

MAR 20 1976

Dear Jim,

3/20/76

The fancy stationery comes from the Use Everything handy survival kit. As usual too late Bud again realized that in the Uninpeachment there is what can interest one of his wealthier clients. When it was impossible he wanted to get JL together with that client and the ms. Not realizing how large the ms is I said JL would have to read much, so we agreed to have a copy. I hired a student to do it. Rather than take the time in each instance to see if copying an add was worth it I had her copy all. As you will see what you sent is included. She was insecure with the machine until she had used it a long time. She thus wasted much paper.

Before I get to my purpose a few catch-ups. I'm engaged in the second part of The Big Experiment, to see if I can write with a recorder while travelling. I'm dubbing last Sunday's train tape from the Lanier. I had the distributor make me a patch cord and try it on the Craig, which I took to him to clean up and go over. It has had very much use. While I don't presume you use batteries, I got two sets of those I can recharge because the cost of cheap ones has gone up so much. The first pair, the Lanier working on two only, has lasted about two hours so far and still going strong. If with this dubbing they hold up longer I'll take it for making memos while going over the FBI's papers I'm to see next week. Incidentally, the carrying case for the Craig mike fits it perfectly so I did not buy the one that comes with it.

Floyd and at least two girl students are coming today. I have about 1500 pp from CIA. Before even looking at them I want an inventory. I hope the girls get on that. I have no idea what these really say and won't make the effort until I can do it in a more systematic way than in the past, beginning with an inventory.

The real reason I'm writing while watching this dubbing is to ask if you have any suggestions on my Playboy situation. They seem to be stonewalling. If I do not hear from them Monday, while I'll have to be away twice before evening, I'll have to make a fairly quick move in federal district court. Les Payne and my lawyer friend Dick, whose expertise is in publishing, both independently recommend seeking an injunction. I've notified Playboy I will if I do not have written assurance they will use none of my work. My greater concern is not plagiarism of the copyrighted. It is use of new and unpublished told McKinley in confidence. I have a good written record of notice and, of course, I would prefer to be able to avoid all of this. I know he can't show any source other than me. And there is a real possibility of personal danger if some as is done in the copy is used out of context, incompletely. One of the reasons for saying so little about this book and almost never mentioning how it will conclude is this element of danger. Even Hoffa warned of the danger. Now much is about to be blown with this added element of danger. If I allege the danger in court without the proof it will lack credibility unless I can do it in chambers and if I spell it out I'm adding to the danger. There is also the possibility that a judge may be unwilling to put any large-circulation publication to the cost of a delayed edition or may regard it as a kind of prior restraint. That I have the copy may or may not make a difference.

It will also coincide with JL's and my need to spend the days quite busily at DJ. We'll have to discuss this in some detail the first night and perhaps draft a complaint then. Fortunately, JL is first-person on the danger part, having been in on the Hoffa conference and confirmed my analysis-investigation with one of the few leads we got from Jimmy after I'd been pressuring him for a while. (Bud still doesn't understand how I was able to do this three years earlier and in 1971 have pictures of the house in question and a history on it.) So his word to a judge may carry some weight in confirmation.

Playboy says its lawyers say they can use anything, that in effect there is no such thing as plagiarism. While I am without doubt with the record I have from having been their consultant and the tapes they and I have in which I tick off their uncredited sources on almost everything, including the diligent avoidance of my name even where it was awkward, suit is not my purpose. It is a last resort no matter how much it might pay. This is Saturday and I had no call yesterday until 4:45 when I left for Lil, to take her shopping. Back at 6, which is 5 Chicago time. So I assume they have not decided or are stonewalling. What I'm really asking you is if within your experience there are similar or parallel case and if so what they say. You will not be able to respond before we will have done whatever we may do initially. One other question is should we go public on the stealing only. Any advice appreciated. Best,

HW

# C.I.A. SAID TO FIND PLUMBERS' DATA

## Transcript Is Believed Only Record of Ehrlichman's Asking Cushman Aid

By JOHN M. CREWDSON

Special to The New York Times

WASHINGTON, May 31 —

The Central Intelligence Agency has reportedly discovered a partial stenographic record of a telephone conversation in 1971 that may represent a crucial piece of evidence in the Government's upcoming prosecution of the "White House Plumbers."

