

OFFICE OF NAVAL INTELLIGENCE

31 Mar 1966

NEWS LETTER

NAVAL INTELLIGENCE

NAVAL INVESTIGATIVE SERVICE

This Newsletter
is intended for all persons concerned with
investigations. Sufficient copies are fur-
nished to allow distribution of individual
copies to each Naval Intelligence Agent.

NOT TO BE DISSEMINATED OUTSIDE ONI

NAVAL INVESTIGATIVE SERVICE

On 4 February 1966 SECNAV NOTICE 5450 disestablished the Naval Counter-intelligence Support Center, all District Intelligence Offices, all Counterintelligence Support Activities, seven Field Intelligence Offices and concurrently established the Naval Investigative Service under a Director. The shore (field) activities are now activities of the Naval Investigative Service and are headed by Commanding Officers.

It is to be noted that the mission of the Naval Investigative Service is to maintain, command (vice administer), and operate a world-wide organization to fulfill the investigative and counterintelligence responsibilities of the Department of the Navy.

Naval Investigative Service Headquarters, formerly U.S. Naval Counter-intelligence Support Center, is now under the command, direction, and control of a Director of Naval Investigative Service who will provide the necessary headquarters staff and operational support to assist in the execution of the mission of the Naval Investigative Service. Captain Jack O. Johnson had the distinction of receiving official orders, designating him as the first Director of the newly created Naval Investigative Service.

In his message to the Commanding Officers, Captain Johnson advised in part:

"The creation of the Naval Investigative Support Service, under a Director, and the establishment of NISO's, under Commanding Officers, provides an occasion for all of us to pledge ourselves to continued high dedication to the task of providing the most effective and economical investigative and counterintelligence service to the Navy and to the nation. The occasion is timely indeed given the evolving situation in the Western Pacific and, indeed, the remainder of the world.

"The creation of the Service and the Commanding Officer status of the naval leadership provide not only an occasion for renewed dedication, but also an opportunity for increased effectiveness in every aspect of our daily functioning: professional performance in investigations and counterintelligence; economical utilization of resources; establishment and maintenance of high morale and esprit de corps. In short, we have both the occasion and the opportunity to demand of ourselves and to inspire in others the highest excellence in the performance of our mission.

"Many developments will follow: More uniformity in organization and operations, more formalized inspections, more direct and responsive relationships between Headquarters and Field Offices. Without ever losing our primary identity and responsibilities as naval officers, we can nevertheless configure an organization with clear and distinct lines in which each individual can find a sense of identity and dedication to a mission and operation which is of vital importance.

"I personally feel very fortunate and honored that it has been my lot to become the first Director of the Investigative Service. This new set of orders will make my summer retirement even more difficult. I promise you the most assiduous support, both from myself and from the Headquarters. I bespeak a continuation of the wonderful and wholehearted support I have received in the past."

SPECIAL AGENTS, ONI, ARE STILL SPECIAL AGENTS, ONI

To allay some confusion which has arisen in some quarters in field following the organization of the Naval Investigative Service, the following guidance is furnished. Special Agents (and Agents) should continue to identify themselves as Special Agents or Agents, as appropriate, of the Office of Naval Intelligence. Agents are still contract employees of the Director of Naval Intelligence, but following the reorganization, are now considered as assigned to the Naval Investigative Service. Example: Special Agent John J. DOE, Office of Naval Intelligence, assigned to the Naval Investigative Service Office, New York.

ADMIRAL EUGENE B. FLUCKEY, DNI DESIGNATE

Rear Admiral Eugene B. Fluckey, presently Commander, Submarine Force, U.S. Pacific Fleet, and Medal of Honor winner, has been designated Director of Naval Intelligence. He is due to report to this post on or about 7 July 1966. Rear Admiral Rufus B. Taylor has been nominated by President Johnson for Vice Admiral and will assume duties as Deputy Director, Defense Intelligence Agency on 31 May 1966. During the interim period from 31 May 1966 to 7 July 1966 until relieved by Rear Admiral Fluckey, CAPT Maurice H. RINDSKOPF will serve as Director of Naval Intelligence.

