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FM CMC WASHINGTON DC

TO HONORABLE JOHN YOUNG

HOUSE OF REPRESENTATIVES WASHINGTON DC 20515

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UNCLAS//NO5730//

(CMC CODE JAC)

THIS IS IN RESPONSE TO YOUR MOST RECENT INQUIRY OF 16 JAN 75,
CONCERNING LANCE CORPORAL (LCPL) LUIS GARCIA, ██████████
U. S. MARINE CORPS.

AS I ADVISED IN MY PREVIOUS TELEGRAM OF 19 DEC 74, LCPL GARCIA WAS
CONVICTED ON 29 OCT 74 BY JAPANESE AUTHORITIES FOR CAUSING INJURY
THROUGH ROBBERY. HE WAS SENTENCED TO BE CONFINED AT FORCED
LABOR FOR FIVE YEARS. LCPL GARCIA'S UNIT INDICATES THAT LCPL
GARCIA DID APPEAL HIS CONVICTION, BUT, FOLLOWING AN APPELLATE
TRIAL SESSION HELD ON 12 FEB 75, HIS APPEAL WAS DISMISSED.

BOTH LCPL GARCIA AND THE PROSECUTION, HOWEVER, HAVE FOURTEEN
DAYS IN WHICH TO APPEAL THIS MOST RECENT DECISION.

SINCE THE RESPONSIBILITY FOR REVIEWING FURTHER APPEALS IN LCPL
GARCIA'S CASE RESTS WITH JAPANESE AUTHORITIES, IT WOULD BE IN-
APPROPRIATE FOR ME TO COMMENT ON THE PROBABILITY OF SUCCESS
OF THESE APPEALS. SHOULD AN APPEAL BE TAKEN BY EITHER SIDE,
A TRIAL OBSERVER WILL CONTINUE TO MONITOR LCPL GARCIA'S CASE
TO ENSURE THAT IT IS CONDUCTED IN ACCORDANCE WITH THE STATUS OF
FORCES AGREEMENT BETWEEN THE UNITED STATES AND JAPANESE GOVERNMENTS.

SHOULD LCPL GARICAS APPEALS BE UNSUCCESSFUL AND ANY PORTION OF HIS SENTENCE TO CONFINEMENT AT HARD LABOR BE AFFIRMED, HE WILL BE REQUIRED TO SERVE THE SENTENCE AS APPROVED ON APPEAL. JAPANESE LAW DOES PROVIDE FOR PAROLE OF CONFINEEES. WHETHER THE JAPANESE AUTHORITIES WILL RELEASE LCPL GARCIA PRIOR TO THE SERVICE OF HIS FULL SENTENCE, HOWEVER, DEPENDS LARGELY ON LCPL GARCIA'S BEHAVIOR WHILE IN CONFINEMENT.

CONDITIONS IN JAPANESE PRISONS IN WHICH AMERICAN PRISONERS ARE CONFINED ARE AUSTERE, BUT HUMANE. THE DIET OF AMERICAN PRISONERS IS SUPPLEMENTED BY AMERICAN RATIONS AND THE PRISONERS ARE VISITED FREQUENTLY BY MILITARY LIASION PERSONNEL. MEDICAL CARE IS AVAILABLE FROM AMERICAN MILITARY DOCTORS AND HOSPITAL CORPSMEN.

CONGRESSMAN YOUNG, YOUR INTEREST IN THIS CASE IS CERTAINLY APPRECIATED.

BRIGADIER GENERAL JOHN R. DE BARR, USMC, DIRECTOR JUDGE ADVOCATE DIVISION, HEADQUARTERS, U. S. MARINE CORPS, WASHINGTON, D. C. 20380

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