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# OPERATION OF ARTICLE VII, NATO STATUS OF FORCES TREATY

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## HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES UNITED STATES SENATE NINETIETH CONGRESS SECOND SESSION

TO REVIEW FOR THE PERIOD DECEMBER 1, 1966, THROUGH  
NOVEMBER 30, 1967, THE OPERATION OF ARTICLE VII OF  
THE AGREEMENT BETWEEN THE PARTIES TO THE NORTH  
ATLANTIC TREATY, TOGETHER WITH THE OTHER CRIMINAL  
JURISDICTIONAL ARRANGEMENTS THROUGHOUT THE  
WORLD

OCTOBER 1, 1968

Printed for the use of the Committee on Armed Services



U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1968

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# OPERATION OF ARTICLE VII, NATO STATUS OF FORCES TREATY

TUESDAY, OCTOBER 1, 1968

U.S. SENATE,  
SUBCOMMITTEE ON NATO STATUS OF FORCES TREATY  
OF THE COMMITTEE ON ARMED SERVICES,  
*Washington, D.C.*

The subcommittee, composed of Senators Ervin (chairman), McIntyre, and Thurmond, appointed to maintain familiarity with the operation of article VII of the NATO Status of Forces Treaty to the extent that it relates to criminal jurisdiction not waived by host countries in which U.S. forces are stationed, met, pursuant to notice, at 9:35 a.m., in room 212, Old Senate Office Building.

Present: Senators Ervin (presiding) and McIntyre.

Also present: T. Edward Braswell, Jr., professional staff member of the committee staff.

Senator ERVIN. The subcommittee meets today to receive from the Department of Defense the annual report on article VII of the NATO Status of Forces Treaty and other criminal jurisdictional arrangements throughout the world regarding our troops stationed overseas. This report will cover the year ending November 30, 1967.

As in the past, the subcommittee will first hear from the Department of Defense officials in open session, to be followed by a closed session for any executive matters they wish to discuss.

We will first hear from Mr. Benjamin Forman, Assistant General Counsel for International Affairs for the Department of Defense, to be followed by Brig. Gen. Harold E. Parker, Assistant Judge Advocate General for Military Law, U.S. Army.

Mr. Forman, we will be delighted to hear from you at this time.

**STATEMENT OF BENJAMIN FORMAN, ASSISTANT GENERAL COUNSEL FOR INTERNATIONAL AFFAIRS, DEPARTMENT OF DEFENSE; ACCOMPANIED BY BRIG. GEN. HAROLD E. PARKER, ASSISTANT JUDGE ADVOCATE GENERAL FOR MILITARY LAW, AND COL. EDWARD W. HAUGHNEY, CHIEF, INTERNATIONAL AFFAIRS DIVISION, OFFICE, JUDGE ADVOCATE GENERAL**

Mr. FORMAN. Mr. Chairman, this presentation, the 15th of an annual series, reviews the operation of our criminal jurisdiction arrangements in NATO countries and throughout the world for the period December 1, 1966, through November 30, 1967. We appreciate the opportunity to appear before you for this purpose.

The operation of our criminal jurisdiction arrangements continues to be generally satisfactory, and our commanders in the field advise that the accomplishment of their missions during the reporting period have not been adversely affected.

With the exception of the same two countries referred to last year, the commanders also report that morale has not been adversely affected. In one of these two countries, the Air Force commander again expressed the opinion that the susceptibility of our personnel to nuisance suits and delays in processing charges have an adverse impact on morale. The Navy commander in that country, however, again stated in his annual report that the local jurisdictional arrangements have no adverse effect on morale.

Similarly, in the second country, the Army commander reported this year also that while the local jurisdictional arrangements have had no effect on discipline or the accomplishment of his mission, the continued refusal of the local authorities to grant waivers and the subjection of U.S. personnel to unfamiliar and lengthy trial procedures for minor vehicle accidents, personal insult, and other offenses unique to that country have undoubtedly adversely affected morale.

The Navy and Air Force commanders in this second country, however, reported that the local jurisdictional arrangements had no significant impact on discipline in and the accomplishment of their mission.

The rate at which foreign authorities granted waivers of their primary right to exercise jurisdiction over U.S. military personnel remained high. The waiver rate worldwide for the reporting period was 84.4 percent as compared to 82.7 percent for the prior reporting period. The waiver rate of the NATO countries was 93.4 percent as compared to 90.9 percent for the preceding period.

Status of forces arrangement negotiations with the Kingdom of Thailand, and with the Commonwealth of Australia for a reciprocal SOFA, which were initiated two reporting periods earlier, continued during the reporting period and are still in progress as of the date of this hearing.

During our last appearance before this committee, the committee was informed of our decision to exercise court-martial jurisdiction over civilians in Vietnam pursuant to article 2(10) of the Uniform Code of Military Justice. The relevant statement of policy, military regulations, and legal memorandums were put into the record at that time.

The issue of the constitutionality of article 2(10) has since been litigated by Mr. James H. Latney. Mr. Latney, a merchant seaman on the SS *Amtank* which delivered military petroleum products to the U.S. Armed Forces at Da Nang, was charged with the premeditated murder of a fellow crewmember in a bar in Da Nang. In an effort to prevent his trial by court-martial in Vietnam, Mr. Latney petitioned the U.S. District Court for the District of Columbia for a writ of habeas corpus.

That court denied the writ on January 16, 1968, holding that article 2(10) is constitutional, that a "time of war" existed in Vietnam and its offshore waters, and that Mr. Latney was a person serving with or accompanying the forces within the meaning of article 2(10). He was then tried by court-martial and sentenced to 15 years' confinement.

Mr. Latney appealed the district court's decision to the U.S. Court of Appeals for the District of Columbia, which heard argument on June 14, 1968. The appeal is still under advisement.

Another lawsuit of interest to this committee was brought in May 1968 by Sp4 H. K. Smallwood, Jr., who had been indicated in April 1968 by the Korean authorities for the alleged murder of a female Korean national and for arson. He filed a petition for a writ of habeas corpus in the U.S. District Court for the District of Columbia, and also sought an order enjoining the Secretary of Defense, and all subordinate commanders, from releasing him to the Korean authorities for trial.

In essence, Specialist Smallwood contended that the United States-Republic of Korea status of forces agreement is unconstitutional and that a trial by the Korean authorities would deny him due process of law. On June 25, the district court denied the petition, and Specialist Smallwood appealed this decision to the U.S. Court of Appeals for the District of Columbia.

The court of appeals heard arguments on July 3, and the appeal is now under advisement.

On July 2, 1968, Specialist Smallwood was convicted of murder and arson by the Korean authorities and sentenced to 15 years' confinement. He has filed an appeal and remains in U.S. custody pending disposition of that appeal.

Brig. Gen. Harold E. Parker will now present a more detailed account for the reporting period.

Senator ERVIN. I am very much interested in these two cases. I just wonder exactly what the reason of the district court in the *Latney* case was.

Of course we had some decisions—I am sort of rusty in my memory on them—by Chief Justice Stone during the Second World War, with respect to the jurisdiction of the military courts and military tribunals set up by occupying authorities right after the World War, which would tend to sustain the jurisdiction, and then we had the decision by Justice Black in the case of the wife of the Army officer who was serving a term at Alderson prison in West Virginia, holding that a civilian accompanying the Armed Forces was entitled—I believe that was in Japan—to a trial by jury and indictment of the grand jury as guaranteed in the Bill of Rights.

That is the reason I am sort of interested in this case.

Did they lay great stress on the fact that a state of war existed in Vietnam?

Mr. FORMAN. As you know, Mr. Chairman, the decision of the Supreme Court holding that we could not try civilians in time of peace related to article 2(11) of the Uniform Code, and did not reach the constitutionality or the applicability of article 2 (10).

Article 2(10) relates to persons serving with or accompanying the Armed Forces in the field in time of war, so you have three issues.

Is the individual serving with or accompanying, is there a time of war, and is he in the field.

The district court held that all three elements were satisfied in this case. The earlier decisions with regard to article 2(11) were not regarded by the district court to be a precedent.

Senator ERVIN. They related to dependents accompanying the Armed Forces.

General PARKER. That is 2(11).

Mr. FORMAN. Article 2(11) also involved civilian employees as well as dependents. But as I recall Mr. Justice Black's opinion, he noted that the precedents of early courts martial by our own authorities, going back to the Revolutionary War, were limited to cases in time of war, an actual occurrence in the field, and that if it were constitutional to try civilians, it could only be done in those circumstances. So there is the clear implication in his opinion that article 2(10) is constitutional.

I might add as an aside that Mr. Wiener, who was the attorney for several of the civilian employees and dependents in those cases, arguing that 2(11) was unconstitutional, wrote an article for the American Bar Association Journal after this case arose, contending that article 2(10) is constitutional.

Senator ERVIN. It is your judgment as a lawyer, I take it, that there is a valid distinction between the situation where the person is actually assisting the Armed Forces in time of war, and where a person is merely accompanying the Armed Forces as a dependent or as a civilian, where no war is actually in progress.

