

11/15/70

Dear Gary,

Having luxuriated with six hours sleep last night, indulged myself with a snide note to the Washington Star (which is not incapable of accepting the challenge to seek evidence of Potter subsidy, I jeopardize what I must get done by morning and court to respond to your 11/9 because I must go into town to mail something to my publisher and there is in it something to which I should have responded immediately, about Crosby.

If he is as you describe him, and I accept your evaluation, please invite him to come here as soon as he can, to stay as long as he wants, to see what he will, for what he can do is now even more important, with Clark's showing signs of political ambition and Bud's ego-tripping becoming even clearer (as also his dissembling and his childish efforts to hide things from me - the Garrison lemming all over again). I am in a position, really, to break this whole thing wide open in court, to end the fiction forever, with real help that is not coming from Bud. Clark has everything to lose by not helping, for Mitchell & Co. will be pinning the rap on him and Katzenbach. He can help safely, as can any lawyer, who need not approve his client, or any witness who merely tells the truth. In the clothing-pix suit, the opportunity is great because it is before the best judge in the federal court for the District of Columbia - and I am my own lawyer. I've been getting always-delayed help from Jim (like making three trips to DC this past week to have him do a simple thing not yet done!), but that is it.

Bud finally decided, yesterday, to learn what a spectro is, not a bit too soon since the hearing is in the morning. He pretended to be telling me what he plans (and did it only in part), pretended to be consulting me on approach (but did it so he can blame me if he fails), and still hasn't done his homework - and at the very same time criticized Cooper for this in the Sirhan case, which now takes most of Bud's time. Thus far he has learned what Keiser has printed and made contact with the unbelievable-like that crap of John Christian's about Owen. And gotten Issacs to New York for a big failure to raise money. (This one was so bitter - he ~~xxxx~~ never told me a word about it - I doubt he'll do more of that.)

You talk about backgrounding Crosby on the case. As you may recall, I think this is a waste of time, especially for him. We are past that point, really. I have enough to persuade any intelligence that is willing to be, and the details of the earlier stuff is unessential. A real background is a major project. All he need know is the essence of the official story, then see what I can now show him.

Newcomb's poster: I'd like to have a copy if you get a small one.

Medicine - and people - need more of what you did for Rowen. Congratulations!

Almost no word recently from Mary.

I'm going to have to do the Ferrie work over again myself before it can be filed.

All indications are that the government is really up tight. No downtown name (DJ itself) now goes on any response to anything I'm in court on. They're having the local US Atty's office alone figure publicly in the cases, for the first time. Their stuff on the spectro (I've sent to Mary for redistribution) is the farthest-out yet. They seem to have picked the clothing-pix suit for the fight in court, I think for a variety of reasons: Kennedy involvement, I'm my own lawyer, and they think they can hide behind the letter agreement (here Crosby could especially help). I have given little sign of it, but I'll make a frontal assault on that agreement and have the stuff solid, as a matter of law, which does not always control. Best,

Dear Harold:

Nov. 9, 1970

Thanks for your last three letters. Enclosed is a copy of your publisher's letter to me and my reply. John Jacobs, on the phone at least, seems to be a fine, personable, honest guy. It looks as though the feds got that sketch somewhere between Memphis and New York. Let's hope the replacement makes it.

Your comments on Sirhan are correct. If he is a paranoid schizophrenic, as I am now certain, then he would be just that much more susceptible to suggestion. They are the easiest of all types to use.

The work on the film sounds exciting. So does your legal work, although I know the burden this must be. Wish I had a lawyer to spare.

The Bud, Sprague, Flammonde thing continues unabated from the sound of it. It is of little comfort that I have felt that way about the first two from the beginning. The Hargis stuff I sent contains a lot of goodies, but nothing that is crucial for now. Some of it is way out enough to be funny.

I will be glad to put Ned Crosby in touch with you. He is now into the case enough to both want to see you and be able to profit from it. In addition to Ramsey Clark, he just extracted a similar promise from Katzenbach. Ned has ways of getting to see just about anyone from the looks of it.

Would love to visit you during the APA meeting except that I am always too busy and poor to make those meetings. Well, maybe next year will be my year. Sorry I forgot about Nix. How and where should I send it. It is a huge reel and Nix is only a small part of it, so I would like to send it by cheapest rate possible.

How about backgrounding Ned Crosby in person. His knowledge of the case is not very deep, but he is very bright and quick. He can force people to listen to him by his connections and financial position--people who can avoid an honest challenge from someone like you. He regrets that this is the case as much as we do, but likes to use this thing for the most good.

Hearing about Paul Hoch's romantic problems does, as you suggest, fit in even more with my concerns and hypothesis about his present behavior.

Glad to hear that Matt and Jeanine are doing well and on their trip. I envy them. I don't know Phil Stiles.

The Newcombs have done a creative poster which gives that LBJ quote about waiting until November until you shoot him down. It is funny and well done, although I still don't like posters or buttons which imply such things since they, like several Ramparts covers on this subject, do more to affect the public than anything. Thus one spends a certain portion of each public appearance answering unanswerable questions about LBJ et. al.

I am not speaking for Gary Short's agency. Just realized the other day that I have never recontacted them. Just as well. I don't have the time for travel in order to speak, even though there is money in it which I need.

