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**SECURITY
DIVISION**

**OFFICE OF NAVAL
INTELLIGENCE**

NEWS



LETTER

29 January 1962

THE U.S. NAVAL INVESTIGATIVE SUPPORT GROUP

A series of SECNAV, OPNAV and ONI directives, all of which are available in the various DIO/IO Headquarters, provide background material concerning the establishment of the U.S. Naval Investigative Support Group (NAVINVSUPPGRU), its organization, scope of responsibility and assumption of operational status. In general, it may be stated that the various components of the group are under the military command of the local commander or commanding officer where assigned, and are under the management control of the Chief of Naval Operations. Technical direction in investigative and counterintelligence matters is vested in ONI (Op-921D and Op-921E) as in the case of the DIOs. The present organization of the NAVINVSUPPGRU consists of a Group Headquarters located at the Navy Service Center, Arlington, Virginia, a Pacific Group Headquarters (NAVINVSUPPGRUPAC) located at Yokosuka, Japan, three Naval Investigative Support Activities (NAVINVSUPPACT) located, respectively, in Japan, Philippines, and the Marianas. Subordinate components of NAVINVSUPPACTS are designated as Naval Investigative Support Units (NAVINVSUPPU) and are located at various places within the geographical jurisdiction of their parent NAVINVSUPPACTS. A Naval Investigative Support Activity, Republic of China, located at Taipei, Taiwan, was established in an early SecNav directive; however, it has not been made operational as an Activity and will function as a NAVINVSUPPU under NAVINVSUPPACT, Philippines. It will be so redesignated officially at a later date.

Additionally, the U.S. Naval Support Activity, Iceland, has been established, but is not yet operational. Early operational status is anticipated but, until such is formally announced, investigative leads in the Iceland area shall continue to be handled as at present.

A NAVINVSUPPACT has approximately the same relative status as a DIO, and the three which are currently in existence have the same territorial coverage as the Intelligence Offices, COMNAVFORJAPAN, COMNAVPHIL and COMNAVMARIANAS previously exercised in conducting Naval Intelligence investigations. NAVINVSUPPUs approximate Field Intelligence Offices in status.

Leads and correspondence formerly directed to the IOs in the WestPac area are now forwarded in the same manner to the appropriate NAVINVSUPPACT. The short titles as indicated herein should be used where appropriate rather than any other form of abbreviation.

RULES ON ACCEPTANCE OF GIFTS, USE OF GOVERNMENT FACILITIES

The following item which appeared in the October 1961 issue of "All Hands" is repeated as of interest to all Naval Intelligence personnel, military and civilian:

"A Department of Defense directive has recently been issued which governs the standards of conduct for Defense personnel with respect to the acceptance of gifts, the use of government facilities, property and manpower.

"Just a reminder that no Navyman may accept any gift or hospitality 'that might reasonably be interpreted by others' as being of such nature that it could affect his impartiality. Nor may he use, or permit the use of others, of government facilities, property, manpower or funds for other than official business. This includes the use of special mission aircraft and Navy cars."

FIELD BOARD HEARINGS

ONI INSTRUCTION 5520.15C Sup 1 of 16 Dec 1959, provides guidelines to be followed in the release of information for Field Board Hearings. It is directed primarily to 6J(1) type cases since these constitute the major portion of such hearings in which ONI investigative information is likely to be a factor. The same considerations apply, however, where other categories of cases are involved in a Field Board Hearing. The sample extracts from statements furnished with the Instruction contain headings designated "Witness #1, Witness #2," etc. This form should not be followed literally, as has been done in some cases, but normally should identify the witness whose statement is being extracted, unless, for reasons set forth in the Instruction, contrary action is indicated.

SPEED-UP OF NATIONAL AGENCY CHECK PROCESSING

We have mentioned in the past the desirability of speeding up the NACs. NACs are all that is required in some cases for a clearance. The Office of Naval Material has furnished the following figures for NACs (1(d) type only) for August 1960 and June 1961. This is a national average; we hope it is significant for that reason:

National Averages - Non-derogatory

| Survey | Cases | # Days at Facility | # Days at INSMAT | # Days at OIC-DIO | # of Total Days |
|------------|-------|--------------------|------------------|-------------------|-----------------|
| <u>NAC</u> | | | | | |
| Aug 1960 | 1798 | 13 | 10 | 59 | 82 |
| June 1961 | 3193 | 11 | 8 | 41 | 60 |
| NET CHANGE | | -2 | -2 | -18 | -22 |

It is gratifying to note the decreased number of days in handling, particularly at the DIOs. Good work; keep up these time reductions.

