

Red-Inquiry Funds Voted, But Senate Limits Scope

By JOHN W. FINNEY JUL 20 1971

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WASHINGTON, July 19—The Senate voted today to continue funding the Subversive Activities Control Board, but it also blocked a recent Presidential order expanding

the board's mandate to include investigations of militant groups.

The offsetting votes mean that the five-member board will be able to continue in existence but with its authority so circumscribed that it will have little or no work to do.

In the liberals' perennial attack on the board, which they protest is a useless vestige of the McCarthy era, they failed once again to cut off its funds. By a 47-to-40 vote, the Senate rejected an amendment by Senator William Proxmire, Democrat of Wisconsin, that would have eliminated the \$450,000 requested by the Administration for the board in the current fiscal year.

Appropriations Bill Voted

But the Senate then approved, by a vote of 51-to-37, an amendment by Senator Sam J. Ervin Jr., Democrat of North Carolina, prescribing that none of the funds could be used to carry out the new responsibilities that President Nixon had sought to confer on the board.

Funds for the board were included in a \$4-billion appropriations bill for the Senate and the Justice and Commerce Departments, which was later passed and sent to a Senate-House conference committee.

The effect of the Ervin amendment, if it is accepted by the

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House, would be to restrict the board to its present function of determining whether groups would be classified as Communist under the Subversive Activities Control Act.

In this function, the board has been so circumscribed on constitutional grounds by the courts that John W. Mahan, the board chairman, recently told the Senate Appropriations Committee that the board and its 10-man staff did not have enough work to keep busy and heard only three witnesses last year.

In an effort to give new life to the largely moribund board, President Nixon, in a little-noticed executive order issued on July 2, sought to broaden its mandate and responsibilities.

The executive order could have the board take over the Attorney General's function, under the Government personnel security program, of determining which organizations are subversive. The order would empower the board to "determine whether any organization is totalitarian, Fascist, Communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their

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rights under the Constitution or laws of the United States or of any state or which seeks to overthrow the Government of the United States or any state or subdivision thereof by unlawful means."

Senator Ervin, a Southern Conservative who has been emerging as a leading civil libertarian of the Senate, protested that Mr. Nixon's order was "clearly unconstitutional" on two grounds.

First, he said, the President "usurped the constitutional functions of Congress by seeking to expand the responsibili-

ties of the board through executive order rather than by legislation. Secondly, he argued with its new powers of investigation the board would infringe upon the constitutional rights of individuals under the First Amendment.

By his order, he said, the President "authorized a witch hunt" by the board and manifested "a fear of freedom, a fear of the American people."

Defending continuation of the board with a broadened mandate, Senator John L. McClellan of Arkansas, floor manager of the bill, warned that "the

Roll-Call Vote on Subversive Board

WASHINGTON, July 19 (AP)—Following is the 47-to-40 roll-call vote by which the Senate refused today to cut off funds for the Subversive Activities Control Board:

FOR THE AMENDMENT—40 Democrats—29		AGAINST THE AMENDMENT—47 Democrats—21	
Bayh (Ind.)	McGee (Wyo.)	Allen (Ala.)	Wagnuson (Wash.)
Burdick (N.D.)	McGovern (S.D.)	Anderson (N.M.)	Mansfield (Mon.)
Cannon (Nev.)	Mondale (Minn.)	Bentsen (Tex.)	McClellan (Ark.)
Church (Idaho)	Moss (Utah)	Bible (Nev.)	McIntyre (N.H.)
Cranston (Calif.)	Muskie (Me.)	Byrd (W. Va.)	Montoya (N.M.)
Ellender (La.)	Nelson (Wis.)	Chiles (Fla.)	Randolph (W. Va.)
Ervin (N.C.)	Pastore (R.I.)	Eastland (Miss.)	Snarkman (Ala.)
Fulbright (Ark.)	Pell (R.I.)	Gambrell (Ga.)	Stennis (Miss.)
Harris (Okla.)	Proxmire (Wis.)	Hollings (S.C.)	Talmadge (Ga.)
Hart (Mich.)	Ribicoff (Conn.)	Jordan (N.C.)	
Harke (Ind.)	Stevenson (Ill.)	Long (La.)	
Hughes (Iowa)	Symington (Mo.)		
Humphrey (Minn.)	Tunney (Calif.)		
Inouye (Hawaii)	Williams (N.J.)		
Kennedy (Mass.)			
		Republicans—26	
Aiken (Vt.)	Mathias (Md.)	Allott (Colo.)	Hruska (Neb.)
Boggs (Del.)	Packwood (Ore.)	Baker (Tenn.)	Jordan (Idaho)
Brooke (Mass.)	Percy (Ill.)	Bennett (Utah)	Miller (Iowa)
Case (N.J.)	Prouty (Vt.)	Brock (Tenn.)	Pearson (Kan.)
Cooper (Ky.)	Saxbe (Ohio)	Cook (Ky.)	Roth (Del.)
Dominick (Colo.)		Colton (N.H.)	Schweiker (Pa.)
		Curtis (Neb.)	Scott (Pa.)
		Dole (Kan.)	Smith (Me.)
		Fannin (Ariz.)	Stevens (Alaska)
		Fong (Hawaii)	Thurmond (S.C.)
		Goldwater (Ariz.)	Tower (Tex.)
		Guernsey (Fla.)	Weiker (Conn.)
		Hansen (Wyo.)	Youngs (N.D.)

threat of subversion is increasing all the time."

Senator Allen J. Ellender, Democrat of Louisiana, described the board as "obsolete" and "meaningless" and said, "I cannot justify the spending of nearly a half million dollars per year on a board and staff that, by its own admission, has no work to do."

The Senate is now expected to consider the renomination of Otto F. Otepka to a \$36,000-a-year post on the board. Mr. Otepka, a former State Department employe who was discharged for providing classi-

fied documents to the Senate Internal Security Subcommittee, was first appointed to the board by President Nixon in March, 1969.

John W. Mahan is chairman of the board. The other members are John S. Patterson, Simon F. McHugh Jr., Mr. Otepka, and Paul J. O'Neill. The executive secretary is Francis J. McNamara, and Bernard Waters is general counsel.

The Senate also approved, by a 51-to-29 vote, an amendment by Senator Hugh Scott of Pennsylvania, the Republican leader, adding \$5.6-million to the \$22-million in appropriations for the Equal Employment Opportunity Commission, thus giving the agency the full amount requested by the Administration.