

technique which he defines as the continuous search for greater efficiency and increased productivity. He believes that technique has become an overwhelming force in all societies and has come to influence all commercial and public organizations including the police. Ellul established his thesis in 1964 just before the introduction of the IBM 360 computer series led to massive computerization.

The arrival and public acceptance of these computers led to increased public confidence that the marriage of technology and bureaucracy would lead to a higher standard of living for all citizens.

The public confidence in technology seemed justified for the computer made dramatic strides in power and use. Christopher Evans, author of "Micro Millennium," highlighted the technological gains made by computers from 1945 to 1975 by comparing the computer's progress with the progress made by the automobile. He posed the following questions:

How much would the 1975 automobile cost, how much power would it have and how many miles per gallon would be listed if the automobile had made the same rate of progress as the computer?

His answer: the Rolls Royce would sell for \$2.75, it would be able to power the Queen Elizabeth II across the Atlantic, and it would get three million miles for every gallon of gas.

From the analogy it is easy to see why the enormous increase in the computer's efficiency has been an important factor in the decision of public organizations to harness its power to achieve their goals.

Information is power and organizations increase their power by learning to swiftly collect and comprehend bits and pieces of information. Because information is such a wellspring of power, the shape of information rules, laws and judicial findings are major factors in determining the direction that society takes with regard to its values and beliefs. This has been especially true with regard to information and the right to privacy.

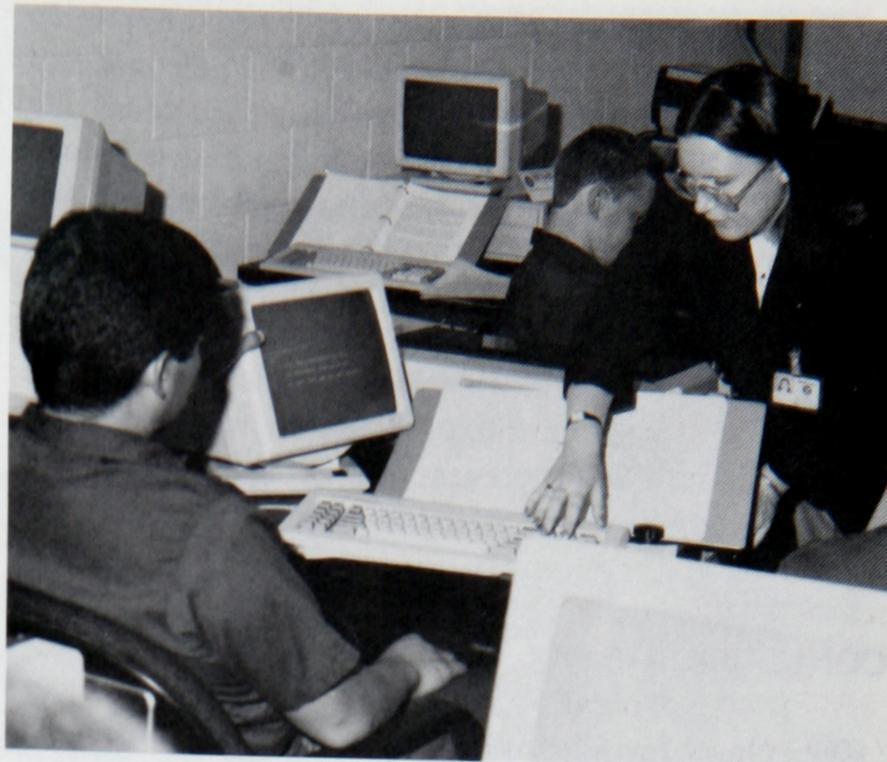
The original constitutional doctrine concerning the collection and dissemination of information was drafted by James Madison in 1779 and was stated in the first ten amendments to the constitution.

These ten amendments we know as the Bill of Rights. At the very heart of these amendments is the constitutional basis for our right to privacy which in its broadest sense is a value which describes a power relationship between individuals and organizations.

The three articles of the Bill of Rights which are basic to privacy are the First, Fourth and Fifth Amendments.

The First Amendment declares that Congress shall make no law respecting the establishment of religion, or abridging freedom of speech or freedom of the press or the right of the people to assemble peaceably and petition the government to redress their grievances.

The Fourth Amendment holds that the people's right to be secure in their person, houses and papers against unreasonable search shall not be violated.



### INSTRUCTOR AT WORK IN BASIC AGENT CLASS

The Fifth Amendment, the final article in the bill of rights directly relating to privacy, established that all citizens are entitled to a range of procedural protection called "due process" and that no person shall be compelled to "be a witness against himself."

The courts, from the 1800's through the mid 1900's, upheld the rights and values of the individual over the state. The court's interpretation of the constitutional amendments culminated in the 1965 decision (Griswold vs Connecticut, 1965) that held the individual possessed "zones of privacy." During this period, however, there had not existed a public policy regarding information privacy.

Congress remedied this by passing the Privacy Act of 1974 (P.L. 93-579) which declared that the right to privacy was a fundamental constitutional right. In this act, Congress declared that "the increasing use of computer and sophisticated use of information technology, while essential to the official operation of the government, has greatly magnified the harm that occurs from any collection, maintenance, use or dissemination of personal information."<sup>3</sup>

The Privacy Act permitted the executive branch to create information systems to administer programs but not to share data between information systems. This act expressed a congressional desire to maintain an equitable check and balance by not allowing the executive branch to expand its power beyond what Congress was capable of checking through its review process. The Privacy Act was thus designed to limit the executive branch's use of information and to defend an individual's right with regard to information privacy.

Since the passage of the Privacy Act, however, there have been numerous efforts and laws passed to increase the effective administration of various programs.

For example, in 1984 Congress passed the Deficit Reduction Act which required all states to participate in the file merging, matching and linking program to verify the eligibility of beneficiaries in the Food Stamp, Medicare, Aid to Families with Dependent Children (AFDC) and a

host of other programs. This authority allowed the merging and linking of Social Security, Medicaid and personal data with Internal Revenue and personal employee data.

The ultimate effect of these merging and matching activities, although unintentional, has contributed to the ineffectiveness of the Privacy Act by allowing the linking of individual databases thus bringing together disparate information about individuals. These and similar recommendations are incrementally allowing a transition from the supremacy of the individual to the supremacy of the organization and in the process destroying the very values the organizations were created to preserve.

## CONCLUSION

The Naval Investigative Service Command has a long and proud history of enforcing our nation's laws. We have made a commitment to use adp technology as a law enforcement tool and, in doing so, have chosen to view information as one of our most valueable resources.

The information we value is about people and their activities. We, more than any other Naval agency, bear a heavy responsibility for in collecting, storing and analyzing information about individuals suspected of criminal activity we walk a fine line between our mandate to collect evidence and our responsibility as citizens to respect individual privacy.

For good or evil the genie is out of the bottle and it is impossible to stuff it back in. How we choose to use him will become the legacy of our command.

## NOTES

1 Clinton Rossiter, The Pattern of Liberty in Konvitz and Rossiter, eds., Aspects of Liberty (Ithaca, N.Y., Cornell Univ Press, 1958), p. 15-17.

2 Edward Shils, The Torment of Secrecy (New York: The Free Press, 1956), p. 21-22.

3 Privacy Act of 1974, Title 5, United States Code, Section 552a (Public Law 93-579), December 1974

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SA WENDELL TAGUCHI, AT LEFT MEETING WITH JAPANESE OFFICIALS

## ASSIGNMENT: NISRA YOKOHAMA, JAPAN

**By SA Wendell Taguchi  
and IOS Sandy McWilliams**

Traditionally called the "Land of the Rising Sun," the Japan of today might better be described as the "Land of the Rising Yen."

All the stories you have heard about how expensive it is to live in Japan are true - a cup of coffee (no refills) can run as much as U.S. \$6.00.

However, despite the high cost of living here, after about a year in the country, most NISRA Yokohama (81YH) personnel find they are better off financially living and working in

Japan than they could ever be back in the States.

This is because of the tax free living quarters allowances (LQA) and post allowances (PA) provided by Uncle Sam to subsidize us for the financial hardships created by the current fiscal situation. For example, a GS-11 special agent (SA) with a wife and two children, and 25 percent premium pay (AUO), receives approximately U.S. \$60,000 per year in salary and benefits while working here in Japan.

However, the initial outlay for housing will definitely set you back, and it generally takes about a year to make up the difference.

Only GS-12's and above (if they are

married) are entitled to base housing, but they generally have to wait anywhere from six months to a year before suitable quarters are available. Therefore, most new arrivals at NISRA Yokohama are required to stay in a local hotel until they can locate permanent accommodations off base.

Indigenous housing can be quite expensive, especially in Japanese apartment or house is small by American standards, generally doesn't have a yard (or at least, not much of one) and requires an initial lump sum payment equivalent to between four and six months rent cover realtor's fees, security deposits, "thank you" money

and the first month's rent in advance (on average, NISRA Yokohama personnel pay rents of 140,000 yen (about \$1,000) per month. However, much of this can be recovered through tax deductions and miscellaneous moving allowances. LQA covers monthly rents and utilities, and PA more than compensates for non-recoverable portions of the initial outlay.

Although some special agents assigned here in the past never did get over the shock of coming from the "wide-open spaces" of America to the more cramped living conditions predominant in Japan, those who have made the transition successfully did so because they were open-minded and flexible enough to turn a less than ideal situation into a memorable experience.

Speaking of challenges, NISRA Yokohama presents even the most "street-wise" special agent with a truly unique working environment.

NISRA Yokohama is home to the Regional Counterespionage Element (RCEE). Initiated on 13 October 1987, the RCEE Team is currently headed by SA Mike Barrett, and comprises four "on-site" FCI-dedicated special agents, plus an additional three "off-site" RCEE special agents assigned to other NISRA's in Japan. NISRA Yokohama serves as the control office and focal point for the majority of all CE/CI operations generated region-wide, and in a country that lacks espionage laws and is often called a "spy paradise" by the media, there is no limit to the types of operations the RCEE Team can conjure up.

If you're into "KGB Bashing," then NISRA Yokohama just might be the place for you.

The role of the criminal agent at NISRA Yokohama also is unique. With an area of responsibility that consists of just ten commands and a base housing population of less than 1,500, the crime scene at NISRA Yokohama is pretty laid back compared to other larger bases around the world. For this reason, criminal investigations here are handled by a single

special agent, with the ASAC picking up the overflow when things get busy.

Although the potential for the criminal agent to experience a wide range of casework always exists, generally speaking, his/her caseload is usually light. This, in itself, is quite unique for an NIS special agent. But the other novel aspect of the NISRA Yokohama criminal agent's job is the close working relationship he/she must maintain with host government police and security agency officials.

In addition to responding to requests from local police to conduct joint investigations, surveillances, searches and seizures, and interrogations, the criminal point (position) at NISRA Yokohama is also the key element in a criminal intelligence collection effort that requires an in-depth knowledge of international narcotics and gun smuggling operations in particular, and considerable liaison with Japanese hours liaison with Japanese counterparts. Although a taste for beer and a penchant for after-hours liaison functions complete with karaoke singing are not requisites to outstanding performance, they certainly help.

But the RCEE special agents and criminal agent would really be at a loss at times if it weren't for the linguistic, cultural and collection skills of NISRA Yokohama's contingent of FCI-dedicated collection personnel.

A team of four (soon to be five) Intelligence Operations Specialist

(IOS), a very experienced Technical Intelligence Specialist (IRS) and a full-time translator provide NISRA Yokohama capabilities not found at other overseas NIS offices anywhere in the world.

For those who don't know, an IOS is first and foremost a dedicated FCI collector responsible for the collection, analysis and reporting of CI, security and criminal information vital to the secure operation of the U.S. Navy and other U.S. Forces and interests in Japan, as well as to the U.S. intelligence community at large.

