

American Embassy in London. He was now about to visit his friends in the State Department just before beginning a year's course at the State Department's coveted Senior Seminar in Arlington, Virginia.

The other man, equally well known to Secretary Rusk, was on his way to the Civil Service Commission building across the way from the State Department.

So far as the Secretary of State was concerned, this second man was in deep disgrace. In fact, for many months now he had received no pay at all from the State Department.

As the two men passed each other on July 31, they could reflect on the irony with which the fate of each was sealed in the last two months of 1960.

The man on his way to the Civil Service Commission was Otto F. Otepka, the State Department's former top professional Security Officer, now dismissed from his security post, severely reprimanded and reduced in grade by Secretary Rusk. The reason for his disgrace? Without prior approval of his immediate superior, John Reilly, who since has resigned under the threat of a perjury charge, Mr. Otepka delivered a classified document to the Senate Internal Security Subcommittee. At the time, Mr. Otepka was under oath and felt he had to tell the Senators the truth.

The man on his way to visit close and powerful friends in the State Department was William H. Brubeck.

Like Mr. Otepka, Mr. Brubeck had also become famous for delivering, without prior authorization, a classified White House and State Department document to someone else. The only difference was that Mr. Brubeck was not under oath and he had passed the secret document to members of the press not authorized to receive it.

At the time, Mr. Brubeck was Director of Public Relations in the national campaign headquarters of John F. Kennedy. In November 1960, Mr. Brubeck's office was located on the fourth floor of 1737 L Street in the nation's capitol. A very close friend was Robert F. Kennedy.

On the afternoon of November 3, Mr. Brubeck received Roy Gootenberg, a Federal employee working in the Bureau of the Budget but assigned temporarily to a sensitive position in the State Department. Mr. Brubeck and Mr. Gootenberg had had several conversations about the secret document about to be passed.

The document, with the word Secret stamped on every page, was the 1960 Sprague Committee Report to President Eisenhower. Its authors included Allen Dulles, the Director of the Central Intelligence Agency; George Allen, the Director of the United States Information Agency; Gordon Gray and C. D. Jackson.

The pages contained secret draft texts still being worked upon in the Executive Offices of President Eisenhower and in the State Department and the United States Information Agency.

Mr. Brubeck had importuned Mr. Gootenberg to obtain the document because the race between John Kennedy and Richard Nixon was then "neck and neck." The contents of the secret report might win just enough votes to give the election to John Kennedy, Mr. Brubeck had said.

The Sprague report documented that public opinion polls abroad had indicated that the prestige of the U.S. had declined in comparison to that of the Soviet Union.

Mr. Brubeck immediately communicated with Robert Kennedy and then invited friendly correspondents from the *New York Times* and the *Washington Post* to read the secret Sprague Report and to make extracts from it.

After the *New York Times* and the *Washington Post* reported the contents, the story was picked up nationally by the Associated

Press, the United Press International and the television networks.

Many persons believe this public relations coup produced the margin of victory for Mr. Kennedy.

In commenting on the usefulness in the election campaign of the leaked secret Sprague Report, Carl T. Rowan, the Director of the United States Information Agency under President Kennedy, wrote in October 1966, as follows:

"The late John F. Kennedy raised the issue of America's declining prestige shrewdly and effectively during the 1960 presidential campaign. Using polls gained surreptitiously he documented his charge that the American image suffered under the Eisenhower administration. There can be no doubt that this gambit won Kennedy some precious votes."

Both the late President, John F. Kennedy, and his brother, the late Robert F. Kennedy, informed Mr. Rusk of Mr. Brubeck's important personal role in the unauthorized leaking to the press of the secret Sprague Report. This was done about the time Robert Kennedy and Dean Rusk met with Otto Otepka in December 1960 to consider the security problems in connection with the appointment to the State Department of Walt Whitman Rostow.