RECENT AGENT TRANSFERS

The following agent transfers have recently been effected or ordered as indicated:

| <u>NAME</u> | <u>FROM</u> | <u>TO</u> |
|------------------------|-------------|---------------------|
| S/A David L. Lasher | ONI | IO-NAVEUR |
| S/A John E. Langager | DIO-9ND | DIO-17ND |
| S/A Vern Carnahan | DIO-17ND | DIO-9ND |
| S/A Reginald M. Savage | DIO-1ND | Retirement |
| S/A Thomas M. Blake | DIO-3ND | DIO-1ND (Sup. Agt.) |
| S/A Chester E. Wells | DIO-9ND | IO-PRNC |

NEW AGENTS

Welcome aboard to the following named agents who have joined up since we last went to press:

- William F. Boland.....4ND
- Everett G. Holstein.....5ND
- Wayne J. Jensen.....11ND
- Charles E. Herbert.....12ND
- John J. Mancini.....14ND
- William H. Donovan.....IO-PRNC

AGENTS TRAINING COURSES

Since our last publication, an Agents' Basic Training Course has been held with personnel in attendance as indicated

AGENTS' BASIC TRAINING COURSE (1B-62), 9 Oct - 3 Nov 1961

DIO-4ND - Gerald J. Corr

DIO-5ND - Claud H. Staples
- Thomas E. Stephenson

DIO-12ND - Robert Lacosta
John A. Meyer

DIO-6ND - Elton C. Howerton, Jr.
Patrick M. Murphy

DIO-14ND - Robert J. Barrows

DIO-9ND - Peter J. Andersen
Marvin A. Hinchey
Earl L. Johnson
Jerry L. Roby
Chester E. Wells

IQ-PRNC - Jerry O. Crist
James J. Crowley
John C. Johnson Jr.
Gordon T. Rogers

ONI John W. Starke
LT Stanley M. Dore, Jr.

DIO-11ND - Donald R. Douville
George R. Reis
Richard E. Salmi

A special two-week indoctrination course in Investigations for Naval Reserve Intelligence Officers was conducted during the period 4-15 Dec 1961. In attendance were the following personnel:

LT Robert J. Bowman, DIO-3ND
LT Henry J. Brentari, DIO-3ND
LT Edward H. Hance, DIO-3ND
ENS Oliver W. Horseman, DIO-3ND
LTJG Leland L. Jones, DIO-13ND
LTJG John D. Luthringer, DIO-3ND
LT Lassalle L. Nolin, DIO-3ND
LCDR Robert C. Taylor, DIO-3ND
LT Thomas B. Thornton, DIO-3ND
LT Hubbard Trefts, DIO-5ND
LTJG Arthur H. Troemel, DIO-3ND

SECURITY INFORMATION ABOUT STUDENTS SOUGHT FROM THEIR PROFESSORS IS CRITICIZED
BY AMERICAN CIVIL LIBERTIES UNION

"The dangers inherent in disclosures made by college teachers whom government security agents or private employers question about their students, are stressed in an article printed in the October 7, 1961 issue of School and Society.

"This article was entitled 'Teacher Disclosure of Information about students to Prospective Employers' and was endorsed by the national Board of Directors of the American Civil Liberties Union. The ACLU reported that the article represents more than a year's study by its academic Freedom Committee, headed by Professor Louis M. Hacker.

"Contending that the teacher-student relationship is a 'privileged one,' the statement points out: 'The student does not normally expect that his utterances in the classroom, or his discussions with teachers, or his written views will be reported outside the college or school community...if he knew that anything he said or wrote might be revealed indiscriminately, the

kind of relation in which he originally felt free to make his pronouncement would to all intents and purposes cease to exist...

"The Union's statement sets down the following guide-lines for the academic community's consideration:

'Questions and answers in written form make it easier to avoid pitfalls, but the teacher's alertness is always essential. Ordinarily, questions relating to what the student has demonstrated as a student - - for example the ability to write in a certain way, to solve problems...to reason consistently, to direct personnel or projects - - post no threat to educational privacy. But, questions relating to the student's loyalty and patriotism, his political or religious or moral or social beliefs and attitudes, his general outlook, his private life, may well jeopardize the teacher-student relation.'

