

**COUNTERINTELLIGENCE  
DIVISION**

**OFFICE OF NAVAL  
INTELLIGENCE**

**NEWS**



**LETTER**

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

10 May 1965

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DIO-NAVAL DISTRICT WASHINGTON "BLITZ" FORCE

An analysis of the backlog figures cited for DIO-NDW, particularly the backlog of delinquent investigations, unquestionably revealed that the most significant investigative production problem within Naval Intelligence exists within DIO-NDW. Without regard to the multitudinous factors which may have contributed to the development of this problem, it was concluded that an application of the "Blitz" squad technique on a larger scale to the situation at DIO-NDW could be highly effective.

Accordingly, DIO's 1, 3, 4, 5, 6, 8, and 9 were directed to furnish agents along with three from ONI headquarters, to form a thirty agent "Blitz" force in Washington during the period 3-29 May 1965. While it is recognized that the loss of these agents from their respective districts will curtail production within those districts, it is adjudged that numerous delinquent investigations, which these districts are controlling, are "Hanging Fire" at DIO-NDW for want of the Washington coverage.

"Blitz" force agents will work side by side with DIO-NDW agents during this period during which time six day work weeks are programmed to make maximum utilization of the brief period as well as the per diem funds expended. As compensation for this extra day, special authority has been obtained from DNI to reimburse these agents for eight hours on each of the Saturdays involved at overtime rates. Insofar as is known, this is the first time in our recent history when monetary compensation for overtime has been authorized.



## CAPTAIN ROBERT P. "SHERIFF" JACKSON, JR. RETIRES

In February 1965 Captain Robert P. "Sheriff" JACKSON, Jr., retired from the Navy after having served over thirty years in the Naval Service. Since 1961 Captain JACKSON had been assigned to the Office of the Chief of Naval Operations as Assistant Director of Naval Intelligence for Counterintelligence. During his illustrious career in intelligence, which dates back to 1940, Captain JACKSON served in numerous and varied security and counterintelligence billets in the Pacific and European areas as well as in many assignments within the continental United States.

Upon his retirement, Captain JACKSON was cited by the Secretary of the Navy and presented with a Navy Commendation Medal on behalf of the Secretary by Rear Admiral TAYLOR, the Director of Naval Intelligence. Captain JACKSON was also the recipient of a testimonial plaque which, bearing the signatures of his many ONI friends, signified "a hearty 'well done' on a 'second to none' effort for past performance and every good wish for an enjoyable and prosperous future."

Captain JACKSON, in bidding his farewell, remarked in part: "I have always proudly categorized myself as one of the boys, a man from the field, an investigator -- so I cannot leave without telling all of you agents that, after all, you are the backbone of this organization. You have borne your load magnificently.....I can assure you I have enjoyed knowing many of you and my knowledge and experience was broadened thereby."

## AGENT PERSONNEL NOTES

### AUTOMATIC DATA PROCESSING

In view of the fact that several of the headquarters level supervisory personnel have been enrolled in off-duty courses in Automatic Data Processing, a question regarding the potential application of ADP techniques to agent personnel programming was idly asked of one of the students. The reply received is quoted below:

"It is recommended that in order to properly transfigure any permutations that may develop by partitive particularization, the rudimental elements of the permutation be prognosticatively profiled by dactylic hexameter. This appears the most desirable method of programming to preclude profligacy in the use of the 109X4 computerized components."

Based on the above, it would appear that we can all look forward to some wild and woolly assignments in hitherto unprogrammed areas.

### HEADQUARTERS ASSIGNMENTS

The response from the field to SUPPCEN TWX 152010Z February 1965 and its successor, ONI NOTE 012330 of 18 February 1965, regarding solicitation of volunteers for headquarters assignments has been most encouraging. Substantial numbers of applications have been received and processed. The volume involved will preclude individual responses to those agents who were not selected, but their professional zeal and career motivation have been noted.



Selections have been made, and the selectees notified, for all of the headquarters billets cited with the exception of the Analyst/Reviewer billet in the Criminal Investigation Division. The latter selection will be deferred until after commencement of Fiscal Year 1966. Anyone having second thoughts about this billet is encouraged to submit his application; it's not too late for consideration.

#### NAVCINTSUPPCEN REORGANIZATION

Following a study of the operations of the Investigations Department of the NAVCINTSUPPCEN conducted last winter, an internal reorganization of this department was directed in January 1965 in order to more efficiently provide the management and supporting guidance required by field components. Of particular note is that the substantive review and control of investigations, heretofore substantially conducted by the Review and Control Division, is now a function of the cognizant "desks." For example, a criminal investigation will now be reviewed by the Criminal Investigation Division, regardless whether it is an ONI controlled case or a field controlled case. The same is true for other categories and sub-categories of investigations.

The new organization, still headed by Commander L. K. JORDAN, who is double-hatted as Op-921D, with C.R. "Dick" WILSON functioning as his principal assistant, provides for two specialized activities (Operations and Central Control) and six divisions (Personnel Security Investigations; National Security Investigations; Criminal Investigations; Special Criminal Investigations; Agent Personnel and Training; and Technical Support). The Special Assistant for Security Matters (Mr. Jack BARRON), and the Special Assistant for Criminal Matters and Support (Mr. Jack LYNCH), oversee the operations of the divisions with respect to policy matters.