The transcript, whose existence was made known by an extremely well-placed source, is believed to be the only record of a telephone call on July 7, 1971, in which John D. Ehrlichman reportedly requested C.I.A. assistance for one of the "plumbers" from Gen. Robert E. Cushman Jr., the agency's deputy director.

The significance of the document is that it could show the extent to which the C.I.A., which is barred by law from engaging in domestic intelligence operations, was told by the White House about the use the "plumbers" planned to make of information the C.I.A. provided them.

Mr. Ehrlichman, then a top aide to President Nixon, has said that he had no recollection of having made such a request to General Cushman. Mr. Ehrlichman was charged with the overall responsibility for the "plumbers" operation, which was aimed at the theft of information to be used in the Watergate case.

The general was a commandant of the Marine Corps, said the Senate Watergate committee last summer he received a telephone call in early July, 1971, that he believed was from Mr. Ehrlichman, requesting some technical assistance for E. Howard Hunt Jr., a member of the "plumbers" who was later convicted for the bungled Watergate break-in.

But the reported existence of the shorthand notes, taken by a secretary who is said to have listened in on the conversation, assumes importance in view of General Cushman's testimony in August that his recollection of the caller's identity was based on circumstantial evidence alone.

As a result of the White House request, Mr. Hunt was eventually provided by the C.I.A.'s Technical Services Division with false identification papers and equipment, including a hidden camera that was used in the photographic recon-

Beverly Hills, Calif. psychiatrist who had treated Dr. Daniel Ellsberg. Mr. Ehrlichman and four others, not including Mr. Hunt, were indicted by a grand jury in March through evidence presented by the special Watergate prosecutor on charges of conspiring to violate the civil rights of Dr. Lewis I. Fielding, the psychiatrist, in connection with a burglary at his office in September, 1971.

### Hunt's Account

Mr. Hunt, who was granted immunity in the case, has told a Federal grand jury heretofore that he arranged for the burglary, which proved to be unfruitful, to seek information about Dr. Ellsberg, who was then suspected of having leaked the Pentagon papers to the press.

Mr. Ehrlichman has denied that he authorized the Fielding break-in or had any foreknowledge that such a move was being planned by the "plumbers," learning of it only after Mr. Hunt returned empty-handed to Washington.

Last July, Mr. Ehrlichman told the Watergate committee that he could not remember "ever making such a call" to General Cushman. Informed by telephone of the report that a partial record of the call had been found in C.I.A. files, the President's former chief domestic adviser insisted that he still could not recollect the incident.

According to the original source, the brief stenographic record, which amounted to three typewritten lines, was made by a C.I.A. secretary who listened to the Ehrlichman-Cushman conversation on what is called a "dead key"—a button on a telephone instrument that allows a second party to listen to a conversation in progress without being overheard.

The use of a secretary to take notes of a telephone conversation is not uncommon in Washington. One C.I.A. official described it as standard procedure at the agency.

A second well-placed source said that the second had been "sent to the hill," and another said that he believed a copy had also been forwarded to the office of Leon Jaworski, the special Watergate prosecutor.

Paul D. Thompson, the chief legal counsel to the Watergate committee, has been investigating, in behalf of Senator Howard H. Baker Jr., of Tennessee, the Republican vice chairman, the C.I.A.'s involvement in the Watergate affair. But Mr. Thompson declined to say whether the document was among the materials he had received from the agency thus far.

The initial source would not characterize the details of Mr. Ehrlichman's request for technical assistance for Mr. Hunt, who retired from a long career in the C.I.A.'s clandestine service before joining the "plumbers" group shortly after it was set up to investigate Mr. Ellsberg's role in the Pentagon papers case.