Mr. Victor Navasky
The Nation
72 Fifth ave.
New York, N.Y. 10011

11/12/87

Dear Mr. Navasky,

Instead of asking you to forward a sealed letter to Ring Lardner, Jr., whose letter appears in the issue dated 11/14/87, I write him through you on the chance that new information in it may be of interest in the matter of the never fully told story of the Hollywood Ten.

Both Patricia Bosworth and Mr. Lardner fall short of describing Mr. Edward Dmytryk's role and, in my efforts to try to locate what Mr. Dmytryk stole from me when I was asked to help the Ten before they testified before the House UnAmericans, I learned what Mr. Lardner does not report in his explanation of the principled position taken by the Ten.

I had researched a book on the UnAmericans, gotten into a fight with them when they tried to frame me, got their agent convicted on several criminal charges and was myself exculpated by a grand jury when World War II and the need to make a living made me lay that book aside.

Before then I had been a Senate investigator and editor (Civil Liberties Committee) and when Mr. Dmytryk came to see me immediately before their testimony I was still an intelligence analyst, to the best of my recollection. Or back in news reporting. He was brought by Charles Kramer, who had been a Senate investigator with me. The purpose of their visit was to get from my files material they could use in their defense. Its return was promised, I did not withhold anything and did not watch their search, and they left with cartons of records. I know this included many bound volumes of mounted clippings about the HUAC from major and minor papers and what enabled me to defeat the committee and get its agent indicted, a copy of all the records of all the committee's expenditures, copied from the records of the Clerk of the House. This, of course, was invaluable material. I don't think anyone else had ever done anything like that. It told an irrefutable story of the committee's many dishonesties some of which I believe were criminal.

All that Mr. Lardner says about Mr. Dmytryk, who was a stoolpidgeon in their midst, is that he gave the committee 26 names and was able to continue working.

Whatever he led the other nine and the lawyers to believe, Mr. Dmytryk was a fink and a crook. In later correspondence, he was also a liar. If he had not been others of the Ten would have known of this valuable material they could have used in their defense, if not exactly as I did perhaps, but those who I was able to write had no knowledge of either it or the alleged effort to prepare a defense. These include Alvah Bessie, Albert Maltz and Dalton Trumbo, in addition to Mr. Dmytryk.

I enclose a copy of Mr. Dmytryk's false and evasive letter to me claiming no revolection at all and misrepresenting the endeavor in addition. There is no way he could have forgotten a night spent in pulling all those cartons out from a dormer closet, which had him on his knees for long periods of time, or going over all that material to decide what he wanted. It had nothing to do with writing an article, the last thing in his mind, certainly, when he was about to testify, particularly under the agreed conditions of that testimony.

Those conditions are not in Mr. Lardner's letter, perhaps because of space limitations, perhaps because he forgot. Unless Alvah Bessie didn't know what he was talking about. The length and nature of the correspodence between Mr. Bessie and me and the detail he provided make me believe he did know what he was talking about. In summary, it is that the Ten decided to stand on the First Amendment only and, specifically, not to take the Fifth Amendment or any other.

I regarded that as both principled and futile, believing that unless one opts martyrdom one fights to win, as I had.

All of the records of a large Congressional investigation for many years before the invention of xeroxing means a great number of typed copies and I'm inclined to believe that because of this great volume and records of expenditures, something never even attempted earlier, and their content, any of the Ten who saw them might have some recollection. I hope that Mr. Lardner may and can tell me where he last heard of them, if he did. If he didn't there is no question about Mr. Dmytryk's continuing dishonesty. I've always believed that he gave them to the committee, to the FBI or both.

If Mr. Dmytryk did not even let the others know he had this great amount of information then it is obvious that what he ~~had decided~~ did is hardly described as "a dignified recantation to save Dmytryk's career."

I doubt very much that he let the lawyers, eminences of the day and principled men, know that he had that information. They would have known what to do with an account of every penny the UnAmericans spent and they'd have seen the criminal offenses established by them. (Other than those that later sent the then chairman, J. Parnell Thomas, nee Feeney, to jail.) They could have taken the hearings away from the UnAmericans who, th the best of my knowledge, never published my testimony, not even when they came after me a second time, both times in Star Chamber. It could be done and it was done. It would have been easier with such enormous attention certain and with every word broadcast by radio.

