

31 December 1958

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(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.)

SEASONS GREETINGS

We, the officers, enlisted and civilian personnel of ONI, extend to all our colleagues in the field and to their families our best wishes for the happiest of Holiday Seasons.

CHANGE OF COMMAND

Commander Jack O. JOHNSON was relieved as Head of the Investigations Branch (Op-921D) on 27 October 1958. Commander JOHNSON took a keen interest in all phases of the investigative program and his efforts have been instrumental in many advances. We will miss his friendly counsel and guidance, and wish for him a most pleasant tour in his new assignment at Treasure Island.

We are glad to welcome back to the investigative camp, Commander Robert A. KLARE, who has relieved Commander JOHNSON. Commander KLARE is well known to many district personnel from former duty in several DIOs. His most recent such tour was as ADIO, 6ND. Welcome aboard!

DICK WILSON HONORED

On 19 September 1958, the Director of Naval Intelligence presented to Mr. Charles R. Wilson (better known as "Dick" Wilson to his many friends throughout Naval Intelligence) the Meritorious Civilian Service Award. This award, given in the name of the Chief of Naval Operations, and consisting of a medal, was in recognition of Mr. Wilson's outstanding performance of duty in Naval Intelligence. It is the next highest distinction of this type which can be conferred on a civilian employee. Nice going, Dick!

EXAMINATION RESULTS

The long wait is just about over for all the promotion aspirants who took the Pay Grade 10 and Pay Grade 11 examinations in October. The papers have been graded, the selections made, and the administrative paperwork to effect the boosts is now underway. Probably by the time you receive this Newsletter or shortly thereafter the final results will have reached you. Present indications are that the pay period beginning 11 January 1959 will be the effective date.

By and large the examination results were gratifying. There were only a relatively few failures and only a very, very few who failed badly. The number who attained outstanding grades, in fact, far exceeded the number who failed. Altogether a total of 53 advancements to Pay Grade 11 are being

authorized and 47 to Pay Grade 10. Additionally, a number of the examinees who proved well qualified on the examination but who will not be immediately advanced due to insufficient vacancies, will be retained until further notice on a waiting list for further promotion consideration when additional vacancies occur.

Analysis of the papers points up the necessity for a thorough and continuing familiarity with the Manual--the "Bible" of the ONI agent. Also, that in taking examinations the utmost care must be taken to understand fully the question and to be sure to give a completely responsive answer. This should place no undue burden on the alert agent since the mental processes involved are essentially similar to those employed in the agent's daily work in interpreting records or in recognizing the significant portions of information given by interviewees.

MOVING DAY

Over the Thanksgiving Day weekend, the Investigations Branch packed up lock, stock and filing cabinet, and left its happy home in the Pentagon. This Branch together with certain other ONI components is now located in the Navy Service Center, a building some two-miles from the Pentagon, on Courthouse Road in Arlington, Virginia. We are rapidly becoming acclimated to our new surroundings and are looking forward to greeting the first agents' classes of the New Year in our new, slightly more commodious, classroom.

AGENTS' TRAINING COURSES

Since the last Newsletter was published, the Fiscal Year 1959 Agents' Training Program has been launched on schedule, with one Basic Class and one Refresher Class having graduated, made up of the following agents:

Agents' Basic Training Course 1B-59, 15 Sep - 10 Oct 1958

3ND	Frank E. Maslak James B. Sarsfield Conrad A. Zotz
4ND	Howard E. Haskins, Jr.
5ND	Jack C. Bohler, Jr. Robert J. Suisman
6ND	Hoyle T. Hartley James R. Taylor
8ND	<u>Clyde J. Roach</u>
9ND	Robert Hendy Jack G. Nelson Paul A. Reaume Ronald E. Ruesch

11ND Jack I. Guedalia
David G. Peppin
William F. Philip

12ND George A. Shepherd

14ND Lee R. Dunn

PRNC Richard S. Carroll
Lawrence D. Farrington
Robert W. Wise

LTJG Carl R. Amick, 3ND
DEEGAN, William E., BML, USN, IO-COMNAVFORJAPAN

Agents' Refresher Training Course LR-59, 27 Oct - 7 Nov 1958

1ND Thomas J. McGuinness
Alex J. Petruska

3ND Oliver A. Anderson
Roosevelt S. Hedemark
Paul A. Loesche
Manuel R. Martin, Jr.

