

DREW PEARSON

McCarthy-Era Nixon Peeks Out

WASHINGTON—Last month, for the first time, the old Nixon of the Joe McCarthy days began wearing through the veneer of the new Nixon.

It began when the President appointed Otto Otepka to a \$36,000 job on the Subversive Activities Control Board. Otepka is the State Department official who, spying on other officials, took classified documents to Sen. Tom Dodd of Connecticut and promptly

was removed for violating security.

Nixon followed up his Otepka appointment by naming Otepka's lawyer, Roger Robb, to the second highest court in the land, the U.S. Court of Appeals in the District of Columbia. This is the court that passes on the largest number of appeals before they reach the Supreme Court.



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ROBB, A LIKEABLE and able attorney, has represented a long list of right-wing clients, and generally shares their views.

His most notorious client was Adm. Lewis Strauss, then chairman of the Atomic Energy Commission, in the purge of Dr. Robert Oppenheimer,

one of the fathers of the atomic bomb. Robb conducted a brutal cross-examination of Oppenheimer after Adm. Strauss had bowed to the late Sen. Joe McCarthy and decided Oppenheimer must be purged.

Although Robb was successful in ousting the Princeton professor, Oppenheimer was later reinstated by the late President John F. Kennedy. Adm. Strauss in turn was defeated for Senate confirmation as secretary of commerce.

Robb also has represented such other interesting clients as Secretary of the Air Force Harold Talbott, who was fired by Eisenhower for a conflict of interest; Richard Mack, the Federal Communications commissioner who was indicted for a conflict of interest; Bernard Goldfine, who was involved with Sherman Adams in the vicuna coat scandal, and Frederick N. Howser, the attorney general of California who was proved by jury verdict in a libel suit to have taken a bribe.

DURING THE JOHNSON administration, pressure was

put on LBJ by Sen. Jim Eastland of Mississippi and Sen. Dodd to appoint Robb to the Court of Appeals. Johnson did not yield to the pressure.

Since then, Robb also has had the support of his client, Barry Goldwater, Sen. Everett Dirksen of Illinois, and the enthusiastic support of the Liberty Lobby. Nixon yielded.

It was largely Dirksen who maneuvered Otepka's appointment to the Subversive Activities Control Board. Last spring, after a long fight by Sen. William Proxmire, D-Wis., Atty. Gen. Ramsey Clark had recommended that the board be disbanded. It was costing the taxpayers about \$750,000 a year but hadn't decided a single case for years. A hangover of the old McCarthy days, it was supposed to pass on subversive organizations. However, Dirksen had appointed a friend, John S. Patterson, to the board. He made a deal with LBJ that if Johnson would continue it, he, Dirksen, would push the confirmation of Abe Fortas as chief justice.

THUS WAS THE Subversive Activities Control Board saved from oblivion. The Otepka case has now dragged on for five years. On Sept. 23, 1963, Otepka, then chief of the evidence evaluation division of the State Department's office of security, was charged with violating 13 regulations by giving confidential information to the Senate Internal Security Committee, of which Sen. Dodd is the chief sparkplug. On Nov. 5, 1963, Otepka was suspended. Sen. Dodd hit the ceiling.

He harangued the State Department with dire warnings regarding the future.

Subsequently, Secty. Rusk got nervous, backed down part way, permitted Otepka to draw a salary for six years though not allowed to do the work for which he was hired, because he was not trusted regarding confidential papers.

There followed long, drawn-out hearings, with Otepka's lawyer, Roger Robb, demanding the State Department reinstate Otto to his original job. But the State Department stood firm. Then came the election of Nixon, and his new Secretary of State William P. Rogers also stood firm.

Whereupon the new Nixon gave way to the old Nixon, and Otepka was appointed to the Subversive Activities Control Board. With this went an increase in salary from \$14,000 to \$36,000.