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STATE DEPARTMENT SECURITY—1963—65

GOVERNMENT
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THE OTEPKA CASE—XI

HEARINGS

BEFORE THE

COMMITTEE TO INVESTIGATE THE
ACTIVATION OF THE INTERNAL SECURITY
OTHER INTERNAL SECURITY LAWS
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ADM
ACT

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EIGHTY-NINTH CONGRESS

SECOND SESSION

PART 13



Printed for the use of the Committee on the Judiciary



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ACT AND OTHER INTERNAL SECURITY LAWS

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J. G. SOURWINE, *Chief Counsel*
BENJAMIN MANDEL, *Director of Research*

¹ Succeeded Olin D. Johnston, deceased.

RESOLUTIONS

Resolved, by the Internal Security Subcommittee of the Senate Committee on the Judiciary, That testimony, submitted in the form of an interrogatory, by Raymond Laugel, as part of the Subcommittee's investigation of security in the State Department, and not previously made public, is hereby authorized to be released from the injunction of secrecy, printed, and made public.

JAMES O. EASTLAND, *Chairman.*
THOMAS J. DODD, *Vice Chairman.*
JOHN L. McCLELLAN.
SAM J. ERVIN, Jr.
BIRCH BAYH.
GEORGE A. SMATHERS.

ROMAN L. HRUSKA.
EVERETT MCKINLEY DIRKSEN.
HUGH SCOTT.

Approved September 13, 1965.

Resolved, by the Internal Security Subcommittee of the Senate Committee on the Judiciary, That testimony heretofore taken by the subcommittee in executive session from the witnesses named below, as part of the subcommittee's investigation of security in the State Department, and not previously made public, is hereby authorized to be released from the injunction of secrecy, printed, and made public.

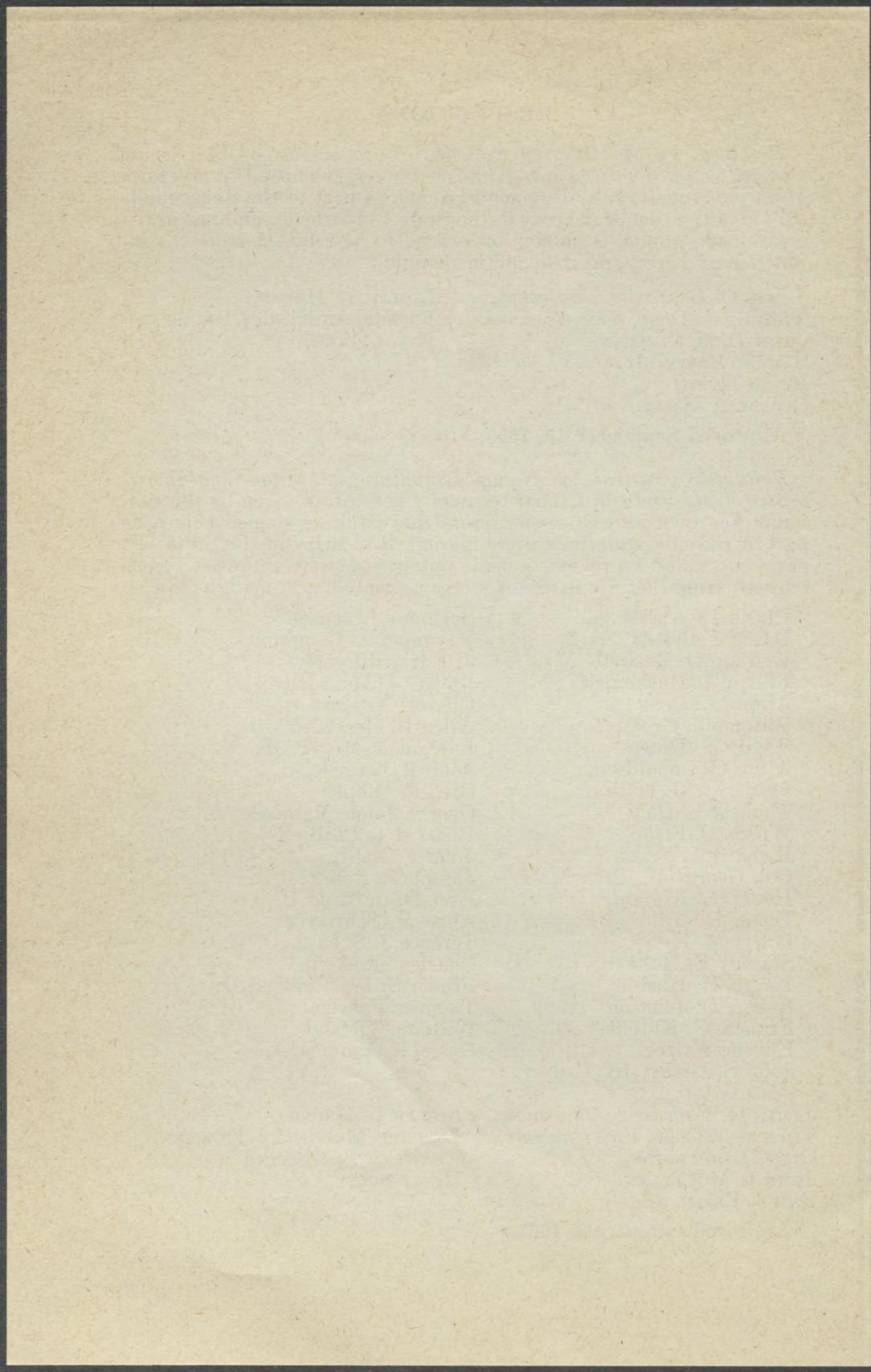
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Approved October 28, 1964.



FOREWORD

This is part 13 of an extensive series of hearings held during 1963, 1964, and part of 1965 on "State Department Security." The subject matter of these hearings included various subtopics, necessarily intertwined. There are a number of clearly defined areas of testimony which can be presented separately, and other instances in which testimony covering two or more subjects can be combined with satisfactory coherency. Because of the great volume of this hearing record, covering nearly 2½ years, it has been decided to organize the testimony for release by subject or areas.

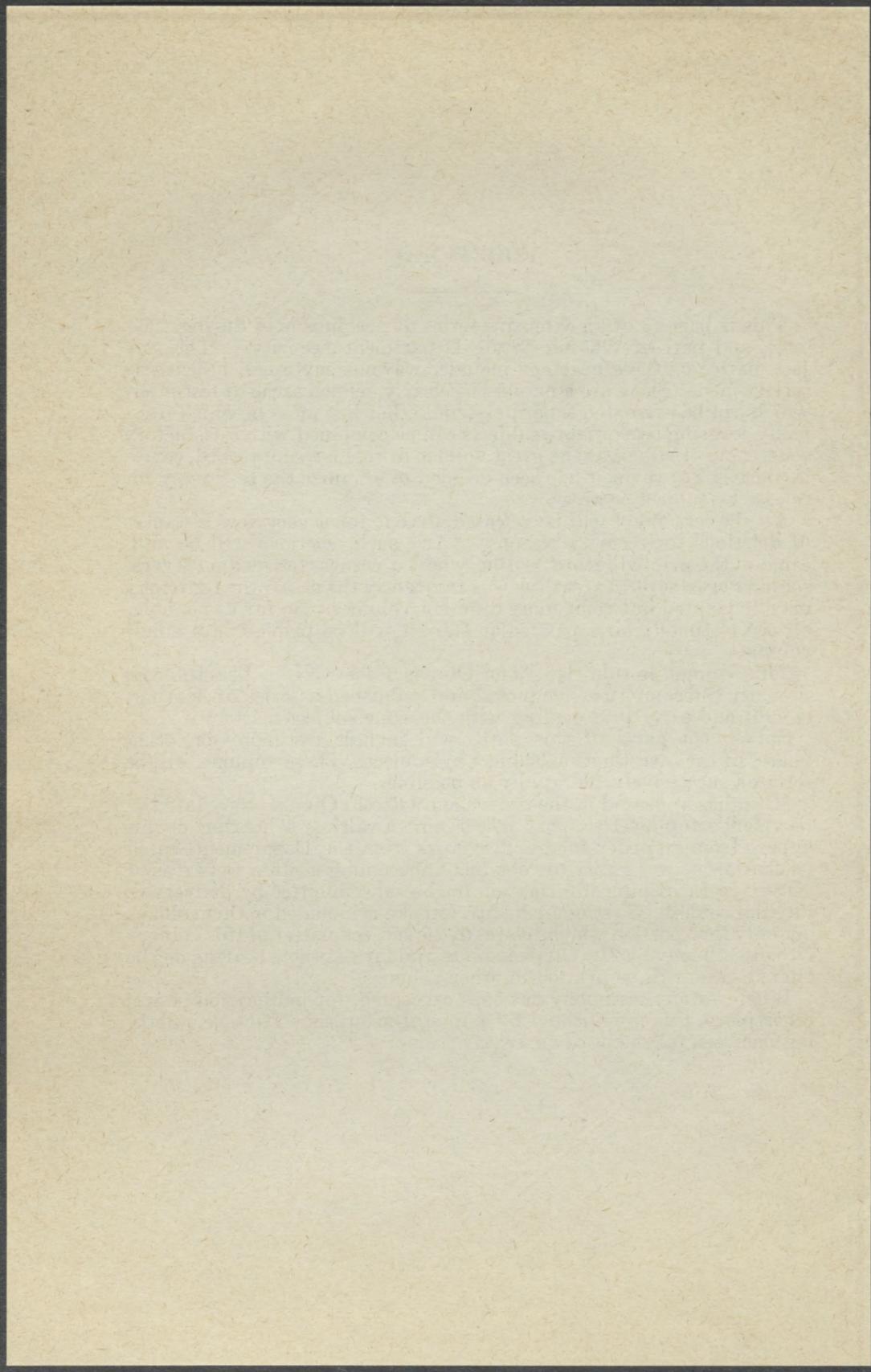
All the testimony will be released, except for a very few instances of deletions for security reasons. (Any such deletions will be indicated in the printed record.) But, where a witness testified on several subjects or in several areas (as was frequently the case), the testimony may be printed in two or more different volumes. So far as possible, all the testimony on a particular subject will be printed in a single volume.

This volume is subtitled "The Otepka Case—XI." The Internal Security Subcommittee conducted and published a series of hearings in 1961 and early 1962 dealing with the same subject matter.

Subsequent parts of this series will include testimony on other phases of the investigation, subject by subject. These volumes will be released successively, as rapidly as possible.

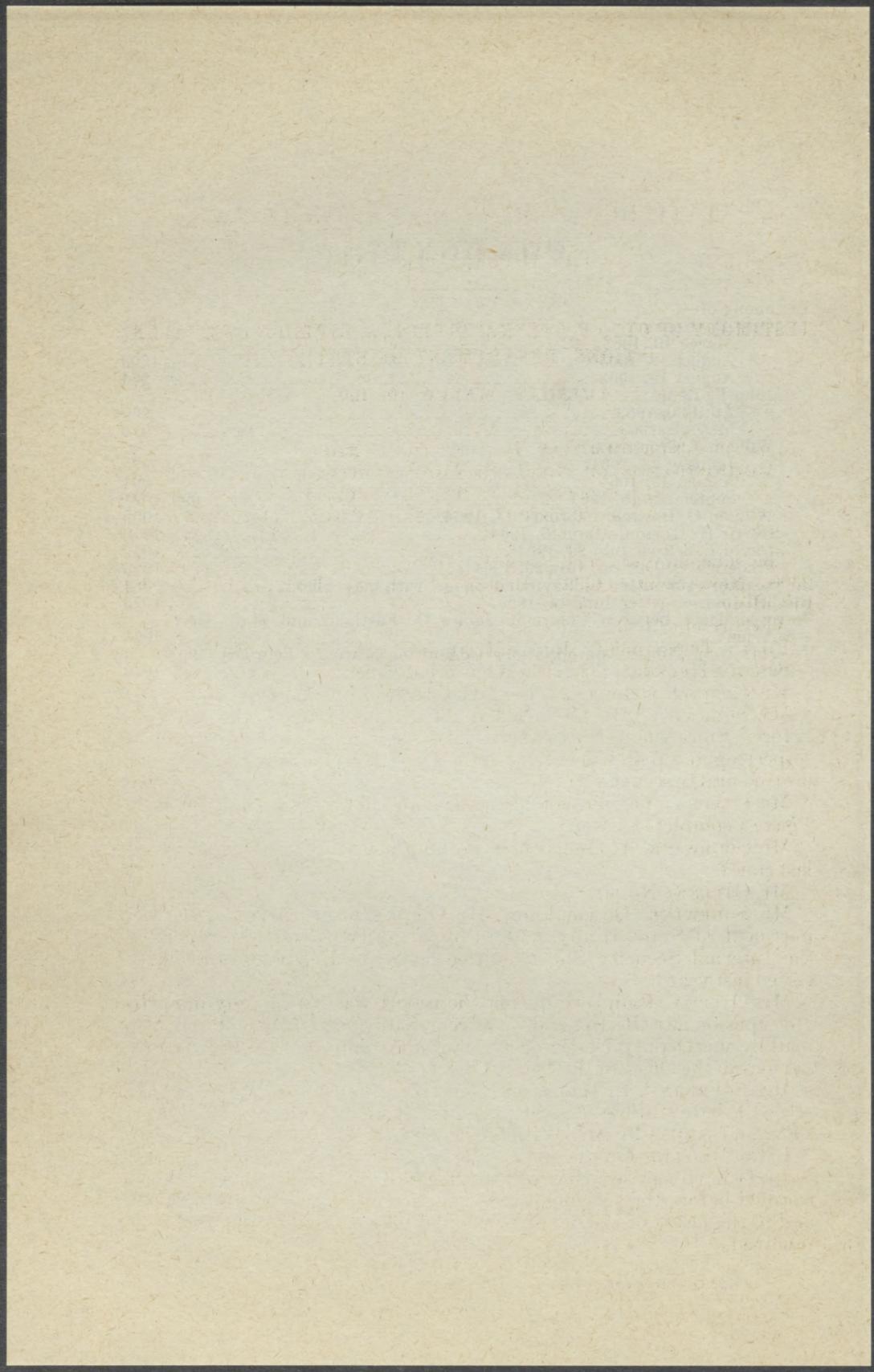
Much has appeared in the press about Otto F. Otepka, the State Department's top-level security officer now awaiting a hearing on his appeal from an order for his discharge from the Department, based on charges he was guilty of "conduct unbecoming a State Department officer" in furnishing information to the subcommittee by delivery to its chief counsel. Testimony by Mr. Otepka is included in this volume, but only that portion which relates to the subject matter of this volume. Other testimony by Mr. Otepka and testimony of others bearing on the Otepka case, will be printed in other volumes.

Wherever any testimony has been excerpted, for publication in another place, this is indicated by a row of asterisks. However, nothing has been taken out of context.



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STATE DEPARTMENT SECURITY—1963—65

The Otepka Case—XI

TESTIMONY OF OTTO F. OTEPKA, DIRECTOR, DIVISION OF EVALUATIONS, DEPARTMENT OF STATE

TUESDAY, MARCH 19, 1963

U.S. SENATE,
SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY ACT
AND OTHER INTERNAL SECURITY LAWS,
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 11:30 a.m., in room 2300, New Senate Office Building, Senator Roman L. Hruska presiding.

Also present: J. G. Sourwine, chief counsel.

For the Department: John S. Leahy, Jr., observer.

Senator HRUSKA. The witness has been sworn.

Mr. Counsel, you may proceed with further questioning.

Mr. SOURWINE. Mr. Otepka, I think I have asked you this question before. Since you testified before us last year, have you been informed respecting any policy decisions in the Department which you consider detrimental to security?

Mr. OTEPKA. Yes, sir, you have asked me that question and I believe I gave a complete answer.

Mr. SOURWINE. There has been nothing new since you were here the last time?

Mr. OTEPKA. No, sir.

Mr. SOURWINE. Do you know, Mr. Otepka, what officials of the Department of State, if any, had an opportunity to read the report of the Internal Security Subcommittee on State Department Security issued last year?

Mr. OTEPKA. I am certain that the report was read by my immediate superior, Mr. Reilly, and I am reasonably certain that it was also read by the Deputy Under Secretary for Administration and various persons in the Office of the Legal Adviser.

Mr. SOURWINE. In this connection, Mr. Chairman, I offer for the record a letter addressed to the chairman under date of October 18, 1962, and signed by Mr. William H. Orrick, Jr.

I want to state for the record that we sent a copy of our report on State Department security to each official of the Department who had testified before the subcommittee in connection with the investigation and to the heads of the departments and offices, the bureaus that were involved.

Senator HRUSKA. It may be received.
(The document referred to follows:)

DEPUTY UNDER SECRETARY OF STATE
FOR ADMINISTRATION,
Washington, October 18, 1962.

HON. JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you very much for sending me a copy of your committee's report on State Department security.

I am most interested in your committee's views and shall read the report thoroughly.

Sincerely yours,

WILLIAM H. ORRICK, JR.

MR. SOURWINE. Mr. Otepka, have you seen any indications of any plan on the part of anyone in the Department to adopt any of the recommendations the committee made in its report?

MR. OTEPKA. I have seen no plan formulated in the Department which addressed itself specifically to the committee's recommendations.

MR. SOURWINE. Mr. Otepka, I show you a letter of May 28, 1962, to the chairman, signed by Roger W. Jones, and that is the top letter in this group. Have you seen that letter, sir? Did you perhaps contribute to it?

This letter, Mr. Chairman, is Mr. Jones' letter respecting emergency clearances and waivers.

MR. OTEPKA. I have not seen the outgoing letter from the Department addressed to Mr. Eastland which is dated May 28, 1962. But I was asked to contribute various information with respect to the subject matter of this letter.

MR. SOURWINE. Mr. Chairman, I ask that this letter and the correspondence which is indicated by the card on top be placed in the record at this point.

Senator HRUSKA. Very well; it will be received.
(The correspondence referred to follows:)

DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION,
Washington, D.C., March 20, 1962.

HON. JAMES O. EASTLAND,
Chairman, Subcommittee on Internal Security,
Committee on the Judiciary, U. S. Senate.

MY DEAR MR. CHAIRMAN: At the time of my appearance in the executive session of the subcommittee on March 8, the counsel of the subcommittee, beginning at page 719 of the typed transcript, developed a line of questioning concerned with the relationship between appointments in the Department and investigation of the appointees. This led into discussion and questioning on two different processes: First, appointment under waiver for a period of 90 days when there is urgent need for an individual's services; and second, the granting of security clearances.

In answer to the counsel's questions, I outlined the general procedure with respect to the granting of security waivers and indicated that there were instances in which persons appointed under the waiver procedure would have access to classified information while the investigation of their security was going on.

On page 724 of the transcript the counsel asked the following question: "Is it common practice in the State Department to antedate security clearances?" I responded in the negative. Counsel then asked me, "Do you know of any case in which this has been done?" My answer was, "I do not recall any case in

which this has been done." Counsel then asked Mr. William O. Boswell, Director of the Office of Security, "Do you know of any single case?" Mr. Boswell answered, "No sir." Counsel repeated, "In which a security clearance was backdated?" Mr. Boswell again answered, "No sir."

On March 16, Mr. Otto F. Otepka, Chief of the Evaluations Division of the Office of Security, advised Mr. Boswell that he had been requested to backdate a waiver case. Mr. Boswell categorically instructed Mr. Otepka that this was not proper and was not to be done. Mr. Otepka went on to say that he had been told that there were instances of backdating waivers. Mr. Boswell immediately directed Mr. Otepka to ascertain whether his information was correct. A preliminary check of the files gave indication that there were cases in which the date entered on the waiver was earlier than the recorded date of drafting of the waiver. I was advised by Mr. Boswell of this indication on March 17. I immediately directed the Inspector General to make a thoroughgoing review of the entire subject of preparation and processing both of recommended waivers and of security clearances.

Although the instances of antedating which have come to my attention concern waivers rather than full security clearances, they seem closely enough related to the subject matter of the subcommittee's concern that I wish to inform you of them, and to assure you that the subcommittee will be advised of the results of the investigation.

Sincerely yours,

ROGER W. JONES.

APRIL 2, 1962.

Hon. ROGER W. JONES,
*Deputy Under Secretary of State for Administration,
Department of State, Washington, D.C.*

DEAR MR. JONES: Your letter of March 20, 1962, with regard to certain testimony before the Internal Security Subcommittee should, in my opinion, be made a part of the record to which it refers. I assume this was your intention as well. However, since your letter was classified by you, and I have no way of knowing whether this classification was because it referred to an executive hearing, or because you considered that the new material in the letter required classification. I think we should have an explicit understanding as to whether you want your letter included in the hearing, or want the hearing record otherwise corrected.

Best personal regards,
Sincerely,

JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee.

DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION,
Washington, D.C., April 4, 1962.

Hon. JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee, Committee on the Judiciary, U.S. Senate.

MY DEAR MR. CHAIRMAN: In response to your letter of April 2, my letter of March 20 was given a confidential classification because it referred to matters taken up in executive session of the subcommittee. I believed that the classification of the letter should accord with the classification given by the subcommittee to the record of the hearings.

I agree that the letter should be made a part of the record to which it refers, and respectfully request that it be included at the appropriate place.

Sincerely yours,

ROGER W. JONES.

APRIL 30, 1962.

Hon. JAMES O. EASTLAND,
*Chairman, Subcommittee on Internal Security, Committee on the Judiciary,
U.S. Senate.*

MY DEAR MR. CHAIRMAN: In my letter of March 20, 1962, I informed the subcommittee of an investigation which I instructed the Inspector General to make of security waivers issued in the Department of State during the present admin-

istration. This work has been performed under my supervision and direction. The purpose of this letter is to report on the results of this investigation.

1. Examination was made of 152 security and personnel files involving individual security waivers granted by the present Secretary of State. (Files of persons, at GS-4 and FSS-13 and below, handled under the Department's blanket waiver procedures were not within the scope of the investigation.) In the course of the investigation interviews were held with persons normally involved in the security clearance process.

2. It was established that there have been instances where both security waivers and security clearances have been backdated.

3. It was established that backdating of waivers arose from five factors:

(a) The pressure of work at the start of a new administration when many new appointments, particularly of consultants, were needed.

(b) Unfamiliarity of new policy officers with security and appointment procedures and the desire of lower echelons to help new officers, and not to appear to impede them by rigid insistence on established administrative procedures.

(c) Uncertainty as to the degree to which prior clearances could properly be substituted for new investigations.

(d) Failure to record dates of telephonic clearances obtained in priority handling of certain cases under the emergency procedures for making national agency checks, and delay in paperwork after such clearances were obtained.

(e) Assumption that the absence of any adverse finding justified dating waiver papers as of the date of entrance on duty where such date was earlier than preparation of the waiver.

4. Specific findings and relative data by categories are as follows:

(a) Total cases involving waiver procedure, 152:

Backdating	Waiver	Clearance	Total
Total number of instances.....	25	19	44
Instances of 3 days or less.....	(13)	(3)	(16)
Instances of over 3 days.....	(12)	(16)	(28)

(b) Of the total of 44 instances of backdating, there were 13 instances where the 90-day waivers, and 3 where the Executive Order No. 10450 clearances had been backdated 3 days or less. The documentation for the waivers is prepared by an evaluator in the Office of Security and is sent forward through a supervisor evaluator, the Chief of the Division of Evaluations, the Director of the Office of Security, the Administrator of the Bureau of Security and Consular Affairs, the Deputy Under Secretary for Administration, the Secretary's staff, and, finally, the Secretary himself. This review process normally requires in the neighborhood of 3 days. While not excusing the backdating which took place in these 16 instances, backdating of 3 days or less was in actuality an offsetting of the time required by administrative practices to move a case from the evaluator to the Secretary. Similarly, 3 days or less in the required processing of clearances was in actuality an offsetting of the time required by administrative practices from the evaluator to the official granting final clearance.

(c) Of the 12 remaining instances of backdating 90-day waivers, all involved individuals who served or are serving as temporary consultants, with or without compensation, when actually employed. None involved permanent employees of the Department.

Six involved individuals who had been granted security clearances by one or another of the executive departments of the Government but the clearances were not sufficiently recent to meet the normal requirements of the Department. The waiver was issued to permit the entrance on duty of the individual pending the completion of a bring-up-to-date full field investigation:

1. Waiver backdated 21 days.
2. Waiver backdated 20 days.
3. Waiver backdated 18 days.
4. Waiver backdated 9 days.
5. Waiver backdated 8 days.
6. Waiver backdated 8 days.

Five involved individuals who came to work as consultants on such brief notice that there was not sufficient time to complete the waiver process prior to

their entries on duty. The waivers were backdated to coincide with the first day of their temporary employment as follows:

1. Waiver backdated 38 days.
2. Waiver backdated 28 days.
3. Waiver backdated 27 days.
4. Waiver backdated 7 days.
5. Waiver backdated 5 days.

In the remaining case, the consultant came to work after the waiver had been sent forward and signed by the Secretary.

(d) Of the 16 instances of backdating of Executive Order No. 10450 clearances (as opposed to waivers):

Seven involved consultants whose clearances were backdated to coincide with the expiration of their 90-day waivers. None of these were on consultation during the period between the expiration of the waiver and the actual completion of their security investigations and evaluations:

1. Security clearance backdated 135 days.
2. Security clearance backdated 65 days.
3. Security clearance backdated 30 days.
4. Security clearance backdated 27 days.
5. Security clearance backdated 20 days.
6. Security clearance backdated 15 days.
7. Security clearance backdated 8 days.

One (14 days) involved an American resident staff employee overseas who had no access to classified information throughout the period of her waiver and up to and including the actual completion of her investigation and evaluation. She resigned for pregnancy prior to the expiration of the 90-day waiver period.

Three involved employees (FSR-2, FSR-4, and GS-9) on whom full field investigations and favorable evaluations had been completed prior to the expiration of their waivers:

1. Security clearance backdated 10 days.
2. Security clearance backdated 6 days.
3. Security clearance backdated 4 days.

Two involved a consultant and an employee (FSR-2) on whom full field investigations and favorable evaluations had been completed prior to the expiration of the waiver but final clearances were withheld pending the resolution of medical considerations:

1. Security clearance backdated 82 days.
2. Security clearance backdated 40 days.

Three involved employees (GS-15, GS-9, and FSR-4) where the full field investigations and favorable evaluations were not completed until 16, 10, and 2 days subsequent to the expiration of the waiver period; actual backdating exceeded these periods, as follows:

1. Security clearance backdated 35 days.
2. Security clearance backdated 16 days.
3. Security clearance backdated 5 days.