Enclosed is a newspaper clipping in regard to an evaluation I recently did. I stuck my neck out a bit, but this guy got a raw deal. After my report and letter arrived, the prosecution quickly called me and told me to forget the suppeana! In fact, they insisted that they didn't want to even see me. I had done a smart thing. I wrote a good and solid report on my testing of the guy, but put the guts into a letter so that I wouldn't be vulnerable professionally. The full letter read: "It would appear that his institutionalization for such a period of time represents an error of the most tragic sort. I see no evidence that he has ever been a mental defective requiring hospitalization of that sort. It is surprising that he was able to survive the impoverished life of an institution without developing either emotional or intellectual deficits. I find him as friendly and personable today as have many interviewers over the past 20 years. The fact that he seems to bear no personal malice for the injustices he has suffered is quite striking. We could use more people like him in our society. I can't imagine how a man could be compensated in any meaningful sense for a virtual loss of 20 years, but I hope that whatever court or board that hears this case settles in his favor. Hopefully the mental health community can learn from mistakes such as this one so that they are no repeated." I helped the lawyer work out the case the day before and so feel very much a part of it.

Well, I'd better go. Take care and give my regards to Lil.

Gary

Claim

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Vad said, is the employment of patients "necessary to support the institution but which is, in effect, forced on the individual and until recently never compensated for in wages."

The commission also was handed a letter from Gary R. Schoener, a clinical psychologist at the Minneapolis Clinic of Psychiatry and Neurology, where Rowen was tested recently.

Rowen's hospitalization appears to be "an error of the most tragic sort," Schoener wrote. "I see no evidence that he has ever been a mental defective requiring hospitalization of that sort."

Rowen, a former resident of Cass County, was committed after he had dropped out of school with a history of theft and other delinquency. A 1947 psychological report said he was "a psychopathic

personality with asocial and amoral trends. Prognosis was listed as "poor."

A number of IQ tests administered over the years ranked Rowen variously as "dull-normal," "mental defective," and "borderline."

Even as late as September 1966, Mrs. Ames testified, records indicate that Rowen had trouble with alcohol and stealing at the Brainerd institution.

Rowen remained in institutions partly because of the danger of his "petting into trouble" and partly because of his "borderline mentality," Mrs. Ames said.

She also cited a lack of outside placement and supervision (Rowen's mother and stepfather had declined to accept him in 1953, she said), lack of adequate staff to "give a push" to his release, and institutional "paternalism" of past years.

Although paternalism is disappearing from institutions, Mrs. Ames said, officials used to insist on "holding onto people until you're just sure that they're going to be a suc-

Rowen told the commission that he never was aware of being represented by an attorney during his commitment hearing 23 years ago.

"According to the court order," he said, "an attorney was appointed for me. But at no time did he come to me."

A number of statements from hospital workers attested to Rowen's effectiveness in his work assignments, including helping other patients. Rowen said he was paid \$1 a month and was raised later to \$1.50 when he "kind of raised heck" about his pay.

At Brainerd, Rowen had considerable freedom to leave the hospital on weekends and to work at on-the-job training programs in town.

"One Friday," he said, "I decided to leave. I just got on the bus and came down to Minneapolis."

After he was absent for

60 days, the hospital listed Rowen as discharged. Later his civil rights were restored in a court hearing.

Rowen said that he now does day labor wherever he can get work, although he is bothered by the back injury.

The claims commission, made up of state legislators, is empowered to recommend to the Legislature the payment of claims against the state. The Legislature may reject or accept any such recommendations in passing a biennial claims bill.

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MINNEAPOLIS, MINN., SATURDAY, NOVEMBER 7, 1970

Ex-Mental Patient Asks \$75,000

By SAM NEWLUND
Minneapolis Tribune
Staff Writer

A Minneapolis day laborer is seeking \$75,000 from the State of Minnesota on grounds that he was wrongfully forced to spend 20 years of his life in state institutions for alleged mental deficiency.

Dale S. Rowen, 928 Chicago Av. S., appeared Friday with his attorney before the State Claims Commission to explain why he believes he never should have been committed as a mentally retarded person in November 1947.

Rowen, now 40, was 16 when he was committed in



Rowen

November 1947 to the Minnesota School and Colony at Fairbault (now Fairbault State Hospital). Fifteen years later he was transferred to Brainerd

State Hospital, from which he "escaped" in February 1967.

Rowen and attorney Larry Leventhal contended that Rowen was committed without benefit of counsel, that he was not mentally retarded, that he was paid only a pittance for the work he did in the institutions and that he should not have been kept for 20 years.

Leventhal called the affair "a human and governmental tragedy of the most pervasive and hideous nature."

For "wrongful and illegal confinement," Rowen asked \$50,000 in damages. For a back injury he

said he suffered while lifting a bulky, crippled patient at Fairbault he sought another \$25,000.

Spokesmen for the State Department of Public Welfare (DPW) appeared before the commission to oppose the claim. They contended that Rowen was committed legally and that he remained in institutions largely because he needed supervision and because suitable placement on the outside was lacking.

DPW was represented by Craig Anderson, assistant state attorney general assigned to the department, and Mrs. Frances Ames, assistant director

of mental retardation programs.

However, Dr. David Vail, the DPW medical director who heads the state hospital system, sent the commission a letter in support of Rowen's claim.

"Mr. Rowen's plight," Dr. Vail wrote, "illustrates two major issues in mental institutions that have led to tragic and terrible human waste over the years." The issue, he said, involves commitments "that prove to be invalid."

The second issue,

Claim

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