

NYTimes *CIA* APR 22 1976

Search for a Hughes Will Is Extended to 40 Cities

The following article was written by John M. Crewdson and is based on reporting by him and Lawrence K. Altman, Nicholas M. Horrock and James P. Sterba.

Executives of the Summa Corporation who are seeking to learn if Howard R. Hughes left a will are extending their efforts to 40 American cities where the wealthy recluse was known to have lived or stayed. Yesterday, Summa, Mr. Hughes's umbrella corporation, placed classified advertisements in newspapers in the 40 cities,

HOWARD ROBARD HUGHES Jr., son of Howard Robard Hughes Sr. and Allene Gano, born December 24, 1905, died April 5, 1976. Anyone having any information regarding this death, please phone (213) 986-7047.

including The New York Times, noting Mr. Hughes's death and asking anyone with "information" about it to call a number given in the ad. The number is that of the Summa offices near Los Angeles.

A Summa official said that the ads were a legal formality necessary before investigators could ask banks in the 40 cities to check their records for the existence of a safe-deposit box in Mr. Hughes's name.

One source close to the search said that the Summa investigators hoped that somewhere a safe-deposit box might yield a will.

The decision to carry the hunt beyond Houston, Los Angeles and Las Vegas, where the substantial bulk of Mr. Hughes's interests are located, appeared to indicate that a thorough

culling of his personal and business effects since his death on April 5 had proved fruitless.

In the absence of a will, the estate left by Mr. Hughes would be divided by various courts among his relatives and others with valid claims to the fortune. Some of his relatives were named last week as temporary administrators of portions of the estate by courts in California and Texas.

But the Los Angeles County Board of Supervisors voted on Tuesday to petition the courts there to replace Richard C. Gano Jr., a first cousin of Mr. Hughes's, who is the court-appointed administrator in that area.

Bruce Altman, the county's Public Administrator, whom the supervisors have proposed to replace Mr. Gano, has argued that Mr. Gano is ineligible for the post because he is not a resident of Los Angeles County. But one Summa official said today, "We maintain that he is."

Asked why Summa should have an interest in retaining Mr. Gano as administrator instead of Mr. Altman, who is by law impartial, one Summa Corporation source replied that the Hughes executives would "have a little more control" over the administrative process if Mr.

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Was he firmly in command of himself and his empire during his costly acquisition of a network of tourist and gambling properties in Las Vegas; during the selling of the Hughes oil drilling division whose hard-rock bits earned his family's initial millions; during his successful court battle to reverse a \$500-million judgment for alleged mismanagement of his Trans World Airlines, and when the decision was made to provide operating cover for the Central Intelligence Agency in the attempt to raise a sunken Soviet submarine?

Did Mr. Hughes, normally so cautious and meticulous in his financial affairs, record his wishes for the ultimate disposition of his millions? And if he left a will, was he competent to execute it?

If there proves to be no will, does that mean that Mr. Hughes, champion of private capital, chose to allow his fortune to fall into the hands of Federal tax collectors and distant relatives he had not seen for three decades?

These and other questions, which will eventually be answered to some degree in what could become one of the longest and most complex probate actions in history, reduce themselves in the end to two:

First, who was Howard Robard Hughes? Was he, as some accounts suggest, a graciously aging man with a razor-sharp mind, beset by no more than the ills that normally afflict a septuagenarian? Or was he, as other accounts insist, a pitiful, bedridden, often irrational figure, progressively weakened by disease until he could no longer look after himself and his fabulous interests?

Second, how will the portrait of Mr. Hughes that emerges from the impending court proceedings determine the fate of his Summa Corporation, the pinnacle from which he presided over his huge personal fortune? How will it affect, in retrospect, some of the decisions taken in his name?

Mr. Hughes was, by all accounts, a healthy and vigorous man in late 1966, when he arrived in Las Vegas in a private train that had carried him across the country from Boston. He was seen to walk from his carriage, giving sharp, clear orders to trainmen and assistants.

According to some of those close to him over the next few years, his erratic living and working habits took their toll, and he developed severe anemia, probably from malnutrition, and a debilitating pneumonia that racked him as he was carried from the Desert Inn, four years after his arrival there, and flown to the Bahamas.

The picture of a bedridden Howard Hughes emerged from interviews, with former associates and others knowledgeable about his affairs, that were part of a New York Times investigation in Salt Lake City, Las Vegas, Los Angeles, Acapulco and Miami. But that pic-

ture is curiously inconsistent with other accounts provided by equally reliable visitors to Mr. Hughes over the last few years.