Early in 1961 Secretary Rusk appointed Mr. Brubeck as Director of the Executive Secretariat in the immediate Office of the Secretary of State. He was given, as is the case with many "political appointees," the rank of Foreign Service Reserve Officer, Class 2.

After a subsequent promotion to Foreign Service Reserve Officer Class 1, Mr. Brubeck was named a "career" Foreign Service Officer Class 1. He is one of the rare Foreign Service Officers to have begun his "career" at the very top. It likewise developed that his first post abroad was the American Embassy in London, one of the prize plums of the American diplomatic service.

Thus the two men whose paths crossed on July 31, 1968, on the corner of Virginia Avenue and 21st Street in the nation's capital could only reflect with irony on how differently the Secretary of State Dean Rusk, and Under Secretary George Ball, now Ambassador to the UN, have been able to react to the "unauthorized delivery" of classified documents to persons outside the Department of State.

THE ACLU—LIBERTY OR LICENSE?

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, Baron's, the national business and financial weekly, is currently running a three-part series of articles on the American Civil Liberties Union which is both exhaustive and highly informative. Written by the author and reporter, Shirley Scheibla, the articles present the Union's long, stormy and controversial history in a convenient form for consideration. Mrs. Scheibla will be remembered for her recent review of the abuses of the poverty program in her book, "Poverty Is Where the Money Is." As in the case of her book, her treatment of the ACLU is laden with specific information which could have resulted only from persistent effort and dogged investigation. Unlike some journalists, this author believes in letting the facts speak for themselves, while holding editorializing to a bare minimum.

It is all well and good to say that ours is a government of laws and not men,

but it must be remembered that we are presupposing just, consistent, prudent, and balanced interpretations of such laws. One cannot stress civil liberties to the exclusion of civil responsibilities, nor discard community, State and Federal responsibilities under the guise of civil rights. This, in effect, would be the end result if the many ACLU positions in its many areas of endeavor were to be upheld. In fact, a good test of the overall radical nature of ACLU policies can be appreciated by supposing that all the cases mentioned in the following two articles were ruled in favor of the ACLU. What a state of chaos would prevail in this country, if indeed, there was any country left at all.

Although the ACLU has assisted some who have been members of the Communist Party, no Federal agency has found that the organization is a Communist front. As far back as 1939, Congressman Martin Dies, the chairman of a House committee which was the forerunner of the present House Committee on Un-American Activities, stated:

This Committee found last year, in its report, that there was not any evidence that the American Civil Liberties Union was a Communist organization.

In 1960, Mr. Richard Arens, formerly counsel for HCUA, observed:

The American Civil Liberties Union, ACLU, has never been investigated by the Committee on Un-American Activities, nor has it been found to be a Communist front by the Committee on Un-American Activities, or, so far as I know, by any governmental agency."

In 1961 the Senate Fact-Finding Subcommittee on Un-American Activities of the State of California, in its annual report for that year found that the California chapters of the ACLU were not "so infiltrated by Communists or fellow travelers at the present time to justify us in characterizing any of them as a Communist front." This subcommittee, at the request of the ACLU in California, reviewed the history, objectives, organizational structure, operational techniques and other detailed matter concerning the national organization and stated in part that:

It seeks to exclude Communists from holding any office or serving on its staff—yet it permits them to become members and appears unconcerned about its representatives belonging to Communist fronts.

One current illustration of an extreme cause to which the ACLU seems to have an affinity for is the banning from entry into the United States of an issue of the Crusader, the publication issued by Robert Williams, the revolutionary who fled the United States in 1961 to escape a kidnapping charge and who turned up in Cuba, Red China, and now Tanzania. According to the *Washington Post* of November 3, 1967, the May issue of the Crusader for that year, "urges Negro servicemen in Vietnam to 'eliminate' their real enemies, and to generally sabotage the war effort." According to the *Post* the newsletter also advocated armed violence in American cities. The *Post* contends that using the mails for literature of this nature is in violation of U.S. law, but Melvin L. Wulf of the ACLU thinks differently. According to the above-cited