department on Sept. 11, two days after his role in preparing and delivering the controversial pardon was made known, reportedly did not include a specific recommendation from Earl J. Silbert, the United States Attorney, on whether the young lawyer could be prosecuted.

The New York Times reported on Monday 23 Sep that lawyers in the United States Attorney's office involved in preparing the case against Mr. Becker had concluded, a month before he conveyed word of the impending unconditional pardon to Mr. Nixon, that the Government should ask a Federal grand jury to return charges against Mr. Becker.

Associations with Ford

Mr. Becker has known President Ford since 1970, when he assisted him and other Congressmen in an unsuccessful effort to impeach Supreme Court Justice William O. Douglas.

Mr. Becker and his law partner, William C. Cramer, a former Republican Representative from Florida, represented Mr. Ford last year during congressional hearings on his nomination as Vice President. Lately Mr. Becier served as unpaid member of the Ford Administration's White House "transition" staff.

It has been said that although Mr. Ford was advised during his confirmation hearings last November of the allegations against Mr. Becker, it was not until the evening of Sept. 8 — the day the Nixon pardon and Mr. Becker's role in it were made public — that the White House was told that the investigation had advanced to the stage it is now said to have reached.

A Justice Department spokesman said yesterday that he could not comment on how soon Scott P. Crapton, the Assistant Attorney General who heads the Tax Division, might make a decision in Mr. Becker's case, or The case involv es sworn allegations that Mr. Becker participated in a scheme to deduct $10,000 in spurious interest payments from his taxable income in 1972.

Accused by Ex-Client

Mr. Becker's principal accuser is Joel Kline, a former multimillionaire, now bankrupt, who made his fortune in stock and real estate speculation in Mary land.

Mr. Becker, who began in 1971 to invest in some of Mr. Kline's holdings and who later acted as his attorney in a Federal investigation of political corruption in Maryland, has been accused by his former client of having suborned his perjury before Government investigators in the case.

Of particular interest to Mr. Silbert's office, however, are Mr. Kline's charges, made under oath before a grand jury here, that he set up a tax dodge that would have allowed Mr. Becker to defraud the Govermemt Government of taces on nearly $150,000 in income over several years.

Sources familiar with the case said that Mr. Becker, under oath, had denied all the charges against him. Several sources termed the case against him a particularly "close" one.

One Federal source conceded that someone like Mr. Kline — when the source characterized as having devoted "every waking moment over the past 10 or 15 years to amassing an illegal fortune"—would not be his first choice as a central witness in a criminal case.

An 'Arrangement' With U.S.

But that source and other colleagues pointed out that, since he pleaded guilty in August of last year to obstructing a Securities and Exchange Commission investigation, Mr. Kline had entered into an informal agreement with the Government, on pain of further prosecution, not to mislead it in his testimony against others.

Mr. Kline reportedly alleges that he set up, for Mr. Becker's benefit, what was described as a bogus entity, the Senate Financial Corporation, in which the 36-year-old lawyer agreed to purchase shares of stock with funds lent him by Mr. Kline.

The only obligation reportedly accruing to Mr. Becker during the first seven years of the deal was said to have been payment of $20,000 each year in "interest" on the loan, in two equal semi-annual installments. The deal was said to have fallen through when the Government became interested in Mr. Kline's activities.