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NOMINATION OF OTTO F. OTEPKA

HEARING
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-FIRST CONGRESS
FIRST SESSION
ON
OTTO F. OTEPKA
TO BE
A MEMBER OF THE SUBVERSIVE ACTIVITIES CONTROL
BOARD

PART 2



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(II)

**NOMINATION OF OTTO F. OTEPKA, OF MARYLAND, TO
BE A MEMBER OF THE SUBVERSIVE ACTIVITIES
CONTROL BOARD**

U.S. SENATE,
Washington, D.C., May 5, 1969.

HON. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: In accordance with the discussions at the Committee meeting last week, we believe that before the Committee takes up the nomination of Otto Otepka to the Subversive Activities Control Board, there should be included in the printed record information relating to the recent questions raised about Mr. Otepka's finances and connections. In particular we suggest that the staff obtain from Mr. Otepka, and from independent inquiry if necessary, the facts on the following subjects:

1. Mr. Otepka's source of income, other than his State Department salary, since 1961.
2. The precise sources and amounts of financing for Mr. Otepka's legal fees, living expenses, travelling expenses, and other expenses since 1961.
3. Any formal or informal connections between Mr. Otepka and (1) Mr. Willis Carto, (2) the John Birch Society, (3) the Liberty Lobby, or (4) any other persons or organizations actively associated with Mr. Carto, the Society or the Lobby.
4. The accuracy of a report that Mr. Otepka stated in response to questions about his associations: "I am not going to discuss the ideological orientation of anyone I am associated with; and, if the report is accurate, Mr. Otepka's opinion as to the applicability of a similar standard to others being considered for federal employment or otherwise under inquiry in connection with security matters.
5. Mr. Otepka's opinion as to the possibility that individuals and groups of the type generally described as "radical right" or individuals or groups generally described as "Nazi" might under certain circumstances constitute a threat to domestic security.

6. The extent to which the issues raised in the preceding questions were investigated and considered in the course of the Executive Branch's pre-nomination procedures regarding Mr. Otepka.

We are confident that all the members of the Committee join us in feeling that fairness to the nominee and to the public requires that these matters, which have been raised publicly, be aired and resolved within the Committee before it passes on the nomination. We are hopeful also that Mr. Otepka will feel free to take this opportunity to make any further comments he wishes regarding the office to which he has been nominated and his suitability for it.

Sincerely,

EDWARD M. KENNEDY.
QUENTIN BURDICK.
JOSEPH D. TYDINGS.
PHILIP A. HART.

MEMORANDUM

MAY 9, 1969.

To: Senator Eastland.
From: J. G. Sourwine.
Subject: Inquiries of Senators Hart, Kennedy, Burdick, and Tydings respecting finances and connections of Otto Otepka.

In compliance with your instructions the staff has obtained from Mr. Otepka, and from independent inquiry as necessary, the facts called for by the questions propounded.

The questions are repeated below, *seriatim*, and the facts obtained by the staff with respect to the subject matter of each question are set forth, immediately thereafter.

1. *Mr. Otepka's source of income, other than his State Department salary, since 1961.*

Since 1961, Mr. Otepka has had income, other than his State Department salary, only from the following sources: (A) interest on savings accounts and stock dividends; (B) wife's salary as a school teacher (from 1965 only); (C) daughter's salary (during 1968 only); (D) director's fees (family corporation); (E) sum received by wife in 1966 by gift and devise from her aunt.

2. *The precise sources and amounts of financing for Mr. Otepka's legal fees, living expenses, travelling expenses, and other expenses since 1961.*

Legal expense

Total legal expense incurred in connection with Mr. Otepka's case has amounted to \$26,135, of which \$25,127 represented legal fees and \$1,008 represented reimbursement of cash disbursement by counsel. These legal expenses have been met by voluntary contributions from more than three thousand different contributors. Most of the contributions were in relatively small amounts, ranging from \$1.00 to \$100.00. Over \$21,000 of this amount was raised by American Defense Fund, organized in 1964 by James Stewart of Wood Dale, Illinois (now living in Palatine, Illinois) in compliance with the laws of the State of Illinois.

