

The Tax Charge Against Nixon

Washington

President Nixon may be subject to impeachment for willful tax evasion, special counsel John M. Doar told the House Judiciary Committee yesterday.

Doar referred to Mr. Nixon as "an attorney who in the past has engaged in tax practice."

Doar submitted to the committee a 12 - page outline of the President's tax case, the first information the committee has released on that phase of the impeachment inquiry.

The document focuses on Mr. Nixon's deductions for contributions of private papers to the government.

The deductions reduced his tax payments to a nominal sum for his first three years as President, but an investigation by the Internal Revenue Service resulted in a back tax assessment this year of \$432,787.13.

Doar disclosed that the committee had corroborated earlier statements by Mr. Nixon's tax attorney, Frank DeMarco, that he and the President went over Mr. Nixon's 1969 tax return, which listed the deduction, "page by page."

According to Doar, Herbert Kalmbach, who was Mr. Nixon's personal attorney, said in testimony before the committee that Mr. Nixon and DeMarco "went over the return page by page and discussed the tax consequences of the gift of papers deduction."

Emphasizing that the IRS had treated Mr. Nixon with deference, Doar said that even in finally assessing the President for back taxes, the agency had not explored the question of fraud.

Doar pointed out that Mr. Nixon had refused to answer written questions by the Joint Congressional Committee on Internal Revenue Taxation when it investigated his taxes earlier this year.

After citing circumstances that raised questions about whether Mr. Nixon was aware he was taking an illegal deduction, Doar said it was the judgment of Fred Folsom, a long-time federal tax official, that "in the case of an ordinary taxpayer, on the facts as we know them in this instance, the case would be referred out for presentation to a grand jury for prosecution."

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