4ND John A. McGinty
Maynard C. Warwick, Jr.

5ND Daniel M. Blood
John C. Green, Jr.

6ND Frederick V. Frost
Sion L. Nabers

8ND Lloyd G. Beck
James M. Lankford

9ND Thomas J. Donnenwirth
Stephen T. Kelly
Russell E. Murten

11ND Allan C. Turner
Richard S. Waugh

12ND Robert W. Hufnagl
Ralph V. Lomele

13ND Albert B. Combs

PRNC Stewart C. MacDougall

LCDR Arthur C. Lovell, 11ND
LCDR Daniel A. Mills, ISU, Naples

TALE FROM THE BACK COUNTRY

The anecdote related below has been lifted from the excellent DIO-6ND publication "Suggestion Box" and is passed on for the entertainment of our larger circulation:

"The recent experience of a DIO-6ND Agent as told by that Agent was extremely amusing. This experience loses some of its humor when retold but here it is and we think amusing:

"The agent working the back country area of Western South Carolina on a 1(a) was looking for an informant to contact who had known the Subject. Subject had resided in the area some ten years prior to the inquiry being made. The agent was told that if anyone would remember Subject it would be old Bo Jackson who lived in a shack on the top of the hill south of town. The agent located Jackson's shack and found old Bo sitting on the dilapidated front porch in a rocking chair. Dismounting from his four wheel steed some five hundred yards from the shack, the agent put on his boots and walked through the mud to Bo's front porch. Bo, some seventy-odd years of age, was dressed only in blue overalls which had they been left to themselves, would have stood alone. The agent presented himself to Mr. Jackson with credentials in hand. Mr. Jackson, after carefully scrutinizing the credentials said, 'no need showing me that cuz I can't read and I ain't buying anyhow.' The agent explained that he represented the U.S. Navy and was a Special Agent, whereupon Mr. Jackson stood erect, threw both hands to the sky and in an excited voice cried, 'I knew yud catch up with me some day but I fust want you'll to know I didn't set the fire; I only carried the can of gasoline; it was Jim Stone who set the fire--what you going to do with me now? I always knew you federal men would catch up with me someday!' After an extended period of reassuring Mr. Jackson that the Agent didn't come about the fire, the agent was able to get the information he wanted--he also learned that Bo Jackson and Jim Stone had set fire to a neighbor's barn in 1916 because they didn't like him. The \$64,000 question; How would you evaluate the reliability of this informant?"

BACKGROUND INVESTIGATION REQUESTS

The items below are excerpted from a recent letter from the IO-CINCNELM, which sets forth some of the difficulties encountered in that jurisdiction where leads forwarded fail to include basic identification details. Lack of these data makes it especially difficult for U.S. investigative agencies or for foreign investigative agencies in their dealings with persons of foreign tongue. Of course, not all of these matters are necessarily peculiar to the NELM area alone, and where applicable should always be taken into account when forwarding leads:

a. Where no PHS is furnished, failure to provide date of birth, place of birth, race. Desirable also in this connection would be height, weight and any noticeable identifying marks or scars.

- b. Failure to give serviceman's organization at time of residence in the area.
- c. Failure to state that a Subject was a dependent (son, etc) of the father named in the PHS at the time Subject resided in Europe and failure to tell rank and organization of father at the time.
- d. Failure to include sufficient copies of PHS when investigation extends into several countries.
- e. Illegible PHS.
- f. Incomplete data on in-laws.
- g. Incomplete data on alien or former alien investigations.

