

# 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 THOMAS L. STEVENS, USNR  
DEPUTY DIRECTOR, NAVAL INVESTIGATIVE SERVICE

Captain Stevens graduated from the University of California in 1937. In July of that year he entered on duty with the Sheriff's Department of Alameda County. He served that Department in various capacities until he came on active duty with the U. S. Navy in 1942. Captain Stevens' war-time duty was first on the staff of Commander Fifth Fleet in the operations across the Central Pacific.

When released from active duty Captain Stevens returned to the Sheriff's Department where he served until recalled to active duty from NRID 12-1 in August 1951.

Captain Stevens has served tours in DIO-12ND, as ACS Intel ComNavFor Phil, in ONI, has commanded our CI and Investigative effort in Europe, the 9th Naval District and in the Pacific Fleet Area. He is currently the Deputy Director of the Naval Investigative Service.



JOHN W. LYNCH  
ASSISTANT DIRECTOR FOR INVESTIGATIONS

At 1800 the Fairmont Building is quiet. Only a bit of pipe smoke wafting out the door reveals that the Assistant Director for Investigations, Naval Investigative Service, is still dealing with the flow of administrative, investigative, legal and operational problems which find their way to his third floor corner office every day.

Details of many of the complex problems of leading the investigative efforts go with Jack Lynch as he jets from Washington to San Francisco; to Manila, or possibly London as he annually visits as many NISOs and NISRAs as possible to observe the operational implementation of the policies which have their origin in OO-20, his NIS code designation.

A native son of Baltimore who incidentally grew up the lone son in a family of six female siblings, Jack, his wife Frances, and the Lynch children - Mike, Greg, Patty and John, live now in Silver Spring, Maryland. This places Jack close enough to Baltimore to see, at least occasionally, the Colts and Orioles represent his home town in major league athletic competition. And, he findstime to play a respectable, and sometimes profitable game of Sunday golf when week-ends find him at home.



After twenty-two years of active duty in various administrative and legal billets with the U. S. Navy, including World War II combat service afloat, and after obtaining his law degree from George Washington University Law School, Jack affiliated with the Office of Naval Intelligence as an agent.

He was quickly advanced to a Headquarters staff position in which his administrative and legal talents could be utilized and subsequently, during the intervening years, held several important Headquarters posts including that of Special Assistant to the Head, Investigations Branch, in which position he directed all training, personnel, criminal, and technical activities at Headquarters. In May 1966, Jack became the first civilian Head of the Investigations Department, and last month incident to a change in nomenclature, the first civilian Assistant Director for Investigations.



## NAVAL INVESTIGATIVE SERVICE INVESTIGATIONS DEPARTMENT 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 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 organization policy.

### PERSONNEL SECURITY INVESTIGATIONS DIVISION

The Personnel Security Investigations Division (OO-21) headed by Mr. S. F. SCINTA controls NIS background investigations. Newsletter staffer M. C. ANDERSON reports results of recent interviews with OO-21 supervisory personnel.

In accordance with ONI-63-1B, it is the responsibility of NIS-21 to insure timely investigative and reporting action as well as the qualitative content of the reports of background investigations. When review of a report of investigation discloses major discrepancies in the investigation or in the report, an Action Lead Sheet is sent to the NISO concerned for remedial action.

With approximately 8500 pending background investigations, NIS-21 counts less than 1000 delinquent cases at the present time. Delinquencies normally run from 12% to 16% of the total pending case load. All NIS personnel should be aware of the importance of keeping our delinquency percentage as low as possible and of reducing the average days per case required for completion. One way to decrease delinquency of cases is to insure that NIS-21 does not have to return them for additional work.

In every case, the deliberation is weighted in favor of the NISO before the decision to prepare an ALS is made. The cases are, therefore, clearly deficient. During the period March through August 1967, NIS-21 prepared a total of 1,046 Action Lead Sheets to the NISO's because of insufficient coverage. In almost all instances, these cases were either delinquent when they were returned or became delinquent as a



result of being returned. A logical deduction might be that review in the NISRA and NISO is being performed superficially, sacrificing quality to a completion number.

The following statistical data reflects the number of instances in which Action Lead Sheets were prepared for each specific type of deficiency:

Birth	15
Education	91
Employment	196
Duty Station	8
References/Developed Informants	192
Residences	134
Credit	38
Naturalization/Alien (I&NS)	43
Divorce	24
LACs/Arrests	52
Incorrect information in ROI	95
Insufficient Coverage (Failure to cover logical leads - Statements not taken, mental problems not covered, etc.)	154

The familiar Form 9 is most often sent by NIS-21 to NISO's and NISRAs for failure to cover all logical investigative leads and to bring the case to its logical conclusion; or, for failure to clarify an obvious discrepancy in investigative results.

Close scrutiny and qualitative review at the NISRA and NISO; good management procedures in disseminating and processing of leads at both the NISRA and NISO level; proper training of professional personnel; combined with a desire to impress NISHQ with complete and proper investigative coverage should provide NIS-21 with that quality product which now is expected.

#### INTERNAL SECURITY DIVISION

The Internal Security Division (00-22) under the guidance of Mr. John S. ALLENDER, made the following comments to G. L. DUFFY of the Newsletter Staff which suggest methods of handling cases under that division's cognizance.



ALS-NOCP's should contain sufficient information to allow supervisory personnel to understand the nature of the matter under investigation. At times, the information contained in the NOCP will be used to brief highly placed individuals, therefore it is essential that sufficient detail be present in order to allow proper handling.

In those instances where, due to timely handling, an ALS-NOCP and ROI are submitted simultaneously, it is requested that the ROI be attached to the NOCP and not submitted separately. This will allow the necessary administrative procedures to be accomplished on both documents at the same time.

ALS-NOCP's should be submitted as soon as practicable after receipt of the request for investigation. In the past, NIS-22 has been aware, by independent means, of a matter which should obviously be investigated but has had to wait for lengthy periods (as long as a month) to receive an NOCP. NIS-22 is unable to render any assistance to field personnel in the absence of an NOCP.

The requirement for an ROI indicating case status every thirty days should not be ignored. In some cases the report is late and in other instances, no report is made. Many of these situations require that NISHQ inquire as to the status of the case, unnecessarily increasing the administrative workload. In thirty-day reports, where there is additional work to be done by the reporting NISRA, it would be helpful if some indication were made as to the scope of the investigation that is pending, e.g., interview of two additional suspects required; or interview of two additional witnesses and Subject required. This might be shown in the Action/Leads section of the report.

In cases where substantive information is furnished by an interviewee, it is still desired to have this information reduced to a written statement. This is particularly true when the person interviewed is the subject of the investigation. In these instances, a statement is desired even when the Subject's comments do not appear to be in any way damaging to him. If the person interviewed declines to furnish a statement, it is still required that a comment to this effect be contained in the report.

When information of a category 3 or 5 nature is developed by the NISRA located at Subject's military duty station during the course of a PSI investigation, it is desired that Subject's command be advised of this information and that the report reflect this notification. In most instances the command is being notified of the information but the reports do not always show this and, as a result, a query from NISHQ is required.

The timegap between the last investigative effort and the submission of the ROI should be held to a minimum. It is recognized that a portion of the time lag is due to clerical processes over which the agent may have no control.

There has been a reduction in the total category 3 and 5 caseload, there is still a 35-40% delinquency. Attention to the matters discussed in this interview should serve to reduce delinquency in these case categories.