OUTSTANDING PERFORMANCES ACKNOWLEDGED

On 28 March 1966 Captain Jack O. Johnson, Director, Naval Investigative Service, accorded official recognition to three outstanding Headquarters Special Agents for outstanding performances. Those honored were: Charles "Dick" Wilson, M. Sherman Bliss, and Martin F. Pera.

"Dick" Wilson had the singular distinction of being awarded a 30-year pin for his long and meritorious Federal Service. "Sherm" Bliss and "Marty" Pera received certificates citing their outstanding performance and distinguished contributions. Photographs commemorating the occasion were taken and will be presented to these deserving Special Agents whose achievements are giving force and direction to the Naval Investigative Service.

CDR GILBERT W. ROBERTS HOSPITALIZED

Commander Gilbert W. Roberts, Deputy Director of Naval Investigative Service Headquarters, has been afflicted with a detached retina and momentarily will undergo an eye operation at the U.S. Naval Hospital, Bethesda, Maryland to correct this condition. Latest information received from Mrs. Roberts indicates that a band must be attached to the retina to hold it in place and that usually this technique, besides being quite painful, requires a long, slow recovery process. It is hoped that the operation will be an immediate success and that an early return to duty by CDR "Gil" can be expected. Send him a greeting; he will welcome it.

C. R. (DICK) WILSON RETIREMENT PARTY

The many colleagues, co-workers and friends of "Dick" Wilson will meet at the National Naval Hospital Officers' Club in Bethesda, Maryland on April 29, 1966 to attend a party honoring "Dick's" impending retirement on April 30, 1966. It is anticipated that some 150 persons will be in attendance at this affair and will include numerous military and civilian Naval Investigative Service personnel, both active and retired, and distinguished representatives of agencies at the Seat of Government level with whom Mr. Wilson has been professionally and personally associated over a period of years. On this occasion, we will enjoy an evening with an inspirational leader and a fine gentleman.

J. W. (JACK) LYNCH TO SUCCEED C. R. (DICK) WILSON

RADM R. L. Taylor, USN, Director of Naval Intelligence, recently designated Mr. "Jack" Lynch, formerly Assistant for Investigations, to succeed "Dick" Wilson as the senior civilian professional investigator in the Naval Investigative Service. We are indeed fortunate to have in our ranks a person of Mr. Lynch's ability, demeanor and experience to fulfill this most important position requiring the highest professional competence and leadership.

SUPERVISING AGENT SEMINAR SCHEDULED IN MAY

The extensive changes which have occurred since the Supervising Agents assembled at Headquarters last April and the changes which are still occurring indicated that it would be highly desirable for all echelons of the Naval Investigative Service Headquarters (NAVINVSEVVOHQ) organization to meet face-to-face with the Supervising Agents as soon as possible. Consequently, all Supervising Agents of CONUS Naval Investigative Service Offices will convene at Headquarters during the period of 23-27 May 1966. The scheduling of this group necessitates the cancellation of the In-Service Seminar previously booked for that period. No further seminars are in the offing during the remainder of Fiscal Year 1966, but the final formal course of the school year will be Basic Course 6B(66) which is slated for 1-29 June.

PERSONNEL REMINDER

Senior supervisory personnel are reminded that the date for submitting the annual medical examination results and the qualifications and evaluation reports on agent personnel is drawing near. Timely submission of these documents is mandatory in order that DNI may have current information on the individual performance and physical capability of each agent.

LOSS OF NIS AGENT CREDENTIALS

Investigations initiated as the result of lost or misplaced agent credentials will henceforth be carried in the 7XNA (Criminal - Person - Other) case category. Since the revision of the case category system, cases of this nature have been opened by the various NISO's in category 5, 6, 7 and 9. For the sake of uniformity and control, category 7X will be utilized in the future.

SUPERVISORY SELECTIONS

The following supervisory reassignments will be effected in the near future:

S/A David N. Planton, NAVINVSERVO CHSN, to NAVINVSERVO NY as Supervising Agent and relief for Harry C. Durand.