Mr. Stewart volunteered his assistance, after having read in the newspapers of Mr. Otepka's intention to pursue fully all of his administrative remedies, and to take his case into the courts, if necessary. Mr. Stewart appears to have made a full accounting for the purpose of complying with State law, and also has filed an accounting with the U.S. Post Office Department.

American Defense Fund has no connection of any kind with the John Birch Society, the Liberty Lobby, or Willis Carto, according to Mr. Stewart, who stated his interest in the Otepka case was sparked by a newspaper article in September 1963, and that in the fall of 1964 he undertook to raise money for Otepka's defense after he learned that contributions from other sources were not meeting the growing legal expenses of the case. Mr. Stewart said he acted as an individual and without any assistance or prompting from any organization.

All contributions forwarded by Mr. Stewart went directly to Mr. Otepka's counsel, Mr. Roger Robb.

The remainder of the legal expense in connection with Otepka's case (between \$4,000 and \$5,000) was paid by voluntary contributions from

individuals not associated with American Defense Fund. (Many of these contributions were made in checks mailed directly to Mr. Otepka's counsel, and checks received by Mr. Otepka personally were turned over by him to his attorney. Mr. Otepka did not cash any such checks, nor receive or retain the proceeds therefrom.) Of these independent contributions, only one was in a very large amount, to wit: a check for \$2,500 received by Otepka's counsel on April 21st, 1964, from Defenders of American Liberties, a non-profit corporation organized under the laws of the State of Illinois for the purpose of defending civil and human rights. All other independent contributions were in very much smaller amounts.

In an effort to determine the nature of the organization known as Defenders of American Liberties, the Subcommittee staff questioned both Dr. Robert Morris, first president of the organization (who resigned in 1962 to become president of the University of Dallas, and who is now president of the University of Plano) and Mr. J. Fred Schlafly of Alton, Illinois, who succeeded Dr. Morris. Both Dr. Morris and Mr. Schlafly denied any personal connection, formal or informal, with the John Birch Society, the Liberty Lobby, or Mr. Willis Carto. One of fourteen persons identified as directors of Defenders is Dr. Clarence Manion, former Dean of Law at the University of Notre Dame, who is reported to have stated he is a member of the John Birch Society. Other directors of Defenders of American Liberties, besides Mr. Schlafly, are Mr. Roger Follansbee (Chairman of the Board) of Evanston, Illinois; Dr. Edna Fluegel, chairman of the Department of Philosophy at Trinity College, Washington, D.C.; Mr. Lyle Munson, publisher, of Linden, N.J.; Mr. Bartlett Richards, of Florida; General William Wilbur of Highland Park, Illinois; Mrs. Carl Zeiss of Phoenix, Arizona; Mr. Don Tobin, realtor, of Dallas, Texas; Mr. Charles Keating, Jr., of Cincinnati, Ohio; Mr. Norris Nelson of Chicago, Illinois, former publisher of the Calumet (Illinois) News and former assistant director of the Republican National Committee; and Mr. Brent Zeppa of Tyler, Texas. None of these, according to Dr. Morris and Mr. Schlafly, is known to either of them as a member of or connected with the John Birch Society or the Liberty Lobby.

Traveling expenses

Since 1961, Mr. Otepka has made three round trips, by air, to the West Coast, including visits to San Diego and Los Angeles, California, Portland, Oregon, and Seattle, Washington, which trips were not paid for by Mr. Otepka out of his own private funds. Two of these trips were paid for by a number of individual citizens who had no formal group or organization but who had become interested in Mr. Otepka's case as a result of newspaper publicity, and wanted to hear him discuss it. Mr. Otepka talked to these individuals at informal gatherings only, and confined himself to discussion of his own case, avoiding politics or on other matters. At no time did Mr. Otepka accept an honorarium of fee for any speech or talk. The third trip referred to above was sponsored by a formal group, which desired to give Mr. Otepka an award. Because his appearance on this occasion was to be publicly advertised, Mr. Otepka sought and obtained the State Department's approval of this trip before undertaking it.