Mr. Lardner quotes Ms. Bosworth's wonder, my paraphrase, if anything could have done any good in that climate. The odds were against it but if I as a very young man was able to do it twice, once before a grand jury, something good, despite the odds, could have come of it. Meaning for the Ten.

In addition, much good could have been done by exposing the committee as it had never been done in public (I did it before the grand jury) and to the committee's face and at its own hearing. This is one of the reasons it didn't dare publish my testimony, which it took in private because it knew what could happen.

It was all a great tragedy. Some of the greatest writers were the immediate victims but we were all victims because they suffered for us all and because they had done and could have continued to do very worthhwile and important work. Too bad that extraordinary works like Johnny Got His Gun and The Remarkable Andrew are no longer available, particularly for our young people. I tried to get Dalton Trumbo to arrange a reprint of The Remarkable Andrew 30 years after he was before the Un-Americans but he wasn't interested.

I'd appreciate your forwarding this to Mr. Lardner and I hope that if he has no recollection he may be able and willing to make what inquiries may occure to him.

Sincerely,

Harold Weisberg

Harold Weisberg
7627 Old Receiver Road
Frederick, Md. 21701

DMYTRYK

July 20, 1976

Mr. Harold Weisberg
Route 12. Old Receiver Rd.
Frederick, Md., 21701

Dear Mr. Weisberg,

You ask me to take a leap back in time which I find impossible to make. I do remember that we, as members of the Hollywood 10, visited several homes near Washington, usually to present our case to interested groups of people. I do not specifically remember a visit to your home.

Since I was the one member of the group who was not a writer, I was not involved in preparing any articles, etc., in relation to our case, making it most unlikely that I would have asked for any research material on UnAmerican activities. It is not surprising, therefore, that I have absolutely no recollection of asking for, or taking away, "cartons" of your work. Certainly, I have had no such material in my possession at any time since 1947.

It is possible that one of the writers, or lawyers, of the group may have asked you for the material, but I have no such recollection, and certainly can't speak for any of them. I am sorry I can be of no further help.

Yours truly,

Edward Dmytryk

# LETTERS.

## AGENT OF CHANGE

*New York City*

The *Nation* editorial of October 17 "Has the F.B.I. Really Changed?" correctly points out the broad authority given the F.B.I. to engage in spying under the foreign counterintelligence guidelines. The editorial, however, may be overconfident in its view that the domestic security/terrorism guidelines protect political dissent here because they require "evidence of a criminal act committed for political purposes." In fact, the guidelines require more than that. They state that domestic security investigations are not to be begun unless persons "are engaged in an enterprise for the purpose of furthering political or social goals wholly or in part through activities that involve force and violence and a violation of the criminal laws of the United States." In his directions to field agents explaining this guideline, former F.B.I. Director William Webster reaffirmed that the target enterprise must seek "to accomplish its political or social objectives through violence."

Unfortunately, there is recent evidence that this guideline has been disobeyed and that the F.B.I. has begun domestic security/terrorism investigations of groups involved in no criminal activity or groups involved in nonviolent criminal acts. In August of 1987 the F.B.I. fired John Ryan, a twenty-one-year veteran of the Bureau, because he refused to begin a domestic security/terrorism investigation of Veterans Fast For Life, the Silo Plowshares and persons associated with these groups. Special Agent Ryan was working in the F.B.I.'s Peoria, Illinois, office when he received a request from its Chicago office to investigate the activities of both those groups.

The Chicago F.B.I. teletype stated that glue had been put into the door locks of Army recruiting offices in Chicago and that leaflets supporting Veterans Fast For Life were found at the scene. A car traceable to someone allegedly associated with Silo Plowshares had also been identified. On this basis the Chicago office opened a domestic security/terrorism investigation of the groups. (An interesting aside is that the Center for Constitutional Rights' files contain a report of a suspicious burglary of Veterans Fast For Life's Washington, D.C., office shortly after the F.B.I. investigation of that group was begun.)