"So that unanswered questions will not put the student in an unfavorable light, the statement suggests that teachers preface each questionnaire 'with a brief pro forma statement to the effect that the academic policy to which they subscribe make it inadvisable to answer certain types of questions, no matter who the individual student may be. Once this academic policy becomes widespread, presumptive inferences about individual students would no longer be made by employers.'

"The policy of no disclosures as to students' personal views is recommended even in the cases of those who would like to have all questions about themselves fully answered. 'Personal expediency of this kind,' the statement continues, '...does not seem justifiable as an exception to warranted policy...'

"The ACLU contends that 'public and private employers (actual and prospective) are always free to avail themselves of varied screening procedures and sources of information which can be utilized without injury to the student-teacher relation. There is no reason to believe that the preservation of government security is at variance with the integrity of the academic process. A climate of free enquiry and learning may be expected to make loyalty firmer and more meaningful, and to discourage clandestine tactics. The society which subordinates academic freedom to security precautions faces many more problems than it solves.'"

Agents may expect to encounter the attitude on the part of educators as recommended in the foregoing publication. Circumstances at the time will best dictate what, if any, action can, or need, be taken.

ATOMIC ENERGY COMMISSION (AEC) REPORTS OF INTERVIEW

AEC Reports of Interview conducted at Field Offices can now be made available to agents locally. There is no longer any necessity, as formerly, for getting clearance from AEC Headquarters.

REPORTS - COPIES OF ENCLOSURES TO ACCOMPANY

A recurring problem in ONI is lack of sufficient copies of enclosures to reports. In general, there should be a copy of each enclosure with each copy of the report. This is particularly necessary in Category 1(d) - Industrial Personnel-cases controlled by ONI. Any report forwarded to the Office of Industrial Personnel Access Authorization Review for litigation is, by regulation, retained by that office as a permanent part of its file. This factor sometimes requires preparation of additional copies of enclosures in ONI so that the permanent ONI file may be complete. Concerning Industrial Security cases, attention is also invited to that portion of OPNAV INST 5510.40B of 17 Oct 1960, which requires a "DIO's ONLY COPY" stamp on certain material forwarded to cognizant security offices. Utilization of this stamp as required by the Instruction, will insure proper distribution of all pertinent investigative material.

There are times, of course, when copies of enclosures are justifiably omitted. As a rule though, a complete set should accompany each ONI copy of a report regardless of case category. In this connection it is also pertinent to note that thermofax copies are undesirable and are, in fact, unacceptable in some Government agencies.

LENGTH OF SERVICE AWARDS

Length of Service awards, consisting of pins indicating the number of years completed, are granted to Navy civilian employees in recognition of 20, 30, 40 and 50 years of Federal service. "Federal Service" includes honorable military service and civilian service in departments and agencies of the Federal Government and the municipal government of the District of Columbia. However, to be eligible for a Department of the Navy Length of Service Award an employee must have had at least five years of civilian service in the Federal government and his most recent year of service must have been served in the capacity of a civilian employee of the Department of the Navy.

A number of our agents and other civilian employees are now eligible, or will become so eligible in the near future for these awards. NCPI 450 6-7 provides further details.

INCREASED USE OF DICTATING EQUIPMENT WILL HELP IN ATTACK OF BACKLOG

The following extracts from a letter distributed internally within a DIO by the OIC are worth repeating:

"It has been established that with little instruction and a minimum of practice an agent can report the results of any investigation on a record in one third or less time than he can in long hand or on a typewriter. In view of this, logic indicates that one of the surest ways to increase investigative time and thereby reduce the backlog and increase production is for each agent to make maximum use of available dictating equipment.

"If you were to employ someone to dig a ditch and agreed to pay him by the hour, surely you would be more than angry if this person attempted to dig the ditch with a hand trowel. The pencils and typewriters used in reporting results of investigations are hand trowels when compared with dictating equipment.

"Arrangements have already been made to redistribute available equipment so that there will be at least one piece in each field office and efforts will be initiated to secure additional equipment for the larger offices which currently have only one machine.

"Effective immediately upon receipt of this letter, addressees having access to dictating equipment will use this equipment for reporting results of investigations to the maximum extent possible. In those offices where only one piece of equipment is available for use by several agents some type of schedule should be prepared for the most efficient use of this equipment."

What is stated above is concurred in and is strongly recommended for widespread adoption.

