

**SECURITY
DIVISION**

Don
**OFFICE OF NAVAL
INTELLIGENCE**

NEWS



Don
LETTER

10 January 1963

(This Newsletter is intended for dissemination to all persons concerned with investigations. Sufficient copies are furnished to allow distribution of individual copies to each Naval Intelligence Agent)

HAPPY NEW YEAR

As we go to press at year's end, we can look back on some meaningful accomplishments in the organization. Not only have we been able to bring on board many new agents, but promotions have been effected on a large scale throughout the entire grade structure. Some additional clerical assistance has also been provided, and the centralization of the National Agency Check program will have the effect of freeing certain other clerical personnel for different duties within the Districts.

The inability to provide a pay raise for agents equivalent to the recently authorized raise for graded Civil Service employees continues to be a matter of deep concern to the Director of Naval Intelligence. Every effort is being made to provide the pay raise at an early date, and if possible to make it retroactive to Mid-October. However, Congressional action is required in order to implement the raise during the current Fiscal Year. The picture for FY 1964 is considerably brighter. Funds which have been requested (and approved at this date up to the level of the Congress) include sufficient resources to implement the first increment of the raise effective 1 July 1963, and the second increment effective 1 January 1964.

On balance, therefore, there has been some definite progress. We have more agents, many of them in higher pay grades. Many more personnel have been appointed to supervisory positions and there has been a modest clerical increase. Not the least of the year's accomplishments has been the issuance (at last!) of the new, revised Manual. All of these factors should now combine in an all-out assault on the backlog. While a certain short lapse in gearing up the drive might be acceptable while the new people were being trained, the impact on the backlog must be felt to an increasing extent during the next few months. The time should not be too far off either when the caseload should be virtually current, given no inordinate increase in input.

Along with this marked increase in output which is expected, there must also be a renewed and continuing emphasis on the qualitative side of investigations. Certain laxities which may have been overlooked in the past will be viewed with less tolerance now. Case reports and statistics will be scrutinized closely and the quantity and quality of the investigative effort will reflect, favorably or adversely, on individual agents, their supervisors, and their District.

In summary, the theme for 1963 is that cases must be completed faster and better, and that there must be more of them!

DELAY IN SUBMISSION OF REPORTS

Related to the above item is a growing tendency to delay the submission of investigative reports. This is especially true of overseas offices, but is not uncommon in many of the Stateside Districts. Although stenographic and clerical shortages may account for certain legitimate lapses of time, the basic fault in all the flagrant cases is invariably the reporting agent. It cannot be too strongly emphasized that preparation of the report is an integral part of conducting the investigation. In general, the rendition by the agent of the report in acceptable form for final, smooth typing should occur not longer than one week after the last investigative step is taken. Nor should there be any delay after the major portion of an investigation is completed while awaiting results of some relatively unimportant lead, to secure some supporting document, etc. In such instances the appropriate action is to submit an immediate pending report, followed by a brief closing report later. All investigative personnel are therefore advised that when an appreciable time lag occurs between the last indicated investigative action and the date of the report, a Form 9 may normally be expected, unless the reason for the delay is readily apparent. This will require a written explanation by the reporting agent and his immediate supervisor.

THE HECTOR NOSTRATIS FUND

As a result of the disaster which befell our colleague, Hector Nostratis, a NAVINVSUPPACT PHIL agent, when his house was bombed, a collection was taken up throughout Naval Intelligence. This was intended to compensate him in a partial manner for the damage he suffered as a direct result of his employment by ONI, and also to demonstrate the esprit de corps of our agents and our identification with each other as part of a worldwide organization.

The response to the request for contributions, which was entirely voluntary, was most gratifying. Altogether the sum of \$831.00 was obtained and forwarded to the recipient. The following is a copy of a letter received from Mr. Nostratis:

"Captain Robert P. JACKSON, USNR
Director, U.S. Naval Investigative Support Group
Curie Hall
Washington 25, D. C.

