

JUNE 1973

# N I S



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NIS BULLETIN

CONTENTS

CAPTAIN JOHN Q. EDWARDS RETIRES ..... 1

ACQUISITION OF FEDERAL SEARCH WARRANTS BY..... 3  
NIS SPECIAL AGENTS

LEGAL DECISIONS OF INTEREST ..... 11

A PROFILE OF NAVAL PERSONNEL INVOLVED IN ..... 14  
ACTS OF SABOTAGE/DESTRUCTION

IRS LEVIES TAX ON NARCOTIC TRAFFICKERS ..... 20

NIS FILM WITHDRAWN FROM U.S. NAVY FILM LIBRARIES ..... 21

AUDIO-VISUAL MATERIALS AVAILABLE FROM NISHQ ..... 22

TRANSFERS/PROMOTIONS ..... 24

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THIS BULLETIN IS INTENDED FOR THE USE AND PROFESSIONAL ENHANCEMENT OF ALL MILITARY AND CIVILIAN SUPERVISORY PERSONNEL, SPECIAL AGENTS AND COUNTER-INTELLIGENCE ANALYSTS ASSIGNED TO NIS WORLD-WIDE.

FIELD COMPONENTS ARE ENCOURAGED TO SUBMIT ITEMS FOR PUBLICATION ON A CONTINUING BASIS. AN ARTICLE IN THE APRIL 1972 ISSUE OF THE NIS NEWSLETTER DISCUSSES THE DETAILS REGARDING SUBMISSIONS TO THIS BULLETIN.

**CAPTAIN JOHN Q. EDWARDS, U. S. NAVY**  
**DIRECTOR, NAVAL INVESTIGATIVE SERVICE**  
**RETIREES**

Captain John Quincy EDWARDS, Director, Naval Investigative Service, will retire on 30 June 1973, after a thirty-one year career in the U.S. Navy. Captain EDWARDS first came to NIS in 1967 as Commanding Officer, NISO San Francisco and served in that capacity until July 1969 when he was assigned duties as Deputy Director, NIS. He assumed duties as the Director on 1 August 1970.

Captain EDWARDS has served as Director during a time of organizational change and budget reductions. During this period, the Navy experienced dissidence, personnel unrest and a significant increase in certain criminal acts. Captain EDWARDS' imagination, aggressive pursuit of the mission and professional managerial and operational leadership overcame these factors and allowed for the maintenance of a first-rate investigative and counterintelligence organization. His key-word was "Service" and he assured that it was provided whenever and wherever it was needed. He never lost sight of changing requirements and demonstrated the foresight and courage to develop and implement dynamic programs to meet these needs. He will be long remembered for developing new approaches to combating high incidence of theft of naval property and of narcotics activity. Captain EDWARDS was especially aware of the needs of the fleet and expanded the Agent Afloat concept to provide afloat units with a full time professional investigative and counterintelligence capability. Under Captain EDWARDS the Naval Investigative Service was called upon as never before, and it was never found wanting.



Upon the occasion of his retirement, Captain EDWARDS looks forward with his wife, Martha, to a period of relaxation at their home in Springfield, Virginia. In the Fall, they plan to travel to England, Scotland and Wales. Upon his return, Captain EDWARDS intends to "play it loose and cross one bridge at a time."

Those who have had the pleasure to know and work with Captain EDWARDS agree that his superior intellectual ability, logical and systematic approach to problem-solving and a sincere, empathetic understanding of his subordinates mark him as a most unusual and successful leader. His many friends and acquaintances in NIS join in wishing him and Martha "bon voyage and smooth sailing" in all their future endeavors.

## ACQUISITION OF FEDERAL SEARCH WARRANTS BY NIS SPECIAL AGENTS

Approximately six months ago, the NIS Resident Agency at Washington, D.C. initiated an internal program to utilize the Federal Courts in pursuing investigative leads with off-base implications, especially in the area of search and seizure.

Turning to the Federal Courts for search warrants was prompted by a professional necessity to complete logical investigative leads; especially in cases involving narcotics and the theft of Government property, which involved Navy or Marine Corps members residing in the civilian community. When faced with the decision as to whether the assistance of local law enforcement agencies to complete such off-base investigative leads should be sought or pursue these leads ourselves, the latter course of action was chosen. The plan to seek Federal search warrants was first discussed with the offices of the U.S. Attorneys having jurisdiction in the area serviced by NISRA Washington. After review of the U.S. Code and study concerning the GS-1811 status of NIS Special Agents, Assistant U.S. Attorney (AUSA) representatives unhesitatingly ruled that NIS Special Agents are legally authorized to request and serve Federal search warrants on off-base locations under the legal control of military persons normally subject to the Uniform Code of Military Justice. The United States Magistrates in the Washington area were so advised by the various Assistant U.S. Attorneys. This resulted in the obtaining and serving of Federal search warrants on many occasions. The utilization of this procedure has not only improved the professional stature of the Naval Investigative Service, but has also strengthened NIS liaison with the various U.S. Attorneys. The success of NIS investigations of criminal violations has also risen with the utilization of the Federal search warrant. A side benefit realized by NIS utilization of this technique has been the professional satisfaction gained by the individual agents involved in obtaining and serving the actual warrants.