It is clear from the result of the investigation that the backdating of security waivers and clearances was thought to be a means of effecting literal compliance with the Department's regulations. There was no effort at concealment of any kind, and the practice was not thought to be sufficiently significant to have requested approval of it from any senior policy officer of the Department. As soon as I became aware of the practice, I issued instructions to stop it.

In summary, I am convinced that although there was backdating, which was unnecessary and not in strict compliance with the Department's security regulations, the only motive was to facilitate the work of the new administration. There was no intent to get around any security arrangement. Neither was there intent to lower the security standards of the Department. In none of the cases was information developed subsequently which placed in question the Department's decision to issue the waiver or clearance.

The Secretary and the Under Secretary have reviewed the methods and procedures used to conduct this investigation, and the findings set forth in this report. They agree that in view of the facts developed, no action should be taken against the persons involved.

This letter has been classified as confidential in order to parallel the original classification of the executive hearings. The Department has no objection to inclusion of this letter at the appropriate place in the record of the hearings should the subcommittee wish to do so.

Both personally and on behalf of the Department I thank the committee for their interest in this matter.

Sincerely yours,

ROGER W. JONES.

MAY 7, 1962.

HON. ROGER W. JONES,
Deputy Under Secretary for Administration,
Department of State, Washington, D.C.

DEAR MR. JONES: Your letter of April 30, relative to the backdating of security waivers and security clearances, either raises or leaves unanswered certain questions.

For the information of the committee, I should be grateful if you would supply the following additional information:

- (1) Who issued or authorized each of the waivers?
- (2) In the case of waivers issued or authorized by you, who instructed you to issue or authorize them?
- (3) How many waivers have been issued since January 1961, if any?
- (4) What were the special qualifications of persons to whom these waivers were issued?
- (5) In the case of waivers authorized by the signature of the Secretary of State, is any one of the signatures on these waivers identical with the signature on any other one of these waivers? (This goes indirectly to a question asked during the hearing, whether the signature of the Secretary was affixed to any of these waivers, or waiver authorizations, by means of a signature machine.)
- (6) Were any waivers backdated to cover the person granted the waiver?
- (7) In how many of these waiver cases, if any, would the services of the individual have been lost to the Department if waivers had not been granted? In how many of these cases was the Department in dire need of the services of the individual concerned?
- (8) Did your investigation cover the question of who requested the backdating in each instance, and who actually did the backdating? If so, please tell us how many individuals were involved in each category.
- (9) Who are the 12 consultants referred to in the first paragraph of subdivision 4(c) of your letter, on page 3 thereof?
- (10) Who are the six individuals referred to in the second paragraph of subdivision 4(c) of your letter, on page 3 thereof?
- (11) Who are the five individuals referred to in the third paragraph of subdivision 4(c) of your letter, beginning on page 3 thereof?
- (12) Who are the seven consultants referred to in the second paragraph of subdivision 4(d) of your letter, on page 4 thereof?
- (13) Who was the American resident staff employee referred to in the third paragraph of subdivision 4(d) of your letter, beginning on page 4 thereof?
- (14) Who are the three employees referred to in the fourth paragraph of subdivision 4(d) of your letter, on page 5 thereof?
- (15) Who are the consultant and employee referred to in the fifth paragraph of subdivision 4(d) of your letter, on page 5 thereof?
- (16) Who are the three employees referred to in the sixth paragraph of subdivision 4(d) of your letter, on page 5 thereof?
- (17) Do you really think the backdating of security waivers and clearances was done in each instance with the honest intention of "effecting literal compliance with the Department's regulations"? What leads you to this conclusion?
- (18) On what date did you issue instructions to stop the practice of backdating security waivers and clearances? Will you furnish the committee with a copy of these instructions?

It is noted that files of persons at GS-4 and FSS-13 and below, handled under the Department's blanket waiver procedures, were not within the scope of your investigation, as reported in your letter of April 30. Can you tell us how many individuals were covered by these blanket waiver procedures, in each grade? Can you tell us how many individuals are now working in the State Department under blanket waiver procedures who have not had security clearance?

Thanks for your cooperation.

Sincerely,

JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee.

MAY 17, 1962.

HON. JAMES O. EASTLAND,
Chairman, Subcommittee on Internal Security, U.S. Senate.

MY DEAR MR. CHAIRMAN: In response to your letter of May 7, I am authorized to transmit the following information. The answers are numbered in accordance with the numbers in your letter, and for purposes of clarity the questions in your letter are repeated.

1. Who issued or authorized each of the waivers?

The signature of the Secretary or Acting Secretary of State on waiver papers serves both as authorization for and issuance of a waiver. Authorization and issuance are secretarial actions.

2. In the case of waivers issued or authorized by you, who instructed you to issue or authorize them?

The Deputy Under Secretary of State for Administration is not authorized to issue or to authorize waivers unless by some chance he should be Acting Secretary of State at the time the papers are presented. I have not been Acting Secretary of State at any time and consequently have neither issued nor authorized any waivers.

3. How many waivers have been issued since January 1961, if any?

As indicated in paragraph 1 of my letter of April 30, 1962, 152 security waivers were issued since January 1961.

4. What were the special qualifications of persons to whom these waivers were issued?

In each case, the issuance of the waiver involved two factors: (1) Request for immediate appointment made by a senior policy officer through normal administrative channels based on his confidence in the fitness of the individual to undertake the duties required; (2) judgment by the policy officer that there was urgent need for the services of the individual concerned.

5. In the case of waivers authorized by the signatures of the Secretary of State, is any one of the signatures on these waivers identical with the signature on any other one of these waivers? (This goes indirectly to a question asked during the hearing, whether the signature of the Secretary was affixed to any of these waivers, or waiver authorizations, by means of a signature machine.)

All waivers carry the signature of the Secretary or the Acting Secretary of State. I have no means of knowing whether any of the signatures is identical with any other.

6. Were any waivers backdated to cover the person granted the waiver?

As pointed out in my letter of April 30, 25 waivers and 19 clearances were backdated. Of these, 13 waivers and 3 clearances involved backdating of 3 days or less, and 12 waivers and 16 clearances involved backdating of more than 3 days.

7. In how many of these waiver cases, if any, would the services of the individual have been lost to the Department if waivers had not been granted? In how many of these cases was the Department in dire need of the services of the individual concerned?

I cannot answer the first question, and I do not believe that a reliable answer could be reconstructed. In every case, a senior policy officer stated that there was urgent need for the services of the individual concerned.

8. Did your investigation cover the question of who requested the backdating in each instance, and who actually did the backdating? If so, please tell us how many individuals were involved in each category.

As indicated in my letter of April 30, there is almost no evidence suggesting that there were specific requests for backdating. The backdating occurred because of the factors set forth in paragraph 3 of my letter of April 30, and, since the cases were handled by different clerks, it would be impossible to establish who actually inserted the dates.

9. Who are the 12 consultants referred to in the first paragraph of subdivision 4(c) of your letter, on page 3 thereof?

The 12 consultants were:

1. Clarence Randall: Waiver backdated 21 days
2. Adolf Berle: Waiver backdated 20 days
3. John Hoving: Waiver backdated 18 days
4. Charles Marshall: Waiver backdated 9 days
5. William Diebold: Waiver backdated 8 days
6. Warren Roberts: Waiver backdated 8 days

7. Thomas Schelling : Waiver backdated 38 days
8. Peter Davies : Waiver backdated 28 days
9. Warren Christopher : Waiver backdated 27 days
10. David Cottrell : Waiver backdated 7 days
11. David Green : Waiver backdated 5 days
12. Arthur Wexler : Waiver backdated 12 days

10. Who are the six individuals referred to in the second paragraph of subdivision 4(c) of your letter, on page 3 thereof?

The answers to this question are the first six names given in answer to question 9.

11. Who are the five individuals referred to in the third paragraph of subdivision 4(c) of your letter, beginning on page 3 thereof?

The answers to this question are the names 7-11 given in answer to question 9.

12. Who are the seven consultants referred to in the second paragraph of subdivision 4(d) of your letter, on page 4 thereof?

The names are :

1. William Diebold : Clearance backdated 135 days
2. Warren Christopher : Clearance backdated 65 days
3. Sydney Cone : Clearance backdated 30 days
4. Louis Henkin : Clearance backdated 27 days
5. Charles Marshall : Clearance backdated 20 days
6. Thomas Schelling : Clearance backdated 15 days
7. Emile Benoit : Clearance backdated 8 days

13. Who was the American resident staff employee referred to in the third paragraph of subdivision 4(d) of your letter, beginning on page 4 thereof?
Mrs. Michele Francois.

14. Who are the three employees referred to in the fourth paragraph of subdivision 4(d) of your letter on page 5 thereof?

The three names are :

1. Edgar Comee : Clearance backdated 10 days
2. Rowan Wakefield : Clearance backdated 6 days
3. Hildegard Shiskin : Clearance backdated 4 days

15. Who is the consultant and employee referred to in the fifth paragraph of subdivision 4(d) of your letter, on page 5 thereof?

Since medical information involves matter of privilege between the individual and the Department, I am not at liberty to reveal the names.

16. Who are the three employees referred to in the sixth paragraph of subdivision 4(d) of your letter, on page 5 thereof?

1. Paul Deutschman : Clearance backdated 35 days
2. Ann Marks : Clearance backdated 16 days
3. Katherine Pringle : Clearance backdated 5 days

17. Do you really think the backdating of security waivers and clearances was done in each instance with the honest intention of "effecting literal compliance with the Department's regulations"? What leads you to this conclusion?

In my judgment, no conclusion can be drawn other than that the backdating was thought to be a means of effecting literal compliance with the Department's regulations. The absence of any requests for approval of the practice by a policy officer, the fact that there was no effort at concealment, the fact that the dates were inserted by low-level administrative personnel acting under the assumption that the date of waiver and the date of entrance on duty should coincide, all seem to me and to my superiors to make my conclusion logical and reasonable.

18. On what date did you issue instructions to stop the practice of backdating security waivers and clearances? Will you furnish the committee with a copy of these instructions?

Oral instructions to cease backdating were issued on March 16. They were confirmed in writing on March 22. A copy of this instruction is attached.

The final paragraph of your letter reads as follows: "It is noted that files of persons as GS-4 and FSS-13 and below, handled under the Department's blanket-waiver procedures, were not within the scope of your investigation, as reported in your letter of April 30. Can you tell us how many individuals were covered by these blanket-waiver procedures, in each grade? Can you tell us how many

individuals are now working in the State Department under blanket-waiver procedures who have not had security clearance?"

A review of the files of the Department is underway in order to count persons of GS-4 and FSS-13 who were handled under the Department's blanket-waiver procedures. I shall write you as soon as I can obtain an answer to that question and to your final question as to how many individuals are now working in the Department under blanket-waiver procedures.

While the Department is glad to supply the names listed in this letter to the committee for its use, we should appreciate it if the committee would not make the names public. We suggest this in order to protect the individuals named against any possible misunderstanding about their security status. If, in further consideration of this matter, the committee should feel that there would be a useful purpose in publishing some or all of the names, we request that you discuss the matter with us before taking such action.

Sincerely yours,

ROGER W. JONES.

MARCH 22, 1962.

Memorandum for: A—Deputy Assistant Secretary for Personnel.
SCA/SY—Director.

This memorandum will confirm my oral instructions to you of March 16.

As is stated in existing regulations, no Department employee shall have access to classified materials before he has security clearance or a waiver of such clearance under section 3, FAM 1914, 2. No clearance and no waiver is to be dated before the actual date of signature by the proper authority.

ROGER W. JONES.

MAY 28, 1962.

HON. JAMES O. EASTLAND,
*Chairman, Subcommittee on Internal Security,
U.S. Senate.*

MY DEAR MR. CHAIRMAN: In my letter to you of May 17, I said that I would write you as soon as I could obtain an answer to the following questions given in the last paragraph of your letter of May 7:

"It is noted that files of persons at GS-4 and FSS-13 and below, handled under the Department's blanket waiver procedures, were not within the scope of your investigation, as reported in your letter of April 30. Can you tell us how many individuals were covered by these blanket waiver procedures, in each grade? Can you tell us how many individuals are now working in the State Department under blanket waiver procedures who have not had security clearance?"

The blanket waiver procedure referred to is based on the provisions of section 3(b) of Executive Order 10450 which authorizes the head of a department or agency in an emergency to appoint a person to a sensitive position for a limited period without a full preappointment investigation having been completed if the action is necessary in the national interest. Because of the acute problem in effecting the appointment of critically needed clerical personnel within a reasonable period of time the Secretary in 1954 granted to the Director of Personnel authority to appoint clerical personnel at GS-4 and below and at comparable grades in the Foreign Service, without a full field investigation having been completed with respect to such persons. Since the shortage of clerical personnel has continued to be critical the procedure has been in effect since that time, and in April 1962, the Secretary approved the addition of grade GS-5 and the equivalent Foreign Service level to the class of appointments covered by this procedure. Persons so appointed are not assigned to particularly sensitive areas such as cryptography and atomic energy.

Prior to effecting appointments under the blanket waiver procedure the Department's Office of Security conducts a record check on each prospective appointee in the files of national agencies in Washington, including the Federal Bureau of Investigation, the House Committee on Un-American Activities, and the U.S. Civil Service Commission, for the possible existence of subversive or other derogatory data. No appointment is made if derogatory information is revealed by this check. Such information must first be resolved by appropriate investigation.

If no derogatory information is revealed by the preliminary check the appointment is made subject to the completion of the full field investigation on a post-appointment basis within 180 days. In the cases of clerical personnel appointed in Washington who are to be assigned to a Foreign Service post, each appointee must remain on duty in Washington until a satisfactory full field investigation has been completed and a full security clearance granted by the Department's Office of Security.

From January 23, 1961, through May 17, 1962, the following number of civil service employees entered on duty under the blanket waiver procedure:

GS-1-----	0	GS-5-----	3
GS-2-----	22		
GS-3-----	462	Total-----	616
GS-4-----	129		

In this period 156 Foreign Service staff employees at the entrance grades of FSS-13 or FSS-12 entered on duty under the blanket waiver procedure.

In answer to your second question, the number working in the Department under the blanket waiver procedure as of May 17, 1962, for whom full field investigations have not been completed, is as follows:

Civil Service:		Foreign Service staff:	
GS-2-----	2	FSS-13-----	2
GS-3-----	65	FSS-12-----	1
GS-4-----	2		
GS-5-----	1	Total-----	3
Total-----	70		

I believe this will complete the requests for information in your letter of May 7.

Sincerely yours,

ROGER W. JONES.

Mr. SOURWINE. It shows, at least, the consideration by the State Department of the particular point of emergency waivers and emergency clearances.

I should like also to offer the letter of October 25, 1962, to the Deputy Under Secretary, Mr. Orrick, from the chairman, and Mr. Orrick's reply under date of November 26, 1962.

Senator HRUSKA. It will be received.

(The correspondence referred to above follows:)

OCTOBER 25, 1962.

Mr. WILLIAM H. ORRICK, Jr.,
Deputy Under Secretary for Administration,
Department of State,
Washington, D.C.

DEAR MR. ORRICK: On May 28, 1962, Mr. Jones furnished the Internal Security Subcommittee with data respecting emergency clearances and waivers.

Supplementary to this, I should like to have at the earliest possible date a statement of any additional clearances and waivers which may have been granted or approved since the date of Mr. Jones' letter or not included in that letter.

I should also be grateful if you could make arrangements to let me know weekly the emergency clearances and waivers issued or granted during each week.

Please advise me also of any steps which have been taken to put an end to the use of emergency clearances and waivers, and whether or not any further steps are now contemplated.

Thanks for your cooperation.

Sincerely,

JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee.

NOVEMBER 26, 1962.

HON. JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee,
U.S. Senate.

DEAR SENATOR EASTLAND: I have had compiled the statistical data requested in your letter of October 25, 1962. Subsequent to the period covered by Mr. Jones' letter to you of May 28, there have been a total of 13 emergency clearances approved by the Secretary for appointments at the officer level. During the same period a total of 425 clerical personnel entered on duty who have been granted emergency clearances under the blanket authority granted by the Secretary for this category of personnel. The breakdown by grades of those appointed is as follows:

GS-1-----	0	GS-4-----	92	FSS-12-----	5
GS-2-----	5	GS-5-----	4	FSS-10-----	1
GS-3-----	311	FSS-13-----	1		

I certainly agree with your view that the authority to exercise emergency clearance granted the Secretary by section 3(b) of Executive Order 10450 should be used sparingly.

With respect to appointment of clerical personnel the shortage of such personnel is no less critical now than it was when Mr. Jones wrote you on May 28. Therefore, the necessity remains for continuing the blanket waiver procedure with respect to clerical personnel under, of course, the safeguards set forth in Mr. Jones' letter of May 28.

Sincerely yours,

WILLIAM H. ORRICK, JR.

Mr. SOURWINE. May I show that to the witness, sir?

If you will look at Mr. Orrick's reply there, you will note that it shows approval by the Secretary for appointment, at the officer level, of 13 emergency clearances between May 28 and November 26, 1962.

Can you tell us the names of the 13 persons so cleared?

Mr. OTEPKA. No, sir, I do not have those names at my disposal at this time.

Mr. SOURWINE. Could you get them for the committee?

Mr. OTEPKA. I would have to request the Department's permission to furnish you with the names, sir.

Mr. SOURWINE. May the order be, Mr. Chairman, that we make this request and ask Mr. Leahy to communicate it?

Senator HRUSKA. The request is made and directed.

(The names of the 13 emergency clearances were supplied by John F. Reilly, then Deputy Assistant Secretary of State for Security, during his testimony on April 30, 1963. The list follows:)

[Attachment A]

Name	Date of waiver	Entered on duty, if any	Final security clearance granted, if any
Steven A. Nager-----	Apr. 25, 1962	Apr. 25, 1962	June 30, 1962
Albert Tomsic-----	do-----	(1)	June 8, 1962
Alan Kirk-----	May 16, 1962	May 18, 1962	July 23, 1962
Joseph Fitzgerald-----	May 22, 1962	May 22, 1962	
Robert Adamson-----	June 18, 1962	June 18, 1962	Oct. 4, 1962
Joseph Sweeney-----	June 27, 1962	June 28, 1962	Dec. 14, 1962
John A. Garraty-----	July 6, 1962	July 5, 1962	
James A. Riedel-----	July 17, 1962	July 18, 1962	Oct. 3, 1962
Horace Busby-----	Aug. 1, 1962	Aug. 3, 1962	
Annelle Murray-----	Aug. 9, 1962	Aug. 13, 1962	Nov. 19, 1962
John F. King-----	Sept. 19, 1962	Sept. 21, 1962	Feb. 26, 1963
Allan J. Robbins-----	Sept. 21, 1962	Sept. 24, 1962	Dec. 7, 1962
Edward S. Prentice-----	Oct. 18, 1962	Oct. 18, 1962	

¹ None.

Mr. SOURWINE. Now you note that letter refers to 425 emergency clearances of clerical personnel during the same period of approximately 6 months.

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Do you know how many emergency clearances at the officer level have been approved since November 26, 1962?

Mr. OTEPKA. I am familiar with only one, sir.

Mr. SOURWINE. You think there is only one?

Mr. OTEPKA. I have no basis for believing there had been any additional clearances at the officer level.

Mr. SOURWINE. Are you in a position where you normally see the emergency clearances?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. So that if you see only one, that is the indication it is the only one?

Mr. OTEPKA. I assume that is the only one.

Mr. SOURWINE. Can you tell us the name of that one?

Mr. OTEPKA. Well again, sir, I must ask the Department's permission to furnish the name.

Mr. SOURWINE. Mr. Chairman, may the order be the request is made of the Department and that Mr. Leahy will convey it?

Senator HRUSKA. So ordered.

(The names requested are as follows:)

[Attachment B]

Name	Date of waiver	EOD, if any
Robert E. Asher (consultant).....	Nov. 19, 1962	Dec. 3, 1962
Jacob Blaustein (consultant).....	Mar. 15, 1962	Mar. 18, 1963

Mr. SOURWINE. Mr. Oteпка, do you know how many individuals in the clerical category have received emergency clearances since November 26, 1962?

Mr. OTEPKA. If I may consult my notes here for a while sir?

Mr. SOURWINE. Certainly.

Mr. OTEPKA. Sir, I can only give you the totality of the emergency clearance with respect to clerical personnel issued during the calendar year 1962.

Mr. SOURWINE. Well, what is that figure?

Mr. OTEPKA. The total number was 387.

Mr. SOURWINE. 387 what?

Mr. OTEPKA. Persons appointed, clerical personnel appointed to the Department of State on the basis of the blanket waiver authority.

Mr. SOURWINE. That is both clerical and officer class?

Mr. OTEPKA. No, sir; this is just clerical.

Mr. SOURWINE. Now, is that what you call emergency clearances?

Mr. OTEPKA. May I make a correction there, sir?

I believe this figure includes both clerical and officer personnel, but I do not have the breakdown.

Mr. SOURWINE. Is that the figure that you call emergency clearances?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Well, how do you jibe that total of 300-some-odd for the entire fiscal year with Mr. Orrick's figure of 425 clerical granted

emergency clearances during the period between May 28 and his letter of November 26, 1962?

Mr. OTEPKA. I am afraid, Mr. Sourwine, I cannot answer that at the moment.

Mr. SOURWINE. Is this an official report you are reading from?

Mr. OTEPKA. Yes, sir. There apparently is a discrepancy.

Mr. SOURWINE. What is that report entitled?

Mr. OTEPKA. This report is our annual report on the results of security determinations under Executive Order 10450 from January 1 through December 31, 1962.

Mr. SOURWINE. Is that classified?

Mr. OTEPKA. It is not, sir.

Mr. SOURWINE. Can it be supplied the committee?

Mr. OTEPKA. I believe I may supply it to the committee, sir. It was furnished to the Appropriations Subcommittee of the House the other day.

Mr. SOURWINE. May this go into the record, Mr. Chairman?

Senator HRUSKA. It will be received for the record.

(The document referred to reads as follows:)

RESULTS OF SECURITY DETERMINATIONS UNDER EXECUTIVE ORDER 10450,
JAN. 1 THROUGH DEC. 31, 1962

NOTE.—All cases involved occupants of sensitive positions or persons proposed for appointments to sensitive positions.

I. Number of employee cases processed.....	435
A. Favorable security determinations.....	395
B. Number of employees removed as security risks pursuant to Executive Order 10450.....	0
C. Number of employees whose employment terminated pursuant to administrative procedures prior to a final security determination under the standard of Executive Order 10450.....	40
(1) Manner of termination: Resigned.....	40
(2) Types of information, grade, and class of personnel involved in termination:	
(a) Sex perversion.....	1 ²⁴
1. Foreign Service officers.....	8
(a) Class 8.....	1
(b) Class 7.....	2
(c) Class 5.....	3
(d) Class 4.....	1
(e) Class 3.....	1
2. Foreign Service staff.....	12
(a) Class 13.....	2
(b) Class 12.....	4
(c) Class 11.....	3
(d) Class 9.....	2
(e) Class 6.....	1
3. General schedule.....	4
(b) Other activity of a security nature.....	16

¹ 16 of these employees were confronted with the information developed by investigation and were advised charges would be preferred. They admitted the involvement alleged and resigned or were terminated before preferment of charges. 8 of these employees resigned before the investigation was completed.

RESULTS OF SECURITY DETERMINATIONS, ETC.—Continued

II. Number of applicant and conditional appointee cases processed after full field investigations.....	3, 016
A. Favorable determinations.....	2, 845
(1) Applicants.....	2, 458
(2) Conditional appointees.....	387
B. Applicants rejected or dropped from consideration after investigation developed information of a serious nature.....	² 152
(1) Types of information involved:	
(a) Sex perversion.....	60
1. Foreign Service officer.....	9
2. Foreign Service staff.....	31
3. Civil service.....	19
4. Contract.....	1
(b) General suitability including security factors.....	92
C. Conditional appointees whose appointments were terminated pursuant to administrative procedures prior to a final security determination under the standard of Executive Order 10450.....	19
(1) Types of information involved:	
(a) Sex perversion.....	16
1. General schedule, grade 4.....	1
2. General schedule, grade 3.....	15
(b) All other cases.....	3

² All cases were referred to and discussed with the Department's Personnel Office and/or the Board of Foreign Service Examiners and nonselection was made by one of these offices.

Mr. SOURWINE. You say this was furnished to the House Appropriations Committee?

Mr. ОТЕРКА. Yes, sir; as is customary annually.

Mr. SOURWINE. This shows, Mr. Chairman, January 1 through December 31, 1962, all cases processed involving sensitive positions or persons proposed for appointment to sensitive positions, 435.

Does that mean security clearance cases or does that include the waiver cases?

Mr. ОТЕРКА. Sir, you are, I believe, reading the first page.

Mr. SOURWINE. That is right.

Mr. ОТЕРКА. Which addressed itself to employee cases only.

Mr. SOURWINE. These are only employee cases?

Mr. ОТЕРКА. Yes, sir. If you will turn to the second page, you will get the figure respective to applicant cases.

Mr. SOURWINE. Number of applicant and conditional appointee cases processed after full field investigation, 3,016.

Conditional appointees whose appointments were terminated pursuant to administrative procedures prior to a final security determination under the standard of Executive Order 10450, 19.

Where do you get the figure you gave me? I have trouble finding it here, Mr. Otepka.

Mr. ОТЕРКА. It appears near the top of the page opposite the caption, "Conditional appointees."

Mr. SOURWINE. Well, these are appointee cases processed after full field investigations.

Mr. ОТЕРКА. Yes, sir; these are the emergency appointees.

Mr. SOURWINE. You have favorable determinations, 2,845; applicants, 2,458; and conditional appointees, 387.

Mr. ОТЕРКА. Yes, sir.

Mr. SOURWINE. Is a conditional appointee the same as an emergency clearance?

Mr. ОТЕРКА. Yes, sir.

Mr. SOURWINE. Well, these are cases processed after full field. This must have been cases in which you completed full field investigation.

Mr. ОТЕРКА. That is correct, sir.

Mr. SOURWINE. Well, would a full field investigation necessarily have been completed with regard to emergency clearances approved in October or November of 1962?

Mr. ОТЕРКА. No, sir; and that, of course, will account for the discrepancy.

The conditional appointments are made on the basis of a regulation which requires a completion of the investigation within 180 days after appointment.

Mr. SOURWINE. So that all of these people—well, not necessarily, but presumably might have been appointed up to 180 days before the end of the year.

Mr. ОТЕРКА. Yes, sir.

Mr. SOURWINE. In any event, a person with a conditional appointment—an emergency clearance as I call it in my question—whose full field had not been completed and whose case had not been processed by the end of the year would not show up on the report you have just given me.