"Dear Captain JACKSON:

"In behalf of my family and myself, I wish to express our profound gratitude to each and everyone who has so generously extended such financial support as a token of their sincere sympathy with us in the near-tragic plight which befell me and my family last 15 January 1962.

"I must say in all sincerity that as I look back on my ten years of service with COMNAVPHIL Intelligence Office and the Naval Investigative Support Activity, these years have been pursued with the utmost integrity, zeal and dedication. As I look forward to the coming years, I pledge, as I have always pledged, that I will perform my duties - as God gave me the grace to perform them - with the same integrity, efficiency and zeal in my earnest desire to serve the United States Government, even in a small measure, to promote the avowed principles for which she stands and will fight for the preservation of the democratic way of life.

"To you and to all those who have contributed, accept our sincere thanks and gratitude which no phrase can describe. The tears that rolled down the cheeks of my family and myself upon the receipt of this help were the manifestations of our gratitude that originated deep down in our hearts. May the Almighty God Bless all of those so noble in heart.

Very sincerely yours,

/s/ Hector A. Nostratis
HECTOR A. NOSTRATIS"

LETTER FROM COMMANDANT OF MARINE CORPS

Something further on the commendatory side received during the year is the following letter from the Commandant of the Marine Corps which is here-with quoted:

"From: Commandant of the Marine Corps
To: Director of Naval Intelligence

Subj: Letter of Appreciation

Ref: (a) SecNavInst 5430.13A

1. I am a firm supporter of the Naval Intelligence establishment and I am impressed with the high level of performance on the part of special agents who are made available to the Marine Corps from time to time for the purpose"

"of conducting investigations which fall within the scope of reference (a). The investigative staff assigned to the Potomac River Naval Command and the Investigative Branch (Op-921D), Office of Naval Intelligence, deserve special commendation for the work done by them in behalf of this Headquarters in recent months.

2. The most recent event bearing upon the competence of the Naval Intelligence involved an investigation at this Headquarters into a major violation of the Uniform Code of Military Justice. I was happy to learn that the investigation was satisfactorily completed within four hours after it was requested. On other occasions, the agents assigned investigative duties with the Office of Naval Intelligence have given unstintingly of their time in assisting and offering professional advice to officers of this Headquarters in various investigative functions.

3. Please accept my appreciation and gratitude for the exemplary job done by the Naval Intelligence establishment.

/s/ J. C. Munn
J. C. MUNN
Acting"

TAPS FOR DEPARTED CO-WORKERS

On the more somber side, we had two reminders during the past six months that time does not stand still and none of us is getting any younger.

On 27 July 1962, LCDR Julian L. Rutledge, USN (Ret) died at the U.S. Naval Hospital, San Diego, California. "Rut" served two tours in the NAC shop at ONI and was well known throughout the organization. His many friends in the Navy and ONI will miss him. Our sympathy and condolences are extended to "Rut's" widow, Isabelle, and his stepdaughter, Diane.

On 28 July 1962, Special Agent Raymond J. Kinnery, Senior Resident Agent, Cleveland, Ohio, died suddenly. Ray had a long tenure of honorable service with ONI dating from pre-World War II days although he was a relatively young man. He had served in DIO-4ND and DIO-6ND, had an overseas tour in the Marianas and then returned to DIO-4ND where he was assigned to Cleveland. All of us throughout ONI are using this means to convey once again to Ray's widow, Dora, and to his small son, our deepest sympathy on their bereavement.

AGENTS' MUTUAL BENEFIT FUND

The above items may serve to spark a renewed interest in some sort of a mutual beneficiary plan for agents. You will recall that a number of years ago, such a plan was developed, but was turned down by the agents when submitted to them for approval. If there is any interest in dusting off this plan, revising it and resubmitting for all hands to look at, let your supervising agent know your views. The principal objective of the plan was to provide an immediate payment to the officially designated beneficiary of a deceased agent. It was not designed as a substitute for insurance, but rather as a supplemental benefit to take care of urgent financial requirements in the time of crisis. It is essential that such a plan, if implemented, be kept relatively small, and relatively simple to operate.

