

# NAVAL INVESTIGATIVE SERVICE



This Newsletter  
is intended for all persons concerned  
with investigations and counterintel-  
ligence. Sufficient copies are furnish-  
ed to allow distribution of individual  
copies to all NIS professional per-  
sonnel.

NOT TO BE DISSEMINATED OUTSIDE  
NAVAL INTELLIGENCE



CAPTAIN GILBERT S. BLAKE, USNR  
ASSISTANT DIRECTOR FOR ADMINISTRATION  
NAVAL INVESTIGATIVE SERVICE



Captain BLAKE was born and raised in Webster Groves, Missouri. He attended Vanderbilt University, Nashville, Tennessee from 1939-1941. He entered the U.S. Navy in February 1942 and commenced active duty elimination flight training in July 1942. Commissioned in March 1943, he proceeded with preoperational flight training tours at NAS Miami and NAS Glenview. He was assigned to Torpedo Squadron Ten in June 1943 at NAS Sand Point and boarded the USS ENTERPRISE in November 1943 which departed for Hawaii at that time. His Pacific tour on the ENTERPRISE included engagements in the Marshall, Caroline, Gilbert Islands and New Guinea. After returning in July 1944 to the U.S. for 30 days leave, he returned to Hawaii as part of the first night carrier air group and boarded the ENTERPRISE again in December 1944. Engagements on this tour included the islands of Saipan, Guam, Yap, Palau, Philippines, and on Formosa (Taiwan) and Japan. He returned to CONUS in June 1945 after the ENTERPRISE was damaged by a Japanese Kamikaze aircraft.

In September 1945, he was released from active duty, completed college at Washington University in St. Louis with a B.A. degree, and worked as a civilian in St. Louis until recalled to active duty in October 1951. Captain BLAKE's tours from that time to present include: Refresher Instructor, NAS Memphis; VC-5, USS LAKE CHAMPLAIN; NAS Dallas; Heavy Attack Wing ONE Staff, Sanford, Florida; Executive Officer, NAS Glenview; Commanding Officer, NISO Norfolk; and currently Assistant Director for Administration at NISHQ.



MR. B. L. WILLARD  
EXECUTIVE ASSISTANT TO THE DIRECTOR

The Executive Assistant to DIRNIS has responsibility for overall review of programming, management and operations. The gentleman occupying that part of the executive suite on the second floor of the Fairmont Building also holds the positions of Executive Assistant to OP-92C (the second hat of DIRNIS), and Special Assistant, Security Coordination, to the Assistant Chief of Naval Operations for Intelligence. Mr. B. L. "B" WILLARD's self-characterization as "general factotum" aptly describes his occupation.



Mr. WILLARD has served in the intelligence and security field since his enlistment in the U. S. Navy in 1941. Commissioned in 1943, he served with the Office of Naval Intelligence, Washington; at the Joint Intelligence Center, Pacific, Pearl Harbor; and with Fleet Marine Air Wing I, Pacific in the Western Pacific areas.

His entire government service career has been with the Department of the Navy with the exception of one year's tenure with the Office of the Secretary of Defense. His versatility in planning the utilization of security resources to the best advantage of the Naval Investigative Service is daily manifest. In 1964, in recognition of his dedication to maximum utilization of his many capabilities and talents for the benefit of the government, Mr. WILLARD received the Department of the Navy Superior Civilian Service Award.

Born at Sumter, South Carolina, Mr. WILLARD successfully matriculated at the University of South Carolina and George Washington University, Washington, D.C., where he received a Bachelor of Arts degree in economics in 1942. From August 1960 to June 1961, Mr. WILLARD studied at the Industrial College of the Armed Forces, Washington, D. C.

When not concerned with work, his principal hobby, Mr. WILLARD spends his time reading and hiking in the company of his wife, Harriet, and son, John, a student at Washington and Lee High School, Arlington.

Unflappable in the midst of crisis; good-humored on gloomy days; and always ready with a solution to any one of the complex problems of organization management which beset NIS, Mr. WILLARD is the executive's executive who epitomizes the highest quality of the Naval Investigative Service civilian leadership.



NAVAL INVESTIGATIVE SERVICE INVESTIGATIONS DEPARTMENT  
DIVISION INTERVIEWS

The NIS Newsletter serves in one capacity as a vehicle for dissemination of reminders of investigative techniques and organizational operating methods. It is used to provide timely tips and helpful hints for the assistance of the field operational elements.

During recent weeks, members of the Newsletter Staff have again conferred with some of the NISHQ department heads to determine ways in which the Special Agent can assist in the improvement of the investigative product. In his pursuit of professional excellence, the Special Agent can aid Headquarters personnel in simplifying administrative processes; holding case review time to a minimum; and by submitting reports of investigation which reflect that every investigation has been professionally brought to its logical conclusion.

The Department Interviews will also inform the Special Agent of current Headquarters problems; events of interest; and, perhaps some suggestions as to more efficient methods of operation.

Official guidance, commendation, and criticism is promulgated to the field by other more formal means. The results of Department Interviews submitted here are not to be construed as NIS policy statements nor are they intended to set new organizational policy.

PERSONNEL SECURITY INVESTIGATIONS DIVISION

Current items of interest to NIS Investigative Personnel engaged in conducting background investigations controlled by NIS-21 were reported by the Division Staff to Newsletter Representative, M. C. ANDERSON.

In an effort to reduce the number of delinquent investigations, undeveloped leads should be disseminated by ALS whenever feasible in accordance with Section 1-0602.3 of ONI 63-1B which states that an ALS must be prepared and disseminated as soon as administratively possible after the necessity for additional or undeveloped leads is determined. Although the Manual does authorize the ROI as a means to disseminate leads when appropriate and expedient in order to enable accomplishment of a comprehensive lead, the use of the Report of Investigation for such purposes should be minimal. Compliance with the cited section of the Manual will reduce our delinquent case load and give some relief to the NISO's which must act on the undeveloped leads. Coverage of developed leads and resolution of issues germane to the investigation which may possibly include a subject interview is expected.

The Sources of Information listed in the synoptic PSI-ROI must be identified with some element of a subject's background listed in the Statement of Personal History (SPH), Personnel Security Questionnaire (PSQ), etc., or associated with a background lead developed by investigation. Interviewees listed as Sources of Information are frequently



not sufficiently identified with background leads listed in the security questionnaire, especially when multiple employments and residences are covered. Supervisors not listed in the SPH should be identified (same applies to co-workers) with some employer. The home address of all neighborhood interviewees is required in the ROI.

A recent decision by the Director Security Policy, OSD, requires interview of immigrant aliens who indicate that they do not intend to become U. S. citizens. The intentions of the alien in this regard can be determined from information supplied on DD Form 49 or developed during the investigation. The interview of subject should determine whether he or she has foreign obligations or interests which would indicate that the subject might serve the interests of a country other than the U.S. At present, NISHQ is monitoring alien cases to determine whether the interview is required. When appropriate, leads will be disseminated by NISHQ for an interview of subject. Although this guidance is applicable to coverage in military, civilian, and industrial security cases, practically all such cases are on industrial applicants.