To accomplish this, the IOS must initiate, develop and maintain ongoing operational and liaison contacts with suitably placed host government security and law enforcement officials, tasks that require fluency in the Japanese language, an in-depth knowledge of Japan and Japanese customs and practices, plus a broad understanding of current affairs both in Japan and around the world.

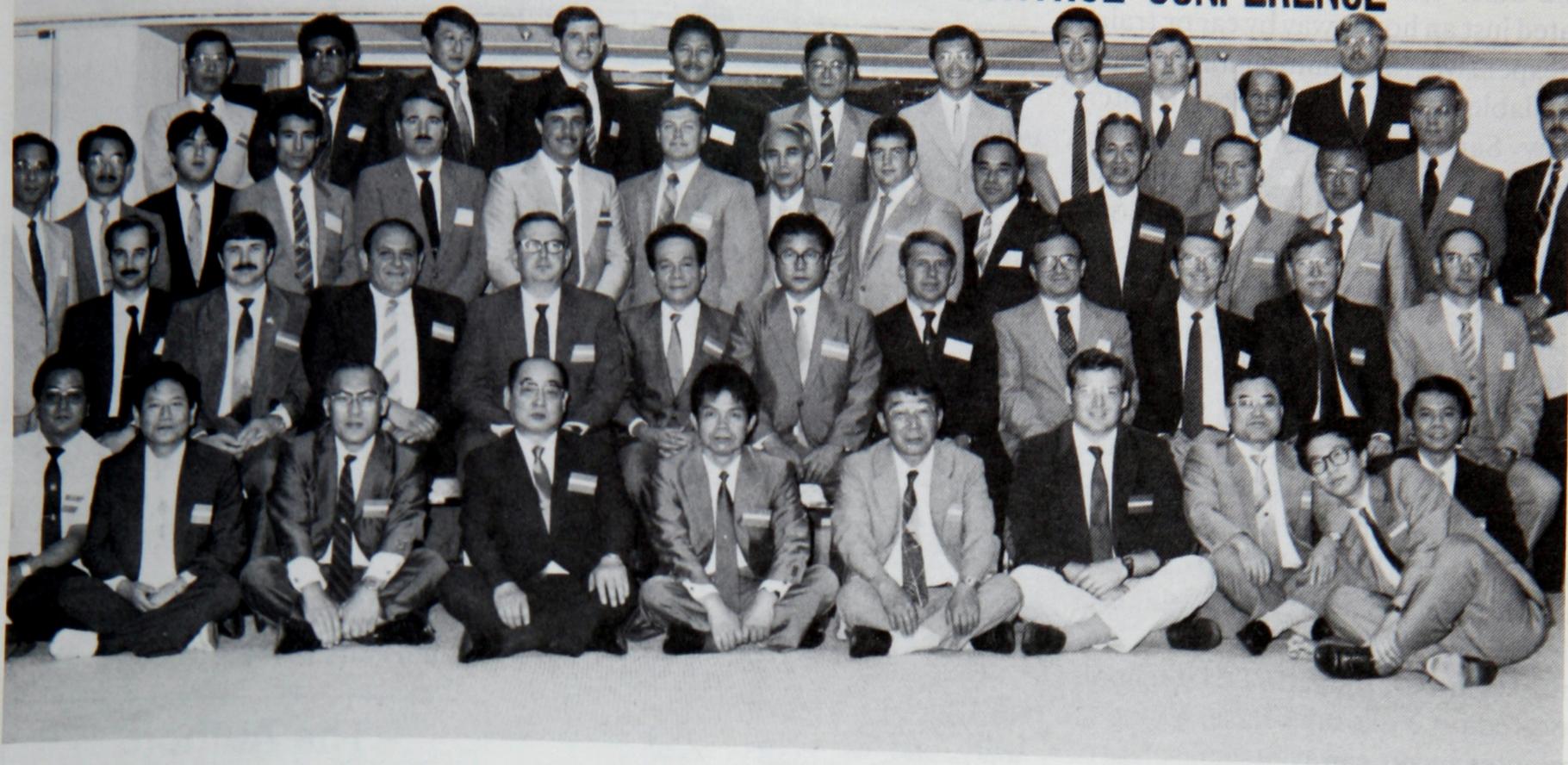
Our IOS's are all bilingual Japanese-Americans who feel equally at home in both Japanese and American environments, and who, due to their special skills and know-how, work closely with the RCEE Team and criminal agent to help them over the inevitable cultural and language barriers that crop up in the performance of their duties.

Kamishima-san is our TIS. A bilingual Japanese national in his mid-fifties, "HK," as he is called around



SA TAGUCHI, AT TOP LEFT AND FRIENDS

## THE 23RD ANNUAL JAPAN - U.S. NARCOTICS CONTROL CONFERENCE



the office, has been with NISRA Yokohama for the past 18 years, and knows more about NIS operations and Japanese counterpart liaison than anyone else in the Region.

"HK" maintains contact and conducts liaison with literally hundreds of Japanese law enforcement and security agency officials, provides vital support to our special agents, and CI matters in Japan, provides vital support to our special agents, and invaluable guidance and advice to the IOS's, IRS and translator.

In 1986, it was decided that the IOS contingent at NISRA Yokohama had grown in size and output to the point where someone would have to be brought in to coordinate their efforts and help them focus their collection and report writing activities.

The IRS point (position) was created for this purpose. The IRS reads all incoming and outgoing information reports, analyzes and evaluates all collection and information reports, analyzes and evaluates all collection and maintains an FCI collection/production data base, reviews all local and national collection requirements and periodically updates NISRA Yokohama collection targets.

Based on the above, he provides guidance IOS's and TIS in the form of

taskings designed to coordinate and/or fill perceived gaps in their collection efforts. In addition, the IRS also works closely with our translator, Dana, to help the IOS's translate the various Japanese documents that form the bases for many of the information reports generated by NISRA Yokohama.

Additional duties performed by special agents and IOS's at NISRA Yokohama include DIS cases, LAC's, various types of briefing and the inevitable paperwork and administrative tasks that go with the job.

In case of the latter, NISRA Yokohama is fortunate to have three full-time and one part-time support personnel, who keep things flowing smoothly with a minimum of grumbling and groaning.

But coming to Japan needn't and shouldn't be all work and no play. Despite the high cost of living here, there are still a lot of sights, sounds, events and forms of entertainment that can be enjoyed even with the shrinking dollar.

NISRA Yokohama occupies eleven rooms on the second floor of the community center at Consolidated Fleet Activities, Yokosuka, Yokohama Detachment (CFAY-DET), which means we have ready -

and in most cases--free access to a gymnasium, swimming pool, weight and exercise room, tennis courts, picnic areas and covered barbecue pits, softball field, youth center, bowling alley, movie theater, library and all-hands club complete with restaurant, bar and slot machine room.

The MWR (Morale, Welfare and Recreation) Office at CFAY-DET, in addition to managing and maintaining most of the facilities just mentioned, also offers a variety of classes and activities, ranging from Japanese language courses and Ikebana (flower arranging) classes to martial arts, aerobics and piano instruction, plus a plethora of sports activities for young and old alike. MWR is also the place to go for information, reservations and travel arrangements to local museums, parks and shopping districts, as well as many of Japan's famous scenic spots, like Mt. Fuji and Nikko.

The city of Yokohama, itself, is a bustling port town of 3 million people offering numerous historic and cultural sites; shopping areas galore, with Motomachi, a favorite haunt for those enticed by the trendy street-lined boutiques; Chinatown, one of just three in Japan; are just a few among many.

Tokyo, one of the world's largest

and most cosmopolitan cities, is located just an hour away by car or train. Inexpensive accommodations are available at the U.S. Forces Center New Sanno located in downtown Tokyo, a short subway or taxi ride from the Tokyo Tower and famous entertainment districts like Roppongi and Shinjuku. The New Sanno Hotel also features affordable dining and shopping facilities.

The riding yen is also not much of a problem when it comes to daily necessities. All NISRA Yokohama personnel have commissary and PX privileges, are entitled to medical care, can enroll their elementary-age children in the Byrd School (high school kids must commute by bus to DOD schools located on Yokosuka Base, about 45 minutes away), can avail themselves of child care services and can buy their gasoline at the automotive center for reasonable prices.

In short, just about everything you need or could possibly want is available on base, either here at CFAY-DET or at Yokosuka, so that the rising



### SOFTBALL GAME OPENS WITH TRADITIONAL BOW

yen isn't really as intimidating after the initial outlay for an apartment.

The culture shock of living and working in a foreign country, especially one as alien to the average American as Japan - signs and billboards written in illegible ideographs, and people who speak what at first seems to be an incomprehensible form of gibberish - admittedly, takes a little time. But if you approach it with an open mind and a good attitude, a

tour at NISRA Yokohama is truly an enriching experience, both professionally and personally.

#### The Authors

SA Taguchi is the former SAC at NISRA Yokohama. He is now stationed in Washington, D.C..

Mr. McWilliams is an intelligence operations specialist.

## 'TEAM GULF COAST' KEEPING BUSY

The Gulf Coast may have a reputation for being an easy-going, Southern seacoast resort area, but any special agent headed for NIS offices in New Orleans, Gulfport, Meridian, Pascagoula, Pensacola, Panama City, and Corry Station, or on the U.S.S. Lexington, is going to have plenty of work to do.

"For a number of years the NIS offices along the Gulf Coast have suffered from an unearned reputation," said SA Donald Webb said, Regional Director of the NIS Southeast Region. "These offices were called names like 'Sleepy Hollow' and the 'Elephant Grave Yard'. Please allow me to enlighten the NIS family. All of these offices are aggressive, well-organized and busy."

The Gulf Coast NIS offices service commands which are training oriented and normally present a different challenge than those encountered in the Fleet, but the challenge is there.

For the past two years a reorganization of assets with upgrading of supervisor levels. These offices work the full gamut of violent crime, procurement fraud, FCI initiatives and anti-narcotics operations.

"They have worked four bona fide homicides during the last five months," SA Webb said. "They service several

large industrial complexes where the fraud potential is ever present. They write more IIR's than most Regions in addition to generating several potentially successful FCI evolutions. And they are making it extremely difficult for Gulf Coast sailors to receive a high from anything other than alcohol."

Recently, a NISRA Pensacola joint anti-narcotics operation with the local police was so impressive that the City Council immediately increased the anti-drug budget by \$100,000 to aid in the fight.

"I want everyone to know that the work is there and that Gulf Coast agents are doing their jobs," SA Webb said. We are proud of their efforts."

"Now on the creature comfort side, picture yourself on a manicured beach of white sand or sailing your boat in the majestic Gulf waters or deer hunting in Mississippi's pine forests," SA Webb said. "Couple this with a lower than average cost of living and a very agreeable weather system and you have the Gulf Coast offices."

When asked if this a recruiting pitch for Gulf Coast offices, SA Webb just chuckled and continued, "I didn't even mention the night life of New Orleans during Mardi Gras...."

# ASSIGNMENT:

# NISRA SEOUL, KOREA

**By R. Burke McMurdo**  
**SAC, NISRA Seoul**

Prior to 1982, the Naval Investigative Service had no official representation in the Republic of Korea (ROK).

Lead coverage, suppression operations and ship visits were covered by agents assigned to NISRA Yokosuka which, at the time, had territorial jurisdiction over the Korean Peninsula. Investigative support was provided also by agents afloat who visited Republic of Korea liberty ports on a transitory basis.

Due to an increasing influx of U.S. Navy and Marine Corps personnel participating in joint training exercises in the Republic of Korea, a decision was made in 1982 to establish NISRU operations at Seoul.

