

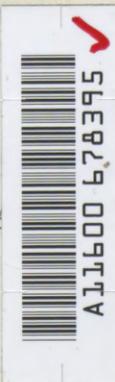
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STATE DEPARTMENT SECURITY—1963-65
THE OTEPKA CASE—X

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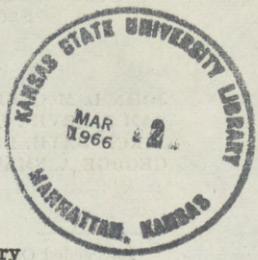


HEARINGS
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE THE
VIOLATION OF THE INTERNAL SECURITY
AND OTHER INTERNAL SECURITY LAWS
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

EIGHTY-NINTH CONGRESS

SECOND SESSION

PART 12



Printed for the use of the Committee on the Judiciary



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HEARINGS

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SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY 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 the testimony given in executive session by John F. Reilly on November 15, 1963, be released from the injunction of secrecy, printed, and made public.

Dated December 18, 1963.

Resolved by the Internal Security Subcommittee of the Senate Committee on the Judiciary, That the testimony given in executive session by Elmer Dewey Hill on November 15 and 18, 1963, be released from the injunction of secrecy, printed, and made public.

Dated December 18, 1963.

Resolved by the Internal Security Subcommittee of the Senate Committee on the Judiciary, That the testimony given in executive session by Thomas Ehrlich and David I. Belisle on November 14, 1963, be released from the injunction of secrecy, printed, and made public.

Dated December 25, 1963.



RESOLUTIONS—Continued

OCTOBER 8, 1964.

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.

Frank L. Auerbach
David I. Belisle
William O. Boswell
Edwin A. Burkhardt
Abram Chayes
William J. Crockett
Victor H. Dikeos
Allyn C. Donaldson
Frederick G. Dutton
Thomas Ehrlich
Wilson C. Flake
Richard A. Frank
Col. George W. French, Jr.
Henri G. Grignon
Elmer D. Hill
Harry M. Hite
Stanley E. Holden
Harris H. Huston
Robert D. Johnson
Frances G. Knight
Eugene Krizek
John S. Leahy

Seymour Levenson
Raymond A. Loughton
J. Edward Lyerly
Robert J. McCarthy
Charles A. Mace
Allen B. Moreland
Lawson A. Moyer, Jr.
John R. Norpel, Jr.
Otto F. Otepka
George James Pasquale
Richard I. Phillips
John F. Reilly
Joseph E. Rosetti
Hon. Dean Rusk
Abba P. Schwartz
Terence J. Shea
Charles Shinkwin
Frederick W. Traband, Jr.
Thomas Valenza
William Wieland
Hessel E. Yntema, Jr.

JAMES O. EASTLAND, *Chairman.*
THOMAS J. DODD, *Vice Chairman.*
OLIN D. JOHNSTON.
JOHN L. MCCLELLAN.
SAM J. ERVIN, JR.
ROMAN L. HRUSKA.
EVERETT MCKINLEY DIRKSEN.
KENNETH B. KEATING.
HUGH SCOTT.

Dated October 28, 1964.

RESOLUTIONS—Continued

JUNE 2, 1965.

Resolved by the Internal Security Subcommittee of the Senate Committee on the Judiciary, That testimony taken by the subcommittee in executive session from William J. Crockett on May 4, 1965, 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.

Dated July 6, 1965.

RESOLUTIONS—Continued

Resolved, That the Board of Directors be and they are authorized to take such action as may be deemed proper to carry out the purposes of this resolution, and to execute all such contracts, agreements, and instruments as may be necessary or proper to carry out the purposes of this resolution.

Witness my hand and the seal of the Corporation this 1st day of July, 1933.

John A. [Name]
John A. [Name]

Dated July 6, 1933.

FOREWORD

This is part 12 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 subjects 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 were 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—X." The Internal Security Subcommittee previously 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.

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.

The first part of the report is devoted to a description of the general situation in the country. It is followed by a detailed account of the work done during the year. The report then discusses the results of the work and the conclusions reached. Finally, it contains a list of references and a list of names of the persons who have assisted in the work.

The second part of the report is devoted to a description of the work done during the year. It is followed by a detailed account of the results of the work and the conclusions reached. Finally, it contains a list of references and a list of names of the persons who have assisted in the work.

The third part of the report is devoted to a description of the work done during the year. It is followed by a detailed account of the results of the work and the conclusions reached. Finally, it contains a list of references and a list of names of the persons who have assisted in the work.

The fourth part of the report is devoted to a description of the work done during the year. It is followed by a detailed account of the results of the work and the conclusions reached. Finally, it contains a list of references and a list of names of the persons who have assisted in the work.

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The sixth part of the report is devoted to a description of the work done during the year. It is followed by a detailed account of the results of the work and the conclusions reached. Finally, it contains a list of references and a list of names of the persons who have assisted in the work.

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STATE DEPARTMENT SECURITY—1963-65

THE OTEPKA CASE—X

TESTIMONY OF DAVID I. BELISLE, SPECIAL ASSISTANT TO DEPUTY
ASSISTANT SECRETARY FOR SECURITY, DEPARTMENT OF STATE

THURSDAY, NOVEMBER 14, 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 10:35 a.m., in room 2300, New Senate Office Building, Senator James O. Eastland, chairman, presiding.

Present: Senators Eastland, John L. McClellan, Thomas J. Dodd, Everett McKinley Dirksen, Roman L. Hruska, Kenneth B. Keating, and Hugh Scott.

Also present: J. G. Sourwine, chief counsel; Alan McArthur, associate counsel; Samuel J. Scott, assistant counsel; Benjamin Mandel, director of research.

Senator DODD. Mr. Belisle, will you raise your right hand. Do you solemnly swear that the testimony you will give before this subcommittee, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BELISLE. I do.

Mr. SOURWINE. Would you give the reporter your full name?

Mr. BELISLE. David I. Belisle.

Mr. SOURWINE. And your connection with the Department of State?

Mr. BELISLE. Special assistant to the Deputy Assistant Secretary for Security.

Mr. SOURWINE. You are the same Belisle who has testified before this committee earlier?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. Mr. Belisle, I show you what purports to be a letter on State Department stationery under date of November 6 bearing your signature and addressed to Senator Eastland. Do you recognize it as your own letter?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. May this be ordered into the record?

Senator DODD. Yes.¹

¹ The Belisle letter appears on p. 858.

Senator DIRKSEN. Why not refresh us on the——

Mr. SOURWINE. I thought I would ask questions to accomplish that.

In this letter, Mr. Belisle, you say that in the course of your testimony on July 29 before this subcommittee you were asked whether you had any information concerning the interceptions of conversations in Mr. Otepka's office and you replied that you did not. You then say that after a review of your testimony you want to amplify your responses to the questions by stating that Mr. Reilly mentioned to you the events which you understand he has described in a separate letter with an accompanying enclosure.

Does that indicate that you had an opportunity to see Mr. Reilly's letter and the enclosure?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. How did that come about? Did he bring them to you, or call you in and show you, or did you have a meeting with him on it?

Mr. BELISLE. No. We had a meeting in the office of the Legal Adviser and——

Mr. SOURWINE. I see. Mr. Chayes?

Mr. BELISLE. Yes.

Mr. SOURWINE. Was he there?

Mr. BELISLE. No, sir; he was not.

Senator DODD. But he——

Senator DIRKSEN. He was not?

Mr. BELISLE. You mean Mr. Chayes?

Mr. SOURWINE. Yes.

Senator DIRKSEN. He was there?

Mr. BELISLE. No, sir; he was not.

Mr. SOURWINE. Mr. Reilly was?

Mr. BELISLE. Yes.

Mr. SOURWINE. Mr. Hill was there, too?

Mr. BELISLE. Yes.

Mr. SOURWINE. Elmer Hill?

Mr. BELISLE. Yes.

Senator DODD. Anybody else?

Mr. BELISLE. Mr. Ehrlich.

Mr. SOURWINE. And no one else from the Legal Adviser's office?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Were all three of the letters drafted in the Legal Adviser's office or——

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. Or did you draft your own?

Mr. BELISLE. They were all drafted in the Legal Adviser's office.

Mr. SOURWINE. By Mr. Ehrlich?

Mr. BELISLE. Well, I am sure—well, you mean specifically by him, no. It was all in——

Mr. SOURWINE. In consultation with yourself and between Mr. Ehrlich and Mr. Reilly on his?

Mr. BELISLE. Yes.

Mr. SOURWINE. And between Mr. Ehrlich and Mr. Hill on his?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. You state he, referring there to Mr. Reilly— mentioned these events to me, however, only after the events occurred.

Mr. BELISLE. Right, sir.

Mr. SOURWINE. Do you remember when he did mention to you the substance of the matters which are contained in his letter?

Mr. BELISLE. Well, I am not exactly sure of the date for one reason. I really don't know whether it happened the day I came back from Costa Rica or the day after, but probably the 21st or 22d, I would say.

Mr. SOURWINE. Of what month?

Mr. BELISLE. Of March.

Mr. SOURWINE. Of March of this year?

Mr. BELISLE. That is right.

Mr. SOURWINE. You say, "At the time the events took place I was in Costa Rica."

Mr. BELISLE. Right.

Mr. SOURWINE. By "events" you are referring primarily to the hookup which converted Mr. Otepka's telephone into a listening device?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. That was done while you were away?

Mr. BELISLE. That is right, sir.

Mr. SOURWINE. Now, was it still hooked up as a listening device when you got back?

Mr. BELISLE. No, sir. Not from—I can't speak from firsthand knowledge. From what I have been told it was not.

Mr. SOURWINE. You never talked with anyone about the hookup after that day?

Mr. BELISLE. No.

Mr. SOURWINE. I mean about its being hooked up after that day?

Mr. BELISLE. No, sir. No, sir.

Senator DIRKSEN. Mr. Sourwine, that would mean how long was the hookup in force?

Mr. SOURWINE. Well, Mr. Reilly's letter contains an amplifying statement which says that—

Senator DIRKSEN. Do you want to hold that for later?

Mr. SOURWINE. I thought I would if it is all right. We will get it in the record.

Senator DIRKSEN. OK.

Mr. SOURWINE. You say you had therefore no firsthand information concerning these events?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. Now, were you consulted at all before this was done?

Mr. BELISLE. No, sir.

Mr. SOURWINE. You were not consulted about how it might be done?

Mr. BELISLE. Well, we discussed the fact of what we—of the different investigative techniques but no consultation as to what would be done and how it would be done or anything.

Mr. SOURWINE. You did discuss with Mr. Reilly in advance of your departure for Costa Rica the technique of bugging the Otepka telephone?

Mr. BELISLE. No; not the technique. The fact that this is an investigative—I don't want to say technique, but let us say an investigative instrument such as surveillance or anything else.

Mr. SOURWINE. Well, you did discuss this particular investigative instrument, as you put it, with Mr. Reilly in connection with the surveillance of Mr. Otepka before you left for Costa Rica?

Mr. BELISLE. I discussed with Mr. Reilly the various investigative techniques that could be used in an investigation of this type and as to what we were looking for and how we would go about getting it.

Now, as to saying I discussed this specific technique of making the telephone a microphone, no.

Mr. SOURWINE. I see. You didn't suggest the possibility of converting the telephone into a listening device.

Mr. BELISLE. No, sir.

Mr. SOURWINE. Did you suggest as a possible technique or method any kind of a listening device that might be installed in Mr. Otepka's office?

Mr. BELISLE. Suggest—we discussed the fact that we could—there was a possibility that you could bug his telephone and you could bug his room.

Mr. SOURWINE. Yes. Well, the techniques of bugging a telephone or room or putting a listening device in a room and making the telephone a listening device are well known to both you and Mr. Reilly, aren't they?

Mr. BELISLE. I am sure—

Mr. SOURWINE. So you both knew this was possible?

Mr. BELISLE. That is right.

Mr. SOURWINE. It wasn't either one of you telling the other it was possible?

Mr. BELISLE. No.

Mr. SOURWINE. State Department people are well versed in this?

Mr. BELISLE. It was a question of discussing whether or not we would take this avenue.

Mr. SOURWINE. You then did discuss with Mr. Reilly whether you would take this avenue of surveillance?

Mr. BELISLE. The possibility, not whether we would.

Mr. SOURWINE. Not whether you would? You didn't try to reach a decision?

Mr. BELISLE. That is right.

Mr. SOURWINE. Just discussed it as a possibility?

Mr. BELISLE. That is right.

Mr. SOURWINE. And then did you go to Costa Rica with the understanding that Mr. Reilly would make a decision on whether or not to do it?

Mr. BELISLE. I did not go to Costa Rica with that; no. Mr. Reilly decided that the only thing that we would do at that time was to cover the burn bag, nothing else. Before I went to Costa Rica—

Mr. SOURWINE. How long were you in Costa Rica?

Mr. BELISLE. I left on the 17th of March and, as I say, I don't remember whether it was the 21st or 22d when I came back, but when the party came back, I came back with it.

Mr. SOURWINE. I see. Now, this letter which you have furnished and which you say amplifies your responses to the previous questions, is this the whole story? In other words, is this letter the truth, the whole truth, and nothing but the truth?

Mr. BELISLE. That letter is the truth. That letter says that—with that I amplify my testimony, that I answered your questions, so far as I was concerned, truthfully but that there was no intent to mislead and that I am telling you that I knew of events only after they transpired.

Mr. SOURWINE. Now, with this letter and your previous testimony have you now conveyed to the committee all the information you have about the bugging of Mr. Otepka's telephone or the installation of a listening device in his office?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. Do you know anything about the installation of a listening device in the outer office where the stenographers sit in the Division of Evaluations?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Do you know whether that was done at any time this year?

Mr. BELISLE. I do not know.

Mr. SOURWINE. No one has told you whether it was done?

Mr. BELISLE. No one has told me whether it was done or wasn't done.

Mr. SOURWINE. All right. You indicate in this letter that you want to amplify your responses after a review of your testimony. Did you mean by that to indicate that it was your review of your testimony which caused you to feel that you wanted to amplify your responses?

Mr. BELISLE. Well, I really don't think so. I think the reason I wanted to amplify is—that the Secretary wanted to amplify it was that the committee felt that it had been misled. So therefore I thought that if they thought I was misleading them, we should amplify the testimony.

Mr. SOURWINE. You mean this letter and Mr. Reilly's letter and Mr. Hill's letter were written in response to or in compliance with the instructions of the Secretary to amplify the thing?

Mr. BELISLE. Well, I think that—I don't think they were instructions. Requests.

Mr. SOURWINE. Yes. Well, in your own case how did this request come to you?

Mr. BELISLE. Well, this request came to me from Mr. Ehrlich.

Mr. SOURWINE. From the Secretary through Mr. Ehrlich?

Mr. BELISLE. Yes.

Mr. SOURWINE. And just what was it that Mr. Ehrlich told you?

Mr. BELISLE. Mr. Ehrlich asked me if I would prepare a letter to the chairman of the committee stating in effect why I answered the questions as I did and amplify my testimony—amplify my testimony to explain why I—

Mr. SOURWINE. And you said this was because the Secretary wanted it done?

Mr. BELISLE. Well, I would imagine the Secretary requested that it be done?

Mr. SOURWINE. Well, didn't he tell you anything about the Secretary wanting it done?

Mr. BELISLE. He told me the Secretary wanted it done; yes, sir.

The CHAIRMAN. I didn't hear you.

Mr. BELISLE. He told me that the Secretary wanted it done.

Senator DIRKSEN. Well, was there any other conversation on that point?

Mr. BELISLE. Sir?

Senator DIRKSEN. Was there any other conversation on that point? Surely when Mr. Ehrlich came and said you are to prepare a letter, he would have to say the Secretary wanted you to prepare a letter. There probably was other conversation, wasn't there?

Mr. BELISLE. Oh, yes. I wanted to know—

Senator DIRKSEN. Yes. Can't you enlighten us a little?

Mr. BELISLE. Well, I asked Mr. Ehrlich: Well, why should I enlighten my testimony, I mean amplify on my testimony? I have answered the questions, so far as I am concerned, truthfully. I was not here at the time that these events took place and it was my considered judgment that I would not testify to hearsay information, so I answered the questions as I did.

Mr. Ehrlich said that the Secretary thought that he wanted to get this thing in the record to show that I had been advised of the events after testimony and I was not here at the time, and so it was all right. If the Secretary wants it, I will do it.

Mr. SOURWINE. The Secretary didn't tell you what to say?

Mr. BELISLE. No, sir. I never have talked—

Mr. SOURWINE. Nor did Mr. Ehrlich tell you what to say?

Mr. BELISLE. I never talked to the Secretary.

Mr. SOURWINE. Mr. Ehrlich didn't convey a message telling you what to say?

Mr. BELISLE. No, sir.

Mr. SOURWINE. He simply told you to amplify it and explain it if there was any explanation?

Mr. BELISLE. Right.

The CHAIRMAN. He told you to tell all the truth, didn't he?

Mr. BELISLE. Yes, sir.

Senator McCLELLAN. What I don't quite understand is when you were here and testified and were being interrogated, you had the same knowledge and information then that you conveyed in the letter, did you not?

Mr. BELISLE. I had; yes, sir, but—

Senator McCLELLAN. Did you not know from the questions asked you that the committee was seeking information regarding those wire-taps and the getting of testimony and information in that manner? You knew that is what they were inquiring about, didn't you?

Mr. BELISLE. Yes, sir.

Senator McCLELLAN. Did you not feel that in not disclosing what you had heard and what you had been told down there, did you not feel at that time that you were withholding from this committee information that it wanted and needed?

Mr. BELISLE. Senator, in my own judgment I did not consider that I was withholding any information inasmuch as I felt that I had the information secondhand. It was hearsay information.

Senator McCLELLAN. It wasn't very secondhand from those who did it, told you they did it. That wasn't very secondhand, was it?

Mr. BELISLE. Hearsay.

Senator McCLELLAN. You don't regard that as secondhand, do you?

Mr. BELISLE. I regard it as secondhand; yes, sir. Hearsay.

Senator McCLELLAN. You mean if a fellow sits here and tells you, "I did a thing," tells you that, you regard it as secondhand and you felt the committee didn't need to know that he had told you that when you were testifying before?

Mr. BELISLE. Well, that was my judgment, sir.

Senator McCLELLAN. At the time—you mean that was your honest judgment at the time you sat there and testified?

Mr. BELISLE. That was my honest judgment at the time I sat here and testified.

Senator DIRKSEN. You stated a little bit ago that you went to Costa Rica in March, 17th of March.

Mr. BELISLE. Right.

Senator DIRKSEN. But before you went there was conversation about bugging this telephone. Then you said that no decision was made.

Mr. BELISLE. That is right.

Senator DIRKSEN. Well, why don't you enlighten us a little more, that before you went—what was the burden of this conversation? Should we bug his telephone? Shouldn't we bug his telephone? Surely somebody said to you, "What do you think about it?"

Mr. BELISLE. No, Senator. What we did was discuss the various investigative techniques which could be used to get us the information that we were looking for.

Senator DIRKSEN. Well, you couldn't come to that conclusion until first—when you talk about techniques, there had to be a determination should it be done. The question of how to do it was quite another thing. Shall we put a tap on his phone?

Mr. BELISLE. Yes; that is true.

Senator DIRKSEN. Well, did you conclude at that time—

Mr. BELISLE. No; we did not conclude at that time.

Senator DIRKSEN (continuing). To put a tap on his wire?

Mr. BELISLE. No. The only thing that was concluded at that time was that we would cover his burn bag.

Senator DIRKSEN. Burn bag?

Mr. BELISLE. Yes, sir.

Senator DIRKSEN. And you never said anything about bugging the telephone?

Mr. BELISLE. No, sir. I mean we discussed—the only decision that was made was that we would cover his burn bag.

Senator DIRKSEN. Now, you came back a week later, you came back on the 21st or 22d of March.

Mr. BELISLE. Yes; right.

Senator DIRKSEN. Now, did you resume that conversation, have a further discussion about it?

Mr. BELISLE. No, sir. At that time Mr. Reilly—when I returned Mr. Reilly showed me what he had retrieved from the burn bag and said, as a result of this, we will do nothing else.

Senator DIRKSEN. And you mean there was no discussion about the bug?

Mr. BELISLE. Oh, at that time, yes. He told me that we—that they had made the—studied the feasibility of getting this thing in there and the thing had fizzled. They got nothing but noise, and he pulled it out.

Senator DIRKSEN. Then he did tell you that a bug was tried, shortly after you got back from Costa Rica?

Mr. BELISLE. Right.

Senator HRUSKA. Now, Mr. Witness, in your testimony on July 29 this question was asked you:

Do you have any information with respect to the tapping of the telephone of Mr. Otto Otepka, Chief of the Division of Evaluations of the Department of State?

Mr. BELISLE. Right.

Senator HRUSKA. The answer was "No, sir."

The CHAIRMAN. Now, wait a minute. Was that a truthful answer?

Senator HRUSKA. Was that a truthful answer?

Mr. BELISLE. I have to say, sir, in my judgment that was a truthful answer and I based that on the fact that I did not feel that I had to testify to hearsay information.

Senator HRUSKA. Mr. Belisle, the question is do you have any information with respect to it. It doesn't mean firsthand, secondhand, thirdhand or any other kind. The question was plain, do you have any information with respect to the tapping of that telephone. Now, Mr. Belisle, do you want to sit there and tell us that in your best judgment at that time you did not have any information on it?

Mr. BELISLE. Sir, I am not saying that. I am saying that in my—

The CHAIRMAN. Was your answer truthful now?

Mr. BELISLE. In my own judgment I said that I felt that inasmuch as I did not have any firsthand information, that I could answer the question "No."

Senator HRUSKA. That is not what you said. You said, "No, sir."

Mr. BELISLE. That is right.

Senator HRUSKA. Let me ask you this question: Did you on July 29, 1963, have any information with respect to the tapping of the telephone of Mr. Otto Otepka, the Chief of the Division of Evaluations of the Department of State?

Mr. BELISLE. I had no firsthand information, sir. I had information—

Senator HRUSKA. What information did you have at that time?

Mr. BELISLE. I had information that was told to me by Mr. Reilly that they tried to do it and that fizzled.

Senator HRUSKA. Well—

Senator DIRKSEN. That is information.

Senator HRUSKA. The next question was:

Do you know whether this was done?

And the answer was:

No; I do not.

Mr. BELISLE. Right.

Senator HRUSKA. Is that a truthful answer in your judgment?

Mr. BELISLE. In my judgment I felt that I—as I said before, this being hearsay information, I do not know that this was done. I still do not know that this was done.

Mr. SOURWINE. Do you doubt Mr. Reilly's statement?

Mr. BELISLE. No, I do not.

Mr. SOURWINE. Do you think it was done?

Mr. BELISLE. I do not know but it was a question——

The CHAIRMAN. That is not the question. He asked him if he had information. He said he didn't.

Senator DODD. Are you a lawyer?

Mr. BELISLE. No, sir; I am not.

Senator DODD. You don't really know what hearsay is, technically?

Mr. BELISLE. No, sir. Except——

The CHAIRMAN. But you did have information, didn't you?

Mr. BELISLE. I had information which in my judgment was hearsay.

The CHAIRMAN. Of course you had information. Come on, now. You did have information, didn't you?

Mr. BELISLE. Hearsay information.

The CHAIRMAN. All right. You had it.

Mr. BELISLE. Hearsay.

The CHAIRMAN. And you told this committee you didn't have.

Mr. BELISLE. I gave you the reason why I told you.

Senator HRUSKA. Now, Mr. Belisle, the next question in the series is:

Did you have anything to do with the placing of a listening device in Mr. Otepka's office?

Mr. BELISLE. I said "No."

Senator HRUSKA. Your answer was, "I did not, sir."

Mr. BELISLE. Right, sir.

Senator HRUSKA. Now, "anything" would embrace also discussion of whether or not that should be resorted to as a device of getting information about Mr. Otepka, would it not?

Mr. BELISLE. Well, not in my judgment; no, sir.

Senator HRUSKA. Not in your judgment?

Mr. BELISLE. No, sir.

Senator HRUSKA. The fact that you had discussed this preliminarily with Mr. Reilly would not be an item bearing on this question in your judgment?

Mr. BELISLE. Not in my judgment; no, sir.

Senator HRUSKA. It would not?

Mr. BELISLE. No, sir.

Senator HRUSKA. Now, then, the next question was: "Do you know if this was done?"

And your answer was: "I do not."

Mr. BELISLE. Right.

Senator HRUSKA. Now then, let me ask you this question as of now: Did you know on July 29, 1963, that a listening device had been placed in Mr. Otepka's office?

Mr. BELISLE. Well, let me say that, when you are talking about listening device, I think everybody has his own interpretation of it. I understood Mr. Sourwine to say did I place a listening device in his office. I answered "No." Did I know if it had been done, and I took Mr. Sourwine to mean was there a microphone placed in his office and I said "No."

Senator HRUSKA. Mr. Belisle, perhaps you might have thought a microphone was involved but the plain question was whether you knew a listening device had been placed in Mr. Otepka's office. That was the plain question. It didn't say microphone. It said a listening device.

The CHAIRMAN. Did he have knowledge of a listening device?

Senator HRUSKA. And did you know if this was done? My question then is this: Did you know on July 29, 1963, that a listening device had been placed in Mr. Otepka's office?

Mr. BELISLE. As I say again, Senator, I had no firsthand knowledge and that is why I answered—

Senator HRUSKA. Had you been told at that time that a listening device had been placed?

Mr. BELISLE. No. I had been told that they had tried it and it didn't work, and a listening—

Senator HRUSKA. Who told you?

Mr. BELISLE. A listening device, no.

Senator HRUSKA. Who told you?

Mr. BELISLE. Mr. Reilly.

Mr. SOURWINE. Mr. Reilly told you many things about the work of the office and what went on while you were away, didn't he?

Mr. BELISLE. Yes and no.

Mr. SOURWINE. Isn't it his purpose when he tells you something so that you will know what happened?

Mr. BELISLE. I would imagine, yes.

Mr. SOURWINE. When he told you that there had been a listening device placed in Otepka's office through the conversion of the phone into such a device, didn't you then know that it had happened?

Mr. BELISLE. Well, I don't really know as Mr. Reilly told me exactly what had happened, to tell you the truth, except that they tried to bug the office and it fizzled.

Mr. SOURWINE. You said earlier, if I understood you correctly, that the State Department had people who were well versed in the techniques of bugging telephones. Isn't that right?

Mr. BELISLE. I said that?

Mr. SOURWINE. Did you? I am asking you.

Mr. BELISLE. I don't know as I said that.

Mr. SOURWINE. Well, are you familiar with these techniques?

Mr. BELISLE. No, sir; I am not.

Mr. SOURWINE. Do you know whether there is anybody in the State Department who is versed in these techniques?

Mr. BELISLE. Oh, I imagine there are technical people.

Mr. SOURWINE. Do you know?

Mr. BELISLE. Sure.

Mr. SOURWINE. Well, there are such people, are there not?

Mr. BELISLE. I would say there are such people.

Mr. SOURWINE. Aren't they competent to do a good workmanlike job?

Mr. BELISLE. I should hope so.

Mr. SOURWINE. They use this technique constantly in countering enemy surveillance, don't they?

Mr. BELISLE. I don't know.

Mr. SOURWINE. You don't know?

Mr. BELISLE. No, sir; I do not know.

Senator HRUSKA. Have you been told that they do?

Mr. BELISLE. No, sir.

Senator HRUSKA. You haven't been told that they use wiretapping in counter—

Mr. BELISLE. Oh, he is talking about the technique of making the telephone into a microphone, right.

Mr. SOURWINE. That was included, yes. Don't you have people in the Department who are well versed in this technique?

Mr. BELISLE. I don't think we have people in the Department who—I agree they probably are well versed in this technique but to my knowledge they are not using this technique.

Mr. SOURWINE. Don't you think that someone in the State Department could have used this technique on Mr. Otepka's phone and made it work?

Mr. BELISLE. Yes.

Mr. SOURWINE. If they couldn't make it work, they are not competent in their job, are they?

Mr. BELISLE. Well, that is not for me say, I don't think.

Senator DODD. Mr. Belisle, another question if I may. You were asked this question by Mr. Sourwine:

Can you tell us what the policy is in the Office of Security in the State Department? If the office or head of the office thought the employee might be a security risk, did he have the right to tap the telephone and put a listening device in it?

The answer was:

I really don't know, and in the Department of State it hasn't come up since I have been there.

Well, it had come up. You talked with Reilly about it.

Mr. BELISLE. No, sir. I—Senator, I think he said "is it the policy" and very honestly I don't know whether it is the policy or whether we had the right. Is that right?

Senator DODD. Well, I just wanted to give you a chance to explain your answer. It appears to me from reading the record that it had come up. You and Reilly had talked about it.

Mr. BELISLE. Well, Senator, we only discussed the possibility of, as I say, the various avenues of investigation. But the question as to whether this is legal or whether it was State Department policy, no, sir.

Senator DODD. I see.

Senator McCLELLAN. May I ask one question at that point? Did all of this arise out of a purpose to ascertain what cooperation he was giving to this committee?

Mr. BELISLE. Yes, sir.

Senator McCLELLAN. The whole—all of this that you are discussing here, the wiretapping, the searching of the bags, and everything else was to try to ascertain to what extent Otepka was cooperating with this committee in supplying it information that it requested. Isn't that correct?

Mr. BELISLE. Well, I think the whole intent was to determine what information he was giving to the committee.

Senator McCLELLAN. That is right. That is the purpose of tapping his wire. That is the reason you discussed it in the first place.

Mr. BELISLE. That is right, sir.

Senator McCLELLAN. Yes.

Mr. SOURWINE. Mr. Belisle, you made a statement a short time ago about a microphone. Is it true that no microphone was placed in Mr. Otepka's office?

Mr. BELISLE. To my knowledge that is true.

Mr. SOURWINE. Is it true that no microphone was placed in the outer office where the secretaries are?

Mr. BELISLE. To my knowledge that is true.

Mr. SOURWINE. Is it true that no other telephone than Mr. Otepka's in the office, in the Division of Evaluations, was bugged or converted into a listening device?

Mr. BELISLE. To my knowledge that is true.

Senator DIRKSEN. How well and how often did you visit with Mr. Hill and Mr. Schneider? Do you know them quite well?

Mr. BELISLE. No, sir. They are not really in my—

Senator DIRKSEN. Well, they are technicians.

Mr. BELISLE. Yes, sir.

Senator DIRKSEN. Because they spoke very freely about how to do it and how to go about it. Didn't you pick up information from them at any time about it?

Mr. BELISLE. No, sir.

Senator DIRKSEN. About bugging the phone?

Mr. BELISLE. I haven't—let's see. I came—during the first, let's see, the first of January I was—the first of January, somewhere about that time, I was on a survey of the Office of Security. I had not discussed this technique with these technicians before. I have discussed it since.

Senator DIRKSEN. Yes, but, Mr. Belisle, how did you hold such a responsible job and not know something about the technique of putting a tap on a wire, in fact, any kind of a tap, and all these new-fangled devices?

Mr. BELISLE. Well, Senator, you rely on technical men and experts to do this sort of work.

Senator DIRKSEN. Yes, but as a general pattern, you should have some background of information on that general subject.

Mr. BELISLE. Well, I have some general information to know that it can be done and—but how it is done or how you do it or could I do it; no, I couldn't.

Senator DIRKSEN. Yes, but you are in a supervisory capacity.

Mr. BELISLE. Right, sir.

Senator DIRKSEN. In a security office.

Mr. BELISLE. Yes, sir.

Senator DIRKSEN. Well, you astonish me a little, I must say.

Mr. BELISLE. Sir?

Senator DIRKSEN. You astonish me when you say that.

Mr. BELISLE. That I can't put a tap on it?

Senator DIRKSEN. That you don't have some background.

Mr. BELISLE. Well, I said I know that this is a technique and it can be done.

Senator DIRKSEN. Well, that is not background.

Mr. BELISLE. But putting it on, this is a matter that technicians—that is why you have technicians. I am sure many of the people in the investigative field that conduct investigations, all of them don't know how to put on taps or anything else. When they have this to do, they go to the technicians.

Senator DIRKSEN. How long have you been in the security field?

Mr. BELISLE. I have been in the security field practically all my life, since 1941, sir.

Senator DIRKSEN. Well, you make me feel that you haven't pursued your responsibilities, I must say.

Mr. BELISLE. I am sorry, sir, you feel that way.

Senator DIRKSEN. What other conclusion can a man reach?

Senator KEATING. As I understand Senator Dirksen's question, it wasn't directed to whether you could walk in and put a tap on the phone but instead whether you have any knowledge about the technique.

Senator DIRKSEN. Generally speaking, how it is done, how you go about it.

Mr. BELISLE. Well, if you are talking about putting a tap on a phone, sure, I know that the thing to do is go into the frame and tap in on the frame.

Senator DIRKSEN. Well, you know more about it than that, surely.

Mr. BELISLE. Sir?

Senator DIRKSEN. You know more about it than that. I wouldn't think a security officer, supervisor, would be worth his salt in his company if he didn't know more about it than what you confess knowing about this matter.

Mr. BELISLE. Well, Senator, maybe we are not on the—maybe I am not with you but I don't understand what you mean. Do you mean that in order to be a security officer I have to be competent to place a tap? I have to be knowledgeable? I concede that. I know that there are ways that you can do certain things to get information but it doesn't mean that I know how to do it. I don't know how to do it. But I certainly have knowledge that it can be done.

Senator DIRKSEN. Well, I wouldn't expect you to go in there with a pair of pliers and a screwdriver and actually put on the tap, but if you don't know the theory of tapping a wire and how it is done, that is beyond me.

Mr. BELISLE. Well, I am sorry if I gave you that impression, sir. I certainly know that you go to the frame room and tap in, yes.

Senator DODD. What is the frame room?

Mr. BELISLE. The telephone room where all the frames are.

Senator DODD. Don't you know more than that about it?

Mr. BELISLE. Well—

Senator DODD. Wouldn't you know how to dismantle a hand set?

Mr. BELISLE. To—

Senator DODD. You know, there is a technique of tapping onto a hand set, isn't there?

Mr. BELISLE. I know that you can do this but I don't know how to do it, no, sir.

Senator DODD. You have never seen a thin microphone inserted under the mouthpiece?

Mr. BELISLE. No, sir.

Senator DODD. You never knew this was done?

Mr. BELISLE. Oh, yes, I knew it was done; yes, sir. I have never used it.

Mr. SOURWINE. Mr. Belisle, you have used the phrase earlier twice, "what we were trying to get." Once I think you said "how to get

what we were trying to get"; and once you mentioned "getting what we were trying to get." What was it you were trying to get?

Mr. BELISLE. Well, as the Senator said, we were trying to get information to determine what information Mr. Otepka was furnishing to the committee.

Mr. SOURWINE. Well, were you trying to learn that in the sense of trying to learn all that he was telling the committee, as much as you could about it?

Mr. BELISLE. Why, sure.

Mr. SOURWINE. Or were you simply trying to get evidence that he had furnished the committee information?

Mr. BELISLE. Well, we were trying to—I would say probably both. We were trying to find out—we were trying to get evidence that he was and trying to find out what he was giving.

Mr. SOURWINE. Do you think that what you found in the burn bag gave you all the possible information about what information Mr. Otepka had given the committee?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Don't you think if the tap, or listening device had been maintained longer than 2 days you might have learned more?

Mr. BELISLE. We probably would have.

Mr. SOURWINE. But you understand that it was Mr. Reilly's decision to take that tap off after 2 days?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. How do you know it was taken off after 2 days?

Mr. BELISLE. I don't know it was except that he told me it was.

Mr. SOURWINE. You believe him, don't you?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. You believe him that it was put on?

Mr. BELISLE. Right.

Mr. SOURWINE. You believe him that it was taken off. And you believed him when he told you, didn't you?

Mr. BELISLE. I know that there was no evidence other than what came out of the burn bag.

Senator McCLELLAN. I didn't understand that. You know there was no other evidence except what?

Mr. BELISLE. Came out of the burn bag.

Senator McCLELLAN. How do you know there was no other evidence? How do you know that telephone tap didn't work? How can you say now you know that when you were so technical about not acknowledging you had information?

Mr. BELISLE. Well, Senator, I am only saying that the evidence in the case against Mr. Otepka came from the burn bags.

Senator McCLELLAN. Well, you are saying that but I am asking you how did you know it didn't come from a wiretap? I don't believe this dubious story that you tapped it and got no information because you weren't capable of tapping it properly.

Mr. BELISLE. Well, the information in the case of Mr. Otepka has been documented as coming from the burn bags.

