

# Nixon's Tax Attorney Hints at 'New Facts'

By Kenneth Reich  
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LOS ANGELES, Jan. 31—President Nixon's tax attorney, Frank DeMarco Jr., says that "some question" has arisen as to whether the man who appraised Mr. Nixon's vice-presidential papers given to the National Archives told him the truth about details of the appraisal.

DeMarco said Wednesday recent testimony of appraiser Ralph Newman to investigating congressmen, testimony which so far has not been publicly disclosed, had given him new light on the question of whether Mr. Nixon's gift was legitimate for tax deduction purposes.

The tax attorney said he still felt the gift was legally handled. But, emerging from the office here of California Secretary of State Edmund G. Brown Jr., where he had given a two-hour deposition on the matter Wednesday, he added:

"Now some facts have developed in the last two weeks which I didn't know existed at the time in 1970. But I don't believe they change my opinion that he [Mr. Nixon] complied with the law to the extent that was at all possible and I think that the donation was good."

DeMarco was asked about the new facts.

"Well, I think there's some question now on some of the testimony developed in the East from the appraiser as to what he told me and [whether] what he put in his affidavit in fact was true," the attorney replied. "It may very well be that he wasn't at the Archives on the dates he told me he was there."

Newman could not be reached for comment.

DeMarco has previously

claimed that the reason he did not prepare a final copy of a deed to the papers until the year following a change in the law that took away almost all tax deductibility from such gifts is that he was waiting for Newman to appraise them and give him a list of the documents that had been delivered to the Archives.

Mr. Nixon has saved \$250,000 in taxes as a result of taking deductions for the gift of the papers. That and other deductions enabled him to pay less than \$6,000 in federal income taxes the last three years on a total income of more than \$800,000.

Another controversy involving Newman's appraisal has to do with certain papers the Chicago expert removed from the Archives at the time he was appraising them.

According to DeMarco, Newman informed him that the papers removed were "sensitive" ones that should be retained by the President and not actually given to the Archives. However, there have been suggestions in some quarters that the more valuable or independently marketable papers were removed.

An investigative source said that the date on which Newman segregated the papers that were not to be given may be a key as to whether the papers had been legally delivered to the Archives before the law on tax deductibility changed in July, 1969.

In the process of giving the deposition, DeMarco was questioned extensively by Brown aide Daniel H. Lowenstein on whether DeMarco had acted legally in back-dating a final copy of the deed to the papers and notarizing it.