AGENT PERSONNEL ADMINISTRATION MATTERS

The following items are of general interest to all agents but are particularly directed to persons having responsibilities in agent personnel administration:

It is essential that claimed military service be verified from appropriate military records in the case of all agent applicants. This cannot be accomplished by the routine NAC element, but requires an additional lead to the locale of the records. Reference: Sections 4006, 4013, ONI Instruction 3820.71.

Attention is invited to the fact that Agents' Qualification and Evaluation Reports are required on termination and upon transfer out of the District/Office/SUPPACT. There has been a frequent lack of compliance with this requirement especially in the case of agents being transferred to and from overseas posts. Reference: Section 7002, ONI Instruction 3820.71.

Allied to the foregoing, although not expressly stated in the reference is the necessity for transferring copies of the investigative files on an agent to the receiving office when he is reassigned.

A change to ONI Instruction 3820.71 which seems to have escaped the notice of most people concerned is Section 10007 relating to Qualification and Training data required on new agents. The most significant omission frequently encountered is lack of dependency data. Another requirement often overlooked is reporting significant changes to the data cards, as occurring.

Section 4001 of the foregoing Instruction concerns Screening Boards and requires that the membership of such Boards shall include "at least one of whom will be an agent of long service with the Office of Naval Intelligence." Since this is only a minimum requirement, there is no bar to having other seniors, military or civilian, also sit as board members. The tendency to utilize new agents and very junior officers on such boards should be stopped. It should also be noted that such Boards need not necessarily be convened in Headquarters Offices. Where sufficient qualified personnel are available at FIOs or RAs, Screening Boards may also be designated at such places by the OIC, DIO.

ONI TRAINING SCHOOLS

The mid-year review of station operating expenses currently being performed by all ONI field activities is anticipated to provide additional resources which will allow reprogramming of funds to support resumption of the Agent training courses at Headquarters for all newly recruited agent personnel. It is hoped that courses can be resumed early in this calendar year. Listed below are rosters of agents who have completed courses since publication of the last Newsletter:

Basic Agents' Course 1B-63, 10 September - 5 October 1962

Goethe W. Aldridge	DIO-5ND	John A. Kaye	DIO-9ND
Ralph C. Beauchamp	DIO-11ND	Bernard C. Lang	DIO-8ND
Lawrence W. Butler	DIO-1ND	David J. LeMay	DIO-9ND
Charles N. Cole	DIO-6ND	Royce E. Logan	DIO-8ND
Lawrence A. Coleman, Jr.	DIO-4ND	David L. McDonald	DIO-11ND
William H. Donovan	IO-PRNC	Thomas F. Meehan	DIO-3ND
Robert T. Doyle	IO-PRNC	Robert L. Mercer	DIO-6ND
Robert D. Gill	ONI	Stanley J. Niemala	DIO-9ND
Harry L. Grady	DIO-11ND	Warren J. Shadko	DIO-9ND
Roy S. Hawk	IO-PRNC	Robert E. STIHLER	DIO-9ND

