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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. 8, 1971. However, survey records were predated 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 because 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."

Los Angeles Times

Other clippings filed Nixon, real estate.