## GENERAL CRIMINAL INVESTIGATIONS DIVISION

L. E. MC CULLAH delved into the workings of 00-23, the General Criminal Division, and reports comments concerning its operation by that division head, Mr. George Salb.

Review of General Criminal Division statistics disclosed a recent increase in the number of narcotics investigations conducted by NIS. This is mainly attributed to the increase in the use of marijuana and introduction and use of dangerous drugs and LSD by service personnel. As an example, in the first six months of 1965, NIS completed 173 narcotics cases, or an average of 28 per month; whereas, we now average 143 cases per month, or an increase per month of 115 cases. This is by far the largest increase in any of the criminal sub-categories. Along these lines, it is recommended that close liaison be established and maintained with the local Drug Abuse Control offices for information concerning current trends and description and evaluation of new hallucinogenic drugs as they are introduced on the scene.

One of the areas needing corrective measures in report writing is that of furnishing complete identification on co-subjects of criminal investigations. Attempts are either not made to fully identify co-subjects, or as on some occasions, the person is interviewed without full identification being obtained. This naturally creates a burden on headquarters personnel in attempting to fully identify the individuals for carding purposes and could result in failure to do so. In connection with this, all personnel should insure that when additional identification data and/or data which is at variance with that reported on the NOCP is developed, a separate ALS should be submitted setting forth this information.

## SPECIAL CRIMINAL INVESTIGATIONS DIVISION

W. E. Davis spent some time in familiar haunts and obtained some interesting and helpful observations concerning Category 8 investigations from Paul Mueller, Head of the Special Criminal Investigations Division (00-24).

During the past quarter, NIS-24 has noted a slight increase in the number of 8B and 8E cases. Many of the 8E cases involve the transmission of obscene photographs from the increased numbers of service personnel in Southeast Asia to individuals in the United States.

There appears to be a lack of proper advisement on initiated cases concerning criminal activity falling under the cognizance of NIS-24. The receipt of the NOCP is not always timely and in some cases, the Bureau of Naval Personnel receives information from the NISO's before the information has reached NISHQ.

Interviewing of witnesses to obtain corroboration is considered a necessary element of an 8C type investigation. It has also been noted recently, however, that many subjects have been interviewed prematurely.



The NISO's could benefit by checking with NISHQ files for any current information or prior record concerning individuals who appear in investigations. In cases where corroboration is necessary and there are several suspects, the Agent should attempt to obtain statements by taking the least line of resistance in selecting those individuals who would seem to be the least reticent.

Some NISO's seem to be dilatory in submitting the required 3 x 5 cards with ROI's on individuals other than the Subject who are mentioned, involved in the investigation or named in the report.

NOCP's submitted should contain the proper identification of facts so that the Category 8 number assigned is the proper one in context with the information submitted in the NOCP. It has also been noted that some NISO's are not fulfilling the requirements concerning the mailing and transmitting of Category 8 information by failing to send it under a proper cover.

Finally, S/A C. C. CHRIST has been transferred from 00-22 to 00-24. 4 + 2 are 6 and that's the old category number for these type cases which is another point to remember.

#### TECHNICAL SERVICES DIVISION

Notes of interest from the Technical Services Division (00-26) of NIS were provided to Newsletter reporter D. E. Usrey by Division Head Marty Pera.

The Technical Services Division, Naval Investigative Service Headquarters, has established its first field component in Honolulu, Hawaii. The new office, known as the Technical Services Detachment, Pacific, will primarily service the Western Pacific area. The detachment will provide many of the same services currently furnished by the division from Arlington, Virginia. Special Agents Richard Bryant and Allen Tatum have been assigned to the new office. Both "Dick" and "Al" were formerly attached to Headquarters from which they made many TAD trips to WESTPAC. Technical Services Detachment, Pacific, will become operational in October of this year.

Also of current interest to the Agent Corps is the progress being made on a new and improved two-way radio communications system for the Naval Investigative Service. The Technical Service Division reports that the money for the proposed system has been budgeted by the Navy for this fiscal year. As mentioned in previous NEWSLETTERS, the new radios will be of the two channel, VHF type and will include a variety of equipment including mobile, base station and "handy-talkies" all operating on the same frequency. The Naval Investigative Service Offices have submitted their requirements and it is hoped that our mobile communications capabilities will be greatly enhanced in the foreseeable future.



## RETIREMENTS

### ROBERT D. CLAYTON

On 21 July 1967, a well-known and highly regarded veteran Agent, Robert D. CLAYTON of the Naval Investigative Service Office, San Francisco, retired after more than 25 years with the Naval Investigative Service.

Bob's career with Naval Intelligence was launched in July 1941 when as a Lieutenant (junior grade), United States Naval Reserve, he reported for active duty with the District Intelligence Office, Twelfth Naval District. Most of his time was spent in the San Francisco Bay area where, during the war years, his assignments included that of Officer in Charge, Intelligence Unit, Naval Supply Center, Oakland, California. He also had overseas duty with the Naval Technical Mission in Japan. When he returned to San Francisco and was released to inactive duty as a Commander, United States Naval Reserve, he reaffiliated with DIO-12ND as a civilian agent. During his subsequent 22 years in this capacity, he was Assistant Supervising Agent and Supervising Agent in the Twelfth Naval District. His professional ability earned him the respect and admiration of all of his associates and he was highly regarded within the organization and among representatives of other offices and agencies with whom he was in contact.



Bob was born on 13 September 1906 in Honolulu, Hawaii, but lived in Manila, Republic of the Philippines, from 1906 until 1915 before coming to California. In retirement, Bob his charming wife, Miriam, plan to remain in the Oakland area. His address is 398 Euclid Avenue, Apartment 201, Oakland, California 94610, and he would be pleased to hear from old friends. His many friends and associates during his Naval Intelligence career sincerely wish him a happy retirement.