S/A Thomas J. Kingsbury, NAVINVSERVO EUR, to NAVINVSERVO CHSN as Assistant Supervising Agent.

S/A Joseph C. Oulahan, NAVINVSERVHQ, to USNAVINVSERVO EUR as Supervising Agent.

S/A Lloyd G. Beck, NAVINVSERVO NEW ORLEANS, to NAVINVSERVO SEATTLE as relief for Allan R. Shears, as Supervising Agent.

S/A Theodore Fason, NAVINVSERVHQ, to NAVINVSERVO SAN DIEGO, as Assistant Supervising Agent (Operations and Training).

A brief profile of the careers of the above cited agents follows:

Dave Planton has served in various locations within the Sixth Naval District since initial hire in September 1950. In May 1958, he was designated Assistant Supervising Agent at Charleston.

Tom Kingsbury was initially hired for duty at Headquarters in November 1953. Tom served at ONI in an investigative capacity until he was transferred to Guam in January 1956. He returned from Guam to Headquarters for a three year tour in the Investigations Section and was transferred to Europe (London) in September 1962 where he has served since as Supervising Agent.

Joe Oulahan first started at the Washington, D. C. Office in April 1951. He served at the old IO-PRNC until 1959 when he transferred to Headquarters. Since that time he has been assigned to desks supervising the conduct of special criminal investigations, industrial and internal security matters.

Lloyd Beck has served his entire career within the confines of NAVINVSERVO NEW ORLEANS. He was designated Assistant Supervising Agent in June 1962, his present billet.

Ted Fason, initially an agent with DIO-5ND during his World War II military career, became a civilian resident agent in February 1956. He subsequently was assigned duties with IO-PRNC and in 1955 was designated its first Supervising Agent. In 1960 Ted transferred to Headquarters and has operated ever since as Head of the Operations/Liaison Division within the Investigations Department.

In Memoriam



GEORGE MACK TARBOX

Born: 15 November 1894

Died: 5 March 1966

News of the death of a former Special Agent, George Mack Tarbox, who had retired on 1 June 1959 after long and meritorious service within the Third Naval District, was received with dismay on 5 March 1966. Having had more than thirty-six years of experience in the investigative field, George was truly an "investigator's investigator." His long career is truly phenomenal. He served as a sergeant with the New York State Police from 1917-1920; Under-Sheriff of Chautauqua County, New York, 1920-1922; Assistant Manager for W.J. Burns International Detective Agency, Cleveland, Ohio, 1922-1923; manager for Interstate Detective Bureau, Cleveland, Ohio, 1923-1925; special agent for various banks and insurance companies at Cleveland, Ohio, 1925-1931; insurance investigator at Rochester, New York, 1932-1942; and as Special Agent with the Office of Naval Intelligence commencing on 7 February 1942. George always had a story to tell to younger agents, usually drawing on his wealth of experience. Several engaging narratives concerned George's surveillance exploits during the horse-and-buggy days. George specialized in fraud and embezzlement cases; was an accredited handwriting examiner; and had tremendous skill and talent as an artist. Although George's passing undoubtedly will leave a void, we honor his achievements and revere his memory.

AGENT TRAINING ACTIVITIES

The Role of the Agent in Effective Agent Training Programming

The following quotation, excerpted from an article entitled "Personal Development" by H. F. Dunning, was recently routed to the Agents' Training Branch:

"All the training programs in the world, all the congenial climate in which to work, all the opportunities and challenges that can be put in front of him will not amount to a tinker's dam unless the individual does the basic thinking, makes the basic applications of his energies and does 95% of this so-called development job himself."