Mr. ОТЕРКА. No, sir, and I will attempt to get that.

Mr. SOURWINE. It does not actually conflict then with what Mr. Orrick sent in at all.

Mr. ОТЕРКА. No, sir.

Mr. SOURWINE. Well, I apologize. You did not say it. But I am afraid my question indicated that there might be conflict there, and I am glad we were able to clear it up.

May I ask that you see if you can get the figures which will bridge that gap?

Do you understand me?

Mr. ОТЕРКА. Yes, sir.

Mr. SOURWINE. Correlate these two so we will see what the relationship is; if there were so many cases which had not been cleared or in which the investigation had not been made, we will have that figure, and so forth.

Mr. ОТЕРКА. That figure is available, sir, and I will obtain it for you.

(The information was later supplied by the witness as follows:)

Question. Furnish the total number of clerical personnel appointed under emergency appointment procedures from October 27, 1962, through March 15, 1963.

Answer. 169. The breakdown by grades of those appointed is as follows:

GS-1-----	0	GS-4-----	30	FSS-10-----	13
GS-2-----	2	GS-5-----	0	FSS-9-----	5
GS-3-----	119				

Question. Furnish the total number of security clearances issued for clerical personnel proposed for appointment under the emergency appointment procedures from October 27, 1962, through March 15, 1963.

Answer. 398.

Mr. SOURWINE. All right. Is the blanket waiver procedure with respect to clerical personnel still in force?

Mr. ОТЕПКА. Yes, sir.

Mr. SOURWINE. Now, is that the same thing as an emergency clearance?

Mr. ОТЕПКА. Yes, sir.

Mr. SOURWINE. So that we should not make a distinction except with respect to clerical employees below grade 5 in that category, is that the idea?

Mr. ОТЕПКА. The distinctions with respect to officers and clerical are this way; that the officer personnel must be cleared individually by express approval of the Secretary of State, whereas with respect to the clerical personnel, he has issued blanket authority to the Office of Personnel to make those appointments without further referral to him.

Mr. SOURWINE. You say "must be cleared." You mean must be cleared for a waiver or an emergency appointment?

Mr. ОТЕПКА. Emergency appointment.

Mr. SOURWINE. Are waivers and emergency appointments the same thing?

Mr. ОТЕПКА. Yes, sir.

Mr. SOURWINE. Do you know, Mr. Otepka, of any person with a criminal record appointed in the State Department under waiver procedure or with emergency clearance during the past year?

Mr. ОТЕПКА. When you refer to a criminal record, do you include in that misdemeanors?

Mr. SOURWINE. Well, I did not have it in mind. You are technically correct, of course. A misdemeanor is a crime.

Suppose I limit the question and ask you if you know of anyone with a record of felony conviction or convictions appointed in the State Department under waiver procedure or the emergency clearance during the past year.

Mr. ОТЕПКА. I believe there may have been one case, sir, but I do not presently recall the name.

Mr. SOURWINE. Mr. Otepka, do you know of any person with a questionable or bad security record appointed in the Department of State under waiver procedure or the emergency clearance during the last year?

Mr. ОТЕПКА. Mr. Sourwine, the Division of Evaluations receives many cases in a given calendar year where a person has a questionable background relating to security factors. But in any event, before any such individual may be appointed, that information is fully considered and resolved in its proper relationship to the national security.

Mr. SOURWINE. Well, unless he is appointed under an emergency procedure.

Mr. ОТЕПКА. It is possible that a person who is appointed under emergency clearance where the postappointment investigation takes place subsequently, such a bad security record might be uncovered during that investigation.

Mr. SOURWINE. Well, if it was would you get rid of the person?

Mr. ОТЕПКА. Yes, sir.

Mr. SOURWINE. Let me ask you this question: How many clericals appointed under blanket waiver were separated this past year because

of adverse information in the investigation when you got around to investigating them?

Mr. OTEPKA. Those figures are reflected in the statistics which I furnished you, sir.

Mr. SOURWINE. Well, I haven't had a chance to read them.

Would that be on the first page under employee cases processed?

Mr. OTEPKA. Yes, sir; I believe there is a total of 40.

Mr. SOURWINE. Number of employees whose employment terminated pursuant to administrative procedures prior to a final security determination under the standard of Executive Order 10450, 40?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Well, I would never be able to tell from reading that caption that those people were in the group that I just asked you about.

Mr. OTEPKA. I am sorry, sir. If I may expand on that statistical record.

Mr. SOURWINE. Surely. Go right ahead.

Mr. OTEPKA. And if you don't mind handing it to me, sir.

Mr. SOURWINE. No.

Mr. OTEPKA. The first page relates to incumbent personnel; those who had been appointed on prior dates and who have some tenure of service.

Mr. SOURWINE. In other words, it does not include any emergency appointments?

Mr. OTEPKA. No, sir.

Mr. SOURWINE. Well, that first page is the one that has the 40 figure that you mentioned.

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Go ahead.

Mr. OTEPKA. The second page contains information with respect to conditional or emergency appointees whose appointments were terminated following the postappointment full field investigation because of adverse security-type information.

Mr. SOURWINE. And that is the group you really meant to talk about?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. And how many are there?

Mr. OTEPKA. There are 19.

Mr. SOURWINE. Nineteen?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Out of 387.

Mr. OTEPKA. Well, there were 387 cleared after a full field investigation. So it would be the 19 in addition.

In other words, they were not cleared as the result of the postappointment full field investigation.

Mr. SOURWINE. That is what this phrase "conditional appointments whose appointments were terminated pursuant to administrative procedures prior to a final security determination under the standard of Executive Order 10450," means?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. How about this figure, applicants rejected or dropped from consideration after investigation developed information of a serious nature, 152. What is that category?

Mr. OTEPKA. Those persons were dropped from consideration prior to appointment.

Mr. SOURWINE. All right. In other words, that was 152 out of the total considered of 3,016?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. And 19 out of those who were appointed out of 387.

Mr. OTEPKA. Yes, sir. It is in addition to the 387 as I stated before.

Mr. SOURWINE. Well, now, wait a minute. The 387 were favorable determinations.

Mr. OTEPKA. The caption reads 387 finally cleared.

Mr. SOURWINE. Now you have favorable determinations, 2,845. This included both applicants and conditional appointees. Your conditional appointees are your waiver cases; right?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Of those who were cleared, 2,458 were applicants who were cleared; right?

Mr. OTEPKA. Right.

Mr. SOURWINE. And 387 were conditional appointees.

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Who were cleared.

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Well now, are these 19 who were terminated conditional appointees who were not cleared?

Mr. OTEPKA. They are conditional appointees who did not receive a final security determination under Executive Order 10450.

Mr. SOURWINE. Were their cases processed?

Mr. OTEPKA. Yes, sir; they were cleared under the basis of the emergency appointment procedures subject to the postappointment investigation.

Mr. SOURWINE. Then you had a full field?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. And then after the processing, their appointments were terminated?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Well then, that 19 should be added to the 387.

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. But if you add the 19 to the 387 and go ahead and add the 387 to the 2,458 which were the applicant cases, you come up with a total of processed cases which is 19 larger than the total at the top here.

Mr. OTEPKA. I believe that may be so, sir.

Mr. SOURWINE. So that whoever made this up did not consider these conditional appointee cases as processed cases, apparently.

Mr. OTEPKA. Apparently not. I would have to check.

Mr. SOURWINE. But you are telling me they were processed.

Mr. OTEPKA. I would have to check that. They were processed.

Mr. SOURWINE. There was a full field?

Mr. OTEPKA. There was a full field.

Mr. SOURWINE. And after processing their employment was terminated?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. All right, you have 16 cases of sexual perversion, general schedule grade 4, 1; general schedule, grade 3, 15.

What is the difference? Simply a classification figure? Is that what that refers to?

Mr. ОТЕРКА. Yes, sir.

Mr. SOURWINE. They were grade 3 or 4 employees under civil service?

Mr. ОТЕРКА. Yes, sir.

Mr. SOURWINE. All other cases, three. Were those other three cases security cases?

Mr. ОТЕРКА. Yes, sir.

* * * * *

**TESTIMONY OF JOHN F. REILLY, DEPUTY ASSISTANT SECRETARY
FOR SECURITY, DEPARTMENT OF STATE**

TUESDAY, APRIL 30, 1963

Senator Thomas J. Dodd presiding.

Present: Senators Dodd and Olin D. Johnston.

Also present: J. G. Sourwine, chief counsel.

For the Department: John S. Leahy, Jr., observer.

(The witness was previously sworn.)

* * * * *

Mr. SOURWINE. Mr. Reilly, since you came "on board," to use the State Department phrase, have there been any changes in security policies, practices, or procedures which you thought weakened security in the Department?

Mr. REILLY. No, sir.

Mr. SOURWINE. Have there been any changes in the security policies, practices, or procedures to which you took objection or raised objection?

Mr. REILLY. No; I can think of none, sir.

Mr. SOURWINE. While you have been in your present job have you seen any changes in security policies, practices, or procedures which you thought were contrary to law or not authorized by law?

Mr. REILLY. Again; none comes to mind. I would say: If I had seen such I would have been heard on them.

Mr. SOURWINE. Mr. Reilly, we were told by an earlier witness quite some time ago that an end has been put to the granting of emergency clearances and waivers in the Department of State. Have there been any emergency clearances or waivers of clearances since you have been on top in the Office of Security?

Mr. REILLY. There have been. I would say, sir, that there has not been an end put to the use of the emergency authority granted to the Secretary under Executive Order No. 10450, but there has been a considerable reduction—

Mr. SOURWINE. Well, the record will speak for itself. But there is a letter which may perhaps be construed as a commitment from Mr. Jones, or a statement that an end had been put to this policy of granting emergency clearances, at least above grade 6. Have there been emergency clearances or waivers of security clearances above grade 6 since you have been in charge of the Office of Security?

Mr. REILLY. Yes, sir; there have been—few in number, however.

Mr. SOURWINE. Can you tell this committee, then, about those individual cases, or would you prefer me to make a request for a statement to be put in the record at this point covering that?

Mr. REILLY. I think that when Mr. Otepka was up here, you asked him to furnish the names, and I have those names with me.

Mr. SOURWINE. All right; that is fine. But I thought—when we had asked you the other day if everything that we had requested had been furnished except what we were not going to get, I thought that your answer was "Yes."

Mr. REILLY. That was my recollection, Mr. Sourwine. However, in preparing myself for this morning, I found in this case certain material that I desire to furnish.

Mr. SOURWINE. Well, I am very glad that we are going to get some more of what we asked for.

Mr. REILLY. Mr. Sourwine, let the record reflect that I hand you three sheets of paper, the first of which is entitled "Information Requested on March 19, 1963, by the Senate Internal Security Subcommittee."

This document sets out the particular questions asked and then responds to it by the second two pages which are referred to as attachments A and B.

Mr. SOURWINE. Will you hand them to the chairman?

Mr. REILLY. Yes, sir.

Mr. SOURWINE. May that be printed in the record at this point, Mr. Chairman?

Senator DODD. Yes.

(The material referred to will be found at p. 961 in the testimony of Mr. Otepka on March 19, 1963, at the point where it was first requested.)

Mr. SOURWINE. Do you happen to have, with you, any other material previously requested which you have decided the committee may have?

Mr. REILLY. Not that I have decided.

Mr. SOURWINE. Well—

Mr. REILLY. That the Department has.

Mr. SOURWINE. I thought that you had said that, when you were getting prepared for this session, you had discovered that you had this information that you wanted to give us. Maybe I misunderstood you.

Mr. REILLY. No; that I have been authorized to furnish and was prepared, pursuant to the subcommittee's request.

Mr. SOURWINE. Have you any others?

Mr. REILLY. I haven't any others. I have not found any others.

Mr. SOURWINE. So can you say that any of the information previously requested which has not now been furnished has been denied, so that there will be an issue on that if the committee wants to press it on any point?

Mr. REILLY. Well, on that letter—the Department's letter to Senator Eastland—that covers the position of the Department with respect to that.

Mr. SOURWINE. Is any of that material in that letter—referred to in that letter—the material that you have just given?

Mr. REILLY. No; it was not, sir.

Mr. SOURWINE. Well, I thought there was a reasonable question whether there might be any more requested material that was not referred to in that letter—that is what I am trying to get at.

Mr. REILLY. I don't believe there is. I am willing to stand corrected, in which case I would certainly examine your request most respectfully.

Mr. SOURWINE. Thank you, sir. It might not be a bad idea, perhaps, to make a further written request for anything that is not there.

Mr. REILLY. I would be grateful for such a request; yes, sir.

Mr. SOURWINE. With the Chair's permission, the staff will prepare such a letter for consideration.

Senator DODD. All right.

Mr. SOURWINE. Are you familiar, Mr. Reilly, with the text of Mr. Jones' letter of May 28, 1962, which is in our record, respecting the emergency clearances and waivers?

Mr. REILLY. I saw that letter at the time it was sent. I received a copy of it. I have not read it recently enough to be familiar with any particular of its contents.

Mr. SOURWINE. Since this date in March, covered by the memorandum you have just given us, have there been any additional emergency clearances or waivers of security clearances?

Mr. REILLY. In those categories above grade 6?

Mr. SOURWINE. Yes.

Mr. REILLY. No; there have been no cases after that date, to my information.

Mr. SOURWINE. The blanket waiver procedure is still in effect with respect to clerical personnel?

Mr. REILLY. Yes; it is, sir.

Mr. SOURWINE. There is one figure where I think there is still some doubt and if you can clarify it we would be grateful. Mr. Otepka testified that there had been 387 emergency clearances in all of 1962. Mr. Orrick said there had been 425 clericals from May 28 to November 26 of 1962. Now, there may be an explanation but it does not appear as yet, why these figures do not completely dovetail. If you can furnish us with the totals separately for officers and for clericals, first for all of 1962 and, second, for the period from January 1, 1963, down to date or down to the best recent cutoff date, I think it would make the record clear. Would you undertake to do this?

Mr. REILLY. Yes, I would, sir.

(The following data was supplied by Acting Assistant Secretary Lee with his letter of February 18, 1965, to Chairman Eastland:)

7. "Supply total number of clearances, listed separately for officers and for clericals, first for all of 1962 and, second, for the period from January 1, 1963, to date (April 30) or down to the best recent cutoff date."

Total number of applicant clearances issued by SY during calendar year 1962, 2,845; 1963, 2,331.

Total number of employee clearances issued by SY during calendar year 1962, 395; 1963, 263.

(No breakdown available as to number of officer or clerical clearances.)

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TESTIMONY OF JOHN F. REILLY

WEDNESDAY, MAY 22, 1963

Senator Thomas J. Dodd presiding.

Present: Senators Dodd and Everett McKinley Dirksen.

Also present: J. G. Sourwine, chief counsel; Warren Littman, assistant counsel; Benjamin Mandel, research director; and Frank W. Schroeder, chief investigator.

(The witness was previously sworn.)

* * * * *

Mr. SOURWINE. Do you know, Mr. Reilly, of any person with a questionable or bad security record appointed in the Department of State under waiver procedure or with an emergency clearance during the last year?

I notice you are taking some time to look through your papers. Do you think you might find a case of a person with a questionable or bad security record appointed into the Department under waiver procedure or under emergency clearance?

Mr. REILLY. No, Mr. Sourwine, since, though, the cases are prepared—

Mr. SOURWINE. What were you looking for?

Mr. REILLY. Quite frankly, I was looking for the list of names that I furnished the committee.

Mr. SOURWINE. To see if any of them had bad security records?

Mr. REILLY. I would doubt it very much. I didn't realize I was delaying you to that extent.

Mr. SOURWINE. No, it wasn't the delay. I was just curious about the reaction. That list of persons who had been appointed under waiver procedure or emergency clearances was prepared in your Office, was it not?

Mr. REILLY. Yes.

Mr. SOURWINE. Well, can't you tell us whether there were any people on it with questionable or bad security records?

Mr. REILLY. There may have been individuals who had some information in their files, but it was not deemed by the Office of Security to be of such a nature to bar the use of the waiver.

Mr. SOURWINE. All right. Are waivers at an end now? Have they finally been stopped; emergency clearances, have they been stopped or do you still make them occasionally?

Mr. REILLY. Occasionally, but very rarely, and only for the most emergent reasons.

Mr. SOURWINE. Is there any difference in your treatment of the individuals in grade GS-6 and those below?

Mr. REILLY. There is the grade 5 and below and equivalent staff corps designations. We still use the 180-day waiver because, to compete for clerical personnel in this market, it is necessary to do that.

What I have tried to do, however, is to speed up the completion of the full background investigation so these people are not on 180 days without a full clearance.

Mr. SOURWINE. There was some kind of a letter or memorandum issued purporting to put an end to the emergency clearance procedure for persons of grade 6 and above, wasn't there?

Mr. REILLY. No. Mr. Orrick* said he wanted to discourage them, and that he would only consider them for the most emergent reasons.

Mr. SOURWINE. It is never done without consideration of Mr. Orrick's level or higher, then?

Mr. REILLY. Oh, no. These cases go up and are signed by the Secretary.

Senator DODD. Even in the cases of clerical help, would you give a waiver to those who are to be employed in your office in the Office of Security?

Mr. REILLY. Not unless it were in some particular office where they did not have to have access to the files and to a lot of sensitive material.

Mr. SOURWINE. Now, with regard to clerical help grade 5 and below, are all appointments made on the 180-day basis without regard to the need for the individual?

Mr. REILLY. The majority, yes. I would not want to say they all are. I would have to check our statistics on that.

Mr. SOURWINE. There is no requirement of any claim of need for a person before they can get 180-day waiver, even in the lower grades?

Mr. REILLY. With respect to clerical shortages within the Department there is a continuing need, Mr. Sourwine, because of attrition.

Mr. SOURWINE. You assume that any time you want to fill a job, that such need for it would justify a waiver?

Mr. REILLY. Yes, that's the Department's view.

Mr. SOURWINE. Nobody has to certify to this fact; nobody has to say: "We really need this person"?

Mr. REILLY. The Personnel Office, in asking us to prepare the papers, certifies, by doing that, that there is a need. They request that this be handled.

Mr. SOURWINE. But, pro forma, there is a request and a statement of need?

Mr. REILLY. Yes.

Mr. SOURWINE. To do it otherwise would be out of line, wouldn't it?

Mr. REILLY. Oh, yes, sir.

Mr. SOURWINE. Now, as to grade 6 and above, any case of that nature is a so-called emergency clearance rather than a waiver, isn't it?

Mr. REILLY. That is correct. They are handled on an individual basis.

Mr. SOURWINE. Waivers only apply to grade 5 and below?

Mr. REILLY. Yes.

Mr. SOURWINE. And emergency clearances always have to clear through your office and go up to higher authority?

Mr. REILLY. That is right; my office personally.

Mr. SOURWINE. Even if somebody higher wants to do it, they have to send it down to your office and your instructions require that it come to you, personally?

Mr. REILLY. That is correct.

Mr. SOURWINE. Do you know of any instances in which any individuals have been employed solely as a matter of accommodation, because their relatives are big shots in Government? I mean given emergency appointments, emergency clearances?

*William H. Orrick, Jr., Deputy Under Secretary for Administration.

Mr. REILLY. I don't recall any such.

Mr. SOURWINE. None such was ever called to your attention?

Mr. REILLY. Not as the question was stated. I don't know—I mean, if there was a need for a person, not simply that he was related to somebody.

Mr. SOURWINE. You wouldn't approve of that being done by anyone in your shop, would you, especially without letting you know about it?

Mr. REILLY. Without letting me know about it; absolutely.

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TESTIMONY OF OTTO F. OTEPKA

FRIDAY, AUGUST 16, 1963

Senator Hugh Scott presiding.

Also present: J. G. Sourwine, chief counsel, and A. Warren Littman, associate counsel.

(Mr. Otepka was previously sworn.)

Mr. SOURWINE. Mr. Otepka, you have testified before us earlier about waivers and the emergency clearances?

Mr. OTEPKA. Yes.

Mr. SOURWINE. Do you recall that nearly a year ago a gentleman, Mr. Jones, sent the committee a letter indicating that the practice of emergency clearances and waivers was to be discontinued?

Mr. OTEPKA. Yes; I saw that in his testimony.

Mr. SOURWINE. And we talked very recently about whether they had been discontinued.

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. It is my understanding of the testimony that the practice had not been discontinued.

Mr. OTEPKA. That is correct—it has not been discontinued.

Mr. SOURWINE. Has there been any order or memorandum or letter recalling or modifying Mr. Roger Jones' instructions in that regard?

Mr. OTEPKA. I have seen no such order or instructions.

Mr. SOURWINE. Do you mean you have not seen any instruction modifying Mr. Roger Jones' instructions or you never saw any instructions by Roger Jones?

Mr. OTEPKA. I have—

Mr. SOURWINE. Or both?

Mr. OTEPKA. I have received no instruction or order modifying the established practice. That was the practice which was established in 1954 with regard to clerical personnel, particularly, whereby they were permitted to come on the rolls without having full background investigation; that is, clerical personnel up to a certain grade level.

Mr. SOURWINE. In other words, you were telling us that, although Mr. Roger Jones³ told this committee by letter that the practice of having emergency clearances and waivers was to be discontinued, there was never any order implementing that promise, so far as you know?

Mr. OTEPKA. As far as I know.

³ See letter from Roger Jones, dated May 17, 1962, p. 957.

Mr. SOURWINE. How about waivers and emergency clearances above the grade 5 level—has that practice been discontinued or ordered discontinued?

Mr. ОТЕРКА. That has not been discontinued.

Mr. SOURWINE. Or ordered discontinued?

Mr. ОТЕРКА. Or ordered discontinued. However, the waivers are not exercised in such large numbers as they were before.

Mr. SOURWINE. The practice has been curtailed, but not abolished?

Mr. ОТЕРКА. That is correct.

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TESTIMONY OF WILLIAM J. CROCKETT, DEPUTY UNDER SECRETARY OF STATE, DEPARTMENT OF STATE

TUESDAY, JANUARY 28, 1964

Senator Thomas J. Dodd, vice chairman, presiding.

Also present: J. G. Sourwine, chief counsel.

For the Department: Richard Frank, observer.

(Mr. Crockett was previously sworn.)

* * * * *

Mr. SOURWINE. You haven't used the security board procedure in a number of years, have you?

Mr. CROCKETT. No, we haven't. And this is something that I have felt we really needed. I think it is really unfair to an evaluator to place the whole responsibility on his shoulders. Certainly it is his responsibility to make a finding. It is his responsibility to make a recommendation. But I think that it is unfair then to say: "We follow it," or "We override it." I think what we really need and what we are moving toward is a sort of a security board that would review the case, review the finding, review the recommendation, and make a final recommendation to me and to the Secretary.

Mr. SOURWINE. Yes, but the final responsibility, of course, will rest with you and the Secretary.

Mr. CROCKETT. That is right. You cannot escape this.

Mr. SOURWINE. You are interposing the board and the evaluator and yourselves instead of or in place of the head of the Office of Security.

Mr. CROCKETT. Yes. I talked to Mr. Macy of the Civil Service Commission on this whole problem. In their evaluation process they do not ever have one evaluator do a job. It is a committee approach to evaluation. And I think that this is what we are moving toward. It is unfair, in my opinion, to ask the head of the Office of Security to make a decision when he is also an operator. He has to make a big organization run. He has the job of insuring that our security program is carried out. But I don't think, in any sense, he should be the final voice on a determination of an evaluation. His organization should investigate it. His organization should evaluate it. They should make a recommendation. But then there should be sort of an impartial group outside. Now, I am no expert in this, but it is my feeling that this is the way we might protect the individual's interests

and the interests of the country, which are paramount, through the use of such an impartial board.

Mr. SOURWINE. How will the board be chosen, do you know?

Mr. CROCKETT. I have asked the Assistant Secretary for Administration to select a board composed of perhaps three men—two persons from outside the Department of State, and one retired Foreign Service officer.

Mr. SOURWINE. Will any of those people be knowledgeable in security matters?

Mr. CROCKETT. It was not my idea that they should be knowledgeable in terms of the techniques of security, but certainly I think they should be knowledgeable in terms of the requirements of the law, in terms of the problems of security. I don't conceive of any of them as being security technicians or evaluators.

Mr. SOURWINE. All right, sir.

Mr. Chairman, Senator Hruska has sent to me a clipping from the Lincoln, Nebr., newspapers of Tuesday, January 21, referring to a speech that the witness made at Hastings, Nebr.

Mr. CROCKETT. Yes. My old hometown. This is a prodigal son returning.

Mr. SOURWINE. And he has suggested that we put it in the record and ask the witness a question about it.

Senator DODD. All right.

(The article referred to reads as follows:)

[From the Lincoln (Nebr.) Star, Jan. 21, 1964]

BIG RESPONSIBILITY RESTS WITH STATES—CROCKETT

HASTINGS.—The responsibility for leadership in bringing education, technical know-how, growth, and development to new nations quickly enough to avoid deep frustrations "that become destructive influences, rests with the United States," the Hastings Chamber of Commerce was told Monday night.

William J. Crockett, Deputy Under Secretary of State for Administration, made this statement in an address at the 53d annual Greater Hastings dinner, and annual chamber of commerce dinner.

"Nothing in our national life has undergone a greater change in the past 30 years than our international relations," Crockett said. "We have ranged from avowed isolationist to commitment and involvement with other free peoples around the world."

Part of the problem, he said, arises from the growth of new nations—50 since World War II ended—and the breakup of the old European colonial power structure.

Crockett also said the United Nations "with all of its defects has had a powerful influence in keeping nations at peace."

He noted there are 61 Nebraskans now serving in the Foreign Service of the United States, for which he had high praise.

"We don't want security risks or disloyal Americans," he said. "We have a positive security program designed to insure that your national interests are in good hands.

"It has been said that how we dispose of our affairs at home can be decided by elections; but how we dispose of our relations with the rest of the world can decide the survival of mankind," he said.

Mr. SOURWINE. He points out that you said, Mr. Crockett, "We have a positive security program designed to insure that your national interests are in good hands," and that you said: "We don't want security risks or disloyal Americans in the Foreign Service."

Mr. CROCKETT. That is right.

Mr. SOURWINE. This is the Department of State's position?

Mr. CROCKETT. Absolutely. I tell you that the thing that makes me sick at heart when I read the press and when I see what has been written is the implication that somehow the Department of State and officials of the Department of State have an interest in compromising security or being less than loyal Americans. There is nothing that I feel is more important than to insure that the secrets and the policies of the Department of State are in the hands of loyal Americans. This is fundamental to our selection of Foreign Service officers and to the retention of Foreign Service officers. I think this committee can give us a great deal of help in assuring that this basic interest is furthered and is understood.

