DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON, D.C. 20310

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REPLY TO ATTENTION OF:
DAJA-IA 1972/1175

11 DEC 1972

MEMORANDUM FOR: MR. BARRINGER, DIRECTOR, FMRA, ISA, OSD

SUBJECT: Application of the Special Maritime and Territorial Jurisdiction of the United States to Defense Sites in Micronesia Pursuant to the U.S.-Micronesian SOFA

I. THE PROBLEM.

The presence in Micronesia of large numbers of civilians who are there in an official or quasi-official capacity for the United States raises a serious legal problem with respect to the exercise of criminal jurisdiction over those persons. Since Reid v. Covert, 354 U.S. 1 (1957) and Kinsella v. Singleton, 361 U.S. 234 (1960), United States military authorities have not had authority to exercise court-martial jurisdiction over nonmilitary personnel in peacetime. Certain U.S. criminal statutes, mostly those designated to protect U.S. governmental functions and property, have extra-territorial effect and would apply in Micronesia. However, jurisdiction over most common law crimes against public order which are committed by nonmilitary personnel would be exercised by Micronesian authorities.

The exercise of such jurisdiction could be troublesome for U.S. authorities. Micronesian criminal justice remains rudimentary, largely because of the dearth of legally trained professionals and the vast geographic area. Although it is anticipated that the criminal provisions of the Trust Territory Code (Titles 11 and 12) will continue in force after the Compact of Free Association enters into force, the physical limitations on Micronesian criminal justice will remain. Quite simply, there are too few lawyers and judges, too few adequate confinement facilities, and the logistical problems of a major criminal trial are too burdensome.

The individuals concerned in this matter are all included in a group, "United States Personnel," defined in the United States draft of the proposed United States-Micronesian Status of Forces Agreement (SOFA). "United States Personnel" is defined to include active duty military personnel, civilian employees of the U.S. Armed Forces, employees of enterprises under contract to the U S. Armed Forces who are present in Micronesia solely to execute those contracts for the benefit of the U.S. Armed Forces, and the dependents of any person included in those three categories. At the present

time about 5,000 persons in Micronesia would fall within the definition of United States Personnel. Of these, the majority of whom are at the Kwajalein Missile Range, only about 200 are in uniform. The remainder are civilians.

II. THE RANGE OF ALTERNATIVES.

For military personnel the matter is simple. They are subject to the Uniform Code of Military Justice which applies world-wide, and could be tried by Court-Martial. Some purely local offenses, such as traffic offenses, are not covered by the Code and jurisdiction for those offenses rests, of course, with the Micronesians.

Criminal jurisdiction over the remaining civilians is fragmented. Certain U.S. statutes expressly apply extraterritorially, e.g. treason, 18 U.S. C. 2381, which may be committed "within the United States or elsewhere." Certain other statutes, while not expressly applicable extraterritorially, have been successfully applied to crimes committed abroad which affect a governmental function or activity. The leading case in this area is U.S. v. Bowman, 260 U.S. 94, 43 S.Ct. 39, 67 L. Ed. 149 (1922). In Bowman the District Court, on the grounds that it had no jurisdiction, sustained a demurrer to a charge of fraud against a United States government operated ship. The indictment alleged that the criminal acts had been committed on the high seas, in the port of Rio de Janeiro and ashore in Rio de Janeiro. The Supreme Court reversed, holding it a matter of statutory interpretation. Although the statute did not expressly apply extraterritorially, the Court said that Congress had a legitimate interest in seeking to "protect itself against obstruction, or fraud wherever perpetrated . . ." In dicta, the Court indicated that statutes defining crimes which "affect the peace and good order of the community" are construed to apply within the United States unless Congress expressly states that they shall apply extraterritorially.

What is left then are the common law crimes against public order, e.g. murder, rape, arson, assault, larceny (private property), burglary, etc. Criminal jurisdiction over these crimes rests, at present, with the Trust Territory Government and, following entry into force of the compact, would rest with the Micronesians unless some alternative measures are established.

The first alternative is enactment of legislation similar to the "Bennett Bill," H.R. 9597, 92d Congress, which would permit United States district courts to exercise jurisdiction over serious cases which foreign countries choose not to try. The proposed statute would extend to all locations overseas those Federal penal statutes which now apply to acts committed within the special maritime and territorial jurisdiction of the United States (18 U.S.C § 7). No action, however, has been taken on that bill nor on any of the previous submissions of similar legislation.