Rather than treat the subject of probable cause, which is undoubtedly well-understood by all NIS personnel, the remainder of this article is devoted to the procedural aspects relative to the application for, and service of, a Federal search warrant. In each case in which the use of a Federal search warrant was considered, the first step was to discuss the nature and progress, of the investigation with an AUSA in the particular U.S. Attorney's office having jurisdiction in the area in which the Federal search warrant was to be sought. After reviewing the existing probable cause with the AUSA and receiving his guidance and concurrence, an affidavit to the local U.S. Magistrate was executed requesting the issuance of a Federal search warrant. This can normally

be done in office spaces provided in each U.S. Attorney's office. Following this procedure allows for actual review of the completed affidavit by the AUSA before it is presented by the requesting NIS Special Agent to the appropriate U.S. Magistrate. As the degree of experience in the area of Federal search warrants increased, many of the initial conferences with the AUSA were handled by telephone and the actual affidavit was prepared at the NISRA. However, the completed affidavit was always reviewed by an AUSA before it was presented to the U.S. Magistrate.

Inasmuch as many U.S. Magistrates do not maintain regular office hours, it became standard practice to assure telephonically that one of the U.S. Magistrates within the jurisdiction would be available to accept and act on the affidavit. Because most search warrants are issued for daytime service only, the timely obtaining of a Federal search warrant is important. The law provides, however, that a warrant for daytime service only, if initiated in daylight, can continue into darkness. Experience has shown that most U.S. Magistrates will preface their review of the affidavit with the question: "Has the U.S. Attorney's Office reviewed this?" An affirmative reply by the NIS Special Agent has greatly reduced the usual amount of discussion between the magistrate and the agent. After the affidavit is executed and sworn to by the agent in the Magistrate's presence, the Magistrate, if he is satisfied as to probable cause, issues the actual search warrant which, as a matter of courtesy, has been prepared by the agent and reviewed by the AUSA prior to meeting with the Magistrate.

The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive (emphasis supplied) that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." Because of the obvious safety implications of serving a Federal search warrant during the hours of darkness, efforts were made to ensure that the timing was such as to permit daytime service of the warrant.

When preparing the affidavit, the agent should always keep in mind the guarantees "against unreasonable search and seizure" provided for in the Fourth Amendment to the Constitution. The U.S. Supreme Court has always strongly advocated the obtaining of warrants for search as well as arrest and has repeatedly made reference to the Fourth Amendment guarantee that "no warrants shall issue, but upon probable cause." The courts have also ruled that warrants, especially for search and seizure, must be obtained unless "exigent circumstances" dictate that taking time to obtain a warrant

would result in personal injury, removal of evidence, etc. The affidavit is not to be judged as an essay and should be informally composed. The affiant (sworn applicant) must include in the affidavit sufficient probable cause to show that the item(s) to be seized is at the location to be searched. The affidavit must stand on its own - there should be no oral additions or deletions. When utilizing probable cause provided by an informant, the agent must indicate in the affidavit why he believes the informant to be reliable and how the informant obtained his information. The courts have ruled that a "first time" informant may be classed as reliable for any or all of the following reasons:

- (a) employee (or military member) of good standing
- (b) resided in area of the location to be searched for a lengthy period of time (specify the actual time)
- (c) he is the Victim in the crime
- (d) Title - i.e., banker, policeman, etc.
- (e) detailed information corroborated
- (f) the informant admits being involved in the crime in question (U.S. v Harris, 28 Jun 71)
- (g) agent knows reputation of the subject (Harris, supra)

When utilizing information supplied by an informant, it is well to remember that hearsay is authorized, but that "double hearsay" is normally unacceptable.

When executing the affidavit, the agent must fully describe the place to be searched and the times to be seized. He must ensure that the premises to be searched are correctly identified.

When serving the search warrant, the agent must initially identify himself and request entrance to the premises for the stated purpose of executing a search warrant, but if there is refusal or hesitation beyond a "reasonable" amount of time, he may force entry onto the premises. As a practical matter when searching apartments, or other rental locations, damage to the premises can be avoided by obtaining a pass key from the management to permit easy and ready access to the premises should there be no one on the premises to admit the search party or should those on the premises refuse to grant entry to the search party. Sufficient NIS manpower should be available at the scene to control the movement of suspects at the scene; allow for orderly search of the premises;

and ensure complete and efficient collection of evidence. In this regard, one agent should be specifically designated to photograph discovered evidence before it is moved and then to collect, field-test (if pertinent) and catalog physical evidence to be seized.

