

Hughes Guard Tells Paper of Finding C.I.A. Memo That Burglars Dropped

Special to The New York Times

LOS ANGELES, April 4—The guard who was forced to admit burglars to the Romaine Street headquarters of Howard R. Hughes last June 5 has told The Los Angeles Times that he picked up a \$100,000 certificate of deposit and a memorandum on a top-secret Central Intelligence Agency project that the burglars "must have dropped."

The memo gave the details of the agency project in which Mr. Hughes's organization, under contract with the C.I.A., lifted part of a sunken Soviet submarine from the ocean floor northwest of Hawaii last summer. The agency's attempts to recover Soviet codes and nuclear missiles failed.

The guard, Michael Davis, said that he tore up the memo about a month ago and flushed it down a toilet, according to the Los Angeles paper, which today published an interview of Mr. Davis. Mr. Davis said, according to the article, that he had put the \$100,000 certificate in a friend's safe.

It was not known whether the certificate was still there.

The safecrackers, whom Mr. Davis admitted to the Hughes headquarters building, looted it of almost \$200,000 and took several footlockers full of the billionaire industrialist's confidential files.

The Only Guard

Mr. Davis told the police at the time that the burglars surprised him outside the building and forced him to take them into the Hughes headquarters. He was the only guard on duty.

The Times, in its article by reporter William T. Farr, quoted Mr. Davis as saying that the burglars "must have dropped" the \$100,000 certificate, which belonged to Kay Glenn, a Hughes official, and the memorandum on the floor of the building in their flight.

The newspaper quoted Mr.

Davis as saying that he had jammed the \$100,000 certificate and memo into his pocket and "in all the excitement that followed, with the arrival of the police and everything, I forgot that I had the documents. It was just an absent-minded thing."

Mr. Davis refused to take a lie-detector test after the burglary and was discharged by the Hughes organization. "I just don't believe in the polygraph and I still won't take one," he was quoted Mr. Davis as saying in the interview.

Memo on Project

The newspaper quoted Mr. Davis as saying that he kept the \$100,000 certificate and the C.I.A. project memo until about a month ago, when newspapers reported the details of the agency's submarine project.

"When all the publicity began to break on the submarine business about a month ago, I tore up the memo and flushed it down the toilet," he was quoted as saying. "Then I took Glenn's \$100,000 note and put it in a friend's safe."

Mark Herwitz, Mr. Davis's attorney, told The New York Times that "I negotiated an agreement with Stephen Trott of the District Attorney's office that they would not use any of the information Davis has now provided to prosecute him and would not use any of the fruits of that information to prosecute him."

Mr. Herwitz is also the attorney for Mr. Farr, The Los Angeles Times reporter who wrote the story relating Mr. Davis's retention of the \$100,000 certificate and his destruction of the C.I.A. memorandum.

The Los Angeles Times reported that Mr. Davis told his story to the newspaper first, and that the newspaper then arranged a meeting between Mr. Davis and law enforcement officials, at which Mr. Davis repeated his account.

Mr. Herwitz said that his client had not disclosed to a grand jury investigating the Romaine Street burglary that he had pocketed the \$100,000 certificate and the C.I.A. memo.

"They just didn't ask him any questions that would have required the disclosure," Mr. Herwitz said. "I don't know whether this was deliberate or just the result of incompetence."

In its article, The Los Angeles Times made no reference to the arrangement with the District Attorney's office.

Mr. Herwitz said that Mr. Davis "is not reachable" and left word that he would not talk to any other reporters.

Glomar Explorer

Originally it had been thought that the memo on the C.I.A.-financed project, which used a deep-sea mining vessel called the Glomar Explorer, had been taken by the burglars.

The loss of the memo, which created consternation in the top echelons of the Hughes organization, set off a chain of events that resulted in public disclosure of the submarine retrieval project.

The intelligence agency was advised of the loss and reportedly arranged through the Federal Bureau of Investigation for the Los Angeles police officials to bait a trap for the burglars with a million dollars in Federal funds.

Although this plan failed, word of the C.I.A.-Hughes submarine retrieval project leaked out from Los Angeles law enforcement circles to The Los Angeles Times.

Met C.I.A. Request

On Feb. 7, The Los Angeles Times printed a front-page article reporting that a Soviet submarine had been recovered "in the North Atlantic." At the request of the C.I.A., the newspaper refrained from further publication of articles about the project.

Other publications learned of the submarine-retrieval story and also held off publication at the request of the intelligence agency until Jack Anderson, the syndicated columnist, broadcast the basic details on March 18. Widespread publication followed.

Assistant District Attorney Trott said that arrangements similar to that with Mr. Davis "are very ordinary." He observed that grants of "use immunity" were common in the Watergate case.

Asked if the disclosures by Mr. Davis had aided the investigation of the Romaine Street burglary, he said, "We are not making any comment at this time."