

LACK OF A LAWYER HOLDS UP SPY CASE

ALEXANDRIA, Va., July 26 (UPI)—Arrestment of a retired Army officer charged with conspiring to supply United States atomic and military information to Soviet agents was postponed today, pending appointment of defense counsel.

Federal Court Judge Oren Lewis told the retired lieutenant colonel, William H. Whalen, he would not proceed with the arraignment until Mr. Whalen was "adequately represented."

Mr. Whalen told Judge Lewis he was unable to obtain a lawyer because he could not afford one. Judge Lewis said, however, that a person with a monthly pension of about \$515 and equity of about \$15,000 in a home could afford a lawyer. He told Mr. Whalen that he could not "by any test" be considered an indigent, thus eligible for free lawyer services.

The judge said he would name an attorney but that Mr. Whalen would have to arrange to pay a reasonable fee.

Mr. Whalen, who formerly worked with the Joint Chiefs of Staff, was arrested at his Fairfax County home on July 12, the same day a Federal court in Newport News, Va., returned a conspiracy indictment against him.