Senator McCLELLAN. I don't care how it has been documented. The point I am making, how do you know that it didn't come from the wiretap? Wiretap was put on. Now you are trying to contend that it was defective, that you got nothing from it. I can't understand the

security officers of the State Department in that business not being capable of putting on a successful wiretap on a telephone in their own department. It doesn't make sense to me. If so, if they can't do that, competently, I don't know what they can do on the outside where they have far more difficulty trying to apply the tap.

Senator DODD. This is the Security Office.

Senator McCLELLAN. This is the Security Office. They can't do it in their own office successfully. It doesn't make sense to me.

Mr. SOURWINE. Mr. Belisle, who listened on the phone while it was tapped? Do you know?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Have you been told?

Mr. BELISLE. No, sir.

Senator DIRKSEN. Did you listen?

Mr. BELISLE. No, sir; I really don't know if anyone listened.

Mr. SOURWINE. Have you conducted any surveys to determine there has been any tapping at any time since you returned from Costa Rica in March?

Mr. BELISLE. Have I conducted any surveys?

Mr. SOURWINE. Yes.

Mr. BELISLE. Yes. I had my own phone checked.

Mr. SOURWINE. Did you make inquiries about the tapping of any other phone, or the conversion of any other phone to a listening device?

Mr. BELISLE. No, sir.

Mr. SOURWINE. What did you find out with regard to your own telephone?

Mr. BELISLE. They tell me it was all right. I had the telephone man up and he said they were having much trouble with the telephones in the Department at the time.

Mr. SOURWINE. Mr. Belisle, when you were given your message—

Senator DODD. Wait a minute. What do you mean. What did you understand he meant when he said much trouble?

Mr. BELISLE. Well, at that time, Senator, there was quite a bit of moving around in the Department of State and you pick up your phone and dial a number and you wouldn't get the number. You probably would get somebody—butt in on someone else's conversation.

Senator DODD. Mechanical trouble?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. Now, Mr. Belisle, when you got your message through Mr. Ehrlich, from the Secretary, was that in a conference between you and him alone, or with you and Mr. Reilly, or were you and Mr. Reilly and Mr. Hill called together and talked to about it?

Mr. BELISLE. I think we were talked to together.

Mr. SOURWINE. You were all called to the Legal Adviser's office?

Mr. BELISLE. Right.

Mr. SOURWINE. And then Mr. Ehrlich gave you the message?

Mr. BELISLE. Right.

Senator DIRKSEN. This only happened a few days ago. You say you think you talked together. Surely you should know.

Mr. BELISLE. No; I think that I was the first one there, I am not sure.

Senator DIRKSEN. Yes, but who was there finally?

Mr. BELISLE. Yes; I said before Mr. Hill, Mr. Reilly, and myself.

Senator DIRKSEN. It was a fact.

Mr. BELISLE. Sir?

Senator DIRKSEN. They were there.

Mr. BELISLE. Yes, sir.

Senator DIRKSEN. You know they were there.

Mr. BELISLE. Right.

Senator DIRKSEN. So you don't think they were there. You know they were there.

Mr. BELISLE. I only said I thought that, well——

Senator DIRKSEN. Well, Mr. Belisle, don't leave it so inconclusive. Just say what the facts are.

Mr. BELISLE. I know, Senator, they were all there.

Senator DIRKSEN. All right.

Mr. SOURWINE. Mr. Belisle, were there any drafts of letters prepared when you got there?

Mr. BELISLE. Yes. I think that Mr. Ehrlich had prepared a draft which he discussed with me.

Mr. SOURWINE. And is the letter which you signed substantially the draft which Mr. Ehrlich had prepared when you got there?

Mr. BELISLE. Yes. A few changes.

Mr. SOURWINE. Had he talked to you about this matter before?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. Then he had talked to you at some time prior to your visit to his office?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. When was that?

Mr. BELISLE. I really don't know.

Senator DODD. It seems to me it is like pulling teeth here.

Mr. BELISLE. I am not trying to be evasive here at all, sir. I mean he is asking me a specific question: When? Senator, I really don't know. I know that Mr. Ehrlich talked with me. On what specific date I don't know. Whether it was a week or 2 weeks.

Mr. SOURWINE. Was it as much as a week or 2 weeks before the date of the signing of this letter?

Mr. BELISLE. I don't know.

Mr. SOURWINE. Wasn't this whole thing, so far as you know, brought to your attention and brought to fruition in the letter all within a single day?

Mr. BELISLE. Repeat that again.

Mr. SOURWINE. Wasn't the whole matter of a supplementary letter or statement or amplification or correction of your testimony—the bringing of it to you, the suggestion of the idea, the conveyance of the Secretary's desire, and the signature of the letter—wasn't that all involved within a single 24-hour period?

Mr. BELISLE. No, sir. I think we discussed that before.

Mr. SOURWINE. Well, do you want the committee to understand that the matter of the Secretary's desire for such a letter was discussed with you at some time a week or 2 weeks before the date of this letter?

Mr. BELISLE. No. I don't want the committee to think that.

Mr. SOURWINE. Well, what is the fact in that regard?

Mr. BELISLE. All right. Now, you asked me a question, Mr. Sourwine. You said "Had this been discussed before," and I said "Yes."

Now you are asking me about that specific letter. Was it done in a 24-hour period? Yes.

Mr. SOURWINE. Well, had anyone told you before the day this letter was signed that the Secretary wanted you to amplify your statement?

Mr. BELISLE. Mr. Ehrlich had talked to me before.

Mr. SOURWINE. As much as a week or 2 weeks before?

Mr. BELISLE. A week before or so. And—to answer your question as to whether or not he wanted me to amplify my testimony at that time, I don't know. He said we should talk about it.

Mr. SOURWINE. Where was that conference? In his office?

Mr. BELISLE. That was either in his office or my office.

Mr. SOURWINE. Was Mr. Reilly there, or Mr. Belisle?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Was Mr. Hill there?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Was there ever a time when you and Mr. Reilly and Mr. Hill got together and discussed this and discussed your mutual recollections with respect to it?

Mr. BELISLE. No; only that night when we prepared the letters.

Mr. SOURWINE. Only the one night when you prepared the letter?

Mr. BELISLE. Yes.

Mr. SOURWINE. Are you aware of the colloquy that took place on the floor of the Senate between Senator Dodd, the vice chairman of this committee, and Senator Thurmond of South Carolina the night before the date of this letter?

(Mr. Belisle nods in affirmative.)

Mr. SOURWINE. You are aware that, in that statement on the floor, Senator Dodd stated that the committee had evidence that this had been done and there was mention of possible perjury?

Mr. BELISLE. Right, sir.

Mr. SOURWINE. Did that have anything to do with the preparation of this letter and its sending within 24 hours, less than 24 hours after that statement?

Mr. BELISLE. I would imagine that it did; yes, sir.

The CHAIRMAN. You say you would imagine that it did.

Mr. SOURWINE. Wasn't it discussed—

The CHAIRMAN. Why don't you come out and be frank and answer the questions?

Mr. BELISLE. Gentlemen, I am trying to be frank and answer your questions honestly.

Senator KEATING. It was discussed in this meeting, wasn't it?

Mr. BELISLE. Sir?

Senator KEATING. It was discussed in the meeting.

Mr. BELISLE. Yes; and you say, "Was this the impetus." I say "Well, I imagine it was." Now, how do I know it was the impetus? Senator Dodd's statements, I would imagine—I still say I would imagine—were the impetus for writing the letter.

Mr. SOURWINE. After you had written your letter did you send a copy or show the original to the Secretary of State?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Do you know if a copy was sent to him?

Mr. BELISLE. No, I do not know.

Mr. SOURWINE. Do you know if Mr. Ehrlich reported to the Secretary respecting what you had done, you and Mr. Reilly and Mr. Hill?

Mr. BELISLE. I imagine he did but I don't know.

Mr. SOURWINE. He never told you that he did?

Mr. BELISLE. No, sir.

Senator DIRKSEN. Let me ask, your letter is dated a week ago yesterday. That is just a short time ago. November 6.

Mr. BELISLE. Right.

Senator DIRKSEN. So you had to sign your letter, didn't you?

Mr. BELISLE. Right, sir.

Senator DIRKSEN. Were there any copies attached to be initialed by anybody?

Mr. BELISLE. No, sir.

Senator DIRKSEN. No copies?

Mr. BELISLE. You said "To be initialed," sir.

Senator DIRKSEN. Well, let's break up the question. Were there copies attached?

Mr. BELISLE. Yes, sir.

Senator DIRKSEN. Did you sign any copies?

Mr. BELISLE. No, sir.

Senator DIRKSEN. How many copies were attached?

Mr. BELISLE. I think there was an original one and one for myself.

Senator DIRKSEN. Wasn't there in the left-hand corner "cc" to so and so and so and so?

Mr. BELISLE. No, sir.

Mr. SOURWINE. There were no initials to show the draft went out?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Did you sign the original of the letter that was then presented to you?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. And did you do so before, or after, making any changes in it? Did you make any changes in the letter as it was presented to you?

Mr. BELISLE. Yes, sir.

Mr. SOURWINE. How did you make those changes?

Mr. BELISLE. I think there was—well, I changed words, wording.

Mr. SOURWINE. How did you change it? Did you take a pencil and strike a word here, through here, and change a word there?

Mr. BELISLE. Well, the letter was in draft and I changed it.

Mr. SOURWINE. And the original and two carbons were in draft?

Mr. BELISLE. No; just a draft copy.

Mr. SOURWINE. You started working on a draft copy?

Mr. BELISLE. That is right.

Mr. SOURWINE. You took a pen or pencil in hand?

Mr. BELISLE. Right.

Mr. SOURWINE. And you went down the statement, the letter, with this pen or pencil? Do you remember which it was, a pen or pencil?

Mr. BELISLE. No, sir.

Mr. SOURWINE. But you did have a writing instrument?

Mr. BELISLE. That is right.

Mr. SOURWINE. And you made changes in it in your own handwriting?

Mr. BELISLE. That is right.

Mr. SOURWINE. How many changes?

Mr. BELISLE. I don't recall.

Mr. SOURWINE. Do you know what became of that draft?

Mr. BELISLE. I imagine—I am sure it was thrown away.

Mr. SOURWINE. You are sure it was? Why are you sure?

Mr. BELISLE. Because I told the girl to put it in the burn bag.

Mr. SOURWINE. You saw it thrown away?

Mr. BELISLE. No; I didn't.

Mr. SOURWINE. Who told the girl to put it in the burn bag?

Mr. BELISLE. I did.

Mr. SOURWINE. You did. And that was after it had been copied—

Mr. BELISLE. That is right.

Mr. SOURWINE (continuing). Into this clean draft which you then signed.

Mr. BELISLE. Right.

The CHAIRMAN. Who wrote the original?

Mr. BELISLE. The original of this letter here, sir?

The CHAIRMAN. Yes.

Mr. BELISLE. Mr. Ehrlich and I collaborated on it.

Mr. SOURWINE. You told us there was a draft prepared when you came in. I think that is what the Senator is talking about.

Mr. BELISLE. That is right.

The CHAIRMAN. That is what I am talking about. Who wrote it?

Mr. BELISLE. Mr. Ehrlich.

Mr. SOURWINE. Do you feel, Mr. Belisle, that this letter constitutes only amplification of your testimony; that it is not in any sense a correction of your testimony?

Mr. BELISLE. I don't think it is a correction of my testimony.

Mr. SOURWINE. You do not think it is?

Mr. BELISLE. No, sir. It is amplification.

Mr. SOURWINE. When you said to the committee in response to a question which I asked you that the question of the right to tap a telephone or put a listening device in an employee's office had not come up in the Department of State since you had been there, did you mean to convey to the committee that there has never been any discussion about doing this?

Mr. BELISLE. No, sir. I think I explained to Senator Dodd that I answered that question that way because you said was it the policy or do we have the right, and that never came up.

Mr. SOURWINE. Well, you must have all assumed that you had the right to do it, if you did it and never discussed whether you had the right. Isn't that correct?

Senator DODD. I didn't hear your answer.

Mr. BELISLE. I don't know how to answer that question.

Mr. SOURWINE. Well, you wouldn't have done it if you had felt that it was contrary to the Department's policy, would you?

Mr. BELISLE. Would I have done it?

Mr. SOURWINE. Yes.

Mr. BELISLE. Well, I don't really know how to answer that question. I may have or I may not have.

Mr. SOURWINE. You would have discussed it with Mr. Reilly as a possible technique or method of surveillance without mentioning the question of your right to do it?

Mr. BELISLE. No, sir.

Mr. SOURWINE. If you had felt that it was contrary to the Department policy for you to do it?

Mr. BELISLE. Would I have discussed it? Yes, I would have discussed it.

Mr. SOURWINE. You would have discussed it as a possible technique even though you knew it was contrary to the Department's policy to do it?

Mr. BELISLE. Sure.

Mr. SOURWINE. Well, the fact is, isn't it, that the question—

Senator DODD. Mr. Sourwine, I want to be sure the witness understood that question.

Mr. BELISLE. Would I have discussed it?

Senator DODD. Well, your answer rather startles me. Do you want the committee to understand that you would do things contrary to the rules and regulations of the Department of State?

Mr. BELISLE. Well, I don't know—

Senator DODD. I think that is the way the record is now.

Mr. BELISLE. Well, if it is, Senator, I would like to change it. What I understood was: Would I—"would you discuss it," and I said: "Yes, I would discuss it."

Mr. SOURWINE. Well, Mr. Belisle, if you felt that it was contrary to the Department's policy to tap a phone or put in a listening device, wouldn't you, in connection with any discussion of it, have expressed to your superior, Mr. Reilly, your belief that it was or would be contrary to the Department's policies?

Mr. BELISLE. If I knew that it was contrary to the Department's policy and all, I am sure I would have pointed out—

Mr. SOURWINE. Now, you didn't point out any such things to Mr. Reilly, did you?

Mr. BELISLE. That is right; I didn't.

Mr. SOURWINE. Isn't it necessarily true, then, according to your testimony, that at that time you didn't know it to be contrary to the Department's policy?

Mr. BELISLE. I don't know—I didn't know whether it was the Department's policy.

Mr. SOURWINE. I see. Now, isn't it a fact that the question of tapping Otepka's telephone did come up in the State Department?

Mr. BELISLE. Oh, yes.

Mr. SOURWINE. Yes.

Mr. Chairman, I have no more questions of this witness.

Senator HRUSKA. I would like to ask the witness when one reads a newspaper account of some matter, would you consider that information, Mr. Belisle?

Mr. BELISLE. Sir? Would I consider that—

Senator HRUSKA. If you read a newspaper account of an event, would you consider the text of that news article information on that subject?

Mr. BELISLE. Yes.

Senator HRUSKA. Suppose the reporter instead of having communicated his account of that event in print in the newspaper would step up to you and describe that event. Would you consider that to be information?

Mr. BELISLE. Yes. I would consider it to be information, I suppose.

Senator HRUSKA. And yet you don't feel that when this question was asked you: "Do you have any information with respect to the tapping of the telephone of Mr. Otepka?"—you don't feel that what Mr. Reilly had told you about all of this wiretap business, you don't feel that that was information?

Mr. BELISLE. Senator, I can only say that I answered that question in my own judgment. I felt this was hearsay information and I did not have firsthand knowledge of it, so therefore I answered it as I did.

Senator HRUSKA. Of course, Mr. Belisle, you didn't say, "No, sir; no firsthand information." Your answer said, "No, sir."

Mr. BELISLE. Right.

Senator HRUSKA. And you knew at that time, didn't you, that the committee was trying to get information of any kind about it and that is what the question was that was put to you, did you not?

Mr. BELISLE. I knew; yes, sir.

Senator HRUSKA. You knew that.

The CHAIRMAN. And you knew you were withholding information from this committee; did you not?

Mr. BELISLE. Sir, I did not feel I was withholding information. As I said before, I did not—it was my considered judgment that this was hearsay information and therefore I could not answer—

The CHAIRMAN. Of course, that is a pretext. You knew better than that.

(Mr. Belisle shakes his head.)

The CHAIRMAN. That is an excuse. You know better than that.

Mr. BELISLE. That was my judgment, sir.

Senator KEATING. Had you ever taken an oath before in any proceeding?

Mr. BELISLE. Yes, sir.

Senator KEATING. Do you know the nature of that oath?

Mr. BELISLE. Yes, sir.

Senator KEATING. Do you know a part of that oath is that you will tell the whole truth?

Mr. BELISLE. Yes, sir.

Senator HRUSKA. Did you consider that you had told the whole truth in answer to the question: "Do you have any information with respect to the tapping of Mr. Otepka's telephone?"

Mr. BELISLE. Senator, in my judgment, I felt I had answered the question truthfully. That is all I can say. This was my considered judgment and I answered it that way.

Mr. SOURWINE. Do you still feel that way?

Mr. BELISLE. I still feel that this was hearsay information of which I had no firsthand knowledge, and I answered your question, what I considered to be truthful.

Mr. SOURWINE. I take it, then, that you feel you have nothing to apologize to the committee—

Mr. BELISLE. Listen, I apologized to the committee. I apologized to the State Department for all of the newspaper publicity. I apologized to my family and everything else. But—

The CHAIRMAN. Why do you apologize?

Mr. BELISLE. Well, I apologize for getting them, getting all the publicity and I apologized to the committee for—

The CHAIRMAN. Wasn't it because you didn't tell the truth to this committee? Wasn't that the reason?

Mr. BELISLE. I apologized to them for having—to you people for thinking that I misled you, to the State Department for getting bad publicity as a result of my testimony, and to my family also.

Mr. SOURWINE. Do you yourself feel that you have any culpability, Mr. Belisle?

Mr. BELISLE. No, sir.

Senator DIRKSEN. Any what?

Mr. SOURWINE. Culpability.

Mr. BELISLE. No, sir.

Senator DODD. Let me ask you a question. Prior to your testimony before this committee, were you briefed or did you receive any instructions from anybody, or any advice, or were any suggestions made to you?

Mr. BELISLE. No, sir.

Senator DODD. None at all?

Mr. BELISLE. I got—the only advice I got was from Mr. Crockett and that is: "Well, you have to go down there and tell the truth."

Senator SCOTT. Were you so advised prior to your testimony of July 29, 1963?

Mr. BELISLE. Yes, sir.

Senator SCOTT. Mr. Belisle, a further question which was put to you was, first, whether you had any information with respect to the tapping of the telephone, and you said, "No, sir." The next question by Mr. Sourwine was:

Do you know whether this was done?

Your answer, Mr. Belisle, was "No; I do not." And now you have said, and said in your letter, that in fact you had discussed it on your return from Costa Rica with Mr. Reilly.

Now, if that is the case, then what you said before the committee on the 29th of July 1963, was not true. Is that not a fact?

Mr. BELISLE. No, sir. I don't believe that, sir. I did not know it was done.

Senator SCOTT. Didn't you say in your subsequent letter that Mr. Reilly told you it was done?

Mr. BELISLE. Yes, sir; I have.

Mr. SOURWINE. Are you taking the position, are you, that you don't know anything unless you yourself participated in it or saw it happen?

Mr. BELISLE. This is the position I take; yes, sir.

Senator SCOTT. You were, of course, actually covering your superior, Mr. Reilly, were you not, in this testimony of the 29th of July?

Mr. BELISLE. Covering him?

Senator SCOTT. Yes, because you had had a conversation with Mr. Reilly in which he told you that there had been this tap of the telephone. Nevertheless you said here you did not know. Your answer was, "No; I do not." You did not know whether this was done. This would mean, then, that your superior makes a statement of fact to you, your answer to it indicates that you do not believe the statement of fact, and therefore you are saying here now that Mr. Reilly

was not telling you the truth or that you mistrusted him or that you refused to accept as factual the statement made by your superior?

Mr. BELISLE. No, sir.

Senator SCOTT. Then what are you saying?

Mr. BELISLE. I am saying as I said before that I, in my own considered judgment, I could answer the question and did answer the question that I thought truthfully because I had no firsthand knowledge of this information—

Senator SCOTT. You didn't tell the committee you had no firsthand knowledge.

Mr. BELISLE. No, sir; I didn't.

Senator SCOTT. To you, then, the only kind of knowledge, the only concept you have of the word "knowledge" is something you see happening; is that right?

Mr. BELISLE. Something that I can testify to; yes, sir.

Senator SCOTT. In other words, you wouldn't have any knowledge that Pearl Harbor occurred because you weren't in Honolulu at that time; is that right? Would you carry it to that extreme, and if you would not, tell us why not.

Mr. BELISLE. Well—

Senator HRUSKA. Would the Senator yield?

Senator SCOTT. I would like to get an answer to that.

Mr. BELISLE. Well, I would say I would only know what I read in the papers.

Senator SCOTT. Just as you would only know what Mr. Reilly told you.

Mr. BELISLE. Right, sir.

Senator SCOTT. And had you been asked anything about Pearl Harbor that you read in the papers, you would have commented on it, would you not?

Mr. BELISLE. Well, certain things you believe in and you don't know but you believe.

Senator SCOTT. Don't you believe in Mr. Reilly?

Mr. BELISLE. Sure, I believe in Mr. Reilly.

Senator SCOTT. I yield.

Senator HRUSKA. You would in that event, in the instance of Pearl Harbor, you would have had information about Pearl Harbor, would you not have?

Mr. BELISLE. Yes, sir. But I wouldn't have had firsthand knowledge, but I would have had information.

Senator HRUSKA. Yes.

Senator KEATING. In retrospect, Mr. Belisle, when you said you had no information on this subject, don't you think it would have been better to explain what you meant by that at that time?

Mr. BELISLE. In retrospect I think it would have been much better.

Mr. SOURWINE. You went to college, didn't you?

Mr. BELISLE. No, sir.

Senator McCLELLAN. You know now that your answers were completely evasive, don't you, of what the committee wanted to get? You were trying to be evasive and trying to withhold the information the committee wanted.

Mr. BELISLE. Senator, I say again I did not, in my considered judgment I did not think they were evasive.

Senator McCLELLAN. You don't consider them now evasive? You mean to——

Mr. BELISLE. No.

Senator McCLELLAN. You mean to sit there now and say to this committee that the answers you gave under oath to tell the truth and the whole truth, you mean to say now they were not evasive?

Mr. BELISLE. Well, I think you can interpret——

Senator McCLELLAN. How do you interpret them as of this minute?

Mr. BELISLE. As of this minute, as I said, not having had firsthand information, I still feel that I answered your questions correctly, sir.

Senator McCLELLAN. You say your answers were not evasive of the truth?

Mr. BELISLE. Well, evasive of the truth.

Senator McCLELLAN. Yes. Plain, straight, evasive of the truth.

Mr. BELISLE. I don't think so; no, sir.

Senator HRUSKA. The question was "any information." It wasn't firsthand information and it was plain English. It said "Did you have any information." Can you still sit there and tell this committee that in your considered judgment you were telling the truth when you answered "No, sir"?

Mr. BELISLE. Senator, I said in my considered judgment I did not have firsthand information of it, and, therefore, that is why I answered it that way.

Senator HRUSKA. Mr. Chairman, I think that explanation is an affront to this whole committee.

The CHAIRMAN. It is.

Mr. BELISLE. I am sorry, sir.

Senator DODD. Mr. Belisle, suppose you were asked a similar question here today. Would you answer the question put to you by Mr. Sourwine on July 29, in the same way that you answered it that day?

Mr. BELISLE. You mean after everything has transpired, Senator?

Senator DODD. Yes.

Mr. BELISLE. I suppose after everything has transpired I probably would say I have no firsthand information with respect to this.

Senator SCOTT. Mr. Belisle, did you furnish any of the information which constituted a part of the charges against Mr. Otepka?

Mr. BELISLE. Did I furnish any of the information?

Senator SCOTT. Yes.

Mr. BELISLE. Yes, sir; I did.

Senator SCOTT. What information did you furnish?

Mr. BELISLE. Well, that——

Senator SCOTT. You are now under oath. You are now under oath.

Mr. BELISLE. Yes.

Senator SCOTT. What information did you furnish?

Mr. BELISLE. Now, what are we talking about, information, sir? Are you talking about evidence that——

Senator SCOTT. I wish you wouldn't hedge with me, Mr. Belisle.

Mr. BELISLE. I am not trying to hedge. You said furnish information.

Senator SCOTT. Did you furnish information relating to the charges against Mr. Otepka?

Mr. BELISLE. Yes, sir. I had evidence that I told was taken from the burn bag. Is that what you mean?

Senator SCOTT. Yes. I mean any information, now, whether you call it firsthand—

The CHAIRMAN. Not from the burn bag, but any information.

Senator SCOTT. I am being very careful to say any information, whether it was first, second, or third hand, whether it was told to you by anyone else, whether you discussed it by physical means or any manner whatsoever, leaving no opportunity for evasion whatsoever. My question is now very clearly, you said you did furnish information. What information did you furnish?

Mr. BELISLE. I think that I furnished information on the charges with respect to what we recovered from the burn bag about the questions that Mr. Otepka prepared for us to be asked.

Senator SCOTT. By whom?

Mr. BELISLE. Sir?

Senator SCOTT. By whom?

Mr. BELISLE. By Mr. Sourwine. There is only one—I am sure that there is only one part of the evidence that I am concerned with that I furnished.

Senator SCOTT. To whom did you furnish it?

Mr. BELISLE. The evidence?

Senator SCOTT. Yes.

Mr. BELISLE. To Mr. Reilly.

Senator SCOTT. And then did you testify or give any oral or written statement in connection with the charges against Mr. Otepka?

Mr. BELISLE. I gave a written statement on the fact that this material was recovered from the burn bag on such and such a date in my presence, and that I was there.

Senator SCOTT. And the material you discovered you have told us related to questions which were to be asked of other witnesses by Mr. Sourwine. That would be before the Senate Internal Security Subcommittee, would it not?

Mr. BELISLE. Right, sir.

Senator SCOTT. Now, we have had other testimony that the charges against Mr. Otepka were not because of his testimony to the subcommittee and yet, as a matter of fact, the charges—and you have just said you joined in those charges—were made because of testimony which you felt was being prepared for the counsel for this subcommittee, isn't that a fact?

Mr. BELISLE. I don't know as I understand your question, Senator.

Senator SCOTT. Well, I will restate it. You have told us that you found information which you believe was in the form of questions, which you felt were prepared by Mr. Otepka, to be asked by Mr. Sourwine, who is the counsel of this committee.

Mr. BELISLE. Right, sir.

Senator SCOTT. And that that information you discovered became a part of the charges against Mr. Otepka. I say it has been testified by others in the State Department that the charges against Mr. Otepka did not include and were not made because of any testimony by Mr. Otepka to this committee. How do you differentiate that?

Mr. BELISLE. This was not testimony of Mr. Otepka, sir.

Senator SCOTT. Well, what was the evidence you found in the burn bag?

Mr. BELISLE. I found a typewriter ribbon and the typewriter ribbon had on it "questions to be asked."

Senator SCOTT. Of whom?

Mr. BELISLE. Of me.

Senator SCOTT. Of you? Also of Mr. Otepka, were they not?

Mr. BELISLE. No, sir.

Senator SCOTT. Were there no questions there which purported to be questions to be asked by Mr. Sourwine of Mr. Otepka?

Mr. BELISLE. No, sir.

Senator SCOTT. So that you joined in the charges because you thought Otepka was after you, is that true?

Mr. BELISLE. No, sir; that is not true. I joined in the charges because, at that date, when the burn bag was opened, I was there and went through the material in the burn bag, and whatever evidence was produced from there I had to give a statement to the effect that it came out of this burn bag on such and such a date and I was there and I signed—

Mr. SOURWINE. What date was that?

Mr. BELISLE. I don't know, sir.

Mr. SOURWINE. How did you get your information which you transmitted to Mr. Reilly with regard to what was found in the burn bag?

Mr. BELISLE. How did I get my information?

Mr. SOURWINE. Yes.

Mr. BELISLE. How did I get my information?

Mr. SOURWINE. Yes.

Mr. BELISLE. From the burn bag.

Mr. SOURWINE. You yourself found it or were there when it was found?

Mr. BELISLE. I was there when it was found.

Mr. SOURWINE. According to Mr. Reilly's letter which you said you had read, he got the evidence he wanted from the burn bag while you were in Costa Rica. Do you remember that?

Mr. BELISLE. Yes. That was the first—there was more than one.

Mr. SOURWINE. You continued the surveillance of the burn bag?

Mr. BELISLE. That is right.

Mr. SOURWINE. You didn't feel, then, that you had all you needed from the one burn bag in which evidence was found while you were in Costa Rica?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Why didn't you also continue the wiretap?

Mr. BELISLE. I had nothing to do with the wiretap, sir. I don't know why the wiretap.

Senator DODD. Well, I think you told us that it fizzled and that is why it—

Mr. BELISLE. That is right, sir.

Mr. SOURWINE. Mr. Chairman, may I make a suggestion off the record?

The CHAIRMAN. Proceed.

(Discussion off the record.)

Senator SCOTT. Mr. Belisle, you yourself had your own telephone system checked to see whether or not your telephone was being compromised, didn't you?

Mr. BELISLE. Yes, sir.

Senator SCOTT. Why did you do that?

Mr. BELISLE. As I said, I was getting a lot of peculiar noises on it and I would dial and get into other people's conversations. I would dial and get wrong numbers. I would dial and get a racket on the phone.

Senator SCOTT. All right. That is all.

Senator DODD. You suspected your own wire was tapped, didn't you?

Mr. BELISLE. I suspected, yes, sir. I don't know as I suspected. I wanted to find out whether it was.

Senator DODD. Well, the reason for asking is that this would indicate—to me, anyway—that you had some general knowledge that wiretapping was going on in the Department. Is that what you meant?

Mr. BELISLE. No; I didn't mean that, Senator.

Senator DODD. All right.

The CHAIRMAN. If I told you I killed Jim Jones and I was indicted for his murder and you were asked if you had any information about the killing and you said "No," do you think you would be withholding information? Do you think you would be committing perjury? Or do you think you wouldn't be guilty of any offense? That is exactly what you have done here.

Mr. BELISLE. I don't know.

Senator HRUSKA. You knew a little while ago. Is your memory fading? You knew a little while ago whether you would be committing perjury or not.

Mr. BELISLE. In answer to what?

Senator HRUSKA. In answer to the question whether you would have any information on a subject which was told you by a person.

The CHAIRMAN. One who was involved.

Senator DIRKSEN. Mr. Chairman, I have just one other question.

Mr. Belisle, Mr. Reilly appeared before the committee on the 6th of August this year. Then, when he testified, he said "on March 13, 1963." He was so specific. That was 6 months before he came before the committee. But he had no difficulty in pegging that date. He said:

On March 13, 1963, I discussed with Mr. David I. Belisle, my special assistant, a variety of investigative techniques which might be used to determine whether my suspicions were accurate.

As a result of these discussions you went to Costa Rica on the 17th.

Mr. BELISLE. Right.

Senator DIRKSEN. Mr. Reilly had no difficulty in fastening this on a specific date 4 days—

Mr. BELISLE. No, sir.

Senator DIRKSEN (continuing). —four days before you went to Costa Rica. Now, this was certainly the subject of conversation down there every day, wasn't it? Mr. Reilly speaks about discussions. I mean that Otepka matter. This was in the state of constant discussion, wasn't it?

Mr. BELISLE. The Otepka case?

Senator DIRKSEN. Yes.

Mr. BELISLE. Oh, yes.

Senator DIRKSEN. Mr. Reilly speaks about—plural—discussions. So it is fair to assume that you knew all about it, everything, because you are Mr. Reilly's special assistant.

Well, it is not material whether you answer the question, Mr. Belisle.

Mr. BELISLE. Senator, it is not that I don't want to answer your question, but if you are referring to the date, the reason that he can be specific as to the date is because the next day we picked up a burn bag and the first burn bag was picked up on the 15th of March. Some discussions, yes; I would say we had many discussions but—

Senator DIRKSEN. Every aspect of it.

Mr. BELISLE. The only one aspect that kept—that we pursued, Mr. Senator, was the aspect of the burn bag. So we had many discussions on what we were getting and what was in them.

Senator DIRKSEN. Yes, but Mr. Reilly said here that you were discussing—he discussed with Mr. Belisle “a variety of investigative techniques which might be used.”

Mr. BELISLE. That is right. I said that in the beginning.

Senator DIRKSEN. That is what Mr. Reilly said. He had these discussions with you. So the question was how to get Otto Otepka, wasn't it?

Mr. BELISLE. No; the question was to find out what information was being given.

Senator DIRKSEN. All right. Let's throw the word “question” out. The problem was how to get Otto Otepka.

Mr. BELISLE. Right.

Senator DIRKSEN. All right.

Senator HRUSKA. When did you go to Costa Rica?

Mr. BELISLE. The 17th of March.

Senator HRUSKA. When did you return?

Mr. BELISLE. As I say, I really don't know whether it was the 21st or 22d. In that period.

Senator HRUSKA. How many burn bags were searched before the fruitful search was made?

Mr. BELISLE. One.

Senator HRUSKA. That was on the 14th.

Mr. BELISLE. Yes.

Senator HRUSKA. And then there was a later one.

Senator SCOTT. Nineteenth.

Senator HRUSKA. Nineteenth. And that is where the typewriter ribbon and all these other things were found.

Mr. BELISLE. No, sir. That was—let's see—that was one which produced carbon paper of questions.

Senator HRUSKA. When was the typewriter ribbon recovered?

Mr. BELISLE. The typewriter ribbons were recovered on different dates, sir. I really don't know the exact dates.

Senator HRUSKA. And I understood you to say there were two searches of burn bags.

Mr. BELISLE. Oh, there were more than two, sir.

Senator HRUSKA. There were?

Mr. BELISLE. Yes, sir.

Senator HRUSKA. And was your written statement to Mr. Reilly describing your delving into that burn bag and recovering therefrom these things, did that include the carbon paper to which you—

Mr. BELISLE. No, sir. I wasn't there, sir, when the carbon paper was retrieved.

Senator HRUSKA. How many burn bag inspections were there, would you say?

Mr. BELISLE. I would probably say maybe—I wouldn't want to be held to this but I would probably say 10 or 12.

Senator HRUSKA. Were you there at each of them?

Mr. BELISLE. No, sir.

Senator HRUSKA. How do you know there were 10 or 12?

Mr. BELISLE. Well, I saw the burn bags in the safe where we kept them.

Senator HRUSKA. How do you know they were from that source? How do you know they came to the safe where you kept them for that purpose?

Mr. BELISLE. They were marked to identify them.

Senator HRUSKA. You were told?

Mr. BELISLE. No. I saw the markings right on them.

Senator HRUSKA. You saw the markings?

Mr. BELISLE. Yes, sir.

Senator HRUSKA. So you read something at that time which you construed as information or knowledge, is that true?

Mr. BELISLE. Yes, sir.

Senator HRUSKA. And as a result of that information or knowledge you concluded that they were the bags that were collected from the searches that were made for this material.

Mr. BELISLE. Right, sir.

Senator HRUSKA. Thank you, Mr. Witness.

Senator DODD. I would like to ask a question. Mr. Belisle, Do you know anything about any investigation of the staff of this committee or the members of this committee conducted by the State Department?

Mr. BELISLE. Any investigation? No, sir.

Senator DODD. Never heard of any?

Mr. BELISLE. An investigation; no, sir.

Senator DODD. Well, is there any other word that you would use?

Mr. BELISLE. Well, Senator, as I said, as Mr. Sourwine asked me before, he was questioned by the FBI with respect to this—is that what you mean, sir?

Senator DODD. Well, I mean what I asked.

Mr. BELISLE. Yes. All right.

Senator DODD. Do you know of any investigation of any nature, of the staff of this subcommittee or the members of the subcommittee?

Mr. BELISLE. The staff. Mr. Sourwine—I know that as Mr. Sourwine, as a result of Mr. Sourwine's questioning, the FBI report, he said he had been questioned by the FBI.

Senator DODD. Mr. Sourwine told you?

Mr. BELISLE. Mr. Sourwine asked me questions about that, sir, in my appearance before this committee.

The CHAIRMAN. Did you tap his telephone?

Mr. BELISLE. No, sir.

Mr. SOURWINE. Do you know of any instructions given to anyone in the staff or on the staff of the Office of Security to make any inquiries about staff members of this committee?

Mr. BELISLE. No, sir.

Senator DODD. Have you ever heard this matter discussed by anybody?

Mr. BELISLE. To do an investigation of the committee? No, sir.

Senator DODD. Anything of the kind? Had you ever heard it discussed before I asked you today?

Mr. BELISLE. Gosh, I am not trying to hedge, Senator, but I don't know what you are driving at.

Senator DODD. It is very simple. Well, I ask you this.

