

Senate Committee OK's Otepka

WASHINGTON (AP) — Otto F. Otepka, demoted State Department security officer, easily won Senate Judiciary Committee approval Tuesday of his nomination to the Subversive Activities Control Board.

Sen. Edward M. Kennedy, D-Mass., one of three committee members to vote against approval, indicated he does not intend to try to block confirmation when the nomination is brought up in the Senate.

But Kennedy said he will explain his opposition. "I don't think there is room on the SACB for a member whose basis of strength and support is the John Birch Society and the Liberty Lobby," he told reporters.

Senate Republican Leader Everett M. Dirksen of Illinois, top GOP member of the Judiciary Committee, said he is "absolutely satisfied" Otepka has no connection with either the Birch Society or the Liberty Lobby.

The committee vote to recommend Senate confirmation was first announced as 10 to 3, with four members absent. Later Sen. John L. McClellan, D-Ark., was recorded in support of the nomination, making the count 11 to 3.

Sen. Robert C. Byrd, D-W.Va., another absentee, told a reporter he expects to vote for Otepka's confirmation but asked the committee not to record him on its tally because he has not had a chance to study the hearing record.

The other two absentees,

Sens. Marlow W. Cook, R-Ky., and Charles McC. Mathias, R-Md., have indicated opposition to President Nixon's nomination of Otepka to the \$36,000-a-year SACB post.

Otepka was called into the Judiciary Committee's closed meeting Tuesday and was questioned by Kennedy and others prior to the vote on his nomination.

Dirksen said Otepka testified he is not a member of the John Birch Society and doesn't know anything about the Liberty Lobby except that he had seen one of its leaders, Willis Carto, on two or three occasions.

Questions have been raised about whether contributors to about \$27,000 for Otepka's legal expenses in fighting the State Department's charges against him had ties to the John Birch Society.

The Evening Star said Tuesday that two organizations having clearly defined ties with the John Birch Society and other right wing groups contributed more than \$23,500 to fight Otepka's case.

Otepka said more than \$21,000 of the legal costs were paid by the American Defense Fund, organized in 1964 by James Stewart of Palatine, Ill. Stewart told The Associated Press last month that the fund was started and operated by his immediate family to help Otepka, and had no connection with the John Birch Society.

The Star also said a \$2,500 donation was made by Defenders of American Liberty, an organization headed until 1962 by Dr.

Robert Morris. Its president since then has been J. Fred Schlafly of Alton, Ill.

After a public hearing on April 15 by a Judiciary subcommittee, Otepka told newsmen "I am not responsible for the political or ideological orientation of those who want to assist me in seeing that justice is done."

No Senate action on Otepka's nomination is to be taken for at least two weeks. Sen. James O. Eastland, D-Miss., the committee chairman, said the members agreed to allow this much time for preparing majority and minority reports.

Voting with Kennedy against recommending Senate confirmation were Sens. Philip A. Hart, D-Mich., and Joseph D. Tydings, D-Md.