Basic Agents' Course 2B-63, 15 October - 9 November 1962

Richard P. Howe	DIO-1ND	Thomas E. Brannon	DIO-11ND
Ralph T. Daly	DIO-3ND	Cameron Ervin	DIO-11ND
Anthony J. Liquori, Jr.	DIO-3ND	<u>Seiki Tamae</u>	<u>DIO-11ND</u>
William L. Stark	DIO-4ND	Robert R. Usher	DIO-11ND
Hubert J. Barber, Jr.	DIO-5ND	John A. Durkin	IO-PRNC
Charles F. Hinson	DIO-6ND	Charles Hollandsworth	IO-PRNC
Charles W. Schwab, Jr.	DIO-6ND	Robert V. Howard, Jr.	IO-PRNC
Miller, J. Mathews, Jr.	DIO-8ND	John A. Olmstead	IO-PRNC
James M. Bell	DIO-9ND	William "C" Crowell	NISG
Frederick A. Bornhofen	DIO-9ND	Lawrence S. Pennell	NISG
Timothy J. Millhouse	DIO-9ND	Russell E. Keich	NISG
Charles F. Newton	DIO-9ND	Daniel F. Sheridan	NISG
John J. Ryan	DIO-9ND	Mord S. Tucker, Jr.	NISG
Thomas H. Taylor, II	DIO-9ND	Edward I. H. Bennett	DIO-11ND

RECENT AGENT TRANSFERS

The following agent transfers have recently been effected or ordered as indicated:

<u>Name</u>	<u>From</u>	<u>To</u>
S/A Gordon T. Rogers	IO-PRNC	NAVINVSUPPACT PHILIPPINES
S/A Jerry A. Wheeler	DIO-11ND	NAVINVSUPPACT JAPAN
S/A James C. Dunton	DIO-8ND	DIO-14ND
S/A Louis J. Rauber	IO-PRNC	NAVINVSUPPACT MARIANAS
S/A Jerry L. Robey	DIO-9ND	NAVINVSUPPACT PHILIPPINES
S/A Frank G. Lynch	DIO-3ND	DIO-15ND
S/A Wayne J. Jensen	DIO-11ND	NAVINVSUPPACT JAPAN
S/A Vincent Eagan	DIO-3ND	NAVINVSUPPACT JAPAN
S/A Thomas E. Kingsbury	ONI	IO-CINCUSNAVEUR
S/A Conrad J. Tuza	DIO-4ND	DIO-17ND
S/A William E. Foltz	DIO-15ND	ONI
S/A Adelbert C. VonMaucher	IO-CINCUSNAVEUR	DIO-11ND
S/A Bert A. Walker	DIO-17ND	DIO-13ND
S/A Robert D. Gill	DIO-9ND	ONI
S/A William E. Marshall	DIO-1ND	IO-PRNC
S/A R. A. Burns	DIO-1ND	IO-PRNC
S/A L. E. Hanrahan	DIO-1ND	IO-PRNC

NEW AGENTS

Since our last issue, agent recruiting has been considerably stepped up. We are pleased to welcome aboard the below listed new agents and wish them an interesting and rewarding career:

Charles J. Hollandsworth	IO-PRNC	Philip K. Spooner	DIO-11ND
Robert L. Mercer	DIO-6ND	James G. McOmber	DIO-12ND
Lawrence A. Coleman	DIO-4ND	Daniel J. Shea	DIO-9ND
Frederick A. Bornhofen	DIO-9ND	Charles E. Richter	IO-PRNC
James M. Bell	DIO-9ND	Garvin L. Oliver	IO-PRNC
David J. LeMay	DIO-9ND	Charles E. McGowan	IO-PRNC
Robert R. Usher	DIO-11ND	Bernard G. Black	IO-PRNC
Charles F. Newton	DIO-9ND	Robert V. Fair	DIO-6ND
Lawrence Butler	DIO-1ND	Charles D. Jett	DIO-6ND
Ralph T. Daly	DIO-3ND	Edward P. Giblin	DIO-3ND
William L. Stark	DIO-4ND	Peter Riley	DIO-3ND
Thomas H. Taylor, II	DIO-9ND	James H. Beauparlant	DIO-11ND
Goethe W. Aldridge	DIO-5ND	Richard A. Bellino	DIO-3ND
John A. Durkin	IO-PRNC	Robert J. Striegel	DIO-3ND
John A. Olmstead	IO-PRNC	William H. Trautman	DIO-3ND
Philip A. Bell	DIO-12ND	Hamner W. Meador	DIO-5ND
John L. Ridge	IO-PRNC	Neil C. Hill	DIO-8ND
David W. McCloughan	IO-PRNC	John A. Ryan	DIO-1ND
John M. Stevens	DIO-11ND	Jimmy D. Woodall	IO-PRNC
Cameron Ervin	DIO-11ND	Raymond J. Dunn	DIO-11ND
Frank J. Cefalu	DIO-8ND	John J. Ryan	DIO-9ND
Charles F. Hinson	DIO-6ND	Timothy J. Millhouse	DIO-9ND
Dallas H. DeVinney	DIO-5ND	James O. Norby	DIO-9ND
Donald C. Morrison	DIO-5ND	Joe F. Beene	IO-PRNC
Allan J. Kersenbrock	DIO-14ND	Charles A. Baldwin	DIO-5ND
James L. Pullen	DIO-6ND	Richard C. Perkins	DIO-1ND
Oliver B. Smith	DIO-11ND	Francis B. Daly	DIO-1ND
James R. Hardin	DIO-5ND	William T. MacInnis	DIO-1ND
Kenneth M. Jones	DIO-5ND	James G. McGinty	DIO-3ND
John R. Smith	DIO-5ND	Ralph J. Vecchio	DIO-3ND
Jimmy L. Dell	DIO-8ND	Robert R. Audley	DIO-12ND
James F. Bishop	DIO-9ND	Edward F. Barnhart	DIO-8ND
James P. Murphy	DIO-9ND	Leslie Dyer	DIO-9ND
Edward L. Eisenson	DIO-5ND	Allan D. Tatum	DIO-9ND
William M. Chambers	IO-PRNC	Lawrence F. Thies	DIO-9ND
Donald L. Bengtson	DIO-12ND	William F. Eichhorn	DIO-4ND
Curtis M. Fitzpatrick	DIO-11ND	Robert L. Beam	DIO-9ND
Chester A. Thomas, III	DIO-11ND	Charles A. Cahill	DIO-1ND
Decatur T. Beacham	IO-PRNC	J. T. Aldhizer	DIO-5ND
Winston C. Kuehl	DIO-4ND	J. W. Stewart	DIO-5ND
Robert L. Huey	DIO-4ND	R. M. Gregory, Jr.	DIO-5ND
John Nester	DIO-4ND	Paul L. Clark	DIO-12ND
George W. Voorhees	DIO-4ND	Peter R. Stauffacher	DIO-9ND
David G. Guthrie	DIO-6ND	Francis X. Finegan, Jr.	DIO-4ND
Robert K. Rende	DIO-6ND	Wallace M. Beasley	DIO-13ND
Anthony J. Liquori	DIO-3ND	Harold J. Hoem	DIO-13ND
James M. Allen	DIO-12ND	Edmund W. Cocco	DIO-1ND

Robert J. Gallagher	DIO-1ND	Larry V. Skinner	DIO-13ND
Leo E. Hanrahan	DIO-1ND	Harry J. McCarthy	DIO-12ND
Albert F. Smith	DIO-1ND	Robert E. Kohlmeyer	DIO-12ND
John U. Thompson	DIO-8ND	Frank J. Edmonds	DIO-12ND
Lester L. Wendlick	DIO-8ND	Peter T. Alberse, Jr.	DIO-11ND
Elmer F. Heinlein	IO-PRNC	Roger C. Teel	DIO-11ND
Richard W. Wardman	DIO-5ND	Jack A. Renwick	DIO-4ND
James B. McKee	DIO-3ND	Robert A. Burns	DIO-1ND
Maynard C. Anderson	DIO-9ND	Thomas G. Burrell	DIO-8ND
George F. Hanson, Jr.	DIO-9ND	Carl L. Skiff	DIO-8ND
Paul E. Peter	DIO-3ND	Frank J. Turk	DIO-8ND
James L. Brown	DIO-9ND	Peter F. Fedak	IO-PRNC
Earl Schinlever	DIO-4ND	Richard L. Peck	IO-PRNC
John F. O'Donnell	DIO-4ND	James L. Key	DIO-5ND
Kenneth W. Anthony	DIO-4ND	Robert F. Groth=	DIO-11ND
Charles G. Hurley	DIO-11ND	Donald C. Brownley	DIO-5ND
Seiki Tamae	DIO-11ND	Bernard C. Taylor	IO-PRNC
Richard T. Lane	DIO-3ND	Tadashi Uriu	DIO-11ND
John A. Somers	DIO-5ND	William G. Lane	DIO-8ND