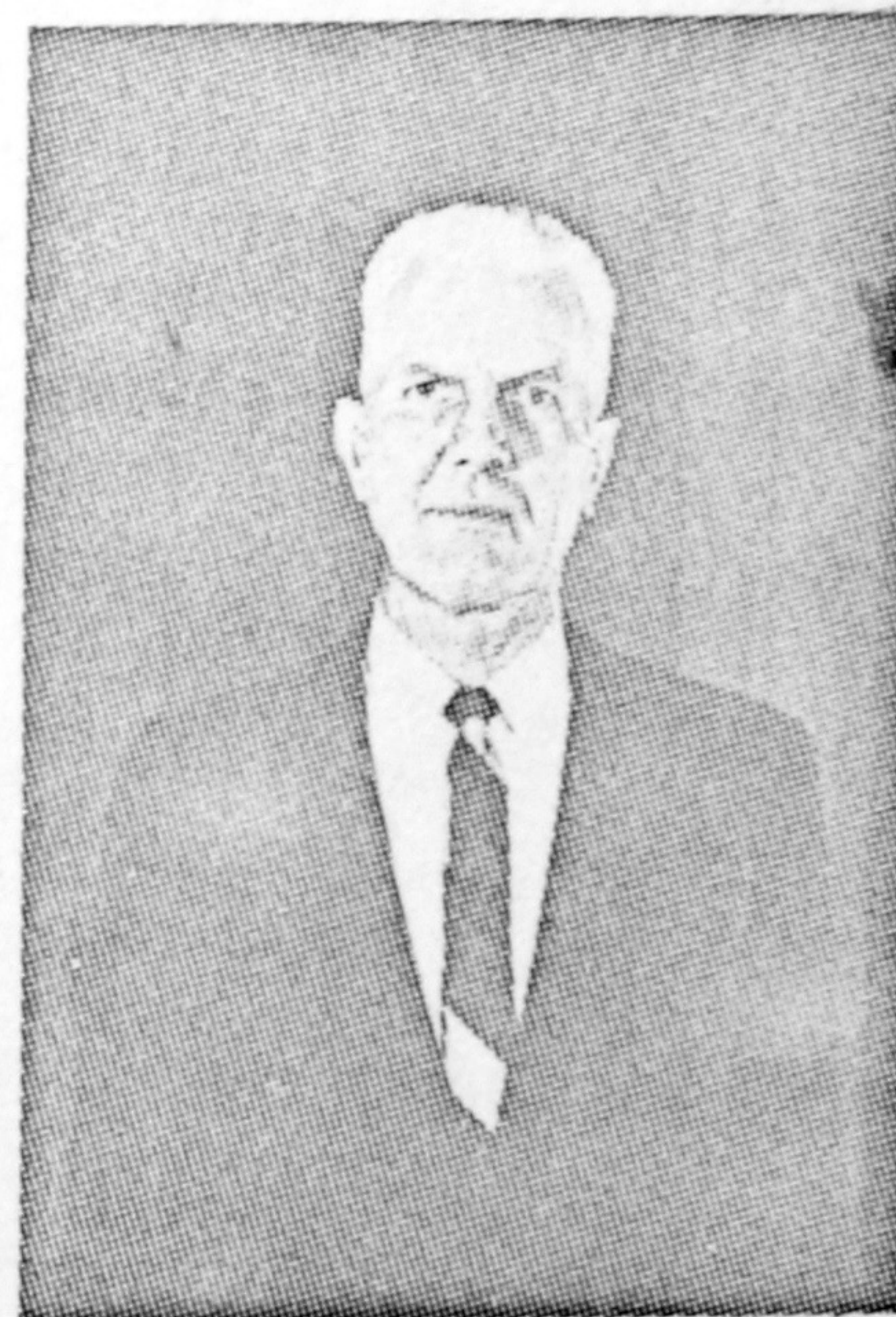
### HENRY A. PIERSOL

1 September 1967 marked the completion of active service as a Special Agent for Henry A. PIERSOL, NISO-Philadelphia. A native of Swarthmore, Pennsylvania, Hank served from December 1941 to December 1945 on active duty with the U. S. Navy and served an investigative apprenticeship with the Delaware County Police Department before joining Naval Intelligence.

Hank, his wife Rosalie and two daughters have continued to maintain their home in Swarthmore where much of their leisure time has been spent in equestrian activities including the pursuit of Reynard in the Hunt. Rosalie has gained some fame in Pennsylvania, not only as the Delaware County Correspondent for the Philadelphia Daily Bulletin, but as a fancier of dogs, particularly the Great Dane.

In retirement, Hank will be Security Officer for the Devon Fair, Devon, Pennsylvania, one of the big events of the Hunt Season in the United States.

Many old friends and associates in NIS join in saying "Best Wishes and good hunting" to Hank as he leaves the ranks of active Special Agents.



### "VIC LEVANDER EXCELS IN RIFLE COMPETITION

Supervising Agent Veikko E. LEVANDER of NISO-Charleston, a Commander, USNR, recently completed a three week tour of temporary active duty as OinC of the ten man U. S. Naval Reserve Rifle Team which competed in the Interservice Rifle Matches at Quantico, Virginia, and the National Championships at Camp Perry, Ohio.

At the Interservice Matches, "Vic" was a shooting member of six man teams which won the Reserve category in the Commandant's Cup and Infantry Trophy team matches. At the National Matches, "Vic" was a shooting member of a six man team which was high reserve team and placed fifth overall out of 183 teams in the Rumbold Trophy team match. He was also fortunate enough to win the Army Cup Match, one of the seven championships competed for with the service rifle. His score was 198 out of 200 with 7 x's, a National Match record. The team as a whole won a total of 14 individual and three team awards for their most successful season to date. The Army cup and team awards are on display in the Bureau of Naval Personnel.



## NIS LABOR DAY TRAGEDY

On 2 September 1967, Special Agent John SOMERS, NISRA-Fort Holabird, and his wife, Evelyn, were critically injured in an automobile accident near their home in Ellicott City, Maryland. Evelyn subsequently passed away. John remains in critical condition at St. Agnes Hospital, Baltimore, Maryland.

All NIS personnel join with CAPT RIFENBURGH in expressing regret at the death of Evelyn and hope for John's full recovery.

## SEA DUTY CAN BE TRAUMATIC

In July 1967, Special Agent James PENDER, NISRA Subic Bay, Republic of the Philippines, volunteered for duty aboard USS FORRESTAL in response to the ship's request for assistance. Jim was on board conducting two investigations when the accident occurred which resulted in serious damage to the ship in the South China Sea.

Following the explosions and fire, Jim's state room was filled with toxic gas and he slept on a wardroom table for the next few days while the ship made her way to Subic Bay. It was some days after docking that Jim was able to return to the ship and retrieve his gear.

Experiences of this nature attest to the unique, extraordinary and sometimes traumatic aspects of a Special Agent's duty in Southeast Asia.

## IS LSD CONSCIOUSNESS-EXPANDING ?

Contrary to the claim that LSD is a "consciousness-expanding" drug, it has been clearly demonstrated that the drug decreases conscious functions, distorts time sense, decreases an individual's ability to select and pay attention, impairs critical, objective judgment, induces illusions and hallucinations. Visual and hearing acuity are distorted, not enhanced as claimed. There is no known method of predicting occurrence or sudden, unexpected recurrence of these dangerous effects long after use of the drug. It is not possible to determine in advance those individuals likely to suffer these adverse effects.

## LSD PROHIBITED IN NAVAL SERVICE

Advance changes to Article 1270 of U. S. Navy Regulations, as promulgated by Secretary of the Navy Notice 6710 of 22 March 1967, clearly prohibit, except for authorized medical purposes, the possession or use of depressant or stimulant drugs by persons in the Naval service. LSD is listed among the prohibited drugs. Article 0971 of U. S. Navy Regulations specifies that the medical officer shall inform, in writing, the Commanding Officer and the person concerned, whenever an adverse entry is made in the individual's medical record. All medical officers should be aware of the absence in the military of the legal privilege attached to physician-patient communications.



## SEC TOPICS

Martin A. RANDISI, Intelligence Operations Specialist  
NAVINVSERVO NEW YORK

"Marty", who heads the S.E.C. Department (Code 40) of NAVINVSERVO NEW YORK, is a native New Yorker. He has been involved in intelligence work since World War II.

"Marty" graduated Cum Laude from St. John's College where he received the award for having the highest academic average for four years study in History and Social Sciences. In recognition of his outstanding undergraduate scholastic accomplishment, he was awarded a full scholarship to the Law School at St. John's. "Marty" received an L.L.B. Degree, and he is a member of the Bar of the State of New York.

With the outbreak of World War II, "Marty" joined the Navy. He was assigned to Naval Intelligence where his knowledge of foreign languages was put to use in various counter-intelligence projects.



