

**SECURITY
DIVISION**

Sum
**OFFICE OF NAVAL
INTELLIGENCE**

NEWS



LETTER

3 May 1962

(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)

THE BACKLOG STAYS WITH US

In spite of a gratifying increase in case output over the past quarter, our backlog of cases continues to creep upward. The high productivity per agent is noted with pleasure, however, and it is hoped that it will continue to rise. A recently authorized augmentation in overall agent strength should begin to make itself felt in the near future. Also it is hoped that the substantial number of grade promotions which are in prospect, will tend to have a stabilizing effect on personnel attrition. These factors, together with a little sustained extra effort on the part of all of us will provide a good start towards licking this problem. To those few average producers - get on the ball! To the majority - keep up the good work!

OLD TIMER RETIRES

S/A Clarence R. JUSTUS, long time SRA of the Pittsburgh office in DIO-4ND retired on 28 February 1962 under Section 6(c) of the Civil Service Retirement Act. Mr. Justus who had been employed continuously as an agent since 15 Sep 1941 is one of the first to become eligible for 20 year retirement on ONI agent service alone. He is remaining in the Pittsburgh area where he is engaged in the real estate business. We hope his retirement years are many and happy and that he meets with much success in his new endeavors.

MORE ON OLD TIMERS

While on the subject of old timers, four of our ONI Headquarters agents were recently presented with twenty year service pins. They are: S/As T. Fason; S.J. Cardice; J.S. Allender and C.E. Walker. Congratulations and "well done" are certainly due to this group who have ground out many a case and met many a deadline in the more than eighty years combined service which they represent.

WHO WANTS TO GO OVERSEAS?

It's about time to publish our periodic reminder that requests from agents for overseas assignments are desired on a continuing basis. Included in the term "overseas" are the extra-continental districts 10, 14, 15, and 17. Vacancies are anticipated in nearly all areas during the next few months. Even if no immediate opening exists, it is well to have your requests on file in order to insure consideration when the vacancy occurs. With the percentage of agent billets in extra-continental areas increasing, every man planning a career with ONI should expect to serve an overseas tour at some time during his period of service. Full information on the submission of requests is contained in ONI INST 12040.1 of 31 August 1960.

AGENTS TRAINING SCHOOL

The most recent Agents' Basic Training Course 2B-62 convened at ONI during the period 12 Mar - 6 Apr 1962. In attendance were the following named personnel:

William F. Boland.....	DIO-4ND	Wayne J. Jensen.....	DIO-11ND
Charles P. Bridge.....	IO-PRNC	Vernon L. Kaliher.....	DIO-9ND
James E. Carson.....	DIO-5ND	Warren R. Lynch.....	DIO-11ND
Frank D. Draper.....	DIO-4ND	James F. Maher.....	IO-PRNC
Gregory L. Duffy.....	DIO-6ND	John J. Mancini.....	DIO-14ND
Burton A. Emerson.....	NISA-Jap	William N. Miller.....	DIO-9ND
Robert A. Foy.....	DIO-9ND	John A. Przywara.....	DIO-4ND
John H. Glover.....	IO-PRNC	Stanley L. Schall.....	DIO-11ND
Charles E. Herbert.....	DIO-12ND	Laney S. Spigener.....	DIO-6ND
Everett G. Holstein.....	DIO-5ND	Richard F. Webb.....	DIO-1ND

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 C.C. Johnson	IO-PRNC	NAVINSUPPACT, Iceland
S/A R. LaCosta	DIO-12ND	IO-NAVEUR
S/A J.J. Jones	DIO-6ND	IO-NAVEUR
S/A R.S. Wilkinson	NAVINSUPPACT, Japan	DIO-11ND
S/A C.R. Martin	NAVINSUPPACT, Japan	IO-PRNC
S/A R.E. Ruesch	DIO-9ND	NAVINSUPPACT, Japan
S/A J.A. Wheeler	DIO-11ND	NAVINSUPPACT, Japan
S/A V.C. Coxhead	DIO-14ND	DIO-11ND
S/A R.R. Rude	DIO-14ND	DIO-11ND
S/A R.A. Mosteller	DIO-11ND	DIO-14ND
S/A J.C. Dunton	DIO-8ND	DIO-14ND
S/A J.J. Crowley	IO-PRNC	DIO-3ND