There was initially some argument as to where the NISRU would be situated in that the majority of ship



**NIS SEOUL, KOREA**

visits and Marine deployments to the Republic of Korea were in the southern half of the country. After much shuffling around, NISRU Seoul (eventually NISRA) found a permanent home in November 1986 in newly



**NISRA SEOUL, KOREA HEADQUARTERS OFFICE**

renovated spaces on the U.S. Army Garrison (main post) adjacent to the United Nations Command/Combined Forces Command Headquarters.

The territorial jurisdiction of NISRA Seoul to include NISRU Chinhae extends throughout the Republic of Korea. The total permanently assigned Navy and Marine Corps personnel to include dependents and civilians stands at 1,000 plus. However, the total 36,000 plus, depending upon the status of routine military operations.

Criminal operations are normally limited to in-port periods of ships and the drug suppression efforts related to foreign port visits. Drug use and possession carry severe penalties in the Republic of Korea.

Private substances of abuse in the ROK are low-grade marijuana and methamphetamines.

On-Base Housing is not available in the Seoul area but outstanding on-base housing is available in Chinhae. In Seoul, living quarters allowance is approximately \$1,000 per month. Numerous recreational opportunities abound at both locations and excellent shopping is available throughout the country.

Schools are best in Seoul. Chinhae has minimal elementary school facilities, and high school students there must spend three hours round trip per day traveling to Pusan to attend school.



# ASSIGNMENT:

# NISRA MANILA

NISRA Manila is a small but busy office consisting of six agents, one analyst, three Filipino criminal investigators (CIs), a Navy yeoman and two secretaries. It is unique in that it occupies two separate facilities within Metro-Manila.

The special agent-in-charge (SAC), the assistant special agent-in-charge (ASAC) and criminal squad are housed in the Thomas Jefferson Cultural Center (TJCC) in Makati.

The Filipino criminal investigators squad, its analyst and the yeoman occupy a two-room office in the Chancery of the U.S. Embassy, a traveling distance of roughly 45 minutes to an hour from Makati.

Manila's SAC, Steve Einsel, recently observed, "although we're not officially a part of the U.S. Mission, NISRA, Manila has become an integral interfacing element among the various agencies of the embassy and American community, as well all the major law enforcement agencies and military of the Philippine government".

Lee Bumgarner, Manila's statistically minded ASAC, stands by the premise that "statistics on the surface frequently prove misleading".

NISRA, Manila's caseload varies between eight to 10 cases per agent/CI, much of which is driven by extensive "street time", punctuated by frequent protective service details (PSD's) and compounded by the local traffic.

NISRA Manila has experienced significant drug "busts" (up to a kilo in heroin), coordinated with U.S. Drug Enforcement Administration and local agencies, and is a major factor in ongoing marijuana eradication operations in the northern highlands of Luzon.

The foreign counterintelligence (FCI) atmosphere is a gold mine of nuggets for the agent who is willing to dig. To say the Criminal and FCI environments are challenging would be an understatement. Agents and CIs are thrust into an arena of a government set upon by an active Communist insurgency that wants the Americans "out", coupled with a struggling economy beset by numerous social ills.

Numerous personalities of this third world nation are seeking a sense of national identity without the American as his alter ego. However, Filipino counterparts and the NIS special agents with whom they work frequently develop enduring friendships. This is typically Filipino. Despite the ills of the Philippines, the Filipino is one of the friendliest of people.

Liaison is a major factor in NISRA, Manila's profile.

Metro-Manila, incorporating several cities and municipalities, is a sprawling oriental and occidental melting pot of eight to 10 million souls (depending upon whom you approach for official statistics). It is an area of infinite contrasts and pollution, where one may drive along a super highway choked with smoke belching buses, jeepneys, limousines, ancient sedans, trucks and the latest cars (European, American and Japanese) all slowed to a snail's pace by a horse drawn carriage (carretala or calesa).



**WEAPONS SEIZED DURING RECENT RAID**

Contrasts vary from a row of squatters' huts, flanked by handsome homes and modern factories to a street lined with old Spanish villas in tree shaded gardens hidden by stone walls.... the slums of Tondo.... Binondo's Chinatown.... Paranaque's bustling fishing village and bayside markets.... Divisoria, a veritable beehive of stalls and vendors.... Makati's high-rises and Ayala Avenue, the Philippine's "Wall Street"... lush residential villages... a modern boulevard running along Manila Bay with Bataan, Corregidor and old Sangle Point silhouetted by a magnificent sunset... the old and the new.... the East and West.

Living conditions for assigned agents is an unique experience. Government leased housing and utilities for families are provided through the Navy's Officer in Charge of Construction (OICC), Western Pacific in several subdivisions of southern Metro-Manila.

The bachelor does not fare so well, as the cost of housing and utilities make it difficult to find adequate accommodations without dipping into the personal pocketbook. The



SA EINSEL AND DEPUTY CHIEF OF MISSION

majority of Manila's staff are housed in the Magallanes subdivision, roughly a 15 to 20 minute drive from the TJCC or 45 minutes to one hour drive from the embassy.

Because of the rising cost of rentals, OICC has advised those assigned to NISRA Manila to expect that most will be required to move further south to the Alabang area as each lease expires. This will likely add another 35 to 40 minutes to travel time.

The Manila agent's lifestyle is enhanced by the fact that one can elect and afford to have a live-in maid and driver. The majority of Philippine housing has maid's quarters.

Filipino maids are very good, loving to children, very responsible and hard working. Currently the approximate pay scale for a maid runs between \$45.00 and \$65.00 per month. The general work week is Monday through Saturday. Drivers usually get between \$85.00 and \$95.00. Gardeners and seamstresses work on a daily rate of about \$5.00 to \$10.00 per day.

Most children of American families in Manila attend the multi-national International School in suburban Bel Air Village, Makati. Bus transportation is available. The school offers college preparatory and a general academic curriculum for youngsters in kindergarten through grade 12. The school year runs from late August to late June.

All students go through an extensive admissions testing period, lasting two to three days. There are several other reputable private schools in the Manila area, all of which have rigorous academic standards.

Accordingly it is unwise to bring dependents into the Philippines with learning disabilities or poor academic records. The Philippine public school system is not accredited in the U.S. and is not recommended. There are several universities in the area (i.e. University of the Philippines and the University of Santo Tomas) which are U.S. accredited.

Members of NISRA Manila are eligible to join the

United States Employees' Association (USEA), located in the Seafront Compound (a 15 minute drive from the embassy or 30 minutes from the TJCC) which offers a small commissary, exchange, gas station, clubhouse with dining room and bar, library, tennis courts, swimming pool, Stars and Stripes Bookstore and a Community Teen Center.

To become a member, you are required to deposit a year's membership fee, based on \$9.00 per month for each adult and \$1.50 per month for each child over 10. The maximum family fee is \$21.00 per month. These services accommodate most of your immediate needs.

You will have access to Clark Air Base (roughly a two hour drive) and Subic Naval Base (three hours) for major shopping and recreational facilities. JUSMAG, Manila in Quezon City (northern Manila) has similar but smaller facilities. Or, you can go on the local economy, which can be a real fun trip for the intrepid. Generally the price of local commodities are reasonable, however, some items which the average American takes for granted are locally treated as luxuries with substantial price tags.

The car lover with a large American eight-cylinder "gas hog" discovers the byways of Manila difficult to navigate. The family that owns the "state of the art" push button, turboized and/or computerized automobile may find themselves without wheels should their pride and joy break down.

The most supportable vehicles in Manila are either locally assembled and/or are imported from Japan. The cost of purchasing either on the local market is prohibitive for the average American and not importable to the states.

For the diehard "buy American" car owner, parts are available from either Clark Air Base or Subic Naval Base, with a waiting period of two weeks to 90 days for what is not in stock. Considering the climate and road conditions, it is best to bring in a small, air-conditioned "four-banger" that is new or in good mechanical condition so that you can get the maximum economy and maneuverability in some of the world's worse traffic.

The air-conditioning is a must if you are to cope with the local brand of pollution and the Philippines twin climates of hot n' wet and hot n' dry.

Gas at Seafront runs roughly 69 cents per gallon. The price doubles on the local market.

Manila and the Philippines offers a myriad of recreational activities. There are numerous historical sites, magnificent garden spots and "Fantasy Islands" within the archipelago which are relatively inexpensive and easily reached by automobile or accessed through any number of reputable Manila travel agents, or frequently the USO.

The beauty of the Islands is breathtaking, complimented by some of the friendliest people in the world.



## PROTECTIVE SERVICES AT KINGS BAY

In the picture above, U.S. Senator Sam Nunn (D-Ga.) talks with spectators during a ceremony earlier this year celebrating the arrival of the U.S.S. Tennessee (SSBN 743) at Refit Wharf One at the U.S. Naval Base, Kings Bay, Georgia. At left is the Honorable William L. Ball, III, who was the Secretary of the Navy at the time the ceremony took place. Walking with him is Capt. Robert J. Labrecque, USN, COMSUBRON 20. SA Wayne Clookie, wearing sunglasses, is in both pictures behind Senator Nunn and Mr. Ball.

## BEHIND THE SCENES

In the picture on the top at right, SA Wayne Clookie waits for instructions while SA John Michaud talks on a portable radio. At right, SA Mark Fox watches for any suspicious movement. These are the images most people have of a protective service detail. But behind scenes like these is a highly coordinated effort controlling the movement of the "principles" (the dignitaries) and the placement of NIS special agents assigned to the protective service detail. This is done from a central control post, such as the one shown in the picture below.



# INFORMATION SECURITY

## SECURITY PROGRAM UPGRADED UNDER THE DIRECTION OF NISCOM

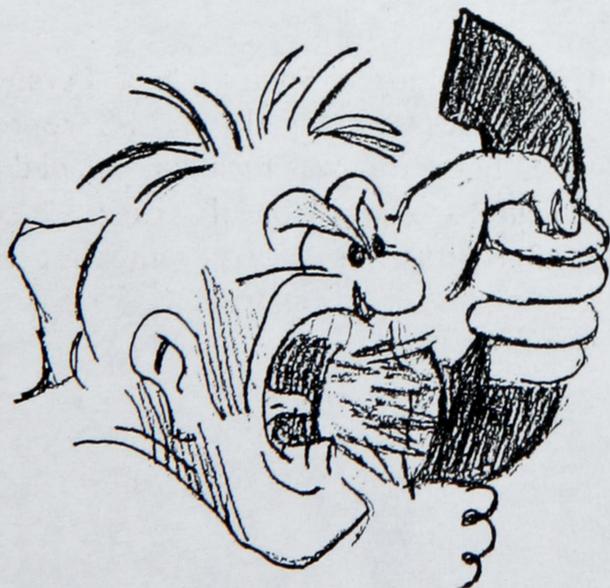
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By SA Dick Sullivan  
Head, Damage Assessment Branch  
Information and Personnel Security Policy Directorate

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Nick Nervous, Special Agent-in-Charge, NISRA Naval Station Podunk is staring at the wall calendar, quietly counting the months until his fiftieth birthday.

He has just hung up the phone after a call from the DRDO who is very unhappy over the monthly statistics. NISRA Podunk is an office in which the third most senior agent (after the SAC and the ASAC) has four years with NIS.



"UNHAPPY" DRDO CALLING . . .