LIKE TO TRAVEL - PUT IN FOR NAVINVSUPPACT PHILIPPINES

NAVINVSUPPACT-PHIL likes to claim the largest area of any ONI Office, including such romantic sounding places as Hong Kong, Saigon, Bangkok and Singapore. During the month of March 1962, NAVINVSUPPACT PHIL special agents took field trips covering nearly 3/4 of the globe. An agent took a plane to Bombay, India, where he boarded a MSTS cargo ship and ended up at Dar-Es-Salaam in Tanganyika, located on the eastern coast of Africa. Another agent made a round trip from the Philippines to San Francisco to testify at a General Court Martial. The above two trips covered approximately 30,000 miles. Earlier during the month of March two agents were sent to Bangkok, Thailand. This trip only covered 3,000 miles and is hardly worth mentioning in comparison with the above two trips. If you like to travel put in for NAVINVSUPPACT PHIL. From the east coast you will travel 10,000 miles just to get to your duty station.

Along with the above goes our periodic reminder that requests for overseas duty, including the extra-continental Districts, are always in order. They are kept on file indefinitely unless the agent concerned requests cancellation and are individually reviewed every time a vacancy occurs.

MISCELLANEOUS INVESTIGATIVE NOTES

DIO-9ND continues to receive requests for verification of military service that is beyond the 15 year scope as provided in paragraph 3, Section 1, Change 15 of the Navy Security Manual. Requests should be screened to eliminate such unnecessary leads, as DIO-9ND has been instructed to decline requests when the period of service is beyond the prescribed coverage. This, however, does not apply in the case of agent applicants.

It has been frequently noted that DIOs, in connection with investigations of contractor personnel, report that a Subject failed to list certain of his children on his DD-48. In order to preclude the implication, by those reading our reports, that this omission was an intentional one or for some sinister

reason, attention is invited to the fact that the DD-48 requires that only children, brothers and sisters 16 years or older be listed. Obviously, the omission of one of these relatives under sixteen years, need not be reported.

Attention is again invited to the provisions of Section 4.a. ONI INST 5521.9A. This requires that a stamped Form 397 be submitted to the Chief of Naval Personnel (Pers Fl) on all satisfactory background investigations upon completion. BuPers has advised that several DIOs fail to comply with the above.

In connection with the submission of stamped Form 397s, it would be of assistance to this office if the 397 submitted in derogatory cases to BuPers (Fl) via DNI be forwarded attached to the closing 119 or 152.

ONI and some DIOs/IOs have been receiving requests for BIs referencing BuPers Notice 1306 of 6 September 1962. This Notice provides for requesting up-to-date BIs on yeoman indicating preference for assignment to the Washington, D. C. area under the SEAVEY-SHOREVEY program. ONI has tried to get this Notice cancelled or modified but BuPers is reluctant to do so saying it will involve very few cases. Such requests as may be received should be forwarded to ONI (HQ NISG-BI, Attn: Mr. Allender) who will in turn contact BuPers re the necessity for a BI. Where BIs are necessary they will be controlled by headquarters and reported to BuPers only.

