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OTEPKA GETS LETTER WITH U.S. CHARGES

Disclosure Of Secret Information To Senate Reported

Washington, Sept. 26 (AP)—The

State Department said today a letter of charges, of a nature that could lead to his discharge in 30 days, has been given to Otto F. Otepka, chief of the division of evaluations in the department's Office of Security.

A State Department spokesman said the 48-year-old security investigator was given ten days, ending October 3, in which to answer the charges.

Heard Report

Richard I. Phillips, State Department press officer, refused to specify the charges. But in Dallas, Robert Morris, former chief counsel of the Senate Internal Security Subcommittee, said he had heard a report that Otepka was accused of disclosing secret information to the Senate.

Morris said the essence of the charges is that Otepka "collaborated" with the present chief counsel of the subcommittee, J. G. Sourwine.

Morris called the charges "a travesty of justice."

"If Mr. Otepka collaborated with Sourwine, he collaborated with the United States Senate itself," Morris said. "This should not be considered a crime."

Morris said the charges brought against Otepka "include giving 'confidential' and 'for official use only' information to the chief counsel. Both of these classifications are relatively low and in fact were inserted on the information by Mr. Otepka himself...."

"Desk Searched"

"Mr. Otepka's burn-basket was ransacked, his desk searched and he himself subjected to extensive investigation. Thus today's offense seems to be collaboration not with Communists but with dutiful security officers who are trying to keep their appointed rounds in traditional fashion...."

Morris now is president of the Defenders of American Liberty, a Dallas-based organization. He said the charges against Otepka "reflect the direction in which our nation is moving today in the face of growing Soviet power.... For being reasonably cooperative with this sacred arm of Congress, he (Otepka) is now up on charges that could lead to his dismissal from service"

Asked about this report, the State Department spokesman said that it is "a standing practice of government agencies not to reveal any administrative charges which may have been brought against an employee."

Otepka, a native of Illinois, and a Navy veteran during World War II has served as chief of the security evaluations office for personnel for ten years. The job pays \$16,000 a year.

Earlier this year, Otepka and other State Department security

officers appeared before the Senate subcommittee on Internal Security in connection with an investigation the subcommittee held on the case of William A. Wieland, a career diplomat.

Wieland was a State Department desk officer on Cuban affairs at the time of Fidel Castro's rise to power.

In those days, the generally held view in the department was that Castro was not a Communist.

Special Projects

Phillips said Otepka remains chief of the division of evaluation in the Office of Security, but since June 27 he has been detailed to two special projects. These are updating of the Office of Security handbook and preparation of guidelines for the security evaluation of personnel.

State Department officials said that there is no question of a conflict existing between the State Department and congressional committees in testimony given in response to committee questions.

There were indications, however, that the department considered the volunteering of unauthorized information to

congressional investigators to be a breach of the right of executive privilege that amounts to insubordination.

The right of executive privilege has been affirmed by the Supreme Court, the President and the executive branch of Government. Under this a Federal agency can withhold certain information from the Congress if it feels that the disclosure of such information would hamper the executive from carrying out his duties.

In refusing to make public the charges against Otepka, the State Department said this is considered a personal action between an employer and an employee. The employee has a right not to be tried in public by press release unless he chooses to make public the charges against him himself, the department said.

It was emphasized that no one in the State Department had disclosed the charges against Otepka.

Otepka can appeal any decision for his ouster to the State Department's deputy director of personnel, Harvey R. Wellman. As a veteran, he can also appeal directly to the Civil Service Commission.