Before departing the searched premises, the agent who secured the search warrant (who is usually the agent in charge of the search party) must leave a copy of the search warrant with the occupant of the premises or, in his absence, properly displayed on the entrance to the premises.

Following the completion of the search, the agent who obtained the warrant must complete the reverse portion of the warrant relative to when and where he served the warrant and what he seized. The agent must then take this warrant, with the "return" portion completed, to the Magistrate who issued the warrant within ten days of the date of issue and complete the oath portion of the "return" in the presence of the Magistrate.

Items seizable during the course of the service of a Federal search warrant are the following:

- (a) fruits of the crime
- (b) instrumentalities of the crime
- (c) contraband
- (d) mere evidence

A word is proper at this time on the dress of agents comprising the search party. Unless there is some critical and overriding reasons to conceal the identity of the search party until it actually gains entrance to the premises to be searched, each and every member of the search party should be dressed in conservative attire with shirt and tie. The NIS badge should be pinned on the agents' clothing in clear view of the public. Due to the size of the badge and the tendency for it to blend in with clothing worn by the agents, the FBI has advised that the use of an armband or baseball cap, clearly marked with "NIS" or another suitable insignia may be more conspicuous. The sole purpose for these precautions is to ensure the safety of the members of the search party and to leave no doubt in the minds of the occupants of the premises to be searched, or of the general public, as to the official function of the search party.

Other matters to keep in mind when applying for and executing Federal search warrants are as follows:



- (a) Ensure through review of rental or real estate records, that the Subject of your investigation or a person subject to the UCMJ has legal control over the premises to be searched.
- (b) If you know before executing the search warrant that females may be present at the scene, take steps to have a NIS female employee or command female representative available in the general vicinity of the scene for movement to the scene once it has been secured and the necessity for a female witness has been determined.
- (c) Remember to station agent personnel outside the searched premises to prevent the disposal of evidence or escape of suspects prior to or as the search party is entering the premises.
- (d) Apprise local authorities of your planned execution of the search warrant.
- (e) If possible, have reliable NIS communications equipment at the scene.
- (f) Ensure that sufficient evidence collection equipment is available at the scene. This also applies to field test paraphernalia, a camera and sufficient restraining devices should the apprehension of suspects be required at the scene.
- (g) Ensure the ready availability of suitable handlights if the search is to be conducted during the hours of darkness.

The following reprints from the FBI Law Enforcement Bulletin are recommended as excellent background on the matter of application for and service of Federal search warrants:

- (a) "Probable Cause, Warrants, and Judicial Innovation" (April and May 1971 editions)
- (b) "Formal Considerations in Search Warrant Applications" by FBI Inspector John A. MINTZ (November 1971)
- (c) "Changing Concepts in Warrant Objectives" by FBI Inspector John A. MINTZ (January 1972)

These reprints are available, at no charge, by making written request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535. Sample affidavits and warrants are appended to this article for the reader's information and review.

**SAMPLE**

AFFIDAVIT FOR SEARCH WARRANT

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Magistrate's Docket No. \_\_\_\_\_

Case No. \_\_\_\_\_

United States of America

vs.

AFFIDAVIT FOR

Alan R. BRAUN

SEARCH WARRANT

BEFORE Alex ACKERMAN, Jr.  
(Name of Magistrate)

Alexandria, Virginia  
(Address of Magistrate)

The undersigned being duly sworn deposed and says:

(has reason to believe) (~~on-the-person-of~~)

That he (~~is-positive~~) that (on the premises known as)

apartment 102 at 5925 Beauregard Street, Alexandria, Virginia

in the Eastern District of Virginia there is now being concealed

certain property, namely marijuana, a controlled substance  
(here describe property)

which are contraband, the fruits, instrumentalities and evi-  
(here give alleged grounds for search and seizure)

dence of crimes, to wit: violation of Title 21, USC Sec 841

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

SEE ATTACHED AFFIDAVIT

\_\_\_\_\_  
Signature of Affiant  
Special Agent,  
Naval Investigative Service  
\_\_\_\_\_  
Official Title, if any

Sworn to before me, and subscribed in my presence,  
\_\_\_\_\_, 19\_\_

\_\_\_\_\_  
United States Magistrate

## SAMPLE

AFFIDAVIT FOR A SEARCH WARRANT FOR THE ENTIRE APARTMENT  
LOCATED AT APARTMENT #102, 5925 BEAUREGARD STREET, ALEX-  
ANDRIA, VIRGINIA

I, Decatur T. BEACHAM, Special Agent, U.S. Naval Investigative Service Resident Agency, Washington, D.C., being duly sworn, state that I am the Affiant in this request for a warrant to search the above described residence.

