

**State Dept.
 Phone Tap:
 Double Lie?**

By Don Bonafede
 Of the New York Tribune Staff
 WASHINGTON.

CPYRIGHT

FOIAb3b

For the second time, the sworn testimony of John F. Reilly, a former State Department officer involved in the controversial Otepka case, was contradicted in testimony revealed yesterday by the Senate Security subcommittee hearing.

The subcommittee is looking into the removal from office of Otto F. Otepka, chief of the Security Evaluations Section. He was charged by superiors with supplying classified information to the subcommittee's chief counsel, J. G. Sourwine, ostensibly for use against some of his State Department colleagues.

On Aug. 6, Mr. Reilly, then Deputy Assistant Secretary of State for Security, told the subcommittee that during his intradepartmental investigation of Mr. Otepka, he had never "engaged in or ordered the bugging or tapping or otherwise compromising telephones or private conversations in the office of an employee of the State Department."

Then, on Nov. 6, he asked the subcommittee for an opportunity to "amplify" his remarks. He said, in an attached statement, that he had directed Elmer D. Hill, chief of the Division of Technical Services, "to undertake a survey of the feasibility of intercepting conversation in Mr. Otepka office."

Mr. Hill and his deputy, Clarence J. Schneider, acting on Mr. Reilly's orders, attempted to convert Mr. Otepka's telephone into a microphone for monitoring purposes, he revealed.

But, according to Mr. Reilly's statement, "no conversations were intercepted as a result of the events described above."



Otto F. Otepka

Under questioning by Mr. Sourwine in a Nov. 15 hearing, he was asked:

"Now you can state, from your own knowledge, that nobody ever heard any words over that listening device that you caused to be installed in Mr. Otepka's telephone?"

Mr. Reilly replied, "to my knowledge, no one did."

Throughout the hearing Mr. Reilly denied that Mr. Otepka's telephone had been compromised, a technical term meaning that conversations had been intercepted and divulged.

Nonetheless, in the report

released yesterday on testimony heard Nov. 18, Mr. Hill told the subcommittee that "a dozen, perhaps more," telephone conversations were recorded and the tape turned over on Mr. Reilly's instructions to "some stranger." The disposition of the tapes and the identity of the "stranger" remain a mystery.

Mr. Hill said he did not know whether Mr. Reilly had listened to the conversations, "but there was one telephone conversation which did seem interesting to him."

He said the call, from what Mr. Reilly later told him, pertained to a luncheon appointment by Mr. Otepka and someone on the subcommittee staff.

He said he was not completely candid during earlier testimony because he felt "an obligation to the department."

Both Mr. Reilly and Mr. Hill resigned after modifying statements made by them during the hearings.

Whether the State Department

has the legal right to tap employees' telephone is unclear. No precedent has been set by a test case.

A subcommittee spokesman said it is operating on the assumption that the department has that right in the pursuit of security investigations. "Also, we feel they can do it since the telephones are not the public property of the employees," the spokesman said.

In security investigations outside the U. S., the department has been known to install taps on private telephones of employees.

An official said yesterday the department presently has no regulations prohibiting the practice.