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Whitworth Receives 365 Years for Spying

No Parole Possible for at Least 60 Years

By Jay Mathews
Washington Post Staff Writer

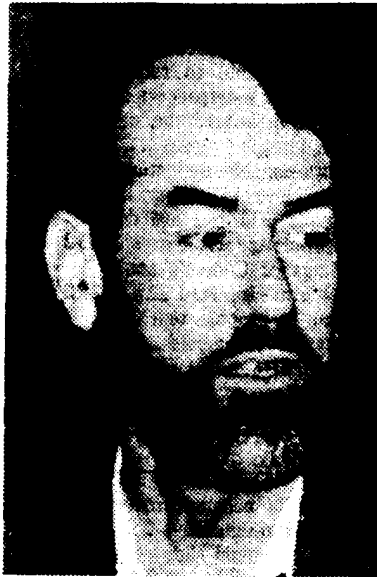
SAN FRANCISCO, Aug. 28—In the harshest U.S. sentence for espionage imposed since the abolition of the death penalty for spying, an outraged federal judge sentenced convicted spy Jerry Alfred Whitworth today to 365 years in prison, with no possibility of parole until the former Navy communications specialist is 107 years old.

The sentencing came after a federal prosecutor told the court that, according to Soviet defector Vitaly Yurchenko, the KGB considered the spy ring run by Whitworth and John Anthony Walker Jr. "the most important operation in the KGB's history," one that allowed the deciphering of "1 million" secret U.S. Navy messages.

The sentence, which also included \$410,000 in fines, was stiffer than the prosecution had requested. It raised the possibility that Whitworth will serve more time in prison than Walker, the espionage ring-leader who introduced Whitworth to spying and funneled his information to the Soviet Union.

While Whitworth must wait 60 years for parole, Walker faces the possibility of parole after 10 years of a life sentence for creating a spy ring that included his brother, his son and his close friend Whitworth.

Assistant U.S. Attorney William S. Farmer based his comments about the spy ring's significance on an affidavit submitted to the court by John L. Martin, chief of internal security in the Justice Department's criminal division. The affidavit also stated that, according to Yurchenko, the Soviet Union believed the information learned from the Walker-Whitworth operation would have been "devastating" to the United States in the event of war.



JERRY ALFRED WHITWORTH
... assailed by presiding judge

Martin also said Soviet intelligence official Yurchenko, who defected to the west last year and later returned to the Soviet Union, said that KGB officers who handled the spy operation received important promotions and decorations, and that one had been secretly designated a "hero of the Soviet Union."

U.S. District Judge John P. Vukasin Jr., who presided at Whitworth's four-month trial, called Whitworth "one of the most spectacular spies of the century" and a man who represented "the evil of banality."

While Whitworth, a slim, bearded man wearing a brown suit, listened without expression, Vukasin said, "Jerry Whitworth is a zero at the bone. He believes in nothing. His life is devoted to determining the wind direction and how he can make a profit from the coming storm."

Whitworth, a 21-year Navy veteran who retired as a senior chief radioman in 1983, did not testify at

his trial. When asked today by Vukasin if he wished to speak before sentencing, he replied in a choked voice, "I just want to say, I'm very sorry, your honor."

He remained expressionless as he was led out of court, while his wife, Brenda Reis, sobbed quietly in the third row of the public seats. "I'm going to be stoic about this," one of his attorneys quoted him as saying.

Whitworth, who grew up on a wheat and soybean farm in Muldrow, Okla., was convicted of passing highly sensitive Navy coding secrets to the Soviet Union from 1974 to 1985 in an espionage conspiracy described by prosecutors as the most damaging since World War II. Whitworth's lawyers did not deny that he passed the information but maintained that he thought it was going to a friendly country such as Israel rather than to the Soviet Union.

Defense attorney James Larson said the sentence "is obviously devastating to us. We feel it is inappropriate under the law and we will appeal it." Defense attorney Tony Tamburello said they also planned to appeal Whitworth's conviction on 12 counts of espionage and income tax violations on the grounds of improper searches of Whitworth's home and improper statements in court by Walker, the principal witness against him.

In a plea bargain reached last October, Walker agreed to cooperate with intelligence officials and prosecutors, including testifying at Whitworth's trial, in return for a lighter sentence for his son, Navy Seaman Michael Lance Walker, who like his father pleaded guilty to espionage.

Under the plea bargain's terms, Walker would serve two concurrent life terms, with parole possible in 10 years, and his son would serve 25 years, with parole possible in eight years and four months. John Walker's sentence is contingent upon the extent of his cooperation. His sentencing is scheduled for Oct. 3 in federal court in Baltimore.

Prosecutors said last year that they believed that life was the maximum term that Walker, who pleaded guilty under the same espionage statute as Whitworth, could receive.

John Walker's brother, Arthur James Walker, was also convicted of espionage. He received three life sentences and a 40-year sentence, all to run concurrently with parole possible in 10 years, and was fined \$250,000.

Whitworth, 47, who was unemployed and living in a trailer park in Davis, Calif., when arrested last year, was convicted by a jury July 24 of seven of eight counts of espionage and five counts of tax violations connected to the \$332,000 he received from Walker for providing communications code secrets.

Today, Vukasin sentenced him to 180 years on each of the espionage counts, some terms to run concurrently and some consecutively. To that he added four three-year terms with a \$100,000 fine each and one five-year term with a \$10,000 fine for the tax violations.

Vukasin said Whitworth "did not believe in what he did. He did not believe in anything at all. He was the type of modern man whose highest expression resided in his amorality."

Farmer, although saying afterward he was not surprised by Vu-

kasin's sentence, had asked for less—150 years in prison with no parole eligibility for 50 years.

U.S. Attorney Joseph P. Russoniello, despite his frequent smiles at a news conference after the sentencing, called it a "sad and somber" day because of the lasting damage to U.S. security. He called the sentence a warning to other potential spies and reminder of the need for American vigilance against "people, perhaps especially our own citizens, who would attempt to profit from the sale of our national secrets."

Mindful of Farmer's request for a long sentence, Larson argued strenuously that federal law does not allow judges to raise minimum parole eligibility beyond 10 years. Vukasin noted that one subsection of the federal code sets a 10-year limit, while another subsection appears to give judges the right to insist on more.

In Whitworth's case, he said, the 10-year minimum "appears unconscionable to this court," adding that he would leave it to an appeals court to decide if he was right.

Farmer said in three recent cases, all under appeal, federal

judges ruled that the 10-year limit could be exceeded. In one kidnaping case, he said, the sentence was 300 years, with a minimum 99 years before parole.

Russoniello said today's ruling was the most severe in an espionage case since a 1973 U.S. Supreme Court decision abolished the death penalty. While many states have enacted capital punishment legislation that complies with the court decision, there is no federal death penalty.

A number of members of Congress began a drive to revive the death penalty for espionage after the Walker spy ring was uncovered last year. Farmer told Vukasin he would have asked for Whitworth's execution if the law had allowed it.

Larson said it would be "a travesty of justice" if Whitworth remained in prison a day longer than John Walker. Farmer noted that one federal expert estimated even with parole eligibility of only 10 years, persons convicted of crimes of this magnitude usually serve at least 25 to 35 years, so that the difference in their eventual punishments would not be so great.