Radioman Apprentice Alan R. BRAUN, U.S. Navy, service number 393 48 3939, Navy Telecommunications Center, Crystal Plaza, Arlington, Va., resides at the above described apartment with one David E. MOOTZ, also a member of the U.S. Navy. BRAUN is under investigation by this Service for use and possession of marijuana and possibly other dangerous drugs. A confidential informant, who has furnished reliable information in the past, and who is a co-worker and social friend of BRAUN, advised that BRAUN, in early May 1973, offered to sell him some marijuana and on that occasion smoked in the informant's presence a substance which the informant knew and BRAUN identified as marijuana. Said informant also advised that on May 7, 1973, BRAUN smoked marijuana in his presence at the above described apartment. In addition, said informant reported to the Affiant that on May 27, 1973, he saw BRAUN exit the bedroom of the above described apartment with a small quantity of material which the informant knew to be hashish and that he saw BRAUN smoke the hashish in a pipe made from a COKE can.

On June 1, 1973, the aforementioned informant delivered to the Naval Investigative Service Resident Agency, a cigarette butt which he said he observed BRAUN discard in a classified material burn bag. This cigarette butt was subjected to field test on the same date and tested positive for the presence of marijuana.

At 2:45 P.M., June 19, 1973, the aforementioned informant reported to the Affiant that at approximately 11:30 P.M., June 18, 1973, he had seen ten lids (eight to ten ounces) of Marijuana being placed in BRAUN's bedroom at the above described apartment, supposedly for use during a party to be held at the apartment on the evening of June 19, 1973.

At approximately 10:55 P.M., June 19, 1973, the Affiant and Special Agent T. H. SLOAN, Naval Investigative Service, met with the informant and searched his person, assuring that he did not have any marijuana or other contraband in his possession. The informant was then observed entering the above described apartment at 11:05 P.M. and exiting at 11:15 P.M. The informant was immediately searched and found to possess

## SAMPLE

small quantity of suspected marijuana which he said he had obtained from a green bag from a box located in the far right corner of BRAUN's bedroom closet. He also stated that he had seen eight lids of what BRAUN claimed to be marijuana in the same location and that he had observed BRAUN removing one lid for use at the party.

Investigation has disclosed that BRAUN and MOOTZ are the named lessees of the above described apartment. Investigation has also disclosed that the aforementioned confidential informant has not been involved in any disciplinary problems at the above described apartment, is a member of the Navy Drug Amnesty Program because of his past admitted use of narcotics and dangerous drugs.

Accordingly, this Affiant has probable cause to believe that marijuana is located in the apartment of Alan R. BRAUN at Apartment #102, 5925 Beauregard Street, Alexandria, Virginia, and respectfully requests that a warrant be issued for the search of the above described apartment to seize the marijuana illegally located therein.

---

Decatur T. BEACHAM  
Special Agent  
Naval Investigative Service

Sworn to before me, and subscribed in my presence, June 20, 1973.

---

U. S. Magistrate

## LEGAL DECISIONS OF INTEREST

Two recent decisions by the Navy Court of Military Review (NCM) which are of interest to NIS Special Agent personnel are outlined below.

### SEARCH AND SEIZURE - PROBABLE CAUSE

(U. S. v. Smith - NCM 72-1283, 29 Nov 72)

PFC SMITH, USMC, was a passenger in a vehicle owned and operated by LCPL HAMLETT, USMC. The vehicle was stopped upon entering Camp Pendleton by an MP, who, pursuant to orders to check vehicles of E-5s and below transitting the gate, searched the vehicle with the aid of a marijuana detection dog. The vehicle bore a base decal which signified that HAMLETT had signed a registration card bearing a consent clause for search of his vehicle aboard the base, pursuant to a Base Order. The dog alerted on seeds, which the MP suspected to be marijuana, on the floor of the driver's side of the vehicle. The MP put both HAMLETT and SMITH under military apprehension. Further search of the vehicle disclosed two "lids" of marijuana in a pocket of a jacket on the back seat. HAMLETT had donned his jacket when the search began. Additionally, a "roach clip" and zig-zag papers were found in the glove compartment. A body search of SMITH disclosed a bag of marijuana under his shirt. Two bags of marijuana were found on HAMLETT.

SMITH argued that the seeds represented fruits of an illegal search since probable cause and consent were lacking, and that the presence of seeds under the driver's seat did not provide probable cause to search the passenger.

The Court held that the inspection of HAMLETT's vehicle, designed to curb the flow of marijuana onto the base, did not constitute an unreasonable search and that there was probable cause to conduct the search which gave rise to the discovery of marijuana on the passenger's (SMITH's) person.

In upholding SMITH's conviction, the Court reasoned as follows:

"A Commanding General who is responsible for the security of his command and the welfare of its personnel must have broad discretionary power over private vehicles entering the area under his jurisdiction. Implicit in that responsibility is the right to require that such vehicles be subject to search while within his command. It is not only reasonable but essential that articles in such vehicles which can be destructive of, or harmful to, the safe operation of the facility

be removed. It is not unreasonable therefore, to require as a condition to the operation of a vehicle on the base that the owner give his permission to a search of his vehicle while on the base. Probable cause, as such, does not enter into this situation since the search of a vehicle so registered is founded upon a previously expressed consent. Thus, HAMLETT, by having registered his vehicle with base authorities, expressly authorized the search of his vehicle as conducted by the MP.

