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Hearing Report**Otepka Wrong, Dismissal Up to Rusk**By LESLIE H. WHITTEN  
Hearst Headline Service

WASHINGTON — A State Department hearing officer has found Otto Otepka was wrong in turning over classified documents to a Senate committee and has left the question of dismissal up to Secretary Dean Rusk.

Otepka, removed from his job as chief security evaluator for the department in 1963, has been on pay in a less sensitive section of the State Department. He is fighting his case at present within the department and the hearing officer's ruling marked a crucial stage.

"My intent has always been to take the case all the way to the courts if necessary to get justice," said Otepka in a telephone interview.

The ruling, dated Dec. 5, was signed by Hearing Officer Edward A. Dragon, an Agency for International Development lawyer named to hear the case. Dragon refused even to verify that he

had made a ruling and the State Department press office would say only that he had ruled and that Rusk now had the matter under consideration.

But a copy of the 28-page ruling was obtained by the specialized periodical, "The Government Employees Exchange," and turned over to Hearst Newspapers. In it, Dragon says:

**3 DOCUMENTS**

"I find that the appellant (Otepka) delivered the two memoranda and investigative report to a person outside of the Department of State without authority and in violation of (a) presidential directive . . . this action is conduct unbecoming an officer of the Department of State."

Otepka, who was kept in his \$20,485 pay grade pending final resolution of the case, went to the State Department in 1953. He was fired from his job in 1963 after he gave the three documents to J. G.

Sourwine, counsel for the Senate Internal Security Subcommittee — all dealt with employee security practices at the State Department.

The subcommittee saw red and discovered that Otepka's waste basket had been rifled and his telephone bugged by State Department sleuths. At least two State Department officials lied under oath during the hearings of the subcommittee on treatment of Otepka — and what began as a simple case of whether Otepka had a right to turn over the documents soon became a snarled up question of State Department credibility.

**ON THREE COUNTS**

Otepka, in his appeals against the dismissal from his job, charged that in the first place he had a duty to turn over the documents to the committee, in the second place the State Department had conspired against him and in the third place the compartment of some State Department official was such

that there were no rational rules for judging conduct unbecoming an officer.

But Dragon's ruling was against Otepka on all three counts.

"I find no extenuating circumstances which would mitigate the delivery of the two memoranda and investigative report outside the department," it said.

The Otepka firing — particularly State Department handling of the appeal — has been the target of much acrimony by conservative congressmen and senators.

The State Department, after claiming that the release of the hearing officer's ruling was "improper," declined all comment on the case. Otepka, meanwhile, continues to labor in a cubbyhole to which he is relegated, doing make-work jobs while Rusk considers his case. If Rusk rules adversely, too, Otepka can continue his appeal to the Civil Service Commission and the courts.