General PARKER. It goes back historically, 2(10) evolves from the traditional jurisdiction of the military over camp followers, which was in existence during the Revolutionary War and before the Constitution was framed.

You remember, of course, we used to have sutlers, for example, along with the Army, civilians that supplied the Army, and they were always held to be within the jurisdiction of the military, and as Mr. Forman said, that this is a rather limited jurisdiction, because it requires those three elements that he named.

Senator ERVIN. And for that reason these decisions, the *Latney* decision will not have any reference, or have any application rather, to offenses committed by civilian employees or dependents that accompany the Armed Forces in Europe at this time?

General PARKER. That is right.

Mr. FORMAN. That is correct.

Senator ERVIN. The *Smallwood* case presents a right interesting point in that connection.

Let me say the question of whether we are at war in Korea, despite these border skirmishes at times and despite the fact the *Pueblo* was seized over there, is going to make this a right interesting case, that is the court decision in the court of appeals.

Thank you.

Do you have questions?

Senator MCINTYRE. Mr Chairman, I would like to ask a question here.

The men that ship out on these tankers, SSM tanker, I presume that they are all given some sort of notice that in pursuing this calling and going to Vietnam, they may very well be under certain conditions subject to military law?

I do not suppose it has any great legal effect in the final analysis, but I just wondered if they are given any sort of a warning.

Colonel HAUGHNEY. Yes, sir; the Seamen's Union has been notified to that effect, and they have informed their membership that when they go into the war zone, and they receive the additional pay for the war risks, that they are also subject under certain circumstances to U.S. military jurisdiction.

Senator MCINTYRE. Thank you.

Senator ERVIN. General Parker, we will be delighted to hear from you at this time.

General PARKER. Mr. Chairman, I have submitted to the committee a lengthy complete statement, and I would merely like to give an oral summary of this if I may.

Senator ERVIN. That will be entirely satisfactory to the committee, and the complete statement will be printed in the record.

**STATEMENT BY BRIG. GEN. HAROLD E. PARKER, ASSISTANT JUDGE  
ADVOCATE GENERAL FOR MILITARY LAW, U.S. ARMY**

General PARKER. I will summarize my report by briefly reviewing the statistical data contained in the various charts and tables we have submitted today.

Chart A provides you a quick overall picture of the exercise of foreign criminal jurisdiction over U.S. defense personnel and their dependents during the current reporting period December 1, 1966 through November 30, 1967. The chart contains worldwide figures, and parallel figures for NATO-SOFA countries.

Senator MCINTYRE. What is SOFA?

General PARKER. Status of Forces Agreement, NATO.

It shows that during the current period 33,401 U.S. military and civilian personnel and their dependents were charged with offenses subject to the primary or exclusive jurisdiction of foreign tribunals; 31,466, or 94 percent, of these offenses were charged against military personnel; 21,305 of the charges against military personnel were concurrent jurisdiction offenses over which the host country had the primary right to exercise jurisdiction.

U.S. military authorities obtained a waiver of primary foreign jurisdiction in 17,988 of these incidents, for a waiver rate of 84.4 percent.

Senator ERVIN. General, if you will pardon the interruption, is that not about the highest waiver rate we have had in any one year?

General PARKER. I am not sure whether it is the highest. It is up from last year. Last year it was 82.7, so it went up a little bit more, 84.4.

I think it is primarily due to the continuing excellent work of our liaison personnel in the field.

The balance of the figures shown in chart A reflect final dispositions by foreign authorities of offenses charged against military and civilian personnel during the current period. There were 11,066 final results of trials; 213, or nearly 2 percent of the final results were acquittals.

The vast majority of U.S. personnel who were convicted, 10,527 of them, or 95 percent of the total final results of trial, received only a sentence to fine or reprimand. There were 165 suspended sentences to confinement and 161 unsuspended sentences to confinement.

Chart B depicts the number and types of offenses subject to foreign jurisdiction during the current and immediately previous reporting periods.

The number of offenses subject to foreign jurisdiction decreased by 2 percent from 34,039 to 33,401.

Chart C shows the number and length of unsuspended sentences to confinement during the current and immediately previous reporting period. Although unsuspended sentences to confinement increased from 105 to 161, 75 or nearly half of them were less than 1 year in length. The longest sentence was 10 years, and was imposed by German courts on three occasions, once for murder and twice for robbery.

Chart D, which is an appendix or enclosure to the full report, provides more detailed information concerning the unsuspended sentences to confinement. Analysis of this chart will disclose that two offenses, rape and robbery, accounted for a substantial portion of the increase in such sentences, and that most of the increase occurred in four countries, Japan, Germany, France, and Canada.

Considering the seriousness of most of the offenses for which confinement was imposed, however, there is no indication that the sentences were unduly severe.

Chart E illustrates the number of U.S. personnel confined in foreign prisons as of November 30 of the past 11 years. One hundred and one individuals were in confinement as of November 30, 1967, an increase of 20 over the previous year.

I might point out there that this figure tends to have a cumulative effect.

Military personnel are generally entitled to have counsel fees, bail, court costs, and other expenses incident to their defense before foreign courts paid by the U.S. Government.

During the current reporting period, \$136,298.27 was expended on behalf of 477 military personnel prosecuted in foreign courts. The average expenditure per accused was \$285.74.

No. U.S. commander has reported that jurisdictional arrangements have had a significant impact on the accomplishment of his mission. The Department of Defense considers present status of forces arrangements to be quite workable and satisfactory.

Senator ERVIN. This expenditure is made for counsel fees in defense of servicemen tried in foreign courts, is compensation which is given to the counsel, the practicing lawyers in the host countries?

General PARKER. That is right.

Senator ERVIN. And what observation or comment do you have on the question as to whether or not our servicemen are receiving adequate services from these local counsel?

General PARKER. This is one of the points that is covered in the trial observer's reports, which we have in all these cases, and we have excellent reports on the performance of the counsel who have been hired.

Senator ERVIN. I assume that the great majority of these offenses are traffic offenses, are they not?

General PARKER. The great majority of the total number of offenses.

Senator ERVIN. I mean of the total number.

General PARKER. That is right.

Senator ERVIN. I do not mean of the ones that counsel represent.

Mr. FORMAN. Seventy-seven percent.

Senator ERVIN. Seventy-seven percent?

Mr. FORMAN. Of the offenses which the foreign authorities reserved for their disposition.

Senator ERVIN. It would seem to me that we have made over the years a constant increase in the number of waivers of primary jurisdiction by the host countries, which to me is a very encouraging sign in respect to our relationship between our forces and the host countries. It gives cause for much gratification in that respect.

Do you have any questions, Senator?

Senator McINTYRE. Yes, I do, Mr. Chairman.

Is there a significant problem with Americans participating in black market activities in Vietnam, and is this problem under the jurisdiction of the South Vietnamese courts?

Senator ERVIN. I do not know whether that is one you prefer to take up in executive session or not?

Mr. FORMAN. I think we would prefer to take that up in executive session.

Senator ERVIN. Yes; we will have an executive session.

Senator McINTYRE. How about drugs? Do you want to take that up in executive session, too?

General PARKER. I would think so; yes, sir.

Senator McINTYRE. No further questions.

#### PREPARED STATEMENT OF GEN. HAROLD E. PARKER

Mr. Chairman: I will begin my report by giving you a statistical analysis of the exercise of criminal jurisdiction by foreign tribunals over United States defense personnel and their dependents during the period 1 December 1966-30 November 1967.

#### WORLD

#### *Chart A—Exercise of criminal jurisdiction by foreign tribunals over United States personnel, 1 December 1966-30 November 1967*

To assist you in keeping track of the flood of figures that follows, we have prepared several charts and tables. Chart A is designed to give you a quick over-all picture of the exercise of foreign criminal jurisdiction during the reporting period. The NATO Status of Forces figures shown in the right-hand columns are also included in the world-wide figures shown to the left. For the time being I would like to direct your attention to the world-wide figures. These figures do not include cases from Vietnam, which are treated separately later in this report.

You will note that, during the current reporting period, a total of 33,401 United States personnel, military and civilian, were charged with offenses subject to the primary or exclusive jurisdiction of foreign tribunals. 31,466 of these offenses, or 94% of the total, were charged against military personnel. 10,161 of the charges against military personnel were subject to exclusive foreign jurisdiction because they involved only violations of foreign law. Nonetheless, foreign authorities released 2,640 or 26% of the exclusive foreign jurisdiction offenses to United States military authorities for administrative or other appropriate disposition.

The bulk of the military offenses subject to foreign jurisdiction, 21,305 of them, were concurrent jurisdiction offenses involving alleged violations of both United States military law and foreign law, over which the foreign country had the primary right to exercise jurisdiction. I am happy to report that United States military authorities obtained a waiver of primary foreign jurisdiction in 17,988 of these incidents, for a waiver rate of 84.4%. This represents an improvement over last year's waiver rate of 82.7%, and is primarily due to the continuing excellent work of our liaison personnel in the various foreign countries.

