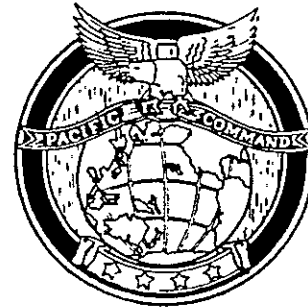


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# COMMANDER IN CHIEF PACIFIC COMMAND HISTORY



VOLUME II

1973

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objective, stated the CINCPAC SJA, should be to solve problems at the lowest possible level.

U.S. Relations

(S) The replacement of the [redacted] by the [redacted] on the [redacted] of the United Nations in [redacted] produced shock, but no discernable political or economic reversals on [redacted]. The Shanghai Communique of 28 February 1972, issued during President Nixon's trip to the PRC, had a more lasting effect on U.S. [redacted] relationships. The Communique had pledged the progressive reduction of U.S. military forces and installations on [redacted] as tension in the area diminished. On 23 July 1973, the White House directed the Defense Department to relocate the [redacted] based at [redacted] Air Base, [redacted] by 31 December 1973. On 3 August 1973, the JCS tasked CINCPAC to plan for a three-phased force reduction on [redacted] the first phase of which was the removal of the [redacted] Airlift Wing from [redacted] by the end of the year. As discussed in the Logistics chapter of this history, the phase one goal was met. Phases two and three concerned the redeployment of [redacted] and a reduction in manpower of the Military Assistance Advisory Group (MAAG) and various supporting units for the U.S. military on [redacted]. The two [redacted] had been deployed to [redacted] to fill the air defense gap caused by the [redacted] loan of [redacted] during the U.S. [redacted] effort in Vietnam. On 18 August, CINCPAC provided the JCS with a tentative personnel reduction schedule. From the original strength of 7,867 U.S. military personnel, the end strengths of the three phases were 4,700; 4,095; and 2,783 respectively.<sup>1</sup>

(S) The CINCPAC staff was concerned about the political impact on the [redacted] of the personnel and unit reductions on the one hand, and the potential impact on U.S. basing options on the other. The Prime Minister, [redacted] was credited with considerable political skill in making decisions beneficial to the [redacted] continued stability. He was particularly sensitive to U.S. actions which could be interpreted as eventual abrogation of the U.S. [redacted] Mutual Security Agreement. At the same time, and considering the long-term U.S. military posture, [redacted] was a valuable strategic location in the Pacific, and irrevocable commitments to eliminate U.S. forces could boomerang if U.S. [redacted] relations were to deteriorate in the future.<sup>2</sup>

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1. J53 Point Paper, 2 Oct 73, Subj: U.S. Military Presence on [redacted] for discussion of [redacted] and C-130 relocation, see Ch. V, Logistics.
  2. J51 Point Paper, 24 Oct 73, Subj: [redacted] J53 Point Paper, 5 Nov 73, Subj: Reduction of U.S. Military Presence in [redacted]

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(C) The [redacted] problem, culminating in the [redacted] expulsion from the United Nations and the [redacted] detente, had been a foreign policy dilemma for many years. The rank and prestige of U.S. representation on [redacted] had been considered as politically sensitive as other manifestations of U.S. support. For almost as many years, the subject of U.S. military command and control arrangements on [redacted] had been discussed by CINCPAC, the JCS, and the Departments of State and Defense. Recommendations to eliminate overlapping functions and clarify command channels had been complicated by the implications of "face" for the [redacted] if long-standing arrangements were drastically changed. In August, September, and November 1973, three in-country examinations of the U.S. presence and command arrangements were made by the CINCPAC staff. The SJA was asked to comment on the legal/international law aspects of a possible merger of the [redacted] Defense Command [redacted] and the MAAG, [redacted]. The CINCPAC staff studies had recommended the merger of the two headquarters in two steps: subordinate the MAAG to the [redacted] as soon as possible, but maintain two separate headquarters; and, merge the two organizations when reduction in functions and manpower would allow housing in one headquarters, but retain both titles. The SJA comments addressed the second of those steps.<sup>1</sup>