The Training Branch has long recognized the fact that throughout an agent's 25-year career, he is the principal ingredient in a centrally directed agent training-career development program which will provide him with guidelines furnishing him purpose and direction as he pursues basic training, refresher training and in-service training as well as advanced, specialized training in technical investigative aids and scientific interrogation. In fact, in a recent briefing of Mr. Richard A. Beaumont, Deputy Under-Secretary of the Navy for Manpower and Chief of Industrial Relations, Sherm Bliss, Head, Agent Personnel and Training emphasized this very point; and Sherm further bolstered his briefing presentation with the theory that the success of our training program equates with the professional response of each agent to curriculum demands. We quote Sherm's conclusion, believing that the sentiments expressed cogently project the aims and objectives of an effective training program: "The philosophy of professionalism is interwoven throughout all instruction; this stresses our rôle as fact-finders and only as fact-finders. To this end, our thesis is that professional investigative methods and techniques shall be applied in the conduct of an objective inquiry to establish the facts relevant to the issue at hand, be it eligibility for security clearance or culpability in a major criminal offense and that these same methods and techniques shall be applied resolutely to the verification of the authenticity of the factual information developed. The ultimate product is an objective report of these verified facts, rendering no opinions or recommendations, neither by direct statement nor by inference from careless language."

A New Concept of Agent Training

Quotas for Agents' Basic Training Course 5B(66) have been amended to include four senior agent personnel (PG-11) who will serve as agent counselors to a section of the class and simultaneously undergo refresher training as a fully participating class member. This new concept of agent training will permit experienced agents to gain refresher training and at the same time to provide, on a continuing basis, invaluable assistance, guidance, and counseling to agent

recruits. The four veteran agents attending Course 5B(66) will be: Lionel A. Barker, NAVINVSERVO Philadelphia; William R. CUSHEN, NAVINVSERVO New Orleans; Earl L. JOHNSON, NAVINVSERVO Minneapolis; and George R. REIS, NAVINVSERVO San Diego.

Indoctrination/Orientation Program to be Established.

Plans are underway to adopt a uniform indoctrination/orientation program at the local NAVINVSERVO's level for newly-hired agents whose basic training at Headquarters may frequently be deferred for several months. Headquarters will formulate and prescribe the curriculum but will rely heavily upon the recommendations advanced from the field. It is anticipated that the indoctrination/reorientation program will be established by appropriate directive not later than 1 July 1966.

Getting Down to the Basics

A thorough searching of the agent data cards to determine the number of agents currently on board who had not received benefit of basic training revealed that one long-serving, experienced ONI Agent apparently had never attended a basic training course. The thought occurred that perhaps through an administrative or clerical inadvertence, no notation had been entered on the agent's data card. The agent in question, whose EOD is listed as 27 October 1948, was queried concerning whether, in fact, he had actually attended such a course of basic instruction. His reply in writing follows verbatim:

"Although I have not been to Basic School, I have lectured, over the years, in the following courses:

- (1) Report writing
- (2) Background Investigations
- (3) Criminal Investigations
- (4) Narcotics
- (5) Industrial Security
- (6) Fraud Investigations
- (7) Arson Investigations

"In view of the above, plus the fact that I have attended the first Supervising Agents' Seminar, the polygraph school, the Treasury Department Law Enforcement School, the Bureau of Narcotics School, the Purdue University Arson Seminar, the CIA Agents' School, the Bureau of Internal Revenue School, the Armed Forces Institute of Pathology Forensic Sciences Symposium and the old ONI CLD School, I do not feel the immediate need of a Basic School."

AGENTS' BASIC TRAINING COURSE 2B(66) - 10 January - 4 February 1966

J. F. MAHONEY, 1ND	S. D. GILL, 9ND	R. A. RAINVILLE, 12ND
S. P. RISING, 3ND	B. M. GLUBA, 9ND	R. H. SCHULZE, 12ND
E. J. McFADDEN, Jr., 4ND	M. M. HOUGHTON, 9ND	D. R. TOWNSEND, 12ND
D. L. WEBB, 5ND	M. D. MONROE, 9ND	T. R. ALLAN, NDW
B. L. BRADY, 6ND	W. J. RAYNOR, 9ND	K. F. ATEN, NDW
K. B. CONNELLY, 8ND	J. A. BAUER, 11ND	B. F. BLOOMINGBURG, ND
T. D. GOLDEN, 8ND	T. F. KRUCKER, 11ND	L. R. HAMILTON, NDW
R. E. SCULLY, 8ND	R. D. MALOOF, 11ND	A. D. WALLS, NDW

