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The Ordeal of Otto Otepka

Why have State Department employes been using the tactics of a police state to oust a dedicated security officer whose only sin seems to be loyalty to his country?

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BY CHARLES STEVENSON, WITH WILLIAM J. GILL

A FEW MINUTES before noon on Friday, June 27, 1963, Otto F. Otepka, chief of the U.S. State Department's security-evaluations division, was summoned to the office of his immediate superior, John F. Reilly, Deputy Assistant Secretary of State for Security. Reilly tossed him a one-page memorandum. "Effective immediately," the memo said, "you are detailed to a special project updating the Office of Security Handbook. You will remove forthwith to Room 38A05."

Within a half-hour of this ouster, Otepka's office safes and file cabinets, which contained extensive security information on State Department personnel, were seized. The same thing was happening to two veteran security officers who worked under Otepka.

These police-state tactics were used not against men suspected of

subversion. They were used against men who had been trying to *fight* subversion—the professional "security men" whose job it is to try to keep the government service free of communists and persons who might fall under their influence.

The story of Otto Otepka, a tall, quiet, darkly handsome man of 50, is still without an ending, and on its outcome hang two vitally important issues. One is whether we shall, without hysterics and false accusations, fight attempts to subvert our government. The other is whether Congress—the elected representatives of the people—shall preserve our right to oversee the behavior of the officials in the executive branch.

Many kinds of subversion are practiced today by the communists. One of the most difficult to detect is "policy sabotage," a device by which seemingly innocent decisions cover

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up disruption and delay of crucial activities. A classic example occurred in the aftermath of World War II: Harry Dexter White, Assistant Secretary of the Treasury, withheld vitally needed shipments of gold ordered by Congress to bolster Chiang Kai-shek's currency, thus contributing to the collapse of the currency. The Nationalist armies were left unpaid and starving, an easy prey to Mao Tse-tung's communists.

This type of sabotage is doubly dangerous because it creates suspicion and confusion. Many who supported the wild charges of the late Sen. Joseph McCarthy in the early 1950's, for instance, failed to distinguish between policy sabotage and errors of judgment, and they besmirched the reputation of innocent people. Otto Otepka was never such a zealot. His very background made him respect the underdog. The son of an immigrant Czech blacksmith, he had come to Washington in 1936 as a government messenger. In 1942, after earning a law degree at night at Columbus University (now the law school of Catholic University), he became an investigator for the Civil Service Commission. Following Navy service in World War II, he returned to the commission, became an expert on communist subversion and supervised a large staff analyzing cases under the Federal Employees Loyalty Program.

It was, in part, his sense of perspective that led one veteran security officer to call him "the best evaluator in government." Secretary of State

John Foster Dulles, on June 15, 1953, brought him into the State Department to carry out President Eisenhower's Executive Order 10450, designed to set security standards for all federal agencies.

By 1957 Otepka was deputy director of the Office of Security—the Department's highest civil-service security job—and working head of State's global personnel-security organization. In 1958 the State Department awarded him its Meritorious Service Award. The citation, signed by Secretary of State Dulles, declared that Otepka "has shown himself consistently capable of sound judgment, creative work and the acceptance of unusual responsibility." His 1960 departmental efficiency report noted that to his knowledge of communism and its subversive efforts in the United States "he adds perspective, balance and good judgment."

Yet, as he was receiving these plaudits from his superiors, Otepka was incurring the enmity of an influential clique in the Department who chafed at security procedures. Soon after the Kennedy administration took over in 1961, these persons began to act. Otepka found his recommendations were being ignored or overruled.

Then there occurred the strange case of William Wieland, a controversial foreign-service officer who had been Caribbean desk officer during the early days of Fidel Castro. The Senate Internal Security Subcommittee, investigating Wieland's role in U.S. support of the Cuban

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revolution, declared that he could not "escape a share of the responsibility" for Castro's takeover. Among other things, the subcommittee uncovered evidence that Wieland had withheld crucial intelligence reports warning of Castro's communist ties.

Conducting an investigation under specific Department orders, Otepka in 1961 reported he found no proof Wieland was a communist, but he amassed evidence that he was responsible for "policy impedance" and had "lied" both to the Senate subcommittee and to State's own investigators. Otepka recommended that higher authorities consider dismissing him as unsuitable.

For an answer, on September 18, 1961, William Boswell, an old-line foreign-service officer and at the time Otepka's immediate superior, ordered Otepka to clear Wieland immediately without the required written findings from the Deputy Under Secretary for Administration. Otepka refused.

The Department made its first formal move to get rid of Otepka less than six weeks later. On November 1, 1961, Boswell called Otepka into his office and announced that 25 Security Office jobs were being eliminated. Otepka was being demoted to chief of a 32-man evaluation staff.

Many men would have quit in disgust. Otepka stayed on, even though his old job, supposedly abolished for economy reasons, was later restored with someone else filling it.