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The second alternative is to establish by treaty that, for purposes of applying criminal law, the United States defense sites in Micronesia are within the special maritime and territorial jurisdiction of the United States. The United States draft of the SOFA adopts this alternative.

As presently drafted, the SOFA would give the United States the "primary right to exercise jurisdiction over United States Personnel with respect to offenses committed in Micronesia which are punishable by the law of both the United States and Micronesia." (Art XII (4)). This jurisdictional formula (see Incl 1 for a full explanation) means that an offense committed by a member of the "United States Personnel" on the defense sites which is punishable under the special maritime and territorial jurisdiction would be an offense over which the United States would have the primary right to exercise jurisdiction.

III. EXTRATERRITORIAL CRIMINAL JURISDICTION.

Before examining the proposed scheme in depth, the capacity of the United States to reach its criminal sanctions beyond its borders must be established. It is recognized in international law that a state has the power to enact penal sanctions with respect to certain crimes committed outside its borders. It is possible to identify five principles of jurisdiction: (1) jurisdiction over the territory where the offense occurred, (2) jurisdiction based upon the nationality of the offender, (3) jurisdiction based upon protection of a legitimate government or national interest, (4) jurisdiction upon recognized universality of the crime such as piracy, and (5) jurisdiction based upon the nationality of the victim, the "passive personality" principle. (See "Draft Convention on Jurisdiction with Respect to Crime," Harvard Research in International Law, Arts 3-10, and the "Restatement of Foreign Relations Law of the United States, Second," ALI, Sections 18, 30, 32, 37, 38, and 44, all quoted in Whiteman, Digest of International Law, Vol 6, Chapter XIV, § 5, "Criminal Jurisdiction"). The application of the special maritime and territorial jurisdiction to the defense sites is grounded on principles of territory, nationality and, in some cases, passive personality. In the latter case, the United States may wish to waive its right to prosecute a Micronesian or alien who commits a crime, the victim of which is an American.

Any statutes enacted by Congress which reach beyond the United States must be grounded not only upon international law principles but also upon enumerated powers of the U.S. Constitution. The reach of U.S. jurisdiction to criminal acts committed overseas is based upon Congress's power to regulate commerce with foreign nations, to provide raise and maintain armed forces, to make rules for the government and regulation of the land and

naval forces, to make all laws which are necessary and proper for all powers vested in the United States, and in the Congress' responsibilities in the conduct of foreign relations. (U.S. Const. Art I §8 and Art II §2).

Challenges to the Constitutionality of U.S. criminal laws which reach overseas appear to have largely been unsuccessful. A principle similar to that in Bowman, supra, was applied in the prosecution for treason of a United States citizen who broadcast propaganda from Berlin during World War II, Chandler v. United States, 171 F. 2d 921, (1st Cir. 1948), cert. denied 336 U.S. 918, 69 S. Ct. 640, 93 L. Ed. 1081 (1949). Article 5 of the UCMJ which states that the code "applies in all places" (10 U.S.C. § 805) has been sustained when its extraterritorial affect was challenged, Puhl v. U.S., 376 F. 2d 194 (10th Cir, 1967) and Bennett v. Davis, 267 F. 2d 15 (10th Cir., 1959). The United States had the capacity to create courts on the Ryukyu Islands (Okinawa) during the U.S. administration of the islands so as to permit prosecution for a violation of local tax laws, Rose v. McNamara, 252 F. Supp III, affrm'd 375 F. 2d 924, 126 U.S. App. D.C. 179, Cert. denied, 389 U.S. 856, 88 S. Ct. 70, 19 L. Ed. 2d 121 (1966). The special maritime and territorial jurisdiction has also withstood several attacks (see below).

Thus it is clear that Congress has Constitutional authority to enact laws defining and proscribing sanctions for criminal acts or omissions committed beyond the borders of the United States. Indeed on several occasions, the Supreme Court has invited Congress to enact such legislation, e.g. U.S. v. McGill, 4 Dalles 426, 1 L. Ed. 424 (1806), U.S. v. Flores, 289 U.S. 137, 53 S. Ct. 580, 77 L. Ed. 1086 (1933), Reid v. Covert, supra, and Kinsella v. Singleton, supra.