Mr. BELISLE. Yes, I realize that. Did we do an investigation of the members of this subcommittee? No, sir.

Senator DODD. I asked you, Have you ever heard it discussed? Was it ever suggested that there be—

Mr. BELISLE. No, sir.

Senator DODD. Never heard anything about it?

Mr. BELISLE. No suggestions that we would do anything like that.

Mr. SOURWINE. Were you ever told that inquiries about staff members of this committee of their activities had been made by anybody in the Office of Security?

Mr. BELISLE. No, sir.

Mr. SOURWINE. You were not?

Mr. BELISLE. I was not told that any inquiries were made on any members of the staff of the subcommittee.

(The Belisle letter of November 6, 1963, to Chairman Eastland follows:)

DEPARTMENT OF STATE,
Washington, November 6, 1963.

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

DEAR MR. CHAIRMAN: In the course of my July 29, 1963, testimony before the Subcommittee on Internal Security, I was asked by Mr. Sourwine whether I had any information concerning the interception of conversations in Mr. Otto F. Otepka's office. I replied that I did not.

After review of my testimony, I would like to amplify my responses to Mr. Sourwine's questions by stating that Mr. Reilly mentioned to me the events which I understand he has described to you in a separate letter, and accompanying enclosure. He mentioned these events to me, however, only after the events occurred. At the time the events took place, I was in Costa Rica in connection with the visit of the President and the Secretary to that country. I had, therefore, no firsthand information concerning these events, and it was for this reason that I answered Mr. Sourwine's questions as I did.

I would appreciate it if this letter could be inserted in the record of my testimony. If this is done, I suggest that it be included on page 1214 of my testimony.

I am enclosing the copy of my testimony which was provided to me.

Sincerely,

DAVID I. BELISLE

TESTIMONY OF THOMAS EHRLICH, OFFICE OF LEGAL ADVISER,
DEPARTMENT OF STATE

THURSDAY, NOVEMBER 14, 1963

Senator James O. Eastland, chairman, presiding.

Present: Senators Eastland, John L. McClellan, Thomas J. Dodd, Everett McKinley Dirksen, Roman L. Hruska, Kenneth B. Keating, and Hugh Scott.

Also present: J. G. Sourwine, chief counsel; Alan McArthur, associate counsel; Samuel J. Scott, assistant counsel; Benjamin Mandel, director of research.

The CHAIRMAN. Who is your next witness?

Mr. SOURWINE. I respectfully suggest we hear Mr. Ehrlich.

The CHAIRMAN. Would you stand up, please? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EHRlich. I do, sir.

Mr. SOURWINE. Do you want to excuse Mr. Belisle?

The CHAIRMAN. Yes.

Senator DODD. Mr. Chairman, it occurred to me we might want to ask Mr. Belisle other questions after Mr. Ehrlich.

The CHAIRMAN. Let him wait outside.

Senator DODD. I wanted to be sure the witness understood.

Mr. SOURWINE. Mr. Ehrlich, you have heard Mr. Belisle state that you conveyed to him and to Mr. Reilly the wish or instruction of the Secretary of State that letters be prepared by them amplifying or correcting their testimony.

Mr. EHRlich. Yes, sir.

Mr. SOURWINE. Will you tell us just what instructions you did convey and when and where they were conveyed?

Mr. EHRlich. I talked to Mr. Belisle the evening before—I don't have the exact date. It was—

Mr. SOURWINE. The letter is dated November 6.

Mr. EHRlich. The evening of the 5th, and asked for him to meet me in the office of the legal adviser, Mr. Chayes' office.

Mr. SOURWINE. That night?

Mr. EHRlich. That evening.

Mr. SOURWINE. What time did you talk to him?

Mr. EHRlich. I would say approximately 8, but that is —

Mr. SOURWINE. Did you at that time know of the discussion on the Senate floor about possible perjury?

Mr. EHRlich. Yes; I did.

Mr. SOURWINE. How had that information come to you?

Mr. EHRlich. As I remember it, I had seen—either seen a paper reproducing a wire, a UP or AP statement, or heard it told to me. I don't remember which.

Mr. SOURWINE. What time did Mr. Belisle come to Mr. Chayes' office?

Mr. EHRlich. Approximately 9 to 9:30.

Mr. SOURWINE. On the night of November 5?

Mr. EHRlich. Yes.

Mr. SOURWINE. And how long was he there?

Mr. EHRlich. I would say approximately 3 hours.

Mr. SOURWINE. Was Mr. Reilly there during all or most of that 3 hours?

Mr. EHRlich. As I remember it, Mr. Belisle came first and so there was some interim of time in which—it wasn't long.

Mr. SOURWINE. That is not my question. My question is whether Mr. Reilly was there during most of the 3 hours that Mr. Belisle was there.

Mr. EHRlich. Yes.

Mr. SOURWINE. And was Mr. Hill there during most of that 3-hour period?

Mr. EHRlich. Yes.

Mr. SOURWINE. They all came together in response to your call. Had you received instructions from the Secretary with respect to calling them and having letters of this nature prepared?

Mr. EHRlich. I had received a request not directly from the Secretary but through Mr. Ball, what I understood Mr. Ball had discussed the matter with the Secretary.

Mr. SOURWINE. You got this personally from Mr. Ball?

Mr. EHRlich. Yes.

Mr. SOURWINE. By telephone or face to face?

Mr. EHRlich. In person.

Mr. SOURWINE. Face to face. You were called to his office were you?

Mr. EHRlich. Yes.

Mr. SOURWINE. And what did Mr. Ball tell you? Just tell us in your own words as best you remember.

Mr. EHRlich. He said that he believed that it would be well from both the Department's standpoint and from the individuals' involved standpoint if they prepared letters and/or statements clarifying what actually—the events that actually took place the previous March.

Mr. SOURWINE. Did he tell you he had talked about this with the Secretary of State?

The CHAIRMAN. He already testified to that.

Mr. EHRlich. I believe he did say he had discussed that. The matter—so I am not misleading—the matter had been discussed earlier, the possibility of the three individuals involved preparing amplifying statements.

Mr. SOURWINE. With whom or among whom had this been discussed?

Mr. EHRlich. I had—Mr. Ball had discussed this with me and I had discussed it with both Mr. Reilly and Mr. Hill.

Mr. SOURWINE. Had you discussed it with Mr. Chayes?

Mr. EHRlich. No.

Mr. SOURWINE. On that first occasion when you discussed it—

Mr. EHRlich. I don't think I talked to Mr. Chayes about it.

Mr. SOURWINE. Did you ever discuss it with Mr. Chayes?

Mr. EHRlich. Well, at the—I don't believe I discussed the statements with him; no.

Mr. SOURWINE. Do you mean the committee to understand—do you want the committee to understand that you received instructions indirectly from the Secretary of State through Mr. Ball in a matter of this importance and proceeded to act on those instructions without the knowledge or consent of your superior, Mr. Abram Chayes?

Mr. EHRlich. Well, perhaps I should explain why this is so.

Mr. SOURWINE. It is so, is it?

Mr. EHRlich. Yes. I was not acting under the instructions of Mr. Chayes. Mr. Chayes knew that I was working for Mr. Ball and I think it probably is more accurate to say that I was working for Mr. Ball rather than directly for the Secretary, at least it was through Mr. Ball.

Shortly, at some point after the committee's memorandum, 10-page memorandum, was received by the Secretary, Mr. Ball asked

me to look into the general—the matters that were covered in that memorandum, for him directly and not with Mr. Chayes; in other words, that I was to be detailed to work for Mr. Ball.

Mr. SOURWINE. I see. And did you do this?

Mr. EHRLICH. Yes; I did.

Mr. SOURWINE. What conclusion did you reach with respect to those matters?

Mr. EHRLICH. Well, there were 10 pages of matters and all of them, frankly—the purpose of my doing this was to work with the Secretary in preparing his statement, his testimony before you, I believe it was 3 weeks ago.

Mr. SOURWINE. Did you reach any conclusion as to whether any of the statements in that 10-page memorandum were false or misleading or in any way untrue?

Mr. EHRLICH. Well, I reached a number of conclusions about them. I frankly would have to see the statements before I could comment about them.

Mr. SOURWINE. Did you find any of the statements in that 10-page statement which in your judgment were untrue or misleading?

Mr. EHRLICH. Yes; I did.

Mr. SOURWINE. Did you convey this impression to Mr. Ball?

Mr. EHRLICH. Yes; and I prepared—yes; I did, and to the Secretary.

Mr. SOURWINE. And to the Secretary.

Senator DODD. You are referring to the memorandum which you and I put to the Secretary in writing?

Mr. SOURWINE. Yes, sir. Did you convey this in writing?

Mr. EHRLICH. I gave the Secretary part of my judgments in writing and part orally.

Mr. SOURWINE. You prepared a memorandum, or in a sense an analysis of at least some of the portions of that statement.

Mr. EHRLICH. Yes.

The CHAIRMAN. You never did finish your first answer now?

Mr. EHRLICH. Excuse me?

The CHAIRMAN. I said, did you finish your first answer? You conveyed a memorandum and discussed your impressions. Is that with the Secretary?

Mr. EHRLICH. There were a number of issues raised in the memorandum, in the committee's memorandum, and I gathered together material for the Secretary and prepared some memorandums myself and discussed a few of the points with the Secretary.

Mr. SOURWINE. Can you remember any one statement in the committee's memorandum which you concluded was false or misleading?

Mr. EHRLICH. Sir, without making that—before making that specific statement, I would want to see the memorandum because that would be a serious charge on my part.

Mr. SOURWINE. Can your conclusions as written with respect to any of the statements in this memorandum or any other matters in connection with it, as conveyed in writing to Mr. Ball and/or the Secretary of State, be furnished to this committee?

Mr. EHRLICH. I would have to ask my superiors.

Mr. SOURWINE. May the request be that this be done; that they be furnished, if the Secretary will permit it?

The CHAIRMAN. What is the pleasure?

Senator DIRKSEN. I think so.

Senator McCLELLAN. I think he has a duty or right to say that he wants to do it with the permission of his superiors.

Mr. SOURWINE. Yes. I thought I had included that.

Senator McCLELLAN. Maybe you did, but I think he has that right.

Mr. SOURWINE. I suggest the order be that he ask for it and that it be furnished if the Secretary permits it.

Senator McCLELLAN. I think that is all right.

Senator DIRKSEN. I so move it.

The CHAIRMAN. All in favor say "aye."

(Chorus of "ayes.")

The CHAIRMAN. The "ayes" have it. So voted.

(EDITOR'S NOTE.—The memorandum requested had not been furnished at press time for this volume.)

Senator DODD. Before we leave the subject, don't you remember generally whether you thought that any of the material in that memorandum submitted to the Secretary of State was true or false?

Mr. EHRLICH. Well, Senator, I am frankly concerned about my own statement that something is false without seeing what it is in front of me and my impression is that the memorandum was to the Secretary, and I gave him some of my own views and I don't want to—

Mr. SOURWINE. I tried to make it clear that we were not making you make a charge. I simply asked if you reached conclusions. You are entitled to reach conclusions. You are a lawyer. You were analyzing something and you said you did reach conclusions, and we are simply trying to find what your conclusions are as conveyed to Mr. Ball and the Secretary.

Mr. EHRLICH. Yes.

Mr. SOURWINE. That is clear, isn't it?

Mr. EHRLICH. Yes.

Mr. SOURWINE. Now on the occasion that you first talked with Mr. Ball about having such letters written, did you and he part with the understanding that he would check with the Secretary, or clear with the Secretary on it, or talk with the Secretary about it, and let you know the Secretary's view?

Mr. EHRLICH. Well, did I make myself clear that the—that prior to the—if that letter was dated the 8th, did you say—

Mr. SOURWINE. Dated the 8th.

Mr. EHRLICH. Prior to the day of the 5th, Mr. Ball and I and Mr. Reilly and Mr. Hill and I had discussed this subject matter. I didn't want the impression left that this was the first time.

Mr. SOURWINE. No. I understood that.

Mr. EHRLICH. On this day when Mr. Ball asked me to convey this to Mr. Reilly, Mr. Hill, and Mr. Belisle, I can't honestly say that he specifically said he had talked to the Secretary before or afterward. I must say it is my impression that he talked with the Secretary at one point before or after.

Mr. SOURWINE. I understand, but you had told us on earlier occasions you discussed the possibility of such letters with Mr. Ball.

Mr. EHRLICH. Yes.

Mr. SOURWINE. How, I am asking you.

Mr. EHRLICH. Well, discussed the possibility of statements.

Mr. SOURWINE. Yes.

Mr. EHRLICH. By the three. Whether they would be in letter form to the committee—

Mr. SOURWINE. All right. Statements clarifying or amplifying or correcting?

Mr. EHRLICH. That is right.

Mr. SOURWINE. Now I am asking whether, on that occasion when you first discussed that with Mr. Ball, you and he parted with the understanding that he was going to take it up in some way with the Secretary and let you know later what the order would be.

Mr. EHRLICH. I know it was discussed in my presence with the Secretary.

Mr. SOURWINE. By Mr. Ball?

Mr. EHRLICH. By Mr. Ball and—

Mr. SOURWINE. Did you participate in that discussion?

Mr. EHRLICH. The most accurate answer I can give is: To the best of my recollection, there was a conversation with the Secretary and Mr. Ball concerning this subject.

Mr. SOURWINE. And did the Secretary then, to you or to Mr. Ball in your presence, indicate that he favored the writing of such statements or that he wished to see this done?

Mr. EHRLICH. That he did wish to see statements prepared.

Mr. SOURWINE. So that thereafter when you conveyed to Mr. Belisle and Mr. Reilly and Mr. Hill the Secretary's desire that this be done, you were conveying to them something that you had yourself heard the Secretary express as his wish.

Mr. EHRLICH. No; because—I don't mean a flat "no." I mean that the time the Secretary—I remember hearing the Secretary discuss this—was several days before the 5th. The time, the day of the 5th I don't—as I remember it, I don't know that I talked to the Secretary about this.

Mr. SOURWINE. Then the Secretary's expression with respect to the desire that clarifying or amplifying or correcting statements be made was expressed to Mr. Ball, in your presence, at a time several days prior to the colloquy on the floor between Senator Dodd and Senator Thurmond.

Mr. EHRLICH. Yes.

Mr. SOURWINE. Who prepared these letters? Did you?

Mr. EHRLICH. The letter of Mr. Belisle, the first letter, I had discussed the problem with Mr. Belisle and I had understood that this was what—how he would amplify his statement, and so I did prepare a draft of what I thought—what my understanding of his contentions were. As I remember it, when he came in I read it to him orally. I didn't show him the piece of paper, as I remember it, to him.

My next positive memory is that it was typed and then he went over it.

Mr. SOURWINE. Did he make any changes?

Mr. EHRLICH. I know he made changes. Whether he made changes as I read it or only after it was typed and then, I don't remember, nor do I remember exactly how much—

Mr. SOURWINE. You heard him testify here under oath that he took a writing instrument in his hand and sat down and physically made corrections in the statement?

Mr. EHRLICH. Yes.

Mr. SOURWINE. Do you doubt that that is true?

Mr. EHRLICH. No.

Mr. SOURWINE. Does your memory tell you that that happened?

Mr. EHRLICH. Yes. I remember him going over in pencil. What I said was whether he made earlier corrections when I—earlier changes when I read it I am not sure.

Mr. SOURWINE. I see. Now, did you also prepare a draft of the letter to be signed by Mr. Reilly?

Mr. EHRLICH. Yes, I did.

Mr. SOURWINE. And did you similarly prepare a draft of a letter to be signed by Mr. Hill?

Mr. EHRLICH. Yes, I did.

Mr. SOURWINE. In each case after consultation with them as to what the facts were?

Mr. EHRLICH. Yes.

Mr. SOURWINE. And they knew, at the time, they were consulting with you for the purpose of having you prepare such a draft?

Senator HRUSKA. Would counsel yield? Excuse me. Go ahead and answer.

Mr. EHRLICH. Well, I had discussed the facts with both Mr. Reilly and Mr. Hill and the Secretary's feeling that amplifying statements should be made. As I say, I don't remember before that night discussing a letter as opposed to the statement.

Mr. SOURWINE. I see. Now, what happened to the first drafts of each of these letters?

Mr. EHRLICH. As I remember it, the secretary who was there that night took them.

Mr. SOURWINE. By "secretary," you don't mean the Secretary of State, I take it. You mean—

Mr. EHRLICH. Excuse me.

Mr. SOURWINE (continuing). The girl who was the typist-stenographer?

Mr. EHRLICH. Typist-stenographer; took them and it was my understanding she would destroy them.

Mr. SOURWINE. Yes. She was given those instructions in your hearing?

Mr. EHRLICH. Yes.

Mr. SOURWINE. The second draft, the one which intervened between the first draft which you read and the final draft which was signed, what happened to that in each instance?

Mr. EHRLICH. I believe all papers—as I remember it—of that, except the final version, were also given to the typist-stenographer for destruction.

Mr. SOURWINE. Do you want the committee to understand there is nothing in your files or the files of the Department with respect to these letters except copies of the letters identically as signed? Is that the fact?

Mr. EHRLICH. Of these letters?

Mr. SOURWINE. Yes.

Mr. EHRLICH. Well, I don't think that there is anything in my file, any earlier draft of that letter. I will check, however, to be sure.

Mr. SOURWINE. Well, I asked a broader question and I intended it to comprehend any memorandums or written instructions with respect to

them or any working papers in connection with them. Is there anything of that nature in the files of the Department to your knowledge?

Mr. EHRlich. Well, Mr. Reilly and Mr. Hill did prepare early drafts themselves of statements beforehand. Now, I think I have a copy of that. I am not positive but I think I do. Whether—

Mr. SOURWINE. May we ask also, Mr. Chairman, that the request be made for these copies.

The CHAIRMAN. Is that OK?

Senator DIRKSEN. All right.

The CHAIRMAN. All in favor say "aye."

(Chorus of "ayes.")

The CHAIRMAN. Opposed, "no."

Unanimous.

Mr. SOURWINE. It is understood you request, and they be furnished if the Secretary permits it?

Mr. EHRlich. Yes. Whether I have other pieces of paper in my file that were drafts of these statements, I don't think I do. I don't remember that I do.

(EDITOR'S NOTE.—Up to press time, nothing had been furnished by the Department in response to this request.)

Mr. SOURWINE. I have just one more question. Was a copy of each of these letters, or of any one of them, furnished to the Secretary of State or sent to his Office?

Mr. EHRlich. He, I know, saw them. I don't think he read them. In other words, he saw the papers. I don't think he read them over, though, before they came to the committee.

Mr. SOURWINE. Did he see them after they were signed or before?

Mr. EHRlich. After they were signed.

Mr. SOURWINE. After they had been signed. How did he see them? Did you show them to him?

Mr. EHRlich. No. I believe Mr. Ball did.

Mr. SOURWINE. Mr. Ball took them to the Secretary?

Mr. EHRlich. Yes.

Mr. SOURWINE. Were you present at the time?

Mr. EHRlich. Yes, I was.

Mr. SOURWINE. And did Mr. Ball hand them to the Secretary?

Mr. EHRlich. Yes.

Mr. SOURWINE. Did he look at them?

Mr. EHRlich. He glanced at them. I don't think he read them carefully.

Mr. SOURWINE. Did he look at them one by one or did he just look at the top one?

Mr. EHRlich. I honestly don't remember other than it is my best recollection that he did not at least read one through carefully.

Mr. SOURWINE. But you do know that Mr. Ball handed them to him?

Mr. EHRlich. Yes.

Mr. SOURWINE. He had them in his hand and he was told what they were, is that right?

Mr. EHRlich. Yes.

Mr. SOURWINE. He knew what they were?

Mr. EHRlich. Yes.

Mr. SOURWINE. And then he handed them back. What did he say?

Mr. EHRlich. I don't remember that he said anything.

Mr. SOURwine. Well, did he indicate that it was all right, go ahead, send the letters?

Mr. EHRlich. Yes.

Mr. SOURwine. Yes, he did.

I have no more questions, Mr. Chairman.

Senator HRUSKA. Questions were asked here, Mr. Witness, about the preparation of the signature of the letter.

Mr. EHRlich. Yes.

Senator HRUSKA. Do the answers which you gave in regard to that also apply to the statements which were appended to the letters of Mr. Reilly and Mr. Hill? The supplementary statements?

Mr. EHRlich. Well, as I stated earlier, Senator, Mr. Hill and Mr. Reilly both did prepare drafts of statements themselves and those were used in preparing the subsequent drafts which were in turn revised before they became the final version.

Mr. SOURwine. But, Mr. Ehrlich, when the Secretary of State had handed to him by Mr. Ball these three letters, he didn't just give him the covering letters in the case of Reilly and Hill. He gave him the whole thing, including the attached statement in each instance; is that right?

Mr. EHRlich. Yes, sir.

Mr. SOURwine. He gave him the originals with the signatures on them?

Mr. EHRlich. Yes.

Mr. SOURwine. I have no more questions.

Senator HRUSKA. Now, Mr. Belisle did not attach to his letter any supplementary statement.

Mr. EHRlich. No, sir.

Senator HRUSKA. Why was that?

Mr. EHRlich. Because, in his judgment, none was necessary.

Senator HRUSKA. Did he, by reference in that letter—did he not approve the substance, the accuracy of the supplemental statement that was attached to Mr. Reilly's letter?

Mr. EHRlich. I could not answer whether he intended to approve Mr. Reilly's and Mr. Hill's statements. That would have to be his judgment.

Senator DODD. Well, he had read them, I assume.

Mr. EHRlich. Yes.

Senator HRUSKA. The language in his letter is this:

After a review of my testimony I would like to amplify my responses to Mr. Sourwine's questions by stating that Mr. Reilly mentioned to me the events which I understand he has described to you in a separate letter and accompanying enclosure.

Now, during the consultation that you had among you on the occasion when these letters were drafted and signed, were there any statements by Mr. Belisle—that he wrote—to mean that he was approving the general substance of Mr. Reilly's supplemental statement?

Mr. EHRlich. I don't remember Mr. Belisle ever saying that.

Senator HRUSKA. You don't?

Mr. EHRlich. I honestly don't.

Senator HRUSKA. Now, was it left to each of them to determine whether or not they would supplement their letter with a statement?

Mr. EHRLICH. Yes, sir.

Senator HRUSKA. And Mr. Belisle seemed to be reluctant to do so?

Mr. EHRLICH. No, sir. What I meant in answering "yes" to your prior question was that it was entirely up to them whether to prepare any statement with a letter, although as Mr. Belisle said, he did receive a request from the Secretary through me.

Mr. SOURWINE. But you had these drafts prepared, did you not? You had a draft ready when the men came?

Mr. EHRLICH. Yes.

Mr. SOURWINE. And in the case of Mr. Reilly and Mr. Hill, didn't that draft consist of a covering letter and a statement to accompany it?

Mr. EHRLICH. Yes.

Mr. SOURWINE. In each of those two instances?

Mr. EHRLICH. Yes.

Mr. SOURWINE. You are a lawyer, sir.

Mr. EHRLICH. Yes.

Mr. SOURWINE. In your judgment are these letters and statements in each case merely supplemental or clarifying, or do they correct the testimony previously given?

Mr. EHRLICH. Sir, if as I understand your question, the thrust of your question, it is whether one or more of the individuals committed perjury, and I think before—I could not give that legal judgment without a very, very careful answer.

Mr. SOURWINE. I didn't ask you that.

Mr. EHRLICH. That is the way I understood it.

Mr. SOURWINE. Let's get it clear because I don't want the record so to show I am asking you to pass on the question of perjury. That is for a grand jury or a court only.

You prepared these drafts.

Mr. EHRLICH. Yes.

Mr. SOURWINE. Did you intend in preparing them only to clarify or amplify, or did you intend to correct testimony previously given?

Mr. EHRLICH. The instructions I received were to request the individuals involved to set forth the facts and that is—

Mr. SOURWINE. That doesn't answer the question.

Mr. EHRLICH. That is what I thought I was—

Mr. SOURWINE. You prepared certain drafts.

Mr. EHRLICH. Well, it was after consultation with them.

Mr. SOURWINE. Yes.

Mr. EHRLICH. That is right.

Mr. SOURWINE. But in your preparation of these drafts, which was a proper task for a lawyer, were you seeking only to amplify and clarify, or did you recognize that these drafts, including the statements in the Reilly and Hill case, did in fact correct testimony previously given?

Mr. EHRLICH. I am afraid on the word "correct" by itself I don't know what you mean.

Mr. SOURWINE. Is there any doubt in your mind that the statements furnished by Mr. Hill and Mr. Reilly are diametrically opposed, in several instances in each case, to the testimony which they gave here under oath?

Mr. EHRLICH. Sir, I respectfully say that for the same reason I said at the outset, if they are diametrically opposed, I would interpret that to mean that one of the two was not true.

Mr. SOURWINE. Of course it means one of the two is not true; but we are not asking you to reach a legal conclusion with regard to perjury. We are only asking you, you as a lawyer, to state whether you recognize that the statement and the testimony in each case are in fact in conflict.

Mr. EHRLICH. If one of the two statements is not true, and it was the statement under oath, there is some chance of the problem arising at the very least.

Senator SCOTT. Mr. Chairman—

Mr. SOURWINE. May I ask just one more question, Senator, please?

Mr. EHRLICH. I am not trying to evade you. I am just trying to concern—

Mr. SOURWINE. Is it your judgment in the case of Mr. Reilly and Mr. Hill, both their testimony in totality, and the statement furnished with their letters of November 6 in totality, can be true?

Mr. EHRLICH. I haven't given the statements the kind of analysis that would be necessary to come to answer your question in light of the problem I disposed—

Mr. SOURWINE. When you prepared these drafts, were you trying to make them speak the full truth as you had best ascertained it?

Mr. EHRLICH. Yes, sir.

Mr. SOURWINE. Thank you.

Senator SCOTT. Mr. Chairman, I believe the witness did testify in answer to an earlier question that, in his own judgment, statements appearing in the testimony which we are discussing were untrue or misleading and he answered that categorically.

Mr. EHRLICH. Excuse me.

Senator SCOTT. We can read your answer back.

Mr. EHRLICH. I would appreciate it if you would.

Senator SCOTT. After some momentary hesitancy you said, as I recall it, that some statements made in the prior testimony by witnesses we are discussing here, the question was in your opinion were they untrue or misleading and you said: "Yes; they were."

Now, was that answer in reference to this testimony or was it in reference to a 10-page memorandum?

Mr. EHRLICH. Senator—

Senator SCOTT. I just want to clarify that.

Mr. EHRLICH. Mr. Sourwine asked me, as I remember it, whether I thought any of the statements in the 10-page memorandum prepared for the Secretary by the committee were untrue or misleading. As I remember it, I said, and I would say now, that I was concerned about making that kind of accusation without seeing the full statement before me and as I said, I know only part of all the facts. But certainly that statement was made in regard to the committee's memorandum and not to the testimony here.

Senator SCOTT. That helps clarify it in my mind. But there are statements which can be made if something is red on one occasion and someone can say it is green on another and that, of course, does not constitute perjury. As I understand the questions being asked by counsel, he is not asking you to pass on conclusions of law, nor is he even asking you to pass on whether certain questions are relevant to the inquiry, but whether or not in your judgment when Mr. Reilly and Mr. Hill say in their letter which you drafted—each of them say

substantially the same thing—"My responses to these questions were, I believe, accurate," as Mr. Reilly put it. What we are trying to find out is: In drafting this, did you associate yourself with that conclusion, that what they had previously said was accurate, and therefore what they are saying in these later statements of November 6 does not present any new view of those statements other than something which you call amplification?

Mr. EHRlich. Senator, I set down, as I understood it, in the case of Mr. Belisle's letter, Mr. Belisle's views on the subject.

Senator SCOTT. You don't necessarily associate yourself with—

Mr. EHRlich. No, sir.

Senator SCOTT (continuing). With Mr. Reilly, and Mr. Belisle, or Mr. Hill's interpretations of their prior testimony?

Mr. EHRlich. No, sir.

Senator SCOTT. I was trying to clarify that.

Mr. EHRlich. Excuse me.

Senator SCOTT. In your relationship as a lawyer I didn't think you meant to say that.

That is all.

Mr. SOURwine. When you drafted the Belisle letter, did you have in that draft the reference to Mr. Reilly's letter and statement?

Mr. EHRlich. I believe I did.

Mr. SOURwine. Did you intend by that inclusion to have Mr. Belisle's letter support the Reilly statement and letter?

Mr. EHRlich. I didn't intend it to do anything other than convey Mr. Belisle's own intentions.

Mr. SOURwine. Well, did you understand Mr. Belisle's intentions in this regard or think you did?

Mr. EHRlich. Insofar as supporting Mr. Reilly's statement?

Mr. SOURwine. Yes.

Mr. EHRlich. I didn't believe it was submitted in support of Mr. Reilly's testimony.

Mr. SOURwine. You did not. You included it in the draft without believing that it was intended to support Mr. Reilly's—

Mr. EHRlich. Or not in support. I just thought it was an amplification of Mr. Belisle's own statement.

Mr. SOURwine. I don't see any point in belaboring it, Mr. Chairman.

Senator SCOTT. I have just one other question if the chairman will permit.

You spoke about the earlier conversation with Under Secretary Ball and as I recall it, you said you discussed with George Ball the matter of amplification, or I believe you—yes, I think you used the word "amplification," perhaps clarification of the testimony of these three witnesses.

Now isn't it more likely, Mr. Ehrlich, that George Ball said to you something like this: These three fellows have gotten themselves tangled up or gotten themselves in some trouble with the committee. Why don't you meet with them and see if you can straighten them out and write some letters?

Isn't that more likely the way the discussion ran, and you used these long words, amplification or clarification?

Mr. EHRlich. The words I used, Senator, were the ones I thought conveyed the substance of what Mr. Ball said to me.

Senator SCOTT. Well, let's get to the statements Mr. Ball made. Did he in fact say something to you with regard to these fellows have gotten themselves in a mess with the committee or they are all tangled up or something? Will you see what you can do to straighten the situation out? Was anything like that said by George Ball?

Mr. EHRLICH. I honestly don't remember the words that Mr. Ball used, Senator. I would be guessing if I tried to say. I know that Mr. Ball conveyed to me that I request the three gentlemen to submit statements and what he said with it I honestly don't remember.

Senator SCOTT. Amplification or clarification would in fact be a conclusion on Mr. Ball's part before he had all the information before him, wouldn't it?

Mr. EHRLICH. If I conveyed that impression, then it was a—I conveyed a misleading impression because I don't think that Mr. Ball had.

Mr. SOURWINE. You told us, did you not, that Mr. Ball had indicated to you that he thought, or the Secretary, or both, that it would be better for these individuals and better for the Department if they did send letters and statements up here?

Mr. EHRLICH. Yes.

Mr. SOURWINE. Why did you understand it would be better for the Department and why did you understand it would be better for the individuals if this were done?

Mr. EHRLICH. It was my impression that—I can only say it was my impression that he felt that the committee did not know the events that Mr. Reilly, and Mr. Hill sent their statements about, and that the committee should know.

Mr. SOURWINE. Isn't it perfectly clear, Mr. Ehrlich, that the then present state of the record was unsatisfactory to the Department and they wanted the record in some way amended or clarified?

Mr. EHRLICH. Yes; that I think is fair.

Mr. SOURWINE. I have nothing more.

The CHAIRMAN. Any further questions?

Would the staff step out.

(Whereupon, at 12:35 p.m., the reporter was excused.)

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

FRIDAY, NOVEMBER 15, 1963

Senator James O. Eastland, chairman, presiding.

Present: Senators Eastland, John L. McClellan, and Thomas J. Dodd.

Also present: J. G. Sourwine, chief counsel; Samuel J. Scott, assistant counsel; and Benjamin Mandel, director of research.

Senator DODD. Mr. Reilly, do you solemnly swear the testimony you give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REILLY. I do.

Mr. SOURWINE. You are the same John F. Reilly who has testified before this committee on numerous occasions?

Mr. REILLY. Yes, I am.

Mr. SOURWINE. And your position with the State Department is the Assistant Secretary or Deputy Assistant?

Mr. REILLY. Deputy Assistant.

Mr. SOURWINE. Deputy Assistant Secretary for Security?

Mr. REILLY. That is correct.

Mr. SOURWINE. Mr. Reilly, you sent to the committee recently a letter with an attached statement having to do with testimony previously given before the committee?

Mr. REILLY. That is correct.

Mr. SOURWINE. Is this it, sir?

Mr. REILLY. Yes, it is. There is also attached, through inadvertence, Mr. Hill's statement.

Yes, this is mine.

Mr. SOURWINE. And the attachment that is with that letter is the attachment which you submitted with it?

Mr. REILLY. That is correct.

Mr. SOURWINE. Mr. Chairman, may this letter so identified by the witness be inserted in the record at this point?

Senator DODD. Yes.

(The letter referred to reads as follows:)

DEPARTMENT OF STATE,
Washington, November 6, 1963.

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

DEAR MR. CHAIRMAN: In the course of my testimony before the Subcommittee on Internal Security on August 6 I was asked a series of questions by Mr. Sourwine concerning the compromise of conversations in Mr. Otto F. Otepka's office and over his telephone. My responses to these questions were, I believe, accurate. I have concluded from a review of my testimony, however, that mention of one incident might serve to avoid a misleading impression.

I would like, therefore, to amplify my testimony by the inclusion in the record of the attached statement and this letter. If this request is granted, I suggest that the statement and this letter be inserted at page 1326 of my testimony.

I am enclosing the copy of my testimony which was provided to me.

Sincerely,

JOHN F. REILLY.

In the course of the year following my present appointment I began to suspect that Mr. Otepka might be privately furnishing information to Mr. Jay Sourwine, chief counsel of the Senate Internal Security Subcommittee, without authority and possibly in violation of applicable laws and regulations.

On March 13, 1963, I discussed with Mr. David I. Belisle, my special assistant, a variety of investigative techniques which might be used to determine whether my suspicions were accurate. As a result of these discussions, I concluded that the best technique would be to recover and examine Mr. Otepka's classified trash from his burn bag. On March 14 Mr. Otepka's burn bag was recovered, but an examination of its contents revealed nothing of significance.

On March 18, while Mr. Belisle was in Costa Rica in connection with the visit to that country by the President and the Secretary, I asked Mr. Elmer D. Hill, Chief of the Division of Technical Services, to undertake a survey of the feasibility of intercepting conversations in Mr. Otepka's office. I made it clear to Mr. Hill that I was not authorizing the actual interception of any conversations. Rather, I desired to know whether this technique could be used without undue risk of detection in the event that subsequent examination of Mr. Otepka's burn bags continued to reveal nothing of significance.

On March 19, Mr. Hill told me that he and Mr. Clarence J. Schneider had discussed the means by which conversations in Mr. Otepka's office might be intercepted and had conducted a feasibility survey by connecting spare telephone wires from the telephone in Mr. Otepka's office to the Division of Technical Services laboratory. Mr. Hill told me that the system attempted had not proven

successful when he and Mr. Schneider had tested it and that they were uncertain whether it could be made to work. I made it clear to Mr. Hill that I did not wish any conversations to be intercepted at that time.

Later during the same day, March 19, a second bag of Mr. Otepka's classified trash was recovered and examined. Its contents revealed that Mr. Otepka had furnished material to Mr. Sourwine. As a result, I then determined that I would not at any time authorize the interception of conversations taking place in Mr. Otepka's office.

Shortly after the close of business on March 20, I directed Mr. Hill and Mr. Schneider to disconnect the telephone wires which they had connected. Later that evening Mr. Hill complied with my directions while Mr. Schneider and I remained in the corridor outside Mr. Otepka's office.

No conversations were intercepted as a result of the events described above. Other than these events, I know of nothing which could have given rise to the belief that Mr. Otepka's office was being "bugged" or that his telephone was being "tapped." I understand, however, that about the same time that the events described above took place, Mr. Otepka asked Mr. Stanley Holden, of the Division of Domestic Operations to examine his telephone system. I also understand that Mr. Holden did examine Mr. Otepka's telephone system but found no evidence that Mr. Otepka's office was "bugged" or that his telephone was "tapped." In this connection, I might point out that Mr. Belisle and I have both noticed unusual sound phenomena on our telephones and have had our telephone systems checked. These checks have not produced any evidence that our telephone systems had been interfered with.

Mr. SOURWINE. Mr. Reilly, I will tell you we had testimony from Mr. Belisle with respect to his similar letter of the same date. So I will ask you some leading questions as a result of Mr. Belisle's testimony.

Was the draft of this letter prepared in the office of Mr. Abram Chayes?

(Discussion off the record.)

Mr. REILLY. Was it prepared in the office of Mr. Chayes?