Some reshuffling of responsibilities and personnel was inherent in the reorganization, along with "OP" numbers and "Codes", telephone numbers, etc., but the initial confusion has waned; it is assured that the new organization will result in increasingly efficient service to the field.

In connection with this reorganization, and previously as a result of a generally increased demand for headquarters management services and as reliefs for detaching agents, several agents have either been ordered, or selected for assignment, to headquarters. A recapitulation of this personnel activity since 1 July 1964 follows:

<u>AGENT</u>	<u>FROM</u>	<u>REPORTING DATE</u> <u>MONTH/YEAR</u>
FITZPATRICK, Edward J.	DIO-NDW	8/64
ANDES, Thomas E.	DIO-3ND	9/64
ACKERMAN, William E.	DIO-6ND	10/64
BEAM, Robert L.	DIO-9ND	10/64
DONOVAN, William H.	DIO-NDW	10/64
SULLIVAN, Arthur J.	DIO-8ND	10/64
TATUM, Allan D.	DIO-9ND	10/64
BARNHART, Edward F.	DIO-8ND	11/64



AGENT	FROM	REPORTING DATE MONTH/YEAR
MOULD, Owen A.	DIO-NDW	12/64
HAEFELI, Paul M., Jr.	DIO-6ND	2/65
LOWERY, Thornton H.	DIO-5ND	2/65
ALBERSE, Peter T., Jr.	DIO-11ND	4/65
BRANT, Joseph W.	DIO-6ND	4/65
DEMBECK, Norman H.	DIO-9ND	4/65
USREY, Dennis E.	DIO-12ND	4/65
WHEELER, Jerry A.	NCISA-Japan	5/65
LYNCH, Warren R.	DIO-11ND	6/65
SLEEPER, Arnold C.	DIO-11ND	6/65
TUZA, Conrad J.	DIO-17ND	6/65
CHRIST, Christ C.	NCISA-Japan	8/65

#### AGENT TRAINING ACTIVITIES

A curtailment of the Agents' Training Program was necessitated in April 1965 in order to apply funds and manpower to the "Blitz" operation in DIO-NDW during May 1965. Although a "Basic" class was cancelled and the effective training of twenty-four recently hired agents was temporarily deferred, the success of the "Blitz" operation undoubtedly will improve and enhance the overall posture of ONI.

To date this year, 97 agents have acquired basic training; 8 agents with special aptitude attended a technical training school; 24 senior supervisory personnel benefitted from an in-service seminar; and 17 supervising agents, plus 3 supervising agent designees, held a forum to assess investigative trends, techniques, and problems and the implementation of policy decisions.

A new concept in Agent Training will be tested during the period of 7-18 June 1965 when Basic Class 6B(65) convenes. This two-weeks course will emphasize the conduct and reporting of personnel security investigations. It is anticipated that those agents who complete this shortened course will be returned to Headquarters at an early date to be trained in all phases of criminal and special investigations.

Projected plans for Fiscal Year 1966 entail the training of at least 280 agents in the following quotas: 144 to be allocated to six basic courses; 72 to be assigned to three refresher courses; 48 to be assigned to three in-service seminars; 8 to be scheduled for enrollment in the technical school; and possibly 8-16 to be selected for polygraph training.

#### AGENT PROMOTIONS

During the past five months forty Special Agents were advanced to PG-11 through successful completion of their examinations; five agents were advanced to PG-10; and several attained the status of PG-12.



AGENT TRANSFERS

<u>NAME</u>	<u>FROM</u>	<u>TO</u>
TAMAE, Seiki	DIO-14ND	NCISA-Japan
CUSHEN, William R.	DIO-5ND	DIO-8ND
BALDWIN, Charles A.	DIO-5ND	DIO-10ND
NICKEL, Kenneth W.	DIO-11ND	DIO-12ND
STEFFEN, Milton N.	DIO-9ND	NCISA-Philippines
KAIN, Robert M.	NCISA-Philippines	DIO-NDW
CHESTNUT, Neal Q.	NCISA-Philippines	DIO-11ND
HAEFELI, Paul M., Jr.	DIO-6ND	NCISC
NESTER, John (n)	DIO-4ND	NCISA-Philippines
BRANNON, Thomas E	DIO-11ND	NCISA-Philippines
SMITH, Alfred E.	DIO-11ND	DIO-1ND
GRAY, William F.	IO-NAVEUR	DIO-5ND
CARR, Paul A.	DIO-9ND	NCISA-Philippines
NEWMAN, Arthur D.	DIO-3ND	NCISA-Japan
PHILIP, William F.	NCISA-Philippines	DIO-11ND
ALBERSE, Peter T., Jr.	DIO-11ND	NCISC
WOLFORD, Edmund A., III	DIO-9ND	NCISA-Japan
DONNELLY, John F.	DIO-17ND	NCISA-Philippines
USREY, Dennis E.	DIO-12ND	NCISC
SILER, Robert F.	DIO-5ND	IO-NAVEUR
BRANT, Joseph W.	DIO-6ND	NCISC
ROBEY, Frederick E.	DIO-6ND	DIO-17ND