SERVICES OF THE ADIO(AIR)

The following item is included in the Newsletter at the request of the Head of the Reserve Program of the Administrative Branch of ONI:

"The ADIO(s)(AIR) in several naval districts have rendered very valuable service to the 1635 Naval Reserve Intelligence Program through their assistance in procurement of officer candidates and their participation in certain phases of the general intelligence training program. In many instances the ADIO(AIR) is physically located in an area adjacent to a 1635 reserve intelligence unit. Since many of the subjects of the curriculum of the training program of air intelligence are of concurrent interest to naval intelligence, it is believed the ADIO(AIR) is in a position to render assistance by delivering lectures on occasions to these groups. Additionally, he may also be able to provide guest speakers from the membership of his unit who are experts in certain fields of interest to 1635 officers. On occasion the ADIO(AIR) has served as a member of screening boards and in addition has been available to interview OCS applicants, direct commission applicants, and in training applicants for the 1635 program in those instances when a 1635 officer was not available for this purpose. The contribution of the ADIO(AIR) (NAS Los Alamitos) and ADIO(AIR) (NAS Denver) has been especially noteworthy during the past year. DIOs are encouraged to make full utilization of services of ADIO(AIR) to assist wherever possible 1635 reserve intelligence units."

FEDERAL LAWS CONCERNING FIREARMS

Basic laws of the Federal Government concerning firearms are found in the National Firearms Act (Title 26 US Code, Chapter 53) and in the Federal Firearms Act (Title 15 US Code, Chapter 18), together with the regulations issued thereunder by the Department of the Treasury. These various provisions cover, among other things, taxation on dealers and manufacturers of firearms, transporting and shipment of firearms, and definition of certain unlawful acts in connection therewith. A pamphlet setting forth the foregoing statutes is published by the Internal Revenue Service, Department of the Treasury, entitled Publication No. 364. Copies may be obtained from the nearest regional or branch office of the Alcohol and Tobacco Tax Division of the Internal Revenue Service.

OVERSEAS BILLETS

Several requests have been received from agents for duty at Rota, Spain. We have no billets located there at present and requests for such assignment are premature.

ADMINISTRATIVE MATTERS

1. Agents Data Cards: Many Districts are slow in sending in the cards on newly hired agents required by Section 10006 of ONI 70-2. All DIOs/IOs are requested to review records to insure that cards have been forwarded for all agents on board. Significant changes should also be reported in letter form.
2. Resident Agency Areas: Attention is invited to ONI Notice 5520 of 25 November 1957, which required that ONI and the other DIOs/IOs be advised when changes occur in the boundaries of Resident Agency or Field Office areas. Although this Notice has been canceled for record purposes, it is desired that notification of such changes be made on a continuing basis.
3. Classification Guide: Attention is invited to OpNav Form 5510-11(7-58) entitled "Classification Guide." This form, printed on stiff paper and suitable for posting on bulletin boards, etc, sets forth in a handy manner the guidelines to apply in the classification of information as Confidential, Secret and so forth. Extra copies may be procured from District Publication and Printing Offices.
4. ONI 63-1 - Change #1: Information from District Inspection Teams and from students attending Agents' Schools indicates that Change #1 has not been made in all outstanding copies of the Agents Manual. Sufficient copies of the Change were issued to accomplish this purpose. Holders of the publication are advised that it is their personal responsibility to see that it is kept corrected up to date. A limited number of additional copies of Change #1 are available and may be obtained on request (Attn: Op-921D4).
5. Local Directives Concerning ONI Investigative Responsibilities: Many of the Naval Districts as well as certain Bases and other large commands have issued Instructions patterned on SECNAV Instruction 5430.13A of 10 August 1954 spelling out the investigative jurisdiction and responsibilities of Naval Intelligence. Particularly good examples are those promulgated by the Commandant SIXTH Naval District and the Commander, Naval Base, Guantanamo Bay, Cuba. Where such Instructions are in existence, all agents should be well versed in their content in order that they may properly advise Navy and Marine Corps Commands when the occasion arises. In connection with this, it has been the practice in the DIO-4ND to deliver a copy of the 4ND Instruction on the subject to each ship and unit arriving in the District. This explains to the arriving unit what services Naval Intelligence is capable of rendering to it and insures proper referral of appropriate matters to Naval Intelligence for action or liaison, and also serves the cause of good public relations. Such a practice is commended to

all DIOs/IOs for implementation, not only in District Headquarters cities, but also in Field Office or Resident Agency areas which may be visited by Navy ships or other mobile units.