Mr. SOURWINE. Yes.

Mr. REILLY. Yes; the final draft was, sir.

Mr. SOURWINE. Well, were you called to Mr. Chayes' office on the evening of the 5th of November?

Mr. REILLY. Yes, sir.

Mr. SOURWINE. You received a telephone call about 8 o'clock from Mr. Ehrlich?

Mr. REILLY. Yes; that is correct.

Mr. SOURWINE. And you went to Mr. Chayes' office about 8 o'clock?

Mr. REILLY. I think about 9:30.

Mr. SOURWINE. Yes.

When you got there, was Mr. Belisle already there?

Mr. REILLY. Mr. Hill was there, Mr. Ehrlich was there. Whether Mr. Belisle had arrived at that moment, my memory is uncertain.

Mr. SOURWINE. Then you—

Mr. REILLY. He did arrive.

Mr. SOURWINE. Then you and Mr. Hill and Mr. Belisle were there in the office with Mr. Ehrlich until about midnight?

Mr. REILLY. That is correct.

Mr. SOURWINE. Was Mr. Chayes there?

Mr. REILLY. No; Mr. Chayes was not there.

Mr. SOURWINE. And when you arrived, did you find that Mr. Ehrlich had prepared a first draft of a letter and statement?

Mr. REILLY. It was a first draft of a letter.

It was not, however, a first draft of a statement.

Mr. SOURWINE. There was no statement at that time?

Mr. REILLY. No. I had previously prepared a draft statement.

Mr. SOURWINE. Is the statement which you sent with your letter, which is now in our record, the statement that was prepared by you?

Mr. REILLY. It is materially—in all material aspects the same as the draft I prepared, and it is my statement.

Mr. SOURWINE. Yes; I am sure that that is right. But I am trying to get clear whether there was a first draft of that statement prepared by Mr. Ehrlich, or in Mr. Chayes' office, or whether you prepared the first draft of that statement and dealt with all the succeeding drafts, until you got it the way you wanted it.

Mr. REILLY. No. There was a first draft prepared by me. There was then a draft prepared by Mr. Ehrlich.

Mr. SOURWINE. I see.

Mr. REILLY. Editing from my statement, but not altering it in material fashion. And then I worked on the final edition of it.

Mr. SOURWINE. And what you found ready for you when you got to the office of the legal counsel on the evening of November 5 was a draft letter, and the second draft of this statement—that is, the draft of your statement—which had been prepared by Mr. Ehrlich from your own original statement?

Mr. REILLY. That is correct.

Mr. SOURWINE. You, I presume, edited this letter and statement.

Mr. REILLY. Absolutely; yes.

Mr. SOURWINE. You did this with pen or pencil in hand?

Mr. REILLY. And with secretarial assistance.

Mr. SOURWINE. Yes. And then the final draft was typed up?

Mr. REILLY. Yes.

Mr. SOURWINE. Did you and Mr. Hill and Mr. Belisle discuss these matters together while you were there? You were all in the same office at the same time?

Mr. REILLY. We were all in the same office.

Mr. SOURWINE. You were not segregated in different rooms, different parts of the room?

Mr. REILLY. Oh, not at all.

Mr. SOURWINE. And you naturally discussed with each other the points where more than one person was involved?

Mr. REILLY. Yes.

Mr. SOURWINE. So as to be sure that you would all say the same thing about it?

Mr. REILLY. No. To be sure we were being accurate in what we were saying.

Mr. SOURWINE. Very good. That amounts to the same thing. If you are all accurate you are all going to say the same thing?

Mr. REILLY. Each in his own words, of course; yes.

Mr. SOURWINE. Now, Mr. Reilly, was it your own language, or was it language initially suggested in the draft which you found waiting when you went to the office, that—I am quoting the second paragraph of your letter—"my responses to these questions were, I believe, accurate."

And the second sentence: "I have concluded from a review of my testimony, however, that mention of one incident might serve to avoid a misleading impression."

Mr. REILLY. That is my language as edited.

Mr. SOURWINE. Do you believe, sir, that your statements, as initially given to the committee, when you testified on August 6, were and remain accurate?

Mr. REILLY. Yes. And may I amplify on that, please?

Mr. SOURWINE. Yes; go ahead.

Mr. REILLY. The series of questions that were asked me by Mr. Sourwine—and I am prepared, and I would like the opportunity to go through each one of them.

Mr. SOURWINE. You have that opportunity right here now.

Mr. REILLY. Yes.

I understood, particularly from the first question asked, it asked whether there had been compromise of conversations with a telephonic or room conversation, of Mr. Otepka.

Mr. SOURWINE. Mr. Reilly, let me read you this question: "Have you ever engaged in or ordered the bugging or tapping or otherwise compromising telephones or private conversations in the office of an employee of the State Department?"

And you replied, "No, sir."

And I said, "You never did?"

And you said, "That is right."

Senator McCLELLAN. What page is that?

Mr. SOURWINE. I am reading from page 9 of our print, Senator.

Mr. REILLY. As I understood then, and now understand the question, I was being asked whether I had undertaken actually to intercept and compromise conversations, whether they be room or telephonic conversations. This had not been achieved. And it has not been achieved today.

Mr. SOURWINE. You have already contradicted right there.

The CHAIRMAN. Now wait a minute.

Have you ever engaged in or ordered?

Mr. REILLY. First, I did not engage in. And I don't mean that as a weasel word. The questioning that day—I think Mr. Sourwine will recall—

The CHAIRMAN. Had you ordered it?

Mr. REILLY. I did not order. And we did not compromise. That is my—I took the question as a whole, Senator.

The CHAIRMAN. Just what did you do?

Mr. REILLY. Well, I did ask Mr. Hill if he would undertake to find out if there was some feasible way, short of putting a device in Mr. Otepka's office.

I know perfectly well if such a technique were to be utilized, the chances of it being detected were great, and I didn't want that. I had not at that time determined if I would use such a system, if it were feasible.

But, at least, if the burn trash cover which I had ordered failed to produce anything, then I would have considered the possibility of that. I wanted to know if it were possible, without putting a device in his room, or putting a device in his telephone, to monitor his room conversation—not his telephone conversations. If that had been desired—I am not an engineer—but if that had been desired—

The CHAIRMAN. Why did you want to monitor his room conversations?

Mr. REILLY. Because I had reason to suspect that Mr. Otepka was, without the authority of the Department, and I believed without the knowledge of this committee, privately furnishing information to a member of the staff of this committee.

Mr. SOURWINE. Meaning me, Mr. Reilly?

Mr. REILLY. Yes, Mr. Sourwine.

The CHAIRMAN. Proceed.

Mr. SOURWINE. Mr. Reilly, do you distinguish in meaning between the words "undertake" and "accomplish"?

Mr. REILLY. Are you referring now to some specific question, Mr. Sourwine?

Mr. SOURWINE. I am just referring to the words, Mr. Reilly. I want to know how you understand them.

Do you see a difference between the words "undertake" and "accomplish"?

Mr. REILLY. "Undertake" means to me to start forth. "Accomplish" means to achieve.

Mr. SOURWINE. Yes. Now your own words a few moments ago included that word "undertake." And I understood what you said to mean that you felt you were being asked on August 6 whether you had undertaken the bugging or tapping or compromising of the telephone.

Mr. REILLY. Compromising; yes.

Mr. SOURWINE. And you said you had not undertaken it.

The CHAIRMAN. He said he ordered the monitoring—

Mr. SOURWINE. I understand, Senator.

The CHAIRMAN (continuing). Private conversations. Is that it?

Mr. REILLY. I said I did not order it, sir. I don't see—I am not trying to quarrel with you, Mr. Chairman.

The CHAIRMAN. I know you are not trying to quarrel with me. I am just trying to find out what you said.

Mr. REILLY. What I said was: I asked them—I asked Hill and he, in turn, asked Schneider to join with him to take a survey to see if there were some way for possible future use that there could have been accomplished, without the placing in the room or in the phone of a device.

The CHAIRMAN. That was to monitor private conversations, wasn't it?

Mr. REILLY. I had not made a determination at that time that I would so utilize it, sir, and we did not so utilize it. And it was in that context that I answered the question Mr. Sourwine asked me that morning.

Mr. SOURWINE. May I proceed?

Now let's get back to the question asked you here a moment ago, in which you answered and used the word "undertake."

Mr. REILLY. Might I have the answer read back to me, please?

Mr. SOURWINE. You don't remember it?

Mr. REILLY. I don't remember my precise words.

(The answer, as recorded, was read.)

Mr. SOURWINE. When you said you understood you were being asked whether you were undertaking it, did you comprehend that the question included ordering somebody else to do it?

Mr. REILLY. What I understood the question, sir, to mean is had we compromised, whether I or others acting under me, had we actually compromised Mr. Otepka's conversations.

Mr. SOURWINE. Now when is a telephone compromised—in the language used in the Department, in your office?

Mr. REILLY. In my mind, it is compromised when conversations are intercepted and divulged.

Mr. SOURWINE. Isn't it compromised when a device or connection is used in connection with that telephone by which conversations may be intercepted by an unauthorized person?

Mr. REILLY. Not in my mind, and not as I understood the question that day.

Mr. SOURWINE. You mean if the telephone of Senator McClellan is tapped so that someone, if they put on the earphones, can listen to his conversations, that telephone is not compromised unless there is somebody there listening, and he is talking? Is that what you are telling us?

Mr. REILLY. That is what I am telling you. That is my understanding of the question, and it is in that vein that I so answered on that day, sir.

Mr. SOURWINE. You only compromise a telephone when you are actually listening to conversations?

Mr. REILLY. No. And when somebody has authorized it, sir.

Mr. SOURWINE. Has authorized what?

Mr. REILLY. The listening to the conversations.

Mr. SOURWINE. You mean you authorized the putting on of the tap or the device—you don't compromise the telephone until you tell somebody to use it?

Mr. REILLY. As I understand, the darned thing didn't work.

Mr. SOURWINE. We will come to that later, in just a minute.

Senator McCLELLAN. Was that your fault—that it didn't work?

Mr. REILLY. Well, in a sense, Senator McClellan, perhaps it was, because I asked them to try to think of some system other than the ordinary systems.

Senator McCLELLAN. Why did you want something other than the ordinary systems?

Mr. REILLY. Because, as I had said earlier, I felt that the ordinary system—you would run a heck of a risk.

Senator McCLELLAN. Of being detected?

Mr. REILLY. Absolutely.

Senator McCLELLAN. What you are trying to do is do your best to compromise it withing being caught. That was your objective, wasn't it?

That is what you just said.

Mr. REILLY. No. What I said, sir, and what I stand on, is that I had not authorized it. I merely wanted to find out if it were possible to do some system like this. I would then, at some later time, decide or not decide.

Senator McCLELLAN. Well, the whole object was to compromise it without being found out, wasn't it? That is what you wanted a survey made for, according to your own testimony—to get by with something.

Mr. REILLY. If I decided to utilize it.

Senator McCLELLAN. You had a pretty strong inclination to utilize it, or you would not be using the employees in your office to be making such a survey, would you, unless you contemplated using it?

Mr. REILLY. At that time, sir, I had undertaken coverage of his burn trash. If that were to prove, as it did, a successful investigative technique from my standpoint, then there was no need to utilize any other.

Senator McCLELLAN. The idea was to get the man. If you could not get him out of the trash can, get him out of a telephone conversation, a tapped, compromised telephone. The idea was to get him.

Mr. REILLY. The idea was not to get him. The idea, sir, was to find out whether or not these things I had reason to believe were true or not true—not to get a man.

The CHAIRMAN. Even though he was obeying the law?

Mr. REILLY. Senator—

Senator McCLELLAN. Why don't you just come clean and tell the whole story? Why don't you do that?

Anybody reading this record knows people, in your position, that you didn't give truthful answers to the questions that were asked you. Everybody knows that. Why don't you come clean here and just shell down the corn, and state what you were after, and what you did to try to get it?

Mr. REILLY. I have been trying to do that, sir. I thought there was a question pending from the chairman.

I would like to comment on that.

That is, I don't know how long any of us in this room would feel comfortable having an employee who was preparing questions to be utilized by someone else to interrogate him.

The CHAIRMAN. I know. But you didn't make that law.

Senator McCLELLAN. Let him go ahead. He is telling the anxiety he had, why he wanted to get this fellow.

Go ahead and tell it.

He is giving every reason in this conversation, he is giving every reason he was so anxious to do these things, what motivated him.

Go ahead.

Mr. REILLY. Therefore, I determined—decided to find out—it seemed clear to me that rather than my being out to get Mr. Otepka, that Mr. Otepka was out to get me.

Senator McCLELLAN. Was that the reason you undertook to do all this?

Mr. REILLY. The reason I undertook the burn trash, yes.

Senator McCLELLAN. Undertook this survey of how to compromise his telephone without getting caught?

Mr. REILLY. Yes.

Senator McCLELLAN. All right. That is what I said. You had the reason, you had the motive. And you are saying—

Mr. REILLY. What I am saying is that the experiment tried fizzled, and at that point I received, via the burn bag, seven sheets of carbon paper which contained questions for Reilly, and these questions were asked me during the course of my testimony here.

The CHAIRMAN. Just to bring out the facts, wasn't it? The questions were designed just to bring out the facts?

Mr. REILLY. The questions, as I read them, sir, were designed to harass Reilly.

The CHAIRMAN. To harass Reilly by bringing out the facts? Giving us the information that the law entitles us to?

Mr. REILLY. I have no desire not to furnish this committee information, believe me, sir.

Mr. SOURWINE. Mr. Reilly, do you know of any law or regulation of the State Department which prohibits an employee of the Department or an employee in any particular office or branch of the Department from suggesting to a congressional committee questions to be asked of other officers of the Department.

Mr. REILLY. I think that is just fundamental, sir.

Mr. SOURWINE. Is there such a rule or such a law?

Mr. REILLY. I think there certainly is a loyalty to one's organization, a loyalty to one's superiors.

The CHAIRMAN. That rises above the law?

Mr. REILLY. No, sir.

May I finish, please?

The CHAIRMAN. Yes, sir.

Mr. REILLY. Certainly if an employee feels that there have been improper practices, and this is not a statement on my part that there have or have not, then he has, first of all, redress through his channels in the Department. He can and should go above his immediate superior to those above him, and call attention to these things. I think this is what a person should do.

Mr. SOURWINE. That doesn't answer the question. I didn't ask you what you thought Mr. Otepka should do, or anyone else.

I am trying to find out if you have knowledge of any law or departmental regulation which says that the furnishing of questions or the suggestion of questions to a congressional committee to be asked of another officer of the Department is an offense of any kind.

Mr. REILLY. I think if that person is your superior, yes.

Mr. SOURWINE. I don't care what you think.

I want to know if there is a law or regulation, to your knowledge.

Mr. REILLY. I don't know that there is, Mr. Sourwine.

Mr. SOURWINE. All right.

I know there isn't any. I just wanted to know that you knew there wasn't any.

Mr. Reilly, you have had enough experience with security matters, such as the State Department is concerned with, to know pretty well what is feasible and what is not feasible in the way of electronic surveillance, haven't you?

Mr. REILLY. No, I have not, sir.

Mr. SOURWINE. Haven't you kept up with what Mr. Hill's unit has been doing?

Mr. REILLY. Mr. Hill's unit is a countermeasure unit, sir.

Mr. SOURWINE. Yes. You do know what his unit is doing?

Mr. REILLY. His unit, yes, is endeavoring to come up with devices to counter electronic eavesdropping.

Mr. SOURWINE. Yes.

And you have no knowledge of the devices which they are trying to counter?

Mr. REILLY. I have seen those that have been found in other countries, yes.

Mr. SOURWINE. Now, the particular technique that was used in Mr. Otepka's telephone, do you know if that was used there for the first time by anyone in the State Department, or whether it was a fairly common technique?

Mr. REILLY. It was the first time I had heard of it, sir.

Mr. SOURWINE. Do you know now whether it was ever used in other places, or whether it was unique in this instance?

Mr. REILLY. I do not know the answer to that.

Mr. SOURWINE. Do you think it was a technique that was devised on the spot by Mr. Hill or Mr. Schneider, after you asked them to do something? Do you think it was something new that they worked out especially for Mr. Otepka's benefit?

Mr. REILLY. I honestly think it well could have been. I am not familiar with the—was not familiar with that at all.

Mr. SOURWINE. Don't you know, as a matter of fact, that this is a technique which is fairly common, and which has been used in numerous cases?

Mr. REILLY. No, I do not know that, sir.

Mr. SOURWINE. Are you familiar with the so-called black-box technique?

Mr. REILLY. Black-box technique?

Mr. SOURWINE. Yes.

Mr. REILLY. By name, no, sir.

Mr. SOURWINE. For compromising a telephone. Are you familiar with the method of compromising a telephone which involves sending a high frequency RF current through the phone to activate the microphone, even when it is on the hand rest?

Mr. REILLY. I have heard of that; yes, sir.

Mr. SOURWINE. The State Department is aware of this and uses it on proper occasions, does it not?

Mr. REILLY. To my knowledge the State Department has not utilized this.

Mr. SOURWINE. Has not. They have been concerned only with countering, is that right?

Mr. REILLY. That is right, sir.

Mr. SOURWINE. You know that that technique leaves no trace, that is, you cannot tell when that is on, whether it is on?

Mr. REILLY. That is what I understand. I am not an engineer, sir. That is my understanding, yes.

Mr. SOURWINE. Why didn't you consider using that technique in Mr. Otepka's case?

Mr. REILLY. I did not ask them—I did not suggest to them what technique.

Mr. SOURWINE. Just what did you suggest to them? What did you tell them you wanted done?

Mr. REILLY. I wanted them to explore whether it was possible, without the placing of a device either in the phone or in the room, to come up with some system that would pick up room conversation.

Senator DODD. You say you wanted to do it without a device? Is that what you said?

Mr. REILLY. Yes. It is my understanding that what was done in this instance was simply the repositioning of an existing wire within the telephone instrument.

Mr. SOURWINE. Isn't that a device for listening?

Mr. REILLY. I did not consider that the installing of a device. And I still don't, sir.

The simple repositioning of an existing wire.

Mr. SOURWINE. I see.

You used the words "install a device" because, I suppose, they were used in your questioning on August 6.

Mr. REILLY. That is correct. That is the way I understood.

Mr. SOURWINE. You now take the position this was not installing a device.

Did you know when I talked to you on August 6, the committee was here, and these questions were asked, what we were trying to get at?

Mr. REILLY. May I tell you what I thought you were trying to get at, and still think you were trying to get at?

Mr. SOURWINE. Yes.

Mr. REILLY. That Mr. Otepka's conversations were in fact being compromised. And they were not.

Mr. SOURWINE. You did not think we were trying to find out whether you had ordered anything done to the telephone which would result in putting the conversations over that telephone in jeopardy, or in providing a listening device for the rest of the room?

Mr. REILLY. I did not think that you were asking whether we had ever considered or whether we had ever made any steps toward this, without authority to utilize such steps.

Mr. SOURWINE. Well, this question was asked:

Did you tell Clarence Schneider to install an electrical device to compromise Mr. Otepka's telephone—

Mr. REILLY. No, sir.

Mr. SOURWINE (continuing). So that all conversations in his office could be heard whether or not that phone was on the hook?

Mr. REILLY. No, sir.

Mr. SOURWINE. Did you know this had been done?

Mr. REILLY. No, sir.

Mr. SOURWINE. That doesn't say that anybody listened. That says: Was something done so that the conversations could be heard.

Mr. REILLY. I understood, and I still understand, sir, that you were asking me whether a listening device were placed in his phone or in his room.

Mr. SOURWINE. Well, now, what Mr. Schneider did was to create, within the phone, a device through which conversations in the room might be heard; isn't that true?

Mr. REILLY. No; I did not so understand the question.

Mr. SOURWINE. Well, isn't that what Mr. Schneider did?

Mr. REILLY. Mr. Schneider did a simple thing. He moved a wire.

Mr. SOURWINE. All right. That is what he did. But the result of that was to transform that ordinary telephone mouthpiece receiver into a listening device, isn't that correct?

Mr. REILLY. If the thing had been—well, obviously it didn't because the thing fizzled.

The CHAIRMAN. Answer his question.

Mr. SOURWINE. The effect was to transform it into a listening device, wasn't it? How efficient that device might have been is another matter.

But what he did was the accomplishment of a standard technique for transforming a telephone mouthpiece receiver into a listening device. Isn't that right?

MR. REILLY. Yes. But he did not install—the question asked me was did I tell him to install an electrical device. I did not tell him to install an electrical device, and he did not install an electrical device, sir.

MR. SOURWINE. You don't think that what resulted from his tampering with the telephone was an electrical device?

MR. REILLY. Not in my understanding of it. That is my understanding.

MR. SOURWINE. I see. And you thought we were asking you about it within terms of this reserved understanding.

MR. REILLY. I thought you were talking about one thing, the actual compromise. And it was within that framework that I understood all of the questions.

MR. SOURWINE. Now, how did you find out that this didn't work?

MR. REILLY. I was told.

MR. SOURWINE. Well, how did anyone find out? How did the person who told you find out?

MR. REILLY. By listening in, I guess.

MR. SOURWINE. Why, of course. How else would he find out? He had to listen in to find out.

Now, when he listened in, what did he hear? Do you know?

MR. REILLY. I am told he heard a hum.

MR. SOURWINE. And that is all?

MR. REILLY. That is what I am told.

MR. SOURWINE. Never heard any more?

MR. REILLY. Correct.

MR. SOURWINE. Never heard any room noises?

MR. REILLY. Correct.

MR. SOURWINE. Now, who was it that listened in?

MR. REILLY. I don't know whether it was Hill or Schneider.

THE CHAIRMAN. One or the other?

MR. REILLY. One or the other, yes.

MR. SOURWINE. Who reported to you about it?

MR. REILLY. Mr. Hill.

MR. SOURWINE. And if he reported about what Mr. Schneider heard, that would be hearsay, wouldn't it?

MR. REILLY. Yes.

MR. SOURWINE. Now, when it was reported to you that this thing didn't work, did you say, "Well, if it won't work take it out, it is a bum experiment," or did you say, "Why can't you make it work?" What did you say?

MR. REILLY. At that point I told them to do nothing further.

MR. SOURWINE. In other words, leave the thing right the way it was, hooked up?

MR. REILLY. And on that day, a second trash bag was recovered.

MR. SOURWINE. Yes.

MR. REILLY. And from that bag were recovered seven sheets of carbon paper.

MR. SOURWINE. Yes, sir.

MR. REILLY. And at that point I said, "Gentlemen, get that off."

MR. SOURWINE. I see.

Mr. REILLY. And that evening I stood outside Mr. Otepka's office, so that Mr. Hill could go in, and disconnect the wire.

Mr. SOURWINE. Put it back the way it was?

Mr. REILLY. Yes, sir.

Mr. SOURWINE. This was after hours?

Mr. REILLY. It was about 6:15 maybe.

Mr. SOURWINE. And were you there on the occasion when he connected it the first time?

Mr. REILLY. No, I was not.

Mr. SOURWINE. Who was there then?

Mr. REILLY. As far as I know, simply Mr. Hill and Mr. Schneider.

Mr. SOURWINE. I see.

Now, can you state from your own knowledge that nobody ever heard any words over that listening device that you caused to be installed in Mr. Otepka's telephone?

Mr. REILLY. To my knowledge, no one did.

Mr. SOURWINE. All right.

Can you tell the committee positively that there has been no listening device of any kind, no change in normal hookup or normal function so as to permit listening, in the Office of the Division of Evaluations of the Office of Security since the day on which you found these seven sheets of carbon paper in the burn bag?

Mr. REILLY. I can state that categorically, and do so state.

Mr. SOURWINE. You are stating now, without any attempt at evasion, that there has been no listening device of any kind, no microphone, no rigging of telephone wires, no conversion of a telephone to a listening device, nothing of that sort in the Division of Evaluations since a date in March 1963?

Mr. REILLY. That is correct. I so state.

And I would like to say at this time, if the committee has information to the contrary I think the committee ought to look into it.

Mr. SOURWINE. I do, too.

Mr. REILLY. Yes. I think in fairness to all of us. I have had indications that my phone has been played with. I have had a check from within the Department with negative results.

Mr. SOURWINE. Mr. Reilly, last month, or about a month ago, give or take a week or two, did an employee of the Office of Security come to you to discuss what he contended was the tapping of his telephone?

Mr. REILLY. Let's see.

Mr. SOURWINE. You ought to be able to answer that. Just as positively as you answered—

The CHAIRMAN. Wait a minute. Let him answer.

Mr. REILLY. I am trying to think.

Belisle, for example, has told me he felt his phone was tapped. We had it checked out. I am trying to think of who did—I don't know whether they reported it to me or, as would be the normal case to Mr. Rosetti, who is head of the Division of Domestic Operations, that they felt their phone had been tampered with, and immediately Mr. Holden, who is the domestic technician, made the necessary check. And with negative results, as far as I have been told.

Mr. SOURWINE. Well, this is the best answer you can give me to the question of whether an employee came to you about a month ago to discuss his phone being tapped?

Mr. REILLY. Yes.

Mr. SOURWINE. Didn't an employee come to you and tell you that he had traced a tap to Mr. Hill's office?

Mr. REILLY. Oh—

Mr. SOURWINE. And that he had talked with Mr. Hill about it, and got no satisfaction? And didn't you then tell that employee to forget about it—shut up and forget about it?

Mr. REILLY. No, sir.

Mr. SOURWINE. Well, tell us what the facts were.

Mr. REILLY. Yes, I will tell you the facts as I know it on that. And I have been very curious about that one, myself. Because—yes, this was more than a month ago, if my memory serves.

Mr. SOURWINE. All right. How long ago was it?

Mr. REILLY. I would put it as much as 6, 7, 8 weeks ago, as best I recall.

Mr. Holden came to me—

Mr. SOURWINE. This is the Stanley Holden you mentioned?

Mr. REILLY. Yes. He came to me, I think it was about 11:30 in the morning, and he said he had been doing—as is his responsibility—his routine check of the phone equipment on the floor. And he had come upon some curious couplings of telephone wires. And he had traced them and they headed toward Mr. Hill's office. And I immediately insisted that he confront Hill with it, and that the two of them search that thing out and report back to me.

But I have never, to my knowledge, said, "Oh, forget about it," because I have been concerned about it. I don't know what the purpose of that was.

Mr. SOURWINE. He didn't tell you when he came to you that he had already tried to get something out of Hill's office and got no satisfaction?

Mr. REILLY. Getting something out—

Mr. SOURWINE. He didn't tell you he had been to Mr. Hill's office already about this matter?

Mr. REILLY. Not to my recollection.

Mr. SOURWINE. You told him to go to Mr. Hill's office?

Mr. REILLY. I went around and got Mr. Hill, and brought him to Mr. Holden. I wanted the two of them to explain that thing to me.

Mr. SOURWINE. Then what happened? When you brought them together, what happened?

Mr. REILLY. Then they, as two technicians or engineers, if you will, traced those things. They found nothing. I have asked them for an explanation of what it was, because I would like to know what it was. Because I, to this moment—and I ask you gentlemen to believe me—I have no knowledge of what that was, and I would like very much to know what it was.

Mr. SOURWINE. It never was traced to Mr. Hill's office?

Mr. REILLY. It was traced to the terminal box right outside his office. And one could not tell in which direction—if indeed there ever had been further connections beyond those discovered—one could not have told in which direction the thing would have gone.

Mr. SOURWINE. But the connection, having gone as far as the terminal box outside Mr. Hill's office, it would have been a 2-minute job to connect it up, so that someone in Mr. Hill's office could have listened; isn't that true?

Mr. REILLY. That is—as a hypothesis, I would have to state that.

I would also have to state, as a hypothesis, it would have been just as easy for someone at the other end of the corridor, sir, to have connected a pair of wires and had a listening post at that end.

Now, I am deeply concerned about that, because I have no knowledge of it.

Mr. SOURWINE. Are you sure about this last statement?

Mr. REILLY. Well, to the best of my knowledge.

Mr. SOURWINE. Who told you that, or is that out of your own knowledge of electronics?

Mr. REILLY. No, that is a guess on my part.

Mr. SOURWINE. Don't guess, please.

Has anyone told you that? That it would have been possible to listen in on a phone the other way?

Mr. REILLY. I believe Hill did.

Mr. SOURWINE. Hill did?

Mr. REILLY. Yes. I don't know whether Stan Holden did or did not.

Mr. SOURWINE. Are you sufficiently versed in this subject to know whether that was true or not?

Mr. REILLY. No, I am not.

Mr. SOURWINE. I thought you had pleaded earlier that you didn't know.

Mr. REILLY. No, I don't.

Mr. SOURWINE. Well, I think we will try to find out from Mr. Hill and Mr. Holden exactly what did happen in that regard.

Mr. REILLY. Well—

Mr. SOURWINE. Can you say unequivocally that there has been no microphone in either the office of Division of Evaluations or the outer office, where the three stenographers sit, at any time during this calendar year?

Mr. REILLY. No microphone, absolutely, yes.

Mr. SOURWINE. Except the converted telephone mouthpiece in Otepka's office?

Mr. REILLY. Yes. I understand we are talking now apart—

Mr. SOURWINE. That was, in effect, a microphone while it was connected up, wasn't it?

Mr. REILLY. If adjustments had been made, it would have been, in effect, then one, yes.

Mr. SOURWINE. You can say there has been none there, in either of those two rooms this year?

Mr. REILLY. I can say that I never discussed the imposition of one with anyone, nor did I myself place one. Whether somebody for their own purposes did or did not, unconnected with me, I cannot say.

Mr. SOURWINE. Does—

Mr. REILLY. But I did not.

Mr. SOURWINE. Does Mr. Hill's division maintain a laboratory of any kind?

Mr. REILLY. Yes, it does.

Mr. SOURWINE. Pretty well equipped laboratory?

Mr. REILLY. In the field of countermeasures, yes.

Mr. SOURWINE. They have spent a lot of money on it?

Mr. REILLY. Yes.

Mr. SOURWINE. Now, if all you wanted was to find out the feasibility of a certain type of telephone connection, why didn't they try it out in the laboratory instead of putting it on Otto Otepka's telephone?

Mr. REILLY. You know, I asked that question.

Mr. SOURWINE. Who did you ask?

Mr. REILLY. I asked Mr. Hill.

Mr. SOURWINE. What did he say?

Mr. REILLY. That they had to find out whether or not there were spare telephone wires in order. In order to do that, it meant entering the wall panels. Once having entered the wall panels, and finding spares, to save themselves further difficulty, in the event I ever decided to ask them to do this, they then made the connections.

Mr. SOURWINE. In other words, they were not concerned at that time about the feasibility of the technique? They knew the technique would work. They just made the connection then and there, so that if you wanted to use it it would be there for you to use, right?

Mr. REILLY. They didn't tell me whether it was feasible or not.

Mr. SOURWINE. Would you have a man in charge of your office, that Mr. Hill is now in charge of, who could not answer a question about the feasibility of such a telephone compromise?

Mr. REILLY. Well, I understand, purely from hearsay, that there are quite a number of techniques, Mr. Sourwine. I am sure you know of a number of techniques.

Mr. SOURWINE. Of course, there are, and I am sure Mr. Hill knows more of them than I do—perhaps more than you do. But there are a number of techniques?

Mr. REILLY. Yes.

Mr. SOURWINE. Did you instruct him to develop a new one, and devise one that had never been used before, for Otepka's phone?

Mr. REILLY. Oh, no.

Mr. SOURWINE. You just asked him if it was feasible to make a connection, or some kind of an arrangement, which would permit listening in on what happened in Otepka's office, without the person in Otepka's office being able to detect that it was being done, is that right?

Mr. REILLY. In the event—Yes, in the event I should ever desire to—

Mr. SOURWINE. Yes. And he could not answer that question right off and say, "Yes, there are five ways we can do it, or there are six ways."

Mr. REILLY. He didn't stand in my office and do that.

Mr. SOURWINE. Did he convey to you the impression that he knew it was feasible and it could be done?

Mr. REILLY. That there were a number of ways, and he would want to consider which of many.

Mr. SOURWINE. All right. You then knew there were a number of ways in which it was feasible. Did you then tell him: "Hook one of them up, so we can use it if we need it?"

Mr. REILLY. No. As I—

Mr. SOURWINE. He did that on his own, without any instructions from you, after answering your question and telling you it was feasible? He then went ahead and hooked it up without you telling him to do so?

Mr. REILLY. He needed to know whether there were spare wires for the system he decided upon. There is only one way he could have determined that.

Mr. SOURWINE. I heard your testimony in that regard. I am asking now for a different point. Did he go ahead and complete this hookup without having been told by you to hook it up and have it ready on standby in case you wanted to use it?

Mr. REILLY. Yes.

Mr. SOURWINE. You did not tell him to hook it up and have it ready?

Mr. REILLY. I was surprised when I had heard that their survey had gone that far.

Senator McCLELLAN. May I ask one question on that point?

You keep talking about "if you ever decided to use it." Do you want to convey to this committee that there was only a very remote possibility, you ever someday would decide to use it?

Mr. REILLY. Yes, because I was running burn trash cover.

Senator McCLELLAN. You were doing what?

Mr. REILLY. Running coverage of his burn bag, sir—a standard investigation technique, utilized by investigative agencies.

Senator McCLELLAN. There was a very remote possibility that you would ever decide to use it?

Mr. REILLY. Yes.

Senator McCLELLAN. It wasn't an imminent thing, that you were getting ready for—to be prepared for?

Mr. REILLY. That is right, sir.

Senator McCLELLAN. How far off—you say it is remote—how far off did you contemplate you might someday make that decision?

Mr. REILLY. Well, if the remainders—if the recovery from the burn trash had been fruitless, over a period of several weeks—

Senator McCLELLAN. Several weeks?

Mr. REILLY (continuing). I would have then considered whether to utilize that technique or whether to institute a physical surveillance, or the like.

Senator McCLELLAN. How long did it take to make this survey and get this connection arranged?

Mr. REILLY. I don't know how many hours.

Senator McCLELLAN. The time it actually took to go in there and do it?

Mr. REILLY. I don't know how many hours.

Senator McCLELLAN. Of course, they had to do it while he was out of the office.

Mr. REILLY. Yes, sir.

Senator McCLELLAN. They had to go in there sometime when he was out.

Mr. REILLY. I don't know how many hours.

Senator McCLELLAN. Mr. Counsel, if you will permit me. Maybe I am getting you off track a bit, but I have to go in a minute, and I want to ask one or two more questions.

Mr. SOURWINE. Please, Senator.

Senator McCLELLAN. Mr. Reilly, in your testimony of August 6, do you state that you were fair, candid with the committee when you testified at that time?

Mr. REILLY. I considered the questions of Mr. Sourwine in the nature of cross-examination. To that extent, I felt that I should answer the question as asked, which witnesses on cross-examination normally do, and not volunteer.

Senator McCLELLAN. Do you state now—

Mr. REILLY. To the extent that I did not volunteer at that time, and that it has caused unpleasantness between the members of this committee and myself, I am sincerely sorry. I have no desire to be on such relationships with you gentlemen.

Senator McCLELLAN. All right. I just want to get the facts here.

As I have listened to you this morning, and as I have read these questions here, you are giving highly technical explanations of why you didn't tell the committee the truth. Wouldn't you so regard your testimony this morning?

Mr. REILLY. No, sir. As you state that, I would not.

Senator McCLELLAN. All right. If we are not technical, let me ask you this question: Have you ever engaged in or ordered the bugging or tapping or otherwise compromising telephones or private conversations in the office of an employee of the State Department?

Mr. REILLY. I took that question as a whole, sir.

Senator McCLELLAN. I want you to take it as a whole, and then each part of it, and tell me how you can now say that you were honest with the committee, that you were candid with the committee, even though you say you were on cross-examination, and that you told the committee the truth, when you answered that question "No, sir."

Mr. REILLY. First, I understood the question to mean the actual compromising of conversations.

Senator McCLELLAN. It says, "Ordered." It didn't say you had to accomplish it at all. You know what giving an order is.

Mr. REILLY. Well, first, I did not order that any conversations be compromised.

Senator McCLELLAN. It is "or otherwise compromising telephones." Now the telephone was compromised when it was rigged so that it became a listening device.

Mr. REILLY. I did not so understand the question at the time—in the framework. I understood that Mr. Sourwine was endeavoring to find out whether or not we had compromised. And he says, "or otherwise compromised." Therefore, I take that the earlier—

Senator McCLELLAN. You get technical here and say, "We didn't use this system, we didn't use that, I was having them experiment on another system."

That is what you are saying. So, obviously, you understood the meaning of this question, "or otherwise compromising," meaning using any other device, or any other arrangement, out of a survey or not, as the case may be, that brought about the compromising of that phone.