IV. THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.

The special maritime and territorial jurisdiction of the United States has its roots deep in the early history of the United States (see Knauth, "Crime in the High Air • A Footnote to History", 25 Tulane L.R. 446 (1951) and, Note, "Criminal Jurisdiction Over United States Civilians Accompanying the Armed Forces Abroad," 54 Cornell L.R. 459, (1969). Its most frequent extraterritorial application is for crimes committed on board U.S. vessels and aircraft, but the "territorial" part of that jurisdiction is also the statutory basis for federal jurisdiction over federal enclaves (para 8.6. DA Pamphlet 27-164, "Military Reservations").

Section 7 of Title 18, United States Code, defines the special maritime and territorial jurisdiction to include a number of sites, i.e. vessels and aircrafts in certain circumstances, guano islands, and

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> (3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dock-yard, or other needful building.
>
> 18 U.S.C. 7 (3) (emphasis added)

It is to be noted that the first clause of this section (underlined portion) stands alone and is not modified by the second clause. The second clause is clearly limited to federal enclaves within a state of the United States. In this latter case the United States must formally acknowledge acceptance of jurisdiction pursuant to 40 U.S.C. § 255, Adams v. U.S., 319 U.S. 312, 63 S. Ct. 1122, 87 L. Ed. 1421 (1943). No such requirement is imposed upon lands "reserved or acquired" pursuant to the first clause.

Article I d of the U.S. draft SOFA (5 October 1972 version) includes, within the definition of defense sites, the phrase,

> For the purposes of applying criminal law, they are sites reserved or acquired for the use of the United States of America and are under the concurrent jurisdiction of the United States and Micronesia.

The underlined language is adopted verbatim from 18 U.S.C. § 7 (3).

Section 7 of Title 18 merely defines the special maritime and territorial jurisdiction. The substantive criminal law sections of the remainder of Title 18 apply to the special maritime and territorial jurisdiction only by express incorporation. A list of those incorporated sections is attached (Incl 2).

The leading case interpreting the special maritime and territorial jurisdiction is U.S. v. Flores, 289 U.S. 137, 53 S. Ct. 580, 77 L. Ed. 1086 (1933), in which the Supreme Court held that the maritime jurisdiction of the United States reached to a murder committed on board an American vessel which was secured by cables to the shore of the Congo River, 250 miles up-stream from its mouth. The statute was "broad enough," the Court said, to include offenses committed in foreign waters. This was especially so, the

Court observed, where authorities of the local jurisdiction have not sought to exercise jurisdiction, citing U.S. v. Rodgers, 150 U.S. 249, 14 S. Ct. 109, 37 L. Ed. 1071.

The Constitutionality of an earlier version of the statute was challenged in Jones v. U.S., 137 U.S. 202, 11 S. Ct. 80, 34 L. Ed. 691 (1890). In Jones, the petitioner had been convicted of a murder committed on a guano island which had been properly incorporated into United States' jurisdiction pursuant to the statute. In sustaining the conviction, the Court said:

> This section does not (as argued for the defendant) assume to extend the admiralty jurisdiction over land; but in the exercise of the power of the United States to preserve peace and punish crime in all regions over which they exercise jurisdiction, it unequivocally extends the provisions of the statutes of the United States for the punishment of offenses committed upon the high seas to like offenses committed upon guano islands . . .
>
> 11 S. Ct. 80, 83

The Court went on to say, after reviewing cases which uphold the authority of Congress to extend jurisdiction through a statute:

> Who is the sovereign, de jure or de facto, of a territory, is not a judicial, but a political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges . . . . This principle has always been upheld by this Court and has been affirmed under a great variety of circumstances.
>
> Id

Although the Supreme Court does not appear to have considered a Constitutional challenge to that portion of the statute which provides the basis for application of the Special Maritime and Territorial Jurisdiction to Micronesia, the cases and principles just discussed support the conclusion that an extraterritorial application would pass the Constitutional muster.

As noted above, this statute is the basis for federal jurisdiction over federal enclaves (para 8.6, DA Pamphlet 27-164, "Military Reservations"). Major felonies are thus usually triable under

the various provisions of Title 18. Other offenses are triable in a federal court under the "Assimilative Crimes Act" (18 U.S.C. § 13) which adopts local state law as the applicable federal law.

