ADRIANO CRUCETA

MARCH 2 (calendar day, MARCH 3), 1927.—Ordered to be printed

Mr. Means, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 10073]

The Committee on Claims, to whom was referred the bill (H. R. 10073) for the relief of Adrian° Cruceta, a citizen of the Dominican Republic, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 983, Sixty-ninth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 983, Sixty-ninth Congress, first session]

The Committee on Foreign Affairs, to which was referred H. R. 10073, a bill for the relief of Adrian° Cruceta, a citizen of the Dominican Republic, having had the same under consideration, reports thereon with the recommendation that the bill do pass without amendment.

A letter from the Department of the Navy, dated February 20, 1926, is hereto attached and made part of this report.

NAVY DEPARTMENT,
Washington, February 20, 1926.

The Speaker of the House of Representatives.

My Dear Mr. Speaker: I have the honor to transmit herewith a suggested form of bill for the relief of Adrian° Cruceta, a citizen of the Dominican Republic, authorizing an appropriation of the sum of $1,000 as an indemnity for the death of his son, Rafael Antonio, caused by a member of the United States Marine Corps at Santo Domingo, Dominican Republic, on August 22, 1923, with the request that such proposed bill be enacted during the present session. The proposed indemnity is regarded as altogether just and equitable.

The claim of Adrian° Cruceta was transmitted to this department through State Department channels, and appears to be worthy of prompt action. The Secretary of State has requested the Navy Department to initiate this legislation, and the commander of Marine Corps forces in the Dominican Republic has recommended that an indemnity be made to the claimant.
ADRIANO CRUCETA

The material facts and circumstances attending the killing of the son of Adrián Cruceta are in substance as follows:
The boy was picking over a dump pile. The marine sentinel on duty had told him he was going to take him to the brig; he then ran away and the sentinel shot him. After several days of suffering he died.
The marine who did the shooting was tried by a general court-martial at the Marine Barracks, Santo Domingo, Dominican Republic, by order of the commanding general Second Brigade, United States Marines, on the charge of involuntary manslaughter, and acquitted.

In reviewing the record of the general court-martial the convening authority stated that—

"The evidence showed that the post upon which the accused was a sentinel included a dump pile and that the special orders for this post required the sentinel to keep all natives away from this dump pile. * * * The statement made by the accused to the officer of the day immediately after the occurrence, was introduced by the prosecution, and meets the requirements of an admission, or possibly, being an official report immediately made of an incident requiring immediate report on the part of the sentinel, this statement might constitute a part of the res gestae. At any rate the statement, if received, must be considered in whole. According to this statement the accused fired in effort to apprehend a Dominican man or boy who was throwing stones at him because he was attempting to apprehend the men and boys whom he had previously chased away from the dump; that one of the boys ran in front of him and was struck by a bullet. In this statement the accused stated that he had caught one of the boys.

"It appears to the convening authority that the court acquitted the accused on the ground that the shooting was in supposed performance of duty, without malice, and that his acts were not completely beyond reasonable measures.

"In approving such a finding the convening authority, nevertheless, feels that the accused exercised exceedingly poor judgment."
The department has determined that $1,000 will be fair and reasonable compensation to the claimant for the death of his son in manner as above stated, and the claimant has agreed to accept that amount in full satisfaction.

Sincerely yours,

E. W. Eberle,
Acting Secretary of the Navy.