Mr. REILLY. No. I understood, and I now, in seeing the print here, "compromising telephones or private conversations," I thought it was compromising telephonic or compromising conversations.

Senator McCLELLAN. Well, it was your intention, then, when you testified here before, and you made every effort to withhold from the committee everything that you possibly could, by answering the questions to as limited an extent as you possibly could at the time, and still satisfy the committee.

Mr. REILLY. I did not volunteer additional information that I felt was outside the precise scope and phraseology of the questions.

Senator McCLELLAN. What is your position down there? What are some of your duties in the position you occupy—to protect the security of the country; is that right?

Mr. REILLY. Yes, sir.

Senator McCLELLAN. In doing so, don't you have to frequently interrogate people?

Mr. REILLY. Yes, sir.

Senator McCLELLAN. If you—

Mr. REILLY. Not I personally, sir.

Senator McCLELLAN. Well, you are head of the division, you supervise it.

Mr. REILLY. That is correct.

Senator McCLELLAN. Had you, or one of your subordinates under your direction, interrogated somebody on the same facts and circumstances, and had the same questions been asked in the pursuit of your duties, and those working under you, and you had gotten the same answers from a suspect, wouldn't you agree with me that he was lying at the time?

Mr. REILLY. No, sir; I would not agree with you that he was lying at the time. I would say that he had not answered—

Senator McCLELLAN. Truthfully?

Mr. REILLY (continuing). Fully, sir. He did not volunteer anything that was not asked.

Senator McCLELLAN. Now, then let's give you every latitude here that you are claiming, and let's for the moment just agree that it is legitimate—if anybody can stretch it that far—the position you took.

Is the Congress now to assume, congressional committees, that when we have a State Department employee down here, we have got to cross-examine him up and down, crosswise, and otherwise in order to get the truth out of him, because here is an example of how they will withhold and how technical they will be when they appear before a senatorial committee?

Mr. REILLY. No, sir.

Senator McCLELLAN. Is this a fair example of what we are confronted with when we call on people in the executive branch of the Government, particularly the State Department, to come up here and testify and tell us the truth?

Mr. REILLY. No, sir; I don't think that is a fair example.

Senator McCLELLAN. Why isn't it?

Mr. REILLY. I don't think that that is done customarily, sir.

Senator McCLELLAN. Why did you do the uncustomary thing?

Mr. REILLY. Because this was at the end of a rather grilling, grueling, 2½-hour session. I think Mr. Sourwine and I had engaged in a few sharp comments back and forth, regrettably.

Senator McCLELLAN. Well, the committee just wanted to get the facts. And you admit now you withheld the facts from them, did you not?

Mr. REILLY. The committee, as I understood it, sir—

Senator McCLELLAN. You know the committee wanted to get the facts.

You don't mean to say you didn't have that much intelligence when you came down here to know that the committee wanted to get at the truth of this thing. You knew that, didn't you?

Mr. REILLY. Senator—

Senator McCLELLAN. Well, say you did or did not. You can say "Yes" or "No," whether you knew that.

Mr. REILLY. I thought that the committee felt that Mr. Otepka's telephone and his room conversations were being compromised. I wanted to make it clear—

Senator McCLELLAN. All right. They wanted to get the truth.

Now, you didn't tell them the truth, did you? You did not tell the committee the truth the day you testified when you gave those answers, did you? Honestly—just lay it on the record. Did you? I want to know if you will contend now that you told the truth then.

Mr. REILLY. I answered those questions truthfully; yes, sir.

Senator McCLELLAN. Did you tell the committee the truth that day—the whole truth and nothing but the truth, as you took an oath to do?

Mr. REILLY. As I said, sir, I considered the question in the nature of cross-examination. I answered the questions as I understood them. I did not volunteer anything beyond that.

To the extent that that—

The CHAIRMAN. You didn't give all the information you had. That is what you are saying.

Mr. REILLY. Nor did I think that it was required by the questions asked me, Mr. Chairman.

Senator McCLELLAN. Let me ask you this: If you had a witness that you interrogated on a matter of security down there, that would be as evasive as you have been, would you regard him as cooperating with you?

Mr. REILLY. I feel that I have cooperated with you today, and I feel that is why I filed the statement with you.

Senator McCLELLAN. Well, if you cooperated today, do you say then by that, do you imply you did not cooperate the other time you were here?

Mr. REILLY. I didn't cooperate as fully as I might have, and as I say, I apologize, I regret it.

Senator DODD. Do you think there is any difference—

Senator McCLELLAN. I just wanted to get the record here. This is a sad commentary, when we call people in high responsible positions in Government down here before this committee, trying to pursue our duties, and trying to get the truth, and then find such evasion and such withholding and such technical excuses and alibis for not giving the committee the truth. I want to tell you gentlemen our task, our job, is tremendous beyond comprehension. I hope there are no other people down there that have the same attitude and concept of responsibility that you have manifested here. Goodness alive.

Very well. I have got to go.

Senator DODD. I would like to ask you, Mr. Reilly, this question:

I have noticed that you described the interrogation on the occasion we are concerned with as cross-examination. Do you think an oath is less binding on a witness in the course of cross-examination than it is on direct examination?

Mr. REILLY. No, sir. But I have always understood—I think it is quite commonly understood in the legal profession—that, on cross-examination, a witness is supposed to listen to the question, precise wording of the question, and answer the question asked. And not volunteer beyond that question.

Senator DODD. You think so, even though you think that more than the answer made is required in the interest of truth? You think that under cross-examination you are entitled to withhold something?

Mr. REILLY. No. You are entitled to answer—

Senator DODD. Is it a game you play at, and you adjust your oath—

Mr. REILLY. I don't regard it as a game; no, sir.

Senator DODD. It sounds as if that is the way you regard it. You are a lawyer.

Mr. REILLY. I say I regard it as answering the question as asked.

Senator DODD. I get the impression you think that in cross-examination, it is allowable for one to be as cute in his answers as he can possibly be, without giving the whole answer and the whole truth.

Mr. REILLY. No; to be as precise in his answer to the question asked, sir.

Mr. SOURWINE. Are you telling us, Mr. Reilly, that the reason we did not get all the information that you had is because the right questions were not asked?

Mr. REILLY. Yes, sir.

Senator DODD. Is that your answer?

Mr. REILLY. Well, I mean—as I understood Mr. Sourwine asking the question—but I see from his facial expression—

Senator DODD. He is shocked. So am I. I don't know what you see on my face, but you ought to see something—or on anyone else's face who heard that answer.

Mr. REILLY. What I am saying is if I had been asked other questions, I would have furnished the information that you now have before you.

Mr. SOURWINE. Mr. Reilly, you said a moment ago, "That is why I filed the statement," meaning you filed the statement because you wanted to cooperate with the committee?

Mr. REILLY. Yes; and I did not want—

Mr. SOURWINE. You did not want what?

Mr. REILLY. I did not want further misunderstanding to exist between the committee and myself.

Mr. SOURWINE. Mr. Reilly, isn't it a fact that you were told that the Secretary of State wanted you to file a statement?

Mr. REILLY. Yes.

Mr. SOURWINE. Isn't that why you filed it?

Mr. REILLY. But I was not compelled so to file it, sir.

Mr. SOURWINE. You are an employee of the Department of State.

Mr. REILLY. Yes.

Mr. SOURWINE. The Secretary's expression of his wish with regard to your action is about as compelling as anything, short of physical force, isn't it?

Mr. REILLY. Well, the statement and the signature and the letter, sir, where wholly voluntary on my part. I did not feel I was being in any way coerced to do this, Mr. Sourwine.

Mr. SOURWINE. You had been told the Secretary wanted it done, and you did it, isn't that right?

Mr. REILLY. You can put it that way. But that still does not imply to me the Secretary said, "Reilly, do this."

Senator DODD. Would you have done it if he did not say it? Would you have given us this statement, if the Secretary of State had not indicated that he wanted you to?

Mr. REILLY. When the letter or memorandum was delivered to the Secretary, and wherein the committee made the statement that it "knew the whole story," I felt certain it didn't know the whole story.

Senator DODD. So you didn't tell us about it?

Mr. REILLY. So I did tell you about it.

Senator DODD. When?

Mr. REILLY. In this.

Senator DODD. After the Secretary had told you to.

Mr. REILLY. He asked me to.

Senator DODD. Well, what is the sense in playing about this? Why didn't you call Mr. Sourwine or a member of the committee immediately and say that you wanted to make an additional statement, or write a letter, or something of the sort?

Mr. REILLY. That might have been the better course, sir.

Mr. SOURWINE. Mr. Reilly, you have been questioned before, I think, on your knowledge with respect to the policy of the State Department in respect to using listening devices. I want to ask this question now:

Do you now know whether it is consonant with or opposed to the policy of the State Department to utilize listening devices in the Department, to monitor, or overhear, the conversations of employees in their offices or over their office telephones?

Mr. REILLY. I have since learned that there is a regulation—I think it came out sometime in 1961—which says that the monitoring of conversations shall be held to a minimum.

Mr. SOURWINE. Well, that regulation means that it is authorized or may be authorized in particular cases. It is done sometimes.

Mr. REILLY. Where secretaries stay on telephones, for example.

Senator DODD. I would like to hear that explained further, if I may.

Do I understand you to say that monitoring telephone conversations is to be held at a minimum?

Mr. REILLY. As I understand that regulation, it is a reference to the fact that quite often a secretary will stay on a telephone and take notes. I don't understand that it goes anything beyond that. And—

Senator DODD. I don't think that is what Mr. Sourwine was asking you.

Mr. REILLY. That is the only regulation I know of, sir, that has any bearing on the question he asked me. I don't know of any regulation which says you shall or shall not by other means.

Mr. SOURWINE. Now, Mr. Belisle has told us, in substance—I won't attempt to quote him directly—that the listening in on employees' conversations is a standard investigative technique in security cases; that he had engaged in it in instances outside the Department of State.

Mr. REILLY. Yes.

Mr. SOURWINE. Do you have knowledge that it is a standard technique in security cases?

Mr. REILLY. I understand that in other agencies it has been done, and I understand that it has been done prior to my coming into the State Department.

Mr. SOURWINE. Do you know of any instance, since you have been with the State Department, when this has been done within the State Department?

Mr. REILLY. No; I do not, not since I have been there.

Mr. SOURWINE. All right.

Now, if I may move to one more point. You made mention earlier of your finding of seven carbons—

Mr. REILLY. Yes, sir.

Mr. SOURWINE (continuing).—which I understood you to at least imply constituted, or in your opinion, constituted evidence that Mr. Otepka had given information to me privately.

Did I misunderstand you?

Mr. REILLY. No; you did not misunderstand me.

Mr. SOURWINE. Well, will you tell us how the finding of carbons showing questions to be asked of Reilly is in any way evidence that those questions have been given to me or anybody else privately?

Mr. REILLY. They hadn't been channeled through me, sir.

Mr. SOURWINE. If it doesn't go through you, that makes it private?

Mr. REILLY. It was without the knowledge of the State Department, sir.

Mr. SOURWINE. Now, as a matter of fact, didn't you state that the questions had subsequently been asked of you here at the committee?

Mr. REILLY. Yes, sir.

Mr. SOURWINE. Now, you don't mean, of course, that every question on the seven sheets was asked, or that they were asked in precisely the form in which they were written on the sheets, but you did know that in substance a good number of those questions were asked of you, right?

Mr. REILLY. Yes; correct.

Mr. SOURWINE. Well, if the questions were asked of you at the committee hearing, isn't that evidence that they were conveyed to me, not privately, but in my capacity as counsel for the committee, for the use of the committee, and that they were used at the committee hearing?

Mr. REILLY. I say privately—I mean they were not officially conveyed by Mr. Otepka as a State Department employee.

Mr. SOURWINE. You mean he wasn't ordered to do it by anybody else?

Mr. REILLY. Or he wasn't doing it under any delegated authority he might have, sir.

Mr. SOURWINE. That is what you meant by the use of the word "privately"?

Mr. REILLY. Yes. As a matter of fact, there was one colloquy in there, parenthetical expression, of "this transpired"—I don't know to which event at the moment it referred to—"this transpired before Mr. Reilly was there, but it might evoke some interesting line of inquiry."

Mr. SOURWINE. Go ahead.

Mr. REILLY. That was all I wanted to observe, Mr. Sourwine.

Senator DODD. Well, did it?

Mr. REILLY. I don't recall in the particular thing. I am merely showing the attitude of mind that one found when one read these seven sheets of carbon paper, Mr. Chairman.

Mr. SOURWINE. Do you think, Mr. Reilly, that any of the questions on these seven sheets of carbon paper was an unfair question?

Mr. REILLY. I have not recently reread those particular questions. Therefore, I do not have in mind the precise questions. And I could not honestly give you an answer on that.

Senator DODD. We obviously didn't get all the right questions to ask, did we? A few minutes ago, you told Mr. Sourwine the reason you didn't tell the whole story is you were not asked the right questions. Maybe we should have gotten some more questions from Otepka.

Mr. SOURWINE. Now, I have one more question of you, and then I am through, Mr. Reilly.

In your statement accompanying your letter of November 6, you said:

I might point out that Mr. Belisle and I have both noticed unusual sound phenomena on our telephones, and have had our telephone systems checked. These checks have not produced any evidence that our telephone systems have been interfered with.

Now, you told us here a moment ago, a few minutes ago, of an instance in which a check by Mr. Holden had indicated that a telephone system in your office, in the Office of Security, had been interfered with.

Mr. REILLY. No. One, I hope we find out what that thing was. I would like very much to know.

But, secondly, what I meant was in the telephones, or the telephone lines and telephone instruments that are in my office, my physical office, and Belisle's physical office. I wasn't referring to the entire Office of Security.

And I don't know what the meaning of that other thing is. And I, as much as you, would like to know what it is.

The CHAIRMAN. What do you suspect it is?

Mr. REILLY. I don't know. I don't know—very seriously, Mr. Chairman, to speculate—whether it was red herring, whether it had been there for several years, during which the building has been up. I honestly do not know.

Mr. SOURWINE. Now, since you say that, how do you justify this sentence in your statement:

I also understand that Mr. Holden did examine Mr. Otepka's telephone system but found no evidence that Mr. Otepka's office was bugged or that his telephone was tapped.

Were you intending by that only to tell us that on one particular occasion Mr. Holden made such an investigation, and didn't find any evidence, and to withhold from us your knowledge then possessed that he had, on another occasion, examined it and had found evidence which might indicate that it had been tapped?

Mr. REILLY. No, not at all, sir.

Mr. SOURWINE. Well, you did know when you wrote this statement that Mr. Holden had—as you say, 6 or 7 weeks ago—had examined the telephone lines and had found connections which might have been used as a tap to listen to conversations.

Mr. REILLY. In Mr. Holden's office or Mr. Hill's office, sir. As I understand it.

Mr. SOURWINE. Is Mr. Holden's office in the Office of Security?

Mr. REILLY. Yes, it is, it is on the opposite side of the corridor, and it is farther down from Mr. Otepka's office. And it was explained to me, and, hence, I can only give you what was explained to me, that it was a panel farther down the hall, unrelated to the place where Mr. Otepka's—

Mr. SOURWINE. When you wrote this statement you were trying to cover everything fully, and give the committee full information, so there would not be any misunderstanding?

Mr. REILLY. Yes. And I, very frankly, had not associated that incident with the statement here.

Mr. SOURWINE. Are you aware that your letter and the accompanying statement were taken to the Secretary of State and placed in his hands after you had signed and before they were delivered to this committee?

Mr. REILLY. Yes, I think I was told that.

The CHAIRMAN. Who asked you to sign that letter?

Mr. REILLY. I signed it voluntarily, Mr. Chairman.

The CHAIRMAN. I know. Who asked you to sign it? What was the procedure? Whose idea was the letter?

Mr. REILLY. Well, Mr. Ehrlich was the person present at the time the letters were finally typed, and have no typographical errors. And I read it over.

The CHAIRMAN. I know. But whose idea was it that you write a letter?

Mr. REILLY. It originated with the Secretary.

Mr. SOURWINE. Mr. Chairman, I have no further questions.

Mr. Hill is waiting.

The CHAIRMAN. Had you told somebody you had not given us the full information? Is that the reason the Secretary got you to write the letter?

Mr. REILLY. I explained to the Secretary what I have explained to you gentlemen today, yes.

Mr. SOURWINE. Personally, you mean, face to face you explained it?

Mr. REILLY. No.

Mr. SOURWINE. You discussed with him the testimony you had given, and what the facts were?

Mr. REILLY. And my understanding of the questions.

Mr. SOURWINE. When did you do this?

Mr. REILLY. It was some weeks back.

Mr. SOURWINE. It was some weeks prior—

Mr. REILLY. Two weeks or so ago, give or take—

Mr. SOURWINE. It was 2 weeks or so, before the colloquy on the Senate floor between Senator Dodd and Senator Thurmond?

Mr. REILLY. It was prior to that, yes.

Senator DODD. It was after the Secretary received the memorandum from the committee?

Mr. REILLY. That is correct, sir.

Mr. SOURWINE. But you received no instructions or suggestions that the Secretary's desire was that you should write a statement and give it to the committee?

Mr. REILLY. No. I immediately started to prepare a statement, sir.

Mr. SOURWINE. I am trying to find out whether, on the occasion of your discussion with the Secretary about your testimony, and what the facts were, he had then indicated to you his feeling that you should write a statement or a letter to the committee.

Mr. REILLY. Now, let me see. If he indicated to me, then, sir?

Mr. SOURWINE. Yes.

Mr. REILLY. Yes.

Mr. SOURWINE. He did?

Mr. REILLY. Shortly thereafter, within a matter of hours or a day or so.

Mr. SOURWINE. So that you had been told prior to the colloquy between Senator Dodd and Senator Thurmond, that the Secretary wanted you to send a supplementary statement to the committee?

Mr. REILLY. And I was drafting—

Mr. SOURWINE. You were working on it?

Mr. REILLY. I was drafting such a statement; yes.

Mr. SOURWINE. So when Mr. Ehrlich, on the night of the 5th, after the colloquy between the two Senators, in which perjury was mentioned, came to you or reached you by phone, and called you to his office for the purpose of completing such a statement and letter, it was no surprise to you?

Mr. REILLY. Oh, no.

Mr. SOURWINE. That wasn't the first time you had heard that the Secretary desired you to do this?

Mr. REILLY. No, no.

Senator DODD. I am interested in the time element here.

When, to the best of your knowledge and recollection, did the Secretary of State indicate to you that he wanted you to submit the statement, or make a statement, or send a letter to this committee?

Mr. REILLY. Within a few days one way or the other of his appearance before this committee, sir.

Senator DODD. Perhaps I can help you.

I think the Secretary received a memorandum from this committee the day the world series opened. And I think that was October 4. The reason for this is that I want to know how soon after that date you knew that the Secretary wanted you to send a statement and a letter?

Mr. REILLY. Well, I relate it in my mind, sir, to rather his receipt of the matter—I relate it to the time of his actual appearance before you. And it was—

Senator DODD. That was even earlier.

Mr. REILLY. No. His last appearance, sir, after the receipt—

Mr. SOURWINE. Was it after that appearance, or immediately after that appearance he talked to you?

Mr. REILLY. No; he talked to me just before. It was a day or so, one way or the other. At the moment I cannot pinpoint it any more precisely.

Mr. SOURWINE. You don't know whether it was before or after?

Mr. REILLY. I think—Mr. Ehrlich—you want my personal knowledge, I know.

Mr. SOURWINE. I want your opinion.

Mr. REILLY. Surely.

Mr. SOURWINE. Because you have made it clear in this letter that you had a precise memory with respect to what took place. You say:

"On March 13, I discussed with Mr. Belisle, my special assistant, a variety of investigative techniques," and so forth.

On March 18, March 19. So that in November you remembered precisely the dates in March. And now you cannot tell us whether the Secretary talked to you before or after he appeared before the committee.

Mr. REILLY. No. I talked to the Secretary the day before he appeared.

Mr. SOURWINE. The day before he appeared?

Mr. REILLY. Yes.

Mr. SOURWINE. I see.

Mr. REILLY. Now, I talked to the Secretary and the Under Secretary, or, rather, I talked to the Under Secretary later that day, and I believe the following day.

Mr. SOURWINE. That would be later the day on which the Secretary appeared, or later the day before?

Mr. REILLY. Later the day before.

Mr. SOURWINE. Then you talked with Mr. Ball, also, on the day the Secretary appeared?

Mr. REILLY. No, I believe it was the day after the Secretary appeared.

Mr. SOURWINE. So you talked to both the Secretary and Mr. Ball the day before the Secretary appeared here last?

Mr. REILLY. That is correct.

Mr. SOURWINE. And you talked to Mr. Ball on the day after?

Mr. REILLY. Yes, sir.

Mr. SOURWINE. And the subject of those conversations was the same in each instance, that is the writing of a letter?

Mr. REILLY. Yes.

Senator DODD. I think it is significant, Mr. Reilly, as Mr. Sourwine points out, that in your statement you are so specific about dates. You name several: March 13, March 14, March 18, March 19, March 20.

Mr. REILLY. I think—well, since this appears to call my memory into question. I think I should explain.

Senator DODD. What do you want to explain?

Mr. REILLY. Yes. Starting with March 20. The date of March 20 is precise in my mind because when I was handed the carbon papers on that day, I wrote "3-20-63, J.F.R.," for purposes of identification.

Mr. SOURWINE. And you figured back from that date to arrive at these other dates?

Mr. REILLY. Yes.

Mr. SOURWINE. You didn't keep any memorandum or diary with respect to these other dates?

Mr. REILLY. No.

Mr. SOURWINE. You didn't go into any minutes or log of your department or your office?

Mr. REILLY. Oh, no. And as to the date of March 13, I recall that because my wife had gone out to play bridge the evening before, and I was babysitting, and I was mulling over the problem. I was concerned. That is why I recall that it was the next day that I discussed it with Mr. Belisle.

Mr. SOURWINE. I am interested in something—without challenging the date at all—I am interested to know how often your wife goes out somewhere to play bridge, and you babysit. Do you do this once a year?

Mr. REILLY. She goes out about once a month, sir. And it is always on a Tuesday evening. It is a regular group.

Mr. SOURWINE. I see.

Senator DODD. It probably wasn't so much that she went out, or that you stayed home, as what you were thinking about.

Mr. REILLY. Yes.

Senator DODD. You were thinking about how you could get Otepka.

Mr. REILLY. No.

Sir, I was thinking of how I could ascertain whether or not Mr. Otepka was getting me.

Mr. SOURWINE. I have one more question, sir, in line with what the chairman just opened up.

Is it a fact that you were put into your present job to do a job on the Office of Security, and that one of your assignments was to get Otepka?

Mr. REILLY. I don't think that is—

Mr. SOURWINE. Did you ever tell anybody that? That you had been put into your present job to do a job on the Office of Security, and one of your assignments was to get Otepka?

Mr. REILLY. One of my assignments was to find out if there had been people furnishing information.

Senator DODD. To whom?

Mr. REILLY. If people had been without authority leaking information. It wasn't a specific assignment. It was an assignment to make a good Office of Security.

Mr. SOURWINE. I thought the question was precise. The question is, Did you ever tell anybody that you had been put in the job to do a job on the Office of Security and that one of your assignments was to get Otepka?

Mr. REILLY. I don't think I ever said anything in quite those words, sir.

Mr. SOURWINE. Do you think you might have?

Senator DODD. Wait a minute.

"Quite those words"? You know, we have to be awfully careful with you. We have learned the hard way, if we don't ask the right questions we don't get the right answers.

Mr. REILLY. I am not trying to weasel here. I am trying to recall, sir, if I might have made such a statement.

Mr. SOURWINE. Well, was it a fact that you had been assigned to the State Department position to do a job on the Office of Security?

Mr. REILLY. No.

Mr. SOURWINE. And one of your assignments was to get Otepka?

Mr. REILLY. Nobody said that to me.

Mr. SOURWINE. Anything of that nature? Had it been conveyed to you that it was desirable, and you were expected to achieve the elimination of Otepka from the job as head of the Division of Evaluations?

Mr. REILLY. No, sir; I had not been given any such instructions.

Mr. SOURWINE. Then you could not possibly have told anybody that that was the fact, could you? Why are you in doubt about it?

Mr. REILLY. I might have, in a personal conversation, made some semifacetious remark during the course of some very difficult events in the last year. This has not been an easy situation.

Mr. SOURWINE. You might have said something like that facetiously, you said?

Mr. REILLY. I might have, yes.

Senator DODD. I think that is a rather grim way to joke, don't you?

Mr. REILLY. Well, I think it is rather grim, sir, also, when a person is appointed to a job and endeavors to get along with all of his subordinates, to find then that one of his subordinates has other plans.

Senator DODD. Think about what you told us. You were ask by Mr. Sourwine if you ever told anybody that you were assigned—in part—to get Otepka. Now, if you went down there to get him, he never had a chance to do anything to you. You were in operation from the beginning. Isn't that so?

Mr. REILLY. Yes. And I will say this. I entered my office on April 16, 1962, and it was my desire from the beginning to get along with any and all of the personnel there in the Office of Security.

Mr. SOURWINE. You are not confused between get and get along with, are you?

Mr. REILLY. No, I am not. No, no. What I am trying to explain is that I made every effort—

Senator DODD. Let me ask you a question.

Before you went on the job, did you know Otepka?

Mr. REILLY. I had never met him, sir.

Senator DODD. Had you ever heard of him?

Mr. REILLY. Yes, sir.

Senator DODD. From whom?

Mr. REILLY. I heard of him from my predecessor, Mr. Boswell, who before I took over briefed me on various of the personnel.

Senator DODD. Did he tell you that he thought you should get rid of Otepka?

Mr. REILLY. He told me that he had found Otepka troublesome.

Senator DODD. Tell us what he told you.

Mr. REILLY. He may—believe me, I am trying to be precise here. He may well have said that he had not been able to get along with Otepka, and—

Senator DODD. I think it is important, Mr. Reilly, particularly on this occasion, that you answer these questions directly.

Mr. REILLY. So do I, sir.

Senator DODD. And fully.

I didn't ask you what he may have said. I asked you what he did say. If you don't know, say so.

Mr. REILLY. I am trying to give you my best recollection. I cannot—I do not have a direct recollection that he said "You ought to get rid of." But he certainly indicated to me that he had had difficulties with Mr. Otepka.

Mr. SOURWINE. Did he convey to you the intelligence or the knowledge or the information that he had instructions from higher up to ease Otepka out, or that he knew it would be the desire of those higher up to ease Otepka out?

Mr. REILLY. Or that he, himself, desired to ease him out?

Mr. SOURWINE. I didn't include that. Please don't add to my questions. Just answer them the way they are asked.

Mr. REILLY. No.

Well, all right. I do not recall that he said that he had any instructions from higher authority. But I am being precise when I tell you that he told me he had been endeavoring.

Mr. SOURWINE. Did he indicate to you that he had done that with the knowledge and consent or on the advice and recommendation or inducement of anyone above him or higher up in the Department?

Mr. REILLY. I do not recall that he stated that.

Mr. SOURWINE. Didn't he indicate to you that the powers that were in the Department at the time—were, in his opinion at least—would be pleased to see Otepka out?

Mr. REILLY. I don't recall that he said that, Mr. Sourwine.

Mr. SOURWINE. You did not get that impression?

Mr. REILLY. No. I got the impression, rather, how Mr. Boswell personally felt.

Mr. SOURWINE. You got the impression that he personally was trying to get Otepka out, without any indication that it was with the knowledge and consent of anybody higher up?

Mr. REILLY. That is my understanding; yes, sir.

Mr. SOURWINE. And you then took up where he left off, without any effort to check with anybody higher up to see how they felt about it?

Mr. REILLY. No, sir; that is incorrect.

Mr. SOURWINE. Who did you check with?

Mr. REILLY. No. What I am saying, sir, is that I endeavored, I did my level best to get along with Mr. Otepka, in the hope that he and I would get along.

Mr. SOURWINE. Did you ever check with anybody higher in the Department than Mr. Boswell or higher than yourself about how persons at that level or a higher level felt about getting rid of Otepka, or easing him out of his job as Chief of the Division of Evaluations?

Mr. REILLY. Only after March 13.

Mr. SOURWINE. With whom did you check then, and what were you told?

Mr. REILLY. I checked with Mr. Orrick. I told him of my concern.

Mr. SOURWINE. And what did he say?

Mr. REILLY. He said, be sure you have facts. And I quite agreed with him. Because I believe one should.

Mr. SOURWINE. You knew there had been for some time prior to your entry into the Department an effort to get Otepka out, is that correct? You knew that from Mr. Boswell?

Mr. REILLY. That is correct.

Mr. SOURWINE. And it is true that you were led to believe and did believe, that this was entirely on Mr. Boswell's own responsibility?

Mr. REILLY. That is my understanding, sir.

Mr. SOURWINE. When you continued the effort to get Mr. Otepka out, were you doing it entirely on your own responsibility?

Mr. REILLY. Yes, sir.

Mr. SOURWINE. I have no more questions, Mr. Chairman.

Senator DODD. I have only one.

Mr. REILLY. Well, now—at the outset, the actions that were taken on June 27, when he was detailed, that was with the authority of Mr. Crockett, my superior.

Senator DODD. Detailed. What do you mean by that?

Mr. REILLY. When he was detailed from his official duties as Chief of Evaluations to undertake a study.

Mr. SOURWINE. Now, I will have some more questions, Mr. Chairman, because another name has been brought up.

What did Mr. Crockett tell you at that time?

Mr. REILLY. Mr. Crockett authorized me to detail him.

Mr. SOURWINE. Did you ask Mr. Crockett if you might?

Mr. REILLY. Yes, I did.

Mr. SOURWINE. The suggestion was yours?

Mr. REILLY. Yes, it was.

Mr. SOURWINE. Have you talked to Mr. Crockett about Otepeka or the Otepeka case at other times?

Mr. REILLY. I have, sir.

Mr. SOURWINE. Did you talk with Mr. Otepeka about the possibility of compromising Mr. Otepeka's telephone?

Senator DODD. You mean—

Mr. SOURWINE. To Mr. Crockett.

Mr. REILLY. No, I did not, sir.

Mr. SOURWINE. Did you talk with Mr. Crockett at any time about surveillance of Mr. Otepeka, or his burn bag?

Mr. REILLY. No, I did not, sir.

Mr. SOURWINE. Not until after it was over?

Mr. REILLY. That is right.

Mr. SOURWINE. Have you talked with Mr. Crockett about this case since you got the evidence from the burn bag to which you have referred?

Mr. REILLY. I have, sir.

Mr. SOURWINE. Isn't it your impression from your talks with Mr. Crockett that Mr. Crockett is in sympathy with your efforts to get Mr. Otepeka out?

Mr. REILLY. The efforts are not my efforts, sir. They are the Department's efforts at this point.

Mr. SOURWINE. Well, you told us a moment ago that you had undertaken this entirely on your own responsibility. Was that false when you told us that?

Mr. REILLY. No. I said the initial efforts. Now you are talking about the present efforts. I want to distinguish between them.

Mr. SOURWINE. I am trying to find out whether your present impression is that Mr. Crockett is in sympathy with the efforts which you originally undertook entirely on your own authority to get rid of Mr. Otepeka.

Mr. REILLY. My answer to that is "Yes, sir."

Mr. SOURWINE. He has told you this in so many words, has he?

Mr. REILLY. Yes, sir.

Mr. SOURWINE. Has he told you that the Secretary's position was the same as his?

Mr. REILLY. He has not, sir.

Mr. SOURWINE. Has he represented to you that what he was saying was the view of the Department, or only his own view?

Mr. REILLY. That it was his view, sir.

Mr. SOURWINE. Do you regard the views of a superior, such as Mr. Crockett, to be the views of the Department?

Mr. REILLY. The Department—yes, the Department as a department, as an institution, yes.

Mr. SOURWINE. You think if Mr. Crockett tells you he favors something, you assume that means the Department favors it, is that correct?

Mr. REILLY. Well, he is my direct superior, sir, yes.

Mr. SOURWINE. You thereby assume the Department. Would you say what you have done in that line—that is toward getting Otepka out—since you talked with Mr. Crockett about this matter, has, therefore, been in pursuance to instructions of the Department, carrying out the wishes of the Department?

Mr. REILLY. I cannot say on that, sir. I think—

Mr. SOURWINE. I thought you had said—but maybe I am wrong. I thought you said it was the Department's effort.

Mr. REILLY. Well, I mean as opposed to simply the Office of Security.

Mr. SOURWINE. Yes.

Mr. REILLY. The Office of Personnel had to—had the responsibility for—

Mr. SOURWINE. Well, didn't you attempt to convey to the committee here a few minutes ago the idea that it is now the Department which wants to get Otepka out? Not just you. That what you undertook initially under your own authority is now the efforts of the Department?

Mr. REILLY. The Office of Personnel of the Department, which also is under Mr. Crockett.

Mr. SOURWINE. Are you carefully distinguishing so as not to carry it any higher than Mr. Crockett?

Mr. REILLY. Well, I very simply—the only instruction that has been given me today is not to get into anything bearing on the merits of the pendency of the Otepka case.

Mr. SOURWINE. Well, I don't think this goes to the merits. Leaving aside the question of whether that instruction is proper. I am only asking you now about whether it is true, as I have been led to believe by what you have said here, that your understanding is that the Department of State, as a matter of policy of the Department, wants to get Otepka out.

Mr. REILLY. They want to give him the full proceedings to which he is entitled under the appropriate regulations.

Mr. SOURWINE. That is not the question.

Senator DODD. Are you certain you used the right word? Full what? I thought you said full proceedings?

Mr. REILLY. Yes, to follow under civil service proceedings.

Senator DODD. You didn't mean works?

Mr. REILLY. No, sir.

Mr. SOURWINE. Of course, to paraphrase the statement which was read to the press at a briefing on this matter, at that time it was stated—I boil this down a little bit—that the Department had affirmed the Department's charge against Otepka.

Mr. REILLY. Yes.

Mr. SOURWINE. And that Mr. Otepka has the right to appeal to the Department from the Department's affirmation of the Department's charges.

Mr. REILLY. Yes, sir.

Mr. SOURWINE. You know that to be true?

Mr. REILLY. Yes, sir.

Mr. SOURWINE. That being the case, do you have any doubt that it is the Department's present policy to try to get rid of Otepka?

Mr. REILLY. I think that is quite clear.

Mr. SOURWINE. I think it is quite clear, too.

Mr. REILLY. John Ordway has affirmed the initial findings, charges.

Mr. SOURWINE. You think he did that without the knowledge and consent of his superiors?

Mr. REILLY. I am quite sure he did not.

Mr. SOURWINE. Well, of course not. The Secretary knew about it; didn't he?

Mr. REILLY. I am not trying to quibble.

Mr. SOURWINE. You knew that the Secretary knew what was going on, and was in sympathy; didn't you?

Mr. REILLY. I don't know whether the Secretary has been fully briefed on the facts or not, sir.

Mr. SOURWINE. Well, you briefed him yourself on the Otepka case; have you not? Did you withhold information from him?

Mr. REILLY. I talked to him about this.

Mr. SOURWINE. You briefed him in full on the Otepka case before there was any discussion of a statement up here; did you not?

Mr. REILLY. I did not brief him in full. I haven't been in the man's presence that often. I have told him—

Mr. SOURWINE. How long did you spend with him, briefing him on the Otepka case?

Mr. REILLY. I would say not more than 3 or 4 minutes, sir.

Mr. SOURWINE. Just 3 or 4 minutes? Is that because he would not give you any more time?

Mr. REILLY. No. I don't know what—

Mr. SOURWINE. Because you told him all you felt he should know about it in 3 or 4 minutes?

Mr. REILLY. No, sir.

Mr. SOURWINE. Did you tell him all you thought he should know about it?

Mr. REILLY. I told him that I felt he was, without authority of the Department, furnishing information. That is my best recollection of what I told him, sir.

Mr. SOURWINE. Were you not called to the Secretary's office for the purpose of briefing him on the Otepka case?

Mr. REILLY. On what occasion, sir?

Mr. SOURWINE. On any occasion.

Mr. REILLY. Well, I honestly don't recall having been called to the Secretary's office specifically for that. I certainly have prepared briefing materials that went to Mr. Ehrlich for utilization.

Mr. SOURWINE. Have you prepared any briefing materials for the Secretary on the Otepka case?

Mr. REILLY. Not specifically as such. I have prepared briefing materials that I have turned over to others. Whether or not they went to the Secretary or not, I cannot say, sir.

Mr. SOURWINE. Were they intended to go to the Secretary, or expected to go to the Secretary?