A new PSQ has been devised for the Industrial Personnel Security Program. The new form, expected to be implemented in May 1968, contains a provision for the applicant to release certain personal information to the U. S. Government as a privileged communication. This information, considered of a privacy nature, includes: arrest records; type of discharge from military service; prior security clearance suspensions, denial or revocation; history of mental or nervous disorders; drug addiction; excessive use of alcohol; and membership in organizations cited by the Attorney General. All requests for NAC's only will employ the new DD Form 48. All requests for BI's and requests in special situations will employ the new DD Form 49. These forms are almost identical in terms of information required. Two significant changes in the new form and in processing of the form will have an effect on investigations of industrial subjects:

(1) The DD 48 will not be submitted to the DOD NAC Center with the completed DD 1584, NAC Request. Therefore, expansion of the NAC will utilize the DD 1584 in most cases. The DD 48 will be requested from DISCO only in those cases where the DD 1584 is deemed insufficient to conduct the required investigation.

(2) A medical waiver has been incorporated on the new DD 48 and DD 49. This can be utilized where acceptable by private institutions and physicians without a new waiver being obtained. It is noted that the waiver is on a page of the new form which includes responses to other questions. Therefore, reproduction will be necessary to block out nonpertinent information prior to its release to medical authority.

#### INTERNAL SECURITY INVESTIGATIONS DIVISION

Recent supervisory personnel transfers have affected NIS-22. On 26 February 1968, Mr. John S. ALLENDER, who had been Head, Internal Security Division (NIS-22) since February 1967, was transferred to the



newly established position of assistant to Assistant Director, Investigations (NIS-20Z). Mr. Roland A. TARBOX, Head, Internal Security Division, suggested the following investigative "reminders" during a recent interview with NIS Newsletter Representative L. E. MCCULLAH.

The requirement levied upon DIRNAVINSERV to keep higher authority apprised on a timely basis where appropriate is absolute. Field activities are aware of this requirement, and, generally speaking, assist DIRNAVINSERV by prompt submission of NOCP's. An occasional lapse can, however, mar our good record and cause embarrassment to the Director.

Among pertinent directives in this regard are: (1) ONIINST 5520.39 of 16 July 1954, Subject: Information, reports, incidents, etc., with "crash" potential; prompt referral to DNI; (2) ONIINST 3100.1 of 25 February 1966, Subject: Reporting of incidents which may attract national or international attention (OPNAVINST 3100.4). Periodic review of these directives is suggested and compliance with their provisions is required on any investigative matter meeting the established criteria.

It should be pointed out that external "X" distribution of ROI's in Categories 3 and 5 is permitted only to signatories of the Delimitations Agreement. This proscription also applies to ROI's in Categories 1, 4, 6 and 7, which contain Category 3 or 5 type information. Section 1-0606.15.i(1) (page 6-44) of ONI 63-1B applies. NIS components preparing ROI's containing SEC information should ensure distribution to FBI on the local level in every instance. Section 1-0402.6 of ONI 63-1B (page 4-3) applies.

#### GENERAL CRIMINAL INVESTIGATIONS DIVISION

Mr. George R. SALB, Head of the General Criminal Investigations Division (NIS-23), made the following constructive comments regarding division matters when interviewed by G. L. DUFFY.

The criminal investigative case load continues to increase throughout the Naval Investigative Service. On 1 March 1968 there were 1057 general criminal cases pending, as compared to 845 on 1 February 1968 and 638 on 1 March 1967. This is an increase of 65.7% between 1967 and 1968. This increase requires organized work habits on the part of all concerned.

In the recent past there have been two instances when NISHQ first became aware of a pending investigation as a result of newspaper coverage of the situation. It is mandatory that NISHQ be informed, by the most expeditious means, of any incident or investigation that has "flap potential". To neglect this may cause embarrassment to the organization.



It was noted with pleasure that, in most instances, SRA's are signing ROI's when it is appropriate for them to do so. Also, in the majority of cases, distribution of ROI's is being made to appropriate Federal agencies such as the Federal Bureau of Narcotics and the Bureau of Drug Abuse Control in the case of 7N investigations.

On the subject of general investigative practice, it is essential that an agent maintain sufficient logs and notes during the conduct of a criminal investigation to enable him to testify competently at court-martial. All the expert investigative effort in the world goes for naught if the agent cannot effectively and accurately present his facts to the court.

A bit more on a perennial topic: 7N cases. Attempt to limit co-subjects to those persons who are actively investigated. Don't list persons who are known to have been transferred or against whom no specific allegation has been made. Reporting of descriptive data in these cases has improved greatly but the need for it, including military history, continues.

Attention is invited to the recent instruction regarding a person's right to be advised concerning his rights against self-incrimination and to legal counsel, prior to his being requested to furnish handwriting exemplars. This is a distinct change from past procedure.

Recent information received from one of the NISO's indicates that hallucinations have resulted from drinking a tea prepared from "Asthma-dor", a readily available, over the counter, non-prescription remedy for asthma.

#### SPECIAL CRIMINAL INVESTIGATIONS DIVISION

Comments of interest were provided to Newsletter staffer F. H. SCHMITT by Mr. Paul MUELLER, Head of the Special Criminal Investigations Division (NIS-24).

There appears to be a misconception in some of the field offices that NIS policy prohibits the interviewing of juveniles, per se, or high school students, per se, for corroboration in the 8C and 8G categories. There is no policy prohibiting such interviews. In some cases, the juvenile or high school student may even be older and possibly of more credibility than the subject of the investigation. Whether or not an interview of such a person is conducted will depend upon the nature of the case involved, information available to the agent, and the discretion, common sense, and competence of the professional investigator reviewing the case at hand.

Greater attention should be given to the preparation of the ALS with a view toward providing as much background and specific information as necessary for a clear comprehension of the basis for the case and the rationale for case category assigned to the investigation. In addition, it is requested that as much identification information as possible be submitted in the ALS on all individuals implicated so that logical file checks at NIS-24 and DCII may be properly conducted.



There appears to be some laxity in passing pertinent information to other Federal Agencies on the local level. Pertinent information of interest to the other Federal Agencies should be forwarded to them on a local basis rather than leaving such action to another NISO or NISHQ receiving the ROI.

It is unnecessary to delay the reporting of an investigation involving a pending or continued civil or criminal action, when the investigation is completed with the exception of final decision of the civilian court. However, NISHQ should be advised of the eventual disposition of the civilian case. This can easily be accomplished by reporting the results of the civilian case to NISHQ in a supplemental ROI. Each NIS field component should establish a suitable follow-up (tickler) system in these cases and not rely on a later request from NISHQ or the command concerned.

It has been noted that ROI's have continued to improperly consider and document individuals as co-subjects in 8C and 8G cases even though this procedure is expressly prohibited by ONI 63-1B, Sec. 2-1408.16. Participants in those categories should be handled as set forth in Chapter 14 of the Manual for Investigations.

In many cases there appears to be a lack of advisement concerning the identification and, in some cases, pertinent sensitive security information concerning a Navy dependent's sponsor. It is most important that the sponsor of a Navy dependent, whether victim or accused, be completely identified.

In conclusion, it is requested that a sharp awareness be directed towards the "professional" corroborator and the self-admitted 8C or 8G, since, in many cases noted in NIS-24, there is much foundation for reasonable suspicion that the stories from the subject and corroborator are a "put up job".

#### CAREER SERVICES DIVISION

- C. J. TUZA reports "The Word" on retirement considerations as promulgated by NIS-25.