ONI Instruction 5210.2 of 6 December 1962 establishes a simplified procedure for reporting negative local agency checks. This was intended as a paperwork saver and properly utilized it will be. The reaction of several Districts, however, has been to request a specified number of extra form 152s in every case from all other Districts forwarding leads. This is in conflict with the purpose of the Instruction. Section 1-0603.2, ONI 63-1A is the controlling instruction concerning the number of forms 152 to be distributed.

LEGAL NOTES

In a number of recent courts-martial the issue of admissibility of an extra-judicial confession has turned upon the question of whether the accused was denied an opportunity to consult counsel by the interrogating agent. In at least two cases involving serious offenses the Court of Military Appeals has ruled adversely to the Government, finding that the agent's conduct was, in fact, improper.

At this point, it should only be necessary to invite attention to the Manual, Section 3-1410, which gives thorough treatment to the manner in which the agent is to handle this question when it arises during interrogation. However, it is desired to reemphasize to all concerned that an agent must never allow himself to be placed in a position which can be construed as having effectively denied a suspect in a criminal case the opportunity to consult with counsel. While noting again that there is no requirement that the agent initiate any advice with regard to counsel, the situation is quite different when the suspect raises the question. In the face of a definite request by the suspect for access to legal advice, there should be no further questioning concerning the offense until he has been afforded the requested opportunity to consult with counsel.

The Court of Military Appeals has spoken forcefully on this subject, and our own ONI published instructions are unequivocal. Nevertheless, it is recognized that every possible factual setting in which an accused's request for counsel may arise cannot be foreseen. This is why in spite of all published guidance, the sound discretion and common sense of the individual agent must always be relied on. For example, while the agent must not deter the suspect from availing himself of this right, neither is he under any obligation actively to facilitate its exercise. Permitting the suspect to use an available telephone may suffice in one instance, in another it may be necessary that he be permitted physically to leave your presence for a time. This latter course will depend at that time on his status; only the command would have authority, for example, to release him from restraint, or authorize him liberty to seek legal advice. The agent's duty is fulfilled when he has suspended interrogation concerning the suspected offense until the suspect has had the necessary opportunity to consult counsel. If he changes his mind or for some similar reason does not avail himself of the opportunity afforded, there is no apparent reason why the agent should not thereafter proceed with the interrogation. However, he must not be placed in a position which can be construed as being directly responsible for the change of mind by the accused, as by attempting to "talk him out of it," etc. The time at which the request is made is also an important factor. It may be that the suspect has already orally made incriminating statements but will not agree to drafting a written statement until after consultation with counsel. After such consultation, he may decline to furnish any further information at all, oral or written. The agent may nevertheless in such an instance testify to the oral confession provided it meets the other normal tests of admissibility. Section 1-0606.1, Manual, deals with the procedure of reporting the results of such an interview.

Finally, with regard to interrogations, always bear in mind that this is but one of various investigative techniques. In most cases it is not the only procedure available to you, nor is it in many cases the most important procedure. It is desirable, of course, to get a confession in every criminal case, but it is of no prosecutive value if it is legally inadmissible. Article 31, UCMJ, as well as decisional law are not empty formulae. They mean what they say! It is pertinent to point out, however, that there are certain cases, not usually in the criminal field, where the primary purpose is the collection of information, not necessarily for purposes of trial. In such cases appropriate procedural guidance will be furnished by responsible superiors.

Related to the substance of the foregoing as well as to interrogation procedures generally, it is the absolute requirement that the agent be prepared to give accurate, straightforward testimony on the witness stand. This necessitates meticulous attention to maintenance of the interrogation log as well as to keeping of proper notes. No matter how well it has been conducted, an investigation is not a successful one if the prosecution based upon it, fails. Neither is the performance of the investigating agent satisfactory if his testimony at the trial, because of poor preparation, is considered misleading or evasive by the court. In this connection, attention is again invited to Section 1-0403.4 of the Manual concerning testimony at trial and pre-trial. The provision for consultation with trial counsel prior to trial implies that if trial counsel does not contact the agent who is to testify, the agent has a duty to seek him out. By discussing the scope of probable testimony at this time, it is possible often to avoid pitfalls while on the stand.