Mr. REILLY. I thought they were going to go to the Under Secretary.

Mr. SOURWINE. That is Mr. Ball?

Mr. REILLY. Yes.

Mr. SOURWINE. Now, was that briefing inadequate? Were those briefing materials deficient in detail, or in statement of pertinent facts?

Mr. REILLY. I don't believe they were, sir.

Mr. SOURWINE. How can you then say the Secretary has not been properly briefed?

Mr. REILLY. I don't know what Mr. Ball has done with the material. I cannot speak for him, sir.

Mr. SOURWINE. But you have not briefed the Secretary adequately and properly yourself. Is that what you are saying?

Mr. REILLY. That is what I am saying.

Mr. SOURWINE. I have no more questions, Mr. Chairman.

Mr. REILLY. I say that is my best recollection.

Senator DODD. I have one other question.

Mr. REILLY. Certainly, sir.

Senator DODD. It refers to a question I asked a few minutes ago.

My best recollection is that I asked you how, and from whom, you first heard about Otepka.

Mr. REILLY. Yes.

Senator DODD. I believe that you answered by saying from Mr. Boswell.

Mr. REILLY. Yes; that is correct.

Senator DODD. Did you hear about it, or learn of him from anyone else?

Mr. REILLY. Mr. Jones mentioned him to me, and told me he thought he was a fine evaluator. He felt——

Senator DODD. Mr. Jones——

Mr. REILLY. Roger Jones, the former Deputy Under Secretary, who was there a very short time after I arrived.

Senator DODD. Yes; he went over to some other department, didn't he, in the Government?

Mr. REILLY. Yes, sir.

Senator DODD. And he gave you a good opinion of Otepka?

Mr. REILLY. He said he felt that Mr. Otepka had been under a strain over many months, and was tired. But he thought he was a fine evaluator.

Senator DODD. And was this about the same time that you talked with Boswell about Otepka?

Mr. REILLY. Approximately the same time. I would say it was probably after I had come aboard, shortly after.

Senator DODD. Did you talk with anyone else about him?

Mr. REILLY. No; that would be it.

Senator DODD. So you had two opinions, then—a good opinion from Jones and a poor opinion from Boswell.

Mr. REILLY. Yes, sir.

Senator DODD. And you made a decision, I take it, with respect to Otepka?

I think I have understood you to say while you did not use the exact words in the questions put to you by Mr. Sourwine, that you may very well have said that you went down there to get Otepka.

Mr. REILLY. I may well have said that some time this year, not at the time of my arrival on the scene, no, sir.

Senator DODD. I understand that.

What you said this year, however would be an accurate description of your state of mind then, would it not?

Mr. REILLY. As I said, I may well have said that facetiously.

Senator DODD. I would like to know whether it was a grim joke, or a grim fact. And I think the record ought to show it clearly.

Mr. REILLY. No; I was not sent there to get Mr. Otepka.

Mr. SOURWINE. When you talked with Mr. Jones about it, did he know or did you disclose to him that Mr. Boswell wanted to get Otepka out?

Mr. REILLY. I was not on that close acquaintance with Mr. Jones when I arrived.

Mr. SOURWINE. Nothing was said which would indicate to you whether he knew this or not?

Mr. REILLY. No, sir.

Mr. SOURWINE. No more questions.

Senator DODD. I don't have any more.

Mr. SOURWINE. Mr. Hill is waiting. Do you have a half hour to hear him?

Senator DODD. Yes; whatever you want to do.

Mr. SOURWINE. I should like to go ahead. I think we can finish with Mr. Hill in half an hour.

Can we excuse this witness, Mr. Chairman?

I will say Mr. Reilly has come up every time we have asked him to come, and he will come again if we need him.

Mr. REILLY. You may be sure of that.

Senator DODD. That wasn't on my mind. I was thinking something might come up in the course of the Hill testimony concerning which you might think it helpful if Mr. Reilly was handy.

Mr. SOURWINE. This is possible. But I think it is probably sufficiently remote that it would not be fair to ask Mr. Reilly to wait.

Senator DODD. All right.

Mr. REILLY. I appreciate your excusing me, thank you.

**TESTIMONY OF ELMER DEWEY HILL, CHIEF OF THE DIVISION OF
TECHNICAL SERVICES, OFFICE OF SECURITY, STATE DEPART-
MENT**

FRIDAY, NOVEMBER 15, 1963

Senator James O. Eastland, chairman, presiding.

Present: Senators Eastland, John L. McClellan, and Thomas J. Dodd.

Also present: J. G. Sourwine, chief counsel; Samuel J. Scott, assistant counsel; and Benjamin Mandel, director of research.

Senator DODD. Mr. Hill, will you rise, please, and raise your right hand?

You solemnly swear that the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HILL. I do.

Mr. SOURWINE. You are Elmer Dewey Hill?

Mr. HILL. Yes, sir. With the committee's—

Mr. SOURWINE. You are Chief of the Division of Technical Services in the State Department's Office of Security?

Mr. HILL. With the committee's permission, I would like to make a request. And that would be that my testimony be deferred until I can seek advice of counsel.

Senator DODD. Isn't Mr. Ehrlich here with you?

Mr. EHRLICH. I am not here as counsel, sir. I am here as a State Department observer.

Mr. SOURWINE. I think that is the first time that has been made clear to the committee. Were you not here as counsel for Mr. Belisle?

Mr. EHRLICH. No, sir; I apologize if that was not clear.

Mr. SOURWINE. You were not here as counsel for Mr. Reilly?

Mr. EHRLICH. No, sir; I was not.

Senator DODD. I thought you were, Mr. Ehrlich. I guess nobody asked.

Mr. EHRLICH. I apologize if it was not clear. It never occurred to me, frankly, that I was here as their counsel. I was not.

Mr. SOURWINE. Mr. Hill, when were you notified of the committee's desire to have your testimony?

Mr. HILL. Yesterday, sir.

Mr. SOURWINE. For the first time?

Mr. HILL. Yes, sir.

Mr. SOURWINE. You were not reached before yesterday?

Mr. HILL. No, sir.

Mr. SOURWINE. What efforts have you made since yesterday to secure counsel to come here with you?

Mr. HILL. I have made an effort, sir.

Mr. SOURWINE. As I say, what efforts have you made?

Mr. HILL. I have secured an attorney to represent me.

Mr. SOURWINE. You do now have an attorney?

Mr. HILL. Yes, sir.

Mr. SOURWINE. And couldn't he come this morning?

Mr. HILL. He has not had adequate opportunity to study the facts of the matter.

Mr. SOURWINE. Who is your counsel?

Mr. HILL. Sidney Sachs.

Senator DODD. Do you have his address?

Mr. HILL. I have his home address, sir. It is 2717 Daniel Road, Chevy Chase, Md.

Senator DODD. Does he practice in the District of Columbia?

Mr. HILL. Yes, sir.

Senator DODD. You don't know where his office is?

Mr. HILL. It is in the Woodward Building, sir.

Mr. SOURWINE. Did you ask him to come with you this morning?

Mr. HILL. Yes, sir.

Mr. SOURWINE. He said he could not do so?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Now what preparation do you have in mind he would need before he can adequately serve you as counsel at this hearing?

Mr. HILL. There is a weekend coming up. I would like to have a week, sir.

Mr. SOURWINE. I say what preparation do you think would be necessary?

Mr. HILL. A week, sir.

Mr. SOURWINE. No. But, for what purpose? All the committee wants you to do is tell the truth. You have testified here before. You have then—I understand it is voluntary—submitted a statement to the committee. That is right, is it not?

Mr. HILL. Yes, sir.

Mr. SOURWINE. I think perhaps this much can do no harm today. I will show you the letter and statement—

Mr. HILL. Sir, I must insist. I am very sorry, Sir. But I must insist that before I make further statements today, I have adequate advice of counsel.

Mr. SOURWINE. All I am doing is asking you to identify a letter which you sent to the committee over your signature. Do you refuse to do that?

Mr. HILL. Please, sir.

Senator DODD. Just a minute. I feel that if this witness earnestly wants advice of counsel that he should have it.

I am certainly very troubled that you did not get in touch with us, or that your lawyer did not get in touch with us. It is a very simple thing to do. But I am not going to deny this witness an opportunity to get advice.

Mr. SOURWINE. As the Chair knows, the committee has reserved Monday on the possibility that we might not finish with Mr. Hill and Mr. Reilly today. May the order be that Mr. Hill return on Monday morning to give testimony?

Senator DODD. Well, today is Friday.

Mr. SOURWINE. Yes, sir.

Senator DODD. It would seem to me it might be better if we talked to his lawyer about a date certain.

Wouldn't you agree to that?

Mr. SOURWINE. Senator, I will agree to anything the chairman wants. I would understand that it is entirely within the province of the committee to fix the dates.

Senator DODD. Yes, I think that is true, generally speaking. But I feel he has a right to get advice, if he wants to get it and I know you do too. I think he ought to have a chance to do so, aside from the fact I think he has been dilatory about it—at least for 24 hours. I think we would have wanted to know about it earlier, because it does disrupt our schedule, and it makes it difficult for us to carry on our hearings.

Mr. SOURWINE. Most respectfully, if the Chair permits, I want to file a small caveat. I think certainly the committee has always permitted witnesses to have counsel but I don't think the chairman

meant to say it was a right. It is a privilege which has always been granted, and which tradition has allowed.

Senator DODD. All right. I am sure that is technically correct.

What I am trying to say is—I think I speak for the other members of the committee, and for counsel—I think we have been careful about this, and we intend to do so in the future. So, I suggest that Mr. Hill be excused now and that he ask his counsel to immediately get in touch with Mr. Sourwine.

Mr. HILL. Yes, sir.

Senator DODD. Because we cannot let this remain up in the air. And you should directly go to him or call him and ask him to promptly communicate with Mr. Sourwine, so we can have some things settled about this hearing and your part in it.

Mr. HILL. Yes, sir; I will do that, sir.

Senator DODD. Well, all right. We will stand in recess.

(Whereupon, at 12:22 p.m., the subcommittee recessed, subject to the call of the Chair.)

TESTIMONY OF ELMER DEWEY HILL

MONDAY, NOVEMBER 18, 1963

Senator Thomas J. Dodd, vice chairman, presiding.

Present: Senator Dodd.

Also present: J. G. Sourwine, chief counsel; Samuel J. Scott, assistant counsel, Alan D. McArthur, associate counsel; and William McManus, assistant to the chief counsel.

For the Department: Sidney Sachs and Thomas Stern, observers.

Senator DODD. The subcommittee will come to order.

Mr. Hill has been previously sworn as I recall.

Mr. SOURWINE. You swore him the other day.

Senator DODD. Very well.

Mr. HILL. If I may, I would like to make a statement.

Senator DODD. Certainly.

Mr. HILL. I should like to read it into the record. Thank you.

I, Elmer Dewey Hill, wish further to amplify statements which I have made concerning listening to telephone conversations on Mr. Otepka's office telephone.

In my testimony on July 9, 1963, and my letter of November 6, 1963, I stated that Mr. Schneider and I arranged telephone wires so that we could hear telephone conversations on Mr. Otepka's telephone. Nevertheless, on careful review of that testimony and letter, I fear that the implication is that, in fact, no such conversations were heard. I make this statement to correct such an implication.

In our testing of the arrangement which Mr. Schneider and I had made, over a brief period recordings were made of telephone calls on Mr. Otepka's telephone. They turned out to be of no consequence and were erased.

Senator DODD. Erased?

Mr. HILL. Yes; erased. When I gave my prior testimony and wrote the letter, I was under the impression, which I am now satisfied was erroneous, that, especially since no information of any consequence was obtained, my duty required me to speak and write as I did.

I now feel, however, that this reasoning was faulty and accordingly, I have stated these facts explicitly to senior officers of the State Department, to whom I have submitted my resignation, and I am prepared to answer any further questions this committee may have.

Senator DODD. For the record, I think that I should say that I have been notified this morning of your resignation and, also, of the resignation of Mr. Reilly. I believe I was told that Mr. Reilly resigned this morning. And I so state for the record.

All right, where are we, Mr. Sourwine.

Mr. SOURWINE. Well, we had not begun to question Mr. Hill at his last appearance, because, after being sworn and identifying himself, he asked for additional time to confer with counsel.

Senator DODD. I recall that.

Mr. SOURWINE. So we are just starting this morning.

Senator DODD. Mr. Sachs is perfectly welcome here as counsel.

Mr. SACHS. Thank you. This is the first time I have ever been here.

Senator DODD. It is not nearly as bad as it is reputed to be.

Mr. SOURWINE. There are several gentlemen here; one is here from the Under Secretary of State for Administration's office, Mr. Stern, who is here as an observer for the Department. I have asked Mr. Hill and counsel if they have an objection, in view of the fact that Mr. Hill has resigned from the Department, and they say that they do not.

Senator DODD. I do not have any objection.

Mr. STERN. I am from Mr. Orrick's office.

Senator DODD. Why do you not sit over at the table?

Mr. STERN. This is all right.

Mr. SOURWINE. Mr. Hill, when you testified on July 9, in response to the question, "Do you know of a single instance in which the Department has ever listened in on the telephone of an employee," you answered, "I cannot recall such an instance."

In the light of your statement this morning, are we to understand that you did at that time recall the instance of listening in on Mr. Otepka's telephone, but that you felt that it was your duty to give the answer that you did?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Did you then, or do you now, recall any other instances of listening in on the telephone of an employee—not only your own listening in, but any instances in which you knew that there has been a compromise of a telephone, and listening in on conversations over that telephone?

Mr. HILL. Not directly. I know by a third party that a listening device was used in connection with * * *.

(EDITOR'S NOTE.—Five lines deleted at this point for security reasons.)

Senator DODD. I wonder if perhaps part of the witness' testimony might be put in a special category. I do not know. What I have in mind is that, before there is any publication of this, each member of the committee should be told about it. I do not know what the word is that I should use here, but I think that we ought to be careful about it.

Mr. SOURWINE. I want to make it clear that the thrust of my question was intended to go to the matter of listening in on a conversation by an employee from his office telephone, here in Washington.

Mr. HILL. I see, sir. I interpreted your question more generally—I'm sorry.

Mr. SOURWINE. Do not be sorry. I was not sufficiently precise. I appreciate that you are not being hypertechnical, but I'm trying to determine if you are trying to answer fully the question that I asked. With particular regard to listening in on the employee's telephones here in Washington, do you recall any instances of which you have knowledge, personal or secondhand, that that was done, excepting in the case of Otepka?

Mr. HILL. No, sir.

Mr. SOURWINE. You are a technician; are you not?

Mr. HILL. I am an electrical engineer.

Mr. SOURWINE. You are a technician in the area, among others, of electronic listening devices and countermeasures against them; are you not?

Mr. HILL. Yes, sir.

Mr. SOURWINE. How many different techniques do you know of, proven techniques, for compromising telephones?

Mr. HILL. Approximately one-half a dozen.

Mr. SOURWINE. Is one of those techniques the one which was used in the Otepka case?

Mr. HILL. Yes, sir.

Mr. SOURWINE. That is, you did not, or your subordinates did not invent an entirely new technique to use in the Otepka case?

Mr. HILL. No, sir. Well, I should expand on that slightly, I think. The usual attempt to listen in to a telephone conversation is concerned with only listening to the telephonic conversations and not trying to pick up, in addition, the sounds of conversations taking place in the room or the office where the telephone is located. This technique that we were using was aimed at doing that.

Mr. SOURWINE. It was aimed at making the telephone a listening device at all times—that is what it was aimed at?

Mr. HILL. Yes.

Mr. SOURWINE. How many techniques are there for doing that, that is, well-known techniques?

Mr. HILL. Well, there are several. It is a matter of definition. Do you want me to go into detail?

Mr. SOURWINE. For instance, generally speaking, you can put a microphone in the telephone—install it in the telephone?

Mr. HILL. That would certainly be a method.

Mr. SOURWINE. You can move a wire in the telephone so as to permit you to send a current back and activate the microphone that way?

Mr. HILL. There are several ways of doing that. It depends upon how precisely you—

Mr. SOURWINE. You can use the black box, which is a high frequency current sent back through a wire which jumps a gap, without gimmicking anything in the telephone itself?

Mr. HILL. I see that you understand very well.

Mr. SOURWINE. Is that right?

Mr. HILL. Yes.

Mr. SOURWINE. It was one of the second varieties that I mentioned—one of the several ways you spoke of for changing a wire in the telephone, so as to permit a current to be sent through and to activate the microphone, that was used in Mr. Otepka's case, is that right?

Mr. HILL. Yes, sir. It is not quite as simple as your description would make it seem. And there are additional techniques which you have not mentioned.

Mr. SOURWINE. I am trying to find out about it now—about the one which was used in the Otepka case.

Mr. HILL. Would you like me to explain this in detail?

Mr. SOURWINE. Yes; particularly I am trying to find out whether your listening technique in the Otepka case used the current already flowing—the normal current—or whether you had to connect it up and send the current through it in order to activate it?

Mr. HILL. It was self-generating.

Mr. SOURWINE. It was self-generating?

Mr. HILL. Yes. Since it made use of the earphone—rather than the microphone—as a microphone. The earphone will work in both directions. It is known in technical parlance as a bilateral device.

Mr. SOURWINE. Did the wire you set up involve a hookup which, from an electronic standpoint, could have been used to listen either way?

Mr. SACHS. I do not understand. I do not know what you mean by "either way."

Mr. SOURWINE. I am sure that Mr. Hill does.

Mr. HILL. No.

Mr. SOURWINE. All right. You set this up so that you could connect onto the wires at another point, to the very telephone wires that were carrying his messages.

Senator DODD. Do not nod your head—we want it on the record.

Mr. HILL. I was signifying my understanding—I am sorry, sir. That is not precisely correct.

Mr. SOURWINE. Suppose that you tell us just what you did.

Mr. HILL. Yes, sir.

Senator DODD. Relax, Mr. Hill. Do not be uneasy.

Mr. HILL. Thank you, sir. Mr. Otepka's office telephone, as all the office phones in the Department of State—virtually all—are multi-line telephones. I am sure that you are familiar with that.

Mr. SOURWINE. Yes; we have them here.

Mr. HILL. This telephone has 50 wires coming into it from its wall connection. It is not necessary that all of these wires are used, however. They have various functions besides carrying conversations; they are used to light the lamps on the phone, to sound buzzers; perhaps to carry out internal switching functions of the telephone system. Therefore, in order to make certain, if these wires were going to be used in order to make certain that conversations would always be picked up and not be a function of which button was pressed, which line was activated, it was necessary to go past that switching system and connect into the telephone instrument circuitry itself. The point where the actual connection was made was at the earphone and from that point on there was an independent circuit established by making use of the unused wires in the telephone instrument and in the rest of the telephone.

Mr. SOURWINE. What you did then was to convert the earphone into a microphone, a listening microphone, through a circuit which you could tap at someplace outside of the office of Mr. Otepka?

Mr. HILL. If I may, sir, I would prefer to rephrase that. We made use of the latent microphonic capabilities of the earphone by establishing the circuit. The earphone will always operate as a microphone. That use is not made of it, however.

Mr. SOURWINE. But before you did your reconnecting it was not available for that use, was it?

Mr. SACHS. If you do not understand, ask him to rephrase it.

Senator DODD. Yes, by all means.

Mr. HILL. Well, it would be better if you could rephrase it.

Mr. SOURWINE. Let me put it this way: Before you went in and established this independent circuit, there was not any pair of wires that you could tap outside of the room which would have utilized the earphone in this way, was there?

Mr. HILL. It is conceivable. Just how well the technique would work would have to be specifically determined, empirically determined.

Mr. SOURWINE. In other words, perhaps, theoretically you could have done it another way?

Mr. HILL. Yes.

Mr. SOURWINE. But you did it in a way that was proven, that you knew would work?

Mr. HILL. No, sir; I was not certain that this would work. This seemed to be the best way, without actually trying it. On the face of it, it seemed to be the best way.

Mr. Schneider and I discussed this, and we concluded that using this approach, probably, would be more successful, but it was not absolutely certain that it would be.

Mr. SOURWINE. Well, this was a method or a technique which had been used before; was it not?

Mr. HILL. Only in the general sense of providing an electrical bypass around the switch or other switching, but in a specific sense I am not aware of this technique having been used before.

Mr. SOURWINE. After you had altered the telephone or given it this additional function, would it have been possible for Mr. Otepka to overhear conversations elsewhere?

Mr. SACHS. On the device?

Mr. SOURWINE. As a result of what you did.

Senator DODD. Could I hear that again?

Mr. SOURWINE. After you had altered the function of the telephone as you did, of the receiver part, of the earphone part, would it have been possible for Mr. Otepka to hear over that telephone anything that he would not normally hear, before you altered it?

Mr. HILL. It is conceivable—it is possible.

Mr. SOURWINE. Would that have required some special connection at the other end to make it function that way?

Mr. HILL. Not necessarily.

Mr. SOURWINE. In other words, it might have produced noises, clicking noises or other noises in the earphone?

Mr. HILL. It might have. I listened to the earphone and did not hear any myself. Of course, I wanted to check that.

Mr. SOURWINE. It has been reported to the committee that Mr. Otepka and others in his office noticed from time to time some noises emanating from that earphone while the telephone was cradled. This is a possible result of what you did to it?

Mr. HILL. I would not say that it is not possible, but I doubt it very much.

Mr. SOURWINE. So that it was relatively free from the possibility of detection by Mr. Otepka?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Would a normal test of the telephone, without an examination, have discovered this, sir?

Mr. HILL. Well, I am not so certain about what you mean by normal test.

Mr. SOURWINE. Well, I mean if you had tested the circuits?

Mr. HILL. If the telephone company had tested the circuitry?

Mr. SOURWINE. If the telephone company had, yes.

Mr. HILL. They would not have detected it.

Senator DODD. What if there was a suspicion—somebody told me, "They have tapped your wire"—and I called the telephone man, would he be able to detect the kind of device that you were talking about?

Mr. HILL. If he made a very careful inspection of all of the wiring he would discover that there was an additional connection made, but because of the number of wires and the likelihood that his inspection would be a cursory one, it would be doubtful if he would uncover it.

Mr. SOURWINE. If one of your people had been checking the telephone to see if it was tapped, would he have been likely to have discovered it?

Mr. HILL. It would have been difficult. Here again, my previous comment applies.

Mr. SOURWINE. Well, we have the report that Mr. Otepka thought his telephone was tapped and asked for it to be checked and it was checked, and the report was that there was no evidence of a tap. Does this mean, if the report is true, that the person who checked the telephone was negligent in the way he did it?

Senator DODD. Or not skillful?

Mr. SOURWINE. Or not skillful. What would it be?

Mr. SACHS. May I ask that the time be put on that.

Mr. HILL. No, sir.

Mr. SOURWINE. If the answer is a matter of time sequence, I am sure that Mr. Hill can explain.

Mr. SACHS. In other words, I am suggesting that you ask him a question which suggests that this connection may not even have been in existence at the time that the phone was checked.

Mr. SOURWINE. I recognize that possibility, but I think that Mr. Hill would know it.

Mr. SACHS. OK.

Mr. HILL. I was first going to answer the question as you posed it without reference to the time implication, but I will make the comment about the time implication after I do this.

The fact that such a modification to the phone was not discovered is not necessarily a reflection on the adequacy of the person making

the check. The reason is simply one of time. In order to make a thorough check, the individual must really take the position that any 2 of the 50 conductors entering the phone could be utilized for this purpose.

Now a simple mathematical analysis will show that there are 2,500 combinations. If one assumes that it takes 10 seconds, for instance, to make a check on each one of these, one comes to the conclusion that it would take 25,000 seconds to perform the inspection, and this is a long time. I believe that 24,000 seconds—I believe there are 24,000 seconds in the day, or something like that. That gives you some idea of the magnitude of the problem.

Mr. SOURWINE. Now, with regard to the time phase.

Mr. HILL. I believe that the check that you refer to was made after the installation was removed.

Mr. SOURWINE. I see. When was the installation removed?

Mr. HILL. That was an unfortunate phraseology, I am afraid. Actually, the modification was removed, I should have said.

Mr. SOURWINE. To put it back the way it had been?

Mr. HILL. Yes.

Mr. SOURWINE. When was it put back the way it had been?

Senator DODD. What question did you ask—wait just a minute.

Mr. SOURWINE. I do not remember the precise words, but the thrust of the question was the removal of the tap, and I believe that Mr. Hill had in mind that the connection outside of the office of Mr. Otepka was removed at a time prior to the time when he put the telephone in Otepka's office back in the same form that it had been in before.

Mr. SACHS. We may be puzzled by the change. He used the words "removal of the installation." You may be confused by that. And then Mr. Hill said that he thought that was an unfortunate expression, and thought that it would be better to say a modification of the phone. That was the essence of it.

Senator DODD. All right. This confuses me.

Mr. SOURWINE. After you had modified the telephone in Mr. Otepka's office so as to make a listening device of it, you then, at some subsequent time, tapped in on the two wires which composed the circuit so that you could listen or record; is that right?

Mr. HILL. Yes.

Mr. SOURWINE. At some time subsequent to that, you removed that tap from the place outside of Otepka's office where it had been put on?

Mr. HILL. And at the same time restored the phone to the original condition.

Mr. SOURWINE. At approximately the same time, as part of the same job?

Mr. HILL. Yes, within a matter of half an hour.

Mr. SOURWINE. Actually, which did you do first?

Mr. HILL. I really do not remember.

Mr. SOURWINE. You removed it at both ends on the same day, within half an hour?

Mr. HILL. Actually, there were several removals, since the phone system has various points in it wherein connections are made, and these in-between connections—

Senator DODD. It was all an operation which took about half an hour; is that what you are telling us?

Mr. HILL. Yes, sir. The point that bothers me is the terminal equipment. I do not really recall when that was taken off. It was taken on and off. We were experimenting with it because of the problem that the system was not working—we were trying to improve the system, so that the terminal equipment may have been disconnected and reconnected many times.

Mr. SOURWINE. But it was finally disconnected on the same day that you restored what you had modified in Mr. Otepka's telephone?

Mr. HILL. Yes, sir.

Mr. SOURWINE. What day was that?

Mr. HILL. I believe it was the second day after it was put in. Well, I am fairly positive of that. I am positive on that, that it was in operation for 2 days only.

Mr. SOURWINE. During the 2 days over how long a total period, minutes or hours, was the terminal connection hooked up so that you could record or listen?

Mr. HILL. I believe that it was hooked up most of 1 day and part of the next day.

Mr. SOURWINE. During that time did you have individuals listening in?

Mr. HILL. I myself from time to time listened to it because I was concerned with trying to improve the system, checking its operations.

Mr. SOURWINE. Who else listened?

Mr. HILL. And Mr. Schneider, probably, did.

Mr. SOURWINE. Did anyone else?

Mr. HILL. No, sir; I do not believe so.

Mr. SOURWINE. That is Mr. Clarence Schneider?

Mr. HILL. Yes, sir.

Mr. SOURWINE. How many different recordings were made of conversations?

Mr. HILL. How many different conversations were recorded?

Mr. SOURWINE. If you know, approximately.

Mr. SACHS. That is a different question—is that the one you meant?

Mr. SOURWINE. Well, I will take your phrasing.

Mr. HILL. Oh, I would say a dozen, perhaps more.

Mr. SOURWINE. Were these all conversations over the telephone, or were some of them conversations in the room that were not conducted over the telephone?

Mr. HILL. These were all over the telephone.

Mr. SOURWINE. What was done with those recordings?

Mr. HILL. Well, I believe that either I or Mr. Schneider gave the recordings to another individual.

Mr. SOURWINE. To whom?

Mr. HILL. I really do not know who that was. I will simplify it—it was not a person that I had any contact with, some stranger to me.

Mr. SOURWINE. Why did you give these recordings to someone who was a stranger?

Mr. HILL. Mr. Reilly's request.

Mr. SOURWINE. Mr. Reilly knew about these recordings?

Mr. HILL. Yes.

Mr. SOURWINE. Had he heard them?

Mr. HILL. I do not know whether he had heard them or not. I do know of one incident that he referred to, one telephone conversation.

I do not know how this knowledge came to him, whether he listened to the recording or it was reported to him by another person who listened to the recording, but there was one telephone conversation which did seem interesting to him.

10 Mr. SOURWINE. He knew about, at least, one conversation?

Mr. HILL. Yes.

8 Mr. SOURWINE. Had you told him about that conversation?

Mr. SACHS. At any time, or the time that he gave the recordings to the stranger? I got lost there. Are you referring to which? I think that you must specify time. You see, when you were talking about what he did with the recordings, he said he gave it to a stranger.

Mr. SOURWINE. I think it is perfectly clear, Mr. Sachs, that he gave it to a stranger at Mr. Reilly's orders, and Mr. Reilly at that time knew about the tap, and knew about the details of, at least, one conversation. Is that right?

Mr. HILL. Well, it is obvious that I, certainly, would not give the recordings to just any stranger walking down the aisle.

Mr. SOURWINE. That is obvious. Let us get down to these things one by one. And may I ask Mr. Sachs to let me conduct the investigation, unless you think I am being unfair to your client?

Mr. SACHS. I will, certainly, abide by that. I was trying to be helpful.

Mr. SOURWINE. I think it threw a slight monkey wrench in. I want to get back on the track. I am sure that you did not intend to do that.

Senator DODD. I am sure that he did not. This is new to Mr. Sachs. The procedures are not exactly what he encounters every day in the practice of law.

Mr. SOURWINE. I understand that.

Mr. SACHS. I will try to contain myself.

Mr. SOURWINE. Let us start again, Mr. Hill. You were instructed by Mr. Reilly to give these recordings to some individual?

Mr. HILL. I think that is a fair statement.

Mr. SOURWINE. Now, just how did he request you to do that? Orally or in writing?

Mr. HILL. Orally.

Mr. SOURWINE. What did he tell you to do? Were you to take it somewhere or to leave it somewhere or to give it to somebody who would call for it?

Mr. HILL. The latter; to give it to somebody who would call for it.

Mr. SOURWINE. How was that person to identify himself to you as entitled to receive it under Mr. Reilly's instructions?

Mr. HILL. I do not remember that. And as a matter of fact, I do not actually remember whether it was I or Mr. Schneider who gave the tape. I suspect it was Mr. Schneider, because, otherwise, I would remember this.

Mr. SOURWINE. But now that Mr. Reilly did instruct you—but you know that Mr. Reilly did instruct you?

Mr. HILL. Oh, yes, sir.

Mr. SOURWINE. Was this individual an employee of the Department of State or identified to you as such?

Mr. HILL. I do not know. Actually, my memory is not clear on that.

Mr. SOURWINE. You do not recall seeing this individual?

Mr. HILL. No. No, sir.

Mr. SOURWINE. When were these recordings turned over to this individual?

Mr. HILL. Here again I am not certain whether they were both turned over at the same time after the modification was taken out or were turned over at the end of each day.

Mr. SOURWINE. You say "they"—I presume you mean physically a disk or a wire on which the recording had been placed?

Mr. HILL. Yes, sir; a tape.

Mr. SOURWINE. A tape.

Mr. HILL. Yes.

Mr. SOURWINE. There were two tapes then?

Mr. HILL. Two reels.

Mr. SOURWINE. Two reels of tape, one for each of 2 days?

Mr. HILL. Yes, sir.

Mr. SOURWINE. And they were either turned over together or turned over one on one day, and one on the next day?

Mr. HILL. Yes, but I am not certain, also, whether the second day was turned over, because the second day was more intermittent—I was trying to perfect the system, and it may have been not working part of the time and its value was not particularly great, therefore, and by that time it had already been decided to remove it.

Mr. SOURWINE. Well, then, if it was possible that the tape for the first day was turned over at the end of the first day, then your instructions from Mr. Reilly to turn it over must have come to you during that first day or before the first day, is that right?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Do you remember which?

Mr. HILL. No, sir.

Mr. SOURWINE. Is it not logical that the sequence would have been that you reported to Mr. Reilly that you were recording conversations, and thereafter he instructed that the tape be turned over to this individual?

Mr. HILL. That is, certainly, logical.

Mr. SOURWINE. You do not remember whether that is the way it happened?

Mr. HILL. No, sir; I do not know.

Mr. SOURWINE. Do you recall anything about the nature of the conversation that you said Mr. Reilly knew about, in which he was interested?

Mr. HILL. It was simply——

Mr. SACHS. I have a little problem here, gentlemen. I take it that you are about to ask him what was on that tape, the conversation, and although I am not by any means an authority in this field, I gather that might be a disclosure that would violate the law. That is the way I read it.

Mr. SOURWINE. Mr. Sachs, we are talking about a tape which this man did turn over to somebody.

Mr. SACHS. I understood you to be asking him what the essence of the conversation was that was on the tape.

Mr. SOURWINE. I am asking him if he knew of the conversation or the subject of the conversation in which he said Mr. Reilly was particularly interested, that is right.

Mr. SACHS. What is troubling me—and I find this a problem—is that if he tells you what the essence of that was, he will be divulging the information and, possibly, committing an offense at that moment, unless as I read this statute, the sender of the conversation has already consented.

Mr. SOURWINE. Let me get at it this way: Did you tell Mr. Reilly about that particular conversation?

Mr. HILL. I believe I may have mentioned to him that there did not seem to be anything very interesting to him on this tape. However, there was one conversation that might be.

Mr. SOURWINE. Did you then tell him what that was?

Mr. HILL. Yes, sir; I believe I did.

Mr. SOURWINE. Do you see—just a little bit ago I understood you to say that you did not know how Mr. Reilly heard that conversation.

Mr. HILL. Well, if you understood what the conversation was, you would be able to appreciate how I could refer to it so as to identify it, but not divulge its contents.

Mr. SOURWINE. Is that what you did?

Mr. HILL. Yes, sir. As I recall.

Mr. SOURWINE. You identified it to Mr. Reilly without divulging its contents?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Well then, identify that without divulging the contents, do that for us.

Mr. SACHS. Wait just a second. I really feel that this is a rather technical thing. I really do not want to be technical about it, yet I am a little troubled. I did not bring that statute along. I think that it prohibits the divulgence of contents.

Senator DODD. Do you have that statute here? Do we have a copy of the statute here?

Mr. SOURWINE. I do not have it with me. I am familiar with it. Counsel is correct. It does prohibit the divulging of conversations.

Senator DODD. Does it not prohibit interference with—I do not remember exactly myself.

Mr. SACHS. As I read it, it states interference, reception, and divulgence.

Mr. SOURWINE. Hearing and divulgence, that is the crime. There is no crime in listening as the statute has been interpreted.

Senator DODD. I see. I can understand counsel's problem. I am sure that you can, too.

Mr. SOURWINE. Yes; I understand, but I think that there is an area here that we should be able to get at. If this was divulged to Mr. Reilly it can be divulged here; if it was identified to him without being divulged, certainly, we could so identify it here, and we also have the testimony of Mr. Hill that the tape was given to some other individual whom he does not know and does not even know whether he was connected with the State Department or not.

Senator DODD. That could be a divulgence.

Mr. SACHS. My problem is that if we commit one offense by that, he would be committing another offense today.

Mr. SOURWINE. I think, Mr. Sachs, that, as a practical matter, the possibility is that Mr. Hill will never be prosecuted for what he tells this committee here, so long as he tells the truth, and that the possibility is so remote as not to be a bother to you.

Senator DODD. I think that is so. I do not know what to add to that. That is my attitude about it.

Mr. SACHS. I think that you should answer generally as you can, and if they want to ask some more questions, all right.

Senator DODD. That is a pretty good way to handle it. Let us see where we go.

Mr. SOURWINE. Try to identify what you said to Mr. Reilly.

Mr. SACHS. Tell what the purpose of the conversation was.

Mr. HILL. To make a luncheon date.

Mr. SOURWINE. Can you identify the person with whom the luncheon date was made?

Mr. HILL. No, sir; I do not know who he was.

Mr. SOURWINE. But Mr. Reilly was interested in this without being told any more about it?

Mr. HILL. Well, he did not know whether he would be interested. At that time he just said, "Oh."

Mr. SOURWINE. I see.

Mr. HILL. And I did not know myself whether he would be interested in it. I just thought it might be the sort of thing that he would be interested in.

Mr. SOURWINE. What did you have in mind when you told us earlier there was one conversation in which Mr. Reilly was especially interested?

Mr. HILL. That was it.

Mr. SOURWINE. He later indicated to you that he was interested in it?

Mr. HILL. Yes, sir.

Mr. SOURWINE. He later indicated to you that he knew more about it than you had told him?

Mr. HILL. Well, he later indicated to me that it had a significance which I was not able to place upon it at the time.

Mr. SOURWINE. Did he say what that significance was?

Mr. HILL. Yes, sir.