Since 1945, "Marty" has been active in the Naval Reserve and presently holds the rank of Captain. He is a former Commanding Officer of the Naval Reserve Intelligence Division, Third Naval District, and in 1957, he received the Third Naval District Outstanding Naval Reserve Intelligence Officer Award. Additionally, he has received numerous other commendations, citations, and awards for both civilian and Naval Reserve activities. Presently, he is a member of the Commandant's (3-ND) Speaker's Committee and a personal representative to the Commandant's Civilian Leadership Committee. He has been involved continuously as a civilian in counterintelligence work at DIO-3ND/NAVINVSERVO-New York since November 1945.

"Marty" enjoys spectator sports and devotes spare time to raising poodles. "Marty" and his wife, Anne Marie, will celebrate their 25th wedding anniversary in October. They have two children, a son stationed in Thailand with the Air Force, and a daughter who is completing his Freshman year at college.



Vernon F. PATTERSON, Intelligence Operations Specialist  
NAVINVSEURO NORFOLK

"Pat", who heads-up the S.E.C. Department of NAVINVSEURO NORFOLK, is another "old pro" who has earned an enviable reputation throughout the entire organization. Born in 1918 in Baltimore, Maryland, he was graduated from Strayer College in that city and moved to Norfolk in 1937 as an Accountant with an industrial firm.

"Pat" enlisted in the V-4 Program of the Naval Reserve in 1941 and was immediately assigned to the District Intelligence Office, FIFTH Naval District. He has been with our Service ever since. He still holds a commission in the Naval Reserve, having transferred to retired status in 1953.



After coming off active duty in 1945 at the end of World War II, "Pat" became the first contract ONI Agent in DIO-5ND. He has been closely associated with S.E.C. functions throughout his career, was appointed head of the S.E.C. Section in DIO-5ND in 1949, and officially switched from Special Agent to Intelligence Analyst status in 1957. In July 1967, he will have completed twenty-six continuous years of service with Naval Intelligence.

"Pat" is married to the former Alice Daughtrey. They have one son, Vernon, Jr., who has completed his sophomore year at Virginia Polytechnic Institute, Blacksburg, Virginia. "Pat's" hobbies are golf and bridge.

WOULD YOU BELIEVE TWELVE CHILDREN???

In the April 1967 issue of the Newsletter we featured an article on the Special Agent Neil Donahue family in Honolulu concerning Neil's dependency list of eleven children.

It has now come to our attention that one of our Intelligence Operation Specialists can top this record. John Laurence Gibson of NAVINVSEURO-Chicago claims twelve children.

John was born on 17 December 1925 at Oak Park, Illinois, the world's largest village. Perhaps the Gibson family made it that way because he was the ninth of ten children, and his father left 75 descendants at his death four years ago. John and his wife, June, have helped somewhat, having twelve children of their own, ranging in ages from five months to sixteen years. After studying some six years for the Catholic priesthood, John attended several colleges, studying law for three years, ending up at Loyola University in Chicago. Through his schooling he developed an affection for linguistics, perforce having studied ancient Greek, Latin, and German for more than four years each, and since then he has acquired some fluency in Spanish.



John, June, and their little community of twelve reside in suburban Oak Park. John has been active in various Church organizations, and spends some of his spare time, what there is of it, as an organist and leader of song at his parish Church. Don't ask where he gets the time, but he still enjoys good music and reading of the non-fiction high brow type.

#### MORE HISTORICAL NOTES FROM THE PAST

Commenting on the continued compilation of a documentation "Bible" in an effort to prove the date and place of birth as well as significant portions of the past history of NIS, the NEWSLETTER of 1 July 1967 requested the forwarding of any documentation relative to the growth and life of NIS.

NISO-New Orleans has provided a number of documents which bear various dates during the years of 1938, 1939, 1940 and 1941. Among these documents is proof that a Lieutenant (jg) was employed as an Agent in 1938 at a salary of \$1800 per annum plus expenses with the provision that his total salary not exceed \$3000 per year.

The employment of a second Agent in New Orleans was authorized by the Office of Naval Intelligence (OP-16-A) on 29 November 1938 at a salary of \$2400 per annum plus expenses with the total not to exceed \$3600 per year. The Agent employed was W. J. KIRSCH, Jr., a former Pinkerton man, who retired from ONI on 29 November 1963 after more than 20 years service as a Special Agent.

The employment of Mr. KIRSCH was apparently a well-guarded secret initially as indicated by a request that his mail be forwarded to his home rather than his office because "The receipt of numerous official letters from the Navy Department might arouse suspicion and thereby unnecessarily disclose the fact that he is employed by the Navy Department." A later document in the NISO-New Orleans file indicates that Mr. KIRSCH was the only agent on board on 15 September 1940.

An interesting indication of the life and times of an Agent during the late thirties was found in a "Memorandum to All Employees" which was filed between correspondence of 15 August 1939 and 6 September 1940. The Memorandum stipulates that "In no case will an employee be reimbursed more than \$6.00 per day for business within the continental limits of the United States, or \$8.00 per day average beyond such limits. No per diem was allowed while traveling from place to place and employees were admonished that tips on trains were not to exceed \$.70 per day.



## PERSONAL ACCIDENT AND SPECIAL HAZARDS INSURANCE AND OVERSEAS LIFE INSURANCE AVAILABLE

Information is available from the OPNAV Civilian Personnel Branch regarding personal accident and special hazards insurance now available to Navy Department employees from the Insurance Company of North America (INA). Information is also available concerning overseas group life insurance for eligible employees through the Worldwide Assurance for Employees of Public Agencies, Incorporated (WAEPA).

The special hazards insurance (INA) is unique in that it provides coverage of special hazards beyond those covered by many ordinary accident insurance policies. The INA special hazard insurance provides worldwide 24-hour a day coverage for death, dismemberment or disability resulting from other than natural causes. Most employees are eligible to enroll.

The overseas insurance provides group term life insurance for death from any cause, in addition to accidental death and a dismemberment coverage. Coverage is worldwide 24-hours a day and U. S. citizen employees under age 60 whose duties are in some way connected with overseas work are eligible to join. For additional information, the Employee-Relations and Services Section, OX 7-1065, Room 4D430, Pentagon, should be contacted.

## WORK INJURY BENEFITS PAMPHLET AVAILABLE

"Work Injury Benefits for Federal Employees" (Pamphlet BEC-550, revised March 1967) provides general information in question-and-answer form on the principle features of the Federal Employees' Compensation Act. This act provides compensation for disability, death, medical care and rehabilitation services for civilian employees and officers of the United States who suffer injuries while in the performance of their duties. This pamphlet outlines the rights of the employee and the reporting procedures to be followed in the event of an on-the-job injury. There will be no general distribution of this publication. Copies may be obtained from the Civilian Personnel Branch, Op-09B81G, Room 4D430, Pentagon, Washington, D. C.

## BENEFICIARY ASSIGNMENTS

In conjunction with the two preceding articles, some observations concerning the naming of beneficiaries to insurance plans on the part of Special Agents, Naval Investigative Service, are offered.

Careful consideration of the assignment of benefits to survivors in the event of death or incapacity on the part of a policy holder is as much a part of a good insurance program as is adequate and proper coverage.

All Agents should consider that there is today a great deal of travel by public conveyance by all members of an Agents' family and very often the policy holder and all of his designated beneficiaries travel in the same vehicle.

NIS experience has indicated that the designation of contingency beneficiaries outside the Agent's immediate family could well save survivors and heirs potentially complex and aggravating legal problems.



