

EYES ONLY

6/18/77

DG I WH

CC: CSG

CC: CSW
CC: DG IIS

8574

DG I US

2 APR May 77

RE: HERBERT

Dear No,

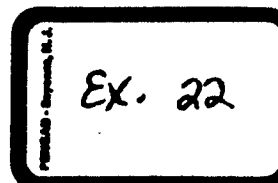
Quite a lot of activity has occurred on this cycle in the last few days and I am just now getting some time to sit down and write you about it.

Roughly Herb has continued to make threats of leaving this area to return to the area he came from if faster action didn't start on the handling of the Silver cycle. This came to a head this past Friday (29 Ap) with Herb saying that if the Silver waiver wasn't withdrawn he would leave. It was the SE SEC's opinion that this time he meant it (in the past he has told me that he would make hollow threats to get action only and without the intent to carry the threat thru).

So the SE Sec and several other NI staff went to Herb's location to restrain him if needed. The result of this visit was a list of demands by Herbert which again if not met would result in his returning to his original area.

Backing up a bit. Several weeks ago with another Herb blow up, I got an ok for Herb's folders to get looked at by Paulette Ausely as she had been on this cycle last year and as such there was no tech concern with her seeing the folders again. She then prog'd his case for Introspection auditing to be started immediately. A slow was run into her as the auditor who had been doing Herb was not qualified for this rundown and the prog couldn't wait long enuf really for him to get qualified. So another auditor was gotten. This auditor, James Fiducia, had also been on this case last year to audit the PC so the tech concern was again minimal. Well it took a bit of time to get him out of his org and ready to begin.

So last thursday night the auditor went to see Herb and ran into a refusal to get auditing which he didnt handle followed by an apparent agreement with the PC that he wasnt in 'that bad of shape'. So now this has had to be handled. Also, on Thurs night the DG I went to see Herb to go over the legal side of things and ran into another absolute refusal to discuss the matter and the irrational demand for production now! Reports on this have been written up and sent to the Guardian by Hennine.



It was becoming apparent to me last week that the SE SEC was having some trouble with the handling of this cycle with my handling only being to push Brian and getting Herb into session. Then with the scene that arose on Friday I realized that this scene just couldn't go on. I saw Mary R., DC L US, briefly Friday morning in Henning's office and from her comm found out that she had left Herb spinning (herself). With that I knew that Herb had to get his auditing as he was really not restraining his evil intentions at all and that it was his counter intention on the cycle that was causing the mistakes.

So late Friday night Greg and I on orders from H. went out to see Herb. I took Brian along as I wanted to get him being causative on the cycle again. A copy of Greg's report on this is attached. I flat out told Herb that no more of his crap was going to be tolerated, that he had CI on this cycle and that his enturbation was doing more harm than good. Also that he was no longer going to be listened to, that his demands would not be met or considered and that he was off the cycle totally until he got his act together and got sane about it. I also told him that the Q and A had ended and that to see that it x staved ended I was going to have 2 people with him at all times until he was thru his auditing and was sane on the cycle and cooperative. He again went into his threat routine and informed me that he would be gone in 2 days, guards or not. He further said that he would not go into session no matter what. I talked with him at this point in that I thought it possible that he would make a scene which would bring in outsiders to handle and that it would be difficult to handle this in the current location. So I talked to bleed some of the dramatization. At the end of the night I left with Herb being in the position that if he tried to blow and did then the whole cycle and its up coming products would not be of any advantage to him. He was still very into an upset but was more on a figure figure than an overt dramatization. The guards stayed with him and are with him now.

Then on Sat and Sunday I had people continue to look for a better place to take him. Sunday a place was found and Brian and the guards tried to move him. He refused and said he would pull in all sorts of trouble if we tried to get him out the door. He was physically removed from the building and taken to the new place where he is still under constant watch. His auditing will hopefully be started today as the auditor is getting handled today and if completed on this will start.

The main point on the personal side of Herb here is that at the moment he is psychotic and is acting suppressive. It is this point which has not been previously recognized and not recognized not handled. Unhandled it has allowed the suppression on the lines and the mistakes to be made. Now he has to be gotten into session and the Intro R/D done and his XDI started and completed as well before he is going to be any good to us on this cycle.

