

17 DEC 1966

EA14WX

(400) ESPIONAGE

ALEXANDRIA, VA., DEC. 17 (AP)-AN AIR FORCE SERGEANT WHO SERVED AT THE PENTAGON IN 1965 AND PART OF 1966 HAS BEEN INDICTED ON CHARGES OF CONSPIRING WITH A SOVIET DIPLOMAT TO COMMIT ESPIONAGE.

IF CONVICTED, SGT. HERBERT W. BOECKENHAUPT, 24, COULD RECEIVE THE DEATH PENALTY. HE WAS ARRESTED BY THE FBI LAST OCT. 31 AT MARCH AIR FORCE BASE, RIVERSIDE, CALIF.

IN OTHER ACTION YESTERDAY IN U.S. DISTRICT COURT HERE, RETIRED ARMY LT. COL. WILLIAM HENRY WHALEN PLEADED GUILTY TO A CHARGE OF CONSPIRING TO OBTAIN DEFENSE SECRETS FOR THE SOVIET UNION.

THE CASES APPARENTLY ARE UNRELATED. AN ESPIONAGE CHARGE AGAINST WHALEN, CARRYING A POSSIBLE MAXIMUM SENTENCE OF EXECUTION, WAS DROPPED AT THE GOVERNMENT'S REQUEST.

ACCORDING TO THE INDICTMENT, BOECKENHAUPT CONSPIRED WITH ALEKSEY R. MALININ, A FORMER ASSISTANT COMMERCIAL COUNSELOR AT THE SOVIET EMBASSY IN WASHINGTON, TO DELIVER DOCUMENTS, "CODE BOOKS, SIGNAL BOOKS, SKETCHES, PHOTOGRAPHS, PHOTOGRAPHIC NEGATIVES, PLANS, NOTES AND INFORMATION RELATING TO THE NATIONAL DEFENSE OF THE UNITED STATES."

THIS INFORMATION, THE INDICTMENT SAID, INCLUDED "INFORMATION RELATING TO THE ELECTRONICS COMMUNICATIONS AND CRYPTOGRAPHIC SYSTEMS AND EQUIPMENT INFORMATION GOING THROUGH SUCH EQUIPMENT AND THE CODE CARDS CONNECTED THEREWITH..."

MALININ, LISTED IN THE INDICTMENT AS A CO-CONSPIRATOR BUT NOT A DEFENDANT, RETURNED TO RUSSIA SHORTLY AFTER BOECKENHAUPT'S ARREST. THE SOVIET DIPLOMAT HAD BEEN DECLARED PERSONA NON GRATA.

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BOECKENHAUPT WAS A RADIO OPERATOR AT THE PENTAGON BEFORE HIS ASSIGNMENT TO MARCH AIR FORCE BASE EARLIER THIS YEAR. AT MARCH, HE SERVED AS AN ELECTRONICS COMMUNICATIONS AND CRYPTOGRAPHIC SYSTEMS REPAIRMAN WITH TOP SECRET CLEARANCE AND ACCESS TO TOP SECRET MATERIAL.

DETAILS OF THE CONSPIRACY WERE NOT REVEALED UNTIL THE INDICTMENT WAS DELIVERED TO U.S. DIST. JUDGE OREN R. LEWIS YESTERDAY. THE INDICTMENT DID NOT SAY HOW MUCH MONEY WAS INVOLVED OR WHEN AND HOW BOECKENHAUPT WAS PAID BY THE SOVIET UNION.

BOECKENHAUPT, WHO ENLISTED IN THE AIR FORCE IN 1960, IS A NATIVE OF GERMANY WHO CAME TO THE UNITED STATES IN 1948 AND OBTAINED DERIVATIVE CITIZENSHIP THROUGH HIS MOTHER.

WHALEN, 51, WHOSE TRIAL WAS SCHEDULED TO BEGIN MONDAY, ALSO PLEADED GUILTY TO A CHARGE OF CONSPIRING WITH SOVIET AGENTS TO ACT AS A REPRESENTATIVE OF THE SOVIET UNION WITHOUT REGISTERING WITH THE SECRETARY OF STATE.

JUDGE LEWIS DELAYED SENTENCING THE FORMER ARMY INTELLIGENCE AIDE PENDING A PROBATION REPORT. ONE OF THE CHARGES CARRIES A MAXIMUM PENALTY OF 10 YEARS IN PRISON AND A \$10,000 FINE, THE OTHER CHARGE A 5-YEAR PRISON SENTENCE AND A \$5,000 FINE.

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