WELCOME ABOARD

JAGEN, Richard A.	DIO-4ND	SHEERIN, James (n)	DIO-3ND
MILNER, Ernest C.	DIO-4ND	RAYNOR, William J.	DIO-9ND
WALSH, Richard J.	DIO-4ND	O'NEILL, John P.	DIO-1ND
MONDELLO, Joseph N.	DIO-3ND	ROGERS, Fred D.	DIO-NDW
TOLER, Charles D.	DIO-5ND	HALEY, John F.	DIO-3ND
GOLDEN, Tommy D.	DIO-8ND	BIGGS, Joel W.	DIO-5ND
WALLS, Alan D.	DIO-NDW	GLUBA, Blair M.	DIO-9ND
CAIN, Richard D., Jr.	DIO-1ND	LILES, Charles D.	DIO-8ND
HAMILTON, Lorne R.	DIO-NDW	CONNELLY, Keister B.	DIO-8ND
DELANEY, John R.	DIO-3ND	WOLF, Michael E.	DIO-9ND
TRIPLETT, John W., Jr.	DIO-NDW	BONGGREN, Ronald A.	DIO-9ND
WEBB, Donald L.	DIO-5ND	PARSONS, Benonia E., Jr.	DIO-5ND
SWEENEY, Daniel S.	DIO-1ND	POWERS, Thomas F.	DIO-1ND
FRITCHARD, Philip H.	DIO-9ND	MALOOF, Robert D.	DIO-11ND
RAINVILLE, Roy A.	DIO-12ND	REID, Mark C.	DIO-11ND
TOWNSEND, Dale R.	DIO-12ND	TAYLOR, Byron M., III	DIO-11ND
WEBB, Louis C., Sr.	DIO-9ND	WINEGARDEN, Leroy H.	DIO-8ND
BRITT, Jack D.	DIO-11ND	KINDER, Carl J., Jr.	DIO-5ND
CROCK, William M.	DIO-4ND	LARABEE, Raymond H.	DIO-3ND
BROOKES, Edward A.	DIO-4ND	CLARK, Donald L.	DIO-9ND
BALSON, Robert T.	DIO-8ND	TARNOWSKI, Loren W.	DIO-9ND
JONES, Eli B., Jr.	DIO-NDW	ALLAN, Thomas R.	DIO-NDW
HARRINGTON, John P.	DIO-NDW		



## SECNAV INSTRUCTION 5430.13B - A MORE MEANINGFUL DOCUMENT

With the promulgation of SECNAV INST 5430.13B on 12 March 1965, a long-awaited milestone in the history of ONI was reached. This meaningful instruction cancels and supplants the document which has guided all ships and stations within the Naval Establishment, as well as the Special Agents, for almost eleven years; and it more specifically delineates the types of investigations which commanding officers are required to refer to Naval Intelligence and those which should be resolved through utilization of command resources. Specific and special treatment is given to matters pertaining to fraud, personnel security investigations, "major" and "minor" offenses, credentials accreditation, the employment of technical and sophisticated techniques, and command-conducted investigations. Certain preliminary investigative steps are postulated for command cognizance in order to ensure that investigative possibilities which might be further pursued by Naval Intelligence agents are not jeopardized or compromised. An added responsibility is imposed upon commands to submit reports of investigations by command personnel so that all pertinent incidents, not requiring referral to Naval Intelligence, will reach the central repository of criminal/security-type files of the Office of Naval Intelligence inasmuch as the completeness of these files has a direct bearing on the security of the Naval Establishment. It behooves each Special Agent to familiarize himself with all the provisions of this document.

## REVISION OF MANUAL FOR INVESTIGATIONS - ONI-63-1A

By the time this Newsletter is received in the field, the Op-921D Staff will be hard at work attempting to revise the Manual for Investigations in sufficient time to meet a 30 June 1965 deadline. The thoughtful responses from many of the field agents to previous requests for recommendations and suggestions for revision have been received, and evaluated. It will probably not be possible to thank individual contributors but those whose suggestions have been adopted can take solace in recognizing their contribution, or some plagiarized form of it, in print. All submissions were very carefully considered and are sincerely appreciated.

One suggestion, almost universally submitted, will certainly be adopted to the extent it can be controlled with the printer. That is that the manual be printed in an unclassified, loose-leaf format or similar format easily subject to change.

## SEASONAL AND TEMPORARY EMPLOYMENT OF NAVAL INTELLIGENCE AGENTS

Increasing concern felt over the large number of agent vacancies which exists throughout the Naval Intelligence organization resulted in an administrative determination to supplement the agent work force with certain qualified Naval Reserve officers. DNI TWX 301545Z March 1965 authorized the temporary employment of these reservists as agents for temporary service during the summer months. Recruitment has progressed effectively and favorably and it is anticipated that approximately 30-40 such personnel will temporarily augment the agent corps this summer in a concerted drive to reduce the number of delinquent investigations in the personnel security field.



