

EYES ONLY

DG I WJ

CC: G WJ

CC: DS US

CC: DG I US

CC: SE SEC BI US

CC: DC SCENE COORDINATOR - DG L US

CC: BI DC SCENE PGM FILE

A/NAT'L SEC AS DIPC SCENE PGMS OFF

(A)

22 June 1977

CC: CSG

RE: HERBERT

Dear Mo,

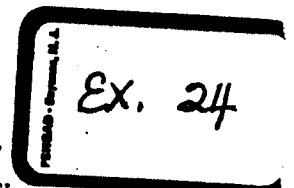
Herbert blew sometime after 6:00 PM last Sunday, June 18th on the morning of June 19th. He was last seen Sunday night at 6:00 and according to the last person to see him he looked good and not caved in.

The cycle done with him just before the blow on Friday night was a briefing and discussion of some legal aspects of his case that he was very hot on. This was research that he had done on illegal seizure. Herbert's research had attempted to show that the seizing of the fake ID he had by the FBI in the DC Bar Assn. library was in fact an illegal seizure. Herbert had wanted to use this against the Justice atty's to gain an advantage when he returned to DC. (Originally he had wanted to use this as a way to get off on a technicality, but after getting additional data from legal, started saying that he just wanted to use the data to interiorize the prosecution).

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The briefing he had gave him legal's research and a note from CSG showing that his idea was not that workable. Herb felt and expressed at that meeting the fact that legal was wrong and the research they did was bad. He basically felt that we (the Church) were not looking out for his personal interests as a hired lawyer would, and that legal was working from a fixed idea of wanting to have him plead guilty. He felt that not enough research had been done and there would still be a way for him to get off, and expressed the wish to be able to do legal research on the whole scene. (Note: H. had



Pg 2,

given orders that Herb was to do no legal research).

What looks like has happened is that Herb has gone away to do his legal research to develop his own plan to avoid the guilty plea. He left a note that said that he would get settled and would not go anywhere predictable to us and he would contact Brian in about a week.

On getting the data, CSG did write down to DG I US and say that we should not waste resources on attempting to locate him. He will probably not go far from LA as all his resources are here. He has had a full briefing on the Silver cycle and did get the data that a warrant is out for him re. fleeing arrest. CSG said that we have probably overlooked his real fear of going to prison and the idea that any guilty plea will result in that fate.

Overall, it does look like he is going to do research and then call and state his requirements and we will have to plan along those lines. Currently the handling ongoing is as follows:

1. The B-1 pgm targets will be completed as much as possible covering a cover for a) his pleading guilty, b) his pleading not guilty, c) his turning.
2. We have been doing daily and evening checks of all the LA libraries but have turned up nothing.
3. His folders were sent back to the C/S as he had appeared to be doing well, but this ofcourse conflicts with the blow.
4. We are working on a plan to create another false arrest scene type of action along ops lines.
5. PR is sending a mission to DC to a) DA the press on the Silver scene and b) to attack Justice. This will be a mission with the PR purpose of disconnecting Sen from any of the gov't allegations re. Silver and Herbert.

Pg 3.

6. Legal is checking the illegal seizure research with several criminal attorneys so they can predict what he will come up with, and legal should be completing the pertinent targets of the legal pgm on eventuality three.

We will telex as soon as we hear from Herbert. His wife has been briefed on the scene and will contact us if he attempts to reach him.

Love,

Cindy