

# Nixon Tax Lawyers Freed to Testify

The White House says that two lawyers who advised President Nixon on his personal income taxes would be released from attorney-client confidentiality to testify before a joint committee probing Mr. Nixon's tax returns.

J. Bruce Whelihan, a White House spokesman, said Saturday that attorneys Herbert W. Kalmbach and Frank DeMarco Jr. would be allowed to testify if they seek a waiver of the attorney-client privilege.

Earlier, The Baltimore Sun reported that Kalmbach and DeMarco have already requested a waiver of the confidentiality requirement. Whelihan said he was unaware of any waiver application.

The Sun said that the two lawyers had requested waivers from at least four of the President's key aides, but that the White House insisted on first receiving their planned testimony in writing.

The newspaper reported that the lawyers rejected this demand because it would mean that the White House would exercise virtual control over their testimony.

But Whelihan said the waiver would be granted without any conditions.

The newspaper said the proposed testimony involves a meeting on April 10, 1970, in which the President and the two lawyers discussed deductions claimed on Mr. Nixon's 1969 federal income tax return. The President's returns for the years 1969 through 1972 are under study by a joint congressional committee.

There have been reports that the committee's investigation, initiated at the President's behest, could lead to his having to pay up to \$350,000 in back taxes.

Meanwhile, The New York Times reported that staffers on the joint committee are convinced that no original deed of transfer ever existed on the gift of Mr. Nixon's vice presidential papers to the National Archives. The President's claimed \$576,000 deduction for the gift is one of the matters under investigation by the committee.

The Times reported that a document held by the committee allegedly shows that more than three months after the cut-off date for claiming deductions for such donations, the papers were still described by an appraiser as "property" of the President that was be-

ing "presently stored" at the archives.

DeMarco has said the deed of transfer was signed on April 21, 1969, by former White House aide Edward L. Morgan, but that it was subsequently destroyed when a new deed was signed on April 10, 1970. The date of the original signing is important because in July 1970 a provision allowing deductions for such gifts was repealed.