Total amounts of income (exclusive of his own salary) available to Mr. Otepka and his family during the period in question, which became available for financing his expenses, as indicated above, were as follows:

A. Interest on savings accounts and dividends on stock owned, \$1,711.00.

B. Director's fees (Web Press Engineering, Inc., Addison, Illinois, a family corporation), \$100.00. (This corporation does not have any government contracts whatsoever, and Mr. Otepka does not own any stock in the corporation.)

C. Mrs. Otepka's gross earnings, before taxes, as a teacher employed by the Montgomery County, (Md.) Board of Education: 1965, \$3,260.00; 1966, \$8,432.00; 1967, \$9,217.00; 1968, \$10,558.00. (Since 1968, when Mr. Otepka first went on leave without pay, his family has had to depend solely upon his wife's salary, and the earnings of his daughter, (referred to below) to meet family living expenses.)

D. Mr. Otepka's daughter was first employed during 1968, and in that year earned \$765.00 from the Washington Post Company (WTOP-TV) and \$1,189.00 from the D. L. Printing Company, Washington, D.C.

E. By gift and bequest to Mrs. Otepka from her aunt, Mildred Simon, (1966) \$3,400.00.

For ready reference, information on total amounts of income available to the Otepka family during each of the years 1961 to 1968, inclusive, is shown on the chart below.

	1961	1962	1963	1964	1965	1966	1967	1968
Interest from savings.....	101.75	80.00	80	312	23	233.00	309	254
Stock dividends.....	26.88	35.46	42	59	11	24.84	47	72
Director's fees, Web Press Engineering.....								100
Wife's gross income (salary).....					3,260	8,432.00	9,217	10,558
Daughter's gross income (salary).....								1,954
Gift and bequest to wife from aunt.....						3,400.00		
Totals.....	128.63	115.46	122	371	3,294	12,089.84	9,573	12,932

3. Any formal or informal connections between Mr. Otepka and (1) Mr. Willis Carto, (2) the John Birch Society, (3) the Liberty Lobby, or (4) any other persons or organizations actively associated with Mr. Carto, the Society or the Lobby.

Mr. Otepka states he does not have and has not had any formal or informal connections with the John Birch Society, or the Liberty Lobby, or Mr. Willis Carto, or with any other persons or organizations known to him to be actively associated with any of the above three. Mr. Otepka has met Mr. Carto, having seen him two or three times, including one occasion on which he lunched with Mr. Carto at the latter's invitation. Nothing was discussed at this luncheon except the legal aspects of Mr. Otepka's case.

4. The accuracy of a report that Mr. Otepka stated in response to questions about his associations. "I am not going to discuss the ideological orientation of anyone I am associated with"; and, if the report is accurate, Mr. Otepka's opinion as to the applicability of a similar standard to others being considered for federal employment or otherwise under inquiry in connection with security matters.

Mr. Otepka states: "This is substantially the tenor of an answer which I gave on two separate occasions to two newspapermen, Mr. Neil Sheehan of the New York Times and Mr. Tim Wheeler of the Daily World, both of whom were, in my judgment, seeking to bait me into making some statement that could be used against me. I would consider such an answer entirely within the bounds of propriety if made by any person under similar questioning by such reporters in like circumstances. On the other hand, in the case of a question regarding either my associations or my associates, asked of me by a representative or official of the U.S. Government having reason and authority to inquire, I should be as fully responsive as my knowledge would permit; and I would expect any other person similarly questioned by authority and with reason to be comparably responsive."

5. *Mr. Otepka's opinion as to the possibility that individuals and groups of the type generally described as "radical right" or individuals or groups generally described as "Nazi" might under certain circumstances constitute a threat to domestic security.*

"From my general knowledge of history and my 27 years of experience as a security officer, I am acutely aware of the potential dangers to the security of any country from acquisition of excessive influence by totalitarian organizations or individuals of either the right or the left. I would resist with every resource at my command any attempt to establish in this country a Nazi, or Fascist, or Communist government, or any other form of totalitarianism."

6. *The extent to which the issues raised in the preceding questions were investigated and considered in the course of the Executive Branch's pre-nomination procedures regarding Mr. Otepka.*

The staff has been advised by a spokesman for the Executive Branch that Mr. Otepka's nomination followed the usual course, including an investigation by the Federal Bureau of Investigation and a security clearance under the standards of Executive Order 10450.

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