Mr. SOURWINE. I don't think there is any question—I am not authorized to speak for the committee, but I express an opinion that the committee has this aim in view and nothing else.

Mr. CROCKETT. I am sure this is your view.

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TESTIMONY OF WILLIAM O. BOSWELL, DEPUTY CHIEF OF MISSION,
AMERICAN EMBASSY, CAIRO, UNITED ARAB REPUBLIC

MONDAY, FEBRUARY 17, 1964

Senator Roman L. Hruska presiding.

Also present: J. G. Sourwine, chief counsel; Benjamin Mandel, research director; and Alan D. McArthur, associate counsel.

For the Department: Richard A. Frank, observer.

(Mr. Boswell was previously sworn.)

* * * * *

Mr. SOURWINE. I think we ought to ask the witness to put his finger on the particular testimony which he refers to, Mr. Chairman. Obviously, this amounts—correct me if I am wrong, Mr. Boswell—this amounts to a contradiction of the testimony or a feeling that the testimony is somehow wrongful, and I think we ought to know what testimony it is that Mr. Boswell challenges.

Senator HRUSKA. Would you repeat that; I am sorry.

Mr. SOURWINE. I said that I think we ought to know what testimony it is that Mr. Boswell challenges. Obviously, certain testimony of Mr. Otepka's is being challenged here. Certainly we shouldn't pussy-foot about that, if Mr. Boswell wants to challenge any of Mr. Otepka's testimony.

Mr. BOSWELL. It is the motivation in testifying as he did that is the point of concern.

Mr. SOURWINE. What do you know about his motivation?

Mr. BOSWELL. It is what I interpret his motivation to be from this testimony.

Mr. SOURWINE. Please put your finger on it and tell us about it. You are going to have to write an efficiency report. You have told us this will color and condition your efficiency report that you are going to file. I think you ought to let us know.

Mr. BOSWELL. I think it should be off the record myself. I am perfectly willing to put it on the record.

Senator HRUSKA. I think perhaps it might be well to take it off the record first. After it has been disclosed, we can then determine whether or not we should go back on the record and put it there.

Mr. SOURWINE. Just for the sake of saving time, may the order be that the Secretary is instructed to mark this portion, from now on until the Chair tells her otherwise, "not to be transcribed subject to the Chair's different instructions"?

Senator HRUSKA. Very well. Will the reporter please mark the record accordingly, and it will be the decision of the Chair, not the acting chairman.

(At this point, certain proceedings were had which, pursuant to the direction of Senator Hruska, were later ordered into the record as follows:)

Mr. BOSWELL. Shall I proceed, sir?

Senator HRUSKA. You may proceed.

Mr. BOSWELL. Sir, in March I appeared here with Mr. Roger Jones.

Senator HRUSKA. Would you specify the year, please?

Mr. BOSWELL. Excuse me, sir. March of 1962. In the course of the questions which were directed to Mr. Jones and to me by Mr. Sourwine, there was a fairly extended part which had to do with the question of the issuance of waivers in the State Department and the possibility of backdating waivers. I was asked if I knew of any instance where a waiver had been backdated. I categorically said I did not.

Then I think it was about the—excuse me—the 17th of March, or it may have been the evening of the 16th, but I believe it is the 17th, Mr. Otepka came to me and asked me if I knew that waivers were being backdated in the Department. I said no. Did he? And he said, yes, they were being. I asked him if he specifically knew this or was this rumor? He said, no, he knew it specifically. I asked him to give me a memorandum to that effect and to inquire as to how many had been backdated and to stop this procedure immediately.

I went and told Mr. Jones about this because this was contrary to the testimony which I had given here, contrary in the sense that this practice did exist, not contrary in the sense that I knew about it.

I read subsequently in Mr. Otepka's testimony on three different occasions he said that he had informed me in the latter part of February or the early part of March, he had informed me that waivers were being backdated.

This simply is not so. He informed me of this as I said perhaps the 16th, I believe the 17th, because that is the day I informed Mr. Jones, and I am sure I got to him just as fast as I could and it was the same day.

I can only interpret this—and I regret to say this—as a deliberate attempt to try to expose me to charges of perjuring myself before this committee.

Senator HRUSKA. Could it not indicate a sincere belief of Mr. Otepka as to his recollection of a fact which differed with yours, Mr. Witness?

Mr. BOSWELL. Mr. Chairman, this testimony was given 3 to 4 weeks after he informed me. It is very carefully qualified to say—may I read them?

Senator HRUSKA. Surely.

Mr. BOSWELL. "I believe the first memorandum I wrote", and so forth.

Mr. SOURWINE. You are telling us that in fact the date of that memorandum in question was that March, after the 17th.

Mr. BOSWELL. Yes, sir.

Mr. SOURWINE. Well, that should be very easy to determine. A copy of that memorandum can be secured; can't it?

Mr. BOSWELL. I certainly think so, and I certainly hope so.

Mr. SOURWINE. You were never asked for it?

Mr. BOSWELL. No. I asked Mr. Otepka for the memorandum.

Mr. SOURWINE. I mean we never asked you for it?

Mr. BOSWELL. I don't recall.

Mr. SOURWINE. You don't recall. May the order be that we ask the State Department for a copy of this memorandum?

Senator HRUSKA. Counsel is instructed to make such a request on behalf of the committee.

Mr. SOURWINE. All right.

(Assistant Secretary Frederick G. Dutton supplied the subcommittee with a copy of the memorandum referred to above. It follows:)

U.S. GOVERNMENT MEMORANDUM

MARCH 17, 1962.

To: SY—Mr. William O. Boswell.

From: SY/E—Otto F. Otepka.

Subject: Emergency clearances of officer personnel.

Following the reduction in force in the Office of Security which resulted in the abolishment of my position as Deputy Director, SY, effective January 23, 1962, by a memorandum addressed to me you detailed me to the position of Chief of Evaluations Division, effective that date, pending formal action by the Office of Personnel to reassign me to that position. I physically moved into the Division of Evaluations on January 29, 1962. Since that time I have given considerable attention to processes and procedures in the Division of Evaluations with the view toward their improvement.

As I orally informed you I have found a most alarming situation that apparently has existed since about January 1, 1961, concerning the handling of security waivers which are signed by the Secretary. These waivers permit the emergency appointment of officer personnel to sensitive positions without a full field preappointment investigation. As you know no person, whether or not he is an employee of the Department, is allowed access to any classified information until a proper security clearance has been issued by the Office of Security. In the cases of security waivers granted by the Secretary under the authority specified in Executive Order 10450, the security clearance for the appointment and for access to classified information is not effective until the Secretary has signed the individual waiver document. Accordingly, any person who has been given access to classified information prior to the signing of a waiver is an unauthorized person and the person who permitted him such access has in fact violated the security regulations of the U.S. Government and of the Department of State.

Recently I personally found two cases—and upon subsequent inquiry among my subordinates, discovered an additional and large number of similar cases—where a security waiver was signed by the Secretary and apparently dated on the day of his signature in S/S, but after a copy of the signed waiver was sent to the Office of Personnel, the Officer of Security was requested to change the date to a prior date so that it would coincide with the date that the person entered on duty. Also, I have been informed that in other instances where the Secretary signed a waiver, S/S allegedly predated the waiver after his signature pursuant to advice from PER/EMD so that it would coincide with the date of the person's entrance on duty. I now have in my possession a request for a security clearance from the Office of Personnel asking that a security waiver action be processed by SY and requesting further that the waiver be dated to reflect the date of entrance on duty which in this instance is shown to be prior to the date of the request for the action.

I am told by my subordinates that this antedating of security clearances was requested by persons in the Office of Personnel, or by persons in other offices I

shall seek specifically to identify, and that it was condoned if not approved by the then Chief of Evaluations Division. When I discovered the first of these situations I immediately informed all of my employees that I was unalterably opposed to and would resist any attempt to persuade me to approve or antedate any security clearance as this would be in violation of the regulations which preclude access to classified information to any person who at the time of such access did not have a security clearance.

As you instructed me today, I am undertaking a thorough study of each of the 150 officers who have been granted emergency clearances since January 1, 1961, in order to detect every case where an antedated security clearance may have occurred.

SCA :SY/E :OF Otepka : ebp

Mr. BOSWELL. I would like to say I used the date of the 17th because I don't have an absolute firm recollection of it. But in your report here it reads on page 4:

On March 20, 1962, Mr. Jones notified the committee that instances of backdating waivers had been brought to his attention on March 17.

and so forth.

Mr. SOURWINE. Yes.

Mr. BOSWELL. My recollection is, and I am sure this is a correct recollection, that when I learned of this from Mr. Otepka, I immediately went to Mr. Jones.

Now, I can't say whether I learned it from Mr. Otepka on the 16th—we often work late in the evening—or whether I learned it on the 17th. It would be one of those 2 days, sir.

Senator HRUSKA. Have you ready reference—can you readily refer to the testimony of Mr. Otepka that it was his belief that he informed you of this backdating of waivers at a time earlier than March 17?

Mr. BOSWELL. Yes, sir.

Mr. SOURWINE. He read it, sir.

Mr. BOSWELL. On three occasions he did.

Mr. SOURWINE. He said it was the testimony of Mr. Otepka on the 12th of April.

Senator HRUSKA. Yes, but—

Mr. BOSWELL. May I read them, sir?

Senator HRUSKA. Yes.

Mr. BOSWELL. Mr. Sourwine inquires whether the backdating of waivers came to his attention. Mr. Otepka says that it does. And Mr. Sourwine says have you identified the cases in the Department and did you do this by memorandum? Mr. Otepka says yes. Mr. Sourwine asks how long ago and here is where I would like to quote:

Mr. OTEPKA. I believe, sir, the first memorandum I wrote on the subject was dated in the latter part of February or early March 1962.

A little while later, a very short while later, "Mr. Otepka"—and this is in reply to Mr. Sourwine's inquiry whether—when did Mr. Otepka first come to me about backdating or antedating security clearance, and I quote again:

Mr. OTEPKA. Well, I mentioned, sir, that it was—I cannot give you the specific date but it was in the latter part of February or the first week in March.

And then just a few lines later another quote:

Mr. OTEPKA. Well, my recollection, sir, is that I orally informed Mr. Boswell in the latter part of February after I identified a specific case and then I subsequently wrote a memorandum to him in which I identified other cases.

Mr. SOURWINE. You are telling us two things. First, that Mr. Otepka never gave you any information about this practice of backdating waivers either at the end of February or during the first week of March.

Mr. BOSWELL. He did not.

Mr. SOURWINE. In other words, his testimony in that regard is in error. It is wrong.

Mr. BOSWELL. He says to his recollection.

Mr. SOURWINE. Well—

Mr. BOSWELL. And I say he is in error.

Mr. SOURWINE. All right. Second, he says he identified a particular case to you prior to the memorandum in which he identified a number of cases.

Mr. BOSWELL. This is correct.

Mr. SOURWINE. And he did do that?

Mr. BOSWELL. Yes, sir.

Mr. SOURWINE. But he did that on what you think was approximately the 17th of March.

Mr. BOSWELL. Yes, sir.

Mr. SOURWINE. And definitely—

Mr. BOSWELL. This is the first indication I had.

Mr. SOURWINE. And definitely later than the first week in March.

Mr. BOSWELL. Yes, sir. Just to—

Mr. SOURWINE. And you are also telling us—

Mr. BOSWELL. Elaborate this—

Mr. SOURWINE. The memorandum he wrote, the only memo he wrote you about this was at your request.

Mr. BOSWELL. Excuse me, sir. He mentioned on the 16th or the 17th the fact that backdating of waivers had come to his attention. He knew of a case. I requested him to put that in a memorandum to me and go out and find if there were other cases of this being done.

Mr. SOURWINE. All right.

Senator HRUSKA. He testified to the best of his recollection that that was the fact. Are you telling us that to your best recollection you did not receive such memorandum until after March 16 or March 17?

Mr. BOSWELL. Yes, sir.

Senator HRUSKA. Or are you saying categorically that you did not do so, Mr. Witness?

Mr. BOSWELL. I am saying categorically that I did not do so.

Senator HRUSKA. So you are not qualifying your answer.

Mr. BOSWELL. I am saying that as of this date of March 17, or perhaps 16, this was the first knowledge I had of backdating waivers. It is the first knowledge I had. Yes. I am saying categorically there couldn't have been a memorandum before.

Mr. SOURWINE. For the sake of—

Senator HRUSKA. I am not limiting it to a memorandum, now, Mr. Witness. I am saying any knowledge, either from Mr. Otepka or from any other source, and you had no such knowledge prior to the time of March 16 or March 17 when Mr. Otepka drew your attention to it. Is that your testimony?

Mr. BOSWELL. That is absolutely correct.

Mr. SOURWINE. May I add this comment, Mr. Chairman? Within the portion which is to be considered for possible inclusion in the rec-

ord, the witness has stated his interpretation of the motive for this. Counsel for the committee doesn't agree that this establishes that particular motive, but that is a matter of opinion. It does appear, however, that the time sequence as pointed out by the witness establishes two factors.

One, Mr. Otepka knew about this practice before Mr. Boswell did. And two, Mr. Otepka should have taken this matter to Mr. Boswell as soon as he knew about it.

And I think we therefore have a question to ask of Mr. Otepka and that is how soon he knew about it.

Senator HRUSKA. Yes.

Mr. SOURWINE. May we go back on the record now?

Senator HRUSKA. Are you through with any other questions in this area or are you—have you anything further, Mr. Boswell?

Mr. BOSWELL. I would just like to add that it is this and those three reiterations of Mr. Otepka's that he informed me of this in February, late February or early March, that gave me to believe, and I sincerely believe, that this was deliberate and it is for that reason that I did not, preferred not and did not write his efficiency reports.

Senator HRUSKA. And it is your intention, is it, to construe that to mean that he deliberately set up to torpedo you?

Mr. BOSWELL. I can't construe it any other way.

Senator HRUSKA. Notwithstanding his language in his testimony that that is his recollection?

Mr. BOSWELL. I think that he hedged himself there and I don't think this was his recollection.

Senator HRUSKA. I assume, then, that in subsequent testimony or in other testimony of yours you never hedge, to say "to the best of my recollection."

Mr. BOSWELL. I will be as frank and open with this committee or any other committee as I can. I do not have an infallible memory, sir.

Senator HRUSKA. That is very fine, but have you ever in your testimony hedged to the extent of using the words "to the best of my recollection"?

Mr. BOSWELL. Oh, yes, sir. It is not hedging, sir. It is simply that I could not positively state.

Senator HRUSKA. But you don't want to accord that privilege to Mr. Otepka when he testifies. Is that what you are trying to tell us, Mr. Boswell?

Mr. BOSWELL. No. I am not trying to say that. I am trying to say that I think Mr. Otepka did not want to positively state this. I do think he knew that he did not inform me of this in February or early March and hence he used the qualifying language.

Senator HRUSKA. Well, on what do you base that?

Mr. BOSWELL. He said this three times.

Senator HRUSKA. Here is the situation.

Mr. BOSWELL. This was 3 to 4 weeks after this. This was a big thing, Mr. Senator.

Senator HRUSKA. Yes, indeed.

Mr. BOSWELL. And for me personally it was a big thing because I had told this committee that I knew of no case. When Mr. Otepka came and told me of this case I was shocked. I was surprised. I

was shocked. And I moved immediately to find out what had gone on. Was it a single case? Was it a series of cases? When I got an indication there was more than one case, I went to Mr. Jones and I requested an investigation be made of this by someone outside of the Office of Security. I was very upset about this.

Mr. Otepka knew how upset I was. It is inconceivable to me that he could not recall that he had informed me of this after I had testified to this committee. It is totally inconceivable to me.

Mr. SOURWINE. Did he know anything about your testimony before the committee?

Mr. BOSWELL. I can't say, sir.

Mr. SOURWINE. You got a copy of his testimony because you were his superior.

Mr. BOSWELL. I don't recall.

Mr. SOURWINE. But your testimony came to you for correction.

Mr. BOSWELL. I don't recall that I got a copy of his testimony. Here I am qualifying but I simply don't recall. I know one of his testimonies here I did see a copy of the transcript, but I think there were one or two where I did not.

Mr. SOURWINE. You knew he was accompanied by a State Department observer, Mr. Leahy?

Mr. BOSWELL. I think he appeared once or twice when he was not accompanied.

Mr. SOURWINE. Well, the record will show. In any event, you have no way of knowing whether he knew you had testified or not.

Mr. BOSWELL. Oh, yes. He knew I had testified.

Mr. SOURWINE. About this particular point?

Mr. BOSWELL. Oh, I don't know.

Mr. SOURWINE. That is what I mean.

Mr. BOSWELL. No.

Mr. SOURWINE. You never discussed with him what his motivation might have been?

Mr. BOSWELL. No, sir.

Mr. SOURWINE. You never tried to straighten out in his mind what the situation was?

Mr. BOSWELL. No, sir.

Mr. SOURWINE. What the time was?

Mr. BOSWELL. No, sir.

Mr. SOURWINE. He testified subsequently a number of times to this date, didn't he?

Mr. BOSWELL. To what date, sir?

Mr. SOURWINE. To the date of April 12. Didn't he testify after that date?

Mr. BOSWELL. He testified before that and I think afterwards also.

Mr. SOURWINE. If you had attempted to straighten out with him what the time sequence was, isn't it conceivable he might have corrected this information?

Mr. BOSWELL. I couldn't have. I didn't have this information.

Mr. SOURWINE. I see.

Mr. BOSWELL. I hadn't seen this until these copies were mailed to me.

Mr. SOURWINE. And you don't know whether he had seen yours?

Mr. BOSWELL. No, sir.

Senator HRUSKA. Mr. Counsel, does that conclude the part of the testimony that we are to consider off the record?

Mr. SOURWINE. Yes, sir.

Senator HRUSKA. The record will show at this point that this will conclude the part of the testimony taken on the tentative basis we agreed to a little bit ago.

Now, we will go back on the record.

(EDITOR'S NOTE.—As noted at p. 978, the above testimony originally was taken "off the record" but was recorded by the reporter so it might later be included in the record if desired. Subsequently this testimony was, in fact, ordered so included.)

INTERROGATORY SUBMITTED TO RAYMOND LAUGEL WITH HIS REPLIES

(The Internal Security Subcommittee submitted to the State Department on December 3, 1964, an interrogatory to be transmitted to Mr. Raymond Laugel, former Acting Deputy Assistant Secretary for Security, who had not testified before the subcommittee because of overseas assignments. The interrogatory and correspondence relating to it were ordered into the record of the hearings. A portion of the questions and answers appear below and the remainder on p. 1018.)

U.S. SENATE,
Washington, December 3, 1964.

Hon. DEAN RUSK,
*Secretary of State,
Department of State, Washington, D.C.*

DEAR MR. SECRETARY: In view of assurance by Mr. Robert E. Lee, Assistant Secretary for Congressional Relations, that the Department would have no objections to submission of an interrogatory to Mr. Raymond Laugel, to be inserted in the records of the Internal Security Subcommittee, it is respectfully requested that the enclosed interrogatory be transmitted to Mr. Laugel with the request that he answer the questions as fully and carefully as possible, sign the statement at the end of the interrogatory, and return it to the committee.

The committee on several occasions has sought to get Mr. Laugel as a witness, but without success because of his assignment abroad; and I believe that we can get the information we want from Mr. Laugel by way of an interrogatory.

Thanks for your cooperation and best personal regards.

Sincerely,

JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee.

DEPARTMENT OF STATE,
Washington, March 2, 1965.

Hon. JAMES O. EASTLAND,
*Chairman, Subcommittee on Internal Security, Committee on the Judiciary,
U.S. Senate.*

DEAR MR. CHAIRMAN: Reference is made to your letter of December 3, 1964, in which you included an interrogatory which you requested to be transmitted to Mr. Raymond Laugel.

I am enclosing the interrogatory which, in accordance with your request, has been completed and signed by Mr. Laugel.

If I can be of any further assistance in this matter, please do not hesitate to call on me.

Sincerely yours,

(S) JOHN P. WHITE,
Acting Assistant Secretary for Congressional Relations.

INTERROGATORY FOR RAYMOND LAUGEL

QUESTION. Please give your name and present address, your U.S. address, if any, and your present title, grade, and salary.

ANSWER. My name is Raymond W. Laugel. My current address is 518 North Lucas, Fort Bragg, N.C. My job title is Department of State Adviser, U.S. Army, John F. Kennedy Center for Special Warfare, Fort Bragg, N.C. FSO-3 is my present grade, at a salary of \$15,375 per annum.

QUESTION. What are your present duties?

ANSWER. I serve as adviser for the Department of State to the Center for Special Warfare and the Special Warfare School of the U.S. Army. This has to do with politico-military matters; my home office in the Department in Washington is the Office of Politico-Military Affairs.

QUESTION. Were you ever Acting Deputy Assistant Secretary of State for Security? When?

ANSWER. Yes; during the period November 22, 1963, to March 2, 1964.

QUESTION. Prior to that time, how long had you been employed in the Office of Security?

ANSWER. I had been employed in the Office of Security for approximately 13 years prior to November 22, 1963. Nearly 10 of those years were spent overseas at U.S. embassies.

QUESTION. What is your background in security work?

ANSWER. From 1951 until 1955 I served as security officer at the American Embassy, Rome. During 1955-56 I was assigned to the American Embassy, Cairo, as regional security officer. I held the same functional position in 1957 at the American Embassy, Ankara. From 1958 until 1960 I served as regional security officer, American Embassy, New Delhi; 1960-61 was spent as Deputy Chief, Division of Physical Security, Department of State, and then I served approximately 1½ years as Chief, Division of Foreign Operations, Office of Security, Department of State.

QUESTION. Attached is an Office of Security telephone list, two pages, mimeographed. You will note this bears no date.

OFFICE OF SECURITY

Telephone Directory

Name	Extension
ADKINS, Pamela K., SY/EX, 3321	5824
AGEE, Susie W., SY/I, *501	2961
ANDERSON, William W., SY/I, *523	5177
AYRES, Ronald R., SY/EX, 3321	3817
BACAK, Walter W., SY/I, *521	5239
BARKER, Betty Jo, SY/I, *515	3443
BECHT, John A., SY/I, *521A	5496
BELISLE, David I., SY, 3811	8181
BENNINGTON, Bert M., SY/PrS, 4311	5155
BERRY, Robert, L., SY/I, 4314	6111
BERRY, Rodella E., SY/E, 3327	2351
BLUST, Merwin C., SY/T, 3810A	4980
BOCK, Carl L., SY/E, 3327B	6039
BORING, Judith A., SY/I, 4314	6112
BOYD, Alfred R., SY/PrS, 4311	5155
BROCKEN, Marvin B., SY/E, 3331	6022

*SA-2, SY/I, Washington Field Office.

Telephone Directory—Continued

<i>Name</i>	<i>Extension</i>
BROWN, James H., SY/I, 4312B	6125
BROWN, Keirn C., SY/FO, 3800	6011
BURKHARDT, Edwin A., SY/E, 3331	6023
BUYNITZKY, Albert W., SY/I, *520A	4740
CAMPBELL, Paul C., SY/FO, 38A00	6014
CANNON, John K., SY/I, *517	3801
CARNEY, Susan B., SY/I, *522	5889
CASSADY, Paul F., SY/FO, 38A00	6013
CATUCCI, Marie G., SY, 3811	4177
CLARKE, Paul H., SY/I, 4318	6101
COLEMAN, Kathryn E., SY/EX, 38A07A	4269
CRAMPSEY, Leo E., SY/PrS, 4311	5155
CRONIN, Robert P., SY/I, *517	4052
CUMBY, Bert, SY, 38A03	5250
DALEY, Donald D., SY/I, 4314	6112
DALTON, Martin K., SY/FO, 38A00	6014
DAVIS, Barbara A., **SY/T, 3806A	2459
DEANER, Louis N., SY/PrS, 4311	5156
DeCOURCY, William P., SY/PrS, 4311	5155
DENSON, David W., SY/EX, 3311	2720
DENTON, William E., SY/I, *520	5067
DiBLASI, Josephine R., SY/E, 3333	3114
DOE, Norman R., SY/E, 3329	6036
DYE, Edgar V., SY/EX, 3317	2595
EDWARDS, Russell, SY/EX, 3804	6142
FEENEY, James T., SY/EX, 3321	3817
FELTAULT, Richard A., SY/EX, 3317	2595
FISHER, L. Kathy, SY/DO, 3336	4000
FLEMONS, Damon A., SY/EX, 3311	2903
FLOW, Reed H., SY/E, 3329	6024
FORSYTH, Thomas C., SY/EX, 38A07A	2929
FOURNIER, Gail W., SY/T, 3810A	3070
FUREY, Robert J., SY/I, *525	6231
GALLAGHER, Ralph P., SY/T, 3810A	2459
GARDNER, Francis V., SY/E, 3327	2934
GEORGE, Rita M., SY/I, *501	3214
GILMORE, John G., SY/FO, 3800	6012
GIORDANO, Toni L., SY/I, 4312	6125
GOODELL, Robert B., SY/I, *523	5177
GROSS, Ray P., SY/E, 3331	6121
HAGE, Louis R., SY/E, 3331	6021
HALL, David R., SY/DO, 3336	4301
HANNON, John B., SY/EX, 3321	5824
HARMAN, Arthur C., SY/I, *517A	3846
HARRISON, Alfred, SY, 38A03	5250
HEALEY, Joanne B., SY/E, 3333	6153
HECKMAN, Richard Lee, SY/FO, 38A00	6013
HENRY, Omer, SY/I, 4310	2227
HESTER, Mignon A., SY/E, 3329	6036
HIGGINS, James C., SY/I, *522	4077
HITE, Harry M., SY/E, 3327	3602
HOLDA, William J., SY/T, 3810A	2459
HOLDEN, Stanley E., SY/DO, 3336	3913
HOLLAND, Charles W., SY/DO, 3336	4301
HOWE, B. Terry, SY/DO, 3336	6158
HOYER, Karen L., SY/I, 4316	6109
JESSOP, Walter E., SY, 3811	2222
JONES, John Robert, SY/EX, 3311	5359
JOYNER, Joseph O., SY/I, 44A16	3268
KACHULIS, Louis C., SY/I, *525	6245
KEMP, Catherine C., SY/FO, 38A00	6013
KERR, Margaret E., SY/E, 3329	6036

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**Temporary.