Thus, during the current reporting period foreign authorities reserved for their disposition a total of 10,838 offenses allegedly committed by military personnel. Nearly 70% of these offenses were relatively minor charges which were not punishable under United States military law, and were therefore subject to the exclusive jurisdiction of foreign authorities. 77% of the military offenses reserved for disposition by foreign authorities involved traffic violations.

Before continuing with an explanation of the balance of Chart A, I will briefly summarize the exercise of foreign criminal jurisdiction over our civilian employees and dependents during the reporting period.

A total of 1935 civilian employees and dependents were charged with offenses subject to foreign jurisdiction. Since civilians are not subject to trial by court-martial in peacetime, the United States had no effective jurisdiction over these offenses. Nonetheless, foreign authorities released 395 of these offenses, or 20% of the total, to United States military authorities for administrative or other appropriate disposition. Foreign authorities reserved for their disposition the remaining 1540 offenses charged against civilian employees and dependents.

Returning now to Chart A, the balance of the figures shown there include both military and civilian offenders. First, you will see that during the current reporting period there were 11,066 final results of trials (i.e., final acquittals and final convictions). 213 or nearly 2% of the final results were acquittals. The vast majority of United States personnel who were convicted—10,527 of them or 95% of the total final results of trials—received only a sentence to fine or reprimand. The remaining 3% of the final results of trials were split almost evenly between suspended sentences to confinement (165), and unsuspended sentences to confinement (161).

*Chart B—Types of offenses subject to foreign jurisdiction*

Chart B depicts the number and types of offenses subject to foreign jurisdiction during the current and immediately previous reporting periods. As used here, "subject to foreign jurisdiction" means only that foreign authorities had the right to exercise jurisdiction over the offenses shown. It does not mean that they actually exercised jurisdiction over all of these offenses.

The total number of such offenses decreased from 34,039 last year to 33,401 for the current period. As to specific offenses, decreases occurred in manslaughter, aggravated assault, traffic offenses, and other offenses. Rather substantial increases occurred in robbery, simple assault, economic control law violations, and disorderly conduct.

*Chart C—Unsuspended sentences to confinement imposed on United States personnel by foreign courts*

Chart C shows the number and lengths of unsuspended sentences to confinement during the current and immediately previous reporting periods. As I mentioned before, there were 161 unsuspended sentences to confinement during the current reporting period. This represents a substantial increase over the 105 such sentences reported for the previous period. 75 of the unsuspended sentences to confinement during the current period, or nearly half of the total, were less than one year in length. The longest sentence was ten years, and was imposed by German courts on three occasions, once for murder and twice for robbery. The longest sentence to confinement adjudged against a civilian was one year, which was imposed by a German court against a dependent convicted of rape.

*Chart D—Country, offense and length of sentence breakdown for United States personnel receiving unsuspended sentences to confinement*

Chart D provides for each country a breakdown by offense and length of sentence for all unsuspended sentences to confinement adjudged by foreign courts against United States personnel. Analysis of this chart discloses that two offenses—rape and robbery—accounted for a substantial portion of the increase in unsuspended sentences to confinement. Such sentences for rape increased from 15 for the previous reporting period to 29 for the current period. In the case of robbery, the increase was from 29 last year to 46 for the current period.

Four countries—Japan, Germany, France, and Canada—accounted for most of the increase in unsuspended sentences to confinement.

In Japan such sentences increased from 15 for the previous reporting period to 33 for the current period. Considering the seriousness of most of the offenses for which confinement was imposed by Japanese courts, however (10 rape, 11 manslaughter, 7 robbery, 2 murder, 1 aggravated assault), there is no indication that the sentences were unduly severe.

German courts imposed 57 unsuspended sentences to confinement against United States personnel during the current period, an increase of 10 over the 47 such sentences adjudged in Germany last year. This increase is attributable to a rise in robbery offenses in Germany. There were 25 unsuspended sentences to confinement for robbery in Germany during the current period, as compared to 13 such sentences for robbery last year. Many of the robbery offenses in Germany

involved attacks on taxi drivers or other motorists, which is an aggravated form of robbery under German law.

In France unsuspended sentences to confinement increased from 8 for the previous reporting period to 17 for the current period. 14 of these 17 sentences, however, were less than one year in length.

In Canada there were 9 unsuspended sentences to confinement during the current period, whereas there were none last year. 6 of the 9 sentences to confinement were less than one year in length.

*Chart E—United States personnel in post-trial confinement in foreign penal institutions as of 30 November stated year*

Chart E illustrates the number of United States personnel confined in foreign prisons as of 30 November of the past eleven years. The 101 individuals in confinement at the end of the current reporting period represents an increase of 20 over the number confined at the close of the previous period, and is the largest figure ever reported.

Table II summarizes the exercise of criminal jurisdiction by foreign tribunals over United States personnel during the period 1 December 1953–30 November 1967. It shows for each of the years during that period the total cases subject to foreign jurisdiction, the total cases tried, and the number of unsuspended sentences to confinement.

EXERCISE OF CRIMINAL JURISDICTION IN NATO-SOFA COUNTRIES

I will now give you a statistical analysis of the exercise of criminal jurisdiction over United States defense personnel and their dependents by the thirteen countries party to the NATO Status of Forces Agreement.

Returning to Chart A, you will note that during the current reporting period, a total of 27,248 United States personnel, military and civilian, were charged with offenses subject to the primary or exclusive jurisdiction of NATO-SOFA countries. 25,809 of these offenses were charged against military personnel. 16,195 of the charges against military personnel were concurrent jurisdiction offenses over which the NATO-SOFA country had the primary right to exercise jurisdiction. United States military authorities obtained a waiver of primary foreign jurisdiction in 15,129 of these incidents, for a waiver rate of 93.4%. This is a significant improvement over last year's NATO-SOFA waiver rate of 90.9%.

The balance of the figures shown on Chart A include both military and civilian offenders. They show that during the current reporting period there were 8,518 final results of trials in NATO-SOFA countries. 165 of these final results were acquittals, for an acquittal rate of approximately 2%. Most of the United States personnel who were convicted in NATO-SOFA countries—8,150 of them or 96% of the total final results of trials—received only a sentence to fine or reprimand. The remaining 2% of the final results of trials were split about evenly between suspended sentences to confinement (101), and unsuspended sentences to confinement (102).

Table I summarizes the exercise of criminal jurisdiction by NATO-SOFA countries over United States personnel during the period 1953–1967. It shows for each year the NATO Status of Forces Agreement has been in effect in each country the total cases subject to foreign jurisdiction, the total cases tried, and the number of unsuspended sentences to confinement.

Table III shows statistical highlights for each NATO-SOFA country during the current reporting period. Comparisons are made with figures from the previous reporting period. This table discloses that Germany accounted for 24,033 or 88% of the 27,248 total offenses subject to the jurisdiction of NATO-SOFA countries. I will now discuss Germany and some of the other NATO-SOFA countries in more detail.

*Germany*

Our jurisdictional arrangements with the Federal Republic of Germany provide for advance waiver to the United States of all concurrent jurisdiction offenses over which Germany has the primary right to exercise jurisdiction. This waiver is subject to recall if German authorities, within three weeks after notification of an offense falling within the waiver, decide that, because of special circumstances in the case, "major interests of German administration of justice make imperative the exercise of German jurisdiction."

During the current reporting period, 14,432 of the 24,033 offenses subject to German jurisdiction were concurrent jurisdiction offenses allegedly committed

by United States military personnel over which Germany had the primary right to exercise jurisdiction. These offenses were subject to the advance waiver to the United States discussed above. German authorities recalled their waiver of jurisdiction over only 66 of those 14,432 offenses, for a waiver rate of 99.5%. German authorities also reserved for their disposition 6131 minor offenses allegedly committed by United States military personnel which were punishable only under German law, and were therefore subject to exclusive German jurisdiction. German authorities reserved for their disposition 1255 offenses allegedly committed by civilian employees and dependents.

There were 6611 final results of trials in Germany, consisting of 50 acquittals, 6475 sentences to fine or reprimand, 29 suspended sentences to confinement, and 57 unsuspended sentences to confinement.

#### *Greece and the Netherlands*

In Greece and in The Netherlands the United States operates under supplemental agreements to the NATO Status of Forces Agreement whereby each country has agreed to waive its primary right to exercise jurisdiction upon request, except in cases of particular importance. During the current reporting period The Netherlands waived its jurisdiction over all 370 offenses allegedly committed by United States military personnel. The Netherlands has tried only three United States military personnel in over 2300 cases that have arisen since NATO-SOFA became effective. During the current period Dutch authorities retained jurisdiction over one civilian.

Greek authorities retained jurisdiction over 21 of 56 offenses allegedly committed by United States personnel. 19 of these 21 offenses involved military personnel. Greek courts adjudged unsuspended sentences to confinement in seven cases. Six of these sentences were less than one year in length.