Thus, a person apprehended with marihuana at National Airport may be tried in a federal court because National Airport falls within 18 U.S.C. § 7 (3) so that Virginia law on possession of narcotics applies under 18 U.S.C. § 13, United States v. Chapman, 321 F. Supp. 767 (E.D. Va., 1971). In Mannix v. United States, 140 F. 2d 250 (C.A. Md. 1944) the headquarters of the U.S. Public Health Service in Montgomery County, Maryland, was held to be "reserved and acquired for the use of the United States" so that a federal prosecution for rape was permissible.

The federal government does not require full title to the land; a lesser property interest will suffice. In United States v. Schuster, 220 F. Supp. 61 (E.D. Va., 1963) the defendant argued that there was no federal jurisdiction, i.e. that the land was not within the ambit of 18 U.S.C. § 7 (3), because it was leased. The Court rejected that contention and denied a motion to dismiss.

It has been settled for some time that the federal government has the right, under the statute, to exercise jurisdiction over military bases, United States v. Unzenta, 281 U.S. 138, 50 S. Ct. 284, 74 L. Ed. 761 (1930); Benson v. United States, 146 U.S. 325, 13 S. Ct. 60, 36 L. Ed. 991 (1892).

Two known applications of the Special Maritime and Territorial Jurisdiction to a military installation overseas are cited herein. In the first case, Mr. Herbert J. Miller, Jr., Assistant Attorney General, Criminal Division, Department of Justice, opined that

> Guantanamo Naval Base is within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. 7 so as to make applicable to the incident involved the federal statutes covering homicide, 18 U.S.C. 1111-1113, which would provide a basis for bringing Pellisier to the United States for trial in a United States District Court.

(See Incl 3 for text)

Pellisier, a Cuban national and employee at Guantanamo, was alleged to have murdered a fellow employee who was a Jamacian national. Pellisier was taken to Miami where preparations for trial began, but prosecution was forestalled because he was subsequently deemed incompetent to stand trial.

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Another application of the special maritime and territorial jurisdiction was to a murder committed in Okinawa by the wife of a civilian employee of the Philco Corporation which was under contract to the United States in Okinawa. The defendant, a Mrs. Madelyn E. Hitt, admittedly smothered her infant child on 12 March 1958. A determination was made that Mrs. Hitt could be tried by neither court-martial (Reid v. Covert, supra) nor by the courts of the Civil Administration. Therefore, a complaint was filed in the District Court for the District of Columbia, an arrest warrant issued, and she was arrested in Okinawa. She filed a petition for a writ of Habeas Corpus in the District Court for the District of Columbia contesting the validity of the arrest which was based on the theory that Okinawa fell within the special maritime and territorial jurisdiction of the U.S. (18 U.S.C. § 7 (3)). The Governments brief in response pointed out that the first clause of 18 U.S.C. 7 (3) would stand alone (see above). The Government's brief also relied heavily on Jones v. U.S., (supra). On 1 May 1958, Judge Curran dismissed the petition finding that, as a matter of law and fact,

> Okinawa is within the Special Maritime and Territorial Jurisdiction of the United States as defined by Title 18 of the United States Code, Section 7.
>
> Habeas Corpus No. 40-58
> U.S. District Court for
> the District of Columbia,
> Unreported,(see Incl 4
> for text.)

Mrs. Hitt was then returned to San Francisco where preparation for trial continued. Before trial began, however, Mrs. Hitt was found to be mentally incompetent to stand trial and, in the opinion of an appointed psyciatrist, insane at the time of the offense. She was committed for several months to an institution and never brought to trial. The charges were subsequently dropped.

Based upon the principles and cases discussed above, it is submitted that the extension of the special maritime and territorial jurisdiction of the United States to defense sites in Micronesia would be a Constitutionally permissible application of the United States' recognized powers. It thus remains only to consider the proposed means by which this would be accomplished.

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V. APPLICATION OF SPECIAL MARITIME AND TERRITORIAL JURISDICTION TO MICRONESIA BY MEANS OF A TREATY.

A precise definition of a "self-executing treaty" is not possible, but it is frequently said that when a treaty takes effect without legislative implementation, it is self executing (McLaughlin, "The Scope of the Treaty Power in the United States," 42 Minn L. Rev (1958) 709, 748-750, quoted in Whiteman, Digest of International Law, Vol 14, Chapter XLII, p. 302; McNair, Law of Treaties, pp 78-83). Considerations in a determination of whether or not a treaty is self-executing include the plain language, intent of the parties, sufficiency of standards or local law incorporated, and receptivity of the state's law to the obligations imposed by the treaty.