Telephone Directory—Continued

Name	Extension
KNAUF, Kenneth W., SY, **3333	6151
LAMPE, Herbert R., SY/I, 4312	6126
LANCASTER, Anita, SY/EX, 3321	5337
LARKIN, Margaret T., SY/E, 3329	6036
LaSELLE, Mason A., SY/EX, 3811	3257
LAUGEL, Raymond W., SY, 3811	4176
LEE, Lois E., SY/EX, 3315	5339
LEE, Nancy A., SY/E, 3333	3114
LINDSAY, Frank H., SY/EX, 3321	4220
LINEBERRY, Gipsy W., SY/I, *518	4730
LITTLE, William R., SY/PrS, 4311	5155
LONG, Andrea L., SY/E, 3327	6039
LONG, Vicki D., SY/FO, 3800	6012
LOUGHTON, Raymond A., SY/E, 3327	2351
LYNCH, Keith O., SY/PrS, 4311	5154
McCARTHY, Robert J., SY/DO, 3336	4000
McCOY, Floyd W., SY/FO, 3800	6012
McDERMOTT, James M., SY/DO, 3336	4000
McDONALD, Katherine R., SY/EX, 3321	4609
McDOWELL, Ruth J., SY/EX, 3315	2569
McNULTY, Joseph R., SY/PrS, 4311	5156
MACHAK, Frank M., SY/DO, 3336	2110
MADDEN, Francis J., SY/PrS, 4311	5156
MARCELL, Louis G., SY/I, *518	4223
MELETAKOS, Alicia, SY/I, 4312	3104
MILBOCKER, Virginia R., SY/EX, 3321	4609
MITCHELL, Maria M., SY/EX, 3811	3258
MONTGOMERY, Hugh, SY, 38A03	5320
MONTGOMERY, Linda A., SY/T, 3810A	4980
MOORE, Albert W., SY/E, 3329	6036
NOONAN, John T., SY/EX, 3315	2783
NORPEL, John R., **SY/I, *515	3443
OTEPKA, Otto F., SY/E, **38A03	5320
OTTWILLER, Robert F., SY/I, *517	3846
OWEN, Paige S., SY/T, 3810A	3070
PATTERSON, Bonnie H., SY/E, 3331	6021
PELEUSES, Gus P., SY/PrS, 4311	5155
PELUSO, Catherine, SY/I, 4318	6102
PENTECOST, Jarvis P., SY/E, 3329	6036
PEPERIS, Leoni, SY/EX, 3311	2903
PEPERIS, Zula, SY/I, 4312	2227
PETERSON, Peter R., SY/T, 3810A	3070
POOLE, Elmo G., SY/I, 4316	6108
POWERS, Eunice B., **SY/I, *523	3629
PROUDFOOT, Udella Mae, SY/EX, 3321	5824
PRUGH, Kathleen P., SY/EX, 3311	2903
PUGLISI, Nancy M., SY/I, 4316	6109
RAGUSA, Frank, SY/I, *522	5941
RATHMAN, George J., SY/DO, 3336	3913
REDD, John H., SY/I, 4318	2231
REGAN, Robert J., SY/I, *522	6122
RICE, Albert J., SY/T, 3810A	2459
RICE, Patrick M., SY/I, 44A16A	3268
RILEY, Dorothy L., SY/EX, 3321	5824
ROARK, Edward T., SY/EX, 3321	5824
ROBERTS, Elizabeth R., SY/I, 44A16	3268
ROBERTS, Joan G., SY/EX, 38A05A	4265
ROBERTS, Joanne, SY/PrS, 4311	2033
ROLLING, E. Ann, SY/DO, 3336	2110
ROSETTI, Joseph E., SY/DO, 3336	4000
SABIN, Joseph C., SY/E, 3327	3263
SALINE, Olof E., SY/I, *522	5889

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**Temporary.

Telephone Directory—Continued

Name	Extension
SCHMELZER, Joyce M., SY/FO, 3800	6011
SCHWARTZ, Judith, SY/EX, 3315A	3817
SCROGGS, Raymond W., SY/I, 4316	3189
SHEA, Howard J., SY/I, 4312	3107
SHEA, Terence J., SY/I, *501	3124
SKIPPON, Charles D., SY/DO, 3336	2110
SMITH, Hudgins R., SY/I, *522	5889
SMITH, Sandra A., SY, 38A03	5250
SMYSLEY, Patricia H., SY/EX, 38A05A	4265
SOMERS, Wendy J., SY/I, *523	5195
SPOTH, George M., SY/I, *503	3124
STUBBS, Carole, SY/I, *518	4077
SUGG, William O., SY/DO, 3336	2781
SULLIVAN, E. Alice, SY/EX, 38A07	4266
SUMMERS, James A., SY/I, 4312	3104
SUTOR, LaWanna, SY/EX, 3321	3817
SWEENEY, James J., SY/I, *515	3629
TELFORD, Sidney T., SY/PrS, 4311	2033
TERRY, Paul A., SY/T, 3810A	4980
THOUNHURST, Gertrude J., SY/EX, 3315	2569
TRABAND, Frederick W., SY/E, 3333	6153
TULLY, Francis R., SY/PrS, 4311	5156
VEA, Theodore H., SY/T, 38A00	4980
WADE, William H., SY/FO, 38A00	6013
WALLACE, Daniel, SY/I, *515	3776
WALLER, Russell S., SY/DO, 3336	3913
WARREN, George J., SY/EX, 38A07	4265
WIRTH, Edward C., SY/EX, 3321	4220
WOODLAND, Gayla, SY/I, *525	6245
WORSHAM, Helen M., SY/I, 4314	6111
WUENSCHER, Anna M., SY/EX, 3311	2903
YATES, Virginia L., SY/I, 4312	6125
SY Files, 3321	3817
SY Mail Room 3317	2595

When changes occur, please notify SY/EX—George J. Warren, x4265 immediately.

*SA-2, SY/I, Washington Field Office.

**Temporary.

QUESTION. Can you tell us the date or approximate date when this list was issued?

The presence of your name on the list indicates it was issued while you were assigned to the Office of Security in Washington.

Note this list does not show Mr. Gentile's name or telephone number. Does that indicate it was issued prior to his employment by the Department of State?

Note the list does not include Mr. John Reilly's name. Does this indicate it was issued after Mr. Reilly had left the Department?

ANSWER. I do not know the date on which this telephone list was issued. However, since neither Mr. Reilly's name nor Mr. Gentile's name appears on the list, and since the "front office" number is noted after my name, I assume this list was issued sometime between November 22, 1963, and March 2, 1964. Therefore, I would further assume that it was issued after Mr. Reilly's departure and prior to Mr. Gentile's employment.

QUESTION. The list does include the name of Mr. Belisle in room 3811, telephone extension 8181.

Was that, at the time, the office and telephone branch number of the Deputy Assistant Secretary in Charge of Security?

ANSWER. Room 3811 was in fact a large suite of offices which housed four officers, including the Deputy Assistant Secretary for Security, plus two clerical employees. Telephone extension 8181 was not, as I recall, the number for the Deputy Assistant Secretary for Security; his extension numbers were 4176 and 4177.

QUESTION. What was Mr. Belisle's assignment at that time?

ANSWER. Mr. Belisle actually was assigned to work on a special project for the Deputy Under Secretary for Administration, although for a time he continued to use office space in suite 3811. Later on—I believe in January 1964—he moved to another office out of the Security Section.

QUESTION. Did you know when Mr. Belisle first occupied the office referred to in the previous question?

ANSWER. I cannot recall with accuracy when Mr. Belisle first occupied an office in suite 3811. I believe, however, it was assigned to him upon his employment with the Department, which was in the late summer or early fall of 1962.

QUESTION. What was Mr. Belisle's official position with the Office of Security at that time?

ANSWER. When he first occupied the office he was, as I recall, assigned as Special Assistant for Personnel Security.

QUESTION. What were his duties?

ANSWER. In effect, Mr. Belisle coordinated and supervised the work of the Division of Investigations and the Division of Evaluations. I was not familiar with the detailed functions of his job at that time, and therefore cannot comment accurately on his overall duties.

QUESTION. Was Mr. Belisle ever Acting Chief of the Division of Evaluations?

ANSWER. I do not believe that Mr. Belisle ever served as Acting Chief of the Division of Evaluations.

* * * * *

QUESTION. Have you ever handled liaison for the Office of Security with the FBI or CIA?

ANSWER. I was never assigned the regular liaison function with the CIA and FBI, although I did sometimes have occasion to work on special problems with representatives of those two agencies.

QUESTION. Who handles such liaison now?

ANSWER. Sir, I do not know who handles such liaison now.

ANSWER. Who handled it at the time you left the Office of Security?

ANSWER. Mr. Walter Jessop handled it at the time I left the Office of Security.

QUESTION. Is it true that Mr. Otepka was replaced as State Department liaison officer with the FBI in matters relating to personnel security, by Frederick W. Traband, Jr., under authority of a memorandum of Mr. John F. Reilly under date of February 28, 1963?

ANSWER. I do not know, sir. I recall no such memorandum, although one may have been issued of course.

QUESTION. Do you know why Otepka was replaced?

ANSWER. I do not know. My job at the time pertained only to the overseas security program.

QUESTION. Did you ever discuss Mr. Otepka's replacement in this liaison post, or the reason for it, with Mr. Reilly?

ANSWER. I do not recall ever discussing this matter of the liaison post with Mr. Reilly.

QUESTION. Did you have anything to do with the preparation of charges against Mr. Otepka?

ANSWER. No, sir; nothing at all.

QUESTION. Did you have anything to do with the State Department's action against Mr. Otepka up to the time you left the Office of Security?

ANSWER. Here I assume you refer to the charges against Mr. Otepka. I had nothing to do with this up to the time I left the Office of Security.

QUESTION. Did you have anything to do with the selection of a hearing officer for Mr. Otepka's hearing?

ANSWER. No. In fact, I do not even know who has been selected as hearing officer.

QUESTION. Did you ever supervise any of the work of Mr. Otto Otepka?

If so, during what period, and what work did you supervise?

ANSWER. During the period November 22, 1963, to March 2, 1964, he was organizationally under my supervision. However, he had been removed from his previous responsibilities and claimed that his time must be spent preparing his defense against the Department's charges.

QUESTION. Are you familiar with the project which involved the transfer of six or seven security officers out of the Office of Security?

ANSWER. Yes, sir; I was familiar with that project.

QUESTION. Please tell the committee, for the record, all that you know about the history of this project up to the time you left the Office of Security.

ANSWER. Because of the sensitive nature of this project, I believe that it would be best for a Department official to discuss it personally with the chairman. I understand that steps along this line have already been taken.

QUESTION. Please include any statement of anything you know about the duties assigned to the men who were transferred out of the Office of Security to this project.

ANSWER. For the reasons stated above, I believe it would be best for a Department official to discuss this aspect with the chairman.

QUESTION. Can you say that, if it is true, that these men, or any of them, are, or for a period of months were, without specific assignments to keep them busy?

ANSWER. I do not know what specific assignments were given to each of them after they left the Office of Security.

QUESTION. Did you have anything to do with the original security case of William Wieland?

ANSWER. No.

QUESTION. With the Wieland security case after it was reopened on the basis of additional evidence?

ANSWER. No.

QUESTION. If you dealt with the Wieland security case in either of the above aspects, please state what you had to do with it, what your responsibilities were in connection with it, by what authority, and what action, if any, you took with respect to this security case.

ANSWER. I had nothing to do with this case, to the best of my recollection.

QUESTION. Did you ever have anything to do with checking on the memorandum from the Senate Judiciary Committee which Senator Dodd delivered to the Secretary of State in New York City? If so, what, and how did this come about?

ANSWER. No; nothing to the best of my recollection.

QUESTION. Did you work with Mr. Harris on this matter?

ANSWER. I do not recall this at all. I am afraid I do not know who Mr. Harris is.

QUESTION. Did you ever make, or were you ever instructed or requested to make any appraisal as to whether this memorandum or any portion of it was true or false?

ANSWER. I recall no such instruction or request. It is, of course, possible that I was asked for comment on portions of this memorandum, although I do not remember ever seeing it or being asked to make any appraisal of it.

QUESTION. Do you know of your own knowledge of any statement in this memorandum which was false?

ANSWER. I don't know, because I am not familiar with the contents of this memorandum.

QUESTION. Do you know of any statement in this memorandum which in your opinion is misleading?

ANSWER. Again, I am unable to comment for the reason noted above. Perhaps I saw the memorandum, or portions of it, but I doubt it. In any case, at this point I am completely in the dark as to the contents of the documents in question.

QUESTION. Did you have anything to do with preparing material from the State Department for transmittal to the Warren Commission investigating the assassination of President Kennedy?

If so, explain and include a statement of what the material handled or prepared by you concerned and whether it involved Harvey Lee Oswald in any way.

ANSWER. All material from security files pertaining to the assassination was forwarded to the Department's Office of the Legal Adviser. I had nothing to do with preparing material for transmittal to the Warren Commission.

I, Raymond Laugel, having supplied the answers contained in the above interrogatory, and having now reread such answers, herewith submit the same for inclusion in the record of the Senate Internal Security Subcommittee as a part of my testimony under oath before said subcommittee.

(S) RAYMOND LAUGEL.

Dated: February 19, 1965.

TESTIMONY OF WILLIAM J. CROCKETT

WEDNESDAY, AUGUST 19, 1964

Senator Thomas J. Dodd, vice chairman, presiding.

Present: Senators Dodd and Roman L. Hruska.

Also present: J. G. Sourwine, chief counsel.

(Mr. Crockett was previously sworn.)

* * * * *

Mr. SOURWINE. Turning to another point, is an employee of the State Department reinvestigated and his security clearance brought up to date whenever he is assigned to a significant position?

Mr. CROCKETT. No, this would not be true. The word "significant" is not descriptive of anything particular in the State Department. If you would say a Presidential appointment, this would be true. Every time an officer is given a Presidential commission, he is reinvestigated and reevaluated. Every time an officer changes jobs and the change requires a different category of clearance, his security is brought up to date.

I have just effected a new rule so that every time we appoint a Deputy Chief of Mission his security file should be brought up to date, the same as for an Ambassador, because an Ambassador is a Presidential appointment. He is reinvestigated and brought up to date. Now, it looks logical to me that the DCM, who sometimes has to take the place of the Ambassador, ought to have the same kind of employment security procedures imposed upon him.

Mr. SOURWINE. What was that abbreviation?

Mr. CROCKETT. DCM, deputy chief of mission.

But I think you have to describe the word "significant," to come to any specific conclusion.

Mr. SOURWINE. Would you—in order to accept the statement I read earlier—have to take "significant" to mean appointment to a Presidential position—that is, a position for which the President nominates and the Senate confirms—or a Deputy Chief of Mission?

Mr. CROCKETT. Or requiring a special kind of security clearance, like the atomic energy clearance, for instance, or the "Q" clearance. When a special kind of clearance is required for a job, it does require another kind of investigation and updating.

Mr. SOURWINE. Does the State Department issue "Q" clearances?

Mr. CROCKETT. No, but if one of our employees requires a "Q" clearance, then it does require a special consideration of the file.

Mr. SOURWINE. Would you in the Department investigate and pass on that case evaluated for the purpose of a "Q" clearance, or would you just make your records available to another agency?

Mr. CROCKETT. Honestly, I don't know, Mr. Sourwine.

Mr. SOURWINE. In the case of all the State Department employees who are promoted, is there any rule about a mere promotion—at whatever grade—calling for a reinvestigation and a new security clearance?

Mr. CROCKETT. Not a reinvestigation, Mr. Sourwine. At the present time, on promotions, we do a review of the file just to flag any problems. But there is not a reinvestigation or an updating in the formal sense.

Mr. SOURWINE. Is it a new clearance, or do you just look at the file to see if there is anything special indicated that might need special treatment?

Mr. CROCKETT. That is right; the latter.

Mr. SOURWINE. The employee maintains the clearance he has?

Mr. CROCKETT. Right.

Mr. SOURWINE. In the cases of all the State Department employees who were neither promoted or assigned to one of these significant positions, in the context that you have just used the word, within a rea-

sonable period of time or within some stipulated period of time, are they reinvestigated and their security files updated?

Mr. CROCKETT. This has been an on and off thing over the years, Mr. Sourwine. Certainly, good security would require it, I think. At various times, there have been programs and for various reasons they have been interrupted or stopped. I have insisted, since I have had my present responsibility, that we start this kind of a program. It is now being started, as I understand it, in the Office of Security.

I think it makes sense that after X number of years everybody should be reinvestigated. For instance, I was distressed to learn that the people in the Office of Security, who are supposed to be in charge of all this, haven't had their security clearances brought up to date for perhaps the longest period of time of any group in the whole State Department. So I have ordered that all the investigators, the domestic and oversea evaluators, all the people in the Office of Security, have their security files brought up to date in terms of reinvestigation or reevaluation. This should be first, I think.

Mr. SOURWINE. Who will conduct those investigations and evaluate those cases?

Mr. CROCKETT. I have asked that it not be done within the Office of Security. I have asked that either the Civil Service Commission or some other agency do the investigations.

Mr. SOURWINE. Is there any agency available besides Civil Service?

Mr. CROCKETT. May I go off the record for a minute?

Senator HRUSKA. Surely.

(Discussion off the record.)

Senator HRUSKA. Back on the record.

Mr. SOURWINE. Sir, is it contemplated, as I understand, that a special unit, temporary or ad hoc perhaps, may be set up and personnel brought in to do the investigations of these persons in the Office of Security?

Mr. CROCKETT. Yes, sir; that is right.

Mr. SOURWINE. Then the evaluations, on the basis of those investigations, would be done by the Office of Security people?

Mr. CROCKETT. Yes, sir.

Mr. SOURWINE. What I was trying to get at with the earlier question is whether there is now any policy or order in the State Department under which every employee of the Department, or every employee above some particular rate or rank, is subjected to periodic investigations, reinvestigations, and having his security clearance renewed as a result of that investigation?

Mr. CROCKETT. Yes, sir; there is. There is an existing order and we have alerted all our people by public notice. We have sent letters to certain people saying, "Your security clearance is in the process of being updated, and this is a routine thing," to allay any fright or uncertainty about the whole thing.

Mr. SOURWINE. Is that a new order, sir?

Mr. CROCKETT. I think we put it out in the last 6 weeks.

Mr. SOURWINE. That was your order?

Mr. CROCKETT. Yes, sir.

Mr. SOURWINE. Would it be possible to get a copy of that order for our record?

Mr. CROCKETT. Yes, sir.

Mr. SOURWINE. May it go in?

Senator HRUSKA. Certainly. The order will be inserted in the record at this point.

(The order requested had not been provided at the time this section of the testimony went to press. In a letter to the chairman dated March 17, 1965, Assistant Secretary MacArthur stated: "The Department is unable to provide the other items listed in the letter since they are either internal Department memorandums or originated with another executive agency." The Department supplied the following public notice, taken from an unidentified departmental publication:)

EMPLOYEE BIOGRAPHIC FORMS NEEDED FOR SECURITY UPDATING

The Department is continuing its program of updating security clearances of all personnel in both the domestic and Foreign Service. To facilitate this program employees may be asked to complete an up-to-date biographic data form. Each employe will be notified if his biographic data form is required.

The Department's program is planned on a systematic and long-range basis similar to security programs in other sensitive Federal agencies.

Mr. CROCKETT. And the Office of Security, as I say, is gearing itself up for I don't know how many times to start this again.

Mr. SOURWINE. That Office is already pretty shorthanded. You are going to have to get some more people somewhere.

Mr. CROCKETT. Well, I'm not sure. I'm not sure any office is shorthanded. I have great suspicion of the bureaucrats and I find that almost any office can squeeze itself down and produce a little more. Certainly, I think there are opportunities in our domestic investigations for either reduction in the staff or redirection of staff, so that I am not sure at all that we have any shortage of personnel in this business.

Mr. SOURWINE. Well, you have, of course, put your finger on a very interesting point there. Since the investigative staff has shown an increase in personnel while evaluations went down, it might very well be that you have a situation there that required some readjustment.

Mr. CROCKETT. Well, the people where it went down were a special staff brought into Investigations several years ago for a special investigative program, so the basic evaluation program has not gone down.

Mr. SOURWINE. I see.

In the question about periodic investigations and reinvestigations under this new order, what is the period?

Mr. CROCKETT. I'm not sure that we specified or tied ourselves to a period.

Mr. SOURWINE. You simply ordered it done beginning now?

Mr. CROCKETT. That's right. I think it takes two things, Mr. Sourwine. One is time. That is one factor. Maybe the security people, for instance. I think some of those checks were maybe as many as 8 or 9 years old. I would think 5 years ought to be the time.

But in addition to time, there are other factors that come along, like this DCM business. If I say all DCM's should be reinvestigated, this would be added into the reevaluation program.

Mr. SOURWINE. And you give it priority, so it defers something else?

Mr. CROCKETT. That is right.

Mr. SOURWINE. I didn't mean the time—excuse me.

Mr. CROCKETT. So it is not based solely on time.

Mr. SOURWINE. I didn't mean the time required to do the job, which of course, might take a year or more.

Mr. CROCKETT. I'm talking about the time elapsed from the last——

Mr. SOURWINE. Has there been a requirement that it be done every 5 years?

Mr. CROCKETT. I understand. I would say generally in our own minds—whether it is stated in the order or not—but in our own minds, we think 5 years is plenty long. If we could keep the bulk of them within a 5-year tolerance, we would be doing pretty good. This would be our general objective. With certain groups in sensitive jobs, even more frequently.

Mr. SOURWINE. Does that order encompass all employees of the Department, or only employees above some fixed level?

Mr. CROCKETT. No, it encompasses all employees. The thing is, Mr. Sourwine, that, in the Department of State, level is not entirely relative to sensitivity.

Mr. SOURWINE. I would agree with you.

Mr. CROCKETT. For instance, code clerks and secretaries in sensitive jobs are at a relatively low level, but very, very important in the security picture.

Mr. SOURWINE. And a janitor who has access to an office could be a serious problem if he were trying to——

Mr. CROCKETT. This is the reason I do not put it at any particular level.

* * * * *

Mr. SOURWINE. Mr. Crockett, you told the committee on January 28, 1964, that you would look into the question of whether material connected with the project for updating security files of important State Department officials, on which Mr. Otepka had been working 2 or 3 years ago, had been marked as not current or shipped to the dead files, or both. Have you had a chance to look into that?

Mr. CROCKETT. Yes, sir; I have had this investigated as thoroughly as we could. I have not found any evidence that this is true.

Mr. SOURWINE. The material was intact and has been kept intact, and none of it has been——

Mr. CROCKETT. Well, not intact, in the sense that it is in the same files. The material has been put into the central file system.

Mr. SOURWINE. It was gathered together in one place; now it has been disseminated back into the central file?

Mr. CROCKETT. That's right, but I think the material in Mr. Otepka's files did not really relate to an updating program.

Mr. SOURWINE. I don't mean to imply that all of it did, but there was a volume of papers and files which did refer to such a program, was there not?

Mr. CROCKETT. I think there was a volume of files and papers that might have; yes. I'm not sure.

Mr. SOURWINE. Have they been identified in any way or inventoried so you'll know what they were?

Mr. CROCKETT. Everything in there was inventoried, including the top secret files.

Mr. SOURWINE. Everything that was in Otepka's files?

Mr. CROCKETT. Yes.

Mr. SOURWINE. Before it was disseminated back into the general file?

Mr. CROCKETT. Back into the central file. Much of it should have been in the central file, in my opinion, in the first place.

Mr. SOURWINE. Do you know if the inventory indicates in any way which particular papers or files or cases were connected with this project for updating the security files of important officials?

Mr. CROCKETT. Well, there were files—there were cases found that were there for reevaluation. Those have all been taken care of since then.

The only records, really, to my knowledge, that related to any updating were some of the records from the old security cases from the evaluation back in 1954 or 1955; that evaluation.

Mr. SOURWINE. If it should be desired to bring together again all or some particular part of the files that Mr. Otepka did have in his office, would that be possible?

Mr. CROCKETT. I don't think so. It might be theoretically possible, but I don't know why anybody would desire—frankly, Mr. Sourwine—it was a rat's nest. I had numerous people look at it. Mr. French and Mr. Flake can testify from personal knowledge. They went through it and inventoried it.

We asked Mr. Otepka to assist in the review of it. After he consulted his attorney, he decided he could if he could make manual notations of every item that was in there, which would have taken months to have done. We decided this was not practical, so I ordered that a general inventory be made and it be returned to central files.

But I don't see any earthly need, for any reason, for this kind of material ever to be reassembled.

Mr. SOURWINE. Yes, sir.

On the one point of Mr. Otepka's condition with respect to, as I have understood you to state it, his condition on which he would assist in connection with these files, I want to be sure the record is clear on the point. Let me ask first: Do you have your information about this second or third hand, as to just what happened?

Mr. CROCKETT. Mr. Sourwine, most of my information about everything in life is second or third hand, including this.

Mr. SOURWINE. This is true of us all. There was no reason you should have it firsthand.

Mr. CROCKETT. It was reported to me by Mr. French and Mr. Flake. I think they reported to me in writing that this was the circumstance.

Mr. SOURWINE. If there were written reports on this by either of these gentlemen or reports by both of them, may they be furnished for our record?

Mr. CROCKETT. I would be delighted to furnish them.

Mr. SOURWINE. I'll state, so it will be clear in your mind what I am driving at, that my recollection of the state of the committee's record now is that it indicates Mr. Otepka has told us that he was asked to go in and assist in working on these files and that he did so without preimposing any conditions; that as he finished with a file and laid it aside, he made a notation that that file had been handled, and when he had made a few of these, it was noted that he was making some kind of a record; that he was asked what he was doing and he said he was keeping an inventory record of the files which had been

handled, and that everything stopped at that moment; that he was told to suspend; and that within a very short time thereafter on the same day, he was told that he wouldn't be needed to continue on the project and was sent back.

Mr. CROCKETT. Well, there is a memo that we'll be glad to supply for the record.

Mr. SOURWINE. Fine.

(The information requested had not been provided at the time this section of the testimony went to press. In a letter to the chairman dated March 17, 1965, Assistant Secretary MacArthur stated:)

The Department is unable to provide the other items listed in the letter since they are either internal Department memorandums or originated with another executive agency.

Mr. SOURWINE. Have you ever had a statement from Mr. Otepka with regard to this, or sought to find out from him his version of it?

Mr. CROCKETT. No.

Mr. SOURWINE. Is there a project currently underway in your office, sir, involving the updating or reexamination of security files of important officials of the State Department, or any such officials?

Mr. CROCKETT. No, no project in my office.

Mr. SOURWINE. You told us about the one in the Office of Security, that you had ordered.

Mr. CROCKETT. That's right. There is none in my office.

Mr. SOURWINE. There is no project in your office which is examining the files or any portion of the files, or any of the cases that were listed in Otepka's files?