Since the vehicle was owned and operated by HAMLETT, it is not reasonable to assume that marijuana seeds on the floor of the driver's side belonged to HAMLETT. However, there was more. Immediately after finding these seeds, the MP discovered zig-zag papers and a "roach clip" in the glove compartment, and, in addition, two lids of marijuana in a jacket on the back seat of the vehicle. Since HAMLETT had donned his jacket when the search began, it is not unreasonable to conclude that the other jacket containing the contraband belonged to SMITH.

While presence at the scene of a crime may not by itself be sufficient to justify an inference of guilt beyond a reasonable doubt, presence can be weighed with other evidence to establish probable implication. It is certainly reasonable to conclude that the MP, on the basis of the additional incriminating evidence outlined above, which tended to link SMITH with the possession of marijuana, concluded that SMITH was probably implicated. Thus, in the Court's opinion, there was probable cause to conduct the search which gave rise to the discovery of the marijuana found on his person."

#### WARNINGS - MIRANDA/TEMPIA

(U. S. v. Temperley - NCM 72-1817, 8 Dec 72)

This case involved a statement made by the accused regarding his true identity to a FBI agent, prior to any warning being given.

The accused had been UA for four years and was then located by the FBI. Two agents knocked on the door of the

accused's residence. The accused was using an assumed name. One of the agents asked the accused for his true name and the accused gave his true name.

The accused contended that a statement made by him to the agent was inadmissible because he had not been warned prior to being asked for his true identity.

The Court found that the agent's testimony was clearly admissible in evidence, stating:

"We are of the opinion that each case must be examined for indicia of a more significant deprivation of freedom than a situation wherein a member of the armed forces is being questioned regarding his identity by a law enforcement agent standing at the door of his place of residence. We find ample support of this position in the opinion of the United States Court of Military Appeals in U.S. v. JORDAN, 44 CMR 44 (1971). Moreover, we view the statements--complained of in this case--to have taken place only as a preliminary to taking the appellant (accused) into custody. Hence, we have no difficulty in determining that the initial and routine confrontation between an FBI agent and a suspected unauthorized absentee from the military service did not reach the stature of a custodian interrogation so as to require a warning such as envisioned by *Miranda v. Arizona*. To determine otherwise would, in our opinion, tend to erect an insurmountable barrier in the path of a law enforcement official who is charged with the responsibility of apprehending offenders and protecting society. Our determination here is buttressed by an observation by the Court of Military Appeals in U.S. v. COAKLEY, 40 CMR 223 (1969) where the court realized how difficult it would be to describe a situation where agents were preliminarily questioning a deserter suspect as to his identity, as a custodial interrogation."

# A PROFILE OF NAVAL PERSONNEL INVOLVED IN ACTS OF SABOTAGE (DESTRUCTION)

This report was prepared in January 1973 at the request of the Vice Chief of Naval Operations. It represents an attempt to develop a demographic profile of naval personnel who have been investigated and charged with acts of sabotage. The study was conducted by the Bureau of Medicine and Surgery in cooperation with the Naval Investigative Service.

## METHODS

The Naval Investigative Service provided a list of 145 naval personnel who were investigated within the past three years for alleged acts involving sabotage, willful destruction, or arson. The investigative report of each case was reviewed in detail. In addition, the personnel and medical records of each individual were reviewed.

Of the total number of 145 cases, 48 were ultimately selected for inclusion in the study. Some investigations found insufficient evidence to warrant the filing of charges. Other investigations resulted in a determination that the incident was of an accidental nature or was related to negligence or carelessness rather than a willful and deliberate act. A number of additional cases had to be excluded due to the lack of necessary information in the individual's personnel records.

The number of cases finally selected for inclusion in the study is relatively small. Therefore, caution should be exercised in generalizing from the data. Also, differences in educational level, age, pay grade, etc. between the 3 groups described below may be more apparent than real due to the small number of cases involved.

## RESULTS

Number of subjects in study	48
Location of offense	Shipboard: 31 cases Shore station: 17 cases
Sex of subject	Male 47, female 1
Race of subject	Caucasian 45, Black 3
Pay grade at time of offense	Range E-2 to E-5, average E-3
Age at time of offense	Range 17-24, average 19.7 years



Marital Status	Single 35, Married 13
AFQT Score	Range 15-95, average 53
Educational level	Range 8-13, average 10 years
No. of individuals with prior military offenses	14
No. of individuals with admitted civil offenses prior to service	14

Sixteen individuals (one third of the total) claimed to have been intoxicated at the time of the offense. The high incidence of intoxication is rather surprising in view of the relatively young age of the group, an age range more commonly associated with drug abuse. Eleven of the 43 (24%) admitted to drug abuse but only two admitted to being under the influence of drugs at the time of the offense. The figures regarding drug abuse are probably on the conservative side since many of the cases included in this study were investigated prior to the drug abuse exemption program and therefore the individuals involved were under greater pressure to withhold such information.