Fortune magazine, for example, had a report of Mr. Hughes's September 1972 meeting with two officials of a New York brokerage firm who had flown to Managua, Nicaragua, to obtain his signature authorizing the sale of the oil-drilling division. That report had Mr. Hughes looking "pretty much as he had when last seen in public 15 years earlier," clear-headed and alert and bidding his visitors goodbye with a firm handshake.

A similar description of Mr. Hughes as a "commanding personality" with a firm handshake was provided to reporters seven months later by Donald N. O'Callaghan, Governor of Nevada, who met with him in London to discuss the future of his gambling interests.

Some former Hughes insiders said in recent interviews, however, that the man they had known had never possessed a firm handshake, and that, after an air crash in the late 1940's that increased his susceptibility to respiratory disease, he had developed an obsession with bacteria that led him to refuse to touch foreign objects or other individuals.

Actor Was Hired

Such conflicting accounts led some longtime observers of Mr. Hughes all affairs to recall that in the early 1960's, when investigators for T.W.A. were attempting to serve legal papers on Mr. Hughes in the shareholders lawsuit that resulted in the \$500 million judgment, the Hughes organization hired an unknown character actor named Brooks Randall who bore a remarkable resemblance to the wealthy recluse.

Mr. Randall, one former Hughes aide recalled, was put on public display at least twice in that period. On one occasion, in a San Francisco nightclub, according to the former aide, he spent Mr. Hughes's money freely, causing mention of "Mr. Hughes's" presence in the next day's gossip columns and hrowing the T.W.A. men off he scent.

The former aide said that Frank William Gay, who replaced Robert A. Maheu as Mr. Hughes's chief executive assistant, was aware of Mr. Randall, but he could not say whether the actor had been employed to impersonate Mr. Hughes in recent years.

Mr. Hughes and Mr. Maheu spoke frequently on the telephone and corresponded directly during Mr. Hughes's four-year residence in Nevada, but here is doubt in the minds of some former associates that

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Gano remained in charge of it. Los Angeles County would gain perhaps \$10 million in administrative and legal fees if Mr. Altman's bid is successful, and that may prompt other local governments in Texas and Nevada to follow suit, raising the prospect of years of legal maneuvering for control of one of the largest estates ever amassed in this country.

Questions Remain

Mr. Hughes's death two and a half weeks ago is still something of a mystery. Most of the important questions it raises revolve around the billionaire's health and competence during the final decade of his life.

Mr. Gay enjoyed an equally close relationship with his employer after 1970.

One associate recalled that Mr. Gay told him in 1966 that he had not spoken to Mr. Hughes during the preceding seven years, and he said that it was his understanding that Mr. Gay's access did not improve much after Mr. Maheu was forced out.

In his declining years, according to this associate and other former associates, Mr. Hughes dealt with outsiders exclusively through his male secretaries, mostly Mormons, a group that one close observer described as the most important figures in the Hughes empire, because "they're the sole contact he had with the world."

The secretaries handled all of Mr. Hughes's correspondence, passing on his directives and relaying reports to him from his executives. The former associate said that in doing so, they had "the power to add and delete" information as it suited them.

They apparently were well paid for their services. By one public account, Lavar Myler and John Holmes, two of the secretaries who are also directors of the Summa Corporation, earned \$85,000 a year each.

Aides Refuse to Talk

The Hughes aides have proved resolute in their refusal to speak with outsiders about Mr. Hughes since his death. Speculation on the reason for their silence varies from a sense of loyalty to their late employer to the clannishness of some Mormons.

Another explanation, however, was offered recently by friends of Howard Eckersley, one of the aides, who said that he had told them that each of the male secretaries had been made the recipient of a trust fund, set up by the Summa Corporation, "that will take care of them for life." Mr. Hughes's distaste for personal publicity that he deemed even remotely unflattering was well known throughout his organization, and while he lived his aides associates were loath to discuss, with outsiders even the most trivial aspects of his business affairs. Any mention of his personal life was unthinkable.

After his death, some observers expected that his secrets would begin to tumble forth, but that true has been only to a limited extent.

The only rumbling of discontent heard last week was the reported unhappiness of some Summa employees who had not been invited to attend the brief burial service held for Mr. Hughes in Houston, but that unhappiness has not evoked any disclosures from them.