For those Special Agents contemplating retiring in the near future, a word to the wise is - PLAN AHEAD. Contrary to some beliefs, the "6(c)" or "hazardous duty" retirement is not a "pro forma" happenstance if the duty applied is not performed as a Special Agent. While other Federal retirement plans are predicated only on the longevity - age factors as requisites, the "6(c)" plan is contingent upon documentary proof of the nature and degree of hazardous duty performed. Simply put, the law states that the employee whose duties are hazardous and consist primarily of the investigation, apprehension and detention of criminals may retire if: (1) he is age 50 or over; (2) has at least 20 years service in such law enforcement duties (including at least one (1) year immediately preceeding retirement); (3) is recommended for retirement by the head of his agency; and (4) is approved for such retirement by the Civil Service Commission.



If the employee meets these requirements, and the Civil Service Commission approves his request for retirement, he is eligible to receive a retirement annuity amounting to 2% of the average of his five highest earning years (not necessarily continuous), multiplied by the number of years of service he has accrued.

Experience has shown that it takes between 45 and 60 days to process the retiree's application from the time of the initial submission of his Standard Form (SF) 2801, until the Commission finally approves the retirement. Ergo, the application for retirement should be submitted at least 60 days, and as a matter of practicability, some 90 days, before the requested retirement date.

In cases where the employee has served continuously with NIS during his entire Federal career, the personnel section at NISHQ provides the Commission with the necessary documentation verifying that the retiring employee has served in a position of hazard which satisfies the "burden of proof" provision of the law. However, in those cases where the employee intends to apply other Federal service of a hazardous nature to his retirement request, the burden of proof for this "other" service is upon the individual. Therefore, it behooves each employee with "other service" in his background to apply for retirement well in advance of his proposed retirement date in order to allow for the time needed to cover the exigencies that might evolve.

Before submission of the retirement application (SF 2801) there are certain decisions that have to be made by the retiree. One of these decisions, and probably the most important, is in regard to survivor annuity benefits. The law states that the annuitant may designate all or any portion of his annuity as a base for a designated survivor's annuity. This annuity can amount up to 55% or whatever portion is designated as the base for the survivor's benefit. This decision is irrevocable, and if your spouse should die before you, no change in type or amount of annuity will be permitted, nor may you name any other person as survivor. If you are in arrears in payment to the Civil Service retirement fund caused by formerly withdrawing retirement payments for previous service, another irrevocable decision has to be made. Remember that your annual annuity is reduced by 10% of the amount owed. Thus, if the amount (plus interest) owed the Civil Service fund is \$1200, your annuity is reduced by \$120 or \$10 per month. The reduction would satisfy the debt in 10 years but the 10% will continue to be withdrawn for the rest of your life, and will also affect the survivor annuity unless the survivor chooses to repay the amount before she starts drawing her annuity.

The Civil Service Commission has published an informative pamphlet about the Federal Civil Service Retirement System entitled "Your Retirement System" which can be purchased through the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402 upon remittance of 20 cents in coin. This pamphlet explains in simple terms the operation of the retirement system and the benefits it provides for employees and their families.



## TECHNICAL SERVICES DIVISION

Newsletter scribe Dennis USREY reports information of current interest from the Technical Services Division which is in the process of redrafting Chapter 23 of the Manual for Investigations (ONI 63-1B). The forthcoming revision will update the information contained therein concerning guidance and control for the use of technical investigative aids. Although the revision will not contain anything new or different, it will serve to restate and clarify existing policy and regulations concerning the use of such equipment.

Special Agent John STARKE, Assistant for Photography and Optics, reports that in February 1968, thirteen 16mm. motion picture camera kits were distributed to various NISO's, which presently have qualified photographers and immediate needs. Those NISO's not on the initial distribution are scheduled to receive motion picture camera kits during FY 69.

The status report on the NIS Mobile Communications System, which has become a regular part of the Newsletter as of late, looks very encouraging. According to TSD representatives, the contract has been signed and installation was initiated in some NISO's in late March. At the present time. An NIS Instruction setting forth standardized radio procedures is being prepared and will be disseminated soon.

### LSD INFORMATION AVAILABLE

Two extremely informative articles, "LSD: The False Illusion" Part I and II, have been made sale items and are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402. A single copy of Part I costs 15 cents; a single copy of Part II, 10 cents. A discount of 25 percent is allowed on orders of 100 or more copies.

### "DOC" REID HOSPITALIZED

On 20 January 1968, Special Agent Kenneth R. REID, Assistant Supervising Agent, NAVINVSERVO-Norfolk, was hospitalized for an extensive examination as a result of a minor heart condition. After spending two weeks in the hospital and an additional week recuperating at home, "Doc" returned to the office in good health and high spirits.



## RETIREMENTS

### S. FRANK SCINTA

11 February 1968 marked the end of a 25 year career in law enforcement and the beginning of retirement for Special Agent S. Frank SCINTA of NISHQ. Frank was initially employed as a Maryland State Trooper in 1943 and later as a base investigator, at NAS, Patuxent River, Maryland. Frank's career with Naval Intelligence was launched in August 1948 at PRNC (NISO-Washington) as a civilian contract agent. In March 1954 Frank was transferred to Headquarters and in May 1956 was assigned as Head, Special Criminal Investigations Division, a position he held until February 1967. Frank's final year with NIS was spent as Head, Personnel Security Investigations Division. His professional ability earned him the respect and admiration not only of the Naval Investigative Service but of the representatives of other offices and agencies with whom he was in contact.



S. FRANK SCINTA

Frank's many friends and associates within Naval Investigative Service were in attendance at his retirement party at which time he was presented with a letter of appreciation signed by Rear Admiral FLUCKEY and an engraved silver cigarette box and matching ash trays presented by Jack LYNCH, Assistant Director for Investigations.

Frank was born on 17 February 1915 in Frostburg, Maryland. He and his charming wife, Millie, are currently residing in Salem, Virginia, and would be pleased to hear from old friends. The entire organization joins in wishing Frank many happy retirement years and saying "well done".



ROBERT D. SAMSOT

On 12 January 1968, Mr. R. D. SAMSOT brought to a close an affiliation with the U. S. Naval Service dating back to 1923, when he entered the U.S. Naval Academy, Annapolis, Maryland, as a Midshipman.

Bob was commissioned a Lieutenant, USNR, on 13 February 1940, and was assigned to the intelligence component of the Volunteer Reserve (Inactive). On 28 November 1940, he was ordered to active duty with DIO-8ND and remained on active duty until 17 September 1945, at which time he was separated from the Naval Service, having served with distinction in the Western Pacific area during the period 1943-1945.

On 3 March 1947, Bob accepted employment with DIO-8ND as Senior Research Analyst, Civil Service classification P-5. Bob's duty assignments have covered a variety

of duties, including investigations, intelligence, counterintelligence, Security Analyst, and finally, Senior Civilian and Head, Administration, Policy and Planning Department, NAVINVSERVO, New Orleans. Bob has served with a high degree of professionalism and distinction. His strong beliefs and principles were apparent in his approach to his duties - an approach that reflected absolute honesty and integrity.

Bob, a man of many talents, provided great assistance to his superiors, not only in the investigative and administrative fields, but in liaison and operations with other Federal and local investigative agencies.