## AGENT TRAINING ACTIVITIES

### In-Service Seminars

The three In-Service Seminars conducted during the summer months were heralded as significant advances toward a uniform refinement of effective NISRA management and supervisory practices. The forty-eight intermediate supervisory personnel, schooled in these basics, were said to have carried away with them, as reported in one critique, "a certain optimism born of a new vitality in affording a timely professional investigative service to naval commands." Supervising Agents Vernon A. BONNEY, NISO-Norfolk, and Earl S. RICHEY, NISO-Chicago, who were commissioned to delineate NISO management procedures, received letters of appreciation from DIRNIS for their meritorious performance of duty in the vital areas of agent guidance, supervision, and professionalism.

### X-Ray Demonstration

On 4 August 1967 several NISHQ agents, spearheaded by George R. SALB, Head of the Criminal Investigations Division, were in attendance at the Armed Forces Institute of Pathology, Washington, D. C. for a presentation by the Bucky Portable X-Ray Corporation of New York. The program, coordinated through the efforts of CDR C. J. STAHL, MC, USN, who lectures at Agent Training courses, was attended by representatives of the Army and Air Force. The demonstration featured the use of a portable X-Ray unit as an investigative aid in the photography of fingerprints, the searching of luggage, and the detection of bombs. It was the general consensus of the attendees that the use of the portable X-Ray is more applicable to the physical security and medical fields than to criminal investigations.

### LSD Lecture Available

Agent Training personnel made available to each CONUS NISO a tape-recording of an LSD lecture by LCDR Walter F. MINER (MC), USN, who conducted a survey while attached to SUBRON-ONE at Pearl Harbor, Hawaii. This recording, which also contains a question-and-answer session with NIS agents assigned to USNISO-Japan, reports the deleterious effects of the use of LSD by members of the naval service and the concomitant criminal violations against the UCMJ, which could involve the services of NIS. The recording, approximately 1½ hours in duration, is to be played at 3 3/4 speed. It is highly recommended that all SRA's procure the recording from their Supervising Agents for briefings of security and command personnel within the NISRA area.

### LSD Films Available

A film entitled "LSD-25", produced by Professional Arts, Inc., Box 8484, Universal City, California 91608, is available for rent or purchase. Purchase price is \$275.00, 3-day rental is \$27.50. "LSD-25", appropriate for high school/college age group gives a balanced view of the use of LSD and an insight into the kinds of changes in the abuser that LSD may bring about. Running time, (16 mm, color) is 27 minutes.

"LSD: Insight or Insanity" documents the dangers of unsupervised use of LSD and explains what is known about its physiological and psychological effects. This film is available from Bailey Films Incorporated,



6509 DeLongpre Ave., Hollywood, California, 90028. Designed to counter misinformation which exists regarding LSD, this film (16 mm, color) runs 18 minutes. Purchase price is \$200.00; 3-day rental is \$15.00.

#### Naval Orientation Correspondence Course For Agents to be Implemented

A recently promulgated is a NAVINVSERV Instruction permitting all agents upon hire as well as those hired since 1 January 1967 to enroll and complete the standard NAVPERS 10900-A, Naval Orientation Course, within one year from date of enrollment. All agent personnel hired prior to 1 January 1967, who have not performed Naval Service nor completed this course may elect to take it. All applications will be processed through DIRNIS (Code 252 - Career Services Division). S/A John W. Starke, who recently undertook and completed the course to assess its applicability for agents, coordinated the programming requirements with BUPERS personnel.

#### Additional Slides From Overseas

In the past three months, USNISO-Fort Amador, USNISO-Honolulu, and USNISO-Saigon forwarded 35 mm slides for utilization in the Agents Training Program. The response to our plea for a pictorial library depicting our overseas offices and areas has been gratifying. We have now accumulated several carousels of slides which are made available not only to students attending agent classes at Headquarters but also are forwarded to agents assigned duty overseas. We thank all who assisted so unstintingly in this project and urge those who have not complied to do so as soon as possible.

#### Professor completes Active Duty Training at NISHQ

CDR Rolland L. SOULE, USNR-R recently completed two weeks active duty training in the Agents Training Unit at NISHQ. CDR SOULE is presently a professor and associate director of the Southern Police Institute, University of Louisville, Kentucky. Much of the work that CDR SOULE has done can be utilized in specific courses for the basic agent trainee and the journeyman student, as well as being implemented into a correspondence course, presently contemplated for Special Agents.

#### Narcotics Training

Special Agents J. F. BEENE and J. W. BRANT of NISHQ, scheduled for overseas tours, attended the Food and Drug Administrations Drug Abuse Control Training School convening 11 - 15 September 1967. NIS has secured a billet quota of two agents to attend each of the nine remaining schools convening during FY 68. It is intended to reserve billets for those special agents programmed for overseas tours, and the remaining billets for those CONUS NISO's who are experiencing an upswing of Drug cases. The week-long training sessions dealing with the current problems stemming from the use of harmful drugs, will be of great value to those special agents who are continually being involved in these investigations.



## COMMENDATIONS - LETTERS OF APPRECIATION

### NISHQ

Special Agents Warren R. LYNCH and Maynard C. ANDERSON, NISRA-Arlington, received letters of commendation on 22 August 1967 from the Office of the Assistant Secretary of Defense (OASD), Directorate for Inspection Services (DINS), for "excellent support in connection with the conduct of a special investigation for the Secretary of Defense." Lieutenant General H. M. EXTON, USA, Director for Inspection Services, OASD, commented that the assistance provided by the Naval Investigative Service on the mission was a tribute to the fine working relationship which exists between DINS and NIS.

USNAVINSERVO-EUROPE - Special Agents Frederick B. KAUFFMANN and Victor J. PALMUCCI were singly commended for "meritorious achievement in the performance of duties" while serving with the U. S. Naval Investigative Service Office, Europe, Representative, Naples, Italy.

USNAVINSERVO-MARIANAS - Supervising Agent James V. RICHIE was cited for his "exemplary proficiency in the executive - management field" during his assignment with the U. S. Naval Investigative Service Office, Marianas.

NAVINSERVRA-San Diego - Special Agent R. D. STEEL was extolled for his outstanding performance in a "meticulous and exceedingly comprehensive investigation" for the Commanding General at Camp Pendleton. Special attention was directed toward Special Agent STEEL's "sincere dedication, professional ability, and intelligent application of policies and procedures of the Naval Investigative Service."

USNAVINSERVO-ICELAND - The Commanding Officer of the Office of Special Investigations, OSI District 62, USAF, expressed to DIRNIS his "complete satisfaction with the assistance and courtesies rendered this District office by personnel of the U. S. Naval Investigative Service Office at Keflavik, Iceland." He noted that "in every instance" the assistance and cooperation have been outstanding.

USNAVINSERVO-HONOLULU - The Commanding Officer of the U. S. Naval Communication Station at Honolulu noted "with pleasure the prompt and efficient service" provided his command by Special Agents attached to the U. S. Naval Investigative Service Office, Honolulu, during a recent investigation after expressing his appreciation for their "overall spirit of dedication and professional competence", he afforded special recognition to Special Agent Ray A. MOSTELLER for his "uncommonly well done" performance.