AGENTS' BASIC TRAINING COURSE 3B(66) - 14 February - 11 March 1966

R. A. WHITEHOUSE, 1ND	L. H. WINEGARDEN, 8ND	B. W. GIVEN, 12ND
G. G. LESURE, 3ND	R. A. BONGGREN, 9ND	G. W. MEGLEMRE, 12ND
E. J. KEENAN, 4ND	D. L. CLARK, 9ND	F. R. TRASER, 12ND
R. C. STEINBUGL, 4ND	L. W. TARNOWSKI, 9ND	L. K. WATANABE, 14ND
B. E. PARSONS, Jr., 5ND	M. E. WOLF, 9ND	P. D. CHIARO, NDW
M. M. PARKER, 6ND	M. C. REID, 11ND	F. D. ROGERS, NDW
R. T. BALSON, 8ND	B. M. TAYLOR, II, 11ND	J. W. TRIPLETT, Jr., NDW
C. D. LILES, 8ND	G. E. WILKES, 11ND	D. E. LEAR, ONI

AGENTS' BASIC TRAINING COURSE 4B(66) - 14 March - 8 April 1966

T. A. GIBBINS, 1ND	F. L. WHITE, 8ND	A. MARRETTA, 12ND
K. R. DOKTOR, 3ND	F. E. FIEGER, 19ND	V. N. RAINS, 12ND
R. R. HALL, 4ND	R. H. KELWICK, 9ND	J. J. WALSH, 12ND
C. L. ATKINSON, Jr., 5ND	S. D. SPURLOCK, 9ND	J. M. KAMANA, Jr., 14ND
T. H. DUGGAN, 5ND	J. B. WALTON, 9ND	T. V. CASH, NDW
M. T. WHIDDEN, Jr., 6ND	A. A. CAZARES, 11ND	J. P. HARRINGTON, NDW
B. F. GRAY, 8ND	M. FRANKEL, 11ND	D. S. SWEENEY, NDW
R. L. HILL, 8ND	R. E. ROBERTS, 11ND	T. J. WHELAN, NDW

STORK DISRUPTS AGENTS' BASIC COURSE 2B(66)

Special Agent Benjamin F. Bloomingburg, NISO-Washington, was absent from class for a while on 18 January 1966 -- with good cause. For on that day his lovely wife, Sherrell, arranged to have a daughter, Cynthia Anne, born at Providence Hospital, Washington, D. C. The cherubic Cynthia weighed 7 lbs., 5 oz., and was unanimously chosen "Baby of the Year" by the class members who sent flowers to commemorate the joyous occasion.

PROGRESS REPORT #2: ONI-63-1B

The MANUAL FOR INVESTIGATIONS (ONI-61-1A) has been resurrected, and editing and rewriting procedures for a new version as ONI-63-1B have commenced. It is expected that rough draft copy for ONI-63-1B can be submitted for typesetting commitments in May 1966 with a publishing target date in late June 1966.

WELCOME ABOARD

1ND

Nicholas T. LUTSCH
Thomas E. NEARY
Malcolm J. MEIZEN

3ND

Donald C. MAC LEAN
Gerard P. O'BRIEN
Michael R. SENUS

4ND

William E. WHITE, Jr.
Ronald N. ALIG

5ND

Arthur K. DEAL
Ronald W. SALMON

6ND

Ronald L. SNYDER
Ronald D. STEELE
Michael B. JONES
Ralph D. JUMPER
Grant J. STEPHENS, Jr.
Frank A. COMMANDER
Haywood B. TYSON
Roscoe LINDSAY, Jr.

8ND

Thomas G. DOYLE
Cecil C. CALVIN

9ND

Philip C. MILLER
John A. LOVE
Stephen C. GUTSHALL
John K. ROWLAND
Harrell L. SHOUND, Jr.
Thomas E. FERGUSON
Robert D. TREES
Roger L. ADAMS, Sr.