In all but one case the motive for the offense was related to general unhappiness and frustration with naval service. In only one case was opposition to the Vietnam conflict raised as a motive. This case involved damage to the bomb rack of an aircraft aboard a carrier in WESTPAC.

#### WILLFUL DESTRUCTION

Of the 48 cases studied, 11 involved acts which resulted in charges of willful destruction. Nine of these incidents occurred aboard ship and two at shore stations. Of the 11 individuals involved, ten were Caucasian and one was Black. These sailors tended to be slightly younger in age (average age of 19), were lower in pay grade (seven were E-2), and only two were high school graduates. In spite of their relatively short period of service they averaged two prior military offenses per individual, usually for violation of Article 86, UCMJ.

It is interesting to note that in spite of their young age six of the 11 claimed to be intoxicated at the time of the offense. Five of the individuals subsequently received a psychiatric evaluation. Although considered to be responsible for their acts, all five were diagnosed as having a personality disorder in which emotional immaturity, poor impulse control, difficulty in controlling hostility, and poor judgment were

prominent features. The picture which emerges is that of an individual who is a school dropout and after a short period of naval service is unhappy with his lot in the military and in a fit of resentment and frustration, and while possibly intoxicated, impulsively destroys a piece of equipment aboard ship.

### SABOTAGE

Eighteen cases of sabotage were included in the study. Of these, 16 incidents occurred aboard ship and two at shore stations, both of the latter involving aircraft. Most of these incidents involved the placing of a foreign object into a piece of equipment for the purpose of rendering the equipment inoperable (e.g., placing sand or sugar in a shaft bearing).

In each case the individual was a male Caucasian. Eight subjects were married and 10 unmarried. As a group they tended to be in a slightly higher pay grade (E-3 and E-4) and entered the Navy with a higher educational level. The average educational level for the group was 11 years and eight of the subjects were high school graduates. In spite of their higher educational achievement, information in the personnel jackets of six of the individuals indicate a history of considerable disciplinary problems in school. This may be of particular significance since, as a general rule this type of information was seldom found in the review of the personnel records. Previous military offenses for this group ranged from one to five with an average of two previous offenses per individual. Violations of Articles 86, 87 and 91 were the most frequent offenses. Three individuals in the group had a history of drug abuse and four indicated they had been intoxicated at the time of the offense.

One subject gave as his motive an attempt to slow down the bombing in Vietnam. In all other cases, however, the motive was related to general unhappiness with military life, and the offense appeared to represent a means of striking back at the Navy for some perceived grievance. In only two cases did the act represent a deliberate attempt to prevent deployment of the ship. In one case in order to remain with a wife who was felt to be mentally ill and the other to remain with a newly acquired girl friend.

### ARSON

Of the 48 cases studied, 19 involved acts of arson. Of the three groups studied (sabotage, willful destruction, and arson) those individuals charged with arson had the most distinctive record. Of this group, 17 were Caucasian and two Black: 18 were male and one female. Over 50% of the group were junior high and high school dropouts. Three of the 19 claimed to be intoxicated at the time of the offense

and six (approximately one third) had a history of drug abuse. The average age was 19. Nine were in pay grade E-3 and ten were E-2.

Prior military offenses among this group ranged from one to three with an average of 1.4 offenses per subject. Violation of Article 86 was the most frequent offense.

Thirteen of the group received a psychiatric evaluation subsequent to the offense. Three were found to be suffering from a schizophrenic reaction, were hospitalized and determined to be psychotic at the time of the alleged offense. The remainder were diagnosed as having a personality disorder but were considered responsible for their behavior.

Eight of the 19 individuals in this group had a history of committing acts of arson prior to service and in many cases a long history of multiple fire setting which dated back to their childhood. For many, their acts of arson in the Navy were a continuation of a behavior pattern which existed for many years prior to service. Thirteen of these individuals also had a history of serious civilian crimes prior to service, (e.g., armed robbery, burglary, car theft).

The motives given for these offenses reflected a combination of factors related to resentment towards the Navy and a means of focusing attention upon the individual in order to obtain help with personal problems and obtain a discharge from the Navy. In no case was anti-war feeling given as a motive.

#### ODDS FOR EFFECTIVENESS FOR FIRST TERM NAVAL ENLISTEES

The Navy Medical Neuropsychiatric Research Unit, San Diego, conducted a research project over a six year period involving a group of approximately 11,000 enlistees who entered the naval service in 1960. On the basis of this study, an odds for effectiveness table was prepared for the use of recruiting officers as an aid in estimating the odds for naval effectiveness of prospective enlistees.