Just prior to Bob's departure, all hands were present for a retirement ceremony at NAVINVSERVO, New Orleans. The Commanding Officer, Captain Dunbar LAWSON, presented him with a letter of appreciation signed by Rear Admiral FLUCKEY, and a wrist watch, suitably engraved, as a memento from the office force at NAVINVSERVO, New Orleans.

Bob and his charming wife, Mary Helen, will retire at their current residence at 321 Audubon Boulevard in New Orleans. Tentative planned activities include gardening and the raising of a newly acquired Schnauzer puppy. Bob's many friends and associates throughout the Naval Investigative Service wish him a happy retirement.



R. D. SAMSOT BEING PRESENTED WITH A  
LETTER OF APPRECIATION FROM RADM  
FLUCKEY BY CAPTAIN DUNBAR LAWSON



## AGENT TRAINING ACTIVITIES

### Agent Training Courses, Fourth Quarter, FY 1968

The following courses will round out agent training for this fiscal year:

22 April - 17 May	Basic Training 5B(68)
3 - 14 June	Criminal 3C(68)

Agents are reminded that it is not necessary for them to bring their manuals nor their .357 magnum revolvers. It is also urged that the PSI cases cited for agents attending basic courses be those wherein substantive investigative coverage was afforded.

### Defense Language Training for Special Agents

S/A's John F. DONNELLY, Head, Career Services Division, and A. J. SULLIVAN, Head, Agent Training, recently conferred with Defense Language Institute (DLI) personnel and worked out some of the details required to program Special Agents into language training during FY 1969. S/A Glenn T. WILLIAMS, Jr., NISRA-Minneapolis, targeted for NISRA-Kaohsiung in July 1968, has already been approved for Chinese (Mandarin) language training under DLI auspices. His training to be undertaken at Crowell Collier Institute, Arlington, Va., will commence 15 April and will extend until 26 July. Prior to his acceptance, S/A WILLIAMS was obliged to take the Foreign Language Aptitude Test (FLAT) and the Army Language Proficiency Test (ALAT). At the present time it is anticipated that about fifteen to twenty Special Agents will be schooled next fiscal year in such languages as Spanish, Italian, Greek, German, Japanese, Vietnamese, Tagalog.

### SERE Training for Special Agents

S/A Warren LYNCH, NISRA-Arlington, and A. J. SULLIVAN journeyed to Little Creek, Va., to discuss the feasibility of SERE (Survival, Evasion, Resistance, Escape) training for Special Agents scheduled for tours in Vietnam. The complete course extends three weeks, with three phases involved: counterinsurgency orientation, weapons familiarization, and SERE field training. The last phase, and most gruelling, entails survival functions - building shelter, foraging for food, conducting night marches by compass under harassment, compound life and subjection to pressures. Administrative details were worked out and plans are currently being formulated at NISHQ to schedule the three-weeks course of SERE training for those Special Agents under assignment to Vietnam during the coming year.

### NISHQ Library Report

Little progress has been made to establish the NISHQ library as a "going" project. The books currently held by the Agent Training Unit have been made ready for lending purposes and some Headquarters personnel have, in fact, drawn a few of these books. It is expected that a better



plan of management operation and administration will be effected within the next quarter, coincidental with a projected relocation of Code 26 personnel.

#### BDAC Training for Special Agents

The Training Division of the Bureau of Drug Abuse Control has notified us that "in anticipation of the merger and through the cooperation of the Department of Justice, the Narcotics Bureau, and BDAC" the one week courses initially programmed have been extended to two weeks. On 15-26 April S/A's Dennis E. USREY, NISRA-Arlington, and David L. ROBERTS, NISRA-Quantico, will attend this first two-weeks course. Following their assessment and a survey of TAD funds available, a determination will be made as to whether or not those agents approved for the one-week course will be slotted for the two-weeks course. S/A's Ray A. RAINVILLE, NISRA-Lemoore, and Gardner E. WALLACE, NISRA-Quantico, are slated for the May school; and S/A's Philip E. COMES, NISRA-Great Lakes and Martin E. FOTUSKY, NISRA-Lakehurst, are booked for the school in May. Additional information regarding this BDAC training will be forthcoming via official channels the latter part of April.

#### Special Narcotics School for Special Agents

The Training personnel of the Federal Bureau of Narcotics are going forward with their original plans to conduct a one-week training school for military investigators 6-10 May 1968. Five spaces have been reserved for Special Agents in this special course. The curriculum is specially designed for agent investigators and will be devoid of those matters applicable for civil and municipal authorities. According to information received, the "heart" of the curriculum will revolve about the history of drugs, the identification of drugs, the psychological effects of drug abuse and addiction, and the techniques involved in the investigation of drug offenders. It is anticipated that these special schools will be conducted on a continuing basis.

#### S/A James W. ESTERBROOK, Jr. to Attend Narcotics School

S/A James W. ESTERBROOK, Jr., assigned duties with the Criminal Investigations Division as a case reviewer and analyst, has been designated to participate in the Federal Bureau of Narcotics Training School convening 22 April-3 May 1968. S/A ESTERBROOK, charged with the purview of those investigations within the Navy involving drug and narcotics offenses, will be sorely missed during this period of matriculation. The "slack", however, will be taken up by the capable Code 23 analysts, S/A Gregory L. DUFFY, S/A William H. McVETTA and S/A Robert E. BECKWITH.

#### S/A Rodney J. HANSEN Lectures at USAF Special Investigations School

During January and again in March 1968 S/A Rodney J. HANSEN, Agent Training Specialist, presented lectures concerning NIS jurisdiction, responsibilities and liaison functions to students attending basic training at the USAF Special Investigations School. On each occasion "Rod" received a stirring round of applause, concrete evidence that his lecture material was well received.



#### USNAVINVSEVREP-Rota Personnel Complete Spanish Course

Word has reached NISHQ that LCDR James T. MILLER, USN, USNISOREP-Rota; LT James E. GLAVIN, USN, USNISOREP-Rota; and Special Agents Richard E. McKENNA and Charles N. COLE have successfully completed the elementary Spanish language training course offered by the U.S. Naval Station, Rota, to newly-arrived personnel. The attempt of these personnel to acquire a degree of proficiency in the language of the host country is, indeed, noteworthy; and congratulations are cordially extended to them.

#### USNAVINVSEVRA-Naples Continues Crime Prevention Lectures

During December 1967 approximately 3500 members of ten naval vessels in the Mediterranean were afforded crime prevention briefings by USNAVINVSEVRA-Naples personnel. During January, February, and March 1968, S/A William J. BARNES, S/A Edward P. GIBLIN and S/A J. Brian McKEE continued to present the Crime Prevention Lectures to more than 3000 naval personnel of thirteen different commands in the Naples area. The lecture includes information on narcotics, marijuana, drugs, blackmarketing, dangerous weapons, counterfeit money and other related subjects. The lecture is supplemented by a display which generates considerable interest and prompts numerous questions. The lecture and display have been lauded as effective deterrents to crime in the "Med" area.