I have just received the DI legal mem from W/ and have gone over it once. I need to study it but immediately there

is some data which apparently had not previously gotten communicated to you;

Herb has not been penniless. He has been put up in an upstat apartment with a basketball court, a pool table, ping pong table and swimming pool all within 30 sec's of his apartment. He has had his food bought and paid for and in addition he has received his weekly pay of \$45.

He has not actually been lied to. He has taken data and twisted it and pushed the button of being lied to on his CO by the twisting of the words. Cooner earlier on had lied to him but that is as far as I recall was the extent of it. He is and has accused his CO(s) of doing exactly what he had done to his FSMs but in this case his accusations have been unfounded.

He has been given work to do and has never been kept from being able to work. He has refused to do work given him.

There may be others but these are the ones I am aware of .

Both Cindy and Brian did go "PTS" on the handling of Herb and did make mistakes. Both have or are being handed on this now and are doing well at the moment.

That about does it for now. I or Brian will keep you posted on upcoming events.

Love,

Dick

DGI US

1 May 1977

cc: DG US

SE SEC B1 US

Re: Herb

Dear Dick,

This is to info you on Herb's reactions to notes given to him today and yesterday.

April 30th: - about 2pm - (about 3 minute meeting)

I gave him the "telex rec'd" dispatch written by Henning.

I read it to him first. There was no reaction on his part. I then handed it to him to read. He read it over. No reaction. Then he said that Patsy couldn't come out here to "this scene" (meaning the guards, etc). I asked him.

I told him I had to be taking off, any other comment. He asked if Silver had been contacted yet re going to DC. I said he hadn't. He grunted.

That was it.

May 1st: - about 1pm - (about 5 minute meeting)

I gave him the MSH dispatch. He read it while I spoke to the guards.

He finished it and I took it from him with no comment or apparent reaction on his part. I got a drink of water and started to walk out as if leaving, then I walked over to him (he was reading a book and watching TV) and asked if he had any comment.

He said if any mutual trust and cooperation was to occur, then we should take away the guards immediately. That's if any mutual cooperation or trust is going to occur.

I asked him, said nothing.

He then said that if Patsy was coming out here how was that supposed to work out with the guards there. I didn't reply.

He asked me if I'd contacted her. I said that I hadn't been able to yet. He said "I figured as much".

I walked out and that was it.

Allen

DGI US

29 April 1977

cc: DG US
cc: DGL US

SE SEC B1 US

Re: Herbert

Dear Dick,

I met with Herb today and the following is what occurred.

1. He got the news that nothing had been done. I informed him that Moxon in DC was meeting with the attorney still and that the possibility of the waiver getting some progress today was not dead. But that it hadn't been gotten and the possibilities of it not being gotten were most likely.
2. He asked, and I told him that the money for the Canadian plan hadn't been gotten.
3. We talked a bit more about things, I don't exactly remember what as I was mainly stalling in order to allow the guys who came along (3 of them) to come to the door. They finally did.
4. Herb got very uptight and starting raving about that's it, I'm splitting, etc etc. He said they couldn't stop him.
5. I got him alone into the next room and we talked for about an hour. We went the entire cycle again.
6. The guys I ordered out after we had gotten into comm and I felt it was a demonstration of my trust in him. He again said it was no guarantee, that it, even if they stayed with him for two weeks, he would get out. He said if he wanted to get out he would get out.

After ~~starting~~ ^{starting} comm he said that he had written up some handling as an alternative but that it was out of the question. He was very "blown away" that the guys had come.

After the hour of talking, etc etc he started walking around and thinking. He then went and got the list of things he had put together. This is as follows:

His R Factor - He said he'd never forget that the fact of the guys coming over. He said he would leave whenever he wanted.

Next, he said he had lost whatever trust he had left. The only way now to get his cooperation is to get some products on the handling of his scene. The following is what he lined out to be

the exchange for him not going back and what would be the exchange from "us" on the cycle for this and the mishandling that he's received on the entire matter.

- 1. Patsy comes back to LA for a briefing, cover story when he gets back to do his handling etc. This is to be done within 10 days.
- 2. Patsy comes out and he and her stay somewhere for a week. This would be another place than his apartment, such as a motel or something. The money would be provided for him to do so. This would be strictly a 2D thing, i.e. she would not be "handling" him or from her part doing anything else. It would just be a 2D matter.