## BACKLOG STATISTICS

Delving into the archives, Special Agent Walter S. ROBINSON, erstwhile ONI statistician, finds that the backlog from 1955 to 1959 remained static at approximately 19,000 cases. Commencing in 1960, however, the backlog gradually increased until February 1964, at which time ONI reached an all time high of more than 34,000 cases. In March 1964 output exceeded input and the backlog started a gradual downward trend and at 31 March 1965 numbered more than 27,000 cases. March 1965 produced over 6,500 closed cases, which represents the highest production mark achieved during the last ten year period. The receipt of more than 5,300 cases for March 1965 also represents the highest intake for the past ten years. Cases pending with date of origin over six months have gradually dropped since 31 Jul 1964; however, this decline in no way portends an "easing-off" respite for agent personnel. Rather, efforts must be redoubled and leads relentlessly and unceasingly pursued in order that all districts may eventually report, as DIO-14ND has already indicated, that no cases on hand exceed six months from date of origin.

## ONI AGENTS INVOLVED IN CIVIL DISTURBANCE SITUATIONS

Utilization of ONI Agents for protection of federal property in civil disturbance situations will still normally be limited to controlling access to Naval Intelligence spaces within a building. Cooperation of an investigative nature may be afforded to other concerned federal agencies, as appropriate, to the extent of assisting in identifying individuals and exchanging file information. An ONI instruction on this subject will be forthcoming in the near future.

## PATHOLOGICAL CONCEPTS FOR THE CRIMINAL INVESTIGATOR

In recent months there has been a noticeable increase in homicide and suicide investigations being conducted by ONI agents. One of the most important steps in any homicide or suicide investigation is the autopsy.

Recently, LTCOL Pierre A. FINCK, MC, USA, Chief, Military Environmental Pathology Division and Chief, Wound Ballistics Pathology Branch, Armed Forces Institute of Pathology (AFIP), Washington, D.C. attended a meeting of the American Academy of Forensic Sciences at Chicago, Illinois. LTCOL FINCK was kind enough to furnish ONI with a summary of the agenda items of that meeting and those comments which are of interest to an ONI agent are set out below:

In the discussion of identification of organ tissue it was stated that a pathologist may identify an organ or tissue, from an unfixed minute amount of material, known to be human, by a precipitin test performed by a forensic serologist. For example, in one case brain tissue identified on the trouser of the suspect, was identified five weeks after the murder. In another case, skin was identified four weeks after a traffic accident, from the broken windshield of an automobile. In these two cases the specimens were unfixed. In another case, the skin received in formalin revealed black particles consistent with the dye



from a tattoo. The suspect was arrested in the vicinity of the burglary. He had a laceration of his arm. The skin specimen found on the premises matched in size and shape the laceration in the arm of the suspect.

In discussing cases of suicides the following observations were made as a result of some case studies: Suicide notes are sometimes written on book matches; the books of a deceased may indicate his state of mind prior to his suicide; individuals who want to commit suicide often register under a false name in a hotel; pills ingested in a closet indicate suicide.

Another item of interest discussed at the meeting held in Chicago was "Questioned Documents." In connection with this discussion the following observations were made:

A patient with Parkinson's disease shows different handwriting samples depending on whether he is under medication.

A depressed person shows a smaller handwriting. However, a stimulant makes their handwriting normal.

The handwriting of a narcotics addict is very regular when they are under the effects of the drug. Their handwriting deteriorates badly in a period of withdrawal.

In connection with the above comments all agents are reminded to familiarize themselves with ONI INST 5820.2, Subj: Homicide Investigations (Category 6.(e)); assistance to autopsy pathologist.

#### TRANSPORTATION OF POV'S TO NCISA-PHILIPPINES

Another encouraging development, attributable to the express authorization of the Director of Naval Intelligence, is the recently obtained permission for agent personnel to be assigned to NCISA-Philippines to have their automobiles shipped at government expense from the port of departure to the port of entry. This will be of immediate benefit to several agents recently selected for duty within that Activity.

The possibility of extending this privilege to agents serving elsewhere outside CONUS is currently being studied within ONI.

#### THE WINTER WONDERLAND OF DIO-9ND

A DIO-9ND activity report for the month of February 1965 highlighted "a measure of the weather's deleterious effects" and convincingly certified that tempus fugits frigidly:

"Indianapolis: Production was hampered somewhat toward the end of the month due to a blizzard which struck Indiana (reported to be the most severe in the Indianapolis area in the past century) which closed schools, factories, and most secondary roads.



"Kansas City: In general, the weather was bad; cold, heavy snow, sleet, and ice.

"Minneapolis: We had the customary extremely cold weather in February. Temperatures ranged as low as 51° minus, Fahrenheit, 100 miles north of the Twin Cities area.

"Omaha: On 9 and 10 February 1965, this area was hard hit by a freezing rain storm which left from 2 to 3 inches of ice in the streets and roads. Driving conditions were extremely hazardous...; thus four man days were lost due to this storm.

"South Bend: The end of the month snow storm immobilized the agents and the steno for one work day. Since the snow storm, the South Bend area has been receiving its share of rain, and additional snow has been predicted.

"Detroit: Fourteen 'agent-days' and two 'clerical days' were lost due to a severe snow storm."

#### SPECIAL AGENTS' ASSOCIATION

During the recent Supervising Agents Seminar held at ONI a Board of Directors meeting resulted in the following proposal:

"Resolved that should any death benefit be paid by the Association during the next six months after date (4/8/65), the provisions of Article VIII of the Constitution and By-Laws which require an immediate assessment on the membership in the amount of \$10.00 for each member shall be temporarily suspended pending a mail vote by the Board of Directors. It shall be decided by a simple majority of the Directors voting whether the normal \$10.00 assessment shall be levied, or a smaller assessment, or no assessment at all. In the event of any benefit payments being made after the six month period, the normal \$10.00 assessment per member shall become due as already provided in the above referred to Section."