The question of whether Mr. Hughes left a will has been

a central one in both Salt Lake City and Las Vegas, the two places where the Summa Corporation's roots are most firmly planted.

The talk in Las Vegas among those with interests in the gambling business is pragmatic, and tends to focus on whether the Hughes properties, which account for 13 percent of the gambling industry's total take there, will continue to operate, who will operate them and whether they will be broken up to pay the massive Federal estate tax that will come due unless a will is discovered that leaves the estate to charity.

One former Hughes intimate said last week that he believed a will had never been executed and recalled an occasion in the late 1960's when it became necessary for him to know precisely who stood to inherit the Nevada hotels in the event of Mr. Hughes's death.

He attempted to discuss the existence of a will with his employer, the man said; but Mr. Hughes refused to entertain the matter and displayed "a complete inability to confront the fact that he would ever die—he couldn't even discuss the question of death intelligently."

The final irony may be that the Hughes estate, to which relatives are now preparing to lay claim, could turn out to be considerably smaller than the \$1.5 billion.

One former Hughes aide said, for example, that many of the Nevada properties were heavily mortgaged by Mr. Hughes when they were purchased—in at least one case with a loan from the teamster union's central states pension fund—and that the cost of the four largest of the five hotel properties was only \$77 million.

Value Is Estimated

He estimated the value of the Nevada holdings—five hotels, two casinos, raw land, mining claims and a television station—at \$300 million and added that an overall figure of \$1 billion for the entire Hughes estate would be a "charitable" one.

The Federal tax on an estate of that size would be more than \$150 million, and the former aide said that even if Summa Corporation was allowed by the Internal Revenue Service to pay that sum in 10 annual installments, as provided in certain cases by the Federal tax laws, there was "no way" the corporation could come up with \$75 million a year out of its earnings.

The I.R.S. will have no involvement in the settling of the estate for nine months, the period provided by law for the filing of an estate-tax return.

It had long been thought that Mr. Hughes planned to leave the bulk of his estate to the

Howard Hughes Medical Foundation, and Mr. Hughes hinted at that in an extraordinary 1972 telephone news conference called to denounce as a fraud a purported Hughes autobiography by Clifford Irving.

But if Mr. Hughes died intestate, if no will is found that leaves some or all of his millions to a legitimate public charity, then the full Federal estate tax of 77 percent will have to be paid on what is left after deducting the costs of administering the estate.

In the continuing absence of a will executed by Mr. Hughes, some relatives in Houston, headed by 85-year-old Mrs. Frederick R. Lummis, Mr. Hughes's aunt, have joined with Summa executives to oversee the orderly transition of the estate.

Although no public conflicts have yet arisen between the Summa officials and Mr. Hughes's relatives, their interests could conceivably diverge if the potential heirs decided to liquefy the corporation's assets by selling the hotels and other properties, and the executives resisted.

A Surprising Alliance

It is still unclear which of the two groups holds the upper hand in what was widely regarded as a surprising alliance. But observers believe that the Lummis group, whose claim to the estate seems strongest in the absence of a will, was reluctantly joined by the Summa executives, who have no such valid claim and whose jobs and incomes depend on the continued operation of the Hughes empire.

Other individuals claiming to be Mr. Hughes's relatives have come forward in recent days, and although none have yet filed a legal claim to the estate, some of them have retained at-

torneys who say that such papers will be drawn up.

Among the more unusual claimants to the fortune is Robert Hughes, a 53-year-old Irish farm worker who says he is the late industrialist's second cousin.

While the search continues for a will, the temporary administrators appointed by state courts last week will marshal the Summa Corporation's assets and keep the concern operating.

If a will is found, those whom it does not favor are believed almost certain to contest it on the ground that Mr. Hughes was incompetent when it was signed, and it is through the testimony and evidence produced by such a hearing that the first full and accurate portrait of his later life may emerge.

A principal issue in such a proceeding, in addition to the state of Mr. Hughes's physical and mental health, would likely be the question of whether he had acted under undue influence or duress. The answer to that question could shed much light on the extent to which he was in control of his business affairs over the last 10 years.

If no will turns up, the estate will be parceled out to the various claimants by the probate courts, but only after the tax collectors have taken most of it.

To some who followed Mr. Hughes's life closely, it is not inconceivable that he may have consciously chosen to let his millions go to the I.R.S. and his relatives, to avoid a post-mortem examination of his relations with foreign governments, powerful American politicians and the C.I.A., thus shielding his secrets forever from public view.