#### *Turkey*

In NATO-SOFA countries other than Germany, Greece and The Netherlands, waivers of jurisdiction are governed by a provision under which requests for waiver are to be given "sympathetic consideration." Operating under this provision, Turkey seldom grants requests for waivers. During the current reporting period, 129 cases involving military personnel were reserved for disposition by Turkish authorities. Final dispositions, however, were comparatively lenient. Charges against 16 military personnel were dropped. Of the 96 completed trials, 35 resulted in acquittal. Among the 61 convictions, there were only two unsuspended sentences to confinement. Both of these sentences were for very brief terms—one for ten days and the other for thirty days.

#### EXERCISE OF CRIMINAL JURISDICTION IN NON-NATO COUNTRIES WHERE THE UNITED STATES HAS A JURISDICTIONAL AGREEMENT

Table IV illustrates the experience of the Armed Services in each of the non-NATO countries where the United States has a jurisdictional agreement. Comparisons are made with figures from the previous reporting period. Japan and Korea accounted for 76% of the total offenses subject to the jurisdiction of the countries listed in Table IV.

#### *Japan*

Our jurisdictional arrangements with Japan continue to operate effectively. Japanese authorities waived their primary right to exercise jurisdiction over 1398 or 85% of the 1649 offenses allegedly committed by United States military personnel. Japan retained jurisdiction over only 39 of 348 offenses charged against United States civilian employees and dependents. There were 309 final results of trials, consisting of one acquittal, 228 sentences to a fine only, 47 suspended sentences to confinement, and 33 unsuspended sentences to confinement.

#### *Korea*

The Status of Forces Agreement between the United States and Korea entered into force on 9 February 1967. Between that date and the close of the current reporting period (30 November 1967), United States military personnel were charged with 1169 offenses subject to the primary jurisdiction of the Republic of Korea. Korean authorities waived their primary right to exercise jurisdiction

over 1159 of these offenses, for a waiver rate of 99%. Moreover, Korea retained jurisdiction over only one of the 38 offenses charged against United States civilian employees and dependents. Charges were dropped in three of the ten military cases reserved for disposition by Korea. There were two final results of trials during the current period—one acquittal and one sentence to a fine only.

#### *Vietnam*

In Vietnam the United States retains jurisdiction over its military personnel in all cases. Also, pursuant to Article 2(10) of the Uniform Code of Military Justice, civilians serving with or accompanying our military forces in the field in time of war are subject to United States military law and may be tried by court-martial. Current United States policy limits the exercise of court-martial jurisdiction over civilians in Vietnam to United States nationals. These civilians may also be subject to the jurisdiction of Vietnam. During the current reporting period, five employees of United States defense contractors were charged with offenses subject to the primary jurisdiction of Vietnam. Vietnamese authorities waived their jurisdiction over two of the offenses, and reserved for their disposition the remaining three offenses. Two of the latter offenses have been tried in Vietnamese courts and the other is pending trial. One trial resulted in a final conviction of assault and suspended sentence to confinement. In the other trial, the court found the accused guilty of negligent homicide and sentenced him to 15 days confinement and a fine of approximately \$7267.00. This accused has filed an appeal.

#### EXERCISE OF CRIMINAL JURISDICTION IN COUNTRIES WHERE THE UNITED STATES DOES NOT HAVE A JURISDICTIONAL AGREEMENT

Table V summarizes the exercise of foreign criminal jurisdiction in countries where the United States does not have a jurisdictional agreement. Comparisons are made with figures from the previous reporting period.

#### *Mexico and Panama*

Mexico and Panama accounted for 99% of the offenses charged against United States personnel in countries where no jurisdictional agreement is in force. In Mexico there were no offenses charged against civilian employees or dependents. Mexican authorities charged United States military personnel with 1436 offenses, 90 less than were charged during the previous reporting period. Over 76% of these offenses were disorderly conduct. Charges against 35 military personnel were dropped. There were 1392 sentences to a fine or reprimand, one suspended sentence to confinement, and 10 unsuspended sentences to confinement. The longest unsuspended sentence to confinement was 7 months. The other 9 sentences to confinement were for 30 days or less.

Panamanian authorities charged United States military personnel with 486 offenses. Civilian employees and dependents were involved in 15 alleged offenses. Dispositions of these offenses were generally lenient. Charges against 63 United States personnel were dropped. There were 18 acquittals, 381 sentences to a fine or reprimand, and only two final unsuspended sentences to confinement (one for 6 months and the other for 3 months and 10 days).

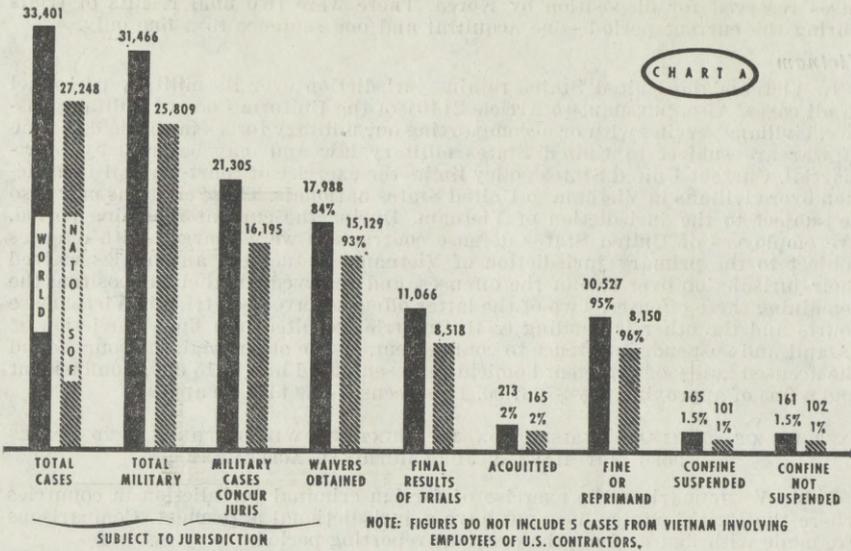
#### EXPENDITURES UNDER TITLE 10, UNITED STATES CODE, SECTION 1037

Under the provisions of 10 United States Code 1037, United States military personnel are generally entitled to have counsel fees, bail, court costs and other expenses incident to their defense before foreign courts paid by the United States Government. Table VI itemizes expenditures under this statute in the various countries during the current reporting period. A total of \$136,298.27 was expended on behalf of 477 military personnel prosecuted in foreign courts. The average expenditure per accused was \$285.74.

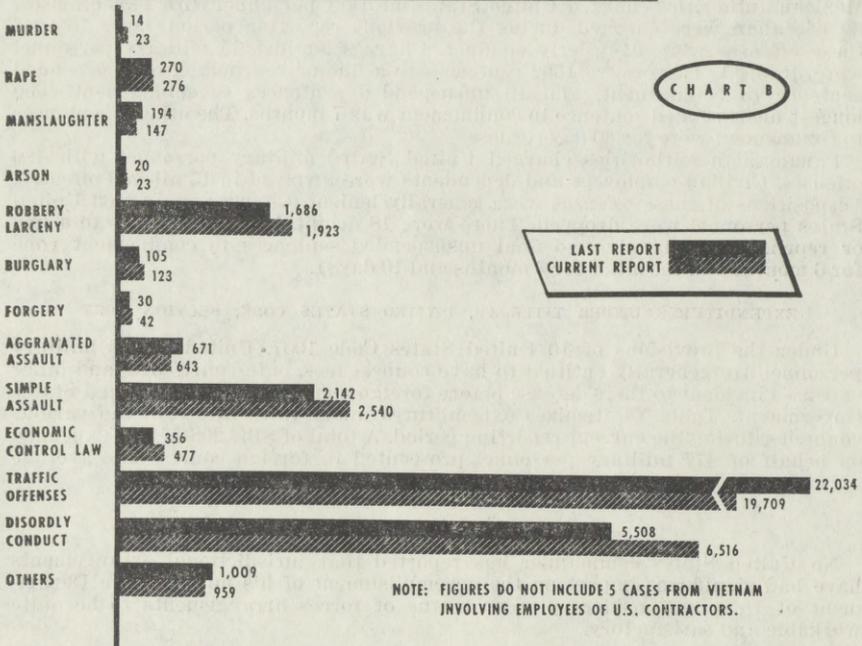
#### CONCLUSION

No United States commander has reported that jurisdictional arrangements have had significant impact on the accomplishment of his mission. The Department of Defense considers present status of forces arrangements to be quite workable and satisfactory.