An audit of the Association's financial accounts determined that the present balance on hand is in excess of \$14,000.00.

Each member of the Association has recently received, or will receive, a handsomely printed membership card. The initial design of these cards was the handiwork of our late fellow-member, Hank Shultz. Mr. William G. (Bill) Shipman, Security Analyst at DIO-NDW, is responsible for many other details and the ultimate procurement of the cards. We all owe him a vote of thanks for this very fine effort on behalf of the membership.

#### DIRECTIVES OF INTEREST

The following Notices and Instructions are among those recently published of interest to agents in the field:



ONI NOTICE 5212 of 19 March 1965, Subj: Retired Records of Military Personnel and Federal Civilian Employees. (Sets forth the necessary requirements to properly identify Armed Forces Personnel Records and Federal Civil Service employment records maintained at the Military Personnel Records Center and the Federal Records Center, St. Louis, Missouri, and the Air Reserve Records Center, Denver, Colorado.)

ONI NOTICE 3870 of 29 March 1965, Subj: Naval Intelligence Agents' Training Courses for Fiscal Year 1965. Amended by DNI TWX 152052Z April 1965 (Paragraph 6) NOTAL, and DNI TWX 222021Z April 1965, NOTAL, Subj: Agent Training.

ONI NOTICE 5800 of 6 April 1965, Subj: Interviews of ONI agents by Defense Counsel (Provides guidance in the subject matter area.)

SECNAV INSTRUCTION 5430.13B of 12 March 1965, Subj: Naval Intelligence Investigative Jurisdiction and Responsibilities.

OPNAV INSTRUCTION 005500.46A of 15 March 1965, Subj: Technical Surveillance Countermeasures (U). (Furnishes details as to availability of TSCM support through DNI.)

ONI INSTRUCTION 5520.77 of 29 Apr 1965, Subj: Background Investigations; use of mail for reference interviews in certain cases. (Promulgates instructions authorizing mail interviews in Background Investigations in selected situations.)

DNI TWX 301545Z Mar 1965, Subj: Agent Recruitment (NOTAL). (Urged intensified recruiting efforts to fill vacancies and authorized hire of qualified temporary agents.)

DNI TWX 152040Z Apr 1965, Subj: Agent Applicant Investigations. (Directs additional documentation and establishes procedures in connection with the administrative processing of agent applicants.)

DNI TWX 131436Z Apr 1965, Subj: Background Investigations (Promulgated certain changes in the conduct of background investigations permitting substitution of Developed Informants for listed References under certain circumstances.)

#### LEGAL NOTES

Interviews of Agents by Defense Counsel. Of immediate interest to all agents is a recent decision of the U.S. Court of Military Appeals in the case of U.S. vs ENLOE, 15 USCMA 256, 35 CMR 228.

This case which involved the general court-martial of an Air Force enlisted man on charges involving the possession and use of marijuana, came up on appeal on the single issue of the validity of an Air Force directive prohibiting private pretrial interviews by defense counsel of agents of the Office of Special Investigations. The directive in question



provided in part that interviews of defense counsel with OSI agents would, if possible, be conducted in the presence of trial counsel. It also provided that the District Commander or a senior OSI agent would be present at all stages of an interview of an OSI agent by defense counsel. The directive also imposed further limitations upon such out-of-court interviews, and authorized District Commanders to refuse such interviews or to terminate them for certain reasons.

The Court decided that the accused was prejudiced in conducting his defense because prospective witnesses, OSI agents, were not allowed to be interviewed by defense counsel without the presence of an OSI representative in accordance with the aforesaid directive. The findings of guilty were disapproved and the record of trial was returned for a rehearing.

In this decision the Court holds that any directive or policy of a government agency which places limitations upon the right of an accused or his counsel to interview witnesses would be directly contrary to the provisions of paragraph 42c of the MCM, 1951, and would also contravene Article 46, UCMJ. The Court decided, in effect, that the unqualified right of the defense to interview witnesses cannot be abridged by regulations or other directives of the government or its agencies. The Court also noted that the directive only placed restrictions on interviews with defense counsel and placed no restriction on interviews with trial counsel. This was considered to be contrary to the provisions of Article 46, UCMJ, which provides in effect that trial counsel and defense counsel shall have equal opportunity to obtain witnesses and other evidence.

This decision does not go so far as to make it imperative that an individual witness submit to a private interview with defense counsel against his will. In fact, it affirms the legal principle that neither the court nor the defense may prevent a witness from attaching such conditions to an interview which the witness personally deems appropriate. The decision does make clear however, that any determination by a witness concerning conditions of an interview with defense counsel, must be a personal one, uninfluenced by an directive or policy of superiors in a government agency.

Information concerning this matter has been promulgated officially by ONI NOTICE 5800 of 6 Apr 1965, which requires, among other things, that a marginal note be made in each copy of ONI 63-1A on page 17 opposite Section 1-0304.1(d), cancelling that Section.

