

Closing Down the Nixon Tax Probe

Washington

The Internal Revenue Service and the Congressional Joint Committee on Internal Revenue Taxation yesterday formally closed their inquiries into President Nixon's tax payments for his first four years in the White House.

The committee, by a 9-to-1 vote, officially noted its agreement with the substance of most of the recommendations of its staff, which concluded that Mr. Nixon had underpaid his taxes by \$444,022 in the years 1969-72. The only dissenter from the endorsement of the staff's work was Senator Carl T. Curtis (Rep.-Neb.).

Meanwhile, it was learned that Mr. Nixon's pre-presidential papers will apparently remain in the National Archives.

In another development, sources close to the House Judiciary Committee said that several Democrats on that panel were convinced that Wednesday's report on Mr. Nixon's taxes pointed to a violation of a constitutional provision prohibiting a president from receiving extra compensation or emoluments.

This constitutional issue has now been referred to the committee's inquiry staff, the sources added.

The report found that a number of federal expenditures during Mr. Nixon's first term had benefitted him personally and should have been taxed as personal income.

Among these expenditures were \$92,298 in federal funds used to improve the president's private estates, \$27,015 worth of purely personal airplane travel by the Nixon

family and friends and \$5391 for a "masqued ball" given by his daughter Tricia.

The committee members were said to believe that these expenditures go beyond the tax issue raised Wednesday to pose a question of constitutional propriety that was specifically avoided by the tax staff.

The Joint Committee also commended Mr. Nixon "for his prompt decision" to pay the somewhat smaller amount of \$432,787 that the Internal Revenue Service found he owed for the four years.

In announcing that it has closed its tax investigation against Mr. Nixon for the years 1969-72, the IRS explicitly stated that it had assessed no fraud penalty for any of the years because it "did not believe any such assertion was warranted."

The joint committee had avoided judging the question of fraud on the ground that it might come before the House Judiciary Committee, which is considering whether to recommend Mr. Nixon's impeachment.

Representative Peter W. Rodino, (Dem-N.J.) the chairman of the judiciary committee, in turn, has indicated that he does not believe his committee can get into the question of whether Mr. Nixon committed tax fraud.

The office of the special prosecutor, Leon Jaworski, has taken little or no interest in Mr. Nixon's taxes, on the ground that they were the responsibility of other organizations.

Thus it appeared likely that the issue of fraud would not be formally raised in any quarterly.

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