Exercise of Criminal Jurisdiction by Foreign Tribunals  
over U.S. Personnel 1 Dec 1966 - 30 Nov 1967

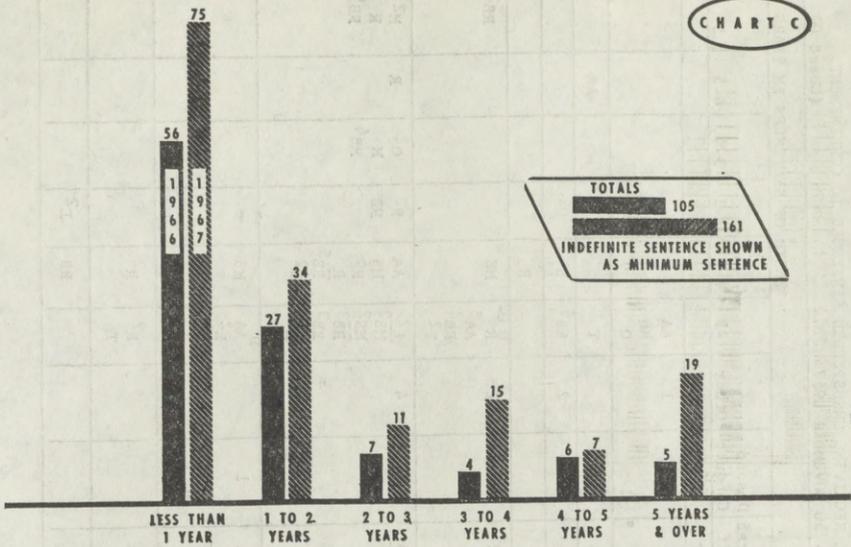


Types of Offenses Subject to Foreign Jurisdiction



**Unuspended Sentences to Confinement  
Imposed on U.S. Personnel by Foreign Courts**

**CHART C**



Source: Information compiled by the Department of Defense, Office of the Inspector General, Washington, D.C.

| Category     | Less Than 1 Year | 1 to 2 Years | 2 to 3 Years | 3 to 4 Years | 4 to 5 Years | 5 Years & Over |
|--------------|------------------|--------------|--------------|--------------|--------------|----------------|
| ARMY         |                  |              |              |              |              |                |
| NAVY         |                  |              |              |              |              |                |
| AIR FORCE    |                  |              |              |              |              |                |
| COAST GUARD  |                  |              |              |              |              |                |
| RESERVE      |                  |              |              |              |              |                |
| CIVILIAN     |                  |              |              |              |              |                |
| UNIDENTIFIED |                  |              |              |              |              |                |
| TOTAL        | 56               | 27           | 7            | 4            | 6            | 5              |

COUNTRY, OFFENSE AND LENGTH OF SENTENCE BREAKDOWN FOR U.S. PERSONNEL RECEIVING UNSUSPENDED SENTENCES TO CONFINEMENT DURING THE PERIOD 1 DECEMBER 1966 - 30 NOVEMBER 1967 (Chart D)

|         | OFFENSES    |           |            |            |               |           |           |                    |                    |                 |                  | LENGTH OF SENTENCES IN YEARS |  |                                  |          |                |     |                |    |     |
|---------|-------------|-----------|------------|------------|---------------|-----------|-----------|--------------------|--------------------|-----------------|------------------|------------------------------|--|----------------------------------|----------|----------------|-----|----------------|----|-----|
|         | Murder<br>M | Rape<br>R | Mans<br>MS | Arson<br>A | Robbery<br>RB | Burg<br>B | Forg<br>F | Aggr<br>Asit<br>AA | Simp<br>Asit<br>SA | Eco<br>Off<br>E | Traf<br>Off<br>T | Disord<br>Conduct<br>D       | Other  | -1                               | 1-2      | 2-3            | 3-4 | 4-5            | 5+ |     |
| AUSTRIA |             |           |            |            | 1             |           |           | 1                  |                    |                 |                  |                              | 0  | AA<br>RB<br>O                    |          |                |     |                |    |     |
| BERMUDA |             |           |            |            |               |           |           | 1                  |                    |                 |                  |                              |  | T                                |          |                |     |                |    |     |
| CANADA  |             |           |            |            | 6             | 1         |           |                    |                    |                 | 1                |                              | 2  | RB6                              | B        | O2             |     | AA             |    |     |
| DENMARK |             | 1         |            |            |               |           |           |                    |                    |                 |                  |                              |  |                                  |          |                |     |                |    |     |
| FRANCE  |             | 1         | 1          |            | 5             |           | 5         |                    |                    |                 | 2                | 1                            | 2  | D O2<br>R<br>AA5<br>RB3<br>T2    | MS       |                |     |                |    | RB2 |
| GERMANY | 3           | 10<br>3   | 3<br>2     |            | 22<br>3       |           | 1         | 1                  |                    | 5               | 1                | 4                            | R2<br>MS2<br>MS2<br>RB3<br>RB3<br>RB5<br>T2<br>D | AA<br>MS<br>R6<br>R<br>RB5<br>O2 | R2<br>RB | O2<br>M<br>RB4 | R   | M2<br>R<br>RB9 |    |     |
| GREECE  |             |           | 1          |            |               |           | 1         |                    | 2                  | 1<br>1          | 1                |                              | D<br>AA<br>E2<br>T<br>T                          | MS                               |          |                |     |                |    |     |
| ICELAND |             | 4         |            |            |               |           |           |                    |                    | 1               |                  |                              |  | R2<br>T                          | R2       |                |     |                |    |     |
| ITALY   |             |           |            |            | 1             |           |           |                    | 2                  |                 |                  |                              |  | RB                               | RB       | E2             |     |                |    |     |

Note: Underscored numbers and offense symbols represent civilian offenders.

COUNTRY, OFFENSE AND LENGTH OF SENTENCE BREAKDOWN FOR U.S. PERSONNEL RECEIVING UNSUSPENDED SENTENCES TO CONFINEMENT DURING THE PERIOD 1 DECEMBER 1966 - 30 NOVEMBER 1967 (Chart D)

|                          | OFFENSES    |           |            |            |               |           |           |                    |                    |                 |                  |                        |       | LENGTH OF SENTENCES IN YEARS |                      |          |                 |                 |      |
|--------------------------|-------------|-----------|------------|------------|---------------|-----------|-----------|--------------------|--------------------|-----------------|------------------|------------------------|-------|------------------------------|----------------------|----------|-----------------|-----------------|------|
|                          | Murder<br>M | Rape<br>R | Mans<br>MS | Arson<br>A | Robbery<br>RB | Burg<br>B | Forg<br>F | Aggr<br>Aslt<br>AA | Simp<br>Aslt<br>SA | Eco<br>Off<br>E | Traf<br>Off<br>T | Disord<br>Conduct<br>D | Other | -1                           | 1-2                  | 2-3      | 3-4             | 4-5             | 5+   |
| JAPAN                    | 2           | 10        | 11         |            | 7             |           |           | 1                  |                    |                 | 1                |                        | 1     | MS <sup>2</sup><br>T         | MS <sup>9</sup><br>O | R3<br>RB | R5<br>R2<br>RB3 | R2<br>RB2<br>AA |      |
| LUXEMBOURG               |             |           |            |            |               |           |           |                    |                    |                 | 1                |                        |       | T                            |                      |          |                 |                 |      |
| MEXICO                   |             |           |            |            | 1             |           |           |                    |                    |                 |                  | 7                      | 2     | All                          |                      |          |                 |                 |      |
| NORWAY                   |             |           |            |            |               |           |           |                    |                    |                 |                  |                        |       | T <sup>2</sup>               |                      |          |                 |                 |      |
| PANAMA                   |             |           |            |            |               |           |           |                    |                    |                 |                  |                        | 2     | All                          |                      |          |                 |                 |      |
| PHILIPPINES              |             |           |            |            |               |           | 3         |                    |                    |                 |                  |                        |       |                              |                      |          |                 |                 |      |
| SPAIN                    |             |           |            |            |               |           | 1         |                    |                    |                 |                  |                        |       | F <sup>2</sup>               | F                    |          |                 |                 | F    |
| TURKEY                   |             |           |            |            |               |           |           |                    |                    |                 |                  |                        |       | T<br>D                       |                      |          |                 |                 |      |
| UNITED<br>KINGDOM        |             |           |            |            |               |           |           | 1                  |                    |                 |                  |                        | 1     | O<br>T                       |                      |          | AA              |                 |      |
| SUB<br>TOTAL             | 5,0         | 26,3      | 16,2       | 0,0        | 43,3          | 1,0       | 4,0       | 11,0               | 0,0                | 4,0             | 11,6             | 10,1                   | 15,0  | 61,14                        | 33,1                 | 11,0     | 15,0            | 7,0             | 19,0 |
| TOTAL                    | 5           | 29        | 18         | 0          | 46            | 1         | 4         | 11                 | 0                  | 4               | 17               | 11                     | 15    | 75                           | 34                   | 11       | 15              | 7               | 19   |
| TOTALS<br>LAST<br>REPORT | 2,0         | 15,0      | 17,0       | 0,0        | 18,11         | 0,0       | 1,0       | 7,2                | 1,0                | 3,0             | 7,9              | 6,0                    | 5,1   | 35,21                        | 27,1                 | 7,0      | 4,0             | 6,0             | 4,0  |
|                          | 2           | 15        | 17         | 0          | 29            | 0         | 1         | 9                  | 1                  | 3               | 16               | 6                      | 6     | 56                           | 28                   | 7        | 4               | 6               | 4    |