RECENT DIRECTIVES

The following recently issued directives from ONI and other sources are of interest to all investigative personnel:

ONI NOTICE 4440 of 9 Aug 1961 - Lie Detection Equipment - Inventory of. Requires submission of inventory and condition cards on such equipment as received by field components.

SECNAV NOTICE 5450 of 20 Sep 1961 - U.S. Navy Field Intelligence Office, Pensacola, Florida; establishment of. Establishes FIO, Pensacola as an activity under OIC, DIO-6ND

OPNAV NOTICE 5520 of 18 Aug 1961 - Investigation for Personnel Security Clearances; suggestions concerning. Recommends listing references in same geographical area insofar as is practicable.

ONI INST 5520.72 of 2 Oct 1961 - ONI Polygraph Operators; policy pertaining to. Details policy applicable to designation of Polygraph operators.

ONI INST 10550.1 of 8 Sep 1961 - Electronic equipment; procurement, use and inventory of. Prescribes procedures for procurement and accounting for subject material.

ONI NOTICE 5520 of 11 Sep 1961 - Prompt cancellation of cases. Directs prompt sending of cancellation notices, including use of electrical means and airmail, where appropriate.

ONI NOTICE 3810 of 17 Nov 1961 - Violation of the Espionage Statutes (Title 18, USC, Chapter 37) by U.S. citizens abroad. Calls attention to fact that recent change in U.S. Criminal Code makes liable to prosecution in U.S. District Courts of U.S. citizens who commit violations of the espionage statutes while abroad.

ONI NOTICE 5520 of 12 Dec 1961 - Joint Alternate Command Element - criteria for personnel assigned. Establishes investigative requirements for clearance of such personnel (Neighborhood coverage in BI is necessary).

ONI INST 5520.20A of 22 Nov 1961 - Case category and reporting procedures; revision of

Makes various important changes to the case category system including addition of certain new subcategories, and revises the monthly administrative report format.

OIL FIRE HAZARDS IN MACHINERY SPACES

ALNAV 53 of 17 Nov 1961 points out the danger of fires occurring in machinery spaces resulting from the impingement of fuel or lubricating oil on hot surfaces, such as steam lines, boiler parts, or unguarded light bulbs. Preventive measures are prescribed. These factors should be borne in mind in any investigative situation involving a shipboard fire.

LEGAL NOTES

False Official Statement. Article 107, UCMJ makes it an offense for a person subject to the Code, with intent to deceive, to sign any false record, return, regulation, or other official document, knowing the same to be false, or to make any other false official statement knowing the same to be false.

Official documents and official statements include all documents and statements made in the line of duty.

The false representation must be made officially with the intent to deceive, and it must be one which the accused does not believe to be true. The relative rank of the person intended to be deceived is immaterial if that person was authorized in the execution of his office to require the statement or document from the accused. The expectation of material gain is not one of the material elements of the offense.

The Court of Military Appeals has held that there is no duty for an accused to answer truthfully when interrogated as a suspect or an accused in a crime unrelated to any duty or responsibility. (US v. Johnson, 9 USCMA 442, 26 CMR 222). In such a case an interrogating agent has no right or power to require a statement from him and, accordingly, any statement given is not "official" within the meaning of UCMJ, Article 107. (US v. Aronson, 8 USCMA 525, 25 CMR 29).

The situation is different, however, where the suspect or accused is being questioned concerning a matter for which he has duty to account, as in the case of one entrusted with Government funds. In the Aronson case, supra, an accused was questioned about a shortage from a non-appropriated fund of which he was the custodian. After full warning under Article 31, the accused made a statement to the agent concerning the shortage, which was false. Later he was successfully prosecuted for violation of Article 107. It was held that the accused being entrusted with the fund was bound to account for it. This obligation to account for what is entrusted to one is independent of Article 31. If the duty to account is affected by Article 31, the court said, it is only to the extent that the accused cannot be compelled to make a statement about the account. Thus, he could refuse to make any statement to the agent or he could account for the fund. If he chose the first course, he would be acting in

accordance with and under the protection of Article 31. But, if he chose the second alternative and spoke, he spoke in accordance with his legal obligation and any statement given was "official."

Summary: An accused interrogated concerning an offense related to his official duties or responsibilities, may, under Article 31, answer or not as he chooses. But, if he does answer, he does so falsely at his peril.

An accused interrogated concerning an offense unrelated to his official duties or responsibilities may, under Article 31, answer or not as he chooses. He may not, however, be prosecuted for any untruthful answers