NAVINSERVRA-El Toro - The Provost Marshal, Marine Corps Air Station El Toro, California, forwarded to Special Agent William G. BELL, Jr., "sincere appreciation for the splendid cooperation and efforts displayed" at NISRA-El Toro from June 1966 to July 1967. Special Agent BELL, recently reassigned to USNAVINSERVO-Honolulu, was praised for his competent liaison efforts and his personal interest and willingness to assist the Office of the Provost Marshal at El Toro in the common cause of law enforcement.



USNAVINSERVO-Vietnam - Captain C. D. EVERHART, PACFLT AREA, lauded the "growing effectiveness of USNAVINSERVO-Vietnam counterintelligence support to Naval and Marine Corps commands", pointing out that "this comprehensive commitment has been increasingly 'on target' and is indicative of capable leadership and the growing professional ability of all USNAVINSERVO-Vietnam personnel". Special Agent William H. FRY was especially praised for his "significant contribution" in establishing and expanding pertinent files and for his "excellent abilities" as an analyst.

#### LENGTH OF SERVICE AWARD

Special Agent Rufus W. BOLDMAN, who is assigned to the NISRA Pocatello, Idaho, recently was awarded a Navy Length of Service Award Emblem for twenty years Federal Service. "Rufe" entered on duty with "DIO-13ND" 21 December 1949 and had two years active duty in the U. S. Navy, from 1943 to 1945.

#### Special Briefings

CAPT John Q. EDWARDS, III, USN, who has orders to report as Commanding Officer, NAVINSERVO-San Francisco, was briefed at Headquarters during the period 26 - 28 July 1967.

CAPT Dunbar LAWSON, USN, who has orders to report as Commanding Officer, NAVINSERVO-New Orleans, was briefed at Headquarters during the period 31 July - 4 August 1967.

CAPT Ralph G. LIPFERT, USN, who has orders to report as Commanding Officer, NAVINSERVO-Philadelphia, was briefed at Headquarters during the period 11 - 15 September 1967.

CAPT Morris I. KALIN, USN, who has orders to report as Commanding Officer, NAVINSERVO-Chicago, was briefed at Headquarters during the period 24 July - 4 August 1967.

LCDR John A. WILLIAMS, USNR, who has orders to report as Commanding Officer, USNAVINSERVO-Fort Amador, was briefed at Headquarters during the period 5 - 15 September 1967.

LT E. Richard J. CERRUTI, USNR, who has orders to report to USNAVINSERVO-PACFLTAREA, was appropriately briefed at Headquarters during the period 29 August - 8 September 1967.

LT Thomas R. CHANDLER, USN, who has orders to report as Executive Officer, USNAVINSERVO-Europe, was briefed at Headquarters during the period 17 - 21 July 1967.

LT Warren R. KING, USNR, who has orders to report to USNAVINSERVO-Vietnam, was briefed at Headquarters during the period 21 - 25 August 1967.

LTJG Richard R. STRUM, USNR, who has orders to report to NAVINSERVO-Norfolk, was briefed at Headquarters during the period 8 - 13 September 1967.



PROMOTIONS TO PG-12

MOTE, Robert M.	-	SRA, Earle, N. J.
KERSENBROCK, Allan J.	-	SRA, Camp Lejeune, N. C.
CAIRO, Louis P.	-	SRA, Hunters Point, California
MITCHELL, Donald L.	-	SRA, Honolulu, Hawaii

PROMOTIONS TO PG-13

JEPSON, William B. - Ass't Supervising Agent, NAVINVSERVO-New York

AGENTS' IN-SERVICE SEMINAR 1/ISS(68) 10 - 14 July 1967

Joseph HLYWIAK	01	Melvin E. KEMERY	09
Thomas J. KING	01	Earl L. JOHNSON	09
Lionel A. BARKER	03	Donald E. ROBERTS	11
Jimmy J. JONES	03	Paul M. HAEFELI	11
Ronald E. RUESCH	04	Charles REED	12
Tyrus C. ALEXANDER	05	Stephen S. MORSE	12
Robert A. MUNSON	05	Louis B. HERDER	13
Daisy L. BRANTLEY	06	Edward F. SHEVLIN	20
Friedrich L. ROURK	06		

AGENTS' IN-SERVICE SEMINAR 2/ISS(68) 24 - 28 JULY 1967

John F. FORAN	01	Ray M. STEPHENS	09
Albert F. SMITH	01	Lawrence A. CRESCE, Jr.	09
Luigi G. NOBERINI	03	Earl S. FOWLER	11
Kenneth S. REID	05	Charles G. HURLEY	11
Ross G. HANKS	06	Richard A. MALTBY	12
Henry M. FAIRLEY, Jr.	06	David L. McDONALD	12
Frederick E. ROBEY, Jr.	08	Donald E. ATWATER	20
		Elton C. HOWERTON, Jr.	20

AGENTS' IN-SERVICE SEMINAR 3/ISS(68) 21 - 25 AUG 1967

Thomas J. DONNENWIRTH	01	Ronald L. MOUNT	06
Daniel J. SWEENEY	01	William R. CUSHEN	08
Thomas J. EGAN	03	Elmer E. HOGG	08
John R. GENTILE	03	Eugene A. NOWICKE	09
Robert M. MOTE	03	James P. BYRD	11
Maynard C. WARWICK, Jr.	04	Harold L. SCHILLING	12
William E. YEAGER	05	Robert G. MORRICE	20
Charles A. BALDWIN	06	Lester G. THOMAS	20

AGENTS' INVESTIGATIVE PHOTOGRAPHY COURSE 1P(68) 31 July - 18 August 1967

Carl J. MERRITT	01	Stephen D. SPURLOCK	09
Benjamin E. ALLRED, Jr.	06	Robert G. PANICO	11
Jack Y. NEELY	08	Frank J. EDMONDS	12



# AGENT TRANSFERS DURING THE LAST QUARTER

	<u>FROM</u>	<u>TO</u>
Edward J. FITZPATRICK	NISHQ	CHARLESTON
Warren J. SHADKO	NISHQ	NEW ORLEANS
Thomas E. ANDES	NISHQ	CHICAGO
John M. BARRON	NISHQ	WASHINGTON
Joseph W. BRANT	NISHQ	PHILIPPINES
Allan D. TATUM	NISHQ	PACFLTAREA
Richard H. BRYANT	NISHQ	PACFLTAREA
Dana K. DENAULT	BOSTON	HONOLULU
James E. CARSON	BOSTON	GUAM
Milo A. BAUERLY	PHILADELPHIA	GUAM
Robert J. TUGWELL	NORFOLK	VIETNAM
Philip J. CURLEY	NORFOLK	WASHINGTON
James T. SANFORD	NORFOLK	ICELAND
Francis H. SCHMITT	NORFOLK	NISHQ
Frederick R. SEEHORN	NORFOLK	VIETNAM
Thomas C. WILLIAMS	CHARLESTON	JAPAN
Harold L. SCHILLING	CHARLESTON	SAN FRANCISCO
James D. HUBBARD	NEW ORLEANS	NAVEUR (NAPLES)
James L. DELL	NEW ORLEANS	NISHQ
Ralph D. GALLO	CHICAGO	VIETNAM
Lawrence F. THIES	CHICAGO	SAN JUAN
William H. MC VETTA	CHICAGO	NISHQ
Raymond W. MC GADY	CHICAGO	PHILIPPINES
Joseph M. PATTON	CHICAGO	PHILIPPINES
Robert E. FOY	CHICAGO	JAPAN
Thomas J. DONNENWIRTH	SAN JUAN	BOSTON
William G. BELL	SAN DIEGO	HONOLULU
Robert E. CURTIS	SAN DIEGO	NISHQ
William J. WARD	SAN FRANCISCO	VIETNAM
Paul L. CLARK	SAN FRANCISCO	NAVEUR
Charles W. HOWGATE	SAN FRANCISCO	NISHQ
Millard E. ADDISON	SAN FRANCISCO	JAPAN
Donald L. MITCHELL	SEATTLE	HONOLULU
Richard T. PAYNE	SEATTLE	NISHQ
Richard L. VOLLRATH	HONOLULU	NISHQ
James M. O'NEIL	WASHINGTON	NAVEUR (NAPLES)
James L. HANNAH	WASHINGTON	HONOLULU
Russell A. WOELFFER	ICELAND	NAVEUR
Victor J. PALMUCCI	NAVEUR	BOSTON
George A. SMIGEN	NAVEUR	WASHINGTON
Frederick B. KAUFFMANN	NAVEUR	CHARLESTON
Robert M. MOTE	NAVEUR	NEW YORK
John R. DUNN	JAPAN	SAN FRANCISCO
Hubert H. BARBER	JAPAN	PHILADELPHIA
James V. RICHIE	GUAM	CHICAGO
Robert DAVID	GUAM	CHARLESTON
Richard L. PECK	GUAM	WASHINGTON
William B. JEPSON	PHILIPPINES	NEW YORK
Robert R. HALL	VIETNAM	NORFOLK
Carl J. MERRITT	VIETNAM	BOSTON
Fred F. GIVENS	VIETNAM	SAN DIEGO
George W. MEGLEMRE	VIETNAM	SAN FRANCISCO