An "effective sailor" is defined as one who completes his period of active duty obligation and is recommended for reenlistment. The odds scores are the chances in 100 that an applicant, if enlisted, will render effective naval service. To determine the odds score for a particular enlistee applicant, it is necessary to know his AFQT score, years of school, and the number of civilian arrests prior to service, exclusive of traffic violations.

Due to the lack of this basic information in the records of many of the individuals included in the present study, it

was not possible to compute an odds for effectiveness score for each of the 48 individuals. However, as a matter of interest an odds for effectiveness score was computed on the composite picture of the individuals included in this study, i.e., an individual applying for enlistment who had an AFQT score of 53, a tenth grade education, at least one expulsion or suspension from school and at least one civil arrest prior to enlistment. Such an applicant for enlistment would be assigned an odds for effectiveness score of 60. This would indicate that of 100 individuals applying for enlistment with the above background, only 60 could reasonably be expected to satisfactorily complete an active duty obligation and be recommended for reenlistment. Use of the odds for effectiveness table is now mandatory at all Navy Recruiting Stations. However, at the time of enlistment of the subjects included in the present study the odds for effectiveness table was not in use.

#### THE NAVY SABOTEUR PROFILE

The composite picture of the Navy saboteur which results from this study is that of a Caucasian male, E-3 who has completed approximately 10 years of schooling prior to enlistment. He has an AFQT score of 53 and was 19.7 years of age at the time of the offense. He is unmarried or, if married, obviously married at a very early age and when in a low pay grade. He was a high school dropout or if he did complete high school prior to enlistment it was in spite of considerable disciplinary problems. The chances are one out of three that: (1) he had at least one civil arrest prior to service, (2) has had at least one prior military offense, usually for UA, and (3) was intoxicated at the time of the offense. There is a 24% possibility that he has been involved in drug abuse. He tends to be an emotionally immature individual whose judgment under stress is impulsive. In the short period of his active duty, usually less than 18 months, he is unhappy with the demands and discipline of naval service and has responded at least once by going UA. His motivation in committing an act of sabotage is usually not well formulated by him and often occurs in response to his own chronic frustration and anger which erupt under a combination of situational and personal factors (e.g. intoxication, loss of liberty, problem with shipmates, etc.).

In general, this type of individual does not appear to differ significantly from other types of naval personnel who are involved in frequent disciplinary infractions and whose poor military performance and disciplinary record often lead to discharge via administrative or court martial action. A possible exception to this is the individual involved in

acts of arson. There are no data currently available to indicate that a significant number of individuals who were involved in fire setting prior to service continue this behavior while in the Navy. However, the present study does indicate that many of those individuals charged with arson while on active duty do have a history of committing acts of arson prior to enlistment.

(NOTE: Due to the relatively small number of cases found suitable for study and the limited amount of data available concerning these individuals, caution should be exercised in the interpretation and application of the results. Although the data analysis provides an interesting evaluation of the characteristics of individuals who have been involved in acts of sabotage during the past three years, they lack sufficient validity and reliability to enable them to be applied on an individual basis in determining the potential of a service member for committing an act of sabotage.)

Prepared by: Neuropsychiatric Branch  
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Washington, D.C. 20390

11 January 1973

## IRS LEVIES TAX ON NARCOTIC TRAFFICKERS

The Internal Revenue Code (Section 6851) provides the Internal Revenue Service (IRS) with the authority to terminate at any time the tax year of an individual if they believe he will attempt to conceal himself or his property to avoid tax liabilities. The IRS recently began using this section of the Code against narcotics traffickers. When an individual arrested for dealing in narcotics is found to have in his possession large sums of currency or other valuables, e.g., high value jewelry, the IRS may secure a levy to seize this money/property and determine his tax liability. The provisions of this Code are applicable to active duty military service personnel. IRS officials state they will take action to secure a levy when the amount involved is \$1,000.00 or more and the serviceman is arrested in the United States. Due to the added expense of taking action overseas, they suggest a minimum amount of \$5,000.00 in overseas areas.

To effect action under this Code, we must seize and hold the money and notify the nearest IRS intelligence office immediately.

In overseas areas, notify the IRS representative at the nearest U. S. Embassy. In all cases, IRS will need to know the individual's name, address, social security number, marital status, and number of dependents. IRS officials state they are giving this action top priority and are prepared to serve a levy within 24 hours of appropriate notification.

## NIS FILM WITHDRAWN FROM U. S. NAVY FILM LIBRARIES

"The Naval Investigative Service" (MN-10889C), one of the three films produced in the Naval Intelligence Series in 1970, has been withdrawn from all U. S. Navy Film Libraries world-wide at the request of the Director, Naval Investigative Service. According to an announcement in the Film Information Bulletin, Naval Photographic Center, Washington, D.C. (Feb 73), this film is "obsolete for Navy use in theory, procedures, techniques, tactics or equipment."