RELATIONS WITH STATION INVESTIGATORS

Agents should strive to maintain good liaison and a sound working relationship with Base and Station investigators, both military and civilian. These personnel within their assigned sphere provide a valuable service to the Navy and are frequently able to render much appreciated assistance to Naval Intelligence. Vigilance must be exercised, however, to insure that such investigators do not intrude into investigative areas which are properly the responsibility of Naval Intelligence. Further, where station investigators assist an ONI agent on a case, all phases of the investigation must be under the complete control of the ONI agent. Instances have arisen where actions of such investigators during a case have reflected adversely on ONI, for example, certain conduct during the course of an interrogation rendering a confession inadmissible, or improper searches and seizures being undertaken. In another case the mere presence of a station investigator inhibited the suspect from making a statement, which he later gave freely after the investigator left.

This item is not to be construed as derogatory to Station investigators as a class. Many of them are known to us as zealous, hard-working, efficient individuals who are a credit to the Commands they serve. Their standards are not uniform, however, as ours are. We are professionals, and we have a definite jurisdiction and responsibility assigned by the Secretary of the Navy. We must always be alert to exercise this responsibility with the highest degree of competence and in conformity with all applicable laws and regulations, to the end that we provide the best possible investigative service to the Naval Establishment.

U.S. ARMY CRIMINAL RECORDS

Leads are received in ONI from time to time for a check of the Provost Marshal General's criminal records. These files are located at:

U.S. Army Military Police Repository for
Criminal Investigation Reports,
Fort Gordon, Georgia

A lead to DIO-6ND is the answer.

CALLING ALL CARS!!

Here's an interesting item from DIO-4ND:

"On two successive days in early November, DIO-4ND was able to intercept on its portable radio transmitter, messages between the Headquarters Office of DIO-8ND and their radio cars. On both days two-way radio communication was established between DIO-4ND and DIO-8ND. About two weeks later DIO-4ND intercepted a message between two DIO radio cars in Corpus Christi, Texas.

"Paradoxically, it is interesting to note that although DIO-8ND Headquarters appeared to experience difficulty in making contact with their own vehicles, both messages came into DIO-4ND 'loud and clear' as did DIO-4ND's message to them."

A moral which may be drawn from the above is to reemphasize the necessity for voice communication discipline. Not only are the FCC regulations involved, but you don't know who might be listening!

AGENTS' WIVES GET INTO THE ACT

The wives of special agents in DIO-6ND have formed an organization known as the "Cloak and Dagger Sorority (CADS)." A chapter has also been formed in 4ND using the same name in the hope that other Districts may follow and eventually form a national organization. Interested parties may wish to write informally to friends in one of the above Districts for further information. That there can be some very definite advantages to the agent in having his wife join CADS can be seen from the following excerpts taken from the membership pledge signed by the gals:

"1. I agree never to complain when my spouse:

- "a. Is late for dinner,
- "b. Works overtime,
- "c. Is gone for extended periods,
- "d. Writes reports at night and on weekends,
- "e. Fails to meet me downtown,
- "f. Leaves home before daylight or in the middle of the night,
- "g. Refuses to tell me what's going on.

"2. I agree always to believe my husband:

- "a. If he telephones to say he has to work late,
- "b. When he says the woman I saw him with was only an informant,
- "c. When he calls and says the music in the background is across the street."

NAVAL DISTRICT INTELLIGENCE ANALYSTS' SEMINAR

A seminar attended by the below listed Intelligence Analysts was held at ONI during the period 13-17 October 1958. A comprehensive agenda was covered, and it is considered that many contributions of value to the counterintelligence mission were developed by this opportunity for the exchange of ideas by the field experts:

1ND	Charles H. Houghton
3ND	Martin A. Randisi
4ND	William J. Schaefer
5ND	Vernon F. Patterson
6ND	Joseph M. Chucknow (Security Analyst)
8ND	Robert D. Samsot (Security Analyst)
9ND	Richard Schaller
11ND	James F. Reeves, Jr.
12ND	John L. Farrell
13ND	Richard D. Casad
14ND	Emmett F. Collins
15ND	Arthur D. Gassaway (Security Analyst)
PRNC	William B. Carney

INVESTIGATIVE NOTES

1. Coordination in Category 3 Cases Investigations: Among the unclassified matters which was stressed at the above seminar was the necessity for cooperation between the investigative section and the counterintelligence section. Characterization of organizations should be requested in all cases from the Counterintelligence Section and in Category 1 or Category 3 cases where SEC information is developed, coordination with the counterintelligence analyst should always be effected to insure that reports are sufficient for purposes of adjudication.