(e) The proposed merger involved organizations of substantially different status. The [redacted] was a U.S. [redacted] SOFA organization, and its personnel derived their status and benefits from the SOFA. The MAAG, however, was considered an element of the U.S. Embassy, pursuant to the U.S. [redacted] Mutual Defense Assistance Agreement. The privileges and immunities of its personnel were specified in that document. If the merger plan envisioned double-hatting the commander, no legal problems were posed. However, in his role as Chief, MAAG, his military assistance relations with the [redacted] would have to be conducted as a part of the U.S. Embassy, under the direction and control of the Mission Chief. The merger of the TDC-MAAG staffs was more complicated because of the distinct legal status of each. In order to comply with the language of the 1951 MAAG agreement, that portion of the staff dealing exclusively with military assistance matters would have to be maintained separately and distinctly from the rest of the merged staff; i.e., remain as an element of the U.S. Embassy under the operation and control of the Mission Chief. The support functions common to both organizations (judge advocate, protocol, public affairs, etc.) could be combined under the Commander, [redacted] but servicing both staffs.<sup>2</sup>

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1. J5122 Point Paper, 29 Nov 73, Subj: Command-Control Arrangements [redacted] J73/Memo/0252-73 of 12 Nov 73, Subj: Merger of [redacted]
  2. Ibid.; although one goal of the reorganization was to eliminate the dichotomy of existing command and control, apparently the placing of all merged personnel under the SOFA had not yet been considered.

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(S) The foregoing considerations were in the context of U.S. national strategy, foreign policy, and force posture. On the local level, military problems concerning various provisions of the SOFA were also politically oriented. The [REDACTED] SOFA provided for the exercise of criminal jurisdiction by the [REDACTED] over U.S. personnel only by recalling their SOFA-stipulated waiver for certain types of offenses. The intention of the [REDACTED] to recall a SOFA waiver of jurisdiction was conveyed to U.S. officials on a case-by-case basis, and usually involved crimes of violence or the possession, use and sale of narcotics. In past years, certain cases had surfaced disagreement between [REDACTED] and U.S. officials on various aspects of the SOFA and Chinese law. Some of these involved the application of [REDACTED] martial law to U.S. personnel; the definition of narcotics; the definition of the inter se and "directed against" provisions of the SOFA; and the changing of charges and raising of lower court sentences by appellate levels of the [REDACTED] judiciary.<sup>1</sup>

#### Altering of Sentence-Lutz

(U) The case of SGT Ronald A. Lutz originally offered no challenge to the SOFA. Lutz had been charged with the murder of a Chinese female in 1972. While the proceedings were replete with discussions of pubic hair in the victim's vagina and the preferred copulatory positions of the accused, he was sentenced to 18 months imprisonment for negligent homicide on 10 January 1973.<sup>2</sup>

(U) Lutz appealed the sentence, and, on 12 July 1973, was found guilty of homicide, under a different article of the Chinese criminal code, and sentenced to five years imprisonment. Lutz appealed to the Supreme Court, which, on 30 November, ordered the case returned to the Taiwan High Court. No date had been set for the re-hearing by the end of the year.<sup>3</sup>

#### Status of Alien SOFA Dependent - Grobes

(U) On 1 February 1973, a Chinese female spouse of a U.S. Air Force member was arrested for possession, use and sale of heroin at her husband's off-base quarters. Since the female was a ROC citizen, Chinese officials stated that she was not entitled to trial as a SOFA dependent. This involved her right

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1. CINCPAC Command Histories 1970, 1971, 1972, Vol. II, in which detailed accounts of specific cases may be found. This and subsequent CINCPAC histories will acknowledge individual cases in passing, but will address only specific aspects of the SOFA.
  2. CINCPAC Command History 1972, Vol. II, pp. 621, 622; J73 HistSum Jan 73; 374 CSG 100615Z Jan 73.
  3. J73 HistSums Feb-Dec 73 with 18 messages, filed in CINCPAC History Archives.

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