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## Otto Otepka and the SACB

The Senate Judiciary Committee is capable of acting with marvelous despatch when it has something before it which its chairman, Senator James O. Eastland, considers truly urgent. For instance, the chairman decided on Friday evening to hold hearings on the nomination of Otto Otepka to be a member of the Subversive Activities Control Board—a nomination which President Nixon had sent to the Senate some time in March. Of course, President Nixon had previously sent the nomination of Mr. Otepka to the Senate last fall during the 91st Congress which had neglected to do anything about it, although the nominee had served on the board, filling an unexpired term. Suddenly galvanized on Friday night, however, the Senate Judiciary Committee sent telegrams to persons who had asked to testify on the nomination if it should come up—telegrams which, naturally, were not received until Monday morning—telling them that they could be heard on Wednesday, “provided that each witness shall have filed with the committee a written statement of his proposed testimony not later than 10:30 a.m., Tuesday, May 18, 1971.” A reprieve as to the hearing has now been granted until this morning.

This celerity is all the more sensational when one considers the situation of the Subversive Activities Control Board. Defanged by the Supreme Court which, in a series of decisions, has found almost every clause of the act creating it constitutionally poisonous, the members of the SACB have found themselves with absolutely nothing to do of more public utility than to play pinochle

from nine to five for their \$36,000 salaries. It must have been distress at the thought of Mr. Otepka's being out of the game that led the Judiciary Committee to act so expeditiously.

Mr. Otepka, it will be remembered, was expelled from the Department of State because, as the chief of the Appeals Examining Office of the Civil Service Commission said in affirming his dismissal, “he delivered to the Chief Counsel, Senate Subcommittee on Internal Security three documents of a security nature. He had no right to take the files and records of his agency and release information which he knew may be disclosed only by the President. Furthermore, he had no right to invade the privacy of those who were named in the three documents.”

You can understand why the beneficiaries of Mr. Otepka's little skulduggery should want to reward him with a cushy job, all pay and no work. But it is hard to understand why anyone else should want to trust him with matters involving national security. There is a scheme now being hatched in the Internal Security Subcommittee (a subcommittee of Judiciary) to make Mr. Otepka not only the chairman of the SACB but the grand overlord and supervisor of security in all the executive agencies of the government as well. We share in the mild appraisal of this case made by Senator Eagleton when the Otepka nomination was before the Senate two years ago: “I am satisfied that Mr. Otepka, by reason of his past conduct in the handling of security affairs, is an inadequate nominee for an even loftier position in the security field.”