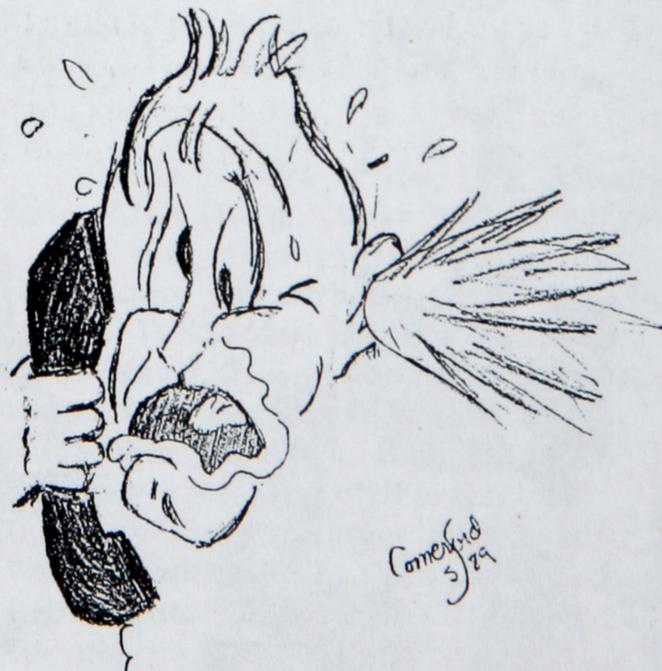
Nick has struggled with DIPFU, a new report-writing system, a shortage of clerical help and no overtime for those who remain, agents TDY to Task Force "Forever", training modules, specialization, STU-IIs that don't work and STU-IIIs that may, someday, G-cars that don't today, and just as he is about to figure out when he can pull the pin for good, in walks Ens. Billie-Bob Benson from the USS Neversink who reports that the command is missing

volumes 8 and 126 to NTP-999, which was last inventoried in 1976, and discovered missing yesterday during an ADMAT Inspection.

Ens. Benson explains that they don't think "there's any spies on board", and really think the stuff, all nine pounds of it, was "inadvertently destroyed", but "the-security-manual-says-we-have-to-notify-NIS." As Nick grabs the last roll of industrial-strength Tums from his desk drawer, he politely declines to open an investigation and thinks rude thoughts about that "Headquarters-puke" who wrote that stupid rule into the security manual.

"Thank heaven" Nick muses, "most C.O.s don't waste my time with that stuff."

In the aftermath of the infamous "Year of the Spy" in 1985-1986, there was a lot of noise about limiting access to classified material, reducing the numbers of clearances, and taking direct action against those in the Naval Service who put our National Security at risk.



. . . SA NICK NERVOUS

For the NIS it meant the creation of the Naval Investigative Service Command increased emphasis on our Counterintelligence role, the creation of the Task Force, the absorption of the Information and Personnel Security Policy office (now Code 21) from the Director of Naval

Intelligence, and the establishment of the Central Adjudication Facility (Code 29).

Some of the changes were cosmetic, some were clearly significant, and others were subtle yet profound. For a special agent in a NISRA, however, much of the hubbub had little to do with his/her case load or the daily working relationship with the fleet. But one small change has already has an impact on every NISRA and NISRU.

In November 1986, then-NISCOM Commander Rear Adm. C.L. Flynn signed OPNAV NOTICE 5510 which required all ships and stations to immediately notify the nearest NIS office every time a preliminary inquiry was initiated into the loss or possible compromise of classified information.

In April 1988, this requirement was incorporated into OPNAV Instruction 5510.1H, the Department of the Navy Information and Personnel Security Program Regulation, commonly called the "Security Manual". It clearly established the requirement to notify NIS each time classified material is lost or thought to have been compromised.

So, today, Ens. Benson is in, talking about some silly administrative foul-up with no criminal or counterintelligence significance.

"Why do I have to waste NIS time and money on this piddly stuff?" the SAC muses to himself. "When was the last time some sailor or marine got thrown into the slammer for violating the Security Manual, fer cryin' out loud?"

Although SAC Nick Nervous may not have noticed it, times have changed, and Information Security, which we used to think of as the realm of the active duty Navy and not NIS, today plays a significant role in our counterintelligence effort.

When was the last time someone got more than a non-punitive letter of caution? According to Special Agent Kelly Blanchette of Code 22A2, the following are just a few samples of recent CONVICTIONS of Navy and Marine Corps personnel:

\* OCTOBER 1986 - Yeoman First Class Michael C. Johnson, USN, convicted at a General Court Martial (GCM) of violating various articles of the UCMJ and Title 18 U.S.C. 793. He received a bad conduct discharge (BCD), forfeitures, maximum reduction and confinement for twelve months.

\* 1987 - Sgt. Clayton J. Lonetree, USMC, was tried and found guilty of espionage and of violating (among others) Article 92 of the U.C.M.J.

\* OCTOBER 1987 - Lt. Alan R. Volin, USNR-R, a drilling reservist, the squadron air intelligence officer of a reserve A-3 tanker squadron at NAS Alameda was convicted at a GCM for violations of articles 92 and 134 and was awarded two years confinement at hard labor, forfeiture, and a

dishonorable discharge.

\* JULY 1987 - Sgt. Kenneth J. Kelliher, USMC was charged with violations of Articles 92, 121 and 134 of the UCMJ. He entered a pre-sentencing agreement in exchange for one year's confinement at hard labor, a BCD and other fines as adjudged.

\* JANUARY 1988 - Master at Arms First Class Wilfredo M. Garcia, USN, was convicted at a GCM for violations of Articles 81, 92, 108, 121, 134 and 18 USC 793. He received twelve YEARS confinement, reduction to E-1, forfeiture and a dishonorable discharge.



**SURVEILLANCE PHOTO OF GARCIA**

\* SPRING 1988, Retired Senior Chief Personnelman Alfonso T. Ruiz, USN, employed as a GS-03 reproduction clerk at NTCC Subic Bay was recalled, pleaded guilty to three specifications of violation of Article 92 and three specs of Art 134. He lost his Navy retirement, received two years confinement, reduction to E-1, forfeiture and a dishonorable discharge.

(Violation of Article 92 is "Failure to Obey an Order or Regulation", namely the Security Manual.)

In each case, classified material was lost or compromised, and in addition to the NIS investigations which resulted in the prosecutions, each command was required to perform a preliminary inquiry and finally a JAG Manual investigation to answer specific administrative questions which are outside the scope of our investigation.

In the past, there was little coordination of the three types of inquiries, and no central focal point for all three investigations. But there has been a change.

The change was not dramatic and for the most part was not noticeable. (And, it's not finished yet, either.) With our expansion into a command in 1985 and the annexation of Codes 21 and 29, the Navy for the first time consolidated

under one officer (Commander, Naval Investigative Service Command), the authority and responsibility for setting and enforcing the rules to protect the security of the Navy's classified information. Commander NISCOM, as Chief of Naval Operations (OP-09N) promulgates the Navy's Information and Personnel Security Policy in the form of OPNAVINST 5510.1H.

Through Code 22, he manages the formal investigation of all loss and compromise incidents and through Code 21 reviews the command administrative investigations of all "security violations".

But it doesn't begin and end there. From the special agents and cooperating witnesses (CWs) who run Subic Bay's "Trash Collection" Operation and the agents who offer advice to worried commands, to the classified material custodians themselves, to their squadron and type commanders, to the fleet CINCs who review and approve command "investigations", to the "faceless bureaucrats" at OPNAV who "concur in" those approvals, the management of information security is a shared responsibility.

It is significant that NIS is involved at both ends of the process, as the "faceless bureaucrats" in OP-09N2 and at the street level, NIS special agents are ensuring that the job is done properly.

Let's follow up on the case of the missing publications from USS Neversink. SAC Nervous, still smarting from the DRDO's call, decides to send Special Agent Newman Boot, who has just returned from FLETC and an FCI school, along with Ens. Benson to the USS Neversink.

SA Boot, who is getting his first close-up look at a piece of "haze-gray", wanders around the ship for two hours, has a cup of coffee, buys a ship's ball cap, and reports back to the SAC. "There were no visible pry marks on the ship's brow," he says, "and between 1976 and yesterday, the ship has deployed nine times, had two shipyard overhauls, seven commanding officers, three hundred and forty-five 'Classified Publications Custodians', and there is a little shredder right next to the safe the nine pound pubs were stored in. It would have been possible," he opines, "for both the nine-pound volumes to have accidentally fallen, page by page, into the shredder without anyone noticing."

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***"It is significant that NIS is involved at both ends of the process..."***

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His interviews determined that no one on board owns a Rolls-Royce, quotes Karl Marx, or travels to Eastern Europe while on approved leave. SA Boot has sold the command a "Collectors" briefing, so, figuring the odds,

the SAC agrees that this "No-hoper" is the "Navy's problem" and declines the investigation. But, just to be safe, SA Boot is told to write a NOR (or maybe an "ONLY" ROI).

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***"Like it or not, we are now the Navy's information security experts."***

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Meanwhile, back on the ship, Ens. Benson does his "preliminary inquiry" and a month later, Lt. Joe Jaygee, USNR, is directed to do a JAG Manual investigation. During the JAG Manual investigation, a thorough inventory discovers several more discrepancies, and at some point, Lt. Jaygee asks the NISRA for help in locating and interviewing several former custodians about their recollections of the missing documents.

At this stage, there is still nothing to indicate that there is anything wrong beyond some poor records keeping and the command's historic failure to comply with the instruction. But the SAC agrees to help and sends a pair of leads out to Diego Garcia and Philadelphia where the former crew-members are now assigned.

Eventually, with the help of the interviews, which are extracted from the NIS ROI and included as exhibits to the JAG Manual report, the command concludes that the documents probably were "inadvertently destroyed" and a non-punitive letter of caution is delivered to some E-3.

The JAG Manual investigation concludes that a loss of classified information may have occurred, but under conditions which suggest a minimal risk to the national security.

But, if there is no criminal activity, and no prosecution, why does the ship have to do its own investigation? Why can't they take our word for it and besides, what happens with all of this extra effort?

What we need to remember is that the preliminary inquiry and JAG Manual Investigation are required to answer the Navy's administrative not criminal prosecution-oriented needs.

What happens is that the Preliminary Inquiry Report written by Ens. Benson is transmitted within forty-eight to seventy-two hours to reach the originator of the classified information who must make "damage control" decisions about the information.

If the material is COMSEC matter, DIRNSA must take special action. If it is SCI information, still other special damage control actions are called for.

If the material involved is the typical rate training manual or ship's schedule, the originator still has to deter-

mine whether that information should be changed, given greater protection, or perhaps downgraded or declassified.

Code 21, as the CNO action officer, receives the Preliminary Inquiry, and checks to ensure the local NISRA had been apprised. If not, the command is "reminded" of that requirement. (Code 22, as usual, controls any NIS investigation.) Once the JAG Manual Investigation is completed and forwarded via the military Chain of Command to the Chief of Naval Operations, it too, is delivered to Code 21 for final review and concurrence.

At Code 21, an experienced FCI special agent does the actual review and writes the CNO letter of concurrence which is then signed by another Special Agent who is the CNO's "Assistant for Information and Personnel Security Policy".

All compromised classified information, whether in publication form, naval message, electronic, photographic, etc., is identified and indexed and is used to track losses for E.E.I., feed material, Indications and Warning and investigative purposes.

Well, at least that's how it is supposed to work. Earlier I said that the changes haven't been completed.

Today, more than two years after the OPNAV Notice, many commands still do not notify the NISRA when classified material is lost or subjected to compromise. Some assume that because NIS does not investigate, they don't have to do anything about it either. And some of what the commands have done themselves, is incorrect or of little value.

A series of changes to the OPNAV Instruction have been initiated which streamline the command's reporting. The first of these will be published as Change-1 to 5510.1H, with the remainder to follow in "short" order.

First, instead of submitting a lengthy and redundant JAG Manual style letter report which is not timely, commands are required to report the Preliminary Inquiry (we deliberately do not call it an "investigation") by NAVAL MESSAGE within two to three days. Similar to an OPREP, this report is analogous to our ALS "OPEN" and they must send it to the originator, CNO, COMNISCOM and the local NISRA.