Supervisory personnel in fulfillment of their training responsibilities should emphasize the various points mentioned above and should give renewed and continual attention to all aspects of interrogation procedures.

Laymen frequently complain that such and such an accused although obviously guilty was acquitted on a "mere technicality." Where a fundamental constitutional right, such as, the right to counsel, is involved, this terminology is wholly inexact. Too many people in other parts of the world are denied these rights, and too many of our people have sacrificed to preserve them here, ever to consider them lightly.

A thought to keep with you after reading this discussion is a quote from a recent article by Mr. J. Edgar Hoover, Director, Federal Bureau of Investigation: "Not only must every fact bearing upon the question of guilt or innocence be found which is discoverable by human means, but such evidence must be the product of methods which conform to the spirit and letter of the law." (FBI, Law Enforcement Bulletin, January 1963, inside back cover.) (underscoring supplied)

THE MANUAL FOR INVESTIGATIONS (ONI 63-1A)

As all hands are by now aware, the long awaited Manual has at last "hit the street." A prodigious amount of effort went into the makeup of this impressive tome. A considerable portion of this effort was supplied by certain field agents who performed short periods of duty at ONI in a writing and editorial capacity. Among these contributors, to whom a vote of thanks is hereby extended, were: Supervising Agents Grady, DIO-4ND and Kerr, DIO-8ND, Special Agents Vollrath, ASA, DIO-9ND; Mendelson, ASA, DIO-5ND; Planton, ASA, DIO-6ND; Straub, DIO-4ND; McGinty, DIO-4ND; Tipton, IO-PRNC. Several others also made meaningful contributions over the past several years through means of written suggestions and these individuals are also collectively thanked.

Material is already being gathered for the next revision and in the meantime, the current publication is being checked for errors which have somehow insidiously crept in despite multiple editing and proof-reading. A few such which have been noted so far are herewith listed informally for appropriate action. As time permits, it is hoped to publish a complete correction sheet. In the meantime, we invite readers to submit notification of all of their error discoveries by way of their OIC.

ERRATA:

- ✓ p. 11 1-0208.1 Cat 3a delete "Internal Security" as superfluous
- ✓ p. 32 1-0402.3 "personnel vice "personal"
- ✓ p. 43 1-0505-2(a) in sample, words "and as a suspect" not needed
- ✓ p. 44 1-0505-4(b) App "CC" vice "BB"
- ✓ p. 49 1-0602.4 second sentence "enclosure to form" vice "contents of of form"
- ✓ p. 58 1-0605.9(e)(2) in heading, change "Local Agency Check" to "Local Inquiry"
- ✓ p. 75 2-0702.7(a), lines 9-10 delete "under EO 10450 and"
- ✓ p. 99 2-0916.2 last line "Extant" vice "Extent"

- ✓ p. 111 2-1104.1(b) should be "sub-category 5(b)"
- ✓ p. 146 2-1211.17 eleventh line "From the " vice "From his"
- ✓ p. 146 2-1212.2a, Article "121" vice "212"
- ✓ p. 151 2-1215.5 line 4 "(n)" vice "(in)"
- ✓ p. 167 3-1409.4(b) superfluous - they're on acdu
- ✓ p. 181 3-1603.1 line 8 - "or car drivers" change to "or as car drivers"
- ✓ App. K, p. 2, para. 4 - number left out
- ✓ App. K, all pages, classify as "Confidential" vice designation "For Official Use Only"

HELP WANTED

Officers in Charge and Supervising Agents who have experienced recruiting difficulties might appreciate the following from a trade journal:

Wanted: Man to work on nuclear fissionable isotope molecular reactive counters and three-phase cyclotronic uranium photo synthesizers. No experience necessary.