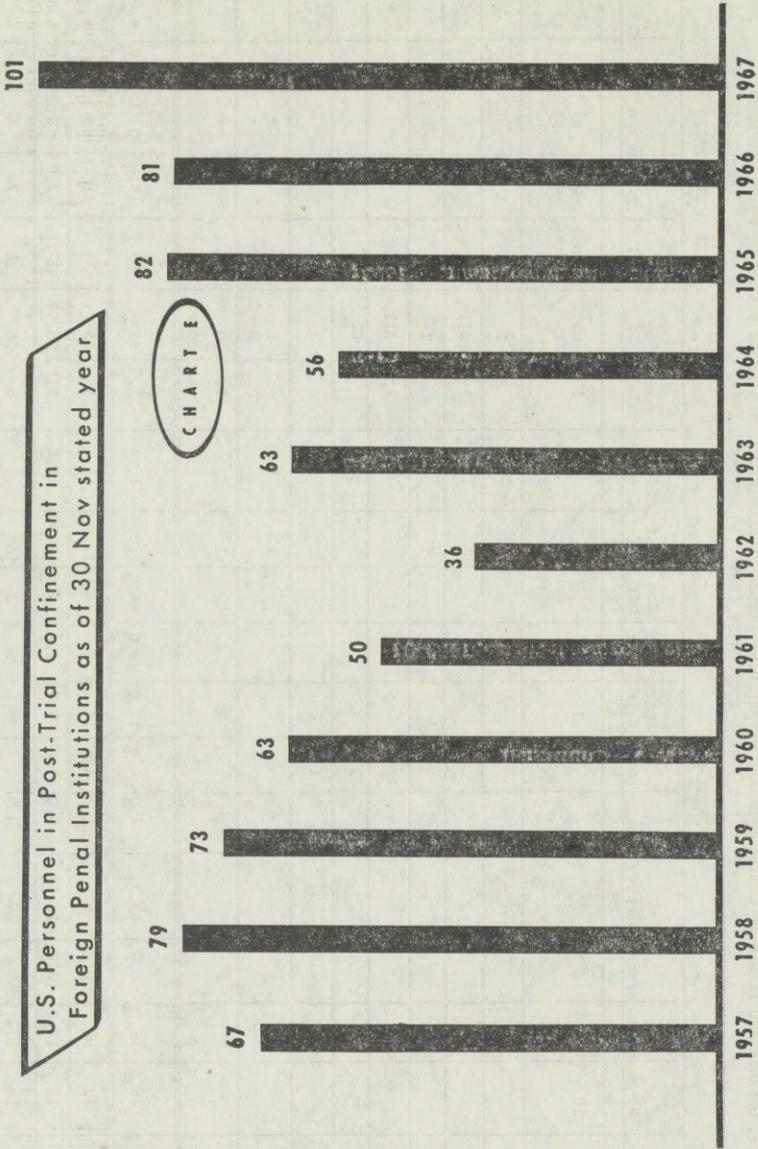


TABLE I.—EXERCISE OF CRIMINAL JURISDICTION BY TRIBUNALS OF NATO COUNTRIES SINCE THE VARIOUS EFFECTIVE DATES OF THE NATO STATUS-OF-FORCES AGREEMENT (THROUGH NOV. 30, 1967)

|  | Cases subject to foreign jurisdiction |       |       |       |       |       |       |       |       |       |        |        |        |        | Total  |         |
|--|---------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|--------|---------|
|  | 1953                                  | 1954  | 1955  | 1956  | 1957  | 1958  | 1959  | 1960  | 1961  | 1962  | 1963   | 1964   | 1965   | 1966   |        | 1967    |
| Belgium (effective Aug. 23, 1953)        | 1                                     | 20    | 7     | 16    | 24    | 127   | 129   | 42    | 18    | 42    | 56     | 57     | 58     | 49     | 21     | 667     |
| Canada (effective Sept. 27, 1953)        | 2                                     | 312   | 505   | 528   | 477   | 493   | 312   | 358   | 327   | 415   | 401    | 797    | 663    | 391    | 222    | 6,203   |
| Denmark (effective June 27, 1955)        |                                       |       |       | 0     | 0     | 1     | 0     | 1     | 5     | 2     | 5      | 1      | 5      | 9      | 0      | 29      |
| France (effective Aug. 23, 1953)         | 267                                   | 2,600 | 3,172 | 3,981 | 3,829 | 4,323 | 4,236 | 4,133 | 3,936 | 4,454 | 4,625  | 4,244  | 4,217  | 3,054  | 707    | 51,778  |
| Germany (effective July 1, 1963)         |                                       | 0     | 0     | 0     | 22    | 36    | 30    | 34    | 30    | 36    | 45     | 86     | 52     | 44     | 96     | 471     |
| Greece (effective July 26, 1954)         |                                       |       |       | 86    | 374   | 586   | 432   | 235   | 216   | 305   | 271    | 274    | 296    | 241    | 247    | 3,563   |
| Italy (effective Jan. 21, 1956)          |                                       | 0     | 27    | 34    | 36    | 31    | 71    | 38    | 18    | 26    | 43     | 14     | 26     | 54     | 25     | 443     |
| Luxembourg (effective July 23, 1954)     |                                       |       |       | 5     | 11    | 69    | 104   | 129   | 111   | 171   | 188    | 119    | 247    | 274    | 247    | 390     |
| Netherlands (effective Aug. 23, 1953)    | 2                                     | 5     | 11    | 69    | 104   | 129   | 111   | 171   | 188   | 119   | 247    | 274    | 277    | 247    | 390    | 2,344   |
| Norway (effective Aug. 23, 1953)         | 0                                     | 1     | 2     | 5     | 1     | 6     | 6     | 7     | 3     | 1     | 4      | 0      | 1      | 3      | 3      | 43      |
| Portugal (effective Dec. 22, 1955)       |                                       |       |       | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0      | 0      | 0      | 0      | 0      | 0       |
| Turkey (effective June 17, 1954)         |                                       | 12    | 18    | 36    | 54    | 55    | 53    | 50    | 103   | 95    | 116    | 105    | 112    | 127    | 157    | 1,093   |
| United Kingdom (effective Jan. 13, 1954) |                                       | 492   | 1,235 | 2,735 | 2,783 | 2,410 | 2,365 | 1,946 | 1,966 | 2,037 | 1,640  | 1,304  | 937    | 1,131  | 1,387  | 24,368  |
| Total                                    | 272                                   | 3,442 | 4,977 | 7,490 | 7,704 | 8,197 | 7,745 | 7,015 | 6,810 | 7,532 | 13,641 | 24,814 | 12,411 | 29,005 | 27,248 | 184,303 |

|  | Cases tried |      |       |       |       |       |       |       |       |       |       |       |       |       | Total |        |
|--|-------------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|  | 1953        | 1954 | 1955  | 1956  | 1957  | 1958  | 1959  | 1960  | 1961  | 1962  | 1963  | 1964  | 1965  | 1966  |       | 1967   |
| Belgium (effective Aug. 23, 1953)        | 1           | 0    | 2     | 2     | 1     | 0     | 4     | 7     | 2     | 2     | 7     | 3     | 4     | 6     | 3     | 44     |
| Canada (effective Sept. 27, 1953)        | 0           | 249  | 426   | 406   | 372   | 453   | 293   | 329   | 307   | 397   | 382   | 787   | 648   | 382   | 205   | 5,637  |
| Denmark (effective June 27, 1955)        |             |      |       | 0     | 0     | 0     | 0     | 0     | 1     | 1     | 1     | 2     | 1     | 6     | 1     | 14     |
| France (effective Aug. 23, 1953)         | 21          | 283  | 439   | 471   | 445   | 479   | 423   | 539   | 556   | 617   | 733   | 678   | 701   | 518   | 172   | 7,075  |
| Germany (effective July 1, 1963)         |             |      |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
| Greece (effective July 26, 1954)         |             | 0    | 0     | 0     | 0     | 3     | 2     | 1     | 2     | 3     | 5     | 15    | 11    | 10    | 18    | 70     |
| Italy (effective Jan. 21, 1956)          |             |      |       | 64    | 126   | 138   | 86    | 101   | 86    | 124   | 103   | 123   | 136   | 155   | 124   | 1,366  |
| Luxembourg (effective July 23, 1954)     |             |      |       | 17    | 27    | 11    | 46    | 43    | 14    | 14    | 41    | 41    | 20    | 28    | 47    | 25     |
| Netherlands (effective Aug. 23, 1953)    |             | 0    | 6     | 17    | 27    | 11    | 46    | 43    | 14    | 14    | 41    | 41    | 20    | 28    | 47    | 25     |
| Norway (effective Aug. 23, 1953)         | 0           | 0    | 1     | 3     | 1     | 6     | 4     | 6     | 1     | 3     | 2     | 2     | 1     | 2     | 3     | 35     |
| Portugal (effective Dec. 22, 1955)       |             |      |       | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0      |
| Turkey (effective June 17, 1954)         |             | 8    | 12    | 22    | 43    | 38    | 39    | 41    | 64    | 96    | 87    | 84    | 86    | 93    | 117   | 820    |
| United Kingdom (effective Jan. 13, 1954) |             | 271  | 1,225 | 2,208 | 2,124 | 1,961 | 1,843 | 1,668 | 1,651 | 1,672 | 1,519 | 1,236 | 885   | 842   | 1,233 | 20,445 |
| Total                                    | 22          | 812  | 2,111 | 3,194 | 3,139 | 3,089 | 2,740 | 2,736 | 2,691 | 2,929 | 3,230 | 6,681 | 8,006 | 7,902 | 8,513 | 57,795 |

See footnote at end of table, p. 18.