Second, they are required to formally report all losses or suspected compromises of classified information to the local NISRA. They are also being told to ask that NISRA for professional advice on how to conduct the preliminary inquiry even when NIS does not investigate. **Like it or not, we are now the Navy's "duty experts" on information security.**

Third, commands are reminded that NIS can provide investigative assistance (leads) which are beyond the command's abilities, even when there is no NIS investigation.

Fourth, they are encouraged, after coordinating with the SAC, to use NIS interviews and statements as exhibits in the JAG Manual investigations.

Finally, they are being informed that of the three

types of inquiries, the Preliminary, the NIS Investigation, and the JAG Manual, that each is different, each serves a specific purpose, and each may supplement but cannot replace any of the others.

Commands are also informed that the NIS SAC has the prerogative to accept or to decline an investigation, and if NIS accepts, the SAC may ask that all inquiries, preliminary and JAG be postponed to avoid compromising the NIS investigation. This is intended to hold off the strictly administrative procedures of the JAG Manual investigation.

But if there is a genuine need to delay the Preliminary Inquiry, the SAC must keep in mind that DOD requires that the originator of any lost or compromised material be notified within two to three days. Normally, that report can be made without interfering with the NIS investigation. Should it be necessary to withhold that report, the matter must be coordinated with Code 21.

"So," asks Special Agent Nick Nervous, "how soon do I get to see all of these great changes out here in Podunk?"

Some are in effect now, and some NISRAs have already experienced an unexplained increase in command contacts. At Headquarters, the review of preliminary and JAG Manual reports has been in place for some time.

Automation of the loss and compromise data base has been planned by Codes 21 and 22, and should be on-line soon.

Change-1 to OPNAVINST 5510.1H has been written, an "Investigating Officer's Guide" for the fleet user has been drafted and is "being staffed" as of early November 1988, and a joint Counterintelligence research cell to analyze all of this information and apply it to our day to day concerns has been established by NISCOM with NIC involvement.

"But," Nick persists, "when will the fleet get the word?" It won't be known "fleet-wide" any time soon, but the first "Form Nines" have gone out to ships and stations, the policy has been written, and all the changes will be "promulgated in a forthcoming change to the manual."

It will take time, and it will take your cooperation and patience, particularly your patience in responding to the calls for advice and assistance from the commands we service.

## PACE PROGRAM

# RECOGNITION OF ESPIONAGE INDICATORS IS STRESSED

By SA Matthew Parsons and  
Lt. Richard L. Stark, USNR

By the time he finished his fourth beer, Radioman Second Class John Walkman was convinced he had a good thing going. Sitting by himself on a Friday night in the base enlisted club, ignoring the rock music and hubbub of voices around him, Walkman gazed intently at the empty glass on his table, pondering.

Things were going well, he thought, better than anticipated.

Savoring this sweetness of success, Walkman found himself experiencing an acute sense of power.

Misgivings of earlier, second thoughts about what he had gotten himself into, gave away. The danger of discovery, the risk - it was worth it, he decided.

Walkman smiled at himself. The risk was paying off. He had money, more than any of his shipmates. Walkman thought about his wardrobe, custom tailored.

Then he thought about his Nissan Fairlady Z. "AM/FM cassette deck, air conditioning," the base paper had read. "Rear spoiler. \$2,400 firm." Walkman recalled the heady feeling of shelling out the twenty-four crisp one-hundred dollar bills. Not that the car was expensive by stateside standards, he reminded himself. But in Japan used cars were one of the all time good deals for overseas personnel, and on Yokosuka Naval Base the money was enough to outfit himself with one dynamite set of wheels.

Hell, Walkman asked himself, why pay \$600 for a non-descript Toyota,

when he could cruise the base in a Fairlady Z? He could afford it...

His mind thus occupied, his eyes unseeing, Walkman was unaware of a young woman watching him. She was blond and fair-skinned, and possessed strikingly attractive features which were being accorded frequent glances from the many other male patrons in the bar.



Swaying subconsciously to the beat of the music, seemingly oblivious to the attention directed her way, the woman presently moved purposefully across the room.

Approaching Walkman's table, she stopped and stood, resting her hands on one of the empty chairs. Then she smiled and spoke.

"Hi guy. Mind if I join you?"

Walkman was startled. His reverie broken, he looked up. It took him a moment to recognize the young woman. She was from his command, though he hadn't met her yet. She was new aboard and worked in a different

section. She looked younger out of uniform, Walkman thought to himself, observing the woman's jeans and sweater. Or maybe it was the blond hair, he thought.

On duty it was always pulled back and tied neatly above the collar of the woman's uniform, but now it seemed to cascade softly around her face and shoulders.

"I said, mind if I join you?" The music had stopped, briefly, and this time the young woman's voiced carried. She smiled, warm and friendly.

Walkman looked away. He made no move to stand or offer her a seat.

The woman hesitated, then seated herself in the chair nearest Walkman's own.

"You looked lonely sitting by yourself." The woman's smile was warm again. When her friendly attempt to break the ice brought no response, she changed the subject. As she did, the music continued. "Nice club," she said. As she leaned for-

ward, Walkman became aware of a lightly scented perfume.

"I'm Tracy Coggins. I've seen you at the command. Been aboard long?"

Feeling his four beers, Walkman was tempted to tell this Coggins chick to beat it. He was at the Club for one express purpose - to get away. And although he didn't realize it, he was drinking more than usual. The alcohol was an escape, a numbing of the senses.

"Look," Walkman said, pushing back from the table and standing, somewhat unsteadily. "I gotta make a head call." He was about to turn away when the full impact of the beer hit him.

Lightheaded, he paused and breathed deeply.

Coggins watched him, debating whether or not to say anything. Before she could, though, Walkman was winding his way around the other tables, making his way out of the noisy bar.

Alone at the table, Tracy Coggins was mildly confused. The abrupt departure by Walkman - she knew his name, having learned it from co-workers - was not what she had expected.

Tracy was a highly attractive girl, and she knew it. She had plenty of reason to be confident about herself. When she approached Walkman she was expecting a warm welcome, not a rebuff. She wondered - was he gay? It hadn't been mentioned at the command.

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***"He had money, more than any of his shipmates."***

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She had learned he was quiet and kept to himself. There was talk he had a girlfriend in Tokyo. He seemed to go there a lot, some said. Intrigued with Walkman's good looks, his mysterious eyes and the strange air about him, Tracy was interested. Odd, though, she pondered now, sitting alone at the

table. His response, or lack thereof was certainly unusual.

Well, Tracy decided, she certainly wouldn't sulk about it.

She stood, turning toward the exit. Just chalk it up to experience, she thought to herself, ignoring the heads turning her way.

Tracy knew she rarely misjudged people.

Walking down the carpeted passageway, the rock music receding behind him, Walkman thought about Tracy Coggins. He regretted leaving. What a face and figure!

Descending the steps to the second deck, Walkman wondered why he couldn't respond to women normally. This had plagued him every since his teens. Was it from growing up without a father, he wondered, a "masculine role model" to learn from? Walkman was an only child, an infant when his father died.

His mother, intelligent and attractive, had worked hard to carry on and support the two of them. But it had been a lonely childhood for Walkman, devoid of, as he considered it, a "real" family life. As such he never learned how to make friends, and couldn't remember ever having any. This was unfortunate. Walkman, who had inherited his mother's good looks and intelligence, could easily have been popular among his peers.

The night air was mild on his face as he exited the Club. Clearing his mind, Walkman decided he didn't need Tracy Coggins, or anyone. Besides, it was better this way, he concluded. It was absolutely important to him no one found out what he was doing.

Walking to his Fairlady Z, ignoring other pedestrians, Walkman considered this last thought. The stakes, he knew, were high.

He recalled the first evening of his involvement, and the pounding fright he experienced upon exiting the command.

What if he had been asked to open his gym bag? It was an ominous thought. But there hadn't been a search, he counted on that. He had gotten out as expected, gym bag intact.

Walkman remembered his subsequent trip to Tokyo and the meeting with his "associates." They had certainly been generous. Was it because they sensed he was serious and could be of value to them? Walkman wasn't sure. With each successive meeting, though, things had gotten better. Walkman reached for the door of his Fairlady Z.

And easier, he thought.....

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***"He recalled the first evening of his involvement, and the pounding fright he experienced upon exiting the command."***

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It does not take a trained Foreign Counterintelligence (FCI) Agent to realize that this scenario possesses many espionage indicators which we all hope would be brought to our attention immediately.

However, such is rarely the case except for aspects of the Cooperating Witness Program currently engaged in espionage, was established at NISRA Yokosuka, which has applications throughout the Naval Investigative Service.

The FCI Squad at NISRA Yokosuka, for the past two years has persevered in the development of an aggressive counterintelligence initiative which is known by the acronym of "PACE", for the Pro-Active Counter-espionage Program. The program, however, began to show its mettle in May 1987 and has been increasing through goal realization ever since.

Originally designated with one purpose in mind, the program now has expanded to a series of well-defined, obtainable goals:

- to IDENTIFY those engaged in espionage based upon past indicators.

- to DISCOURAGE those DOD members considering an act of espionage by means of an aggressive, proactive (vice reactive) NIS Counterintelligence Program.

- to EDUCATE or sensitize commands and their personnel the severity and manifestations of espionage.

- to ENHANCE the PLPCW program by identifying those best suited for participation.

- to IDENTIFY other command personnel who may be suitable for other CI functions.

- to INCREASE the NIS response identification, investigation, and resolution of security violations or practices dangerous to security

- to ENHANCE NIS CI liaison with command.

The program vigorously supports the essence of the CE program an essentially covers the breadth of our entire FCI program and PACE fosters a continuous, mutually beneficial, working relationship between Navy commands and the local NIS component.

This has been shown on numerous occasions in the written response provided by all current participants. The program is modular, and flexible to allow; the Special Agent Afloat, alone at sea, an FCI dedicated agent in small NISRA, or large CONUS FCI squad, to undertake either one or a series of these programs. The individual goals of each NIS component could be different for a variety of reasons, but the results would still address the goals of PACE.

PACE is neither an inspection, nor a "witch hunt" or "numbers machines", but is well documented as a productive effort which has far reaching potential.

## ACCOUNTING, BUDGET SPECIALIST

# ADMINISTRATION DEPARTMENT ADDS NEW DEPUTY DIRECTOR

Ms. Marisa E. Young has been appointed as Deputy Director of Administration for the Naval Investigative Service Command.

"In the resource management area, I have two priorities," said Ms. Young, who was a budget analyst at the National Institutes of Health prior to coming to NISCOM. "I want to do everything I can to help NISCOM get the resources it needs to get the job done. And I want to make sure that management gets timely and accurate data on resources.

"In the administration area, I want personnel working in the support areas to realize that their jobs are critical to this command and I will do what I can to ensure that support is provided efficiently and effectively."

Ms. Young served at the National Institutes of Health from April 1989

until June 1989. Prior to that she was a staff accountant at the Defense Mapping Agency's Hydrographic and Topographic Center from January 1987 until April 1989; and a budget analyst (systems manager for foreign military sales computer information system) for Headquarters, U.S. Air Force from April 1986 through January 1987.

