

Route 12 - 314 Receiver Road
Frederick, Md. 21701

July 17, 1976

Mr. Edward Dmytryk
25820 Piuma Road
Calabassa, Calif. 91302

Dear Mr. Dmytryk:

One night during the time of your appearance before the House UnAmerican Committee as one of the Hollywood Ten, you appeared at my home, then in Virginia, and asked for my help.

You wanted and I gave you much of the research I had done on a book I planned and had researched on the UnAmericans. You left with cartons of my work.

You never returned. Nor did you ever return a single sheet of all those valuable records with which you left.

And, of course, without them I was not able to write that book. I think it would have been an important work.

I have continued with other investigative reporting. There is archival interest in my current and my earlier work of which you have an important part.

I write to obtain the return of all those papers. They are quite valuable to me. They represent an enormous amount of work I cannot now duplicate. It is impossible to replace some, like those many notebooks of mounted clippings.

Until now I have not known how to reach you. I wrote Alvah Bessie after I read a review he had written. The publication forwarded my letter to him. He claims to have known nothing of those files, so I'd be interested, if you still recall, in knowing what you used and how you used it.

After I hear from you I will make inquiry about the safest means of shipping because I do not expect to be able to get out there any time soon.

Yours truly,

Harold Weisberg

7/16/76

Dear Bessie,

As the enclosed carbon of my letter to Dmytryk shows I have followed your excellent suggestion.

We'll see how he responds.

If he does,

Unless he makes a full explanation of the general description of your quite reasonable theory or delivers these files, I'll need a lawyer in that jurisdiction. And I can't pay him. Do you have any candidates?

What follows is not bait. And remember I am not a lawyer. However, please do give it some thought and if you have any suggestions, please, do make them.

Let us assume that your hunch is or can be valid - he disposed of my property as you surmise.

Add this:

I've invoked the FOIA and Privacy Acts with a long series of federal spookeries. Most have not complied. CIA has only to a very limited degree. Clarence Kelley's boyos knew what they were doing: they pretended for him I had not applied. I had to entrap him into the admission, which with a decent judge won't be a bit of benefit to the government in court. I'll be there before too long. I can now go there any time I want to. The FBI now cannot even use their stock stonewalling method: the long series of prior requests. I waited until their own statement of their time lag had expired.

So, if at this late time I can get any proof of your suspicion, could you(pl.) regard it as a kind of legal as distinguished from moral or ethical vindication? I believe that in today's changed climate on these matters popular acceptance would be as I suggest.

If you have your own interest, you can, without a lawyer at least to begin with, take your own steps at obtaining the files they have on you. I'll give you the details in the event you decide to.

Write a simple letter to the FOIA/PA officer, Department of Justice, Washington, D.C. Do not write the FBI. It is only part of DJ and at least the Criminal Division has to have files on you (also pl.). On the envelope include "FOIA/PA request." And say, very simply, that this is your request under both the Privacy and the Freedom of Information Acts for copies of all files on you, any record of any nature whatsoever, regardless of form or source.

Under the Privacy Act they cannot charge you search fees. They can escalate these otherwise and with me have. Fraudulently, even. All they can charge you is 10¢ a page for xeroxing. Under this Act they also cannot, without your written assent, give copies of any of these records to others.

Give them, to begin with, to deter stonewalling, all the identification you can. Eith them prison numbers are positive.

If you do not want to be patient, if they have not responded within 10 working days plus a reasonable allowance for mail time, you can interpret this as a denial under the law. They should respond and tell you that they are stacked high and will take this in order. If they do this wait say six months and if they have not written you again or provided anything write an appeal. To do this you write the Attorney General, calling it your appeal, cite the request and say their non-compliance is a rejection and you

are with the letter appealing the refusal of your request.

So many people have asked they do have a serious problem. They can't live within the law, which gives them an initial 10 days for compliance after which they have 20 days to act on an appeal, after which you can go to federal court where you live. I do not believe that any court would let you leapfrog, thus my time suggestions.

For the slight cost of certified mail I'd used it. Be certain the slips are filled in completely. Get a return receipt.

I do not think they'll be anxious to comply. I do not think that if they decide to make it seem that they have they'll give you all. However, it would be unusual if they did not provide you with evidence of the withholding of what they do not supply. They have to have an enormous file on that wretchedness.

You just might find yourself in a position to do much more, in court and/or in writing. Dmytryk cost me my book. You may be able to do a definitive and very worthwhile one. Today I do think it would sell.

You do not have to use the commercial services that have sprung up. Do it yourself if you decide to. Until you need a lawyer. Then it is wise to assume in the absence of reason to believe otherwise that the average good lawyer knows nothing about these laws and his research time could be fantastically costly.

However, I think that at this point the ACLU, others having broken the ice and established precedent and respectability, might handle it. They also love what can give them a good press. Your case can.

If and when I hear from Dmytryk I'll let you know.

Best wishes,