Special Agent Ryan refused to participate in the investigation. In a memo to his supervisor he stated that "none of the actions of the 'PLOWSHARES' Group and the 'VETERANS FAST FOR LIFE' Group fit within the Domestic Security Guidelines and the FBI would hold credibility by distancing itself from such investigation." Ryan recognized that the acts committed involved the destruction of government property, and that therefore an investigation could be carried out, but stated that "The acts performed by the 'PLOWSHARES' . . . have been consistently non-violent symbolic statements against violence." As he wrote, "By violence I mean any act that destroys, injures or impedes the physical, mental well-being or dignity of a human being. . . . The term 'plowshares' is drawn from the Biblical edict: 'they shall beat their swords into plowshares,' and most pointedly refers to neutralizing military violence." Ryan specifically criticized the use of such investigations to impede First Amendment rights: "I believe that in the past members of our government have used the FBI to quell dissent, sometimes where the dissent was warranted. I feel history will judge this to be another such instance."

It does appear that Special Agent Ryan was reading the guidelines correctly. Criminal acts, unless coupled with violence, should not be sufficient to begin a domestic security/terrorism investigation. Veterans Fast For Life was not accused of a criminal act. The F.B.I. apparently disagrees, and is presumably continuing the investigation. It is doing so without the services of a very brave agent, John Ryan.

*Michael Ratner*
*Legal Director*
*Center for Constitutional Rights*

## WITNESS TO HISTORY

*New York City*

In her reminiscence about her father's participation in the House Un-American Activities Committee Hollywood hearings of 1947 ["Memories of HUAC," Oct. 24], Patricia Bosworth wonders if his "plea for forthrightness . . . would have done any good in the cold war climate." Instead, she reports, the "Unfriendly 19" and their lawyers decided "they would dance around any questions regarding their political or union affiliations."

There were really two different decisions involved, one a matter of basic strategy, the other of tactics. Bart Crum and his clients Adrian Scott and Edward Dmytryk brought up the possibility of answering the committee's questions truthfully but were persuaded it was a bad idea for two reasons. The first reason was that to answer such questions was to acknowledge the committee's right to ask them, a civil rights issue going back to the Star Chamber proceedings in England. The second was that once you waived your own right to privacy, you had no constitutional grounds for not naming others and subjecting them to blacklisting and possible criminal prosecution. That this issue of naming names was the heart of the matter became clear later when, as Bosworth mentioned, Dmytryk and Crum framed what they saw as a dignified recantation to save Dmytryk's career. What she fails to add is that it didn't work. He had to go back before the committee and give them twenty-six names as the price for re-employment in Hollywood.

The tactic of "answering by not answering" was the contribution of Bob Kenny. He said it was his job as a lawyer to try to keep his clients out of prison, and he saw more hope for that in a jury than in a judge. In a trial for contempt, the judge would rule on all matters of law, the jury on matters of fact. Therefore, the best chance of acquittal lay in creating doubt about the only factual issue: whether the defendant had actually refused to answer the question.

The other lawyers and the subpoenaed witnesses went along with this argument. By the time our pilot cases came to trial, the cold war had intensified and you couldn't hope for much from a District of Columbia jury made up largely of government employees and their families. We probably should have realized that at first and avoided some rather foolish-sounding attempts to claim we were trying to answer the questions in our own way.

*Ring Lardner Jr.*

## UNPRECEDENTED

*Brooklyn*

Notwithstanding Thomas I. Emerson's reputation and good will, his letter in the October 17 *Nation* is incompatible with the public record. The pertinent dates, which he fails to mention, contradict Catharine MacKinnon's claim to have originated the concept of sexual harassment as discrimination.

MacKinnon's 1979 text, ***Sexual Harassment of Working Women***, derived from a student paper written under Emerson's supervision in 1975. The first legal recognition of the principle was won by Michael Hausfeld in *Williams v. Saxbe*. As I have stated before, that case was filed in 1972, three years prior to MacKinnon's paper. The 1976 verdict was achieved, Hausfeld attests, without benefit of briefing by MacKinnon.

In researching the issue I called several lawyers involved in the critical litigation of the 1970s. Among these were Hausfeld, Nadine Taub (*Tomkins v. Public Service Electric*), Mary Dunlap (*Miller v. Bank of America*) and Wendy Williams, an authority on equal protection at the Georgetown Law Center. With the exception of Hausfeld, who had never heard of MacKinnon, agreement was unanimous: She was not an innovator of harassment theory or other equal protection theory. Rather, she has been the primary publicist of ideas generated within the legal community and to which no individual has copyright.

*Maureen Mullarkey*

### CORRECTION

The editor of *Incidents in the Life of a Slave Girl: Written by Herself*, by Harriet A. Jacobs, reviewed September 12, is Jean Fagan Yellin.