NEW AGENTS

The following new agents have reported aboard since our last issue:

John A. Przywara.....4ND
Bernard C. Lang.....8ND
Roy S. Hawk.....PRNC
Thomas F. Meehan.....3ND
Miller J. Mathews.....8ND
Royce E. Logan.....8ND
Thomas J. Brannon.....11ND
Ralph C. Beauchamp.....11ND
Joseph F. Miskinnis.....11ND

Hubert H. Barber.....5ND
Luther L. Cook.....5ND
Charles N. Cole.....6ND
Robert V. Howard.....PRNC
Reed C. Quinn.....6ND
Charles W. Schwab.....6ND
Stanley J. Niemala.....9ND
Ronald E. Bright.....13ND
Warren J. Shadko.....9ND

WORTHLESS CHECK STATUTE

Attention is invited to the recent Act of Congress which amends the Uniform Code of Military Justice by adding a new Article 123a as follows:

"Article 123a. Making, drawing, or uttering check, draft, or order without sufficient funds.

'Any person subject to this chapter who - -

(1) for the procurement of any article or thing of value, with intent to defraud; or

(2) for the payment of any past due obligation, or for any other purpose, with intent to deceive;

makes, draws, utters, or delivers any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time that the maker or drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full upon its presentment, shall be punished as a court-martial may direct. The making, drawing, uttering, or delivering by a maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in the drawee's possession or control, is prima facie evidence of his intent to defraud or deceive and of his knowledge of insufficient funds in, or credit with, that bank or other depository, unless the maker or drawer pays the holder the amount due within five days after receiving notice, orally or in writing, that the check, draft, or order was not paid on presentment. In this section, the word 'credit' means an arrangement or understanding, express or implied, with the bank or other depository for the payment of that check, draft, or order."

An Executive Order is in preparation which will add the foregoing Article to the Manual for Courts-Martial, together with related changes to the Manual containing a discussion of the substantive and procedural aspects of the statute as well as delineating elements of the offense and providing other pertinent material. This information was disseminated to the Service in JAG Notice 5810 of 2 Feb 1962. Article 123a is effective as of 1 March 1962.

AMENDMENT TO FEDERAL TORT CLAIMS ACT

Another recent Act of Congress of interest to all personnel, military and civilian, amends the Federal Tort Claims Act (Act of 21 Sep 1961, P.L. 87-258, 75 Stat. 539 (28 USC 2679)). Prior to this amendment any person suffering personal injury or property damage as the result of the operation of motor vehicles by Federal employees or servicemen acting within the scope of their employment could bring suit against the United States, but were not compelled to do so and could elect to sue the employee or serviceman personally. The Department of Justice would normally defend such suits against an individual but any judgment rendered against the serviceman or employee defendant was a purely personal obligation and the United States was not liable therefor.

On or after 21 March 1962, according to the amendment, the exclusive remedy for persons suffering injury or damage as above shall lie in a suit against the United States. The plaintiff's election of bringing action against the individual has been abolished.

It should be noted that this amendment extends only to removing the election to sue the individual serviceman or employee in cases involving personal injury or property damage incurred as a result of the operation of motor vehicles by the serviceman or employee within the scope of his employment. Legislation is presently under consideration which would further extend this to injuries or damages caused by other means.

In the meantime, the election of the plaintiff to sue the individual or the United States still exists with regard to injuries or damage caused by means other than by the operation of a motor vehicle. In such cases, however, the Department of Justice, through the United States Attorney, will provide representation for the individual defendant in civil suits as well as in criminal cases arising from acts performed during the scope of employment.

JAG INST 5822.2 of 2 Feb 1962 disseminates the foregoing information with detailed further instructions for commanders of naval activities to follow in regard to such cases.