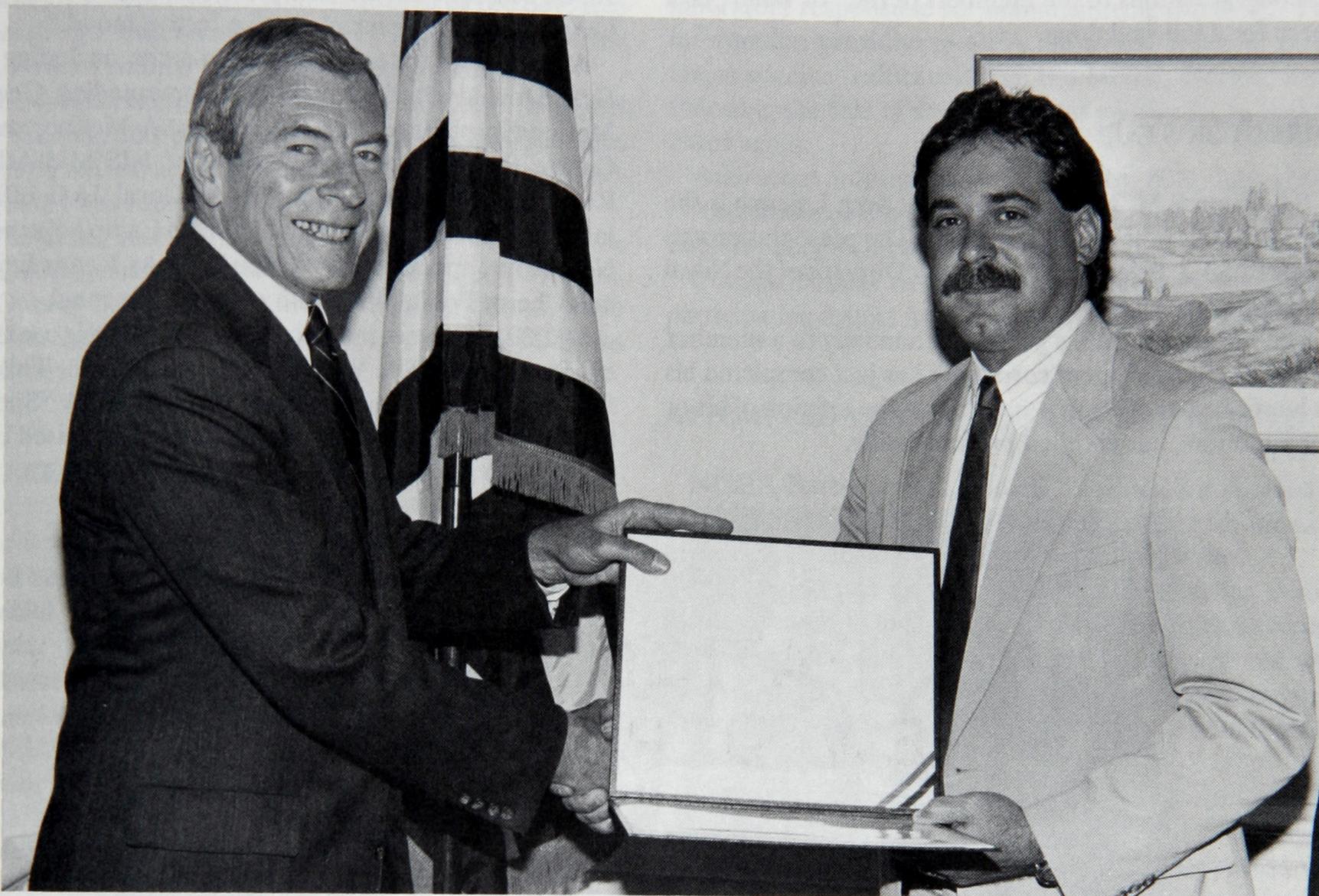
She was Deputy Accounting and Finance officer for the Defense Investigative Service from May 1984 until April 1986; a budget analyst for the Organization of the Joint Chiefs of Staff from May 1982 until May 1984; a cost accountant at the NASA Goddard Space Flight Center from September 1980 until May 1982; a student ADP aide at the University of Maryland from February 1980 until February 1982; a management trainee at the

Defense Communications Agency from October 1979 until September 1980; an accounting technician for the Defense Investigative Service from February 1977 until September 1979; and a voucher examiner for the USDA Forest Service from May 1975 until February 1977.

Mrs. Young attended the University of Maryland where she earned a masters of general administration degree from the in 1983, a bachelor of science degree in business and management (major in accounting) in 1978, and a bachelor of arts degree in law enforcement in 1974.

She is a member of the Association of Government Accountants, American Society of Military Comptrollers and the American Association of Budget and Program Analysis.

# NISCOM BULLETIN BOARD



DEPUTY UNDER SECRETARY OF DEFENSE ALDERMAN AND SA SULLIVAN

## STATION ZEBRA CASE AGENT IS HONORED AT CEREMONY

SA John Sullivan was honored recently for his work as the case agent on "Operation Station Zebra", which resulted in the arrest and conviction of a hostile intelligence agent in Canada.

In a ceremony held in the Pentagon, SA Sullivan was presented with a certificate of appreciation by Mr. Craig Alderman, Deputy Under Secretary of Defense for Policy.

Operation "Station Zebra" was a joint effort conducted by the NIS, the Royal Canadian Mounted Police (RCMP), and the Canadian Security Intelligence Service (CSIS).

It began in December 1986 when female U.S. Navy officer recruited by NIS as a double agent, walked onboard a Soviet scientific research vessel which was docked at St. John's, Newfoundland and offered to sell classified infor-

mation. She later had a series of meetings with a man eventually identified as Stephen Joseph Ratkai, a Canadian-born son of a Hungarian emigre.

Ratkai was arrested on 11 June 1988 following a meeting with the double agent. On 6 February 1989 he pled guilty to espionage in the Supreme Court of Newfoundland. On 9 March 1989 he was sentenced to two concurrent nine year prison terms.

### "ILL WIND"

As of this writing, Operation "Ill Wind" is still in full swing. However, it has already resulted in large numbers of highly publicized indictments and convictions, millions

of dollars in fines and restitution payments connected with procurement contracts in the hundreds of millions of dollars.

Operation "Ill Wind" was initiated by the NIS and is now a joint investigation with the Department of Justice and the FBI. It is considered to be the most wide-spread and multifaceted procurement fraud investigation in the history of the Department of Defense.

Congratulations to the members of the "Ill Wind" task force for a job well done.

## DIRECTOR'S CUP

SA Thomas M. Meyer of NISRA Camp Lejeune is the winner of this year's Director's Cup. The presentation was made by SA J. Brian McKee, Deputy Director of the Naval Investigative Service.

The Director's Cup is presented annually to a member of the NIS special agent corps who has just completed his or her first year of service and who, in the opinion of his or her superiors, has excelled professionally.

SA Meyer began his NIS career at NISRA Camp Lejeune in September 1987. Since completing FLETC as an honor graduate, SA Meyer has been a member of both the Property and Narcotics Squads of NISRA Camp Lejeune. His outstanding performance on both squads included numerous roles as an undercover agent.

NISRA Camp Lejeune put on a show of "Southern hospitality" to mark the occasion. In the words of SA M.B. Jones, ASAC NISRA Camp Lejeune, it was a "North Carolina-style pig pickin' set to a festive mood."

At high noon the guests began to arrive, including Maj. Gen. Donald Gardner, USMC, Commanding General, Marine Corps Base, Camp Lejeune; SA McKee; and SA Claude Rollins, Regional Director of NIS Mid-Atlantic Region. Others attending included local JAG officers, members of the Provost Marshals from Camp Lejeune and New River, special agents from NISRA Camp Lejeune and Cherry Point, along with support personnel.

By 1:30 p.m. every morsel of the 75-pound pig cooked by culinary genius SA Wes Shuler, was gone. This was followed by the award ceremony in which SA "Speedy" Meyer, with his wife Cindy by his side, was praised by SA



## DIRECTOR'S CUP

SA Thomas M. Meyer shows off the Director's Cup. With him are his wife, Cindy, Maj. Gen. Donald Gardner, Commanding Officer of the Marine Corps Base at Camp Lejeune, and SA J. Brian McKee, Deputy Director of NIS.

McKee, SA Rollins and Maj. Gen. Gardner.

It was truly a noteworthy occasion at NISRA Camp Lejeune.

### **BAY AREA SUPER SLEUTH RUN**

NIS Northwest Region special agents won awards at the First Annual Super Sleuth Run sponsored by the Bay Area Federal Law Enforcement Officers Association and the U.S. Army Criminal Investigation Command.

The 4.4 mile and two mile runs were held on 9 June 1989 on a winding, hilly course at the Presidio in San Francisco. Over 150 federal law enforcement personnel participated. NISCOM was represented by 20 special agents.

When the dust settled several awards were due the NISCOM runners. SA Henry Lingan, SA Pat Ulrich and SA Gunnar Newquist were first in their age groups, while SA Tom Halley was second in his age group. NISCOM was third overall in team competition.

### **"SHAKEN BABY SYNDROME" CONVICTION**

On 8 March 1988, special agents from NIS Whidbey Island began an investigation in the death of a four-month old child, which led to the subsequent conviction of the suspect. The cause of the death was the "shaken baby syndrome," and the conviction was made primarily on circumstantial evidence and medical testimony, according to SA H.B. Lingan, Regional Director of NIS Southwest Region.

The "shaken baby syndrome" is a relatively new medical theory in which death is caused by forceful shaking of the infant by an adult. The power of the shaking causes the infant's head to uncontrollably snap forward and backward.

The suspect in this investigation was the regular baby sitter's husband and the time frame in which the incident occurred was approximately 50 minutes. The suspect was charged at a general court-martial with involuntary manslaughter and found guilty. He was awarded the maximum sentence of three years confinement, reduction to E-1, forfeiture of \$400.00 and a dishonorable discharge.

It should be noted that inquiries at NISCOM revealed that this is one of the first convictions utilizing the "shaken baby syndrome" theory. Congratulations to Case Agent Fred Stillwell, SA Mark Leiser, and SA T.S. Robinson.

### **DRUG ARRESTS**

NISRU Cecil Field initiated a narcotics investigation after receiving information from an NIS cooperating witness that a Navy member was involved in trafficking large amounts of MDMA, an illegal substance known as "ecstasy".

Several controlled narcotics purchases were conducted and it was discovered through the information obtained from subpoenas that the suspect was wiring money from Florida to Texas and receiving weekly shipments of MDMA. Upon apprehending the suspect, NIS special agents seized approximately \$11,000 worth of MDMA and obtained valuable information.

NIS then assisted the DEA in locating the clandestine laboratory responsible for manufacturing the drug. The information provided to DEA led to the arrest of three major cocaine traffickers from the Miami, Florida, area, following the sale of several kilos of cocaine to an undercover agent.

Additional information obtained by NIS during the investigation assisted the FBI in locating two suspects in a bank robbery in Jacksonville, Florida.

Congratulations to Case Agent Cynthia Gross and to participating agents from Jacksonville and Cecil Field.

### **ATTEMPTED SALE OF CLASSIFIED THWARTED**

NISRA Barbers Point, Hawaii, conducted a successful investigation of a Navy third class petty officer for the sale of classified documents obtained at his work site.

The suspect was arrested by NIS after providing classified documents to an undercover agent for \$1,000. During video recorded meetings between the suspect and the undercover agent, classified information was disclosed and a classified document was recovered during a search of the suspect's house subsequent to his arrest.

The suspect pleaded guilty and received a sentence of 18 years hard labor, forfeiture of all pay and allowances, reduction in rank to E-1 and a dishonorable discharge. Based on additional interrogation following his conviction, it does not appear as if any of the classified information was sold to anyone other than under controlled circumstances.

Congratulations to participating special agents from NISRA Barbers Point.

### **AGENTS RESCUE THREE**

Three off-duty NIS special agents assigned to the Norfolk area had planned to meet at a local restaurant after work on 20 July, but wound up saving three lives.

On his way to the restaurant, SA Michael R. Dorsey saw a young Marine who was threatening to jump off a bridge on to some railroad tracks below. After talking to the man for about 20 minutes, SA Dorsey convinced him to come down.