"Right to Counsel" by suspect under interrogation. A decision of the U.S. Supreme Court during its last term, Escobedo vs. Illinois, 378 U.S. 478 (1964) has caused considerable discussion in legal circles. In essence, this decision held inadmissible in a state trial an incriminating statement made by a defendant during interrogation by police after refusal by the police to honor his request to consult with his lawyer. The opinion has received much publicity and as a result, various and contrary decisions have been reached from several state courts. It has been urged too in several courts-martial which have come to notice as standing for the proposition that an accused or suspect under the UCMJ is entitled to be



informed of his right to consult counsel while being interrogated.

A Navy Board of Review met this question on 25 February 1965 in the Special Court-Martial case of U.S. vs NORMAN, NCM 64, 1304, involving charges of conspiracy, larceny and attempted larceny by a U.S. Navy enlisted man. Error was alleged on appeal in that "the accused was not informed of his right to consult counsel during the investigation preceding his trial."

The Board in its decision reviews pertinent COMA decisions and then touches specifically on ESCOBEDO which was relied upon heavily by the appellant. With regard to ESCOBEDO, the Board distinguished specifically between it and the instant case. In ESCOBEDO, the accused was not allowed to see his already retained lawyer during the interrogation, although this was specifically requested by him and the lawyer was actually present in the station house making demands to see his client. Subsequently, ESCOBEDO confessed to complicity in the crime and was convicted, which conviction the U.S. Supreme Court reversed. In the case before the Board, the accused, simply a suspect at the time, was called in, advised of his rights under Article 31, and interrogated by investigators which resulted in a statement being made. The accused did not have, nor at any time did he request, counsel.

In conclusion, the Board stated,

"It is obvious that the law on the subject is in a state of flux and has been subjected to various interpretations in the several civilian jurisdictions. We are of the opinion that at the present time this matter has been very thoroughly considered by the several Boards of Review and by the United States Court of Military Appeals. Under the circumstances in this case in which the accused, before being interrogated, was advised of his rights under Article 31, was not under arrest, was not charged and did not request to consult with counsel before the commencement of judicial proceedings, we have concluded that it is not necessary that the accused be advised that he has a right to counsel of his own selection during the initial investigation before charges are preferred, and hold the assigned error without merit."

The effect of this decision is consistent with present doctrine of ONI in this regard as reflected in Section 3-1410 of ONI 63-1A.

N.B. This same issue was raised on petition to the United States Court of Military Appeals in U.S. vs. KENNEDY, NCM 64 0533 decided 21 September 1964 although not previously raised at the Board of Review level. COMA on 6 January 1965 entered an order denying the petition.

Search and Seizure - Reasonableness of. U.S. vs. BURNSIDE, No. 18,235, decided by the U.S. Court of Military Appeals on 23 April 1965 affirmed the conviction of a U.S. Air Force enlisted man by General Court-Martial



for larceny of certain electric cable, property of the United States. At issue on appeal was the legality of the seizure of the stolen cable from the backyard of the accused by civil police officers, accompanied by an Air Force NCO, who were on the premises for another, lawful, purpose.

Briefly, the facts were that the officers went to the private residence of the accused primarily to question him concerning an improper vehicle registration. Upon knocking at the front door and receiving no answer, the officers went to the rear of the house via the driveway and upon casually looking over a picket fence into the accused's backyard, they saw a pile of material suspected of being, and subsequently identified as being, the missing cable. The police and the Air Force Sergeant were coincidentally aware of the cable being missing, but were not then specifically searching for it.

After reviewing the rather complicated factual situation, the Court of Military Appeals stated that "It is not illegal, or even a civil trespass, for police officers to enter upon the premises of an individual, at a suitable hour, for the purpose of making a genuine inquiry into a police matter", and quoted from several Federal cases upholding this point, which appears to apply not only to police, but generally, absent any express notice regarding trespass, to anyone having legitimate business be it a "pollster, salesman, or officer of the law." Nor is it illegal or unreasonable, according to another cited case, for police officers or others on legitimate business to go to the rear door by means of an obvious passageway to attempt to arouse the occupants and so "carry out their mission." The officers here did not go that far before they saw the property eventually seized; but from any standpoint their entry did not violate the Fourth Amendment. When police officers are at a place rightfully, the Court continued, they are not required to close their eyes to their surroundings. Consequently, it was neither illegal nor improper for the officers to look past the fence into the accused's backyard at the pile of electrical cable.

The question then arises, however, that even if the discovery of the cable was legal, did its seizure without a warrant constitute a Fourth Amendment violation? Search and seizure are separate acts. Each must satisfy the Constitutional requirement of reasonableness. A search can be legal, yet the resultant seizure of property or papers discovered in the course thereof may be illegal. The weight of authority according to Federal cases cited in the opinion is that police officers properly on private premises do not violate the Fourth Amendment if, without a warrant, they seize contraband or the fruits of a crime which are in plain view.