Mr. CROCKETT. No, sir; unless those names should come up as a problem case or a case that ought to have my attention.

Mr. SOURWINE. But that would be on an ad hoc basis?

Mr. CROCKETT. That's right.

Mr. SOURWINE. There is no group of such cases being treated as a group?

Mr. CROCKETT. No, sir. At one time, I ordered Mr. Flake and Mr. French to do a statistical summary for me of a selected list from a number of these cases that were numerical cases that were listed by Mr. McLeod, plus other names taken at random from the telephone book, to see just at random how often that group of names had been brought up to date for various purposes.

Mr. SOURWINE. Forgive me, sir, but may we go into that a little later? I would like to finish this one card before we quit, and we are just about to quitting time.

Mr. Belisle is presently working in your office, I think?

Mr. CROCKETT. Yes, sir; that is right.

Mr. SOURWINE. Does he have anything to do with the reevaluation or evaluation of security cases?

Mr. CROCKETT. No, sir.

Mr. SOURWINE. Or the review—

Mr. CROCKETT. Well, when you say "have anything to do," it is very broad. If you want to take the time, I'll tell you what he does.

Mr. SOURWINE. Certainly.

Mr. CROCKETT. One of the recommendations of this committee, out of one of your reports, was that the operation of the Office of Security and its deliberations on security should be more closely associated with the

operation of the Office of Personnel; that security, suitability, medical problems were all part of the same ball of wax. Around the first of the year, I tied all these things together in my office. Mr. Belisle is acting as executive secretary on this operation. He goes to the Office of Personnel, the Office of Security, the inspection corps, the bureaus in trying to find and soliciting from them problem cases, personnel cases that are presently under review, a suitability problem, an alcoholic problem, a health problem, a psychiatric problem, or a security problem or any of the others. Every Friday afternoon, at 4:30, I believe, the Director of Personnel, the Director of Security, myself, the Director General of the Foreign Service, the Legal Adviser for Administrative Matters, the Office of Personnel, meet and we go over this list of people that have problems, whether they are a security problem or a medical problem or a personnel problem or a suitability problem, to discuss the disposition of the case and the relationship between security and personnel and suitability, so that no one outfit passes the buck like they used to.

Security said, "Oh, this is a suitability case," and the Personnel people said, "I don't think this is suitability, this ought to be Security," and then they said, "Well, this is really medical"—enforcing a decision on this so that action is taken on each item. So this is what Mr. Belisle is doing.

Mr. SOURWINE. It enables you to place responsibility?

Mr. CROCKETT. It enables me to play a very important personal role in this. Where before you had the cases where you would find that the Office of Personnel and Security centered over there, and they said, "Well, this really isn't security, you ought to look after suitability," and Personnel said, "Well, we'll slap you on the wrist or put a letter in your file." All I want to do is to be sure the punishment fits the situation and get at the bottom of these cases.

Mr. SOURWINE. Is Mr. Wieland in any way connected with this work?

Mr. CROCKETT. No, sir.

Mr. SOURWINE. Would it be true to say that neither in this work or any other project in your office is there anything that might be termed a continuation of the updating project that Mr. Otepka was working on 2 or 3 years ago?

Mr. CROCKETT. That's right.

Mr. SOURWINE. And what is being set up in the Office of Security is not a continuation of that project, either, is it?

Mr. CROCKETT. Well, they cover, really, two projects. He might be a follower of one. At one time, and I might be wrong, but as I understood it, there was a general updating program in the Office of Security that Mr. Otepka was in charge of. They brought in some special people.

Then, after it had completed a number of cases, it was given a new direction, say to update the files of various kinds of officers who might be appointed in new kinds of positions. So that there were these two different directions.

Now, I would say the present security program relates to the first directive, the first project Mr. Otepka was on, but not the second.

Mr. SOURWINE. One more question, sir. Is there anything going on in your office, to your knowledge, or which has recently been going on there, which could be said to involve any degree of concentration

on the list of cases prepared by or under the direction of Mr. Scott McLeod, the cases of State Department officials concerning whom there was derogatory information of a substantial nature in the security area?

Mr. CROCKETT. Nothing specific, except as those cases come up for Presidential or DCM appointment, they will now be looked at from that standpoint.

Mr. SOURWINE. No attempt to analyze the McLeod list?

Mr. CROCKETT. Well, we have done this in the past. Mr. Flake and Mr. French analyzed it, reviewed it, looked at it. As everybody said, and McLeod said and Otepka said and all the others said, they cleared these people. They have clearances to date.

Certainly, we'll have to, to the extent that there was or continues to be any worrisome information about them of a derogatory nature, we'll have to make sure that our security people are cognizant of this in reviewing them.

Mr. SOURWINE. It is 2 o'clock, sir. We cannot go any further.

Senator HRUSKA. We are recessed subject to the call of the Chair.

Whereupon, at 2 p.m., the committee recessed subject to the call of the Chair.

TESTIMONY OF WILLIAM J. CROCKETT

WEDNESDAY, SEPTEMBER 16, 1964

Senator Thomas J. Dodd, vice chairman, presiding.

Also present: J. G. Sourwine, chief counsel.

(Mr. Crockett was previously sworn.)

* * * * *

Mr. SOURWINE. Sir, near the end of the previous session at which you testified, you told us that all of the files in Mr. Otepka's office, including the files with respect to a project for updating the records of certain top level employees of the Department had been returned to central files. Do you remember?

Mr. CROCKETT. This is my understanding, yes.

Mr. SOURWINE. Earlier at the same session, you had stated that none of the material in Mr. Otepka's files had been marked "Non-current" and shipped out or sent to dead files.

Mr. CROCKETT. I don't know whether I said none, but perhaps I did.

Mr. SOURWINE. Well, I am not attempting to put words in your mouth.

Mr. CROCKETT. I am not personally familiar with all the stuff in it, nor can I speak with real personal knowledge of any of it, because I didn't actually see any of it.

Mr. SOURWINE. I understand.

Mr. CROCKETT. I would not want to say that everything in the files was sent to the central file, because I understood there was a lot of what you might call office notices and really trash that perhaps were just thrown away. So I wouldn't want to give the impression that it was all sent to central files, but all pertinent material was sent to central files.

Mr. SOURWINE. Somebody had discretion to make the separation?

Mr. CROCKETT. That is right.

Mr. SOURWINE. Who did that?

Mr. CROCKETT. I don't know. At one time, we thought of doing it with Mr. Otepka and with the person in charge of the security central file.

Then this was changed and I am not sure who finally did it, whether the man in charge of central files finally did it. I can check this and make sure the record reflects it.

Mr. SOURWINE. That would be fine.

(Mr. Crockett subsequently supplied the following:)

I asked Mr. French and Ambassador Flake to review the files that were formerly in the custody of Mr. Otepka. It had been brought to my attention that there were several "Top Secret" documents charged to Mr. Otepka which could not be located. In reviewing Mr. Otepka's files for these "Top Secret" documents Mr. French located the missing "Top Secret" documents and returned them to proper control. While searching for these documents Mr. French noticed current files and studies which should be in the central files so they would be available. I then instructed Mr. French to insure that the necessary operating files were returned to the central files and that an inventory be made of those files returned. This was done and only the material which was necessary for the day-to-day functions for the Office of Security was returned to the files. Any and all personal files, memorandums, notes, duplicates, or copies were left in the files and are currently there under lock. I do not have any knowledge of any files being destroyed, shipped out, or sent to "dead" files.

Can you say whether there are noncurrent files or dead files or both maintained in central files?

Mr. CROCKETT. I cannot say. I would assume that there are a certain number of dead files maintained for, let us say, a period of time before they are sent to what you might say is a dead file. But I would like to make this part of the record, if I may, too.

Mr. SOURWINE. Very good.

(Mr. Crockett later furnished the subcommittee with the following information:)

All files maintained in central SY files are considered current or noncurrent. Several categories of dead files are stored at the Federal Records Center in Alexandria, Va.

Mr. SOURWINE. Let me say, sir; that I hope you understand that, in the correction of this testimony, you can add anything you want to it, or clarify it any way you want to.

Mr. CROCKETT. Thank you very much.

Mr. SOURWINE. The object is to make you speak truly, not to catch you in an inadvertence that would make you look bad.

Mr. CROCKETT. It isn't a matter of inadvertence. It is a matter of just detail of which I wouldn't have any knowledge. I wouldn't pretend to know all the detail, nor should I know. I wouldn't be doing the job I am supposed to do if I knew all these details. I am interested in them in terms of the fact, and this will give me an opportunity to look at them, but they are not things that I would normally, in the course of my job, have any reason to notice.

Mr. SOURWINE. I am glad to say for the record, Mr. Crockett, that it has appeared to me in your prior examination that you have been very careful in segregating what you do know and what you don't know and not claiming knowledge that you don't have and in speaking fully as to the knowledge that you do have.

Mr. CROCKETT. Thank you.

Mr. SOURWINE. Can you say whether any of the material that was in Otepka's files and which was sent to central files has been placed in a noncurrent status or in what might be termed a "dead file"?

Mr. CROCKETT. The material from Mr. Otepka's cabinets was transferred to the central SY file room and placed in a specially reserved cabinet. A procedure file, personnel security file, and several missing files were returned to central files. The balance of material, which has been fully itemized, is awaiting formal authorization for integration into central files.

Mr. SOURWINE. Can you say whether all the material that was in Otepka's files and which you told us had been disseminated to central files of the Office of Security might not have been placed in dead files or noncurrent files?

Mr. CROCKETT. You said all of it?

Mr. SOURWINE. Yes.

Mr. CROCKETT. I can only say that I was told that it was not. But for instance, the top secret material found there that had been the subject of a search over a period of months. I am sure this went back to the area where it was supposed to repose.

Mr. SOURWINE. In other words, some of these files went, or at least may have gone to some area in the Department other than central files?

Mr. CROCKETT. Perhaps so. They are like the top secret material.

Mr. SOURWINE. They don't have that classification of files in central files?

Mr. CROCKETT. Yes, they do. I am sure they have some of this.

But as I understood it, this kind of top secret material finally goes back to the Department central files and not organization central files.

(Mr. Crockett later furnished the following information:)

Several cabinets of material are located in the area occupied by the Division of Evaluations. Disposition and/or determination as to destruction and/or relocation of this material has not been made to date.

Mr. SOURWINE. Oh, I see. And it was to SY central files that they went originally?

Mr. CROCKETT. It was to the—we are talking now about Security Office central files and not the Department's central files.

Mr. SOURWINE. Yes, that is why I said SY.

Mr. CROCKETT. Right.

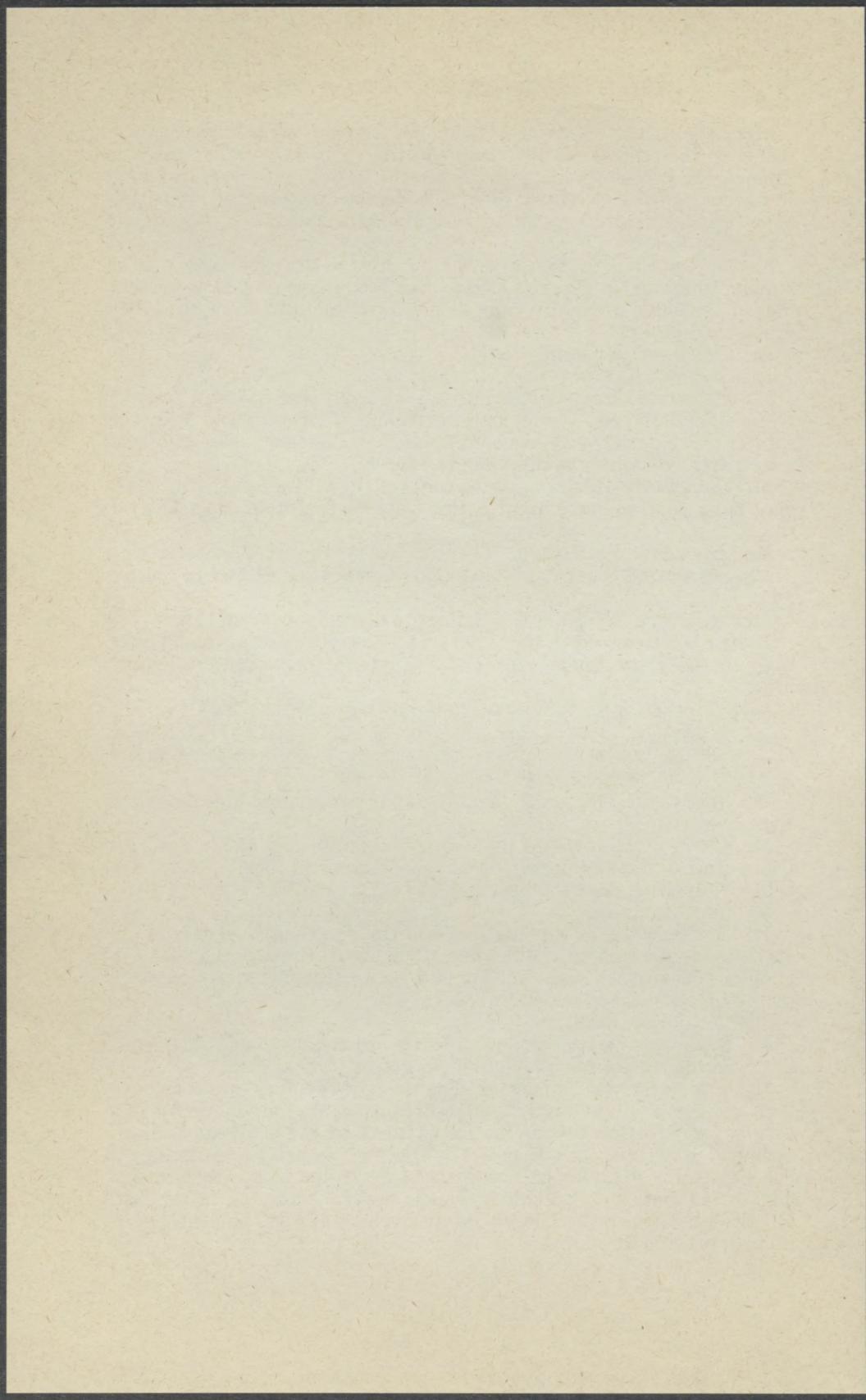
Mr. SOURWINE. Could you also check this final point when you are checking your transcript: Whether, perhaps, all the files that were in Otepka's office, which were not found to be worthy of destruction, were sent to the Security Office central files?

Mr. CROCKETT. Right.

Mr. SOURWINE. With the view of further dissemination if the people, in examining them, felt they ought to go somewhere else?

Mr. CROCKETT. No papers or files in Mr. Otepka's cabinets have been destroyed. On March 2, 1964, arrangements were made for Mr. Otepka, a representative of the Department of State (Records Management Staff) and an officer of the Office of Security to examine all the material in Mr. Otepka's cabinets to determine proper disposition. This examination terminated within several minutes, after Mr. Otepka's insistence that he record and take notes on the contents of all papers being examined.

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TESTIMONY OF OTTO F. OTEPKA, CHIEF, DIVISION OF
EVALUATIONS, DEPARTMENT OF STATE

MONDAY, AUGUST 12, 1963

U.S. SENATE,
SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE
INTERNAL SECURITY ACT AND OTHER
INTERNAL SECURITY LAWS, OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:50 a.m., in room 2300, New Senate Office Building, Senator Hugh Scott presiding.

Also present: J. G. Sourwine, chief counsel, and Frank W. Schroeder, chief investigator.

(Mr. Otepka was previously sworn.)

* * * * *

Mr. SOURWINE. You will remember previous questioning of you about the shifts of functions away from the Division of Evaluations. Your testimony at that time was that security files had not been physically moved and that you still had access to those files. The situation, of course, has changed in the latter respect, at least, because you told us you now have access to no files. And that you may get files only through the Office of the Director.

Have the files been moved or are they still physically where they were before?

Mr. OTEPKA. To my knowledge the security files of the Office of Security are still in the same location. However, consideration is still being given to the separation of so-called intelligence files from security files.

Mr. SOURWINE. What is the difference?

Mr. OTEPKA. To me none. I think the intelligence files which over the years have been intermingled with the security files are an integral part of those files and it is virtually a physical impossibility and also it is unwise to attempt to segregate them and transfer them elsewhere.

Mr. SOURWINE. Are you familiar in general with the way the files are run and kept in the Office of Security?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Is all the material respecting a particular individual in a single file?

Mr. OTEPKA. No, sir.

Mr. SOURWINE. Ten years ago, you may remember the testimony before the Government Operations Committee showed that there might be as many as 11 different places where information on a particular individual could be found. Does this situation still persist today?

Mr. ОТЕРКА. I think that—and by the way, we are talking about, I am sure, personnel files there, because that is what the committee was looking—

Mr. SOURWINE. Yes, that was personnel files.

Mr. ОТЕРКА. There was a great deal of security information in personnel files which were spread all over the lot.

Mr. SOURWINE. Yes. Has that been cured?

Mr. ОТЕРКА. I think that has been substantially cured.

Mr. SOURWINE. Now, what has become of the practice—and has it been cured—the practice of extracting or abstracting from security files information of a particular kind such as respecting sexual deviation or aberrance, or such as respecting contacts with Russians and other Soviet civilians, and keeping this at some place separate and apart from the security file on the individual?

Mr. ОТЕРКА. Well, No. 1, with respect to files on individuals involved in acts or alleged acts of sexual perversion, those records are kept separately in the Division of Investigations. They are not a part of the central files of the Office of Security.

Mr. SOURWINE. Is there a cross-index reference or some other flag in the central file to show that there is information of this nature in the file in Investigations?

Mr. ОТЕРКА. The cross-index is on the main file on the individual in the file room, making reference to the—

Mr. SOURWINE. Security file?

Mr. ОТЕРКА. Yes.

Senator SCOTT. How many such cases of alleged sexual deviation are currently pending?

Mr. ОТЕРКА. I will have to do some guessing on that, sir. Taking the example which I cited earlier this morning: we removed 24 individuals—24 employees—last year for homosexual activity. I would say that we probably have up to 75 cases of such allegations pending.

Senator SCOTT. Have you had any adjudicated cases, where you have evidence or admissions of sexual deviations, where the individuals are still in the Department?

Mr. ОТЕРКА. Yes, sir; I have seen such cases where the individuals are still employed.

Senator SCOTT. What about the figures as to pending security cases involving alleged contact with Communist agents or operatives or Communist front groups?

Mr. ОТЕРКА. Well, the jurisdiction for those investigations lies exclusively with the FBI. I don't think I should guess on that without going back and checking.

Senator SCOTT. I would like you to check.

Mr. ОТЕРКА. I would say there is a dozen, at least a dozen of those cases pending right now.

Senator SCOTT. How many adjudicated cases are pending where you have confessions, admissions, or uncontroverted proof of such contacts, where the individuals are still employed by the State Department?

Mr. ОТЕРКА. When you are speaking of these contacts, sir, are you excluding normal official contacts on the part of State Department?

Senator SCOTT. Yes, of course. I am excluding all official, proper or regularized contacts.

Mr. OTEPKA. There are some cases, sir, but I could not at this time give you that figure.

Senator SCOTT. Could you give us some information later on it?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. Where will you get it, Mr. Otepka, if you haven't access to the files and nobody in Evaluations can give you information? Don't you mean you can get it if your Chief will let you have it?

Mr. OTEPKA. I can get it by requesting it from Mr. Reilly.

Mr. SOURWINE. If he will give it to you.

Mr. OTEPKA. Yes.

Mr. SOURWINE. It might be worth trying, Mr. Chairman.

Senator SCOTT. I think I will direct that it be tried.¹

Mr. SOURWINE. Mr. Otepka, are records with regard to contacts with Russians and other Soviet civilians ever separated from the main files and kept elsewhere?

Mr. OTEPKA. Again, are we excluding proper official contacts?

Mr. SOURWINE. Yes.

Mr. OTEPKA. Not to my knowledge.

Mr. SOURWINE. How about cases of alleged compromise by a person of the opposite sex from the Soviet Union or Iron Curtain countries? That information would be always in the central file?

Mr. OTEPKA. I will say this, Mr. Sourwine, that we are getting into an area there involving employees of the Office of Security and, in such cases, the Director of the Office of Security has exercised his prerogatives on maintaining data of that nature separately, and I have run across instances where such data was not made available to me in connection with the evaluation.

Mr. SOURWINE. What are these "prerogatives" you refer to? Is there no requirement that information be kept in the files?

Mr. OTEPKA. Well, I said his "prerogatives," and I assume that he feels he has them, in the capacity of being the No. 1 man in the organization.

Mr. SOURWINE. Well, "prerogative" by definition, I think you will find, is a right to do something by virtue of position. If you do something that you do not have the right to do, this is not the exercise of prerogative and that is what I was trying to make clear for the record.

Is there any right vested by official authority in the Director of the Bureau to withhold information from the files in this way?

Mr. OTEPKA. I would not think so, sir.

Mr. SOURWINE. Is it not just that he assumes the power because he is running things?

Mr. OTEPKA. (No audible response.)

Mr. SOURWINE. Mr. Reilly testified before us that when certain allegations against a named individual who heads a division in the Office of Security had been received by him, they had been kept by him out of that man's file because he (Mr. Reilly) felt they should not be in the file. When the Civil Service Commission representative, in the performance of a lawful responsibility to check on security functions—performance—in the Office of Security, asked for that file, it was given to him without the withheld information and without any

¹ Frederick G. Dutton, Assistant Secretary of State for Congressional Relations, advised the committee on Jan. 27, 1964, that that data could not be supplied because of the Presidential directive of Mar. 13, 1948, concerning secrecy of loyalty reports.

indication that there was information withheld. We asked Mr. Reilly if he thought this was right and proper and that he had a right to do it, and he said, "Yes, we are running the State Department."

Do you concur with this view?

Mr. ОТЕПКА. No, I do not.

Mr. SOURWINE. The Civil Service Commission was entitled to that information, was it not?

Mr. ОТЕПКА. Absolutely.

Mr. SOURWINE. And the failure to tell its representatives that it existed was in a perfectly true sense, a fraud on the Civil Service Commission, wasn't it? It was a withholding of information where there was a duty to give it?

Mr. ОТЕПКА. Yes, sir. The Civil Service Commission has the responsibility to inspect the manner in which Executive Order 10450 is being implemented, and in that process they may request and be given permission to review any file.

Mr. SOURWINE. Yes.

Senator SCOTT. May I ask, Mr. Sourwine, whether Mr. Reilly testified that he acted under any right of authority, under a statute or regulation?

Mr. SOURWINE. No, sir. His excuse was: "I had a perfect right to do it. We are running the State Department." And I said, "Who do you mean by 'we,'" and he replied: "There is a man named Rusk."

Do you know of any other intelligence, Mr. Otepka, which is withheld, or not correlated, because not properly captioned, or is otherwise unavailable when a man goes to the central files to look for it?

Mr. ОТЕПКА. I have been aware, of course, for a long time that so-called intelligence data, that is, that information which came to us from intelligence agencies such as the FBI and the CIA, domestic subversion, sabotage, espionage, and the like, had not been fully correlated with our security files, and I was given a specific assignment to undertake this correlation in November 1960, and unfortunately that undertaking was abandoned or suspended with the reduction in force that took place beginning in November 1961. That job is undone. I have—I did uncover many examples of lack of correlation of intelligence data—with respect to employees of the Department of State—with the security files on those employees.

Mr. SOURWINE. How long would it take, with what size force, to do that job adequately?

Mr. ОТЕПКА. We had estimated, sir, that, assuming we had good files, assuming that we first put our files in good order and had good personnel working in the file room, that this job of proper correlation which, of course, would have also consisted of a review from the top on down of the file of every officer of the Department, that we could have accomplished this thing within 2 years, using five or six officers.

Senator SCOTT. Could you have accomplished it within 1 year using a different number of officers?

Mr. ОТЕПКА. Yes, sir.

Senator SCOTT. How many would it have taken to accomplish the job in 1 year?

Mr. ОТЕПКА. I think with seven good evaluators, we could have accomplished that entire review in 1 year.

Mr. SOURWINE. Five for 2 years and seven for 1 year?

Mr. OTEPKA. Yes. Well, my estimates on the five were predicated on the personnel available to me.

Mr. SOURWINE. You mean if you could go out and pick seven men.

Mr. OTEPKA. If I could go out and pick seven good men, yes.

Mr. SOURWINE. You could do it in a year?

Mr. OTEPKA. This would be a reevaluation, too, sir.

Mr. SOURWINE. At a total cost to the Government of what?

Mr. OTEPKA. Well, let's see. Figure the average salary now about \$9,000, I guess.

Mr. SOURWINE. All right. For less than \$75,000, then, roughly, you could do this job in a year?

Mr. OTEPKA. Yes.

Mr. SOURWINE. Wouldn't it be of inestimably greater value to the Government to have the job completed?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. You couldn't put a monetary value on it, but it certainly is worth more than \$75,000, isn't it?

Mr. OTEPKA. Yes.

Senator SCOTT. In other words, the present situation at the Department of State is that the information in the intelligence and security files lacks correlation to a degree which would allow the possible exertion of pressure by hostile agents against personnel through blackmail pertaining to sexual deviations, or through other methods pertaining to the possible insecurity of persons presently on the records, and make possible, or perhaps invite, the occurrence of quite dangerous breaches in our security within our Foreign Service. Isn't that right?

Mr. OTEPKA. I would say that is a fair statement, sir.

Senator SCOTT. Carrying it beyond that, having in mind the British problems of Burgess, McLean, Philby, and others, is anybody in the Department of State in a position to say honestly that the same situation could not occur right now in the American State Department?

Mr. OTEPKA. I don't think a single person in the State Department should make such a statement at this time.

Mr. SOURWINE. Do you know of any ramifications of the Profumo case in this country?

Mr. OTEPKA. I have no direct knowledge at this time but I was looking into the matter in line with the terms of reference assigned me.

Mr. SOURWINE. Well, you know, do you not, that a number of young women, some of whom are still in New York, were operating in New York in connection with United Nations personnel?

Mr. OTEPKA. Yes, sir.

Mr. SOURWINE. You know there have been reports that American nationals, including members of our delegation to the United Nations, were involved with some of these young women? You had no opportunity to check this out to see whether it was true or untrue?

Mr. OTEPKA. I have had no opportunity, but I was giving consideration to the matter, setting up records for that purpose.

Mr. SOURWINE. At the time——

Mr. OTEPKA. Of my detail.

Mr. SOURWINE. Yes.

Senator SCOTT. Do you have any knowledge as to whether or not it is a fact that Christine Keeler was over here for at least a week in association with one or more girls of similar reputation in the vicinity of the U.N., or operating in that neighborhood? Do you know anything of that?