Meanwhile, SA Kenneth Knudsen and SA Jody Fletcher were sitting at the restaurant when they saw a 12-year-old girl in distress in the Lynnhaven Inlet where she had been swimming. She was caught in the current and screaming for her mother. An older man attempted to save her, but

was caught in the current, too.

Upon seeing this, SA Knudsen and SA Fletcher removed their jackets, shoes, pistols and wallets and swam more than 100 yards to reach the two. The two agents brought them back to shore and revived them.

Congratulations to SA Dorsey, SA Knudsen and SA Fletcher.

### GUIDE DOG SPONSORED

During the last few years, special agents assigned to NISRA Holy Loch have sponsored and participated in numerous fund raising events for the Guide Dogs of the Blind. Recently, the total amount surpassed \$1,700, the cost of raising and training one guide dog.

In appreciation of this, Mr. John Craynor, Chairman of the Lower Clyde Branch of the Guide Dogs for the Blind Association, presented SA Joel Gossett, SAC, NISRA Holy Loch, with a photograph of Tyler, the guide dog that NISRA Holy Loch sponsored. Tyler is now assisting an elderly lady in Aberdeen, Scotland.

### RESERVE AGENTS CITED

Three New York area police officers who drill with Naval Investigative Service Regional Office Reserve Unit 0602 were recently presented with Navy Achievement Medals.

Lt. Cmdr. Jay Caputo, Lt. Bill Seidenstein and Lt. Jack McKeon were presented with the medals in a ceremony held at NISRA New York. Capt. Martin Slater, Reserve Intelligence Area Coordinator, Area 17, and Capt. James Davitt, Jr., commanding officer of NISROU 0602, made the presentations.

The three officers, who bring with them a wealth of knowledge from their civilian occupations as law enforce-



### AGENTS THANKED

Mr. John Craynor, assisted by his guide dog, presents a picture of "Tyler" to SA Joel Gossett, SAC NISRA Scotland.

ment officers in the metropolitan New York area, are credentialed Reserve NIS agents. They were cited for professional achievement while serving in operations for NISRO Reserve Unit 0602 from 1984 to 1987.



### CONGRATULATIONS "ENSIGN"

Former Chief Master at Arms James T. Covell stands at attention while his wife, Cindy, and Rear Adm. William L. Schachte, Jr., COMNISCOM, attach ensign shoulder boards to his uniform. Ens. Covell, who will be leaving for a new assignment, was assigned to the Law Enforcement and Physical Security Directorate.

(Photo by Gary M. Comerford)

# MARINE CORPS GENERALS HONOR TWO NIS AGENTS

Marine Corps commanding generals recently honored two NIS special agents, presenting them with the Meritorious Civilian Service Award.

The medals were presented in separate ceremonies to SA Bill Wittenberger and SA Brian Stamper.

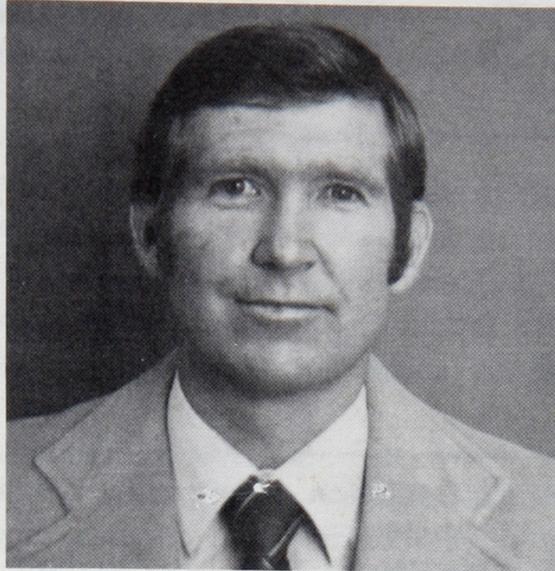
SA Wittenberger just concluded a four-year tour of duty as the SAC at NISRA Camp Lejeune and is now the Deputy Regional Director of NIS Far East Region, which is headquartered in Japan. SA Stamper recently finished a two-year tour as SAC of NISRA El Toro and is now enrolled at the U.S. Naval War College in Newport R.I..

Maj. Gen. Donald R. Gardner, USMC, Commanding General, Marine Corps Base Camp Lejeune, N.C., signed SA Wittenberger's citation and presented him with the award in a ceremony held on 13 July 1989.

Five commanding generals and four other commanding officers signed the letter accompanying SA Wittenberger's award.

"The enclosure is delivered jointly by all of us with tremendous respect, profound admiration and sincere appreciation for all you have done during the past few years as the Special Agent-in-Charge at the Camp Lejeune, Naval Investigative Service Resident Agency," the letter stated.

"The award citation so accurately states all of your tremendous accomplishments -- most importantly that you have made Camp Lejeune and the surrounding community a safer place to work and live," the letter said. "You leave with our personal gratitude and best wishes for success in your tour at Yokosuka." It was signed by: T. W. Roberts, Commanding General, II Marine Expeditionary Force; O.K.



SA STAMPER

Steele, Commanding General, Second Marine Division; B.G. Butcher, Commanding General, 6th Marine Expeditionary Brigade; Donald R. Gardner, Commanding General, Marine Corps Base, Camp Lejeune; M.L. Brandtner, Commanding General, 2d Force Service Support Group; D.W. Nelson, Commanding Officer, Marine Corps Air Station, New River; H.P. Scott, Commanding Officer, Naval Hospital, Camp Lejeune; M.E. Heilman, Commanding Officer, Naval Dental Clinic, Camp Lejeune; and R.H. Hart, Commanding Officer, 2d Surveillance, Reconnaissance, and Intelligence Group.

"I was at the presentation," said SA Claude Rollins, Regional Director for Operations for NIS Mid-Atlantic Region. "It was a great moment for Bill and for our organization."

Maj. Gen. D.V. Shuter, USMC, Commanding General, Marine Corps Air Station, El Toro, California, signed SA Stamper's citation and presented him with the medal in a ceremony held on 28 July 1989.

Others attending the ceremony included Maj. Gen. Shuter's Chief of Staff, Col. Joseph Underwood, USMC,



SA WITTENBERGER

and the MCAS El Toro Provost Marshall, Maj. Joseph Goodrow, USMC, in addition staff judge advocates and other guests.

"Brian obviously earned an outstanding reputation with the Marine Corps commands at El Toro and Santa Ana," said SA Dennis Usrey, Regional Director for NIS Southwest Region. "I know from observation of the work accomplished by his office it was based on continuously outstanding investigative support."

"It was a very impressive ceremony," said SA Dave DePriest, the acting SAC at NISRA El Toro. "(Maj.) Gen. Shuter expressed his thanks for the cooperation NIS had extended to his command and he was very appreciative of the services provided while Brian was the SAC. It was quite obvious that he (SA Stamper) was well liked."



# LEGAL

## NISCOM DEPUTY STAFF JAG GIVES TIPS ON TESTIFYING

Major McNeil is the Deputy Staff Judge Advocate at NISCOM. He has been a Marine Corps attorney for thirteen years and has had extensive trial experience. He has prepared this article to help agents feel more comfortable about testifying in the courtroom.

As either a prosecutor or defense counsel, I have often observed that many witnesses appear to be so confident in my office but on many occasions appear to be quite nervous in the courtroom.

Most witnesses are nervous in the courtroom because they have a natural fear of the unknown. While they feel comfortable with the course of the direct examination, they feel concerned and worried about the extent of the cross-examination that they may undergo.

With many witnesses, this nervousness is obvious. For example, when the witness testifies during direct examination, he or she may appear to be confident and competent. However, during the course of the cross-examination of this witness, the witness appears a great deal more anxious.

I think it is important that NIS agents realize that to feel nervous is normal. Everyone in the courtroom feels nervous and apprehensive at times: the prosecutor; the defense counsel; the judge, the court reporter; and even the bailiff. These feelings of anxiety are often increased because of the nature of the courtroom. The courtroom is a cold, formal, intimidating, public setting.

In addition to understanding that feeling nervous is normal, there are other tips which you should give some thought to before testifying again.

Here is some advice about testifying:

1. The key to testifying is preparation. NIS agents should spend as much time as possible going over the facts of the case before testifying. Knowing your facts and being properly prepared for direct examination and cross-examination will make you appear and feel confident in the courtroom. Lack of preparation is obvious in the courtroom. Members in a court-martial or juries in a civilian trial can quickly determine the extent of the witness' preparation based upon the way he or she testifies. If you have a firm grasp of the facts, it will be obvious that you know your case well. Experienced trial attorneys state that

if they are prepared for ninety-five percent of what happens in court, then they have done a good job in pretrial preparation. I believe the same standard can apply to special agents. If they are prepared for ninety-five percent of the questions asked during cross-examination, then they have done an effective job in pretrial preparation.

2. Remember, you are the expert witness. You are the person who did the investigation, and are aware of the facts and circumstances surrounding that investigation. You should know the facts about the investigation better than anyone in the courtroom. Part of the reason why special agents and other expert witnesses fear cross-examination is because of their beliefs that the defense counsel has access to other sources of information or knowledge which will be used to embarrass them or impeach their testimony.

In most cases, you are conducting the investigation long before the defense counsel even becomes involved in the case. As a result, you should feel more comfortable about facing the cross-examination. You are the expert, and the defense counsel usually does not have any access to damaging impeachment information.

3. If you believe that your in-court testimony will be more effective by practicing it with a prosecutor, you should seek out the prosecutor and discuss it with him or her. It's important to keep in mind that a good prosecutor will obviously want to make an effective presentation, and if you feel more comfortable about rehearsing, you should bring it to his or her attention.

Most experienced prosecutors will make it a standard practice to rehearse the direct examinations with special agents. The prosecutor may not go over each and every question he intends to ask the special agent, but he will at least discuss with the agent the subject areas of the questions and any pitfalls. In addition, the prosecutor can practice cross-examining the special agent. He can either do it himself, or use a fellow prosecutor to play the role of the defense counsel, and go through a cross-examination session with you in the courtroom.

I have used these procedures extensively, and found that the witnesses appear more comfortable, confident and effective in the courtroom as a result. Remember, the prosecutor wants and needs your effective performance. Work as a team to achieve it.

4. Think about testifying during the course of your investigation. Unfortunately, some investigators feel that all their work efforts should be centered on the investigation phase, and they do not give adequate consideration to the trial which will subsequently occur.

From the first day you become involved in the investigation, you should keep in the back of your mind the fact that you will probably be testifying concerning that investigation. Accordingly, if during the course of that investigation you determine that there are some weaknesses which might be brought up during the subsequent cross-examinations, do what you can in the investigative stage to try to eliminate those weaknesses. Once the investigation is closed, and you are sitting in the witness chair testifying, it is too late to do anything about those weaknesses.

By anticipating and resolving problems during the course of your investigation, you should feel more comfortable and competent while you are testifying at a later date.

How many times while being cross-examined have you thought, "I wish I had done that differently?" Eliminating potential pitfalls during the investigation will make you feel more comfortable at trial.

5. Eye contact is essential with the trier of fact. While you are testifying, maintain good eye contact with the judge if it is a judge-alone trial, or with the members if it is a jury trial. Special agents know how important eye contact is when they are interviewing or interrogating witnesses.

If someone looks straight into your eyes while he or she is talking, there is a greater likelihood that person is telling the truth. If an individual, however, looks away and avoids eye contact with you, then you often assume that person is not totally truthful. The same principles apply in the courtroom. When the prosecutor or defense counsel asks you a question, turn your head and look at the trier of fact when you answer the question.

