

Otepka Nomination Confirmed by Senate, 61 to 28

Special to The New York Times

WASHINGTON, June 24—The Senate confirmed today the nomination of Otto F. Otepka, who was discharged as the State Department's chief security investigator, as a member of the Subversive Activities Control Board.

The Presidential nomination was approved by a 61-28 vote after a routine debate dominated by Republican conservatives, who praised Mr. Otepka as an outstanding public servant and described his appointment to the \$36,000-a-year job as vindication for mistreatment by the State Department.

A handful of Democratic and Republican liberals protested that Mr. Otepka was unqualified for the job, but they put up no fight to block the nomination, which was submitted three months ago by President Nixon.

The only effort to prevent confirmation was made by Senator Stephen M. Young, Demo-

crat of Ohio, who described the nomination as "an outlandish piece of political expediency," with the President "tossing a bone to restive right-wing elements."

A motion by Senator Young to send the nomination back to the Senate Judiciary Committee was defeated 56 to 35.

Confirmation was a personal victory for the Senate Republican leader, Everett McKinley Dirksen of Illinois, who last year saved the board from extinction and then this year proposed to the new Republican Administration that Mr. Otepka, who has become a hero of right-wing groups, be appointed to an opening on the five-man board.

Mr. Otepka, former chief of security evaluations in the State Department, was first dismissed in 1963 and then demoted by Secretary of State Dean Rusk on charges that he had violated an Executive regulation by passing confidential personnel security files to the Senate Internal Security Sub-

committee without permission.

The State Department's disciplinary action was upheld by the Civil Service Commission, and then earlier this year Secretary of State William P. Rogers refused to reinstate Mr. Otepka to his former post.

'Sop to the Right Wing'

Never in doubt as to the outcome, Senator Dirksen sat passively with folded arms as Senator Young criticized Mr. Otepka as a man with "a warped concept of Americanism" and described the board as "nothing more than a sop to the right wing and convenient place for a President to place his friends."

"After several Republican conservatives rose to defend the appointment, Senator Dirksen tried to conclude the debate by describing Mr. Otepka as "a tremendous public servant with a deep conviction to the truth and deep devotion to his country."

But Senator Edward M. Ken-

nedy, the Democratic whip, intervened to question whether Mr. Otepka was qualified for the post and to object that "it doesn't make any sense to confirm a fifth member to an agency which doesn't have enough work to keep one member busy."

When the same theme was picked up by Senator Gaylord Nelson, Democrat of Wisconsin, Senator Dirksen protested that if the board had been inactive it was because it was "laboring under the difficulty of the Warren court."

The Supreme Court in 1965 virtually did away with the board's authority by declaring unconstitutional its power to police compulsory registration of Communists. At the initiative of Senator Dirksen, Congress last year gave a new mandate to the board by authorizing it to hold hearings to determine whether groups or individuals named by the Attorney General were Communist-affiliated.

WASHINGTON, June 24 (AP) Following is the 61-28 vote by which the Senate confirmed today the nomination of Otto F. Otepka to be a member of the Subversive Activities Control Board:

FOR CONFIRMATION—61

Democrats—28

Allen (Ala.)	Jordan (N.C.)
Anderson (N.M.)	Long (La.)
Bayh (Ind.)	McClellan (Ark.)
Bible (Nev.)	McIntyre (N.H.)
Byrd (Va.)	Montoya (N.M.)
Byrd (W.Va.)	Pastore (R.I.)
Cannon (Nev.)	Proxmire (Wis.)
Dodd (Conn.)	Randolph (W.Va.)
Eastland (Miss.)	Russell (Ga.)
Ellender (La.)	Spong (Va.)
Ervin (N.C.)	Stennis (Miss.)
Holland (Fla.)	Symington (Mo.)
Hollings (S.C.)	Williams (N.J.)

Republicans—35

Aiken (Vt.)	Hruska (Nebr.)
Allott (Colo.)	Jordan (Idaho)
Baker (Tenn.)	Mathias (Md.)
Belmont (Okla.)	Miller (Iowa)
Bennett (Utah)	Mundt (S.D.)
Boggs (Del.)	Murphy (Calif.)
Cook (Ky.)	Pearson (Kan.)
Cotton (N.H.)	Percy (Ill.)
Curtis (Neb.)	Prouty (Vt.)
Dirksen (Ill.)	Saxbe (Ohio)
Dole (Kan.)	Schweiker (Pa.)
Dominick (Colo.)	Scott (Pa.)
Fannin (Ariz.)	Smith (Me.)
Goldwater (Ariz.)	Thurmond (S.C.)
Griffin (Mich.)	Tower (Tex.)
Gurney (Fla.)	Williams (Del.)
Hansen (Wyo.)	Young (N.D.)
Hatfield (Ore.)	

AGAINST CONFIRMATION—28

Democrats—22

Cranston (Calif.)	McCarthy (Minn.)
Eagleton (Mo.)	McGee (Wyo.)
Fulbright (Ark.)	Metcalf (Mont.)
Gore (Tenn.)	Mondale (Minn.)
Harris (Okla.)	Muskie (Me.)
Hartke (Ind.)	Nelson (Wis.)
Inouye (Hawaii)	Pell (R.I.)
Jackson (Wash.)	Tydings (Md.)
Kennedy (Mass.)	Yarborough (Tex.)
Magnuson (Wash.)	Young (Ohio)
Mansfield (Mont.)	

Republicans—6

Brooke (Mass.)	Goodell (N.Y.)
Case (N.J.)	Javits (N.Y.)
Cooper (Ky.)	Packwood (Ore.)

Not voting but announced as paired on the nomination (pairs are used to denote opposing positions of Senators when one or both are absent): Stevens, R-Alaska, for, and Hart, D-Mich., against; Talmadge, D-Ga., for, and Hughes, D-Iowa, against.

Not voting or paired but announced as for confirmation: Burdick, D-N.D.

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WINS CONFIRMATION:
Otto F. Otepka, whose nomination to the Subversive Activities Control Board won Senate approval by a vote of 61 to 28 yesterday.