Mr. OTEPKA. No, I do not. But I read in the paper several weeks ago that her visa and that of Mandy Rice-Davies were withdrawn.

Senator SCOTT. Withdrawn, yes. Do you know whether this was after she had been to this country, or before?

Mr. OTEPKA. I think this was after she had been to this country.

Senator SCOTT. And do you know of her contacts with a woman named Novotny?

Mr. OTEPKA. No, sir. Only what I saw in the newspapers, but I was collecting that data for use in researching it through Department records.

Senator SCOTT. Did anyone in the Department of State know that you were collecting data pertaining to personnel connected with the Profumo affair?

Mr. OTEPKA. I don't think so.

Senator SCOTT. That is all I have.

Mr. SOURWINE. Mr. Otepka, you used language a while ago which indicated or might not have indicated some feeling that the present files are not all they might be, that the personnel in the file room might not be adequate. Did you have any thoughts along those lines?

Mr. OTEPKA. Well, let's begin by saying this: There has been a considerable improvement made in the organization of the files in the main file room. There is still—

Mr. SOURWINE. During what period of time, this improvement?

Mr. OTEPKA. Beginning in January—it began earlier than that. Pardon me—beginning in March 1961.

Mr. SOURWINE. What signaled the beginning of this improvement? Was there some change in personnel?

Mr. OTEPKA. I was assigned by Mr. Hanes¹ in connection with this special reviewing operation to take steps to reorganize the files, first of all physically, so they could be more accessible and more useful. Then we also undertook a classification survey to assure that we had a better caliber of people working in the file room, and I recommended and received approval to appoint two archivists—that is, two professional file specialists.

Mr. SOURWINE. At that time you were Deputy Director?

Mr. OTEPKA. That is right, and working on this special operation. And we did make improvements but, of course, the reduction in force terminated that fulltime undertaking. I think there is a lot more to be done with respect to our security files.

Mr. SOURWINE. Mr. Otepka, would it be possible to staff the Office of Security, including oversea staffing, without utilizing Foreign Service officers for any duties involving evaluation?

Mr. OTEPKA. There is a lot of argument on that point but my opinion would be that it would be possible to have better security if we didn't have to staff our positions—

¹ The Honorable John W. Hanes, Jr., served as Administrator of the Bureau of Security and Consular Affairs from Jan. 9, 1959, through Jan. 20, 1961, and as consultant to the Bureau from Mar. 8, 1961, through Sept. 29, 1962.

Mr. SOURWINE. Well, that is a different point. The question I am asking is whether you do have to staff them with Foreign Service officers.

Mr. OTEPKA. No, we do not.

Mr. SOURWINE. The question is whether there is any requirement or need for Foreign Service officers in positions which involve evaluation.

Mr. OTEPKA. No, sir.

Mr. SOURWINE. Every job of that nature could be done by an individual not a Foreign Service officer.

Mr. OTEPKA. It certainly could be.

Mr. SOURWINE. Off the record, please.

Senator SCOTT. So ordered.

(Discussion off the record.)

* * * * *

TESTIMONY OF WILLIAM O. BOSWELL

MONDAY, FEBRUARY 17, 1964

Senator Roman L. Hruska presiding.

Also present: J. G. Sourwine, chief counsel, and Benjamin Mandel, director of research.

For the Department: Richard A. Frank, observer.

(Mr. Boswell was previously sworn.)

* * * * *

Mr. SOURWINE. During your tenure as Director, was there any problem of homosexuality among the employees of the Department?

Mr. BOSWELL. Yes, always problems of that.

Mr. SOURWINE. This was a substantial amount?

Mr. BOSWELL. Not—these things are comparative. Compared to a number of years ago I would say, no, it was not substantial. I don't recall the figures but every year when we go to Mr. Rooney's Committee on Appropriations, we give the figures there.

Mr. SOURWINE. It is a continuing thing, isn't it?

Mr. BOSWELL. It is a continuing thing. I think in proportion it is considerably less than it was some time ago.

Mr. SOURWINE. It takes a lot of time and a lot of effort is put into it to continue to try to weed these people out?

Mr. BOSWELL. Yes, sir.

Mr. SOURWINE. And you get a substantial number each year? More than 1? More than 10? More than a dozen? More than 20?

Mr. BOSWELL. I think in my time it ran around 20, 25 employees.

Mr. SOURWINE. You don't recall any of the figures for 1959, 1960, 1961?

Mr. BOSWELL. No. But it would be very easy to get them.

Mr. SOURWINE. May the order be that the figures be inserted for that year?

Senator HRUSKA. Very well.

(In a letter dated March 5, 1964, addressed to Senator James O. Eastland, as chairman, Mr. Frederick G. Dutton, Assistant Secretary of State, reported that the number of employees separated from the

Department after indications of homosexuality were disclosed, were, for the years requested: 1959, 18; 1960, 16; 1961, 24.)

Mr. SOURWINE. What would you think of a Foreign Service officer of some years' experience who stated that he had no knowledge of any homosexual problem in the Department?

Mr. BOSWELL. He might not have any personal knowledge of it but he certainly should know that there is a problem. Everyone knows. There has been enough publicity about this.

Mr. SOURWINE. If he has been a security officer, he should have had personal opportunity to know it.

Mr. BOSWELL. Most security officers have an opportunity. Not all.

Mr. SOURWINE. There are posts where this is no problem?

Mr. BOSWELL. Oh, yes. Many posts where it is not—let me put it this way: it is not an active problem. It is a problem, always one of concern.

Mr. SOURWINE. All right. Are there any files containing security information, or any other information respecting State Department employees, presently in your possession or being maintained or retained for you?

Mr. BOSWELL. No, sir. I didn't take one piece of paper from that Department when I left.

Mr. SOURWINE. Nobody is holding anything for you?

Mr. BOSWELL. No, sir.

Mr. SOURWINE. I have no more questions, Mr. Chairman.

Senator HRUSKA. Very well. The witness is excused subject to—

Mr. SOURWINE. I should like to say something on the record. I am sure the committee appreciates Mr. Boswell waiting over. He was expecting to go back to Cuba, I believe—

Mr. BOSWELL. I beg your pardon, Cairo.

Mr. SOURWINE. Cairo. I am sorry. And we may have caused him an extra day's delay in leaving.

Senator HRUSKA. Off the record.

(Discussion off the record.)

Senator HRUSKA. Thank you, Mr. Boswell, for appearing here before the committee.

Mr. BOSWELL. Thank you very much, Mr. Chairman and counsel.

(Whereupon, at 12:35 p.m., the subcommittee was in recess, to reconvene subject to the call of the Chair.)

**TESTIMONY OF HARRIS H. HUSTON, AMERICAN CONSUL GENERAL,
CURACAO, NETHERLANDS ANTILLES, DEPARTMENT OF STATE**

TUESDAY, MARCH 3, 1964

Senator John L. McClellan presiding.

Present: Senators McClellan and Hugh Scott.

Also present: J. G. Sourwine, chief counsel; Benjamin Mandel, research director; and Frank W. Schroeder, chief investigator.

For the Department: Richard A. Frank, observer.

(Mr. Huston was previously sworn.)

* * * * *

Mr. SOURWINE. Mr. Huston, during your assignment in the Bureau of Security and Consular Affairs, do you know if the Department continually had to cope with the problem of homosexuals?

Mr. HUSTON. Well, I think that is true; yes.

Mr. SOURWINE. What can be done to prevent the employment of homosexuals by the Department of State?

Mr. HUSTON. I can only address myself to the situation as of the time I left.

Mr. SOURWINE. Well, you dealt with the problem at that time, and you must have given it considerable thought.

Mr. HUSTON. And as of that time I felt that, in that particular area, we were probably more effective than we were in many others. In other words, I think we had a better chance of preventing a homosexual from coming into the Department than we would a Soviet agent.

Senator McCLELLAN. Are they easier detected? It is easier to establish their practices than it is the philosophy of someone who may be following—

Mr. HUSTON. That is right.

Senator McCLELLAN (continuing). —the Kremlin line?

Mr. HUSTON. I think that is true. I think that is quite true.

Mr. SOURWINE. You say the Department was successful, but it must be a relative success, since every year there is a report of a substantial number of homosexuals who are weeded out after they had been employed. That is true, isn't it?

Mr. HUSTON. That is true. That is true.

Mr. SOURWINE. One year it will be 46, the next year 43 or some larger or smaller number. I was talking about what can be done, if anything, to prevent the employment of these people in the first place. Obviously, if you did not employ them, you would not have the problem of weeding them out. Do you know of any way to substantially prevent the employment of homosexuals by the Department?

Mr. HUSTON. No. I am not qualified to speak to this because I do not know enough about the procedures that they use in the training of people who do the interviewing and are on the panels set up to interview applicants or how the determinations are made as to who will be employed. I assume that there might be some room for improvement in that area, but I really do not know. But as far as the investigation of them is concerned or the effort made to determine at the time whether they are or are not, I can recall only one way in which maybe an improvement could have been made. At one time, at least, I felt that the timing on the investigation and the personnel people having access to the results of the investigation was not as well coordinated as it should be. The interviewing Foreign Service officers did not have available to them, when interviewing an applicant, the information that was developed as a result of the investigation.

Mr. SOURWINE. Mr. Huston, you know, do you not, of the success which has been obtained in this regard in at least one agency of the Government by the use of the polygraph?

Mr. HUSTON. I understand that is true; yes.

Mr. SOURWINE. So you think that it might be both helpful and feasible to utilize the polygraph in connection with the employment

of State Department people above a certain grade as a means of avoiding employment of homosexuals?

Mr. HUSTON. I have always favored the use of the polygraph, and I—

Mr. SOURWINE. It is not now used in the Department, is it?

Mr. HUSTON. I think in some instances, but not by Department personnel. I think the Department has, on occasion, had outside help in the use of the polygraph. I don't believe it has any qualified operators itself.

I, personally, have never been able to understand the objections people have to the use of it. I do not think I would ever have any reluctance to submit myself to one. While I recognize its limitations from a legal standpoint in courts, as far as the admissibility of evidence derived from it is concerned, I still feel it is a useful implement and can be helpful in connection with security.

Mr. SOURWINE. It has been established, has it not, through trial, that the use of the polygraph does frequently cause homosexuals to expose themselves, to confess their predilection, and thus eliminate themselves?

Mr. HUSTON. I think that is true.

Mr. SOURWINE. Well, its use, not as a matter of evidence against anybody but as an investigative technique to help to cause people of this type to eliminate themselves, could be of substantial value.

Mr. HUSTON. I think so.

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**TESTIMONY OF DAVID I. BELISLE, EXECUTIVE SECRETARY,
PERSONNEL PANEL, DEPARTMENT OF STATE**

WEDNESDAY, JULY 29, 1964

Senator Thomas J. Dodd, vice chairman, presiding.

Also present: J. G. Sourwine, chief counsel.

For the Department: Richard A. Frank, observer.

Senator DODD. The committee will be in order.

Mr. SOURWINE. Mr. Belisle has testified before.

Senator DODD. Very well.

Mr. SOURWINE. Mr. Belisle, what is your present position?

Mr. BELISLE. I am executive secretary to the Personnel Panel and to the Advisory Review Board.

Mr. SOURWINE. Of the State Department?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. When were you transferred to this job?

Mr. BELISLE. Well, actually, I left Security on the 22d of November, when I went on military leave. I haven't had anything to do with the running or management of the Office of Security since that time.

Mr. SOURWINE. When you got back to the Office of Security, then you went into your new position?

Mr. BELISLE. When I got back from military training.

Mr. SOURWINE. Is that under Mr. Crockett?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. Is your salary now the same as it was before?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. What are your duties in your present job?

Mr. BELISLE. My duties are to prepare the cases for review by the Panel. The Advisory Review Board handles the more difficult and the higher officers' security and suitability cases, personnel cases, and the Personnel Panel handles all the security and personnel disciplinary actions. No disciplinary personnel actions are taken in the Department at this time without the approval of the Panel.

Mr. SOURWINE. The Panel you spoke of is primarily concerned with security cases?

Mr. BELISLE. Both, sir.

Mr. SOURWINE. And you prepare both?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. Are you the last person in responsibility to see that a case is properly prepared for the Panel?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. Who is your immediate supervisor?

Mr. BELISLE. Mr. Crockett.

Mr. SOURWINE. You report directly to him?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. Have you served at any time, or had anything to do with, a project for reviewing or updating the security files of top-level security personnel in the State Department?

Mr. BELISLE. No, sir. Well, as part of my duties as executive secretary for the Advisory Review Board; I have looked over some of these files, but to say that I have had it as a project; no, I have taken certain cases.

Mr. SOURWINE. Do you have authority to make any decisions about what cases go to the Review Board?

Mr. BELISLE. Well, I have, on my own, let's say, prepared cases for the Board.

Mr. SOURWINE. You exercise in this area the authority that Mr. Crockett has and has delegated to you?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. Have you had anything to do with a project for reviewing or otherwise dealing with a group of certain top-level personnel cases which Mr. Otepka had listed for review as needing review?

Mr. BELISLE. I have been over some of those, yes, but I have had nothing—

Mr. SOURWINE. You know the group of cases I'm referring to?

Mr. BELISLE. Yes. I have had nothing—well, let's put it this way. To answer your question, have I had anything to do with reviewing and updating; no. I have looked over some of those cases to present them to the Panel.

Mr. SOURWINE. Is there a project for reviewing those cases or analyzing that group, or list, of cases that Otepka had that was found in his files after he was transferred out?

Mr. BELISLE. Right now? I don't know, sir.

Mr. SOURWINE. You do not? Has there been such a project since they were filed?

Mr. BELISLE. I only know what I heard. I heard that they started the group working on that, and then they stopped.

Mr. SOURWINE. You had nothing to do with that at the time?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Mr. Belisle, have you had from the Department any evidence of departmental dissatisfaction in any way with your testimony before this committee?

Mr. BELISLE. No, sir.

Mr. SOURWINE. There has been no reprimand of you or anything of that sort?

Mr. BELISLE. No, sir. I am not in the Office of Security.

Mr. SOURWINE. I understand. It has been reported, Mr. Belisle, that the State Department told representatives of the American Legion in mid-January of this year that 26 persons had been discharged from the State Department because of homosexual practices in the preceding 90 days. Do you have any information about this?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Do you currently have any information with respect to the incidence of this particular security problem in the Department? The problem of homosexuality?

Mr. BELISLE. I don't know as I understand what you mean.

Mr. SOURWINE. Well, are you presently familiar with the incidence of this, whether it is worse or better or as serious as it was, or less serious or more serious?

Mr. BELISLE. I can only say that I know the cases that go before the Panel and the cases where the Panel is advised that someone has been let go for this reason.

Mr. SOURWINE. I don't mean to ask about any particular cases. You do still have such cases?

Mr. BELISLE. Oh, yes.

Mr. SOURWINE. And you have noted, have you, or have you not, any appreciable increase or decrease in the number of such cases?

Mr. BELISLE. Really, I find it difficult to answer that question. I really don't know.

Mr. SOURWINE. Then nothing has called itself to your attention in that regard?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Sir, I have a little clipping here from the Washington Post of November 18, 1963, captioned "Job Test Withdrawn by State Department" and it refers to certain psychological tests for code clerks. I presume you saw that at the time it was printed?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. Can you tell us, sir, who put those tests into effect?

Mr. BELISLE. Well, let me give you a little background on this.

Senator DODD. Could I see that?

Mr. SOURWINE. Certainly.

Mr. BELISLE. These tests were devised for testing code clerks.

Mr. SOURWINE. Yes, sir?

Mr. BELISLE. Mr. Reilly has talked to the medical people on this and—gee, to answer your question who put them in effect, I really don't think we ever got them into effect as such. I know that they were sent out and the idea was that the investigator, when he inter-

viewed the applicant, would give him this test, the applicant would then fill out the test, it would be put in a sealed envelope and sent to the Medical Division. After much discussion, the decision was made that that was not, according to the doctors, considered valid. They had to have it—you take the tests, and after you took the test, they evaluate it and then you talk to the psychiatrist. So at that time, we withdrew the tests, if you will, from the field offices.

Now, I know that there were some tests given in the Department. But your question was who authorized it?

Mr. SOURWINE. Yes. This news story, I'll call your attention to says "The tests in use less than a month have been called back, David I. Belisle, Department Security Officer, said yesterday." Which would indicate that they had been in use for a short period of time, and I was trying to find out how they got put into use.

Mr. BELISLE. I don't think that they had been in use in the field. I think that they had been in use in the Department.

Mr. SOURWINE. I see. On an experimental basis, perhaps?

Mr. BELISLE. Right.

Mr. SOURWINE. Then you found bugs in the program and called it back?

Mr. BELISLE. I think the bug was that they decided it was not valid to give it to someone up in Boston and then he would come down to the Department, let's say, for employment a month later and then have the psychiatrist talk to him then.

Mr. SOURWINE. Sir, was it on your authority that they were withdrawn?

Mr. BELISLE. Yes, it was on my authority that we withdrew the tests from our field office.

Mr. SOURWINE. Yes, sir.

Mr. BELISLE. Not the test as such.

Mr. SOURWINE. I understand.

Can a copy of the questionnaire that was involved in these tests be supplied to the committee for the record?

Mr. BELISLE. I don't know. To be honest with you, I have never seen it.

Mr. SOURWINE. Mr. Chairman, may there be a request that we have that?

Senator DODD. Yes.

(In a letter of October 7, 1964, to the Chairman, Assistant Secretary Lee wrote:)

All applicants for positions relating to communications are asked to complete a personal history questionnaire which, although reviewed by a consulting psychiatrist, could not be properly termed a "psychological test." This questionnaire, which was temporarily withdrawn during November 1963, is still being used by the Department. A Department official would be happy to show you a copy of this questionnaire at your convenience.

Mr. SOURWINE. May this clipping, which was spoken of, go into the record?

Senator DODD. Yes.

(The document referred to follows:)

[From the Washington Post, Nov. 18, 1963, p. A3]

JOB TEST WITHDRAWN BY STATE DEPARTMENT

(United Press International)

The State Department has decided to take a second look at its psychological tests for would-be code clerks. The tests were reported to be "too personal."

The tests, in use less than a month, have been called back, David I. Belisle, a Department security officer, said yesterday.

Belisle said he was not aware of any protests from job applicants about the searching questions but that personnel officers in the field said the tests should be recalled for possible revision.

The tests reportedly asked applicants about the emotional status of their married life, whether they had ever changed their religious faith, how they got along with their parents and whether they liked to be alone.

Belisle said the tests were for "medical information," and had nothing to do with security.

* * * * *

**TESTIMONY OF FREDERICK G. DUTTON, FORMER ASSISTANT
SECRETARY OF STATE FOR CONGRESSIONAL RELATIONS**

WEDNESDAY, JUNE 29, 1964

Senator Thomas J. Dodd, vice chairman, presiding.

Also present: J. G. Sourwine, chief counsel.

For the Department: Richard A. Frank, observer.

(Mr. Dutton was previously sworn.)

* * * * *

Mr. SOURWINE. You do know that there are security risks in the State Department, do you not?

Mr. DUTTON. No, I do not.

Mr. SOURWINE. Is it your opinion that there are none?

Mr. DUTTON. It is beyond my area of responsibility. I have not seen the classified files. It is irrelevant to my responsibilities.

Mr. SOURWINE. Do you read the testimony given before the Appropriations Subcommittees in support of the Department's budgets?

Mr. DUTTON. Sometimes yes, sometimes no. The responsibility within the Department, the testimony presentation before the two Appropriations Committees, is the Deputy Under Secretary for Administration's, rather than mine. It is the one area of congressional activity I don't have.

Mr. SOURWINE. Are you aware that Mr. John F. Reilly, who was then Deputy Assistant Secretary of State for Security, told the House Appropriations Committee on March 15, 1963: "During the current year, a total of 41 employees resigned in lieu of charges; 24 of these involving sex perversion and 17 involving other activities of a security nature, such as excessive drinking, psychiatric disorders, immoral conduct, and espionage or attempts at penetration."

Mr. DUTTON. I have no knowledge on that one way or the other. Obviously, the Department is always screening its employees, always trying to keep a tight security rein, and this is just the process of trying to do that.

Mr. SOURWINE. There are reports of this nature every year, and obviously the Department would not continue these efforts unless there was a security risk problem to be combated?

Mr. DUTTON. There is a security risk problem in any place where you are dealing with sensitive information. On those committees on the Hill where you're dealing with sensitive information, there is a need for constant vigilance.

Mr. SOURWINE. In this connection, Mr. Chairman, I'll ask for permission to offer for the record at this time a news story. This was clipped from the Shreveport Journal of November 19, 1963, which goes into some detail on this general point. I offer it only as evidence of what was publicly reported, not as evidence of fact or to bind this witness in any way.

Senator DODD. All right.

(The document referred to is as follows:)

[From the Shreveport Journal, Nov. 19, 1963]

THE NATIONAL SCENE—SECURITY RISKS STILL BEING WEEDED OUT

STATE DEPARTMENT SPOKESMAN DENIES "WITCH HUNTING"

(By Frank van der Linden)

WASHINGTON.—The State Department still is weeding spies, sex perverts, and other security risks from among its employees, despite claims to the contrary arising from the now-notorious Otto F. Otepka case.

When the Department recently dismissed Otepka as its chief security evaluator because he told too much to a Senate committee, the New York Times quoted an unidentified Department spokesman as explaining that Otepka was "out of step with the times."

"We are not witch hunting any more," the unnamed "spokesman" said. "We have no security risks and he knows it."

Otepka bitterly contradicted that claim in an interview. "I'd like to know who that 'spokesman' was," he said. "Every year the State Department tells a House Appropriations Committee about security risks removed from our payroll."

A transcript of the House committee's closed hearing last March 15 proves Otepka correct. John F. Reilly, Deputy Assistant Secretary for Security, testified then:

"During the current year, a total of 41 employees resigned in lieu of charges; 24 of these involving sex perversion and 17 involving other activities of a security nature, such as excessive drinking, psychiatric disorders, immoral conduct, and espionage or attempts at penetration."

Reilly also said: "There were 152 applicants rejected or dropped for consideration after the investigation developed information of a serious nature: 60 of these involved sex perversion and 92 of these involved general suitability."

"Of the conditional employees whose appointments were terminated prior to a final security determination under Executive Order 10450, there were 19. Of these, 16 involved sex perversion."

Thirty-one of the forty-one who resigned rather than face charges were Foreign Service officers.

Asked why so many sex deviates turned up in the State Department, Reilly replied: "For some reason they seem to be drawn to the attractiveness of overseas life * * * Perhaps they feel life is a little freer there, sir."

Otepka, 48, a Chicago native and a career security officer, helped to write Executive Order 10450, which set up the Eisenhower administration's security program. In his job, he passed preliminary judgment on the security status of more Government officials than any other man in Washington.

His 1960 efficiency report praised his long experience, broad knowledge of communism and its subversive efforts in the United States, and his "perspective, balance, and good judgment."

Yet the State Department recently fired him from his \$16,900 a year job on charges that he had given confidential documents to the Senate Internal Security

Subcommittee. He is appealing and says he will carry his fight all the way to the Supreme Court, if necessary.

Senators, ranging in views from the liberal Thomas Dodd, of Connecticut, to the conservative Strom Thurmond, of South Carolina, have denounced the State Department for dismissing Otepka.

Dodd said Otepka had been treated worse than someone suspected of disloyalty or espionage. Thurmond said State Department officials punished him for "telling the truth to a Senate committee."

"They tapped his telephone, but they denied under oath that they had done so," Thurmond said. "They 'bugged' his office. They secretly collected the trash from his wastebasket. They put a 'tail' on him."

Thurmond said the "coverup" proves "the pressing need for a full investigation of the State Department."

Otepka himself said: "They opened my safe and found information that I had collected against some State Department employees.

"They isolated me for months in an office where I was supposed to be writing a manual, but they gave me nothing to do. This is the technique of trying to drive you to quit, so you will have no appeal. But I refused to quit.

"My case is a warning, an object lesson to other State Department employees who might not toe the mark."

Three State Department officials who had categorically told the Internal Security Subcommittee they knew nothing about "bugging" Otepka's telephone, later changed their stories and confessed that they had not told the entire truth.

Elmer Dewey Hill, Chief of the Technical Services Division in the Office of Security, said that on March 18, Deputy Assistant Secretary Reilly "asked me to explore the possibility of arranging some way to eavesdrop on conversations taking place in Otepka's office."

That evening, Hill said, he and Clarence J. Schneider "altered the existing wiring in the telephone" in Otepka's office to pick up telephone conversations. On March 20, Hill said, Reilly told him to disconnect the wires because "he had found the type of information he was looking for" in Otepka's classified trash basket. Reilly claimed the trash revealed Otepka had furnished certain data to the Internal Security Subcommittee.

Mr. SOURWINE. I have no more questions of this witness.

Senator DODD. Very well.

All right, thank you, Mr. Dutton.

Mr. DUTTON. Thank you.

(The following is a portion of the interrogatory filled out by Mr. Raymond Laugel and returned to the committee March 2, 1965. See p. 984.)

QUESTION. Please read the attached exhibit, a photocopy of a news story which appeared in the Washington Post of November 18, 1963, under the headline "Job Test Withdrawn by State Department." Who put these tests into effect?

ANSWER. I do not know who put these tests into effect.

QUESTION. On what authority were they withdrawn?

ANSWER. I do not know, sir.

QUESTION. Were these tests in fact withdrawn; did they ever actually cease to be used?

ANSWER. I do not know.

QUESTION. If so, was the use of these tests resumed while you were stationed with the Department in Washington?

ANSWER. I do not know if the tests were resumed while I was stationed with the Department. In any case, they were not resumed by the Office of Security.

(The article from the Washington Post referred to above appears on p. 1016 of this volume.)

QUESTION. It has been reported that the State Department told representatives of the American Legion, in mid-January of this year, that 26 persons had been discharged from the State Department because of homosexual practices in the preceding 90 days.

Did you know about this report to the American Legion representatives?

ANSWER. I do know about an oral report to representatives of the American Legion. As I recall, a figure pertaining to homosexuals was given to the American Legion group in January 1964. I believe, however, that the figure encompassed the entire 1963 calendar year and not the preceding 90 days. I could be mistaken here, but I do not recall mention of a 90-day period.

QUESTION. Do you know if it is true that, as of mid-January 1964, 26 persons had been discharged from the State Department because of homosexual practices within the preceding 90 days?

ANSWER. I do not now know if this is true, sir. I do not know what the homosexual figure is for the 90-day period in question. This figure seems a little high because it is more than 50 percent of the total for the entire calendar year 1963. But I do not discount the possibility of the majority of such cases being discovered and processed during a particular 90-day period.