#### Special Agent John V. OLSON, NISRA-Port Hueneme, Devises Crime Scene Check-off List

S/A John V. OLSON, NISRA-Port Hueneme, recently submitted a crime scene check-off list for utilization in investigations and as a training aid. Pointing out that an investigator has only one chance at a crime scene and that all points must be covered during an initial crime scene inspection, S/A OLSON compiled forty key points which require an investigator's attention during crime scene procedures. This check-off list has been utilized during criminal classes conducted at NISHQ and has been assessed as "worthwhile, practical, and effective". The possibility exists that S/A OLSON's crime scene check-off list, with minor deletions or additions, will be incorporated into the Agents' Manual for Investigations.

#### NISO-San Francisco Agents Complete BDAC Training

Supervising Agent David J. KERR, NISO-San Francisco, recently reported that Special Agents Robert H. SCHULZE, NISRA-Moffett Field and Daniel F. PAYNE, NISRA-Hunters Point attended the Bureau of Drug Abuse Control School conducted at San Francisco, California, during 15-19 January 1968. It is gratifying to note the success of these agents in increasing their skills and professional competence.



Special Agent David F. PARE', NISO-San Diego, Makes Search and Seizure Lecture Available

S/A David F. PARE', NISO-San Diego, prepared a lecture, complete with lesson plan and viewgraphs, on Searches and Seizures, which he recently presented to the Naval Reserve Intelligence Division, San Diego. S/A PARE' has furnished NISHQ with a copy of this most informative lecture, and any agent who desires may request both the lesson plan and viewgraphs on a loan basis by sending an informal memo to DIRNIS (Code 252).

Special Agent Peter A. SMERICK, NISO-Philadelphia Donates Slides of Vietnam and Hong Kong

In response to our plea for additional 35mm slides depicting our overseas areas, S/A Peter A. SMERICK, NISO-Philadelphia, forwarded numerous slides of Vietnam and Hong Kong, taken by him while on active duty with the U.S. Army. These slides will be utilized effectively in the agents' training program and will also be forwarded to those agents anticipating transfer to these areas.

NISO-San Diego Agents Complete Narcotics Training

Special Agents Jay L. MINOR, Lyman H. BUTTERFIELD, and Frederick T. WYNEKEN, all attached to NISRA-Port Hueneme, attended the Seventh Narcotics Investigation Institute, held at California State College, Los Angeles, California, during February and March 1968. Each agent successfully completed 24 class hours of instruction and received a certificate attesting to this accomplishment.

A Training Reminder

S/A R. L. VOLLRATH, Head, PSI Division, NISHQ, submitted the following as a reminder to all Special Agents: DIRNIS ltr ser 6213 of 26 Sep 1967 concerning investigation of individuals who express controversial views was referenced and discussed in a recent ROI. All hands are reminded of the provision in ONI 63-1B (Sec. 1-0608.10.b(2)) which specifically precludes the referencing or dissemination of such internal NIS documents.

NISHQ Acquires LSD Films

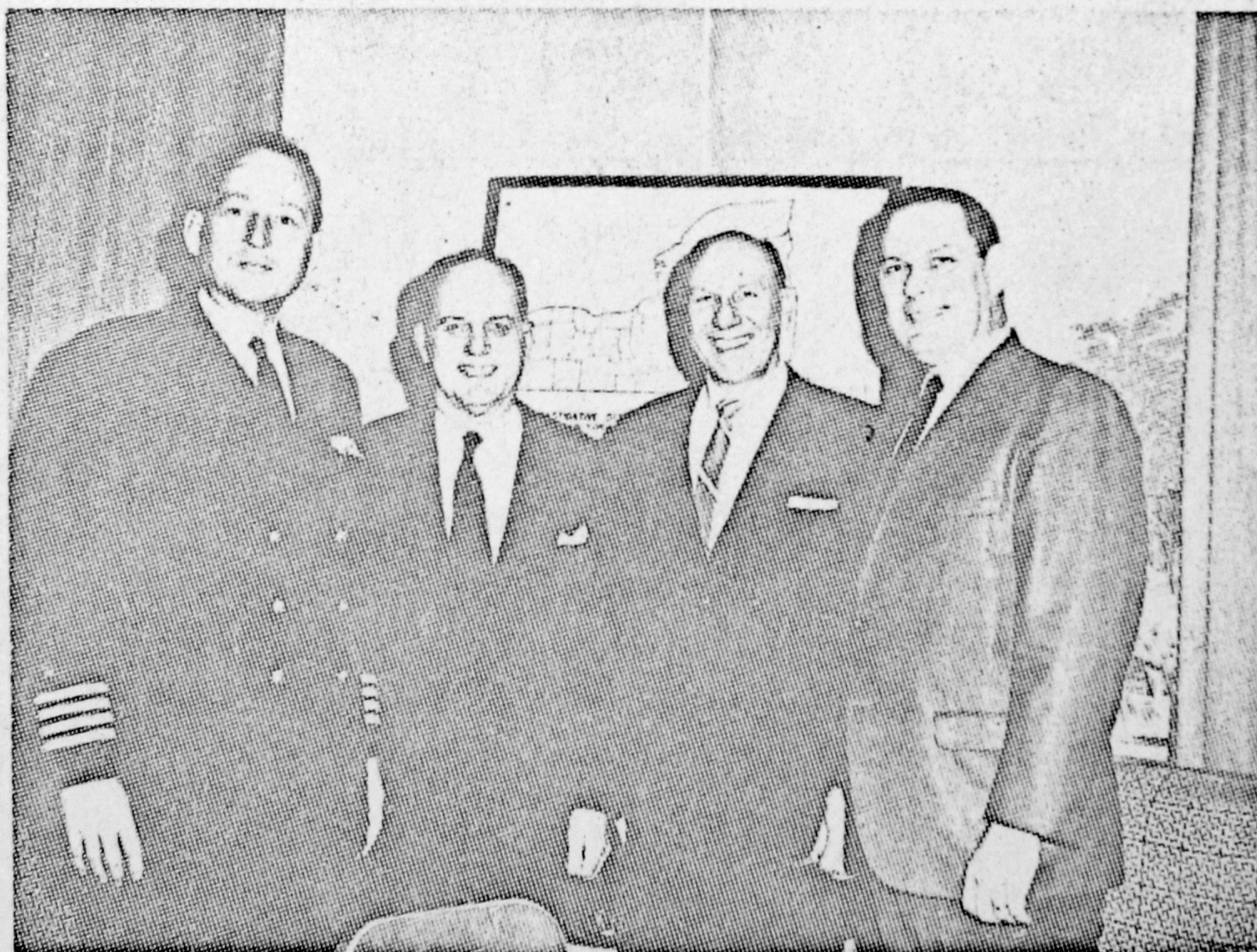
Through the good services of Ralph T. BRIGGS, Security Specialist, Security Policy Department, NISHQ, DIRNIS received two copies of the LSD film recently produced by the U. S. Navy. This is the film version of the presentation of LCDR Walter Francis MINER, (MC), USN, which was recorded on audiotape and distributed to all NISO's during the past year. It is expected that one copy will soon be routed around to all NISO's for viewing. The other copy will remain at NISHQ for training purposes.