## WELCOME ABOARD

Gordon E. HARVEY	-	BOSTON	Milo M. GRASMAN	-	CHICAGO
Allan L. FRANKLIN	-	NEW YORK	Agustus S. BOYD	-	CHICAGO
Robert E. MARTIN	-	PHILADELPHIA	Anthony E. CHAVEZ	-	SAN DIEGO
John H. STRIEBICH	-	PHILADELPHIA	Rollin B. HOGGE	-	SAN DIEGO
William J. KLEMP	-	PHILADELPHIA	David A. NEUMAN	-	SAN DIEGO
John J. SYRON	-	PHILADELPHIA	Frank E. ORRANTIA	-	SAN DIEGO
O'CONNOR, James J.	-	NORFOLK	Dennis D. HAMILTON	-	SAN DIEGO
Wayne R. MORGAN	-	NORFOLK	Murray T. MAHAN	-	SAN DIEGO
James W. WOOLARD	-	NORFOLK	David A. ENZ	-	SAN FRANCISCO
James A. HODGES	-	CHARLESTON	David H. REES	-	SAN FRANCISCO
James N. COX	-	CHARLESTON	Lonny L. THOMAS	-	SAN FRANCISCO
Stanley D. WHITE	-	CHARLESTON	David W. DYKES	-	SAN FRANCISCO
Gerald A. LAWRENCE	-	NEW ORLEANS	Thomas M. POWERS	-	SAN FRANCISCO
Curtis L. BENA	-	NEW ORLEANS	Richard J. KIRKHAM	-	SAN FRANCISCO
David L. HALL	-	CHICAGO	Matthew E. STEGER	-	WASHINGTON
Lawrence E. FERRELL	-	CHICAGO	David H. LINK	-	WASHINGTON
Pablo JACOB	-	CHICAGO	Kerry E. NEWMAN	-	SEATTLE

## SCHOOL'S OUT

An academic "Well Done" to Sherman Bliss who returned to the Fairmont Building on 1 September following the completion of a year at Stanford University as a Fellow of the National Institute of Public Affairs. During his year of graduate work, he maintained a straight 4.0 grade average. Sherm's new NISHQ position is Special Assistant for Investigations (Code NIS-20X) to the Assistant Director (Investigations).



## CROWD CONTROL

Herbert Jacobs, Lecturer in Journalism, University of California at Berkley, has formulated an effective way to estimate the size of a crowd. The Jacobs Crowd formula is as follows:

1. Pace off the length and width of the crowd
2. Add the two footages
3. Multiply the total by 10 (if the crowd is dense with little interval movement) or by 7 (if the crowd is loose, with persons moving freely within the center of the mass). Thus, if the crowd measures roughly 150 by 100 feet (total, 250), it would contain about 1750 persons if loose, about 2500 if tightly packed.



JACK BARRON NAMED SUPERVISING AGENT, NISO-WASHINGTON



On 11 September 1967, Mr. J. M. BARRON assumed duty as Supervising Agent, NISO-Washington. Jack began his career at Naval Investigative Service Headquarters in 1948 and served as Special Assistant for Investigations from 1954 to 1967. Beginning in 1950, he served as an instructor in the Agent's Basic School collaterally with his investigative duties. In 1951 Jack initiated the ONI Polygraph Instruction course.

Jack matriculated at the University of Ottawa, Ottawa, Canada, from 1939 to 1941 and completed philosophic studies at Maryknoll Seminary, New York, in 1943. After completing Japanese language studies at the Naval Oriental Language School, Jack was commissioned an Ensign, USNR, in August 1945. Following a tour at the District Intelligence Office, San Juan, Puerto Rico, he was released from active duty in July 1946.

Jack's distinctive manner and his diverse talents expressed in the best Maine accent this side of Kennebunkport will serve NISO-Washington well. His loyalty to NIS and the Agent Corps is legend and we look forward to many more outstanding years in the pleasure of his company.

ALLENDER TO UNDER GO MEDICAL TESTS

John S. Allender, Head, Internal Security Division, NISHQ, will undergo a series of medical tests at the Texas Medical Center, St. Lukes Hospital, Houston, Texas, commencing 8 October 1967. Cards and letters from any of John's many NIS friends would surely be appreciated.



## LEGAL NOTES

The following decisions of the U. S. Supreme Court reflect current developments in the field of Criminal Law. These decisions are highlighted here, pending detailed implementation in the Manual for Investigations.

In Schmerber v. California, 384 U.S. 757 (1966), a criminal case involving the use of blood-alcohol tests, the Supreme Court declared that the constitutional safeguards of the Fourth, Fifth, Sixth and Fourteenth Amendments would not be violated by obtaining a blood sample over the objection of the suspect. More specifically, the court held that the privilege against self-incrimination was not violated, notwithstanding that the suspect and his attorney in Schmerber had protested to the taking of the suspect's blood by a hospital physician at police request following a vehicular accident. The court reasoned that compulsory taking of blood did not violate the privilege against self-incrimination because the privilege protects against compelling disclosure of evidence of a testimonial or communicative nature, i.e., compelling evidence from the suspect's "own mouth." In deciding Schmerber, the Supreme Court was merely restating its views expressed in an earlier case decided in 1957, Breithaupt v. Abram, 352 U.S. 432. The Court of Military Appeals (COMA) evaluated the use of involuntary blood-alcohol tests by military authorities in 1958 when it decided U.S. v. Musguire, 9USMCA 67. COMA did not follow the Breithaupt case. In deciding the Musguire case, COMA stated:

"Article 31 of the Code provides that no person subject to the Code is required to make a statement regarding an offense of which he is accused or suspected and cannot be compelled to do so. The word 'statement' includes both verbal utterances and actions...Article 31 is wider in scope than the Fifth Amendment."