TABLE 1.—EXERCISE OF CRIMINAL JURISDICTION BY TRIBUNALS OF NATO COUNTRIES SINCE THE VARIOUS EFFECTIVE DATES OF THE NATO STATUS-OF-FORCES AGREEMENT (THROUGH NOV. 30, 1967)—Continued

|   | Confinement not suspended |      |      |      |      |      |      |      |      |      |      |      |      |      | Total |      |
|---|---------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|------|
|   | 1953                      | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 |       | 1967 |
| Belgium (effective Aug. 23, 1953).....        | 0                         | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 1    | 0    | 0    | 0    | 0    | 1    | 0     | 3    |
| Canada (effective Sept. 27, 1953).....        | 0                         | 6    | 0    | 0    | 5    | 1    | 2    | 3    | 3    | 6    | 1    | 6    | 2    | 0    | 9     | 45   |
| Denmark (effective June 27, 1956).....        | 0                         | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 1    | 1    | 0    | 1     | 4    |
| France (effective Aug. 23, 1953).....         | 15                        | 31   | 28   | 42   | 28   | 30   | 14   | 26   | 35   | 40   | 33   | 17   | 19   | 8    | 17    | 383  |
| Germany (effective July 1, 1963).....         | 0                         | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 11   | 31   | 47   | 57    | 154  |
| Greece (effective July 26, 1954).....         | 0                         | 0    | 0    | 0    | 0    | 2    | 0    | 0    | 0    | 1    | 0    | 0    | 0    | 1    | 4     | 16   |
| Italy (effective Jan. 21, 1956).....          | 0                         | 0    | 0    | 9    | 3    | 2    | 4    | 2    | 6    | 6    | 5    | 6    | 1    | 2    | 3     | 49   |
| Luxembourg (effective July 23, 1954).....     | 0                         | 0    | 0    | 0    | 1    | 3    | 1    | 0    | 0    | 3    | 0    | 1    | 0    | 5    | 1     | 15   |
| Netherlands (effective Aug. 23, 1953).....    | 0                         | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0     | 1    |
| Norway (effective Aug. 23, 1953).....         | 0                         | 0    | 0    | 0    | 0    | 2    | 3    | 5    | 0    | 3    | 2    | 0    | 0    | 1    | 2     | 20   |
| Portugal (effective Dec. 22, 1955).....       | 0                         | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0     | 0    |
| Turkey (effective June 17, 1954).....         | 0                         | 0    | 1    | 2    | 2    | 5    | 7    | 2    | 6    | 7    | 8    | 7    | 0    | 0    | 0     | 0    |
| United Kingdom (effective Jan. 13, 1954)..... | 6                         | 31   | 35   | 34   | 34   | 12   | 21   | 18   | 5    | 10   | 6    | 11   | 4    | 4    | 4     | 200  |
| Total.....                                    | 15                        | 44   | 60   | 89   | 75   | 55   | 51   | 57   | 59   | 71   | 68   | 62   | 59   | 76   | 102   | 943  |

Note: Unless otherwise indicated, the yearly statistics cover Dec. 1 of the preceding year through Nov. 30 of the stated year.

TABLE II.—SUMMARY OF EXERCISE OF CRIMINAL JURISDICTION BY FOREIGN TRIBUNALS OVER U.S. PERSONNEL  
WORLDWIDE, DEC. 1, 1953, THROUGH NOV. 30, 1967

## CASES SUBJECT TO FOREIGN JURISDICTION

| 1954  | 1955   | 1956   | 1957   | 1958   | 1959   | 1960   | 1961   | 1962   | 1963   | 1964   | 1965   | 1966   | 1967 <sup>1</sup> | Total   |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------------|---------|
| 7,416 | 10,249 | 14,394 | 13,971 | 13,659 | 12,909 | 11,516 | 11,707 | 12,291 | 19,017 | 28,762 | 32,311 | 34,039 | 33,401            | 255,642 |

## CASES TRIED

| 1954  | 1955  | 1956  | 1957  | 1958  | 1959  | 1960  | 1961  | 1962  | 1963  | 1964  | 1965  | 1966   | 1967   | Total  |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|
| 1,475 | 3,142 | 4,437 | 4,980 | 4,263 | 4,070 | 4,163 | 4,254 | 4,375 | 4,652 | 8,459 | 9,646 | 10,413 | 11,045 | 79,374 |

## CONFINEMENT NOT SUSPENDED

| 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | Total |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| 77   | 120  | 108  | 124  | 96   | 100  | 117  | 114  | 98   | 107  | 87   | 103  | 105  | 161  | 1,517 |

<sup>1</sup> Figures do not include 5 cases from Vietnam involving employees of U.S. contractors.

TABLE III.—STATISTICAL HIGHLIGHTS FOR NATO-SOFA COUNTRIES

[Figures in parentheses are for previous period]

| Country        | Cases subject to local jurisdiction | Concurrent jurisdiction cases | Cases waived, released, or dropped | Cases pending from previous period | Cases tried   | Acquittals |
|----------------|-------------------------------------|-------------------------------|------------------------------------|------------------------------------|---------------|------------|
| Belgium        | 21 (49)                             | 21                            | 22 (48)                            | 5 (10)                             | 3 (6)         | 1 (2)      |
| Canada         | 222 (391)                           | 217                           | 9 (9)                              | 0 (0)                              | 206 (382)     | 1 (1)      |
| Denmark        | 0 (9)                               | 0                             | 0 (2)                              | 1 (0)                              | 1 (6)         | 0 (0)      |
| France         | 707 (3,054)                         | 247                           | 575 (2,585)                        | 50 (99)                            | 172 (518)     | 9 (21)     |
| Germany        | 24,033 (23,655)                     | 14,432                        | 17,313 (17,842)                    | 228 (166)                          | 6,661 (5,751) | 50 (18)    |
| Greece         | 56 (44)                             | 51                            | 39 (34)                            | 3 (3)                              | 18 (10)       | 5 (2)      |
| Italy          | 247 (241)                           | 210                           | 123 (195)                          | 151 (260)                          | 124 (155)     | 28 (45)    |
| Luxembourg     | 25 (54)                             | 17                            | 4 (2)                              | 5 (0)                              | 25 (47)       | 2 (2)      |
| Netherlands    | 390 (247)                           | 370                           | 389 (247)                          | 0 (0)                              | 0 (0)         | 0 (0)      |
| Norway         | 3 (3)                               | 3                             | 0 (1)                              | 0 (0)                              | 3 (2)         | 0 (0)      |
| Portugal       | 0 (0)                               | 0                             | 0 (0)                              | 0 (0)                              | 0 (0)         | 0 (0)      |
| Turkey         | 157 (127)                           | 128                           | 16 (47)                            | 23 (26)                            | 117 (36)      | 40 (24)    |
| United Kingdom | 1,387 (1,131)                       | 499                           | 166 (154)                          | 69 (34)                            | 1,233 (942)   | 29 (32)    |

TABLE IV.—STATISTICAL HIGHLIGHTS FOR NON-NATO COUNTRIES WHERE A JURISDICTIONAL AGREEMENT IS IN FORCE

[Figures in parentheses are for previous period]