11ND

Gary B. COLE

12ND

William J. WARD
Charles W. FORREST
Gary R. ANDERSON
Charles W. HOWGATE
Joyce H. JONES
Thomas J. SHARKEY
James W. GREVER

YEARS OF DEDICATED SERVICE BY NISO-MIAMI AGENTS

The Naval Investigative Service Office at Miami, headed by Senior Agent D. L. Brantley and staffed by S/A's S. L. Nabers, C. C. Leonard, and H. Gomez, claim they hold some record within Naval Investigative Service because they each have:

- (a) Over 20 years satisfactory Federal Service
- (b) Over 20 years Regular or Reserve Armed Forces
- (c) Over 12 years investigative experience
- (d) Over 8 years Active Duty

They are quick to remind everyone that their impressive records of long service do not hinder them in keeping up with the fast pace set by the younger agents.

<u>TRANSFERS</u>	<u>From</u>	<u>To</u>
Carl J. MERRITT	1ND	Philippines
Charles A. BALDWIN	5ND	Philippines
Kenneth M. RUSSELL	6ND	Philippines
Ross G. HANKS	8ND	6ND (ASA, NISO Charleston)
Charles F. LAWSON	9ND	Europe
John A. KAYE	9ND	Japan
Robert R. HALL	12ND	4ND
Frank J. EDMONDS	12ND	Philippines
Kenneth W. NICKEL	12ND	Philippines (SRA Saigon)
David L. ROBERTS	NDW	Philippines
John E. CHILDRESS	NDW	Japan
David W. McCLOUGHAN	NDW	Japan
Arden L. NORTON	NDW	Philippines
David G. PEPPIN	Philippines	5ND (SRA Bainbridge)
George T. BEDWAY	Japan	5ND
Thomas J. LEYDEN	4ND	Philippines
Vernon P. OAKUM	4ND	Japan
Francis F. DAVEY	3ND	Japan
Charles E. RICHTER	NDW	Japan
David L. LASHER	NAVEUR	ONI
James P. PENDER	9ND	Philippines

AGENTS PARTICIPATE IN RELIABILITY PROGRAM

The following personnel, selected for a reliability study in connection with a DOD program of research, were TAD to Headquarters for a two-day period in recent weeks:

S/A Albert F. SMITH	1ND	S/A Zachary T. HARRISON	5ND
S/A James B. McKEE	3ND	S/A Gordon T. ROGERS	5ND
S/A Martin J. FOTUSKY	4ND	S/A Gregory L. DUFFY	6ND
S/A Lawrence A. CRESCIE	4ND	S/A Clifford J. MAY, Jr.	9ND
S/A Raymond BROCK, Jr.	5ND	S/A Chester E. WELLS	NDW

SPECIAL BRIEFINGS

The following personnel, assigned to various key billets in the NIS organization, underwent appropriate briefings at Headquarters recently:

CDR Jack W. WEIDNER, Executive Officer, NAVINVSERVO Chicago
 S/A Charles F. LAWSON, Bremerhaven
 S/A James B. McKEE, Naples
 S/A Thomas J. LEYDEN, Philippines

PROJECT PASS THE WORD

Information received from informal contact with agents from time to time indicates that they never (or seldom) "get the word" on impending overseas vacancies or other openings which become available intermittently within Headquarters. Although notification is promulgated to the field for possible nominees and/or volunteers, these agents bemoan the fact that they are not alerted to billets and, therefore, they never get the opportunity to submit applications for positions which might possibly affect their career development.

Attention of all hands is invited to Section 1-0301.4 of the MANUAL FOR INVESTIGATIONS (ONI-63-1A) which requires Commanding Officers "to provide up-to-date information to agents on administrative matters concerning them. In this category are included information on employment matters, promotions, transfers, including overseas transfers, outside employment, and retirement, as well as other pertinent administrative, personnel, and fiscal policies." This duty applies obviously to all subordinate echelons so that Supervising Agents, senior resident agents, and other intermediate supervisory personnel can ensure that appropriate mechanism exists for everybody to be informed on these important matters.