QUESTION. Do you consider homosexuality a serious security problem in the Department of State?

ANSWER. In my opinion, the presence of homosexuals in any sensitive agency, including my Department, is a serious security problem.

* * * * *

(The following excerpts from hearings before the Committee on Appropriations of the House of Representatives, on February 19, 1965, respecting appropriations for the fiscal year 1966 operations of the Department of State, subsequently were ordered into the record.)

SECURITY RISKS

Mr. ROONEY. What does the 1964 list of security risks uncover?

Mr. GENTILE. For calendar year 1964, Mr. Chairman, there were a total of 46.

Mr. ROONEY. In what categories?

Mr. GENTILE. Fourteen were for such things as immoral conduct, excessive drinking, psychiatric, falsification, and misuse of funds. The other 32 were homosexuals.

Mr. ROONEY. What was the highest grade among the 32?

Mr. GENTILE. FSO-2.

Mr. ROONEY. How long was he with the Foreign Service?

Mr. GENTILE. Since 1946, sir.

Mr. ROONEY. An FSO-2 is in what salary grade with allowances? At least \$20,000 a year?

Mr. PORTER. \$18,295 is the base.

Mr. ROONEY. And it goes up to what?

Mr. GENTILE. \$21,500.

Mr. ROONEY. In other words, his salary would be in the range between \$18,000 and \$21,000 and when you add allowances he would be a \$25,000 or \$26,000 a year gentleman or lady?

Mr. GENTILE. Gentleman.

Mr. ROONEY. It was a gentleman?

Mr. GENTILE. Yes.

Mr. ROONEY. What was the next highest grade?

Mr. GENTILE. Two FSO-3's.

Mr. ROONEY. Two FSO-3's?

Mr. GENTILE. Yes.

Mr. ROONEY. How long with the Department in each case?

Mr. GENTILE. One was in 1947 and one was in 1951.

Mr. ROONEY. Just so as to confine it to one question and answer, an FSO-3 is a pretty highly paid officer, is he not?

Mr. GENTILE. Yes, sir.

Mr. ROONEY. And the next highest grade?

Mr. GENTILE. FSO-4, sir.

Mr. ROONEY. How many of those?

Mr. GENTILE. One, since 1955.

Mr. ROONEY. And the next highest grade?

Mr. GENTILE. FSO-5.

Mr. ROONEY. How many?

Mr. GENTILE. Three, sir.

Mr. ROONEY. And the years in each case?

Mr. GENTILE. 1950, 1956, and 1957.

HOMOSEXUAL PROBLEM

Mr. ROONEY. When do you think you might get to the end of this homosexual and security problem in the Foreign Service? It seems to be getting worse each year.

Mr. GENTILE. No, sir. I think actually there were fewer this year than last year.

Mr. ROONEY. How many last year?

Mr. GENTILE. In the homosexual area in calendar year 1963 there was a total of 45, opposed to 32 this year, a drop of 13.

Mr. FLYNT. Were all of the 32 in the Foreign Service during 1963?

Mr. GENTILE. No. In calendar year 1964 the ones I am speaking of, of the 32 who left as homosexuals, 26 were in the Foreign Service and 6 were in the civil service.

Mr. CROCKETT. Off the record.

(Discussion off the record.)

Mr. ROONEY. Were any of these 32, of which 26 were Foreign Service officers—

Mr. GENTILE. They were not all officers. Of the 26, 12 were Foreign Service officers and 2 were Foreign Service staff officers and the other 12 were Foreign Service staff clerks.

Mr. ROONEY. Were the circumstances in any of these 32 cases such that you found them in contact with foreign nationals?

Mr. GENTILE. In some cases; yes.

Mr. ROONEY. How many?

Mr. GENTILE. I cannot tell you the exact number. Many times it involves both Americans and foreign nationals.

Mr. ROONEY. What about the case of the FSO-2?

Mr. GENTILE. I cannot answer that in that particular case. I can find it for the record, if you wish.

Mr. CROCKETT. Or off the record, Mr. Chairman.

Mr. ROONEY. Of the 46 security risks that you found, were any of them fired or were they all people who resigned when confronted with charges?

Mr. GENTILE. This, I think, comes out of personnel. How they left would be shown in the personnel records. I do not know how many resigned in lieu of charges.

Mr. PORTER. I think I can answer with reasonable confidence that they resigned. I am speaking now only of homosexuals.

Mr. ROONEY. Let me put the question this way: Have you preferred charges and fired any of these 46 people in the past year and, if so, how many and the reasons therefor?

Mr. CROCKETT. We will submit that for the record.

(The information follows:)

TERMINATION OF 46 SECURITY RISKS

Charges were not preferred by the Department of State against any of the 46 employees terminated as security risks. They all resigned.

TESTIMONY OF WILLIAM J. CROCKETT, DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION, DEPARTMENT OF STATE

WEDNESDAY, SEPTEMBER 16, 1964

Senator Thomas J. Dodd, vice chairman, presiding.

Also present: J. G. Sourwine, chief counsel.

(Mr. Crockett was previously sworn.)

* * * * *

Mr. SOURWINE. Do you consider homosexuality a major problem?

Mr. CROCKETT. It certainly is a major problem in the State Department. I suppose it is in all Federal employment, particularly overseas. But it is one of our major problems. And most particularly, I think, Mr. Sourwine, when these people, unbeknownst to us, get behind the Iron Curtain, I think this is an added risk.

Mr. SOURWINE. Not only there, but in any sensitive job, they are a risk, as Mr. McLeod so well explained before he died.

Mr. CROCKETT. This is without question. So we are giving our people more information on this and I talked to them the other day that, to the extent they let one of these fellows slip through, they are failing in their jobs. And we have to be more careful on this one.

Mr. SOURWINE. Of course, that is a very difficult area. What you say is of considerable interest. Mr. Schwartz, as I recall, told us he didn't know of any problem of homosexuality in the Department and was satisfied there weren't any in the Bureau of Security and Consular Affairs?

Mr. CROCKETT. I suppose if you ask any supervisor, Mr. Sourwine, he would say the same thing.

Mr. SOURWINE. I don't know how a man would know.

Mr. CROCKETT. He doesn't.

Mr. SOURWINE. I would think any supervisor or deputy assistant secretary in the security grade would know this is a problem, and that the only way you can be sure of such a person is to catch him and have him confess, and that is a matter for constant vigilance.

Mr. CROCKETT. It is constant.

Mr. SOURWINE. As the CIA says: "We don't know of any infiltration, but we have to assume there has been some." I think that would

be true of people of this unfortunate proclivity. We must assume there are some.

Mr. CROCKETT. Well, I don't know—

Mr. SOURWINE. Because every year you report 40, 50, 60 discovered.

Mr. CROCKETT. That is right, and I would say I even assume there may be some. I don't know them, but I know there may be some. But the time to get them is before they get in. And, therefore, this is the kind of pressure that we are putting on our security agents around the country and try to give them some understanding of the problem, deeper understanding, and some techniques that they can use, perhaps to be vigilant.

Another thing that we are doing in this regard is fairly basic. Maybe I shouldn't even mention it, perhaps, and take your time, but one of the things I have been concerned about is any equivocation, any rationalization on employment. This is a time to get your cleanest possible guy, when you are employing a person. That is the time to look at everything and not make any compromises.

Now, after you get an employee and he has been on the rolls for a while and he gets into this trouble or that trouble, maybe, then we owe him something and he owes us something. You have to take many things into consideration. But when he is just an applicant, you don't owe him anything.

Mr. SOURWINE. A man has no rights to Government employment.

Mr. CROCKETT. That is right.

Mr. SOURWINE. Once he is on the roll, as you pointed out so well, it is a problem to get rid of him. He then has rights.

Mr. CROCKETT. And you have responsibilities both ways. I mean you have to consider his rights and you have to weigh those against the national security and your own risk. But as you say, an applicant has no rights. And this is a sort of new philosophy that we are injecting into the investigative processes and evaluation processes, that we don't have to compromise on this; why stretch our judgment at all when a man is just an applicant?

Sure, we need certain experts and certain high-grade intelligence and ability and all this. But they are not overriding in terms of security.

Mr. SOURWINE. What you are saying is that you simply want the best men available, but you are not considering, as available, men who are potential security risks?

Mr. CROCKETT. Right.

Mr. SOURWINE. I respectfully suggest an amendment to what you just said. I don't think this is a new proposal or a new basis, but if the State Department is now adopting it, that is new.

Mr. CROCKETT. Right.

Mr. SOURWINE. It is one of the things that has been fought over in Government for a good many years.

Mr. CROCKETT. One thing I want to say is—I want to amplify this record by saying I don't think in the past there was any policy of hiring security risks. I don't think that at all. All I am saying is that, in the past there might have been a tendency to say: "Well, this guy has a little problem, but we believe it is not too important and he will outlive it; or we can live with that blemish, whatever it is."

Mr. SOURWINE. But isn't it true that over many years, the policy has been that if you couldn't establish by at least a preponderance of the evidence that there was this tendency, you didn't block the man out because of it, and that was the—or in many cases was given as the—application of the policy of "a man is innocent until he is proven guilty."

Mr. CROCKETT. Right.

Mr. SOURWINE. The other line is that the interest of the Government is paramount and security is of sufficient importance that if there is doubt, it should be resolved in favor of the Government. And that means: don't employ a man about whom there is any doubt at all.

Mr. CROCKETT. That is right, and especially, and I say this most especially to our younger people that are coming in. I think I could not say that, on the employment of a senior officer or transfer of a senior officer from another agency, that it was in the national interest that you wouldn't have him because there was any miscellaneous allegation against him. I don't mean this at all. But I mean this is really applicable to our FSO-8 program: young officers who are going to make their career in the Service. There isn't any sense of getting people in that have any problems at all.

Mr. SOURWINE. But the policy now is and will be, as far as you know, in the future, that the State Department at least is not going to employ anybody where there is any question of security risk involved? You are not going to try to adjudicate those cases in advance of employment, as you would have to if it arose in the case of a man who had already been put on the payroll?

Mr. CROCKETT. Exactly right.

Mr. SOURWINE. That is a real and forceful application of the principle that employment must be clearly in the interest of the Government; not merely, as it used to be for some years, that it had not been shown that employment would be contrary to the interest of the Department?

Mr. CROCKETT. That is right.

* * * * *

(The following letters—May 27, 1965, from Mr. Sourwine to Mr. Kimbell Johnson; and Mr. Johnson's reply of June 11, 1965—were subsequently ordered into the record at this point:)

MAY 27, 1965.

Mr. KIMBELL JOHNSON,
Director, Bureau of Personnel Investigations, Civil Service Commission, Wash-
ington, D.C.

DEAR MR. JOHNSON: In discharging its obligations under section 14 of Executive Order 10450, approved April 27, 1953, to what extent, and under what conditions does the Civil Service Commission regard homosexuality as a bar to employment or continuation in employment by a department or agency in the executive branch of the U.S. Government?

Instructions of the State Department's Office of Security with respect to investigations appear to indicate that the degree to which homosexuality militates against employment or continuation in employment differs inversely with the importance of the position involved. Does the Civil Service Commission take

this view of the matter? Does the Commission understand this to be the view taken by the Department of State? The Suitability Rating Examiner's Handbook, Civil Service Commission Handbook IN-204, in discussing homosexuality under the general heading of "Immoral Conduct," states that "persons about whom there is evidence that they are homosexuals or sexual perverts * * * are not suitable for Federal employment." In interpreting and applying this standard, how is the word "evidence" construed? The language following that quoted above states that in acting on such cases, the Commission will consider (1) arrest records, etc.; (2) the person's statement or reliable medical evidence that he is a homosexual; or (3) creditable information from reliable sources concerning an individual's reputation and conduct. This would appear to allow room for discretion in determining whether homosexuality is a bar to employment or continuation in employment in any particular case. Is this a correct interpretation?

Is there any department or agency in the Federal Government which by order, rule, or regulation, makes any homosexuality, of whatever kind, of whatever degree, and at whatever date, an absolute bar to employment or continuation in employment? If the answer is affirmative, please name each such agency and cite the rule, order, or regulation which is controlling in this respect.

It would appear that homosexuality is regarded as primarily a suitability factor, rather than a security factor. Is this correct?

Does the Civil Service Commission take cognizance of such terms as "latent homosexual," "reformed homosexual," "former homosexual," "homosexual tendencies," and "homosexual experience" (as distinguished from homosexuality or homosexualism)? If so, please furnish the definition of each of these terms as used in employment, or retention in employment, by a department or agency of the Federal Government.

Thanks in advance for your trouble in answering this inquiry, and renewed thanks for all your fine cooperation in the past.

Sincerely,

J. G. SOURWINE, *Chief Counsel.*

U.S. CIVIL SERVICE COMMISSION,
BUREAU OF PERSONNEL INVESTIGATIONS,
Washington, D.C., June 11, 1965.

Mr. J. G. SOURWINE,
*Chief Counsel, Internal Security Subcommittee,
Committee on the Judiciary, U.S. Senate,
Washington, D.C.*

DEAR MR. SOURWINE: This is in response to your letter of May 27, 1965. The Civil Service Commission does not disqualify individuals for unsuitability based on "suspected homosexuality" or "homosexual tendencies." About 18 months ago we changed the instructions on this subject in our Suitability Rating Handbook to read as follows:

"Persons about whom there is evidence that they have engaged in or solicited others to engage in homosexual or sexually perverted acts with them, without evidence of rehabilitation, are not suitable for Federal employment. In acting on such cases the Commission will consider arrest records, court records, or medical evidence, admissions, or other credible information that the individual has engaged in or solicited others to engage in such acts with him. Evidence showing that a person has homosexual tendencies, standing alone, is insufficient to support a rating of unsuitability on the ground of immoral conduct."

That change did not represent an actual change in Commission policy but rather a clarification of language expressing its policy. The Commission has always considered homosexual acts (or soliciting others to perform such acts) as disqualifying under Civil Service Regulation 731.201(b), "Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct."

The Commission's position in this regard is supported by the conclusions of the Hoey Subcommittee of the Senate Committee on Expenditures in the Executive Departments (81st Cong., 2d sess.) which made a comprehensive investigation of the "Employment of Homosexuals and Other Sex Perverts in Government." The subcommittee report stated in part, "There is no place in the U.S. Government for persons who violate the laws or the accepted standards of morality, or who otherwise bring disrepute to the Federal service by infamous

or scandalous personal conduct." The report also stated that "it is the opinion of this subcommittee that those who engage in acts of homosexuality and other perverted sex activities are unsuitable for employment in the Federal Government."

The handbook instructions quoted above are used by the Commission in deciding on the suitability of applicants and of persons appointed to nonsensitive positions in the competitive service. In acting on these nonsensitive cases we consider homosexuality as a suitability factor. The employing agency makes the decision in all other cases, and homosexuality can be either a suitability or a security factor depending on position sensitivity and the circumstances in the individual case.

With respect to sensitive positions, section 2 of Executive Order 10450 makes the head of each department and agency responsible for establishing and maintaining within his department or agency an effective security program; and Public Law 81-733 expressly provides that the decision of an agency head in a security case shall be "conclusive and final." Therefore, the Commission does not issue standards or guides for agency action in security cases. The standards applicable to such cases are those contained in Executive Order 10450. Homosexuality is covered by section 8(a)(1)(iii) of that order, which reads:

"Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion."

Agencies also can act on suitability grounds, using the disqualification in Civil Service Regulation 731.201(b), quoted above.

As part of its responsibility under section 14 of the order, the Commission reviews a representative sampling of cases processed by the agency in its security program. This is done to determine overall trends and patterns bearing on the effectiveness of agency security operations, rather than to superimpose our judgment in individual cases. These reviews have not disclosed any pattern of deficiencies that would indicate agencies are acting on homosexual cases to the detriment of the national security, nor have they uncovered tendencies to deny individual employees fair, impartial, and equitable treatment.

Other than the disqualification in CSR 731.201(b) and the criterion in section 8(a)(1) of Executive Order 10450, both cited above, the Commission has no knowledge of any agency order, rule, or regulation which makes "any homosexuality, of whatever kind, of whatever degree, and at whatever date" an absolute bar to employment or continuation in employment.

Sincerely yours,

KIMBELL JOHNSON, *Director.*

(The following correspondence between Chairman James O. Eastland and the Department of State, regarding the problem of homosexuality, subsequently was ordered into the record:)

JULY 13, 1965.

HON. DEAN RUSK,
The Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: In discharging its obligations under Executive Order 10450, approved April 27, 1953, to what extent, and under what conditions, does the Department of State regard homosexuality as a bar to employment or continuation in employment by a department or agency in the executive branch of the U.S. Government?

Instructions of the State Department's Office of Security with respect to investigations appear to indicate that the degree to which homosexuality militates against employment or continuation in employment differs inversely with the importance of the position involved. Does the Department take this view of the matter?

The Suitability Rating Examiner's Handbook, Civil Service Commission Handbook IN-204, in discussing homosexuality under the general heading of "Immoral Conduct," states that "persons about whom there is evidence that they are homosexuals or sexual perverts * * * are not suitable for Federal employment." In interpreting and applying this standard, how is the word "evidence" construed? The language following that quoted above states that in acting on such cases, the Commission will consider (1) arrest records, etc., (2) the person's statement or reliable medical evidence that he is a homosexual,

or (3) creditable information from reliable sources concerning an individual's reputation and conduct. This would appear to allow room for discretion in determining whether homosexuality is a bar to employment or continuation in employment in any particular case. Is this your Department's interpretation? Does the State Department have any comparable regulations? If so, what are they?

Does the Department operate under any order, rule, or regulation which makes any homosexuality, of whatever kind, of whatever degree, and at whatever date, an absolute bar to employment or continuation in employment? If the answer is affirmative, please cite the rule, order, or regulation (or combination thereof) which is controlling in this respect.

It would appear that homosexuality is regarded by the Department as primarily a suitability factor, rather than a security factor. Is this correct?

Does the State Department, in security evaluations or actions, take cognizance of such terms as "latent homosexual," "reformed homosexual," "former homosexual," "homosexual tendencies," and "homosexual experience" (as distinguished from homosexuality or homosexualism)? If so, please furnish the definition of each of these terms as used in employment, rejection for employment, or retention in employment, by the Department.

Thanks in advance for your trouble in answering this inquiry, and renewed thanks for all your cooperation in the past.

Sincerely,

JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee.

DEPARTMENT OF STATE,
Washington, July 27, 1965.

HON. JAMES O. EASTLAND,
*Chairman, Internal Security Subcommittee,
Committee on the Judiciary,
U.S. Senate.*

DEAR MR. CHAIRMAN: Thank you for your letter of July 13, 1965, requesting information on the Department's regulations pertaining to homosexuality.

Your inquiry has been referred to the appropriate offices of the Department and full response will be made to your questions as soon as the necessary research is completed. In the meantime, if I may be of any assistance to you, please do not hesitate to call on me.

Sincerely,

DOUGLAS MACARTHUR II,
*Assistant Secretary for Congressional Relations
(For the Secretary of State).*

SEPTEMBER 17, 1965.

HON. JAMES O. EASTLAND,
*Chairman, Internal Security Subcommittee, Committee on the Judiciary, U.S.
Senate.*

DEAR MR. CHAIRMAN: Reference is made to your letter of July 13, 1965, and to our reply of July 27, 1965. We are now able to provide comprehensive answers to the questions proposed in your letter.

In order to facilitate your review, the paragraphs in your letter containing the questions are repeated with our reply to each:

1. In discharging its obligations under Executive Order 10450, approved April 27, 1953, to what extent, and under what conditions, does the Department of State regard homosexuality as a bar to employment or continuation in employment by a department or agency in the executive branch of the U.S. Government?

The Department currently considers homosexuality as an absolute bar to employment or continued employment. In discharging its obligations under Executive Order 10450, the Department must (in homosexuality and sexual perversion cases) consider, along with standards of Executive Order 10450, the civil service regulations and the Foreign Service regulations. Executive Order 10450 did not abridge the Civil Service Act of 1883, as amended, or the Foreign Service Act of 1946, as amended. The order merely extends some of the suitability factors mentioned in the Civil Service Commission Acts, rules, and regulations to security standards now used in effecting the removal of individuals in the interest of national security.

The standards of Executive Order 10450 apply equally to the employees of the Foreign Service of the United States, and to the civil service employees in the departmental service of the Department of State. After careful deliberation and consideration of all the regulations affecting employment, the Department decided that the standards of Executive Order 10450 would not be utilized as the basis for initiating removal action of an employee, except where specific security factors were involved. Therefore, all investigations prior to an individual's employment and all actions subsequent to an individual's employment in purely suitability (homosexual or perverted morals) cases, are handled under the existing civil service and Foreign Service regulations.

The Civil Service Regulations under rule II, section 2.104, disqualification of applicants: (a) An applicant may be denied examination and an eligible may be denied appointment for any of the following reasons:

1. Dismissal from employment for delinquency or misconduct.
2. Physical or mental unfitness for the position for which applied.
3. Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.
4. Intentional false statements or deception or fraud in examination or appointment.
5. Refusal to furnish testimony as required by section 5.3 of rule V.
6. Habitual use of intoxicating beverages to excess.
7. On all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States.
8. Any legal or other disqualification which makes the applicant unfit for the service.

Prior to July 7, 1953, no recognition was taken by the Department of the occurrence of homosexual acts or perverted sex acts, standing alone, prior to an employee's or prospective employee's 21st birthday. Since that date on instructions received from the then Administrator of the Bureau of Security and Consular Affairs, the age of 18 years has been utilized as the breakoff point in evaluating homosexual acts concerning which cognizance is taken. It is, therefore, the general policy that admissions of homosexual or sexually perverted conduct subsequent to age 18, is a bar to employment under present standards of policy of the Department of State.

The development of evidence of homosexual conduct on the part of incumbents subsequent to their employment with the Department constitutes a bar to continued employment. Removal actions, based on homosexual conduct, are initiated under the pertinent sections of the Civil Service Commission Acts and Regulations insofar as departmental employees are concerned and under section 621 of the Foreign Service Act of 1946 and section 1922 of the Foreign Affairs Manual, as appropriate, this, depending upon the nature of offenses, and the surrounding circumstances.

In any event, if there are specific security factors involved in any case of homosexuality or perverse morals, the Department would then utilize Executive Order 10450 as the means for appropriately handling the offending individual.

II. Instructions of the State Department's Office of Security with respect to investigations appear to indicate that the degree to which homosexuality militates against employment or continuation in employment differs inversely with the importance of the position involved. Does the Department take this view of the matter?

No. The Department does not take this view of the matter. Homosexuality is an absolute bar to employment with the Department regardless of the nature of the position. Virtually all the positions in the Department of State are sensitive and involve the handling of classified materials. The security criteria for all sensitive positions are the same. The Department is not aware of any instructions which would give the indication outlined in the question.

III. The Suitability Rating Examiner's Handbook, Civil Service Commission Handbook IN-204, in discussing homosexuality under the general heading of "Immoral Conduct," states that "persons about whom there is evidence that they are homosexuals or sexual perverts * * * are not suitable for Federal employment." In interpreting and applying this standard, how is the word "evidence" construed? The language following that quoted above states that in acting on such cases, the Commission will consider (1) arrest records, etc., (2) the person's statement or reliable medical evidence that he is a homosexual, or (3) creditable information from reliable sources concerning an individual's reputation and conduct. This would appear to allow room for discretion in determining whether

homosexuality is a bar to employment or continuation in employment in any particular case. Is this your Department's interpretation?

No. If any individual is known to be a homosexual, he is barred from employment or continuation in employment. While the Department is convinced that it should not hire or employ homosexuals, or sexual deviates, this program is carried out in a manner consistent with the traditional American concepts of justice and fair play. In cases involving incumbents, inasmuch as all actions of the Department are dependent upon the availability to the accused of some form of quasi-judicial processing and/or review, and are subject to postaudit review by the Civil Service Commission, the Department must stand ready with a weight of legal evidence sufficient to warrant action by the appropriate hearing boards.

The Department relies on the regulations set forth under Executive Order 10450, the Foreign Service Act of 1946, and pertinent Civil Service Acts and Regulations in the handling of these cases.

IV. Does the Department operate under any order, rule, or regulation which makes any homosexuality, of whatever kind, of whatever degree, and at whatever date, an absolute bar to employment or continuation in employment? If the answer is affirmative, please cite the rule, order, or regulation (or combination thereof) which is controlling in this respect.

As stated above, the Department currently operates under the principle that any known homosexual is barred from employment or continuation in employment and relies on the regulations set forth under Executive Order 10450, the Foreign Service Act of 1946, and pertinent Civil Service Act and Regulations in the handling of these cases.

V. It would appear that homosexuality is regarded by the Department as primarily a suitability factor, rather than a security factor. Is this correct?

This is correct, the exception being where there are overriding security questions which would place the individual case within the framework of Executive Order 10450. Homosexuality is also a security matter, because of blackmail, coercion, and entrapment.

VI. Does the State Department, in security evaluations or actions, take cognizance of such terms as "latent homosexual," "reformed homosexual," "former homosexual," "homosexual tendencies," and "homosexual experience" (as distinguished from homosexuality or homosexualism)? If so, please furnish the definition of each of these terms as used in employment, by the Department.

Yes.

1. *Latent homosexual*.—A latent homosexual is one who primarily by competent knowledge or opinion, secondarily by self-admission, or through positive evidentiary facts is known to have homosexual tendencies or desires which may or may not have been actually accomplished by a homosexual act.

(a) A person known to be a latent homosexual is not employable in the Department of State.

(b) If an incumbent is involved, with the advice and counsel of the Department's Medical Division and following a complete investigation, latent homosexuals will not continue in employment in the Department of State.

2. *Reformed homosexual*.—Neither the Department nor the Medical Division is aware of the implication meant by this term and is therefore unable to reply in a meaningful manner.

3. *Former homosexual*.—The Department is not aware of the implication meant by this term and is therefore unable to reply in a meaningful manner. However, as to Nos. 2 and 3 above, if the individual has admitted adult homosexual activities, he is not employable in the Department of State.

4. *Homosexual tendencies*.—An adult person (over age 18) who is known to have homosexual tendencies, is not employable by the Department of State.

5. *Homosexual experience*.—It is the policy of the Department of State generally that a person who is known to have engaged in a homosexual experience subsequent to his 18th birthday, is not employable by the State Department.

The basis for the policy of the Department of State is, of course, the pertinent sections of the basic acts, rules, and regulations of the Civil Service Commission, stemming from the act of 1883, as amended, plus executive Order 10450, in addition to the Foreign Service Act.

If the Department can be of any further assistance, please let me know.

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

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