ONI AGENT MEETS WITH DISASTER

Mr Hector A. NOSTRATIS, an agent attached to U.S. Naval Investigative Support Activity, Philippines, suffered a severe financial loss in December 1961 when his house was bombed by persons unknown. Fortunately, no one in or near the house was injured, but the structural damage to the premises was considerable and was not covered by insurance. While complete proof is lacking, the incident is believed attributable directly to Mr. Nostratis' work, particularly his zeal in uncovering certain widespread fraudulent operations affecting the Navy. The sincere sympathy of all his fellow agents is extended to our Filipino colleague. It is hoped that some method can be found to compensate him for his loss.

INVENTORY OF TECHNICAL EQUIPMENT

Attention is invited to the fact that there is a requirement in the Investigations Branch of ONI for up to date information on the technical

investigative equipment held by each IO/DIO, from whatever source acquired. This is in order that ready information may be available concerning investigative capabilities in a given location and is in addition to and separate from any requirement for custody cards for property accountability purposes. ONI INSTRUCTIONS 10710.1 of 11 June 1957, 10550.1 of 8 Sep 1961, and ONI NOTICE 4440 of 9 Aug 1961 are the applicable references with regard to photographic, electronics, and lie detection equipment, respectively. Acquisition, disposal or significant changes in condition of equipment should be reported as occurring.

AGENT APPLICANTS

A recent increase in the overall allowance of agents requires that recruiting efforts be intensified and DIOs having vacancies have been so notified. Individual agents can assist in this regard by being alert to the availability of any well qualified applicants and properly channeling their requests. Although there are a substantial number of openings, there will be no relaxation whatever in selection standards. Applicants must meet the qualifications prescribed in the Manual for Administration, Naval Intelligence Agents, including particularly the educational qualifications and investigative experience or aptitude, together with impeccable character attributes. Waivers will not be granted.

MANUAL OF THE JUDGE ADVOCATE GENERAL

The above captioned publication promulgated by JAG INST P5800.7 of 2 Jun 61, became effective 1 Nov 1961. This new Manual supersedes the 1955 Naval Supplement to the Manual for Courts-Martial. The sections which are quoted below are of particular interest to Naval Intelligence personnel.

"0140 APPREHENSION BY CIVILIAN AGENTS OF NAVAL INTELLIGENCE

Pursuant to the provisions of paragraph 19, MCM 1951, and under the authority of article 7(b) of the Code, any civilian agent of Naval Intelligence, who is duly accredited by the Director of Naval Intelligence or a designee of the Director of Naval Intelligence, and who has been assigned to conduct an investigation requested by, or at the direction of, the Secretary of the Navy, the Head of any Office or Bureau in the Department of the Navy, the Commandant of the Marine Corps, any Commanding General of the Marine Corps, or any Naval Commandant, Commander or Commanding Officer, may apprehend, if necessary, persons subject to the Uniform Code of Military Justice or to trial thereunder, upon reasonable belief that an offense has been committed and that the person apprehended committed it. A person so apprehended must be taken promptly before his commanding officer or other appropriate military authority. Such a civilian agent may apprehend a commissioned officer or a warrant officer only pursuant to specific orders of a commissioned officer of a higher grade than that of the commissioned officer or warrant officer who is to be apprehended, except where such an apprehension is necessary to prevent disgrace to the service or the commission of a felony."

"0213 INVESTIGATIONS BY NAVAL INTELLIGENCE

The investigative jurisdiction and responsibilities of the Office of Naval Intelligence and the field components thereof are set forth in SECNAV Instruction

5430.13 series. Officers in command are cautioned to comply meticulously with the provisions and spirit of that Instruction. Matters pertaining to espionage, sabotage, subversive activities, fraud against the Government, and major violations of the Code are included within the jurisdiction of Naval Intelligence. Where the investigative service of Naval Intelligence is utilized, the officer in command shall take appropriate measures to preserve evidence and to ensure that any other phases of investigation do not compromise or otherwise impede the investigative activities of Naval Intelligence. In the event the officer in command deems it necessary to proceed with inquiry by a fact-finding body prior to the completion of the investigative phase by Naval Intelligence, he shall first communicate with the local representative of the Office of Naval Intelligence and establish coordination of the investigative effort. Should the representative of the Office of Naval Intelligence object to the initiation of the inquiry by a fact-finding body, the matter shall be referred to the appropriate Commandant of the Naval District or comparable authority for resolution."