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Taxes, Morality and Mr. Nixon

VOICES FROM Capitol Hill now join the White House in urging us all to join the congratulations to President Nixon for his public spirit in paying his taxes. The Joint Committee on Internal Revenue Taxation declares that it "commends the President for his prompt decision to make these tax payments." Is it necessary to point out that, under American law, paying income taxes is not a voluntary matter?

The Internal Revenue Service did not invite Mr. Nixon to pay up, or cajole him. It ordered him. Quite true, it is vastly better that he chose to comply immediately without dragging his affairs through a long wrangle in the courts. Equally true, Mr. Nixon said promptly that he would pay the full assessment on his 1969 income. The three-year statute of limitations would have prevented the IRS from collecting this money unless it was prepared to prove fraud. (In the event that you were wondering, there is no statute of limitations on tax fraud.) But this gesture is not quite so generous as it sounds; while the IRS could not forcibly collect payment on 1969 income, Mr. Nixon had committed himself explicitly last year to pay any 1969 shortages regardless of the statute. After the spreading criticism last fall compelled him to make his returns public, he turned to the Joint Committee and asked it to undertake an independent audit. In a letter last Dec. 8 to the committee, he requested it to judge his tax treatment of two very large items, the deductions for the gift of his vice-presidential papers and the resale of part of the San Clemente property. "In the event that the committee determines that the items were incorrectly reported," he wrote, "I will pay whatever tax may be due." That is a simple, unqualified sentence.

It is not as though Mr. Nixon voluntarily reopened the issue of his taxes. Nor were his underpayments small. In 1970 he paid $792 when the staff of the Joint Committee found that he should have paid $93,410. In 1971 he paid $878 when the staff said he should have paid $89,667. Errors on that scale do not qualify as near misses, or slips of the pen. Neither are the questions of law as fine-spun as the White House seems to believe. The staff report demonstrates quite clearly, for example, the illegality of the deduction for the papers.

As for the Joint Committee, it has done exactly the right thing with its staff's voluminous and highly expert report on these tax returns. It has sent the report to the House Judiciary Committee to be read for evidence of fraud, as part of the investigation of possible grounds for impeachment. It is now up to the Judiciary Committee to decide whether to charge Mr. Nixon with tax evasion. The White House emphasizes that the Internal Revenue Service's findings rebut any fraud. But since the White House has not made public the IRS analysis, the public has no way to judge its reasoning. In any event, the opinion of the IRS, while helpful, is by no means conclusive. The Judiciary Committee would properly weigh it in the same scale as it might weigh an opinion by the FBI that Mr. Nixon had no part in the Watergate cover-up, or an opinion by the Justice Department that Mr. Nixon's acceptance of money from the milk lobby did not constitute accepting a bribe. In an impeachment proceeding, these are not, in the last analysis, judgments for the federal agencies to make but rather, under the Constitution, they are reserved for the House of Representatives and perhaps ultimately the Senate.

The scale of this tremendous payment is a particularly bitter blow to Mr. Nixon, the most personal in a long series of reverses. He and the men around him have made it evident, over the years, that he attaches considerable importance to the possession of wealth when he leaves office. Three of our last five Presidents, of course, came to the White House wealthy men. The exceptions were Mr. Truman and Mr. Eisenhower, and Mr. Eisenhower left Washington considerably more comfortably situated than when he arrived. Mr. Nixon has made it abundantly clear that he has no desire to follow Mr. Truman's example of returning to the old white clapboard house in his home town. The integrity of the national tax system urgently required Mr. Nixon to pay the full and accurate assessment of his taxes down to the last dime. But even for those Americans who deeply disapprove of his activities and wish him out of the White House, there can be no pleasure in the painful spectacle of a President pressed for back taxes.

Among politicians, there is speculation whether this huge payment will excite public sympathy for Mr. Nixon. Sympathy seems hardly likely, and still less justified—not at this season, in which most of his fellow citizens are spending nights and weekends with Form 1040 contemplating the bite that the IRS took out of all those paychecks, and the bites still to come. But pity is another matter. Pity is an element in the classical definition of tragedy, and tragedy is what we are watching now. The country is seeing the slow, intricate process of the destruction of a reputation and a career. The reasons for it are neither accidental nor trivial, but are deep in the nature and character of the man. At a time when tragedy has passed out of fashion in our literature, it is being pressed insistently upon us in our politics.

Because Mr. Nixon could not satisfactorily answer questions about his net worth, he was forced eventually to make public his tax returns. Having made them public, he was forced, for all practical purposes, to submit them to expert judgment—and he chose the tribunal (the joint committee) that he thought would be most congenial to his interests. When the judgment ran heavily against him, he was first bound by law, and then by his own word, to pay. These events are less a matter for commendation than for public dismay.