

Nixon Tax Lawyer Cleared by Judge

Los Angeles

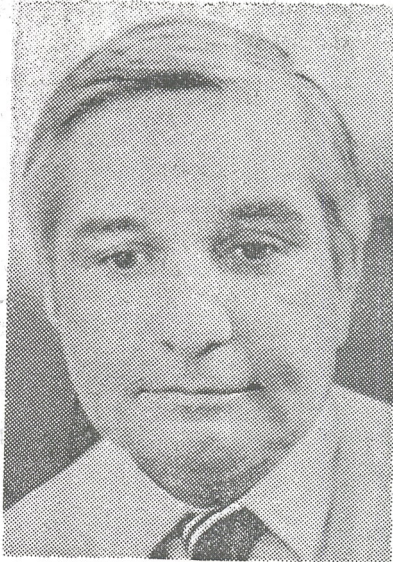
A federal judge, citing prosecution misconduct, dismissed all charges yesterday against Frank DeMarco Jr., accused of obstructing investigations into an illegal \$576,000 tax deduction by former President Nixon.

After U.S. District Judge Warren J. Ferguson acted, DeMarco, Mr. Nixon's former tax lawyer, said, "I just feel good. . . I don't think the government proved the essential elements of either count."

The defense had asked that the charges be dismissed because the prosecution had withheld evidence DeMarco's attorneys said might have helped prove DeMarco innocent.

The defense said Anthony Passaretti, a former Internal Revenue Service agent, testified that DeMarco admitted he lied about the deed when questioned by the Watergate special prosecutor's office in 1974.

But documents held by the prosecution showed it was De-



AP Wirephoto

FRANK DeMARCO JR.
A matter of evidence

Marco's attorney who made the statement, not the defendant.

Judge Ferguson in dismissing the case told the jury, "No matter how guilty a man is, if he is deprived of a fair trial he simply can't be punished."

He added, "Both sides deserve a verdict on DeMarco's guilt or innocence . . . This is a sad thing that happened."

DeMarco originally faced five counts in connection with a backdated deed giving Mr. Nixon's vice presidential papers to the National Archives. Three of the counts were dropped earlier and the final two, obstructing a congressional investigation and giving false answers to the Internal Revenue Service, were dismissed yesterday.

The government contended DeMarco had tried to help hide the fact that the actual deed turning over the papers was not signed until 1970, after a law took effect disallowing such donations for tax purposes.

The deed was backdated to March 27, 1969, the government said. The National Archives gift was one of the tax problems that confronted Mr. Nixon and led to his paying the government \$465,000.

Associated Press