Mr. SOURWINE. What did he say that the significance was? That does not involve any divulgence.

Mr. SACHS. If you know. Maybe you had better tell me what your answer is first. May he?

Senator DODD. Certainly.

(The witness conferred with his counsel.)

Mr. HILL. Apparently, the individual who called was connected with the staff of this committee.

Mr. SOURWINE. Mr. Reilly—did he tell you who it was?

Mr. HILL. No, sir.

Mr. SOURWINE. Now did Mr. Belisle know of these recordings?

Mr. HILL. Well—

Mr. SACHS. Would you be good enough to fix the time?

Mr. SOURWINE. Did he ever, to your knowledge, know of the existence of these recordings?

Mr. HILL. I am not sure whether he knew about them at the time that they were made. He later, of course, came to know about them.

Mr. SOURWINE. How do you know he came to know about them?

Mr. HILL. Well, perhaps, I am doing him an injustice. I really do not know.

Mr. SOURWINE. Did he ever discuss them with you?

Mr. HILL. No, sir; I do not believe he did.

Mr. SOURWINE. Your instructions with regard to the gimmicking of this telephone, did they come from Mr. Reilly or from Mr. Belisle?

Mr. HILL. Mr. Reilly.

Mr. SOURWINE. Directly to you?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Orally?

Mr. HILL. Yes, sir.

Mr. SOURWINE. And Mr. Belisle never gave you any instructions with respect to this matter?

Mr. HILL. No, sir.

Mr. SOURWINE. You never reported through Mr. Belisle or to Mr. Belisle with respect to them?

Mr. HILL. No, sir.

Mr. SOURWINE. So you really do not know whether he came to know about them at all?

Mr. HILL. That is true; I believe that is true.

Mr. SOURWINE. You were asked on the 9th of July, "Do you know of any instance where a listening device had been placed in an employee's office?" And you said, "Not to my knowledge." You did at that time know about what had been done with Mr. Otepka's telephone?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Were you then answering in the context that what had been done to Mr. Otepka's telephone did not involve the placing of a listening device in his office, or was this another case that you felt that your duty required you to answer it as you did?

Mr. HILL. May I ask counsel a question?

Mr. SOURWINE. Yes.

(Discussion between counsel and witness.)

Mr. HILL. I think that the best answer I can make to that is that I was trying to tell the truth, but to skirt the fact.

Mr. SOURWINE. You mean the fact of the change, the alteration of the function of Mr. Otepka's telephone?

Mr. HILL. In technical terms we wanted to say that none was placed in it.

Mr. SOURWINE. You had already converted his telephone?

Mr. HILL. Yes.

Mr. SACHS. I am sorry, I think that—I think he has misspoken it. Could the reporter read the last couple of questions? I think he said something I am quite sure he did not mean to say.

Mr. SOURWINE. I do not know how you would know, sir.

Senator DODD. Maybe he talked to him prior to this time—counsel might know. If he thinks he said something inadvertently, I think we should hear the question read.

(The reporter read from his notes.)

Mr. SACHS. He was asked if that was a fact that he was trying to skirt. That was not the fact that he was trying to skirt.

Senator DODD. Why do you not tell him that?

Mr. SOURWINE. What was the fact that he was trying to skirt, Mr. Sachs?

Mr. SACHS. I am sorry. Go ahead. The fact that I had in mind was that there was a recording—that was the confusion that entered my mind but I think that your question was all right, and the answer was, probably.

Senator DODD. Very well.

Mr. SOURWINE. Do you have anything to say that requires any clarification, Mr. Hill?

Mr. HILL. No, sir.

Mr. SOURWIN. Had there been at any time, to your knowledge, any listening device placed in any employee's office in the State Department, other than the one occasion involving Otepka's telephone?

Mr. HILL. Would you read it to me again?

Mr. SOURWINE. I will ask it again. Had there been, to your knowledge, any instance in which a listening device of any kind had been placed in any employee's office in the State Department other than the occasion which related to Mr. Otepka's telephone?

Mr. HILL. No, sir.

Mr. SOURWINE. Was any listening device of any kind placed in Mr. Otepka's office other than the conversion of the telephone?

Mr. HILL. No, sir.

Mr. SOURWINE. Do you know whether any listening devices were placed, at any time, in the outer office of the Division of Evaluations where the three stenographers sat?

Mr. HILL. No, sir. I do not know of any.

Mr. SOURWINE. You do not know?

Mr. HILL. No.

Mr. SOURWINE. You were asked on July 9:

Are these not normal security measures which in proper circumstances would be indicated and would be taken?

And you stated:

I have never engaged in this—in that type of security measure.

The fact was that you had engaged in it; is that not true?

Mr. HILL. Yes, sir. I believe this was my obligation to the Department to do as I did.

Mr. SOURWINE. Yes.

Mr. HILL. To answer as I did.

Mr. SOURWINE. You were asked if the Office of Security had authority to do this, and instead of replying directly, you stated voluntarily:

I personally have not ever been requested to do such a thing.

The fact was that you had been requested to do it, had you not?

Mr. HILL. Yes, sir.

Mr. SOURWINE. You had been ordered to do it by Mr. Reilly?

Mr. HILL. Well, he actually asked me to undertake to look into how difficult it would be to do it. I do not think this should be lost sight of that, really, the telephone recording was an accidental almost by-product of this attempt. The feeling on Mr. Reilly's part that—and it seemed pretty obvious to me at the time—that we were not going to get anything of much significance over the telephone because the telephone conversations would be guarded and fragmentary and what we should try to do, if we could, is to pick up room conversations, conversations taking place in the room.

Mr. SOURWINE. Do you comprehend that Mr. Reilly did not intend for you to physically hook up anything or in any way to modify Mr. Otepka's telephone?

Mr. HILL. No, sir.

Mr. SOURWINE. You must have thought he wanted it done or you would not have done it; is that right?

Mr. HILL. Well, yes, sir, but the telephone was selected after logically reviewing the various other alternatives. For instance, we could have put a transmitter-type listening device in which would radiate a signal and would not require wires. It would be much easier to install, but we did not do this because it would make it possible for others to intercept, anyone with a radio receiver could overhear his conversations. And, of course, Mr. Otepka discussed classified matters, matters which were of a sensitive nature, and it would not be proper to make this available to all and sundry. So we did not use that technique. We could have, for instance, concealed a microphone, but we did not do this because of the difficulty in establishing a wired connection.

Mr. SOURWINE. But you discussed all of these things with Mr. Reilly?

Mr. HILL. No; not with Mr. Reilly. I discussed them with Mr. Schneider—he is the technical man. Mr. Reilly did not care what means were used. He was concerned with the results.

Mr. SOURWINE. He wanted to know what was going on in that office?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Of course. So you modified the telephone so that you could find out?

Mr. HILL. We modified the telephone because, after considering all of these other means, this seemed to be the best, but we were not certain that it would work, because we anticipated that there would be electrical interference in using this thing. How much we could not know until we actually put in an installation of this kind.

Mr. SOURWINE. Would not your Division be the one to do this, if the Office of Security wanted to do it? And yet you have said, "I do not know." The fact is that you do know, that your office is the one that would do it.

Mr. HILL. Not necessarily. I really did not know until I was asked whether, because this was something that was happening in the Department and not overseas, that I would be called upon to do it.

Mr. SOURWINE. But you had already been asked—at the time you were asked this question on July 9—at that time you knew that your office would be the one to do it because your office had been the one to do it. Is that not right?

Mr. HILL. It is not quite as simple as that.

Mr. SOURWINE. Explain it. May I say something off the record, Mr. Chairman?

Senator DODD. Yes.

(Discussion off the record.)

Senator DODD. Let us get back on the record.

Mr. SOURWINE. We will go back on the record. Do you want to make a fuller explanation?

Mr. HILL. Yes, I would. What I wanted to make clear was that carrying on such activity domestically would not necessarily fall under my jurisdiction. It would seem to me to fall under the jurisdiction of the Domestic Operations. The Domestic Operations had a technical services branch, a subunit of that division, and there were people there that, perhaps, could have done this.

Mr. SOURWINE. Then you were asked the next question, the second question that followed:

But you say your division has never done it, has never been called upon?

And you answered:

We have never been called upon; no, sir.

The fact was that you had been called upon, had you not?

Mr. HILL. Yes, sir.

Mr. SOURWINE. All right, but you thought that you had to give that answer in order to comply with your obligations to the Department?

Mr. HILL. Yes, sir.

Mr. SOURWINE. And you were asked specifically:

Did you ever have anything to do with tapping the telephone of Mr. Otepka, the Chief of the Division of Evaluations in the Office of Security?

And you said:

No, sir.

Mr. HILL. Yes, sir.

Mr. SOURWINE. Of course, you knew at the time that you had modified this telephone?

Mr. HILL. I had modified the telephone. There is a technicality here.

Mr. SOURWINE. Well, you were aware of the technicality, were you not?

Mr. HILL. Of the technicality, being the distinction between tapping, which is a simple—much simpler thing to do—

Mr. SOURWINE. Yes?

Mr. HILL (continuing). And so-called bugging.

Mr. SOURWINE. But you knew what the committee was driving at?

Mr. HILL. Well, perhaps; I am not sure.

Mr. SOURWINE. Is it not just like you told us earlier, that you were trying to answer the question without disclosing the information?

Mr. HILL. Yes, sir.

Senator DODD. You must have known what we were driving at.

Mr. HILL. Well, sir, there is a very real distinction between doing something which results in being able to listen only to telephone conversations—

Senator DODD. I know. We are not technicians, you know. It seemed incomprehensible to me that you did not know what we were driving at. We may not have known the distinction between a tap and a bugging—I confess that I do not know—but it would seem to me, besides being a technician, you are a human being, intelligent, and you must have known what we were driving at. Is that not true? I do not want to press you on it. I am not trying to trap you into anything. It just seems sensible to me that you would know what we were driving at.

Mr. SOURWINE. The question:

Did you ever have anything to do with placing a listening device in Mr. Otepka's office?

was asked you and you said:

No, sir.

Mr. SACHS. Could we have a conversation or a consultation here?
Senator DODD. Yes.

(Consultation between counsel and witness.)

Mr. SACHS. I have asked him to clarify that question before we get too far from it.

Senator DODD. All right. I said that I am not trying to trap the witness or to press him on the one hand, but I want to get your explanation, what you have to answer outside of your obligation to the State Department. The answer that you did not know what we were driving at is the one.

Mr. HILL. It is not exactly that I did not know what you were driving at. I think it is quite obvious that Mr. Sourwine has a fairly good appreciation for these subtle distinctions.

Senator DODD. He may have learned it since.

Mr. SOURWINE. You felt that it was possible for you to answer the question in the context of its technical interpretation in your own mind?

Mr. HILL. I was hoping that I could; yes, sir.

Mr. SOURWINE. Now this question:

Did you ever have anything to do with placing a listening device in Mr. Otepka's office?"

and your answer:

No, sir.

As a matter of fact, you did have; did you not?

Mr. HILL. In the sense that the modification of the telephone was—

Mr. SOURWINE. Was a listening device?

Mr. HILL. Yes.

Mr. SOURWINE. Which was not in his office before you made the conversion?

Mr. HILL. Yes, sir.

Mr. SOURWINE. You were asked if you ever had anything to do with the searching of Mr. Otepka's desk or his safe or any of his files at night and you said, "No, I had nothing to do with it." Is that answer true?

Mr. HILL. Yes, sir.

Mr. SOURWINE. And you told us explicitly that you had no knowledge of either the tapping of his telephone or of the search until Mr. Belisle told you about it—this was not true at the time, was it?

Mr. HILL. No, sir.

Senator DODD. I wonder if I could interrupt you? This is something not related to this, but it occurred to me that I should do it. I am going to talk it over with you. It is not related to this, but to an entirely different matter. I want to talk to you about it. Could I see you outside for 2 minutes?

Mr. SOURWINE. Yes.

Senator DODD. We will take a short recess.

(A short recess was taken.)

Senator DODD. The committee will come to order.

Mr. SOURWINE. In your letter of transmittal under date of November 6 to your supplementary statement, you said:

I believe that my answers to these questions were correct.

As a matter of fact, you knew that they had not been correct; is that true?

Mr. HILL. Yes, sir.

Mr. SOURWINE. I ask that this letter dated November 6, together with the attached statement be made a part of the record at this point.

(The letter dated November 6, with attached statement, follows:)

DEPARTMENT OF STATE,
Washington, November 6, 1963.

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

DEAR MR. CHAIRMAN: A copy of my testimony before the Subcommittee on Internal Security on July 9, 1963, has recently been made available to me. Upon review of this testimony I have concluded that mention of an incident which occurred last March would serve to clarify my responses to Mr. Sourwine's questions concerning interception of conversations in Mr. Otepka's office. I believe that my answers to these questions were correct. I would like, however, to have the attached statement inserted in the record of my testimony in order that there be no misunderstanding.

If you approve my request I suggest that the statement and this letter be inserted at page 1107 of my testimony.

I enclose the copy of my testimony which was made available to me.

Sincerely,

ELMER DEWEY HILL.

On Monday, March 18, 1963, Mr. John F. Reilly, Deputy Assistant Secretary for Security, asked me to explore the possibility of arranging some way to eavesdrop on conversations taking place in Mr. Otepka's office. Mr. Reilly explained to me that he would only consider such a technique if other investigative methods failed.

Later that day, I discussed the technical aspects of this matter with Mr. Clarence J. Schneider who, at that time, was serving as Chief of the Technical Operations Branch of the Division of Technical Services. We agreed on the approach to be used—modifying the wiring of Mr. Otepka's telephone instrument—and decided to return that evening to try the approach.

That evening Mr. Schneider and I altered the existing wiring in the telephone in Mr. Otepka's office. We then established a circuit from Mr. Otepka's office to the Division of Technical Services laboratory by making additional connections in the existing telephone system wiring.

Mr. Schneider and I tested the system and found we would be unable to overhear conversations in Mr. Otepka's office, except actual telephone conversations, because electrical interference produced a loud buzzing sound. (It was never contemplated that an attempt would be made just to monitor Mr. Otepka's telephone line in order to overhear conversations on it.)

I reported our unsuccessful effort to Mr. Reilly the following morning. Mr. Schneider has told me that during that day he asked an officer in the Division of Domestic Operations of the Office of Security whether he had, or knew where to acquire, equipment which would eliminate such a buzzing sound. Mr. Schneider assured me that he did not discuss with the officer the specific application for which the equipment was needed. I also attempted during that day to obtain such equipment, but was unsuccessful.

On the following day, March 20, Mr. Reilly informed me that I should not pursue the matter further because he had found the type of information he was looking for from an examination of Mr. Otepka's classified trash. Mr. Reilly directed me to disconnect the wiring connections which Mr. Schneider and I had made. That evening, Mr. Reilly, Mr. Schneider, and I met in the Office

of Security. In the space of a few minutes, I removed the extra connections which Mr. Schneider and I had made in Mr. Otepka's telephone while Mr. Reilly and Mr. Schneider stayed in the hall outside Mr. Otepka's office.

To summarize, for a 2-day period it might have been possible to intercept conversations taking place in Mr. Otepka's office if certain technical problems could have been resolved. These problems never were resolved and the wiring connections which were made were removed without any conversations having been intercepted.

Mr. SOURWINE. In your statement you said that Mr. Reilly had asked you to explore the possibility of arranging some way to eavesdrop on conversations, to be placed in Mr. Otepka's office, and then you said, or you wrote:

Mr. Reilly explained to me that he would only consider such a technique if other investigative methods failed.

Did you understand that by that Mr. Reilly did not want you to hook anything up without further orders?

Mr. HILL. No, sir.

Mr. SOURWINE. You understood that he wanted to find out what was going on?

Mr. HILL. Well, not quite that. When you asked: "Do you understand from that that I was not to set anything up?" and I answered, "No, sir," I thought that you were referring to the wiring that we had made in the telephone—the wiring changes that we had made in the telephone system. And, furthermore, I was operating always under the impression that Mr. Reilly wanted to pick up telephone conversations. We had never—I mean—I beg your pardon—wanted to pick up room conversations. We had never achieved that capability; therefore, we were still in this exploratory phase.

Mr. SOURWINE. You stated in your statement:

It was never contemplated that an attempt would be made just to monitor Mr. Otepka's telephone line in order to overhear conversations on it.

As a matter of fact, you not only contemplated it, but you did monitor his telephone conversations—you made recordings of the telephone conversations?

Mr. HILL. Yes, sir. Here again this is a byproduct.

Mr. SOURWINE. You say that you reported that you were unsuccessful in your efforts to Mr. Reilly the following morning. But you did report to him that you had recorded certain conversations, is that not right?

Mr. HILL. No, sir; not then, because that was the morning after the installation was made and I do not even know whether we had a tape recording at that time.

Mr. SOURWINE. The second day you reported that you had made such tapes?

Mr. HILL. Yes; I believe I reported at the end of the first day.

Mr. SOURWINE. At the end of the first day that you had made a tape?

Mr. HILL. Yes. I think that Mr. Reilly—I think Mr. Reilly did not know that there was going to be a tape recorder hooked up at that time. He knew, however, that we intended to do it—to hook up a tape recorder at that time.

Mr. SOURWINE. You put this installation in on March 18, on the evening of March 18?

Mr. HILL. I believe that is correct. My memory of that date is not perfect.

Mr. SOURWINE. At the end of the first day—that would be then at the end of the day of the 19th that you reported to him that you had made tape recordings of telephone conversations over this telephone, is that right?

Mr. HILL. It would seem so; yes.

Mr. SOURWINE. On the next day, the 20th, according to your statement, Mr. Otepka told you not to pursue the matter further.

Mr. SACHS. You mean Mr. Reilly.

Mr. SOURWINE. Yes; Mr. Reilly told you not to pursue the matter further. Is that right?

Mr. HILL. He either told me during or at the end of the day or sometime during the day.

Mr. SOURWINE. On the 20th?

Mr. HILL. I believe so.

Mr. SOURWINE. You did make recordings on the 20th?

Mr. HILL. Yes, sir.

Mr. SOURWINE. It could not have been at the beginning of the day?

Mr. HILL. No; I doubt that.

Mr. SOURWINE. And at the end of the day—the 20th—the evening of the 20th, you removed the connection, is that right?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Now, Mr. Hill, do you recall any other occasion involving the tapping or alleged tapping of a telephone in the Division of Evaluations which was brought to your attention?

Mr. HILL. I knew that Mr. Otepka was concerned and has felt that he heard sounds which indicated to him that this was going on. Mr. Reilly had told me about this. And that he had kept hearing these sounds clear up until the time that he left the Department; but that is all I know. I do not know of any other attempts. I, personally, doubt very much, but this is merely my opinion, that any other attempts had been made.

Mr. SOURWINE. Did you not know that Mr. Holden had discovered an unusual connection in the telephone lines and had brought it to your attention?

Mr. HILL. Yes.

Mr. SOURWINE. This was just last month, in October of this year?

Mr. HILL. Yes, sir. But in my opinion that was of no significance. I believe that it was merely extra wiring that the telephone company had left in from a previous arrangement of telephones. The Office of Security was reorganized shortly before I joined it, and at that time the group of offices which the Division of Evaluations now occupies and my group of offices were tied together on the same pushbutton phone system. Apparently, the telephone company had left in the frame room, the interconnecting wires between terminals, but they were not connected. That is a fairly common practice.

Mr. SOURWINE. But what Mr. Holden found was a connection from the Office of Security to a box outside of your office, is that not right?

Mr. HILL. No, sir. That was not what I understood.

Mr. SOURWINE. What did he report to you—Mr. Holden came to you?

Mr. HILL. Mr. George Rathman, yes, sir; I believe so.

Mr. SOURWINE. What did Mr. Holden tell you then?

Mr. HILL. Well, the story actually begins with Mr. Reilly. Mr. Reilly came to me and reported that Mr. Holden had found what appeared to be a connection between—as a matter of fact, I believe it is actually between Domestic Operations, which is just across the hall from Evaluations and my office, and I said: “Oh, is that so,” at the time. I did not see anything to be very concerned about, but I went with Mr. Reilly to Mr. Holden’s office. And, subsequently, went with Mr. Holden and George Rathman to the frame room and inspected this wiring. From what was pointed out to me by Mr. Holden, it was a wire such as I have described that went from one set of frame room equipment to another, but the wire was not actually connected up. It was one of hundreds of wires.

Mr. SOURWINE. Did you satisfy Mr. Holden that there was nothing out of the way about it?

Mr. HILL. I offered my opinion, and he did not give any indication whether he agreed with it or not.

Mr. SOURWINE. This was in his office with Mr. Reilly present?

Mr. HILL. No. This was in the frame room.

Mr. SOURWINE. I see.

Mr. HILL. After we were standing together in the frame room, and after I looked at it, and questioned him carefully about the facts relating to it, as he knew it, I offered this opinion, and Mr. Holden did not indicate whether he agreed with me or not and I was sufficiently convinced, however, so I let the matter drop.

Mr. SOURWINE. Did you thereafter make any report about this matter to Mr. Reilly?

Mr. HILL. Yes, sir. I told him what my opinion was and I believe Mr. Reilly accepted it.

Mr. SOURWINE. Did you make any report about it to Mr. Belisle?

Mr. HILL. No; I do not believe I did.

Mr. SOURWINE. Did he already know about it?

Mr. HILL. I do not know whether he knew about it.

Mr. SOURWINE. Did you know what the Secretary of State knew—do you know whether the Secretary of State knew what had been done in Mr. Otepka’s office with regard to changing the wiring of his phone and recording conversations?

Mr. SACHS. When?

Mr. SOURWINE. Any time.

Mr. SACHS. This month?

Mr. SOURWINE. To this minute.

Mr. HILL. I really do not know what the Secretary of State knows.

Mr. SOURWINE. Did you tell him?

Mr. HILL. No, sir.

Mr. SOURWINE. Did you prepare any memorandum for forwarding to him or through channels for forwarding to his office?

Mr. HILL. I prepared a statement which was very similar to the statement that reached this committee.

Mr. SOURWINE. Was that prior to the intention to submit a statement to this committee, or was that a first draft of the statement to be submitted to the committee?

Mr. HILL. Well, I really did not know what disposition the Secretary would make of my statement. It was made clear to me, however, that he was free to do with it as he chose.

Mr. SOURWINE. Who made this clear to you?

Mr. HILL. Mr. Ehrlich.

Mr. SOURWINE. Mr. Ehrlich got in touch with you about this on what date, if you can remember?

Mr. HILL. I cannot recall the precise date, but I believe it was about a month ago.

Mr. SOURWINE. Can you place it with respect to the colloquy on the floor of the Senate between Senator Dodd and Senator Thurmond over the matter of tapping Otepka's telephone—did it happen before that colloquy or afterward?

Mr. HILL. I believe that it may have happened afterward, but I am not certain.

Mr. SOURWINE. If it happened afterward it was a good deal less than a month ago—that colloquy took place on the 5th of November. We have had testimony here that on the evening of the 5th about 8 o'clock, Mr. Ehrlich came to you—Mr. Ehrlich called you to come to his office to make a statement. Had he talked to you about the statement prior to that time?

Mr. HILL. Yes, sir.

Mr. SOURWINE. He had?

Mr. HILL. Yes.

Mr. SOURWINE. Some weeks prior?

Mr. HILL. Yes, sir; weeks—10 days, something on that order.

Mr. SOURWINE. I see. When you went to his office on the night of the 5th you got there about 9 o'clock?

Mr. HILL. Possibly that.

Mr. SOURWINE. You were there until about midnight?

Mr. HILL. Yes.

Mr. SOURWINE. Mr. Reilly and Mr. Belisle were there?

Mr. HILL. Yes, sir.

Mr. SOURWINE. And the three of you together were discussing with Mr. Ehrlich this matter, developed these statements which all three of you submitted up here?

Mr. HILL. Yes, sir. Actually, we had already submitted draft statements.

Mr. SOURWINE. When you got to Mr. Ehrlich's office, did you not find that he had drafts prepared?

Mr. HILL. Tentative drafts; yes, sir.

Mr. SOURWINE. In your case, based upon information you had given him in a statement that you had prepared for him?

Mr. HILL. My impression was that, actually, that these statements were synthesized from all of our statements and contained material which was derived from each statement—contained material which was in part just derived from others.

Mr. SOURWINE. In other words, Mr. Ehrlich got the entire story, and then prepared draft statements for each of you?

Mr. HILL. That is approximately correct.

Mr. SOURWINE. Were you given a draft of your statement in your own case for your correction?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Did you correct it?

Mr. HILL. We all participated in the corrections.

Mr. SOURWINE. Did you physically make any written corrections on the draft?

Mr. HILL. Yes, sir.

Mr. SOURWINE. But only in connection with the discussion among all of you?

Mr. HILL. Yes, sir.

Mr. SOURWINE. And then a clean draft was prepared from that corrected draft?

Mr. HILL. Yes, sir.

Mr. SOURWINE. That was the one that you signed and sent up here?

Mr. HILL. Yes, sir.

Mr. SOURWINE. Did you know that your statement had been taken to the Secretary by Mr. Ball and Mr. Ehrlich before it was delivered here?

Mr. HILL. No, sir.

Mr. SOURWINE. You did not—you were not told that was to be done?

Mr. HILL. I may have been, but I do not recall it.

Senator DODD. It appears to me, Mr. Sourwine, that a memorandum from this committee was delivered to the Secretary of State having to do with the subject matter which we are concerned with here today, on or about October 4, I think, and that subsequently sometime—I am not quite clear how much after that—you, Mr. Hill, and I believe, Mr. Reilly and Mr. Belisle, were asked to submit a statement about the memorandum which we had delivered and that you did submit such a statement. And that on, I think, November 5 I made a statement on the floor of the Senate having to do with this same subject matter, and that night you were asked to come to Mr. Ehrlich's office and to prepare a statement for submission to this committee. Do I have that right; is that the sequence of it?

Mr. HILL. I believe that is correct, sir.

Mr. SOURWINE. Were you shown the memorandum from this committee to the Secretary, or portions of it?

Mr. HILL. I was shown a certain portion of it, I believe that is what I was shown. It was not formally identified to me, but I think that is it.

Mr. SOURWINE. You were shown a paragraph which said in substance that there had been testimony before the committee that there was no compromise of Mr. Otepka's telephone, but that the committee knew that there had been, who had done it and how it had been done, and when it had been done.

Mr. HILL. Yes, sir.

Mr. SOURWINE. In the context that you are here to make a clean breast of everything and to tell us all of the facts, is there anything that you want to volunteer in addition to that which you have said, which has not been covered?

Mr. SACHS. May I speak to him about it?

Senator DODD. Yes.

(Consultation between counsel and the witness.)

Mr. SACHS. I am perfectly willing to have this on the record. I had a little confusion in my mind at one point when I thought that

Mr. Sourwine asked if the witness had instructions from Mr. Reilly or an understanding from Mr. Reilly that the witness should not hook up the recorder without further instructions from Mr. Reilly. I think the impression has been created that that question was asked by Mr. Sourwine and that Mr. Hill has said that was so. And if that is the impression that now appears on the record, I think, probably, that Mr. Hill would want to clarify that a little.

Mr. SOURWINE. I will state that I got the impression—I will admit that it is a little unclear—that Mr. Hill did not understand that he was prohibited from hooking it up, that he did understand that Mr. Reilly wanted to know about the conversations, and that he went forward and took action to get him the information.

Senator DODD. In any event, why not let Mr. Hill state that?

Mr. SOURWINE. All right, Mr. Hill. If I am wrong, correct me.

Mr. HILL. Mr. Reilly took the view that we were still trying to do what he asked us to do when the recorder was hooked up, and when these connections had been made, that we were in the process of making an attempt. Therefore, the go ahead on recording room conversations was never given. However, since during the course of the tests of all of the system and the equipment involved we did get telephone conversations, he did utilize telephone conversations. In effect, he had someone listen to them.

Mr. SOURWINE. Who did he have listen to them?

Mr. HILL. I do not know.

Mr. SOURWINE. You are talking now about the person to whom you turned over the tapes?

Mr. HILL. Yes, sir.

Senator DODD. I would like to clear up a little confusion about all of this in my mind. Do I understand correctly that Mr. Reilly talked with you about imposing some device—and I am using language which may be strange to you, perhaps, because I do not know the language—which would make it possible for him to know what Mr. Otepka was talking about in his office, either on the telephone or otherwise? It seems to me that he wanted to get both, if he could, because he wanted to do it with the least chance of letting Mr. Otepka know that it was going on. Am I right in so understanding? Is that a fair and reasonable understanding of what you are telling us?

Mr. HILL. That is actually true.

Mr. SACHS. Mr.—excuse me. May I ask him a question?

Senator DODD. Yes.

Mr. SACHS. Is it your understanding, Mr. Hill, that Mr. Reilly told you to do those things, to set up the system which would operate as the Senator has just described and to put it into execution, or did he tell you to see if such a system could be set up and to test it and then report to him if it could be done? This is the area, I think, that is a little obscure. That is what I am asking about.

Mr. HILL. It is the latter that he requested.

Mr. SOURWINE. But he knew that you had set it up with sufficient success to report to him telephone conversations?

Mr. HILL. Yes.

Mr. SOURWINE. He knew that you had recorded them?

Mr. HILL. Yes.

Mr. SOURWINE. And he gave instructions as to the disposition of the tapes on which you had recorded them?

(The witness nods.)

Senator DODD. I can see that. It is clear now.

Mr. SOURWINE. You were, certainly, justified under those circumstances in assuming that he approved what you had done. You felt that you were doing what he wanted?

Mr. HILL. Yes, sir.

Mr. SACHS. May I ask one more question?

Senator DODD. Yes.

Mr. SACHS. Do I understand correctly that the recording was made in the process of testing the setup?

Mr. HILL. Essentially that.

Senator DODD. But in order to test you had to listen?

Mr. SACHS. That is what I have been trying to establish.

Senator DODD. All right.

Mr. SOURWINE. You could have tested this technique in the laboratory, could you not?

Mr. HILL. No, sir; because of the wiring. It would not be the same.

And it is on the wiring that the success or the failure of the system depends.

Mr. SOURWINE. Could you not have tested it against another telephone in your own office?

Mr. HILL. No, sir, because the wiring would be different. It is not—

Senator DODD. They are not all the same, I take it.

Mr. HILL. No, sir. As a matter of fact, I do not know what the exact routing of the wiring is. I do not know exactly what paths the wires take. All that can be established is that there is a connection at this point and at another point.

Senator DODD. I think I understand it. I think that my understanding is a fair one. Mr. Reilly wanted to know what Mr. Otepka was talking about, and he wanted you to find a way of getting it. And in the course of doing it you had to listen to see if you could get it.

Mr. SOURWINE. You did get some of it, and recorded it, and Mr. Reilly disposed of the recordings.

Mr. HILL. Yes, sir.

Mr. SACHS. Do you know if Mr. Reilly disposed of the recordings?

Mr. HILL. No; I do not know that.

Mr. SOURWINE. He disposed of them in the sense of ordering that they be given to a particular individual whom he named, is that not right?

Mr. HILL. Yes, sir.

Mr. SOURWINE. You do not represent Mr. Reilly, do you?

Mr. SACHS. No, sir, he has not come to me.

Mr. SOURWINE. You are doing a good job of it.

Senator DODD. I do not think that is Mr. Sachs' intention. I do not think it is that way.

Mr. SOURWINE. I show you what purports to be your letter accompanying your statement to this committee under date of November 6. I just want you to identify it.

Mr. HILL. Yes, sir.

Mr. SOURWINE. Since we have been talking about this, may it be ordered that it be placed in the record at the beginning of the witness' testimony on it?

Senator DODD. Wherever it is proper and relevant to place it.

Mr. SOURWINE. I overlooked doing that, because of a question that I had attempted to ask when Mr. Hill was here earlier. The question that he balked at the last time.

Senator DODD. That is a technical matter.

Mr. SOURWINE. Did you at any time, Mr. Hill, listen in, on or have knowledge of the listening in, on a recording of any conversation over the telephone or in the office, over any telephone in the office of the Division of Evaluations other than the recordings that were made of conversations over Mr. Otepka's telephone?

Mr. HILL. No, sir.

Mr. SOURWINE. Did you yourself ever listen in on, or record, conversations anywhere else in the Department?

Mr. HILL. No.

Mr. SOURWINE. Do you have any knowledge that this was done?

Mr. SACHS. Excuse me, Mr. Chairman, I take it that you do not mean that they had a conference like that, that they may have recorded? I take it that you mean something done surreptitiously?

Mr. SOURWINE. I do not mean surreptitiously at all. I am asking Mr. Hill if he has any knowledge that at any time, other than the occasion of the recording of the conversations over Mr. Otepka's telephone on the 19th and 20th of March, conversations over the telephone of anyone in the State Department were monitored or recorded.

Mr. HILL. Over the telephone?

Mr. SOURWINE. Yes.

Mr. HILL. Well, someone came to me from the Foreign Service inspector group months ago and asked me whether it would be possible to set up a microphone, preferably concealed, so that interviews could be recorded. The purpose would be to improve the technique of the interviewers. And I agreed to look into it. I went down to the office and looked it over and told the individual that the best way to do this, if he really wanted it done, would be to make use of his telephone.

Senator DODD. By the same technique that was used in the Otepka case? Is that it?

Mr. HILL. Very similar. I asked him if he was desirous of doing this, to have the telephone. To put in a simple one-line telephone, to make my job easier, and therefore I could use a much more straightforward technique. He never decided to do this.

Mr. SOURWINE. Do you have any knowledge of any occasion on which a microphone or other listening device was used to listen in, on or record conversations in any office in the Department of State?

Senator DODD. This has to do with telephones?

Mr. SOURWINE. Yes. Or, at least, not confined to it—a microphone.

Mr. HILL. Well, recordings are often made of interviews of persons who have been suspected of some actions which would, perhaps, be prejudicial to their continuing with the Department.

Mr. SOURWINE. It is a standard practice to do so. We have had testimony on that before. That is done to your knowledge, is it not?

Mr. HILL. Precisely.

Mr. SOURWINE. And it is done by a concealed microphone without the knowledge of the person being interviewed?

Mr. HILL. Not necessarily. The last time that I recall that we had a request to do this—I have never directly participated in it—it was not concealed. The person being interviewed was asked whether he would object, and he did not.

Mr. SOURWINE. You know that it has been done by the use of a concealed microphone?

Mr. HILL. I think it has been done. I would imagine it has been. It would only seem reasonable.

Mr. SOURWINE. Just one more question. Is there anything that you want to add in the way of a change or a supplement to any of your other testimony before this committee, or do you feel that all of your other testimony is accurate and all right?

Mr. HILL. I have never seen a copy of the final figures which were presented to this committee, which were intended to expand upon my testimony as concerning security equipment.

Senator DODD. Final figures?

Mr. SOURWINE. Did you prepare them for transmission to the committee?

Mr. HILL. Yes.

Mr. SOURWINE. I will tell you that so far as counsel here is concerned, I do not know that they have been submitted to the committee. To whom did you send them for transmittal to the committee?

Mr. HILL. Well, I sent them up to the front office, Mr. Reilly's office.

Mr. SOURWINE. To Mr. Belisle or to Mr. Reilly?

Mr. HILL. To Mr. Reilly.

Mr. SOURWINE. And that was promptly a few days after we asked for them?

Mr. HILL. Yes; it took me almost 3 weeks to prepare them.

Mr. SOURWINE. About 3 weeks after we asked for them you transmitted them?

Mr. HILL. Yes, sir.

Senator DODD. This is something that you asked Mr. Hill to provide us with?

Mr. SOURWINE. Yes. Other than that, is there anything that you want to add to your prior testimony or to correct? You have had your testimony and have corrected it, have you not?

Mr. HILL. Yes.

Mr. SOURWINE. I just want to know if now while you are here, in the context of making a clean breast of everything, there is anything that you want to correct or supplement.

Mr. HILL. Well, I appreciate the opportunity, but, really, to the best of my knowledge it is correct. I have looked it over. And I did not really see anything inaccurate.

Senator DODD. I think counsel meant more than anything else if you wanted today to add to your testimony.

Mr. SOURWINE. I meant the earlier testimony, Mr. Chairman.

Senator DODD. Oh.

Mr. SOURWINE. I did not want to leave out anything—if there was anything that the witness wanted to volunteer.

Senator DODD. He has said to the best of his knowledge there is not.

Mr. SOURWINE. I understand. I have no more questions.

Senator DODD. I do not have anything. I think everything is clear, as I understand it, at any rate. Do you have any need to see Mr. Hill again?

Mr. SOURWINE. I cannot say positively that we will or not. I am satisfied that we have no more on this particular phase, Mr. Chairman, unless there is something else that develops.