2. Waiver By FBI: Another point brought out at the CI Seminar was that quite frequently investigation reports are considered unimportant by commands because the statement is contained therein that the FBI has "waived jurisdiction." There seems to be a feeling on the part of some commands that if the case was not important enough for the FBI to bother with, it is not important. In those areas where this sentiment has been observed, it is recommended that the statement of waiver of jurisdiction or referral to the FBI be restricted to the 152 NOCP. Since this office considers the inclusion of the statement in reports desirable usually, the practice should be continued unless the condition noted supra exists.

3. Report Writing: Recommendations have been received by this Office in relation to a revision of the report writing format based on the Jenks decision and recent enactments by Congress. This matter is being considered by Headquarters and there is a possibility that in the near future report writing rules will require that all interviews touching a matter which may become testimony will be reported on separate sheets of paper a la the manner now followed in FBI reports.

4. Category 3 Investigations: In a recent Newsletter attention was invited to the excellence of the report writing plan which had been prepared by 3ND for its agents and addressees were encouraged to request copies of same for their districts if a need was felt to exist. In this Newsletter we would like to invite attention to the DIO-4ND instruction for the conduct of interrogation in Category 3 cases. It is suggested that some districts may wish to request a copy from 4ND and put the same practice into effect in their districts.

LEGAL NOTE

A recent decision by the Court of Military Appeals in an Air Force general court-martial case will be of interest to investigative personnel.

In this case, the accused, while under consideration for an assignment requiring a higher security classification was subjected to a screening procedure which included a polygraph examination. During the course of the interrogation he made certain incriminating statements concerning participation in offenses against the UCMJ. Included in his statement was the identification of witnesses to the alleged acts. Since the screening was not initially in the nature of an interrogation of a person accused or suspected of an offense, he was not only not given the warning required by Article 31b but was, in fact, assured that his answers would be given the highest degree of confidence and would not be made the subject of criminal prosecution.

No effort was made by the prosecution at the accused's subsequent trial by general court-martial to introduce the clearly inadmissible statement. They did, however, introduce as witnesses persons who had been named in the statement. These witnesses, armed with letters of immunity, testified against the accused in regard to the acts charged. The defense argued that the very existence of the alleged acts and the identity of the witnesses to them were known to the Government only through the means of the above-mentioned statement, which was itself inadmissible. The Government contended that even if this was true, it was immaterial since the prosecution's case rested on the testimony of the witnesses procured through use of the statement, not on the statement itself. In this they apparently relied on that portion of paragraph 140a, MCM, 1951, which states in pertinent part, "Although a confession or admission may be inadmissible because it was not voluntarily made, nevertheless, the circumstance that it furnished information which led to the discovery of pertinent facts will not be a reason for excluding evidence of such pertinent facts."

The decision of the Court has the effect of striking out this provision of the Manual. The reasoning of the majority opinion by Judge Ferguson, concurred in by Chief Judge Quinn, is that allowing introduction of such evidence under the circumstances would be to permit the Government to do indirectly what it is forbidden to do directly by Article 31a, UCMJ. Quoting from the opinion, "If such receive our sanction there would be nothing to prevent Government agents from procuring information--such as the identity of hostile witnesses, or the location of incriminating property--from the accused by the use of force or other unlawful means and then simply rest the prosecution's case upon the evidence procured through the statements without introducing the statements themselves into evidence at all."

The decision of the Board of Review (upholding conviction) was therefore reversed. Latimer, J., dissented.

This holding brings the evidentiary rule involved into line with existing exclusionary rules with regard to searches, i.e., evidence seized in a legal search based on an illegal search is also inadmissible, and the "fruit of the

poison tree" doctrine regarding inadmissibility of otherwise admissible evidence where procured as a result of wire-tapping.
(US v. HAYNES, 9 USCMA 792, 27 CMR 60.)

END