

Former Judge Expected To Hear Otepka Appeal

By the Associated Press

A man outside the State Department—retired Circuit Judge E. Barrett Prettyman—is expected to act as hearing officer in Otto F. Otepka's appeal of his dismissal, it was learned today.

Meantime, the hearing set for Oct. 11 has been postponed again, this time to an indefinite date.

The appointment of a legal expert outside the department would be a major concession to Otepka, who had contended he could not get a fair hearing within the State Department. Under normal procedure, any such appeal would come before a regular department hearing examiner.

Otepka was dismissed Nov. 5, 1963, as head of the State Department's security evaluation section, but he still is on the payroll at \$19,310 a year pending the outcome of his appeal.

Prettyman is the former senior judge of the Court of Appeals for the District of Columbia. As hearing officer, he would hear witnesses and arguments from both sides and make a report to Secretary of State Dean Rusk.

The hearing officer does not act as a judge. The final decision rests with Rusk, subject to a possible court appeal.

The Otepka case involves a dispute between some persons

within the State Department and others on the Senate Internal Security subcommittee.

At the time Otepka was dismissed, the State Department said he had furnished classified (secret) information to the subcommittee, had given the subcommittee staff a series of questions to be asked of his superiors and had been responsible for removing classification markings from some documents. The official charge was "conduct unbecoming an officer" of the department.

The subcommittee in turn has held lengthy hearings including testimony on Otepka's charges that his office telephone was tapped and waste paper from his office checked by others within the department.

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