The assumption of jurisdiction over personnel security investigations by the Defense Investigative Service and subsequent changes organizationally within NIS have caused certain segments of the film to become erroneous and/or obsolete. Research into the matter disclosed that to recall all distributed prints, re-shoot certain segments utilizing the same actors and to re-edit each print was both impractical and exorbitantly expensive.

"The Naval Investigative Service" film may still be shown to selected audiences, but only by or in the presence of a NIS Special Agent who should, either prior to or at the conclusion of the showing, verbally brief the audience on the inaccuracies contained therein.

Each NISO presently retains either one or two copies of this film. NISHQ (Code 252) retains five copies for temporary loan purposes. A few copies of this film are available for permanent retention by selected NISRAs that may have an ongoing need. Those SRAs desiring to acquire a copy of this 16mm film should initiate correspondence through their respective NISOs substantiating a continuing need.

Supervisory personnel are reminded that the Department of Defense (OASD for Administration) has declared that this film, because of its content, may not be shown to the general public.

## AUDIO-VISUAL MATERIALS AVAILABLE FROM NISHQ

### Training Film on Civil Disorders

NISHQ has recently added a set of two 16mm sound, color films to its film library. These films, which complement one another, are "The Whole World is Watching" and "The Riot Makers." The former film, produced by the International Association of Chiefs of Police, shows a massive civil disorder in progress with film footage shot during the May Day 1971 demonstration in Washington, D.C. "The Riot Makers," a film based on a book with the same title by Eugene Methvin, presents the author's opinion as to the causes of civil disturbances in the late 1960's. While the author's thesis should not be accepted without critical evaluation, the film can be used by an informed leader as a stimulus to useful discussion among intelligent law enforcement officers. A "Film Discussion Guide" supplements the film package.

### Filmstrips on Investigative Techniques

Filmstrips in vivid color with explanatory scripts are available upon request covering the following subject matter:

(1) The Recording and Reproducing of Footprints on Soft Surfaces

- (a) Thirty frames
- (b) Elementary presentation of casts and molds

(2) Investigative Pathology

- (a) Thirty-two frames
- (b) A graphic presentation of actual cases of homicide caused by cutting, stabbing, shooting and strangulation.
- (c) Examples and definitions of post-mortem lividity, hesitation and defense marks.

(3) Crime Scene Photography

- (a) Thirty-seven frames
- (b) Presents a brief description of the basic cameras used in crime scene photography (in 1970) and outlines a number of techniques found successful in crime scene photography.



(4) The Location, Development and Lifting of Latent Prints.

(a) Forty frames

(b) Presents a history of latent prints, and identifies the logical places to discover them at the scene of the crime

(c) Describes how to photograph and lift latent prints, and presents a pictorial demonstration of the logical places to discover, etc.

The aforementioned films and/or filmstrips may be acquired on a loan basis by contacting NISHQ (Code 252).

## TRANSFERS/PROMOTIONS

### PROMOTIONS TO GS-12

BLOOMINGBURG, Benjamin F.	Polygraph Examiner (NISRA Jacksonville)
WILLIAMS, Thomas C.	Polygraph Examiner (NISRA Newport)

### PROMOTIONS TO GS-11

HALL, Gerald	NISRA Miramar
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### TRANSFERS (Through 31 May 1973)

	<u>FROM</u>	<u>TO</u>
YEAGER, William E.	NISHQ	NISRA Boston
LOVE, John A.	NISRA Great Lakes	NISRA Yokosuka
CURTIS, Robert E.	NISRA Quantico	NISRA Sasebo
CAIRO, Louis P.	NISRA Hunter's Point	NISRA Athens
CHANDLER, Charles H.	NISRA Quonset Point	NISRA Newport
MACINNIS, William T.	NISRA Taipei	NISRA Camp Lejeune
HERDER, Louis B.	NISO San Diego	NISHQ
PANICO, Robert G.	NISRA Mare Island	NISRA Treasure Island
KAMPTON, Charles M.	NISRA Great Lakes	NISRA Mare Island
BRADY, Bobby L.	NISRA Norfolk	NISRA Subic Bay
HEMPHILL, Eddie W.	NISRA Camp Lejeune	NISRA Subic Bay
SEAL, Kenneth A.	NISRA Saigon	NISRA Charleston
BAGSHAW, Robert	NISRA Saigon	NISRA Newport
MEADOR, Hamner W.	NISRA Saigon	NISRA Key West
CLARK, Thomas F.	NISRA Detroit	NISRA El Toro
RAINVILLE, Roy A.	NISRA Norfolk	NISRA Subic Bay
POWERS, Robert J.	NISRA Bethesda	NISHQ
DAVIS, William E.	NISHQ	NISRA Washington
SNYDER, Ronald C.	NISRA Orlando	NISRA Subic Bay
ANTINK, James	NISRA Long Beach	NISSU Barstow