### NISO-NEW YORK PARTICIPATES IN CRIME CONTROL CONFERENCE

The New York Federal Executive Board sponsored a crime control conference on 26 March 1968 at the Officer's Club, U.S. Naval Station, Brooklyn, N.Y. Representing NAVINVSERVO New York were CAPT John C. LACY, Commanding Officer, and Mr. David N. PLANTON, Supervising Agent. The all-day meeting was concerned with the impact and causes of crime in America and was attended by approximately one hundred representatives of local state and Federal law enforcement agencies. Principal speakers were the Honorable Robert M. MONGANTHAN, U.S. Attorney, Southern District of New York; the Honorable Miles J. LANE, Chairman, New York State Crime Commission; and Mr. R. L. BRAUN, Executive Assistant, Criminal Division, U.S. Department of Justice. One interesting statistic furnished by Mr. LANE was the estimate that fifty percent of the narcotic addicts in the United States reside in the greater New York City area.

### CAPT JOHN C. LACY BRIEFS GOVERNMENT LAW ENFORCEMENT AGENCY GROUP



(Left to right: Captain LACY; Admiral FOLEY; M. Frank KILEY and David N. PLANTON, Supervising Agent, NISO-New York)

Captain John C. LACY, Commanding Officer, Naval Investigative Service Office New York presented a briefing on the organization, mission and functions of the Naval Investigative Service to representatives of the Government Law Enforcement Agency Group at New York City during January 1968. The GLEA luncheons are held each month at the Commissioned Officers' Mess (Open), U.S. Naval Station, Brooklyn, and twenty-one Federal, state and municipal agencies participate. Mr. M. Frank KILEY of the Immigration and Naturalization Service, New York City, regularly serves as the luncheon chairman. Rear Admiral Francis D. FOLEY, USN, Commandant, THIRD Naval District, visited briefly with GLEA members prior to the luncheon and restated his invitation to the group to continue to use the facilities of the Officers' Club for their meetings.



COMMENDATION - LETTERS OF APPRECIATION - AWARDS

NISHQ

S/A Frank H. SCHMITT, NISRA-Arlington, was recently commended by the Department of Defense for his professional conduct and ultimate success in resolving a troublesome investigation which reflected "great credit on himself, the Naval Investigative Service and the United States Navy."

YN3 Howard R. H. JOHNSON, USN, serving at NISHQ, received a letter of appreciation from DIRNIS for providing musical entertainment for the sick and wounded at various military hospitals in the Washington, D. C. area during his off duty hours. DIRNIS commended this unselfish act of kindness and extended a hearty "well done". JOHNSON gained another distinction during this quarter. He recently was notified by the Freedoms Foundation at Valley Forge that he had been selected to receive the George Washington Honor Medal Award for his poem, "For God, Our Country, and You".

NISRA-Rota

LTJG James E. GLAVIN, USNR, presently assigned to U.S. Naval Investigative Service Office, Europe, Representative, Rota, Spain, recently received his fifth, sixth, seventh, and eighth Air Medals earned while assigned to Intelligence duties in Vietnam.

NISRA-Detroit

SRA E. A. NOWICKE and Special Agents assigned to NISRA-Detroit received a commendation from NAVINVSERV Headquarters and a letter of appreciation from NISO-Norfolk for their 3 September 1967 apprehension in Detroit of Marine Corporal Ronald E. ROSS wanted for murder. In addition to the apprehension, the Detroit agents obtained a confession from the subject which ultimately led to his conviction and sentencing to 30 years in prison in a trial by court-martial at Camp Lejeune, North Carolina.

NISRA-Houston



ELMER E. HOGG  
SRA-Houston

Special Agent Elmer E. HOGG, SRA-Houston, was recently commended by Admiral Thomas H. MOORER, Chief of Naval Operations, for his "prompt and professional efforts" in a recent sensitive investigation. The full text of Admiral MOORER's remarks follows. The endorsements by Rear Admiral Eugene B. FLUCKEY, Commander, Naval Intelligence Command, and Captain Edward G. RIFENBURGH, Director, Naval Investigative Service, were also highly complimentary to Special Agent HOGG.





DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
WASHINGTON, D.C. 20350

IN REPLY REFER TO

Op-00:tr  
Ser 7P00

25 MAR 1968

From: Chief of Naval Operations  
To: Director, Naval Investigative Service  
Via: Commander, Naval Intelligence Command

Subj: Appreciation of Services

1. The Chief of Naval Operations expresses his appreciation for the expeditious handling of a recent investigation of great interest to the Department of the Navy by Special Agent Elmer E. HOGG.

2. The prompt and professional efforts expended in the handling of this case resulted in the recovery of a considerable amount of money which had been lost by a distinguished foreign official while in Texas, thereby making a material contribution to the preservation of the good relations between our respective governments.

3. The manner in which this investigation was handled reflects great credit on the Naval Investigative Service. Well done.

*T. H. Moorer*  
T. H. MOORER



### USNISO-Philippines

S/A Thomas J. SHEDLICK, SRA, Taipei, was commended by the Commander, Headquarters Support Activity, Taiwan for his efforts in fighting a fire at the Taiwan Exchange on 1 November 1967.

### USNISO-Vietnam

Colonel V. L. OLIVER, Command Legal Officer, Force Logistic Command, USMC, Republic of Vietnam, praised NISRA-Danang agents in a letter of appreciation to Mr. John W. LYNCH, Assistant Director, Investigations, NISHQ. This letter stated "I would like to single out the agents who comprise the Danang Office. In all of my pleasant association with the Office of Naval Intelligence, I have not met any finer or more cooperative and competent group than I have here in the I Corps, Republic of Vietnam. The caliber of their investigative work is certainly superior. In the past 10 months that I have been here and observed their dealing with the myriad of problems that have arisen here at the Force Logistic Command, I have been greatly impressed by their professional competence and demeanor." Colonel OLIVER felt certain that the command's "low discipline rate" is attributable in a large measure to the outstanding investigative service rendered by the Danang agents.

### USNISRA-Saigon

LCDR William F. BRUBAKER, USN, Commanding Officer, U. S. Naval Investigative Service Office, Vietnam, cited NISRA-Saigon personnel for their "dedication, selflessness, and gallantry." On 31 January and 1 February 1968 Viet Cong elements three automatic weapons fire into the USNAVINSERVO-Vietnam compound; these personnel were able to man defensive positions over a prolonged period and successfully defend their command against the hostile forces.

### PROMOTIONS - TRANSFERS - NEW HIRES

The quarterly notification of promotions and transfers in the NEWSLETTER is intended expressly for the information of its readers and does not constitute official notification. Regarding the pay grade 11 examination, a certain time lag must ensue from the point of taking the quarterly examination until the results are processed; however, all NAVINSERVO's are notified of the results of the examinations during the first week of the following quarter allowing sufficient lead time to permit uniformity in promotions on effective pay periods.