| Country              | Cases subject to local jurisdiction | Concurrent jurisdiction cases | Cases waived, released, or dropped | Cases pending from previous period | Cases tried | Acquittals |
|----------------------|-------------------------------------|-------------------------------|------------------------------------|------------------------------------|-------------|------------|
| Australia            | 15 (2)                              | 15 (2)                        | 0 (1)                              | 0 (0)                              | 12 (1)      | 2 (0)      |
| Azores               | 66 (97)                             | 61 (88)                       | 61 (97)                            | 0 (0)                              | 0 (0)       | 0 (0)      |
| Bahamas              | 0 (2)                               | 0 (0)                         | 0 (0)                              | 2 (0)                              | 2 (0)       | 0 (0)      |
| Bermuda              | 235 (166)                           | 116 (34)                      | 11 (3)                             | 0 (3)                              | 224 (166)   | 3 (0)      |
| Brazil               | 2 (0)                               | 1 (0)                         | 1 (0)                              | 0 (0)                              | 1 (0)       | 1 (0)      |
| China (Taiwan)       | 7 (3)                               | 5 (3)                         | 0 (1)                              | 1 (0)                              | 5 (1)       | 0 (0)      |
| Costa Rica           | 1 (0)                               | 1 (0)                         | 0 (0)                              | 0 (0)                              | 0 (0)       | 0 (0)      |
| Greenland            | 2 (3)                               | 2 (3)                         | 1 (3)                              | 0 (0)                              | 1 (0)       | 0 (0)      |
| Iceland <sup>1</sup> | 116 (155)                           | 3 (7)                         | 2 (15)                             | 16 (14)                            | 122 (138)   | 1 (0)      |
| Japan                | 1,997 (1,983)                       | 1,649 (1,591)                 | 1,708 (1,686)                      | 42 (44)                            | 297 (299)   | 0 (0)      |
| Korea                | 1,207                               | 1,169                         | 1,119                              | 0                                  | 2           | 1          |
| Morocco              | 8 (8)                               | 7 (5)                         | 0 (1)                              | 1 (1)                              | 9 (7)       | 8 (1)      |
| New Zealand          | 18 (7)                              | 8 (7)                         | 17 (7)                             | 0 (0)                              | 1 (0)       | 0 (0)      |
| Pakistan             | 4 (0)                               | 3 (0)                         | 4 (0)                              | 0 (0)                              | 0 (0)       | 0 (0)      |
| Philippines          | 311 (401)                           | 230 (266)                     | 96 (319)                           | 130 (56)                           | 25 (8)      | 12 (1)     |
| Spain                | 207 (202)                           | 180 (80)                      | 211 (197)                          | 30 (33)                            | 12 (8)      | 2 (0)      |
| Vietnam              | 25 (0)                              | 25 (0)                        | 2 (0)                              | 0 (0)                              | 2 (0)       | 0 (0)      |

<sup>1</sup> While Iceland is signatory to NATO-SOFA, the effective agreement governing the status of U.S. forces in Iceland is TIAS 2295.

<sup>2</sup> Civilian contractor employees.

TABLE V.—STATISTICAL HIGHLIGHTS FOR COUNTRIES WHERE NO JURISDICTIONAL AGREEMENT IS IN FORCE

[Figures in parentheses are for previous report]

| Country          | Cases subject to local jurisdiction | Concurrent jurisdiction cases | Cases waived, released, or dropped | Cases pending from previous period | Cases tried   | Acquittals |
|------------------|-------------------------------------|-------------------------------|------------------------------------|------------------------------------|---------------|------------|
| Austria.....     | 4 (10)                              | 3                             | 0 (0)                              | 0 (0)                              | 4 (7)         | 0 (0)      |
| Bulgaria.....    | 1 (0)                               | 0 (0)                         | 0 (0)                              | 0 (0)                              | 1 (0)         | 0 (0)      |
| Hong Kong.....   | 8 (14)                              | 0 (14)                        | 2 (0)                              | 0 (0)                              | 6 (7)         | 0 (0)      |
| Mexico.....      | 1,436 (1,526)                       | 1,406 (1,399)                 | 35 (33)                            | 1 (2)                              | 1,400 (1,494) | 0 (0)      |
| Panama.....      | 501 (449)                           | 245 (141)                     | 97 (60)                            | 39 (14)                            | 402 (364)     | 18 (13)    |
| Switzerland..... | 5 (5)                               | 5 (5)                         | 0 (2)                              | 0 (0)                              | 5 (3)         | 0 (0)      |

TABLE VI.—EXPENDITURES UNDER THE AUTHORITY OF 10 U.S.C. 1037, DEC. 1, 1966, TO NOV. 30, 1967

| Country                  | Number of cases | Counsel fees | Bail                      | Court costs and other expenses | Net total paid during period |
|--------------------------|-----------------|--------------|---------------------------|--------------------------------|------------------------------|
| Austria: Army.....       | 8               | \$1,283.04   | <sup>1</sup> (\$6,220.83) | \$145.10                       | \$1,428.14                   |
| Brazil: Navy.....        | 1               | 250.00       | -----                     | -----                          | 250.00                       |
| Bulgaria: Air Force..... | 1               | 200.00       | -----                     | -----                          | 200.00                       |
| Canada:                  |                 |              |                           |                                |                              |
| Navy.....                | 4               | 566.60       | -----                     | -----                          | 566.60                       |
| Air Force.....           | 3               | 1,441.50     | <sup>1</sup> (7,440.00)   | -----                          | 1,441.50                     |
| Costa Rica: Army.....    | 1               | 500.00       | -----                     | -----                          | 500.00                       |
| France:                  |                 |              |                           |                                |                              |
| Army.....                | 49              | 5,475.37     | -----                     | 333.03                         | 5,808.40                     |
| Navy.....                | 1               | 200.00       | -----                     | -----                          | 200.00                       |
| Air Force.....           | 5               | 648.50       | -----                     | -----                          | 648.50                       |
| Germany:                 |                 |              |                           |                                |                              |
| Army.....                | 114             | 20,613.76    | -----                     | 10,512.59                      | 31,126.35                    |
| Air Force.....           | 2               | 643.39       | -----                     | -----                          | 643.39                       |
| Greece:                  |                 |              |                           |                                |                              |
| Army.....                | 3               | 1,000.00     | -----                     | -----                          | 1,000.00                     |
| Navy.....                | 3               | 1,200.00     | -----                     | -----                          | 1,200.00                     |
| Air Force.....           | 10              | 3,616.68     | -----                     | -----                          | 3,616.68                     |
| Hong Kong:               |                 |              |                           |                                |                              |
| Army.....                | 1               | 87.50        | -----                     | -----                          | 87.50                        |
| Navy.....                | 2               | 1,300.00     | -----                     | -----                          | 1,300.00                     |
| Iceland: Navy.....       | 9               | 7,101.98     | -----                     | 934.57                         | 8,036.55                     |
| Italy: Army.....         | 25              | 6,117.28     | -----                     | -----                          | 6,117.28                     |
| Japan:                   |                 |              |                           |                                |                              |
| Army.....                | 21              | 6,500.00     | -----                     | 245.95                         | 6,745.95                     |
| Navy.....                | 71              | 19,666.67    | -----                     | 2,235.21                       | 21,901.88                    |
| Air Force.....           | 18              | 8,300.00     | -----                     | 242.51                         | 8,542.51                     |
| Korea:                   |                 |              |                           |                                |                              |
| Army.....                | 5               | 1,657.12     | -----                     | -----                          | 1,657.12                     |
| Air Force.....           | 1               | 500.00       | -----                     | -----                          | 500.00                       |
| Mexico: Army.....        | 7               | 285.00       | <sup>2</sup> \$1,631.20   | -----                          | 1,916.20                     |
| Panama:                  |                 |              |                           |                                |                              |
| Army.....                | 11              | 4,300.00     | <sup>1</sup> (6,500.00)   | 19.60                          | 4,319.60                     |
| Navy.....                | 3               | 1,500.00     | -----                     | -----                          | 1,500.00                     |
| Air Force.....           | 2               | 1,000.00     | <sup>1</sup> (500.00)     | -----                          | 1,600.00                     |
| Philippines:             |                 |              |                           |                                |                              |
| Navy.....                | 6               | -----        | -----                     | 72.98                          | 72.98                        |
| Air Force.....           | 9               | -----        | -----                     | 2,876.00                       | 2,876.00                     |
| Spain: Army.....         | 8               | 511.57       | -----                     | -----                          | 674.53                       |
| Switzerland: Army.....   | 5               | 1,050.00     | -----                     | 1,116.74                       | 2,166.74                     |
| Taiwan (China):          |                 |              |                           |                                |                              |
| Army.....                | 1               | 104.00       | -----                     | -----                          | 104.00                       |
| Navy.....                | 2               | 1,300.00     | -----                     | -----                          | 1,300.00                     |
| Air Force.....           | 3               | 1,175.00     | -----                     | -----                          | 1,175.00                     |
| Turkey:                  |                 |              |                           |                                |                              |
| Army.....                | 3               | 1,388.88     | -----                     | -----                          | 1,388.88                     |
| Navy.....                | 3               | 333.33       | <sup>1</sup> (56.00)      | -----                          | 333.33                       |
| Air Force.....           | 46              | 8,944.34     | <sup>2</sup> 611.65       | 477.77                         | 10,033.76                    |
|                          |                 |              | <sup>1</sup> (1,832.78)   | -----                          | -----                        |
| United Kingdom:          |                 |              |                           |                                |                              |
| Army.....                | 1               | 491.98       | -----                     | -----                          | 491.98                       |
| Navy.....                | 1               | 861.90       | -----                     | -----                          | 861.90                       |
| Air Force.....           | 8               | 2,565.02     | -----                     | -----                          | 2,565.02                     |
| Total.....               | 477             | 114,680.41   | <sup>2</sup> 2,242.85     | 19,375.01                      | 136,298.27                   |
|                          |                 |              | <sup>1</sup> (22,549.61)  | -----                          | -----                        |

<sup>1</sup> Bail posted but not forfeited.<sup>2</sup> Forfeited; agreement to reimburse but no recovery from individuals concerned as of reporting date.

Senator ERVIN. I would invite all those who are not authorized to remain in executive session to retire at this point.

(Whereupon, at 10 a.m., the committee went into closed session.)

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