FELLOW TRAVELERS

In the past two months Jack BARRON, Assistant for Security, and John STARKE, Agent Training Specialist, have been journeying together to far-off places in connection with official training functions. During the period of 3-18 February they conducted a special clinic in Japan. Then, during 23-26 March they visited Fort Gordon at Augusta, Georgia, and concerned themselves with polygraph examiner transition functions.

PSI REMINDER

Please make a closer check of background investigation request forms for NISO personnel, agents, and agent applicants. About one-third of all requests from NISO's and RIPO's have to be returned for correction--the SPH is not signed/witnessed; parents-in-law aren't listed; military addresses, when appropriate, are not shown; naturalization data on parents, spouse, parents-in-law is omitted; fingerprint card is illegible. Also, please indicate on request if subject is an agent incumbent as we now have a different project code for NISO intelligence personnel and agents.

NEWSLETTER ITEMS SOLICITED

The editors of your ONI NEWSLETTER urge you to submit from time to time, on a continuing basis, newsworthy items and matters of general interest. We want the NEWSLETTER to reflect the best in professional reporting and we rely upon your contributions and your ideas.

LEGAL NOTES

A recent case (U.S. v. MANNING, NCM 65-1745) re-emphasizes the legal requirement that a Commanding Officer must act upon "probable cause" when he authorizes a search of the personal effects of an individual within his command who is suspected of a criminal offense.

The Accused, a Marine, was tried for the wrongful possession and use of marihuana. A barracks informant testified for the prosecution that shortly after the informant saw two Marines in the barracks smoking a substance which they told him was marihuana. The informant asked the Marines where they had obtained the marihuana and they told him that it came from California. The informant testified that he knew the Accused had recently returned from California and therefore inferred that the two Marines had obtained the marihuana from the Accused. A few days later in the barracks the informant overheard the Accused say to one of these two Marines, "If you don't do this favor for me, I will cut you off." The informant testified that he did not hear anything else that was said, but that he inferred that the Accused was referring to marihuana. The testimony of the informant established that he had no other reason to connect the Accused with the marihuana, and in fact, that he had not seen the Accused possess or use marihuana.

The informant advised the Commanding Officer of his unit, a Communications Company, of his suspicions regarding the Accused and the two other Marines. The information was then passed to the Battalion Commanding Officer, who on 29 March 1965, requested ONI assistance. On 2 April 1965, after interrogation of the barracks informant, ONI Agents advised the Battalion Commanding Officer that a search of the barracks should be deferred in favor of establishing the actual source of the marihuana and the identity of other suspected users through continued observations by the barracks informant. This recommendation, sound under the circumstances of the case, was concurred in by the Battalion Commanding Officer. On 21 April 1965, the Commanding Officer of Support Company, another unit billeted in the same barracks as the Accused's Company, Communication Company, asked the Battalion Commanding Officer for authorization to search the barracks for missing live ammunition. This search was conducted. Fearful that this search would cause members of Communications Company to remove marihuana from the barracks, on 22 April 1965, the Battalion Commanding Officer authorized a search of the Communications Company. During this search, conducted by Marine personnel, a quantity of marihuana was seized from the Accused's wall locker. The Accused, after being referred by the Command to ONI, made a written statement regarding his possession of marihuana.

At the court-martial, testifying for the prosecution on the issue of probable cause for the search, the Battalion Commanding Officer stated, "...I was satisfied at the time I authorized the search beyond a reasonable doubt that there was some use of marihuana in the barracks. How much, who all was involved, we didn't know, but I felt that there was obviously use of it there, and we needed

to take some type of action to get it out of there..." Testimony of other witnesses at the court-martial established that from 2 April until 23 April 1965, the date of the search, the Battalion Commanding Officer had not been apprised of any information tending to show that the Accused possessed or used marihuana.