The following personnel attended ONI training schools during FY 1965

AGENTS' BASIC TRAINING COURSE 1B-65

BADER, John E.	5ND
CONNOLLY, James F., Jr.	1ND
GILGORE, Charles W.	3ND
GOMES, Louis M.	14ND
JESSE, Albert F., Jr.	8ND
KNIPP, Bruce F.	11ND
LOUTON, Thomas M.	11ND
MAVODONES, Nicholas M.	1ND
MORRISSEY, Thomas J.	4ND
RUSSELL, Kenneth M.	6ND
SLEEPER, Arnold C.	11ND
WARD, Virgil J.	PRNC

BUTLER, John E.	1ND
DENISON, William A.	9ND
GOERTZ, Jerome J.	8ND
HOOSER, Archie W.	8ND
KEWLEY, Leslie P.	11ND
LOGAN, Frederick L.	9ND
MARTUCCI, Louis J.	PRNC
MEYERS, James L.	8ND
PENDER, James P.	9ND
SCHANZ, Harry J.	9ND
WALL, Robert C.	12ND
WOLFORD, Edmund A.	9ND

AGENTS' BASIC TRAINING COURSE 2B-65

ABRAMS, Howard L.	9ND
BEAUPARLANT, James H.	11ND
CHILDRESS, John E.	PRNC
GREASER, Everett M.	8ND
JONES, Joseph H.	5ND
McBRIDE, Daniel A.	4ND
MERRITT, Carl J.	1ND
MUSANTE, Paul N.	6ND
NEWMAN, Arthur D.	3ND
NORTON, Arden L., III	3ND
PEISTRUP, Edward J.	13ND
STEELE, Jerry L.	8ND

ANDERSON, Gayle E.	11ND
CARR, Paul A.	9ND
DONOHUE, Neil A.	14ND
HARMER, Clifford E.	8ND
KLUMPP, Nelson W.	9ND
McGOWEN, William P., Jr.	9ND
MORRIS, Rex T.	11ND
NETZEL, James H.	PRNC
NICODEMUS, Robert S.	12ND
PARE, David F.	11ND
POWERS, Robert J.	1ND
WILSON, Carroll J.	9ND

AGENTS' BASIC TRAINING COURSE 3B-65

ALLRED, James R.	9ND
BOUCHER, Paul R.	1ND
CLEVELAND, Walter G.	9ND
DAVIS, James R.	12ND
DENTZ, Albert J.	NDW
DOWDLE, James R.	3ND
FANELLI, John E.	3ND
FORET, Felix A., Jr.	8ND
HARTMAN, Donald R.	11ND
LABIN, Lewis E.	4ND
MURPHEY, Clifford W.	8ND
ROBERTS, David L.	NDW

BOND, Larry C.	9ND
BURNS, James T.	11ND
COOPER, James H.	9ND
DEITCH, Barry N.	4ND
DITTMER, Clark M.	NDW
DROZD, Walter T.	4ND
FEARING, Fred A.	5ND
GRANGER, William S.	12ND
HATCHETT, William H.	6ND
LUTZ, Joseph	9ND
ORME, Robert T.	8ND
TUCK, Alfred K.	5ND

AGENTS' BASIC TRAINING COURSE 4B-65

BELL, William G.	11ND
CERRATO, John J.	3ND
DOYLE, James D.	5ND
FUJII, Stanley S.	11ND
HELD, John N.	5ND

BRANT, Joseph W.	6ND
COX, Robert E.	12ND
FUJI, Allan M.	12ND
HALL, David L.	NDW
HUNTER, Jerry L.	9ND



AGENTS' BASIC TRAINING COURSE 4B-65 (Cont'd)

LAMBERT, John M.	14ND	LEAVITT, James S.	12ND
LECLERC, Leonard P.	1ND	MANETTI, Louis R.	4ND
MONIER, Donald R.	8ND	MYERS, George C.	9ND
OAKUM, Vernon P.	4ND	OLIVERI, Joseph F.	6ND
O'NEIL, James M.	NDW	O'ROURKE, John J.	9ND
PAYNE, Richard T.	13ND	RANKIN, Harold L.	8ND
SANFORD, James T.	5ND	WALLS, John W.	NDW
WILLIAMS, Glenn T., Jr.	9ND		

TECHNICAL TRAINING COURSE 1T-65

CALDWELL, James J.	4ND	CLEVELAND, Walter G.	9ND
DOELL, Homer D.	5ND	JARVIS, Alan J.	11ND
LOGAN, Royce Eudell	8ND	McKENNA, Richard E.	PRNC
SCHAFFER, Charles R.	13ND	WALL, Robert C.	12ND

