

\$36,000 Job After 5-Year Fight

Otepka Named to SACB Post

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President Nixon appointed Otto F. Otepka yesterday to a \$36,000-a-year job on the Subversive Activities Control Board, thereby combining a man and an institution that share a remarkable talent for surviving obscurity and bureaucratic burial.

Otepka survived five years of effort by former Secretary of State Dean Rusk to dismiss him, while the Board has come back from the brink of oblivion to investigate a small but growing caseload of minor Communist Party functionaries.

Both owe their success to the same man—Sen. Everett M. Dirksen (R-Ill.). The Republican minority leader first suggested that President Nixon appoint Otepka to the Board, which Dirksen had rescued with salvaging amendments last year.

The appointment was also fulfillment of a campaign promise by Mr. Nixon, who last year pledged a "full and exhaustive review" of the Otepka case "with a view to seeing that justice is accorded this man who served his country so long and well."

Asked yesterday if the ap-

pointment represents vindication for Otepka, White House Press Secretary Ronald L. Ziegler said, "The President felt that because of Mr. Otepka's experience in the field of security, he would be qualified to serve on the Board."

Otepka was chief of security evaluations in the State Department in 1963 when Rusk ordered him suspended for disclosing to the Senate Internal Security Committee some classified loyalty reports.

See OTEPKA, A7, Col. 1



OTTO F. OTEPKA
... talent for survival

OTEPKA, From A1

He was demoted to a minor \$14,000-a-year job and remained on the payroll while his appeals to the State Department and Civil Service Commission dragged on. The case became even more muddied when it was disclosed that the State Department had tapped Otepka's telephone.

Otepka early this year asked to be reinstated in his old job by Secretary of State William P. Rogers but was turned down, and the search was begun to find him another position.

According to an account in The Chicago Tribune, Dirksen suggested to President Nixon that Otepka be appointed to the SACB vacancy created by the death of Edward Sweeney.

"Fairly Accurate"

Dirksen could not be reached for comment the past two days, but an aide

said the Tribune's version was "fairly accurate."

Part of that version was a promise by Dirksen that the Board would become an effective anti-subversives agency and that the appointment would be publicly described—by Dirksen—as a complete vindication for Otepka.

If confirmed by the Senate, Otepka will step into what has become one of Washington's most comfortable sinecures, a sort of friends-of-the-powerful club with lofty salaries and comparatively undemanding duties.

The most recent appointee is Simon F. McHugh Jr., who was a minor executive in the Small Business Administration. He also is the husband of a one-time personal secretary to former President Johnson, who named him to the Board in 1967.

The chairman is John W. Mahan, who was a Montana lawyer in January, 1966,

when he was asked by a White House aide to take a vacancy on the Board, of which he had never heard. A former national commander of the Veterans of Foreign Wars, Mahan was head of a Veterans for Johnson committee during the 1964 campaign and leader of a similar group for John F. Kennedy in 1960.

The other two members are Leonard Sells, a veteran Government employe who was attorney for the Renegotiation Board, and John S. Patterson, former Civil Defense acting director and vice chairman of the Maritime Commission.

Salary Increased

There are virtually no prerequisites for the Executive Schedule V jobs. The law establishing the Board says only that no more than three members can be from the same political party. The salaries rose from \$28,000 to \$36,000 a year under the recent pay raise legislation.

The Board's budget has climbed steadily, even in years when its duties were declining. In 1968, it was authorized to spend \$295,000, but spent \$247,000. However, its budget for the following fiscal year was pegged at \$344,000 and the current one proposed is the \$365,000.

Until last September, the Board had been involved in only one case of alleged subversion for almost two years.

Since September, it has dispensed with three cases naming minor Communist Party functionaries as members of a "Communist-action" group, a process that involved only six days of hearings, one day of oral argument, and reading of extensive FBI reports.

The Board began hearings on three more cases Tuesday. At the end of one hour of testimony, and one hour of recess for the reading of documents, it took one of the cases under advisement and agreed to a 90-day post-

ponement of the other two cases because the Justice Department's key witness is ill.

The Tuesday hearing, held in a comfortable, panelled room of the Lafayette Building, was a genial, clubby affair involving Justice Department and defense lawyers who have become friendly throughout years of hearings and appeals.

The case was against Scarlett Patrick, a young New Jersey woman alleged to be a member of the Communist Party's national committee.

A Justice Department lawyer stated for the record that Miss Patrick had not been under electronic surveillance by the FBI. Joseph Forer, the veteran defense lawyer, said the statement was "gobbledygook" and not sufficiently specific.

Testimony Cited.

"Mr. Forer," said Department lawyer Oran H. Waterman with a smile, "is up to his old tricks."

The case against Miss Patrick consisted of testimony by Ronald S. Eldredge, a piano teacher from Spanish Fort, Utah, and a paid FBI informant who had risen in the Utah Communist Party to become secretary-treasurer.

Eldredge testified that at a national party convention on July 5, 1968, he heard Miss Patrick speak on "black liberation" at the Hotel Diplomat in New York City.

Eldredge recalled that she began her speech by declaring that she was "under petition" by the Board and that if anyone in the room had a line open to the Justice Department he could let the Department know where to find her.

The cross-examination by Forer consisted of reading into the record the amounts paid to Eldredge by the FBI — \$140 to \$150 a month — and then the sudden question: "Did you ever give back that money you embezzled from the Communist Party treasury?"

After shouts of "objection" from the Justice lawyers, the witness said he had not embezzled any funds but that he had recently returned some money and books that were the property of Utah party leaders. A few minutes later the hearing was adjourned.

Until last September, it appeared unlikely that the Board would be holding any more hearings such as the Patrick case. The major section of its statute had been held unconstitutional and it was believed that the Board would quietly fold up.

Originally, the Board's main function was to determine whether a person was a member of a Communist group and then require him to register publicly or face imprisonment. In October, 1965, the Supreme Court held that section to be a violation of the Fifth Amendment.

For months thereafter, the Board was involved with

only one organizational case — that of the W. E. B. DuBois Clubs, which is still on appeal.

Duties Amended

The new legislation that Dirksen pushed through in late 1967 permits the Board to determine membership in a Communist-action group and to make that finding public. No registration could be demanded.

The Dirksen amendments also specified that the Board had to hold at least one hearing in 1968 or go out of business. It could not hold a hearing unless the Justice Department referred to it a case, and for a while Attorney General Ramsey Clark refused to do so. Finally, Clark sent the Board seven cases and the Board started its hearings in September.

The new Attorney general, John N. Mitchell, has sent five more cases and it appears the Board will be relatively busy for some time.