Then John F. Reilly arrived as the new director of the Office of Security. Now Otepka's recommendations and memorandums were bounced back with critical notations. And weird things began to happen. At 10:30 p.m. on March 24 Otepka returned to his office after an evening of bowling and startled two of Reilly's aides there. Later, an electronics technician told him, "Your phone is bugged." Another reported that there were concealed listening devices planted in his office. One weekend his office safe was drilled open. And a mystery man with binoculars sat outside Otepka's home night after night.

By early 1963 the situation epitomized by the harassment of Otepka had become so critical that the State Department's entire personnel security apparatus was on the verge of collapse. The Atomic Energy Commission, in granting access to atomic secrets, refused to accept State Department investigations, and the Civil Service Commission reported to the National Security Council deficiencies and shortcomings in State's security operations.

At this point, the Senate Internal Security Subcommittee resumed its hearings. During February and March 1963 it asked Otepka whether the Department was clearing possible security risks despite warnings from the Evaluations Division. Otepka declared it was. Reilly denied this. As the hearings progressed, more and more discrepancies developed between Otepka's testimony

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and Reilly's rejoinders. The contradictions were so serious that on May 23 subcommittee counsel J. G. Sourwine called Otepka to his Capitol Hill office. "One of you is lying under oath," he said. "If you have evidence to prove you're right, you'd better produce it."

That night Otepka paced his basement study at home. "The Code of Ethics for Government Employees," adopted by Congress in 1958, requires all civil servants to put loyalty to country above loyalty to government departments. Federal statutes specifically guarantee their right "to furnish information to Congress shall not be interfered with."

Shortly thereafter Otepka sent the subcommittee 25 unclassified, two "confidential," six "official use only," and three "limited official use" documents and memos. Point by point these papers upheld the truth of Otepka's testimony.

Four weeks later, on June 27, Otepka was given the meaningless assignment of updating the Security Office Handbook.

On August 14, 1963, Otepka suffered the next step in his degradation—he was accused by his superiors at State of violating the World War I Espionage Act. He was charged with spying for the U.S. Senate by turning over "confidential" documents (the papers which cleared him of perjury). After three days of questioning, the FBI threw out the case against him.

Then, on September 23, 1963, the State Department fired Otepka for

actions "unbecoming an officer of the Department of State" (specifically, supplying legitimate information to U.S. Senators). Otepka appealed the case, under State Department regulations. Sen. Thomas Dodd, vice chairman of the Internal Security Subcommittee, protested to Secretary of State Rusk, but Rusk reconfirmed the proposed dismissal. Dodd then stormed onto the Senate floor on November 5, castigating the Department for "chasing the policeman instead of the culprit," and he exploded a bombshell: "Although a State Department official has denied under oath a tap on Otepka's telephone, the subcommittee has proof that the tap was installed"—a clear violation of State's own regulations.

That night the Department's top legal advisers called in Reilly and Elmer D. Hill, an electronics technician, and had them sign letters asking the subcommittee for the right to "clarify" and "amplify" their earlier sworn testimony that they had not tapped Otepka's telephone. Reilly's story now changed to:

"On March 18 I asked Mr. Elmer D. Hill to undertake a survey of the feasibility of intercepting conversations in Mr. Otepka's office. I made it clear to Mr. Hill that I did not wish any conversations to be intercepted at that time." But days later Hill confessed to the subcommittee that he had tapped "a dozen, perhaps more" of Otepka's telephone conversations under Reilly's orders.

Even after that, despite a written

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protest approved by the entire Senate Judiciary Committee, Secretary Rusk declared that prosecution of the Otepka case would be "vigorously pursued." Security Office division chiefs were officially notified that all who "are disloyal" to the Secretary will be "identified and ousted. We have lost face, and it's up to us to regain it."

Since then the State Department has allowed little to leak out. Otepka, waiting for the chance to fight for reinstatement, still goes to the State Department every Monday through Friday. In accordance with Civil Service rules, he still draws his \$19,310 annual salary, but he is not given any useful tasks. He is, in effect, in exile within the Department, and many of his associates are afraid even to say hello to him.

Seldom has an issue reached so deep into the roots of our governmental system. For if Otepka loses his appeal, now set for October 11, it will set new precedents for conduct of government. Men like William Wieland, who withheld information about Castro, will know

that they are safe from accountability. He is still in the State Department and has since been promoted. Men like Reilly, who deceived a Senate subcommittee, will know that playing the bureaucracy's game pays off—he presently holds a high-paying job with the Federal Communications Commission. And the thousands of dedicated public officials—the Otepkas and those in other government agencies—will have learned their lesson: In government, if you see something going wrong, forget it. Says Senator Dodd: "If those forces bent on destroying Otepka and the no-nonsense security approach he represents are successful, who knows how many more Chinas or Cubas we may lose?"

The American people can offer only one answer: Loud, sustained protest to President Johnson and their representatives in Congress. Until the men of Otto Otepka's stamp are safe in their jobs, with full authority to enforce a wise security program, the nation can have no reasonable assurance it is safe from enemies within.

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