Unfortunately, many courtrooms are not designed so that the witness can look directly at the trier of fact. As a result, you may have to turn your head to the left or to the right when answering the questions. Your level of credibility will be enhanced by ensuring that you look into the eyes of the trier of fact as you respond to the questions being asked.

6. Act impartially while testifying. Often witnesses will display a different demeanor depending on who is conducting the questioning. Special agents should appear fair and impartial during both direct examination and cross-examination. In my experience, he has found that agents appear far more credible when they can maintain the same demeanor for the defense counsel and the prosecutor.

7. Always appear confident even when you may not know what is happening in court. An effective witness, like a good trial attorney, will always appear confident in the courtroom. This doesn't mean that this person should act

arrogantly; it means that the witness or the attorney will appear as if he knows what he is doing.

I admit that during the course of some trials there are moments when I have not known what was going on or was confused. However, I always try to maintain the external appearance of confidence. A confident demeanor and appearance can increase one's level of credibility, even though the witness may internally be extremely nervous and confused for the moment. Special agents can practice exuding confidence by trying to appear confident in stressful situations.

Whenever they are confronted by stressful situations outside of the courtroom, whether in their personal or professional lives, they can practice appearing confident and being in control. After practice, your degree of exhibiting confidence can improve considerably. The more confident you appear in the courtroom, the more your testimony will be trusted and believed by the trier of fact.

8. Do not volunteer information when testifying. During the stress of cross-examination, it may be normal behavior for a witness to want to be cooperative. Unfortunately, under these circumstances the witness may want to volunteer information which has not been asked for. Although the special agent may believe the information being volunteered is not that significant, it might have considerable significance in the overall picture of the case.

9. Don't guess when answering a question. There is nothing wrong with answering a question by saying "I don't know" or "I don't remember." Again it may be human nature to feel uncomfortable by saying "I don't know" or "I don't remember" in front of a jury. Jurors, however, understand that witnesses certainly cannot remember or know all the facts and details involved in a case.

As a result, special agents should not feel the need to give some kind of answer. The guess that the witness provides may hurt the case. A good trial attorney will write down answers made by the witnesses during the testimony for later use during arguments to the trier of fact. Although a "guess" response may seem insignificant to the witness, it may provide valuable ammunition to the opposing attorney during final arguments.

10. If either on direct examination or cross-examination, you are asked a question which you do not understand, ask for clarification. Again, it is important that an answer is not simply blurted out. You won't look foolish if you ask that a question be clarified. Lawyers often ask questions which are confusing. Members of a court-martial or juries can certainly see that a question could be confusing and realize that a witness' confusion is reasonable under the circumstances.

11. Think about the question that is being asked before you answer it. Take the time to think before you answer the question. Listen to the whole question. Never answer a question before the last word of a question because it may change the whole meaning of the question. Take your time in answering a question. This additional time will give you more opportunity to think about the answer and it will also give the prosecutor an opportunity to think of any relevant objection to the question.



## WELCOME ABOARD

SA Jack Shea has been assigned to NISCOM headquarters in Washington, D.C., as a staff attorney. His previous assignment was at NISRA Camp Lejeune, N.C.

A native of Milwaukee, Wisconsin, SA Shea graduated from Holy Cross College in 1976. He then attended the Suffolk University Law School and earning his law degree in 1979. He is a member of the Massachusetts Bar Association.

From 1980 to 1985, he served in the U.S. Air Force as a member of the Judge Advocate General Corps.

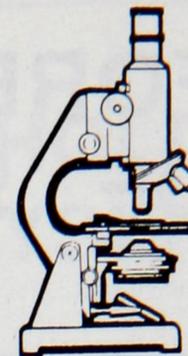
He joined the NIS in 1987. He was stationed at NISRA Camp Lejeune until March, when he was transferred to NISCOM.

# NIS Plank Owners' List

In keeping with time-honored traditions, the Naval Investigative Service periodically publishes the "Plank Owners List" showing the top 25 Special Agents in terms of length of service. The "Plank Owners" as of 30 June 1989 are listed below:

NAME	DUSTA	NIS DATE
1. Naylor, Joseph F.	0026	16 MAR 61
2. Brannon, Thomas E.	60HQ	05 MAR 62
3. Black, Verner Gene	06MP	27 AUG 62
4. McKee, J. Brian	0002	01 SEP 62
5. Reilly, Peter	000Y	02 SEP 62
6. Tatum, Allan D.	81HQ	24 SEP 62
7. Carl John W. Jr.	12WH	10 OCT 62
8. Skinner Larry V.	11LB	15 OCT 62
9. Seehorn, Frederick R.	0024	07 JAN 63
10. McCullah, Lanny E.	0022	15 APR 63
11. Usrey, Dennis E.	05HQ	17 JUN 63
12. Stovall, Harry J.	11ET	29 JUL 63
13. McBride, Daniel IA.	83SU	09 SEP 63
14. Musante, Paul V.	06RL	01 OCT 63
15. Childs, Richard E.	0028	18 NOV 63
16. Brant, Joseph W.	06CS	04 JAN 64
17. Powers, Robert J.	0023	20 JAN 64
18. Davis, James R.	12LM	30 MAR 64
19. Merritt, Carl J.	0026	13 APR 64
20. Orme, Robert T.	83HQ	25 MAY 64
21. O'Neil, James M.	06CF	31 AUG 64
22. Lambert, John G.	05NF	21 SEP 64
23. Moyer, David	80HQ	02 NOV 64
24. Toler, Charles D.	0030	07 DEC 64
25. Biggs, Joel W.	60TJ	18 JAN 65

# TECHNICAL SERVICES



## WELCOME ABOARD

Several new staff members have joined the NIS Regional Forensic Laboratories and Consolidated Evidence Facilities during the past six months.

Mr. Larry Cusey is now the Assistant Evidence Custodian at Norfolk, VA.

Mr. Brandon Armstrong has assumed duties as the laboratory Director in San Diego, CA. Mr. Armstrong came to the NIS from the San Diego Sheriff's Crime Laboratory where he was Chief Criminalist.

Mr. Robert Blackledge is the new Senior Forensic Chemist at San Diego. Mr. Blackledge was previously employed by the United States Army Criminal Investigative Laboratory - Europe. Also new to the San Diego Laboratory is Mr. Michael Miller, formerly a Drug Chemist with the Drug Enforcement Administration (DEA) Southwest Regional Laboratory.

Mr. Miller is employed as a Forensic Chemist. The most recent member at San Diego is Mr. Ray Sheedy who has responsibilities as the Assistant Evidence Custodian.

A recent staff addition at the RFL-Pacific is Mr. James Winand, who was employed with the U.S. Secret Service Laboratory located in Washington, DC. Mr. Winand is experienced in both latent fingerprint identification and questioned document examination.

A welcome aboard is extended to all newcomers.

## TWO MAJOR CASES ARE SOLVED WITH HELP FROM RFL'S

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By Mr. Maris Jaunakais  
Head, Forensic Sciences Division

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Often enough noteworthy cases develop high interest levels as a result of efforts by the NIS Regional Forensic Laboratories' staff members.

Two such evolutions occurred in the past few months in which Mr. Harry Finley, Senior Forensic Chemist at the RFL - Norfolk and Mr. William Corson, Fingerprint Examiner at RFL - San Diego, played an important role.

As a result of an U.S. Customs Service investigation on the east coast involving a shipment of 429 drums of a chemical supposedly destined to Singapore, samples were submitted to the NIS laboratory at Norfolk for analysis. Mr. Finley identified the chemical as thiodiglycol, a chemical used in the manufacture of mustard gas, a poisonous gas used in chemical warfare. Export of thiodiglycol requires proper export licenses and shipments to Iran, Iraq, and Syria are barred.

After the Customs Service investigators were advised of the potential use of the chemical thiodiglycol, they covertly switched water for the thiodiglycol and successfully tracked the shipment to Iran. The investigation revealed illegal activities by chemical companies from the United States, West Germany, and Asia. The chemical manufacturer located in Baltimore, MD., pled guilty to the illegal export of the chemical.

Mr. William Corson had examined latent fingerprint evidence that was associated with the rape-strangulation-murder of an 18-year-old girl. The crucial evidence linking the defendant to the crimes was fingerprint evidence gathered at the crime scene and collected later from personal property that had been taken from the victim.

Mr. Corson testified as an expert witness in Superior Court of the State of California and to quote Mr. William Hodgman, the Deputy District Attorney who prosecuted the case, "...his testimony was instrumental in obtaining the conviction of an extremely dangerous killer".

# FORENSIC LABS INCREASE ODDS OF SUCCESSFUL PROSECUTION

**By Maris Jaunakais**  
**Head, Forensic Sciences Division**

Forensic laboratories play an important role in the criminal justice system by examining physical evidence to support investigations and subsequent prosecution. Yet despite the benefits that forensic evidence offers for successful prosecution, there has been several studies to indicate that forensic science is under utilized.

"Among important findings ..., police are on the average about three times as likely to clear cases when scientific evidence is gathered and analyzed," says Dr. Joseph L. Peterson, Professor of Criminal Justice, in his October 1987 National Institute of Justice article "Use of Forensic Evidence by the Police and Courts".

"Prosecutors are less likely to agree to enter into plea negotiations if scientific evidence strongly associates the defendant with the crime. And somewhat surprisingly, sentences tend to be more severe when forensic evidence is presented at trials."



**FINGERPRINT EXAMINER KEN SMITH**

Knowing the value of scientific evidence in the criminal justice process, every effort should be made to reap the benefits. Ideally, all involved in law enforcement should be comfortable with scientific evidence. This may only require a more conscientious effort, more forensic related training or, at the least, a good working relationship with forensic laboratory staff members. For Navy and Marine Corps law enforcement personnel, they are only a phone call away.

Initially established in 1981 to provide limited forensic testing, i.e., the rapid and accurate analysis of controlled drugs, the Naval Investigative Service Regional Forensic

Laboratories (RFL) have since developed additional forensic science testing capabilities to service the Naval law enforcement community.

The RFL's are now all capable of examining, in addition to drugs and related chemicals, anabolic steroids, arson evidence, latent fingerprints, and questioned documents. Some trace evidence analysis can also be performed on a limited basis.

The RFL's main responsibility is to fulfill the investigative needs of the NIS, shipboard MAA Forces, the Marine Corps Criminal Investigative Division, Base Security Police, and the Navy Judge Advocate General Corps. Laboratory services are also provided, on a select basis, to other law enforcement agencies.

During this past year, the NIS laboratories have serviced several Federal agencies including the Drug Enforcement Administration (DEA), U.S. Customs and Postal Services, the U.S. Army and Air Force, and the Coast Guard.

In addition to the laboratory examiners' main duties of analyzing submitted evidence, generating laboratory reports, and testifying in courts of law, the professionally trained and experienced staff members also process crime scenes as well as provide forensic science training in such matters as the handling and submission of evidence to the laboratory, latent print processing and submission, rolling finger and palm prints, questioned document and handwriting/handprinting examination, submission of questioned document exemplars, and drug field testing and its pitfalls.

Upon request, specialized training courses can also be tailored to meet the unique requirements that need to be addressed.

Additional services the laboratories provide are in direct support of the Navy's Military Working Dog (MWD) program. The laboratories produce, recall, and issue new MWD drug training aids required by dog handlers to maintain and monitor their dog's drug detection proficiency.

Not all types of forensic tests are offered by the NIS laboratories. Firearms and gunshot residue examinations, and serological analysis, including DNA profiling, are not currently available. However, the RFL's provide a valuable service by acting in a liaison capacity by identifying laboratories that are capable of performing specialized forensic analysis and referring such forensic work to them.

The NIS RFL's and their co-located Consolidated Evidence Facilities are located in Norfolk, VA., San Diego, CA., and Pearl Harbor, HI.