

Spy Suspect Asks Curb On Evidence

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Col. William H. Whalen, a former top Pentagon intelligence officer charged with selling defense secrets to Russia, testified yesterday that he had been drinking before he took an FBI-administered lie detector test.

Gray-haired and stooped, the retired Army officer limped into an Alexandria Court witness chair to try to explain why statements he made to the FBI should be banned from use at his trial.

Speaking in a low voice and appearing confused at times, Whalen told Federal Judge Oren R. Lewis he had been drinking a pint to a fifth of whisky a day and was suffering from heart trouble, multiple sclerosis and arthritis when he submitted to the lie detector test and signed some 50 statements.

Called Verbal Evidence

Whalen, 51, is charged with conspiring to sell defense secrets to the Russians for \$15,000 between 1959 and 1963. The Government contends the admission of his statements as evidence is vital to the case against him.

FBI agents yesterday said Whalen did not appear to have been drinking at the time of the test.

Government attorneys go so far as to say that the statements are admissions of Whalen's guilt and that if they are not admitted the case against Whalen might fold entirely.

The statements, made in 1963 and 1964, were prompted by the "friendliness between the people (FBI agents) and myself," Whalen said yesterday. Whalen said yesterday at the pre-trial hearing that he made the statements because he "wanted to help the FBI."

In addition, Whalen said FBI agents led him to believe there would be "no accusations or arrests from information I was giving."

Advised of Rights

Asked by Judge Lewis if the FBI agents had advised him of his constitutional rights, Whalen said, "I believe they did in the first interview." Asked why he had signed statements



WILLIAM H. WHALEN
"... wanted to help"

if they were not freely given, Whalen said he "glanced over them" but did not read them carefully. "I trusted them and thought everything would work out all right."

On cross examination Government attorneys attempted to show that Whalen, as a former intelligence specialist, was aware of interrogation procedures. He was in intelligence work from 1958 to 1960, when he retired from the Army after a heart attack. From 1957 to 1960 Whalen was an intelligence specialist at the Pentagon for the Joint Chiefs of Staff.

Agents Testimony

Agents testified that Whalen broke down under the lie detector in September, 1963. They said he made certain disclosures after being told that an investigation of his finances revealed he had been in debt for years but had suddenly acquired a large sum of money.

One agent at this point contended that Whalen blurted out damning admissions, the details of which are being withheld at the request of Judge Lewis.

The agents said this admission came during a 12-hour stretch of questioning, punctuated twice by rest periods. He said Whalen was offered dinner but declined to eat more than half a sandwich and that Whalen showed no evidence of intoxication.

Whalen said, however, that he became ill during the examination and broke out in a sweat. "I was afraid I would have another heart attack."

He also said he was motivated to "help the FBI" because by making the statements because he felt he would be aiding the Government and clearing up accusations against him "to protect my family."