In so holding, COMA has established that the protection against self-incrimination provided by Article 31, UCMJ extends to non-testimonial compulsion, such as involuntary blood tests, as well as the communications from the suspect's "own mouth."

In Warden v. Hayden, decided by the Supreme Court on 29 May 1967, the court considered the evidentiary aspects of criminal searches and seizures. The Supreme Court set aside the long standing distinction between "mere evidence" and other forms of evidence. Prior to this decision, a search conducted pursuant to a warrant, and a search conducted incident to a lawful arrest, could result in a valid seizure of personal property for evidentiary purposes, only to the extent that the property seized was contraband, a weapon, or a fruit/instrumentality of crime. Items of personal property not within these judicially acceptable categories were deemed to be "mere evidence" of a crime and therefore not subject to seizure as evidence, notwithstanding the legality of the search. In the Hayden case, a robber was seen by witnesses fleeing the scene of the robbery and entering a house a few blocks away. Within minutes, police were summoned, and were directed to the house by the witnesses. The police were admitted to the house by the owner. During a search of the house for the robber, a man in a bedroom feigning sleep in a bed was arrested. The police found ammunition for a pistol and a hat under the mattress of the bed. In a bathroom adjoining the bedroom, a pistol and shotgun were seized. Contemporaneously, a police officer in the basement of the house searching for the robber, seized a jacket and trousers



from a washing machine that was operating. At the trial in the state of Maryland, the items of clothing that had been seized were received in evidence against the defendant. The witnesses who had seen the robber flee the robbery scene testified that the items of clothing were similar to those worn by the robber. The defendant was convicted, and the case ultimately reached the U. S. Supreme Court. The Supreme Court was asked to decide whether the admission of this evidence in the state court was proper, inasmuch as the clothing could not be considered to be a fruit or instrumentality of the robbery. In ruling that the evidence was properly admitted, the Supreme Court said, "nothing in the language of the Fourth Amendment supports the distinction between mere evidence and instrumentalities, fruits of crime or contraband." The court stated, however, that while its rejection of the "mere evidence" limitation enlarges the seizure aspects of permissible searches, the constitutional requirement of probable cause and particularity remain unchanged. The Court of Military Appeals in U.S. v. Whisenant, No. 19,734 decided 30 June 1967, held that Hayden, supra, to be applicable in Military Criminal Law.

In U.S. v. Wade, decided on 12 June 1967, the Supreme Court considered whether a lineup conducted prior to a criminal trial violated the suspect's rights under the Fifth and Sixth Amendments to the U.S. Constitution. In September 1964, a Texas bank was robbed. The robber wore a strip of plastic tape on each side of his face. In March 1965, an indictment was returned naming one Wade and an accomplice as the culprits in the Robbery. In April, Wade was arrested by the FBI and counsel was appointed for Wade. Fifteen days later an FBI agent arranged to have two bank employees observe a lineup made up of Wade and five other general prisoners. Wade's appointed counsel was not notified of the lineup, nor was he present. Each person in the lineup was required to wear strips of plastic tape on his face and to speak the words of a holdup-phrase reportedly used by the robber. Two bank employees identified Wade in the lineup as the robber. At the trial, the two bank employees as prosecution witnesses identified Wade as the robber. The defense brought to light the pre-trial lineups. The defendant was convicted, and eventually the matter was certified to the U.S. Supreme Court. The Supreme Court held that neither requiring the defendant's physical presence in the lineup, nor requiring the defendant to make utterances in the lineup violated his Fifth Amendment privileges against self-incrimination. In reaching this conclusion, the court relied upon Schmerber, supra, characterizing all aspects of the lineup to be non-communicative, non-testimonial in nature. In holding that the lineup under the circumstances of the case violated the defendant's Sixth Amendment rights, the court held that the defendant and his appointed counsel should have been notified of the impending lineup and that the presence of the defendant's counsel at the lineup should have been a pre-requisite to the lineup, unless there was an intelligent waiver.

The holding in this case does not give an accused the right to refuse participation in compelled confrontation procedures, such as the lineup or individual viewing of a suspect by a victim, or by a witness to a crime. It does require that a military or civilian accused shall be apprised of a pending identification procedure, and that he be afforded the opportunity to seek a lawyer or have one appointed so that the fairness or unfairness of the identification procedure may be observed for trial purposes.



## DIRECTIVES OF INTEREST

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

NAVINVSEVINST 5520.11 of 6 July 1967, Subj: Marine Corps counter-intelligence personnel assistance of in Naval Investigative Service investigations. (Issues instructions relative to utilizing the services of Marine Corps counterintelligence personnel in NAVINVSEVINST investigations).

NAVINVSEVINST 12000.3 of 20 July 1967, Subj: Naval Intelligence Agents, Pay Grades 10 and 11; allowance and promotion procedures regarding. (States revised policy and procedures for the administering of examinations for advancement to Pay Grade 11, and to restate the qualifications, policy and procedures regarding advancement to Pay Grades 10 and 11.

NAVINVSEVINST 8370.1 of 16 August 1967, Subj: Small Arms. (States policy and instructions with respect to custody, accounting, maintenance, security, carrying, and disposal of Naval Investigative Service Small Arms).

NAVINVSEVINST 5310.1 of 25 September 1967, Subj: Limited Personnel Data System. (Furnishes NIS components with procedures for the handling of the Limited Personnel Data System printouts and to establish the requirement for continuing submission of Personnel Entry Reports).

### USE OF UNIFORMED SERVICES IDENTIFICATION AND PRIVILEGE CARD (DD FORM 1173)

BUPERS Instruction 1750.5D contains all pertinent information on issue of DD Form 1173 to eligible personnel and their dependents. Briefly stated, the NIS Agent and his dependents are eligible when serving outside the Continental Limits of the United States if in the opinion of the cognizant commander such individuals are necessarily connected with the performance of the functions and operations of the military establishment. The privileges granted when a card is issued are limited to:

(a) Medical care in a service facility only to the extent authorized in BUMED Instruction 6320.31 series - Not authorized on card, if eligible a separate document is issued.

(b) Commissary - Employee only - may designate ONE adult member of his family, who is residing in his household, to make purchases in his behalf.

(c) Exchange - Exchange privileges to the employee and dependents residing in his household, and in fact dependent upon him for more than one-half of their support.

(d) Theater - Same as (c) above. Application for DD Form 1173 may be obtained from and submitted to the cognizant U.S. Navy Commander for approval.

The Director, Naval Investigative Service should be informed of any instance where an Agent assigned to an overseas billet is denied the use of facilities outlined in the current BUPERS Instruction.



"As I near the end of my fourth month in Vietnam, I assure you that this assignment is both challenging and enjoyable. That is not to deny that there is a lonely and strenuous side to this duty out here away from family, security, and the professional facilities that are taken for granted elsewhere. The redeeming feature, however, is that in spite of these matters, NISOV staff members demonstrate a high degree of professional competence and enthusiasm and personal flexibility against hosts of problems rarely encountered in CONUS. I see these agents, some with families and some quite young, get into their combat greens and go out into the bush (even the cities are bushy), carrying the NISO cases in the field with scant chance for re-interviews or follow-up. As a naval officer, I am extremely proud to be working with this cream of the agent corps. Barbed wire, gunpowder, and blood should be familiar to a military officer but for civilian agents, to leave home and the comfort and safety thereof, induces my utmost respect."