### PG-11 ADVANCEMENTS

The following Special Agents have successfully completed the professional examination administered during the Third Quarter FY 68 and have been advanced to PG-11:



PG-11 ADVANCEMENTS (Continued)

Richard D. CAIN	01	Jerome S. MOOERS	11
Leonard P. LECLERC	01	Richard E. ROBERTS	11
Martin F. SMITH	01	Wallace M. BEASLEY	12
John R. DELANEY	03	Lorne R. HAMILTON	12
Ray A. BERGER	04	Jerome N. JOHNSON	12
John G. LAMBERT	05	Daniel F. PAYNE	12
Benonia E. PARSONS, Jr.	05	Terrance R. TATE	12
Donald L. WEBB	05	David L. POWELL	13
Joyce H. JONES	06	Daniel SWEENEY	20
Grant J. STEPHENS, Jr.	06	William J. RIVERS	20
George B. JOHNSON	08	Joel W. BIGGS	60
R. Michael SMITH	08	James J. CREATURO	60
Frank E. FIEGER	09	Benjamin F. BLOOMINGBURG	81
Stephen D. GILL	09	Charles D. TOLER	83
Donald L. YEO	09	Raymond W. McGADY	83
John A. KEEFE	11	Russell E. CHAMPINE	00
		William H. MCVETTA	00

PROMOTIONS TO PG-12/GS-12

James C. DUNTON	-	SRA, Utica, N.Y.
Robert E. CURTIS	-	Asst. Industrial Personnel Investigations, NISHQ
Jimmie L. DELL	-	Asst. Internal Security Investigations, NISHQ
William H. DONOVON	-	Technical Surveillance Countermeasure Specialist, NISHQ
Gregory L. DUFFY	-	Criminal Investigations Analyst, NISHQ
Peter REILLY	-	SRA, Danang

PROMOTIONS TO PG-13

William C. O'RILEY	-	Asst. Supervising Agent, Chicago, Ill.
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PROMOTIONS TO PG-14

Richard L. VOLLRATH	-	Head, PSI Division, NISHQ
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AGENT TRANSFERS DURING THE LAST QUARTER

	<u>FROM</u>	<u>TO</u>
James P. PENDER	PHILIPPINES (Subic Bay)	VIETNAM (Saigon)
Jack A. RENWICK	VIETNAM (Saigon)	PHILADELPHIA (NISRA Phila.)
Peter G. SEGERSTEN	VIETNAM (Danang)	BOSTON (NISRA Boston)



AGENT TRANSFERS DURING THE LAST QUARTER (Continued)

	<u>FROM</u>	<u>TO</u>
John W. HAJOSY	NEW YORK (New London)	JAPAN (Sasebo)
William C. O'RILEY	NEW YORK (Utica)	CHICAGO (NISO)
Herbert K. SHERA	NORFOLK (Baltimore)	NISHQ (Code 40)
Howard L. ABRAMS	CHICAGO (Great Lakes)	SAN DIEGO (NISRA San Diego)
David L. POWELL	SAN FRANCISCO (Moffett Field)	SEATTLE (Pocatello)
Patrick L. KIRBY	NEW ORLEANS (Dallas)	NISHQ (PSI Div.)
James C. DUNTON	NORFOLK (NISRA Norfolk)	NEW YORK (Utica)
Francis F. DAVEY	JAPAN (Sasebo)	NEW YORK (Newark)
William R. CLAYTON	SAN DIEGO (NISO)	NISHQ (Code 30X)
Douglas V. STEWART	NEW ORLEANS (Oklahoma City)	PHILIPPINES (Sangle Point)
Joyce H. JONES	SAN FRANCISCO (Alameda)	CHARLESTON (Key West)
David A. McCLOUGHAN	JAPAN (Yokosuka)	WASHINGTON (NISO)
Bruce M. MIDDLETON	VIETNAM (Cam Rhon Bay)	JAPAN (Yokosuka)
James J. CREATURO	NORFOLK (Camp Lejeune)	EUROPE (Naples)
Earl S. RICHEY	CHICAGO (NISO)	SAN DIEGO (NISO)
Charles D. JETT	CHARLESTON (Brunswick)	PHILIPPINES (Sydney)
Robert G. MORRICE	WASHINGTON (Annapolis)	VIETNAM (Saigon)
Benjamin F. BLOOMINGBURG	WASHINGTON (Andrews)	JAPAN (Yokosuka)
John J. D'AVANZO	WASHINGTON (NISRA)	EUROPE (Naples)
John A. MEYER	VIETNAM (SRA Danang)	WASHINGTON (Annapolis)
William T. MACINNIS	BOSTON (Portsmouth)	PHILIPPINES (Taipei)
Peter REILLY	PHILIPPINES (Taipei)	VIETNAM (Danang)
Arden L. NORTON	PHILIPPINES (Sangley Point)	SAN DIEGO

WELCOME ABOARD

Joseph D. PISTONE	04	Don G. DUFUR	11
Thomas J. TAYLOR	04	Eino B. HELLA	11
Macon F. BROCK	05	Benjamin D. HULL	11
Rudolph D. DEES	05	Steven P. LANE	11
Robert F. O'HORA	05	James N. SCANLAN	11
Michael D. FORD	06	Richard A. BELLINO	12
David E. KIRCHGESSNER	06	Leroy W. SCOTT	12
David J. BALKEMA	09	William G. DUPREE	20
Ralph H. DOGETT	09	James C. LINDER	20
Matthew P. SIGMUND	09	Joseph F. WASHKO	20
David B. COGDILL	11		

AGENTS IN-SERVICE SEMINAR 4/ISS(68) - 22-26 January 1968

Raymond W. MAGILL	-	SRA - Boston
Thomas M. BLAKE	-	SRA - Hartford
William B. JEPSON	-	Assistant Supervising Agent
		- New York
Donald L. McCOY	-	SRA - Cleveland
Hubert H. BARBER, Jr.	-	SRA - Camden



AGENTS IN-SERVICE SEMINAR 4/ISS(68) - 22-26 January 1968 (Continued)

Raymond BROCK, Jr.	-	SRA - Cherry Point
Allan J. KERSENBROCK	-	SRA - Lejeune
Frederick B. KAUFFMANN	-	SRA - Meridian
Thomas E. KINGSBURY	-	Assistant Supervising Agent - Charleston
Arthur C. SULLIVAN, Jr.	-	SRA - Dallas
Bruno DEMOLLI	-	SRA - Great Lakes
James V. RICHIE	-	SRA - Kansas City
Timothy MILLHOUSE	-	SRA - Yuma
Kenneth A. SEAL	-	SRA - San Diego
Louis P. CAIRO	-	SRA - Hunters Point
William L. COPPERTHITE	-	SRA - Washington

AGENTS CRIMINAL INVESTIGATIONS COURSE 1C(68) - 5-16 February 1968

George H. PROFFITT	-	Quonset Point
Robert J. WALSH	-	New London
Martin J. FOTUSKY	-	Lakehurst
James J. CREATURO	-	Lejeune
Benonia E. PARSONS	-	Norfolk
Alvin A. COLEMAN	-	Pensacola
Gordon R. HOPKINS	-	Memphis
John U. THOMPSON, Jr.	-	McAlester
Roy C. ELMQUIST	-	Great Lakes
William P. McGOWEN	-	Glenview
John V. OLSON	-	Port Hueneme
Robert G. PANICO	-	Long Beach
Byron M. TAYLOR	-	Pendleton
Robert LACOSTA	-	San Francisco
Lorne R. HAMILTON	-	Alameda
Philip J. CURLEY	-	Patuxent

AGENTS BASIC TRAINING COURSE 4B(68), 26 February - 22 March 1968

Allan L. FRANKLIN	03	Dennis D. HAMILTON	11
William J. KLEMP	04	Rollin B. HOGGE	11
Peter A. SMERICK	04	Harry A. REEVES	11
Robert D. JONES	05	Terry WAGNER	11
James A. HODGES	06	David W. DYKES	12
Claude D. McDONALD	06	Richard J. KIRKHAM	12
Curtis L. BENA	08	Henry B. LINGAN	12
William M. BISCOMB	09	Thomas M. POWERS	12
Lawrence E. FERRELL	09	Kerry E. NEWMAN	13
Charles M. BICKLEY	11	Matthew E. STEGER	20

Serving as counselors to this class were:

Goethe W. ALDRIDGE, Jr.	05	Donald L. BENGTON	12
George C. MYERS	09	Vernon L. KALHER	51



LEGAL NOTES OF INTEREST

U.S. CIVILIANS IN RVN SUBJECT TO UCMJ AS CONFLICT IS A "TIME OF WAR"

EXCERPT FROM VOL. 17, NO. 1, DIGEST OF OPINIONS, THE JUDGE ADVOCATES GENERAL OF THE ARMED FORCES, JULY 1967

§ 47. -- Persons Serving with or Accompanying Armed Forces  
See 36 Am Jur, Military § 94

§ 47.9. Civilian employees of U.S. contractors.

