



COMMANDER IN CHIEF PACIFIC

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29 September 1972

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Mr. Phillip E. Barringer
Director, Foreign Military Rights
Affairs
Office of the Assistant Secretary
of Defense (ISA)
Washington, D.C. 20301

Dear Mr. Barringer:

Our informal comments concerning the draft US-Micronesian SOFA of 15 September 1972 are enclosed as you requested during our recent telephone conversation.

I note that some of our informal comments on the 23 August draft which were forwarded by my letter of 14 September 1972 have been rendered moot by this redrafting. The enclosure lists those comments which are equally applicable to the 15 September draft.

Once again I appreciate the opportunity to provide informal comments on these early drafts and hope that it can be arranged for the forwarding of a later draft of the SOFA to CINCPAC for staffing and formal comment.

Sincerely yours,

H. B. COPE
Staff Judge Advocate

Encl (1): Comments keyed to draft of 15 Sep 72

- cc: SECDEF (Mr. Forman) ←
- DAJA-IA (COL Solf)
- OSA ISA (CAPT Schuller)
- CSAF/JACI (COL Reed)
- NAVY JAG/Inter Law (CAPT Fruchterman)

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29 September 1972

Comments keyed to draft of 15 September 1972

1. Reference: Article IV 1.c. - Paragraph 5 of enclosure (1) to CINCPAC SJA letter of 14 Sep 72 applies.
2. Reference: Article V 6. - Paragraph 8 of enclosure (1) to CINCPAC SJA letter of 14 Sep 72 applies.
3. Reference: Article XI - Paragraph 13 of enclosure (1) to CINCPAC SJA letter of 14 Sep 72 applies.
4. Reference: Article XI 9.:

Recommendation: Suggest add as (s) "not to be subject to an increase in punishment upon appeal of a conviction or sentence."

Reason: Although Micronesia may adopt criminal procedures similar to those in the U.S., Micronesia could ultimately opt for civil law procedures. If the latter occurs, a prohibition against increase of punishment on appeal might well be necessary.

Enclosure (1)
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