The Law Officer ruled that the search was unlawful and excluded from evidence the Accused's statement, the seized marihuana, and all testimony that had been given at the court-martial regarding the search and the seizure of the marihuana. In so ruling the Law Officer stated, "...Had this search been ordered within a reasonable time after the matter was brought to the attention of the Commanding Officer, I would have no difficulty in holding that it was legal, even though it was a shakedown type search of all involved. I am basing my ruling here that there is not probable cause shown that there was this contraband goods, marihuana, in the barracks on the date that the search was conducted. Whereas, some several days before that, I think there would have been probable cause, but I think that the time that the search was ordered was too remote from that time which there was substantial reason for the allegation..." The Law Officer dismissed the specification alleging possession of marihuana. The Accused was convicted of the wrongful use of marihuana, but later the Board of Review set aside the finding on the ground that testimonial evidence regarding the Accused's use of marihuana, considered apart from the illegal evidence resulting from the search, was insufficient to establish the Accused's use of marihuana beyond a reasonable doubt.

In ruling that there was lack of "probable cause" on the day of the search and seizure the Law Officer, in effect, ruled that there must be reasonable ground for belief that a person is in possession of contraband, or other criminal goods that will justify the granting of an authorization to search; and that any search ordered upon such reasonable belief must be conducted within a reasonable time. The principle of timeliness of a search incident to the doctrine of "probable cause" underscored by this case should be considered by Special Agents in their deliberations with Commanding Officers for authorizations to conduct searches.

FLASH ITEM RE IN-SERVICE SEMINARS

Latest information for release concerns the good possibility of two In-Service Seminars being scheduled back-to-back in mid-July. These sessions will be of one-week duration each. Official notification, including lists of those eligible to attend, will be promulgated in the near future. Please note that eligibility will generally be restricted to ASA's, SRA's, certain personnel recently returned from overseas billets, and other qualified PG-12 agents.

DIRECTIVES OF INTEREST

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

ONI NOTICE 3870 of 9 December 1965, Subj: Naval Intelligence Agents' Training Course for Fiscal Year 1966. (Advises addressees of the convening dates of training courses scheduled during the Third and Fourth Quarters of Fiscal Year 1966 and to solicit nominations in accordance with prescribed quotas.)

ONI NOTICE 5520 of 28 January 1966, Subj: Sabotage; distribution of investigation reports concerning. (To promulgate revised instructions for the dissemination of sabotage (Category 3F) investigation reports.)

ONI INSTRUCTION 5520.77A of 1 February 1966, Subj: Background Investigations; use of mail for reference interviews. (To promulgate instructions authorizing mail interviews in background investigations.)

ONI NOTICE 10460 of 17 February 1966, Subj: Naval Investigative Service Stationery; information concerning. (To promulgate standard format for stationery to be utilized by the U. S. Naval Investigative Service and to place a temporary restriction on its use.)

ONI INSTRUCTION 5520.76B of 17 February 1966, Subj: Mail Covers. (To promulgate current instructions under which mail covers may be requested and to establish procedures for making such requests of the Post Office Department.)

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DIRECTIVES OF INTEREST

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

ONI NOTICE 3870 of 9 December 1965, Subj: Naval Intelligence Agents' Training Course for Fiscal Year 1966. (Advises addressees of the convening dates of training courses scheduled during the Third and Fourth Quarters of Fiscal Year 1966 and to solicit nominations in accordance with prescribed quotas.)

ONI NOTICE 5520 of 28 January 1966, Subj: Sabotage; distribution of investigation reports concerning. (To promulgate revised instructions for the dissemination of sabotage (Category 3F) investigation reports.)

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I'M SPECIAL AGENT 745X32/109Z2. NAVAL
INTELLIGENCE...MAM...I'M INQUIRING ABOUT
DX-157Y/00-234/XYZ WHO USED TO LIVE
NEXT DOOR

NISO Boston's version of the new number system,
as envisioned by Assistant Supervising Agent
Cecil Boggs and drawn by S/A LeRoy Gianascol.



NAMES OR NUMBERS
270