(at this point he commented that he felt a "like a terrorist making demands")

- 3. He will return to DC within 2½ weeks after Silver's case is completed.
- 4. If BI DC has no useful info, he will not go with any legal handling that is based on a lack of BI data. Such as "were going to do 'so and so' because we don't know what they know. This would include such things as a guilty plea.
- 5. If a fugitive charge is placed against him, there will be no "guilty" plea on his part. He said it could have all been handled last November and if not mishandled the fugitive charge would have never come about.
The reference on this is his earlier comm regarding the "no guilty" case he proposed. (see attachment 0)
He also said it is a personal thing at this point. He doesn't plan on spending 2 years or whatever in jail due to a mishandling. He feels that he deserves support.
- 6. All the legal research in his case has to be completed within three weeks.
- 7. The legal C/S's for his case have to be sent uplines in 3½ weeks, regardless of Silver's case. If Silver's case isn't completed, the C/S's should include and cover the possibilities involved. He will see the C/S's personally before they go uplines.
- 8. Within 2 weeks he wants an attorney picked out with a full rundown being done on the attorney picked. The main emphasis here is on the attorney's record as a criminal attorney. Other data, such as anti Scn connections, etc, is included

in the picking of an attorney, of course. He said Toby is a possibility, if he has a criminal handling background. The reference on this point is a dispatch he wrote up to Dick regarding the picking of an attorney. Also, Legal GO's on picking an attorney. (See attachment #1)

- 9. He wants to be assured by Henning that all funds for the attorney bail, etc are to be available without delay.
- 10. Within 5 days he would like sufficient money to cover the return trip thru Canada to DC. This would include plane fare, food, housing, expenses, etc.
- 11. Silver's waiver actually withdrawn by next Friday (1 week). It is to be fully moved thru to ~~final~~ actual withdrawal.
- 12. He is to get the \$47 still owed him from an MSH award.

~~IXX~~ He said all the above points are to be agreed to by Henning. He then added the last additional point:

- 13. He wants Henning to write a statement that if all of the points are not met on time, he understands that he (Herb) will return to DC at that point. This, he said, is the reason for why he wants the return money early on.

These things he lined out as an exchange for him not going back to DC.

He would like each point read and written back to from Henning. Each one covered.

He also mentioned that a copy of his warrant should be gotten. This was sealed up on Aug 5th, brought to the Church's attention on ~~XXXX~~ August 29th. Now it is probably public record, he said. He thought either Kimmel or Moxon could pick it up. The point is that this is needed to be looked at due to several legal possibilities of action that it may provide from the data it gives.

That's basically it. He reiterated that those seemed real to him to get done, they don't seem unreasonable he feels.

Again he said that this is the exchange for him not going and for the mishandling of this cycle.

-4-

He asked that I be back at 10pm if possible. I said I'd be shooting for 3pm actually as this was something to handle straight away.

I left him with an established agreement, and to return with Henning's reply and establish what was agreed upon.

I then left. I contact the DDGI who said to leave two persons with him there for security reasons. I objected as it would only serve to upset him, and he didn't plan to leave and I honestly felt he wasn't going anywhere. It was ordered again and I went back to do so. Herb was working on excerpting the Grand Jury book when I got back. I informed him that I'd like to take the materials from his room. He said fine, and begrudgingly gave me what he had. I told him two guys would be staying with him until I got back and he got upset and said that's it, he's leaving.

He had said earlier that if it every happens again (bringin guys over) then he would leave.

I posted the guys outside his door and he agreed to that.

I'll now be returning this Henning's dispatch answer to him tonight and take it from there.

Suggested handling:

1. Henning looks over the things Herb lines out, and answers them accordingly.
2. I see Herb tonight with the reply and go over it to ensure agreement is established.
3. One terminal from the Info bureau and Legal Bureau are put in charge of handling Herb's scene. They are the ones who will be ensuring that whatever is laid out to do gets done. They keep the DG US informed daily in detail with accurate specifics on the handling, bugs, etc and handling of any stops so that agreement is maintained and Herb is informed daily of what's going on.
4. The terminal from both Info and Legal meet with the DG US and go over a handling of the scene and target out, plan, etc and put in writing what will be done and then start on it.

Take it from there. The handling will be worked out in the sequence of point 3, then point 4, then point 1, and then point 2. The person in point

That's it. This is OK.

Love,

Brian
Brian