Senator DODD. You were brought in by Mr. Reilly?

Mr. HILL. No, sir, I was brought in by Mr. Boswell.

Mr. SACHS. I was interested in this, his experience in this area which covers much. What did you tell me it was?

Mr. HILL. It covers countermeasures concerning protecting missiles and bombers from electronic attack. Electronics is a broad field and has many subareas, and this is protection against clandestine listening. That is just merely one aspect.

Mr. SOURWINE. Do you know a man named May?

Mr. HILL. What is his first name?

Mr. SOURWINE. May, do you know?

Mr. HILL. I know one May, Bill May. It seems to me that there is another fellow who became recently connected with some other agency.

Mr. SOURWINE. Do you know a man named May in California?

Mr. HILL. Yes, sir.

Mr. SOURWINE. What is his name?

Mr. HILL. Bill May.

Mr. SOURWINE. What is his connection?

Mr. HILL. He was a prior associate of mine, worked for Stanford University.

Mr. SOURWINE. Was he ever connected with the State Department?

Mr. HILL. No, sir. He is a young man, a graduate student.

Mr. SOURWINE. I have no more questions, Mr. Chairman.

Senator DODD. Very well, Mr. Sachs and Mr. Hill, thank you.

Mr. SACHS. Thank you very much.

Senator DODD. We will stand adjourned.

(Whereupon, at 12:20 p.m., the committee stood adjourned.)

TESTIMONY OF ROBERT L. BERRY, CHIEF, DIVISION OF INVESTIGATIONS, OFFICE OF SECURITY, DEPARTMENT OF STATE

MONDAY, AUGUST 17, 1964

Senator Roman L. Hruska presiding.

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

* * * * *

Senator HRUSKA. Mr. Berry has presented himself. It is my understanding that he was previously sworn, and it is considered that he is bound by the oath that was previously administered.

Mr. SOURWINE. Very good, sir.

May I say something off the record?

Senator HRUSKA. Yes.

(Discussion off the record.)

Mr. SOURWINE. Mr. Berry, could you remember an occasion when you briefed personnel in your office with respect to the attitude of the Department in relation to Otto Otepka or the Otepka case?

Mr. BERRY. I remember a briefing, but that was not the subject of the briefing. I believe you are referring to the meeting I had with the staff in the Washington field office, where I relayed comments that were given me the night before, several nights before, by Mr. Crockett on the—

Mr. SOURWINE. I believe we are talking about the same incident; those people in the Washington field office: personnel under you?

Mr. BERRY. Yes, sir; but the briefing was not about the Otepka case.

Mr. SOURWINE. Oh, was it not? What was the briefing about?

Mr. BERRY. We were called upstairs, a number of officials of the Office of Security by Mr. Crockett—this is all by memory. This happened about a year ago, I believe.

Mr. SOURWINE. All I want is your best memory.

Mr. BERRY. I might be a little hazy.

I believe he started out stating that he called this meeting because the Secretary, or he wanted—I'm not sure whether he or the Secretary wanted to explain to us why Mr. Reilly, who was our boss at that time, had to be terminated. That was the general topic of the meeting, and it was related to this that I went over to the field office to discuss this meeting.

Mr. SOURWINE. Did you tell the people in the field office why Mr. Reilly had been terminated?

Mr. BERRY. I believe I did. I don't recall at the time just what was said. I believe it was something to the effect that because of his testimony before this committee, and that for some reason he hadn't seen fit to confide in the officers of the Department about some things that were going on—it was along those lines. I don't remember any more details.

Mr. SOURWINE. Was anything said by you to the people in the field office about Mr. Reilly having lied under oath before the committee?

Mr. BERRY. I don't believe I said anything like that.

Mr. SOURWINE. Had anything been said like that by Mr. Crockett in explaining to you and other top level people why Mr. Reilly was out?

Mr. BERRY. He didn't use any terms about lying to the committee, but, having read the newspaper account of the testimony, I assumed that.

Mr. SOURWINE. How did Mr. Crockett explain it to you and the others to whom he explained it, before the briefing?

Mr. BERRY. This is what I'm telling you. This is all hazy. This is a year and a half ago, at least, and I, without trying to refresh myself—maybe on some notes. I did take some notes.

Mr. SOURWINE. Do you have those notes yet?

Mr. BERRY. I would like to look and see. I'm not sure I do. They would be rough notes of mine.

Mr. SOURWINE. You took them in longhand?

Mr. BERRY. Oh, yes, sir.

Mr. SOURWINE. You don't take shorthand notes?

Mr. BERRY. I do take them, but I didn't.

Mr. SOURWINE. In this case, it was longhand notes?

Mr. BERRY. Yes, sir.

Mr. SOURWINE. Did you dictate from those notes for a record?

Mr. BERRY. No, sir.

Mr. SOURWINE. I would like you to—would you look to see if you have them, and if so, Mr. Chairman, may they be made a part of this record?

Senator HRUSKA. The request is in order and it is so ordered.

(In correcting his testimony, Mr. Berry wrote, at this point in the record: "Although I thought these notes might still be in my possession, I cannot locate them.")

Mr. SOURWINE. Do you recall that, on this occasion—the night before you talked with the field office personnel—

Mr. BERRY. It may have been a night or two, I'm not sure.

Mr. SOURWINE. On the occasion, shortly before you talked with the field office, when Mr. Crockett spoke to you and other supervisors, there was mention made of a State Department underground and that you then used this phrase again in referring to the subject matter before the field office people?

Mr. BERRY. No, sir; that is not true. A statement was made, something to the effect that "there is an undermining element in the Office of Security." That is the statement that was made. Yes, I recall this vividly, because a newspaper account came out and made a number of statements, many of which were incorrect and false.

Mr. SOURWINE. That is why we are asking you about: What happened?

Mr. BERRY. Yes, sir.

Mr. SOURWINE. Mr. Crockett spoke of an undermining influence in the Office of Security?

Mr. BERRY. Something about an element of undermining influence in the Office of Security. At the time, morale was very poor and he was referring to that.

Mr. SOURWINE. There was a specific reference, according to the newspapers, to an underground other than the Otepka underground. Did Mr. Crockett refer to an undermining influence other than Otepka?

Mr. BERRY. He didn't specify that. I assumed he was speaking of certain elements within the Office of Security that were undermining. They were not pulling together at this time, and were dickering. It was a very poor morale situation at that time.

Mr. SOURWINE. Did Mr. Crockett say anything to you and the others to whom he spoke about this general subject, which you then relayed or repeated to the Washington field office people, about what would be done to ferret out or to discover who were the undermining elements and what would be done with them?

Mr. BERRY. No, sir.

Mr. SOURWINE. Nothing at all was said about that?

Mr. BERRY. Not by Mr. Crockett. I made my personal opinion when I was talking to the field office that I thought that we would probably be asked to look into this. This was my own opinion and this I was referring to as leaks to the newspapers.

Mr. SOURWINE. You were referring specifically to leaks?

Mr. BERRY. Yes, sir.

Mr. SOURWINE. And you said so?

Mr. BERRY. Yes, sir. That was my own statement, not Mr. Crockett's, and that was that I believe; that we were not—

Mr. SOURWINE. Did you indicate to the field office people that the persons responsible for these leaks would be uncovered and would be dealt with?

Mr. BERRY. No, sir.

Mr. SOURWINE. Did you have reason to believe at that time that there were leaks out of the Office of Security?

Mr. BERRY. Yes, sir.

Mr. SOURWINE. Did you have reason to believe that Mr. Otepka was responsible for any of them?

Mr. BERRY. I didn't know who was responsible for them.

Mr. SOURWINE. But there had been leaks to newspapers?

Mr. BERRY. Newspaper articles contained information which was from memorandums or files of the Office of Security.

Mr. SOURWINE. Was this before or after Mr. Otepka had been detailed out of the Office and instructed not to set foot back inside it?

Mr. BERRY. Well, they were before and after.

Mr. SOURWINE. They continued after Mr. Otepka no longer had contact with the Office?

Mr. BERRY. Yes, sir.

By "contact," you mean being in the Office?

Mr. SOURWINE. Yes.

Well, the people in that Office had been given to understand that they shouldn't furnish Mr. Otepka with any information, hadn't they?

Mr. BERRY. That I don't know; no, sir.

Mr. SOURWINE. In any event, you did have a reason to believe that there were still leaks in the Office to the newspapers?

Mr. BERRY. Yes, sir.

Mr. SOURWINE. And you spoke about this to the field office?

Mr. BERRY. Yes, sir.

Mr. SOURWINE. Is there anything which you remember having said about it which, in substance, would be in addition to or different from what you have now testified to?

Mr. BERRY. I missed that question, sir.

Mr. SOURWINE. Do you remember anything about this talk that you gave before the field office personnel which involves material other than or different from what you already testified to about that briefing?

Mr. BERRY. No; I do not recall that, sir. I would like to say that when Mr. Crockett—one statement that was misinterpreted in the newspaper, they said something to the effect that we were going to pursue—I forget the way it was worded now, but something to the effect that the Secretary was going to see that they got Otepka. That was not true, because at the meeting, Mr. Crockett definitely said that Mr. Reilly's situation was a completely separate case. It was said the Department did plan to continue to pursue the Otepka case.

Mr. SOURWINE. All right, I think that is clear. We'll go ahead to another point, then, if I may.

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TESTIMONY OF WILLIAM J. CROCKETT, DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION, 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. Now, in discussion prior to the hearing, you made mention of halfruths and reports that became current, and—

Mr. CROCKETT. Mainly in the press.

Mr. SOURWINE. Yes.

Mr. CROCKETT. In the press.

Mr. SOURWINE. I know the Department has issued what amounted to a denial of the truth or accuracy of the memorandum which Representative Cramer¹ put into the Congressional Record—

Mr. CROCKETT. Yes. I am familiar with that.

Mr. SOURWINE (continuing). —on December 19. It concerned a reported meeting or briefing conference of the heads of divisions, I think, which you had addressed.

Mr. CROCKETT. Right.

Mr. SOURWINE. Was there such a conference?

Mr. CROCKETT. Of course.

Mr. SOURWINE. Now, I want to give you an opportunity to go down over this and state what the facts were. You were there.

Mr. CROCKETT. I conducted it.

Mr. SOURWINE. Yes. This memorandum contains this statement:

Crockett stated Secretary Rusk had regretfully had to accept the resignation of John F. Reilly and Elmer D. Hill.

Was that accurate?

Mr. CROCKETT. That is accurate.

Mr. SOURWINE. Mr. Cramer interpreted that in this way. He said the statement that the Secretary regretfully had to accept Reilly's and Hill's resignations means simply that they were let out, not so much for what they did, but for getting caught at it.²

Would you care to comment on that?

Mr. CROCKETT. Yes, I would like to comment on it.

Mr. SOURWINE. I thought you would.

Mr. CROCKETT. Certainly neither the Secretary nor I were aware of the activities of Mr. Reilly and Mr. Hill in their surveillance efforts on Mr. Otepka, except so far as the burn bag was concerned. We were aware of the burn bag investigation. So that it wasn't a matter of just letting people out because they got "caught at it." It was apparent to us as it was to the committee that these two people had lost the confidence of the Department and the committee, and therefore could no longer serve the interests of the United States in the Department.

¹ Representative William C. Cramer, Republican, Florida.

² See Reilly resignation and related correspondence on p. 947.

Mr. SOURWINE. Were they let out just because they lost the confidence of this committee?

Mr. CROCKETT. Let out because they had lost the confidence of us as well.

Mr. SOURWINE. Were they let out just because it was publicly exposed that they had given untruthful testimony before the subcommittee?

Mr. CROCKETT. The public exposure had nothing to do with it.

Mr. SOURWINE. They had been let out because they had given the untruthful testimony?

Mr. CROCKETT. This was a key factor. The exposure of the untruthfulness was substantiated in our minds before the public exposure. The whole issue had come to a head the weekend before Mr. Hill came forward to the committee. The first knowledge of any possible conflict that we had was in the committee's letter that came to the Department.

Mr. SOURWINE. You say the first notice—

Mr. CROCKETT. First notice.

Mr. SOURWINE (continuing).—of any conflict was in the committee's letter? Are you referring to the letter that Senator Dodd handed to the Secretary of State in New York?

Mr. CROCKETT. Yes. This was the first deep inkling I had.

Mr. SOURWINE. I think you made that statement once before. You made that statement to Clark Mollenhoff, didn't you?

Mr. CROCKETT. Yes.

Mr. SOURWINE. The first inkling you had that there had been any lying by the State Department people?

Mr. CROCKETT. Alleged lying.

Mr. SOURWINE. Did you use that word?

Mr. CROCKETT. I would use it, yes.

Mr. SOURWINE. There had been any alleged lying; the first allegation of any lying was the committee's letter. Don't you remember, Mr. Crockett, a private conference you had with Senator Dodd, at which I was present, quite some time before December of 1963?

Mr. CROCKETT. I remember it, yes.

Mr. SOURWINE. Weren't you told at that conference that important officials of the State Department had lied to the committee and the committee was in a position to prove it?

Mr. CROCKETT. I remember this statement but I had no inkling of what you were referring to.

Mr. SOURWINE. You didn't know who was involved?

Mr. CROCKETT. I certainly did not.

Mr. SOURWINE. And you hadn't made any effort to find out or ask us? The offer was made when you conferred with Senator Dodd, to try to cooperate on this thing, wasn't it?

Mr. CROCKETT. Yes; that is right.

Mr. SOURWINE. You did have at least an inkling, then, at the time of the conference with Senator Dodd, that there had been lying by State Department witnesses?

Mr. CROCKETT. That this was a statement, yes.

Mr. SOURWINE. As you say, it was an allegation. The allegation was made at that time. And quite some time prior to December.

Mr. CROCKETT. I think, as I recall it, it was not as boldly stated as you have stated it now. I think that it was stated as a possibility or that it was a feeling rather than an out-and-out statement of fact.

Mr. SOURWINE. All right, sir.

Going down here a little further, you will recall that the memorandum Mr. Cramer inserted in the record quoted one Berry, Robert Berry, Chief of the Division of Investigations, Office of Security (Headquarters), as having said that, in commenting upon a question about a report that two members of the Office of Security were investigating staff employees of the Senate Internal Security Subcommittee, that you had indicated it was necessary to investigate the staff of the subcommittee because the Office of Security had information that classified information was furnished to such persons, who were unauthorized persons within the scope of the instructions respecting the safeguarding of classified information.

Was that inaccurate?

Mr. CROCKETT. Certainly inaccurate that we were investigating anybody.

Mr. SOURWINE. Had you discussed this point at all in your briefing conference?

Mr. CROCKETT. Not at all, to my knowledge.

Mr. SOURWINE. Mr. Berry must have been, then, voicing his own views if he did say this?

Mr. CROCKETT. If he did say this.

Mr. SOURWINE. You don't know whether he did or not?

Mr. CROCKETT. I don't know. But certainly I know from my own knowledge that I had never asked, permitted, or instructed any of our people to investigate anyone.

Mr. SOURWINE. Do you know of your own knowledge that no State Department investigators went around asking questions about the activities and contacts of staff members of this committee?

Mr. CROCKETT. I don't know this. Of course, of my own knowledge. I know that the State Department—

Mr. SOURWINE. Does it surprise you?

Mr. CROCKETT (continuing). —had no more authorized this than it had authorized the other Reilly activities.

Mr. SOURWINE. Don't you know that the State Department investigators even questioned newspapermen about their contacts with particular members of the subcommittee staff?

Mr. CROCKETT. No. I don't know this.

Mr. SOURWINE. Don't you know it even went so far afield that a security officer in South America was visited and asked about his contacts with members of the staff of the Internal Security Subcommittee?

Mr. CROCKETT. No. I was not aware of this.

Mr. SOURWINE. This memorandum Mr. Cramer put in the record quotes Mr. Frederick Traband, Chief of the Security Branch of the Division of Evaluations as telling members of his staff, relating to your meeting which he had attended, that they should not be concerned with the outcome of the Otepka case, that in due course Otepka definitely would be punished for furnishing information to the Senate Internal Security Subcommittee. Just what was it that you said about that in the briefing conference?

Mr. CROCKETT. Well, I tried to make a distinction between the two events. What Reilly and Hill did and what happened to them was

one set of circumstances but that the charges as developed on the Otepka case were a separate set of circumstances and would stand on their own feet and would be carried forward within the procedures of the State Department.

Mr. SOURWINE. Did you say anything to the effect that Otepka would be punished, or definitely would be punished?

Mr. CROCKETT. I have tried always to be very careful in stating anything about the Otepka case to indicate that he has not yet been tried. He has only been charged. And that no one can say what is going to happen until the procedures are carried forward.

Mr. SOURWINE. Well, you remember the State Department issued a press statement that the Department had upheld the Department's charges against Otepka and that Mr. Otepka would have a right of appeal to the Department from its affirmation of its charges?

Mr. CROCKETT. Yes, I remember this.

Mr. SOURWINE. He still has a further right of appeal to the Department—

Mr. CROCKETT. He has several rights.

Mr. SOURWINE (continuing). —from its upholdings of its charges.

Mr. CROCKETT. This is entirely governed by civil service regulations. We are just following the regulations. He had a right to appeal for the withdrawal of the charges and that was the first thing that was done. But the State Department upheld its own charges.

Secondly, he has a right to appear before a hearing officer. This is the second step. So we are merely following the civil service procedures in this case.

Mr. SOURWINE. Do you think he has a right to an impartial hearing officer?

Mr. CROCKETT. Certainly. In fact, at any time he can withdraw his case from us and take it to the civil service or wait until he has been heard by the State Department and then take it to civil service.

Mr. SOURWINE. Are you implying that he can't have an impartial hearing officer in the State Department?

Mr. CROCKETT. Not at all. Not at all. It is my honest opinion that he can have.

Mr. SOURWINE. Why shouldn't the Department in this case go at least as far in providing him an impartial hearing officer as it did in providing impartial hearing officers for Communist applicants for passports, by bringing in a trial examiner from some other agency to hear the case?

Mr. CROCKETT. It so happened that the regulations were written this way.

Mr. SOURWINE. Regulations didn't provide for it in the other case, either, did they?

Mr. CROCKETT. Well, the regulations are written this way. We have changed the regulations once for the benefit of Mr. Otepka to keep him on the payroll until the hearing is finally ended.

Mr. SOURWINE. Speaking of who is on the payroll, is Mr. Reilly still on the payroll?

Mr. CROCKETT. Yes, sir; he is. He is in the hospital with a gall bladder operation. He is on sick leave and his termination will be effective when the doctor says that his convalescence is over.

Mr. SOURWINE. Are you familiar with the letter addressed to the Secretary by all the members of this subcommittee with respect to this matter of a hearing officer for the Otepka hearing?

Mr. CROCKETT. Yes, I am, and—

Mr. SOURWINE. I don't think the committee has received any acknowledgment of it or reply yet.

Mr. CROCKETT. That is right. Despite the fact that it is my judgment and the Secretary's judgment that there isn't any question that Mr. Otepka could have a fair and impartial hearing within the State Department, I think the Secretary thought that this was an excellent suggestion by the committee, provided Mr. Otepka himself would agree. Regulations are written one way; and we couldn't force this upon him.

Mr. SOURWINE. Has his agreement been sought?

Mr. CROCKETT. Not yet, because the letter has not been written, and there is no final determination.

Mr. SOURWINE. It is your intention to seek his approval of that procedure?

Mr. CROCKETT. It is our intention at this time. The Secretary hasn't signed the letter, so I can't say what the Department's intention is until he has signed it.

Mr. SOURWINE. Of course.

Mr. CROCKETT. But the letter is being written back to the committee indicating that we will select an outside board to hear the case provided Mr. Otepka agrees to the procedure.

Mr. SOURWINE. An outside board or a trial examiner?

Mr. CROCKETT. An outside board, a board of three.

Mr. SOURWINE. Why not a trial examiner?

Mr. CROCKETT. We thought a board of three would even be better.

Mr. SOURWINE. Why? What you want mainly is a man to control the hearing who is completely impartial. The record can then be considered by anybody you want to consider it.

Senator DODD. I don't know that it would help us much. It is a difference of opinion, isn't it?

Mr. SOURWINE. Well, the only point I intended to make, Mr. Chairman—I am sorry if I overlabored it—was that the passport applicants got trial examiners who were borrowed by the State Department although the regulations don't provide for such borrowing.

Senator DODD. He told us they were considering some method, and perhaps giving him something along the lines of what the committee asked for. Whether it is three or one, there is some matter of judgment involved. I don't think it will help us very much.

Mr. SOURWINE. All right. I will leave the point.

Mr. CROCKETT. I will take this into consideration and relay it to the Secretary.

Senator DODD. It is something I don't think we ought to get into here. I don't think we are at all concerned with it. I think that he should have a fair hearing, but I don't think we can lay down any rule as to 1 or 3 or 5 or 10 hearing officers.

Mr. SOURWINE. This Cramer memorandum referred specifically to the conference which you held and it made these statements:

At this conference Crockett said he wanted the Office of Security to know that Secretary Rusk was very disturbed about the Otepka case and its related events and that the Secretary further had stated he intended to insist upon loyalty to him.

Is that inaccurate?

Mr. CROCKETT. It is only inaccurate in its connotation. The "loyalty to him" is overstressed here. Certainly loyalty to Government and loyalty to the United States is the first loyalty. But I think that he was trying to imply that he expected people to follow regulations in the normal course of their activities. I feel very much like Senator Hruska felt when he inserted an item in your report a year ago. I would like to quote it to this committee because I think it is so germane to what I am trying to say. This illustrates what the Secretary had in mind when everything he says is quoted in the press or when we develop a psychiatric examination to improve our security process and then we see it quoted in the paper, obviously leaked out of the Office of Security; and obviously leaked, not to enhance the security program of the United States, but obviously to embarrass the people who are trying to run it.

Senator Hruska said:

It is highly regrettable that an early draft of this report was made available to a newspaperman in an unauthorized manner. I am ashamed to think that anyone connected with the committee would have so little regard for the reputation of the committee and so little dedication to our task.

And I am sure this is what the Secretary had in mind when we were talking about the responsibility of officers in the Department dedicated to their task of getting their job done without running to the press with everything.

Mr. SOURWINE. All right, sir. This memorandum states:

Crockett reported the Secretary had indicated his opinion that the Department of State was wholly justified in its action against Otepka.

Is that accurate?

Mr. CROCKETT. No. This is really not accurate.

Mr. SOURWINE. You didn't say that?

Mr. CROCKETT. I did not say that nor did the Secretary say that because, again, the Secretary and I have been very careful not to comment on the charges to date. The case has not been decided nor tried. This whole process was kept from me and from the Secretary and bypassed us deliberately so that we would not be personally involved in it.

Mr. SOURWINE. Quoting in the next paragraph:

Crockett reported the Secretary had stated Otepka's case was to be vigorously pursued and had declared that the Reilly and Hill cases were unrelated to the Otepka case.

Is that accurate?

Mr. CROCKETT. The unrelated part is accurate and the "vigorously pursued" only means that. Again the connotation is totally erroneous. It only means that the administrative processing should be carried forward at normal pace and shouldn't be allowed to drag out. Mr. Otepka was entitled to get it settled as were we.

Mr. SOURWINE. How can you figure that the Reilly and Hill cases are totally unrelated when Reilly is the chief charger against Otepka? He is the man who went to the Department of Justice and had him investigated by the FBI, tried to have him prosecuted under espionage statutes, and certainly is an essential witness against him, and Hill is also an essential witness against him. How can you say they are unrelated?

Mr. CROCKETT. We meant that the incidents are unrelated. The departure of Reilly and Hill is unrelated to the charges against Mr. Otepka. The persons who judge the case will determine to what extent the testimony of Reilly and Hill is admissible.

Mr. SOURWINE. You would certainly agree, though, wouldn't you, that the fact that the principal witnesses against Otepka have been discharged because they lied under oath is not unrelated to his case?

Mr. CROCKETT. This will be a factor, I am sure.¹

Mr. SOURWINE. The next paragraph:

Crockett states channels to the Secretary were open, that if anyone should disagree with the Department's policy, he would be granted an audience with Secretary Rusk upon request.

Mr. CROCKETT. That is really true.

Mr. SOURWINE. This is the Department's policy.

Mr. CROCKETT. Absolutely. Not only to him but to me. I have seen subordinate officers and certainly the Secretary has seen officers down the line that have come forward with questions, with personal dissent, with serious doubts. I think this is the channel that the Secretary wanted me to insure that people had.

Mr. SOURWINE. Now, to the last paragraph of the Cramer memo:

Crockett further reported that there is "a second underground" in the Department besides Otepka which has furnished information to the Internal Security Subcommittee and that the members of this underground will be identified and dealt with soon.

Mr. CROCKETT. This is untrue.

Mr. SOURWINE. You said nothing about this?

Mr. CROCKETT. Nothing about furnishing information to the committee. I did say that the Office of Security belies its name of security. It is the most insecure sieve in the State Department. I certainly have interest that they cooperate with the committee.

Mr. SOURWINE. Did you say anything about second underground?

Mr. CROCKETT. Not to my knowledge. It doesn't sound like me.

* * * * *

TESTIMONY OF WILLIAM J. CROCKETT

TUESDAY, MAY 4, 1965

Senator Thomas J. Dodd, vice chairman, presiding.

Present: Senators Dodd and Birch Bayh.

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

(Mr. Crockett was previously sworn.)

* * * * *

Mr. SOURWINE. According to newspaper reports, when you went before the Senate Foreign Relations Committee you indicated that Mr. Reilly and Mr. Hill had been subjected to severe action by the State Department but stated you found no fault with the decision to continue Mr. Belisle as a trusted employee of your office, explaining

¹The witness originally answered: "Oh, certainly. This is a factor, I am sure." In correcting the transcript of his testimony, he made it read as above.

that you made the distinction that Mr. Belisle was out of the country when the wiretap was put through on the Otepka phone.

Is this true?

Mr. CROCKETT. Yes, sir.

Mr. SOURWINE. This would appear to indicate that you consider a major element of Reilly's and Hill's offense to have been the actual participation in the wiretap. Is this conclusion correct?

Mr. CROCKETT. No; not only the actual participation in the wiretap but the actual action to make the tap without consulting with me or higher authority. As a matter of fact, there is still a great deal of question as to whether Hill acted on instructions by Mr. Reilly or took action on his own to check out his own technical capacity to make such a tap.

Mr. SOURWINE. Isn't the giving of false testimony under oath before a Senate committee a much more grievous offense than participating in a wiretap for security reasons?

Mr. CROCKETT. To give false testimony under any circumstances is a grievous offense.

Mr. SOURWINE. You have told us that the existing order, issued in 1961, dealing with telephone monitoring and recording was not intended to apply to the security field. Is there any existing order or regulation in the State Department under which the tapping of Otepka's phone or the conversion of his telephone instrument to a receiver for the purpose of recording conversations, constituted a violation?

Mr. CROCKETT. No, sir; this kind of activity did not violate the order of 1961 since that order referred to an individual having his own calls monitored by his secretary without the knowledge of the caller.

Mr. SOURWINE. Do you know of any general instructions in the State Department which would have made it improper to have tapped Mr. Otepka's phone under the circumstances?

Mr. CROCKETT. No; there were no instructions.

Mr. SOURWINE. How does the fact that Reilly and Hill participated in the arrangements for compromising Mr. Otepka's phone constitute any aggravation of their offense?

Mr. CROCKETT. The fact that Reilly and Hill took it upon themselves to compromise Mr. Otepka's phone was an error in judgment but does not aggravate the offense they committed at their testimony.

Mr. SOURWINE. Were Reilly and Hill punished because they had something to do with compromising Otepka's phone, or because they lied under oath?

Mr. CROCKETT. Mr. Reilly and Mr. Hill lost the confidence of top departmental officials because of their conduct under oath before the committee.

Mr. SOURWINE. Isn't one lie under oath just as bad as another lie under oath, regardless of subject matter, where both lies are intentional and are for the purpose of withholding information with respect to the true facts, which at the time are known by the witness?

Mr. CROCKETT. Certainly in the area of admissible facts there is a difference between evidence known at first hand and evidence known by hearsay. Therefore, there must be a differentiation made between the testimony of a person who passes on hearsay information opposed to a witness who has direct knowledge.

Mr. SOURWINE. Is it true that, as reported in the press, you indicated that Reilly and Hill were not fired for giving untruthful testimony to the Senate Internal Security Subcommittee, but for having taken part in the wiretap? The news article referred to appeared in Des Moines Register, August 12, 1964, with Washington dateline.

Mr. CROCKETT. Technically speaking, Mr. Hill and Mr. Reilly resigned from the Department of State but as I have stated previously their resignations were brought about by the loss of confidence as a result of the unauthorized wiretap and because of their testimony before the committee as well as their lack of forthrightness to officials of the Department of State concerning the whole matter.

* * * * *

Mr. SOURWINE. So that it may be perfectly clear on the record, was Mr. John F. Reilly dismissed or asked to resign by the Department of State? Do his personnel records show this?

Mr. CROCKETT. He resigned and his personnel records show that he resigned.

Mr. SOURWINE. What was the date of Mr. Reilly's resignation?

Mr. CROCKETT. I believe he submitted his resignation sometime in November 1963, however, he did not leave the rolls of the Department until February 1964.

Mr. SOURWINE. Mr. Reilly's resignation was originally accepted without date on November 18, 1963, but he was not separated until February 22, 1964. During the intervening time, was he on leave? Was this "administrative" or "official" leave?

Mr. CROCKETT. Mr. Reilly was on sick leave recuperating from surgery during this period.

Mr. SOURWINE. During any of the time between submission and acceptance of his resignation and his separation, did Mr. Reilly perform any of his duties as an officer of the Department of State?

Mr. CROCKETT. No, sir.

Mr. SOURWINE. Do you know if there is anything in Mr. John F. Reilly's personnel file to show that his resignation from the State Department was not voluntary?

Mr. CROCKETT. No, sir; there is not.

Mr. SOURWINE. Would it be possible to furnish the committee for the record at this point, an excerpt from the personnel file to the extent of the entry with respect to his resignation, anything which might indicate that it was involuntary resignation?

Mr. CROCKETT. I think whether it was voluntary or involuntary is a technicality really. The thing that I would not want to do is hurt an individual unnecessarily. But I will be glad to look into the whole thing and see to what extent we can comply with the request.

Mr. SOURWINE. All right, sir.

I think I should say for the record that the committee has no desire to hurt an individual unnecessarily and I know that certain members of the committee—and perhaps all of them—have declined to make statements with regard to Mr. Reilly after he left the Department of State, since he no longer was concerned with this investigation from that time forward.

But the question of what the personnel record shows about his resignation and what the Department's other records might show is of concern to the investigation, because if, by any chance, there is a policy

down there of letting the record fail to indicate, in the case of a man who was thrown out, that that is what happened, it leaves the way open for him to come back in later on.

Would it be possible to furnish the committee with the text of Mr. Reilly's letter of resignation?

Mr. CROCKETT. Yes, sir; if it is available.

Mr. SOURWINE. May that go in the record when furnished, sir?

Senator DODD. Yes.

(EDITOR'S NOTE.—The State Department did not furnish this document and Mr. Crockett eventually wrote the committee, under date of May 4, 1965:)

I have been informed that Mr. Reilly's personnel file was forwarded to the Federal Communications Commission on August 27, 1964. This is in accord with Civil Service Commission regulations and Mr. Reilly's letter of resignation is a permanent part of this file.

(Thereafter, the Reilly resignation was supplied to the committee by the Federal Communications Commission. Pertinent correspondence subsequently ordered into the record, and the text of the Reilly resignation, are as follows:)

SEPTEMBER 27, 1965.

HON. E. WILLIAM HENRY,
Chairman, Federal Communications Commission,
New Post Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: For the information of the Internal Security Subcommittee, under Senate Resolution 46, I would like to have a copy of Mr. John F. Reilly's letter of resignation from the State Department.

Thanks in advance for your courtesies in this respect.

Best personal regards.

Sincerely,

JAMES O. EASTLAND,
Chairman, Internal Security Subcommittee.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., October 5, 1965.

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

DEAR MR. CHAIRMAN: In accordance with the request contained in your letter of September 27, 1965, I am enclosing herewith a copy of Mr. John F. Reilly's letter of resignation from the Department of State dated November 18, 1963.

Yours sincerely,

E. WILLIAM HENRY, *Chairman.*

DEPARTMENT OF STATE,
Washington, November 18, 1963

The Honorable, the SECRETARY OF STATE,
Washington.

DEAR MR. SECRETARY: I hereby tender my resignation as Deputy Assistant Secretary of State for Security to take effect at your convenience. Recent developments have made it clear that I can no longer serve you effectively in that capacity.

I have enjoyed serving under you and you have my every best wish for the future.

Sincerely,

JOHN F. REILLY,
Deputy Assistant Secretary for Security.

(EDITOR'S NOTE.—The copy of the Reilly letter carried a handwritten note in the left margin saying "To be effective Jan. 4, 1964, per Porter. 12/4.")

Mr. SOURWINE. Did Mr. Elmer Hill resign or was he forced to resign?

Mr. CROCKETT. Mr. Hill resigned.

Mr. SOURWINE. Is there anything in his personnel file to show that he was forced to resign?

Mr. CROCKETT. No, sir.

Mr. SOURWINE. Is Mr. Hill's letter of resignation available for the record?

Mr. CROCKETT. No, sir; it is in the retired files at St. Louis, Mo.

Mr. SOURWINE. Was there a reply to his letter?

Mr. CROCKETT. No, sir.

Mr. SOURWINE. Can this reply be furnished for the committee's record? If so, please furnish a copy of the entry in his personnel record showing his resignation.

Mr. CROCKETT. As I stated before, Mr. Hill's records are in the retired files at St. Louis, Mo.

* * * * *

Mr. SOURWINE. Mr. Crockett, you are reported to have stated that in the view of the State Department, Mr. John Reilly and Mr. Elmer Hill have discredited themselves as witnesses because of the false testimony they gave before the Internal Security Subcommittee. Was that a correct attribution?

Mr. CROCKETT. I don't know whether I made it as positive as this; I remember something like this. Perhaps I may have said they discredited themselves.

Mr. SOURWINE. Do you feel Mr. Belisle discredited himself as a witness?

Mr. CROCKETT. I think there was a terrible difference in the circumstances.

Mr. SOURWINE. Mr. Belisle also lied to the committee under oath. Was any effort made to get him to resign?

Mr. CROCKETT. It is a matter of opinion whether Mr. Belisle lied or not but, in any event, he did not lose the confidence of the top command of the Department of State.

Mr. SOURWINE. Has he been promoted since he lied to the committee?

Mr. CROCKETT. Without answering the inference implied by your question, Mr. Belisle has not been promoted since he appeared before the committee.

Mr. SOURWINE. Are you aware of any promise or commitment to Mr. John Reilly that the Department will take care of him?

Mr. CROCKETT. Certainly there was no office commitment on the part of the Department of State to take care of Mr. Reilly.

Mr. SOURWINE. Has any effort been made to get Mr. Reilly appointed in the Foreign Service?

Mr. CROCKETT. No, sir.

Mr. SOURWINE. Are you aware that papers were put in process at one time, subsequent to Mr. Reilly's separation from the Department, for the purpose of making Reilly an FSO?

Mr. CROCKETT. No, sir.

Mr. SOURWINE. Do Reilly and Hill retain retirement rights as FSO's? Is there any bar to their reinstatement or reemployment?

Mr. CROCKETT. Reilly and Hill were never Foreign Service officers. Mr. Hill was an FSR-4 and Mr. Reilly was a GS-18. There is no reinstatement procedure for anyone who has been outside of our employment any considerable length of time. To come on board, people would have to undergo processing like any other new employee.

Mr. SOURWINE. Was Mr. Belisle brought into your office on a temporary basis with a view to sending him out to the field as soon as possible? Have arrangements been made to send him out to the field?

Mr. CROCKETT. Mr. Belisle was transferred to Bonn, Germany, on August 16, 1964. He was brought to my office to perform special services in connection with the review of personnel cases.

Mr. SOURWINE. Where is he going to go?

Mr. CROCKETT. He was transferred to Bonn, Germany.

Mr. SOURWINE. In what capacity? What will be his duties there? Do you know who will take up the security evaluation work in which he has been engaged?

Mr. CROCKETT. Mr. Belisle serves as deputy administrative officer in Bonn, Germany, and, in that capacity, his duties will be generally administrative work relating to the operation of the Embassy at Bonn and the consulates in Germany. The position he occupied in the Office of Security was not filled by Mr. Gentile but the activities Mr. Belisle performed are, in a large measure, being performed by Mr. Henri G. Grignon, Assistant Director for Personnel Security.

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