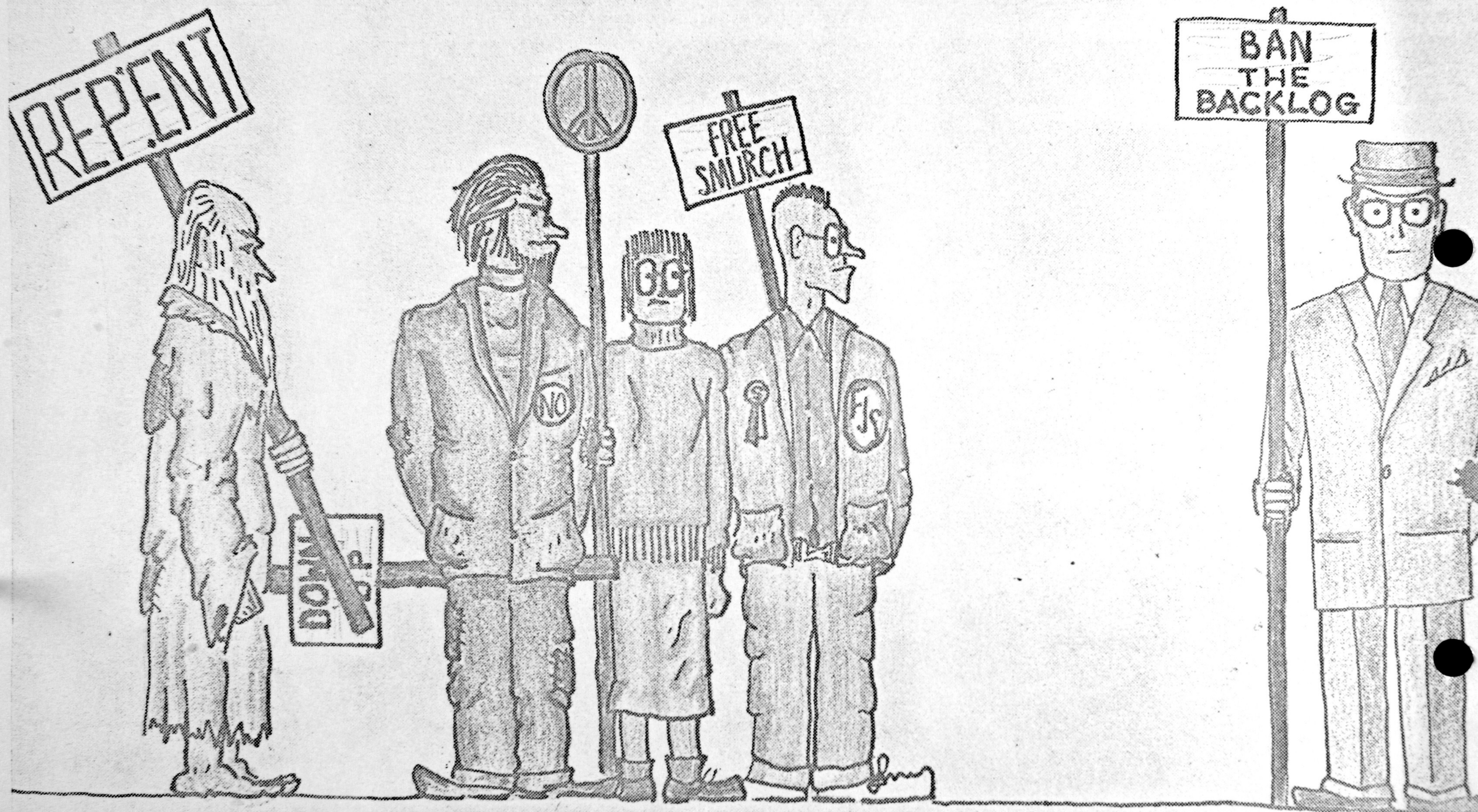
The following Supervisory Personnel participated in seminars:SUPERVISING AGENTS' SEMINAR SSA(65)

FASON, Theodore	ONI	MENDELSON, William G.	1ND
HANNAH, James L.	NDW	DURAND, Henry C.	3ND
GRADY, John D.	4ND	LEVANDER, Veikko E.	5ND
BONNEY, Vernon A.	6ND	KERR, David J.	8ND
DONNENWIRTH, Thomas J.		CLAYTON, William R.	11ND
(Supervising Agent Desig.)	10ND	CLAYTON, Robert D.	12ND
SHEARS, Allen R.	13ND	ANDREWS, William R.	14ND
DONNELLY, John F.		ROBEY, Frederick E., Jr.	
(Supervising Agent Desig.		(Supervising Agent Desig.)	17ND
NCISA-Phil)	17ND	KINGSBURY, Thomas E.	NAVEUR
RICHEL, James V.	NCISA-Mar	DOYLE, Harry J.	NCISA-Phi
FASNACHT, Paul L.	NCISA-Japan		

IN-SERVICE SEMINAR I/S-1(65)

MacDOUGALL, Stewart C.	NDW	THOMAS, Lester G.	NDW
BOGGS, Cecil C.	1ND	SWEENEY, Daniel J.	1ND
O'RILEY, William C.	3ND	WILSON, Joseph J.	3ND
WARWICK, Maynard C.	4ND	PERSON, Henry W.	5ND
BROCK, Raymond (n)	5ND	COLES, Joseph B.	6ND
NEWLAND, Harold B.	6ND	SULLIVAN, Arthur C.	8ND
TODD, Donald E.	8ND	VOLLRATH, Richard L.	9ND
PATTON, Joseph M.	9ND	NOWICKE, Eugene A.	9ND
JOHNSON, William J.	9ND	ARRIGO, Arthur R.	11ND
GUEDALIA, Jack "I"	11ND	POOLE, William T.	11ND
NICKEL, Kenneth W.	12ND	ALMY, Robert L.	12ND
JEPSON, William B.	12ND	GURNEE, George W.	13ND





The above cartoon is the brainchild of Special Agent Norman H. DEMBECK, formerly of 9ND but recently assigned duties in NAVCINTSUPPCEN. By virtue of his talents, as depicted in this cartoon, DEMBECK is now known as "the Agent with a Cause". Rally 'round the picket, boys!