An extensive review of the abundant literature on self-executing does not seem necessary because the special maritime and territorial jurisdiction is well developed body of law and the proposed treaty, at least by its own terms, appears to be self-executing. Section 303 of the agreed draft of the Compact of Free Association between the U.S. and Micronesia (dated 14 July 1972, the basic agreement of which the SOFA is an implementing agreement) states that the defense sites are for the exclusive use of the United States. The SOFA, as noted above, declares that the sites are (1) reserved and acquired for the use of the United States and (2) within the concurrent jurisdiction of the United States and Micronesia. These two elements bring the defense sites squarely within the definition of the first clause of 18 U.S.C. § 7 (3).

Section 25 of the Second Restatement of Foreign Relations Law of the United States states,

> A state has jurisdiction to prescribe and enforce a rule of law in the territory of another state to the extent provided by international agreement with the other state.

As authority for this proposition, the ALI cites the grant of jurisdiction over the Canal Zone by Panama to the U.S. and other SOFAs.

Therefore, it is concluded that the treaty is self-executing so that, when it enters into force, the United States could exercise jurisdiction under the special maritime and territorial jurisdiction of the United States for offenses punishable thereunder committed on the defense sites.

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There appears to be sufficient statutory authority to try an accused ". . . in the district in which the offender . . . is arrested or first brought; . . ." 18 U.S.C. § 3238. It would be useful, therefore, to arrange in advance a procedure with a U.S. district court which would facilitate prosecution. Presently, such an agreement exists between the TTPI and the U.S. District Attorney for Hawaii. Future developments, e.g., affiliation of the Marianas with Guam, may suggest the U.S. District Court on Guam as the better forum, but such determination can be considered at an appropriate time.

4 Incl
as

SIGNED
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Explanatory Notes Regarding Certain Provisions

of the

Micronesian-United States Draft SOFA

Article I

The definitions differ from most SOFAs in that they define the broad category of "United States Personnel," which includes "United States Contractor Personnel." This is rather novel but reflects a desire, because their numbers are so large in proportion to uniformed military personnel, to extend the benefits of the treaty to these contractor personnel. Note that the definition of "United States Contractor" is limited to those legal entities who are designated by the United States and who are present in Micronesia solely for the purpose of executing contracts with the United States for the benefit of the Armed Forces of the United States.

The definition of Defense sites provides that for purposes of applying criminal law the sites are reserved or acquired for the United States and are under the concurrent jurisdiction of the United States and Micronesia. This is designed to establish that these sites come within the purview of the Special Maritime and Territorial Jurisdiction of the United States as defined in 18 U.S.C., Section 7 (3). (See discussion of Articles XII and XIII).

Article III

Establishes the right to bring personnel and contractors into Micronesia. Furthermore, exempts United States Personnel (including contractor personnel) from visa and passport requirements. While it provides that time spent by U.S. personnel in Micronesia does not convey any right to permanent residence or domicile in Micronesia, it does not preclude it.

It does obligate the United States to issue travel orders to all United States Personnel prior to their arrival in Micronesia. Also such persons must have an identification card.

Article IV

This article is designed to preclude the imposition of any burdensome tax by Micronesia on United States activities and contractors. Specifically, it would preclude those taxes which presently levied on the personal income of United States contractor personnel, on the gross receipts of the contractors and on sales in the retail outlets. It would also prohibit tax on any ownership or transaction relating to property. Furthermore, it would prohibit any Micronesian licensing or other interference with the performance of duty by United States Personnel.

The tax provisions will be a major issue in negotiating this SOFA. They can be expected to cause considerable consternation to the Micronesians who are presently enjoying considerable tax revenue from these sources. It is hoped that the annual grant will suffice in the eyes of the Micronesians to permit termination of these taxes.

Article V

This is the standard provision dealing with import and export. It permits the United States to import, free of duty, materials, equipment, household goods, etc. It also exempts United States Personnel from customs examination except when traveling on leave, but does not preclude examination by U.S. authorities to control drugs, for example. It does obligate the United States to cooperate with the Micronesians to prevent abuse of these privileges.

Paragraph 6 grants the right to establish schools, PXs, commissaries, etc., and to import the items for sale free of duty. It also prohibits any Micronesian regulation or tax on these activities.