Article 2(10) of the Uniform Code of Military Justice is a valid, constitutional statute, and civilian employees of the Armed Forces and of contractors in Viet Nam who are engaged in activities in support of combat operations in Viet Nam are "serving with or accompanying an armed force in the field" in the time of war. Accordingly, these persons are subject to the Code and may be tried by court-martial. The decisions of the United States Supreme Court striking down the jurisdiction of courts-martial over civilians culminating in *McElroy v Guagliardo*, 361 US 281, are limited to a declaration that UCMJ, Article 2(11), which purports to provide court-martial jurisdiction over civilians employed by, serving with, or accompanying the Armed Forces abroad in time of peace, is unconstitutional. In *Reid v Covert*, 354 US 1, Mr. Justice Black was careful to distinguish peacetime cases then at issue, which involved legislation enacted under the power to regulate the Armed Forces from wartime jurisdiction based on war powers. The exercise of court-martial jurisdiction over civilians in time of peace had no legislative sanction prior to 1916. On the other hand court-martial jurisdiction over camp followers in the field in time of war antedate the Constitution. Thus UCMJ, Article 2(10) which confers jurisdiction over civilians in time of war, rests on a firm constitutional basis. In relation to extraordinary wartime jurisdiction it has generally been held that a formal declaration is not necessary to constitute "time of war". Applying all tests applied in the past, the conflict in Viet Nam is "time of war". Apply the principles laid down in 14 Ops Atty Gen 22, United States forces deployed in Viet Nam for offensive or defensive operations or in support of such operations are "in the field" within the meaning of Article 2(10) of the Code and civilians serving with or accompanying such forces in Viet Nam are subject to trial by court-martial. A civilian may be considered to be "accompanying" an armed force although he is not directly employed by such force or by the Government but works for a contractor engaged in a military project or serves in a merchant ship carrying war supplies or troops. Detailed considerations of classes of persons who have been held to be serving with or accompanying an armed force in the field may be found in a note to Article 2(10) appearing in MCM, 1951, Appendix 2 and in SPJGW 1945/4990, 4 Bull. JAG 223. JAGJ 1966/8798, 4 November 1966.



ADVISEMENT OF RIGHTS AGAINST SELF-INCRIMINATION NECESSARY BEFORE  
OBTAINING HANDWRITING EXEMPLARS

§ 6. Application of Privilege, Generally

§ 6.9 Ordering or compelling specimen of handwriting.  
See 171 ALR 1144.

The decision of the United States Supreme Court in *Gilbert v California*, 388 US 263, 18 L ed 2d 1178, 87 S Ct 1951, holding that handwriting exemplars fall outside the protection of the Fifth and Sixth Amendments, does not affect the military rule that handwriting exemplars are to be equated to statements within the meaning of Article 31 of the Code and, therefore, that an accused must be apprised of his rights under Article 31 before he can be asked for samples of his handwriting. The military rule is not based on an interpretation of the Constitution, but on an interpretation of the rights accorded an accused under Article 31 of the Code, which is wider in scope than the Fifth Amendment. *U. S. v White* (No. 19,928), 17 USCMA 211, 38 CMR 9.

DIRECTIVES OF INTEREST

The following Instructions are among those recently published which will be of interest to agents in the field:

NAVINSERVINST 6100.3 of 12 February 1968, Subj: Physical fitness program for Special Agents. (Promulgated to encourage Special Agents to participate in a regular program of physical exercise conducive to the development and maintenance of physical fitness.)

NAVINSERVINST 12314.2 of 19 February 1968, Subj: Naval Intelligence Agents; transfer policy concerning. (Provides interpretive guidance on the transfer policy of the service as it concerns Special Agents.)

NAVINSERVINST 1550.2 of 11 March 1968, Subj: Correspondence Courses for Agent Personnel. (Programs correspondence courses for Special Agent personnel.)

NAVINSERVINST 5230.1 of 15 March 1968, Subj: NISHQ Organization Chart w/Component Codes. (Establishes standardized component codes for use throughout the Naval Investigative Service.)



# SEARCHES AND SEIZURES AND LIKE THAT

*Colonel Simpson M. Woolf*

(With abject apologies to  
Elizabeth Barrett Browning)

How may I search thee? Let me count the ways.  
I may search thee for the tools and fruits  
Of your misdeeds, if on my oath  
A magistrate finds likely cause.<sup>1</sup>  
I may search thee in the course  
Of an arrest,<sup>2</sup> or at the Border<sup>3</sup> (or nearby).<sup>4</sup>  
I may even "stop and frisk" thee,<sup>5</sup>  
Though my motive must be fear of harm.<sup>6</sup>  
I may search with your consent  
If it be real<sup>7</sup>—not mere submission.<sup>8</sup>  
I may search in many ways; indeed  
My quest may now be for mere evidence.<sup>9</sup>  
At last a wise tribunal has decreed  
The proof my search reveals I now may seize.<sup>10</sup>

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At the time of writing the author was Deputy Staff Judge Advocate, HQ SAC. He is now Staff Judge Advocate, 314th Air Division. He received a B.S. degree from the University of Utah and an LL.B. degree from St. Marys University Law School.

<sup>1</sup> U.S. Const., Amend. IV.

<sup>2</sup> *Harris v. United States*, 331 U.S. 145, 91 L. Ed. 1399 (1947).

<sup>3</sup> *Bible v. United States*, 314 F. 2d 106 (9th Cir. 1963), cert. den., 375 U.S. 862 (1963).

<sup>4</sup> *Belfare v. United States*, 362 F. 2d 870 (9th Cir. 1966).

<sup>5</sup> *People v. Rivera*, 14 N.Y. 2d 441, 201 N.E. 2d 32 (1964).

<sup>6</sup> *Ibid.*

<sup>7</sup> *Zap v. United States*, 328 U.S. 624, 90 L. Ed. 1477 (1946).

<sup>8</sup> *Newman v. United States*, 277 F. 2d 794 (5th Cir. 1960).

<sup>9</sup> *Abel v. United States*, 362 U.S. 217, 4 L. Ed. 2d 668 (1960).

<sup>10</sup> *Warden, Maryland Penitentiary v. Hayden*, 387 U.S. 294, 18 L. Ed. 2d 782 (1967).