Article VI

Although it is the present plan to continue the United States Postal Service in Micronesia, this preserves the right to establish APO and FPOs should the need arise.

Article XI

States that the courts of Micronesia shall have civil jurisdiction over United States Personnel except for matters arising from official duty. It also obligates the Micronesians to accept a duty certificate as sufficient proof of the duty nature of the incident.

Article XII

This article establishes the provisions governing criminal jurisdiction over Unites States Personnel. The basic premise is that the United States has the primary right to exercise jurisdiction over all offenses committed by United States Personnel in Micronesia which are punishable by the law of both Micronesia and the Unites States. It is to be noted that this primary right is vested in "the United States of America," not in the military authorities as is the case in most SOFAs, therefore providing for the exercise of criminal jurisdiction by U.S. civil authorities. It is also to be noted that the United States will have primary jurisdiction over <u>all</u> offenses committed by military personnel which are punishable by the UCMJ regardless of the place in Micronesia where the offense occurs. Jurisdiction over offenses committed by civilians who are United States Personnel is more complex. (See discussion of Article XIII).

This article obligates the two parties to cooperate in the arrest of persons prosecuted by the United States and that custody of such persons shall be vested in the United States. It also provides an extensive list of trial safeguards in the event any United States Personnel is tried by a Micronesian court.

Article XIII

This article gives the United States the primary right to exercise jurisdiction over <u>all</u> United States citizens for offenses committed <u>on the defense sites</u> defined in Article Id thereby complementing and reinforcing the general grant of jurisdiction over United States Personnel contained in Article XII. Read

together, these articles mean that an offense committed off the defense site by a member of the United States Personnel, if punishable under United States law, would be an offense over which the United States has the primary right to exercise jurisdiction. However, unless the offense is one of those few "extraterritorial" crimes punishable under U.S. law (e.g., counterfeiting, fraud against the United States) the United States cannot exercise jurisdiction. Paragraph 2, Article XII, in effect, gives the Micronesians exclusive jurisdiction over many offenses, including most common law felonies, committed by civilians who are encompassed within the term "United States Personnel," if the offense was committed outside a defense site.

By virtue of the definition of the defense sites and the anticipated Senate ratification, the Special Maritime and Territorial Jurisdiction of the United States (18 U.S.C. 7 (3)) is made applicable to the defense sites. Therefore, any offense committed on the defense site by any United States citizen (including United States Personnel) which is punishable when committed in the Special Maritime and Territorial Jurisdiction would be an offense over which the United States has the primary right to exercise jurisdiction. Most common law felonies are included among those offenses. Arrest and custody provisions similar to Article XII are provided. It is probable that individuals prosecuted by the United States under this arrangement would be transferred to, and tried, in the United States District Court for the Territory of Guam.

The Special Maritime and Territorial Jurisdiction is applicable on a territorial basis, i.e., the defense sites. Article XIII is designed to insure that this territorial jurisdiction over all United States citizens on the defense sites is recognized by both parties. It does not conflict with Article XII which confers the primary right to exercise jurisdiction over United States Personnel. Indeed it is designed to preclude any possible misinterpretation of the Article XIII jurisdiction as limited to the defense sites. Thus, jurisdiction over U.S. Personnel who are United States citizens is established by both Article XII and XIII. Finally, this formula will not prejudice any new statutory extention of jurisdiction of the United States Courts with respect to offenses committed abroad such as have been introduced in Congress in recent years.

Article XIV

This claims authority is designed to obligate the United States for payment of claims cognizable under the Foreign Claims Act of the United States. The claims are to be processed and settled by United States authorities in accordance with United States law.

CRIMES INCLUDED WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES (18 U.S.C. 7)

ARSON - 18 USC 81

ASSAULT - 18 USC 113

MAIMING - 18 USC 114

LARCENY - 18 USC 661

RECEIVING STOLEN PROPERTY - 18 USC 662

FALSE PRETENSES - 18 USC 1025

MURDER - 18 USC 1111

MANSLAUGHTER - 18 USC 1112

ATTEMPTED MURDER OR MANSLAUGHTER - 18 USC 1113

DESTRUCTION OF BUILDINGS OR PROPERTY - 18 USC 1363

RAPE - 18 USC 2031

CARNAL KNOWLEDGE - 18 USC 2032

ROBBERY - 18 USC 2111