

Troop Crime in Peacetime: Criminality and Accountability of U.S. Troops Worldwide During the Cold War

Armed Forces & Society

1-22

© The Author(s) 2021

Article reuse guidelines:

sagepub.com/journals-permissions

DOI: 10.1177/0095327X211011578

journals.sagepub.com/home/afs



Asif Efrat¹ 

Abstract

U.S. forces abroad have often faced complaints about crimes committed by troops, yet we lack systematic quantitative information on such crimes. Based on newly discovered data compiled by the Army, this article presents a comprehensive and detailed picture of American troops' criminal activity worldwide during the Cold War (1954–1970). The data show that troops engaged in significant criminality, with a particularly high rate of violent crime—homicide, rape, and robbery—and a relatively low rate of property crime. Host countries treated offending troops leniently: Prison sentences were rare, and they averaged less than 2 years in duration. The data presented here hold far-reaching implications for our understanding of the relations between U.S. forces and host countries and the legacy of U.S. military deployments.

Keywords

U.S. military, Europe, law, criminal justice, NATO, crime

The American military presence worldwide has been a major feature of the global security environment in the post–World War II era. By stationing hundreds of thousands of troops in Western Europe, East Asia, and other regions, the United

¹ Interdisciplinary Center (IDC) Herzliya, Israel

Corresponding Author:

Asif Efrat, Interdisciplinary Center (IDC) Herzliya, 8 Ha'Universita St., Herzliya 4610101, Israel.

Email: asif@idc.ac.il

States has sought to accomplish a host of strategic and geopolitical goals: from deterring aggression and reinforcing alliances to establishing global logistics networks and facilitating smooth resource flows. This massive military deployment has produced important salutary effects at the regional or global levels: from preventing a major war in Europe to supporting the liberal international economic order (Ikenberry, 2011). At the national level, countries hosting U.S. military bases have clearly benefited from the American presence. Thanks to the American troop deployments, host countries could reduce their own defense efforts (Lake, 2009, p. 143; Martinez Machain & Morgan, 2013). U.S. military presence also spurred economic growth and development in host countries, and it stimulated foreign investment and trade (Biglaiser & DeRouen, 2009; Heo & Ye, 2019).

At the same time, troop presence created negative by-products for host countries, including noise and environmental pollution and degradation, car accidents involving U.S. personnel, damage to roads and fields during maneuvers, and the risks arising from the transit and storage of nuclear weapons (Calder, 2007; Kawana & Takahashi, 2021; Kawato, 2015, p. 66; Yeo, 2011, pp. 17–19). This article, however, focuses on a major problem that host countries found particularly upsetting and outrageous: crimes perpetrated by U.S. troops.

That American troops often committed criminal offenses against host-country population is a well-known fact. Many studies have identified this problem and its adverse effects on local perceptions of U.S. troops and on U.S.–host relations. Consider the following examples. Fürmetz (2013) finds that in 1950s Germany, troops committed a variety of crimes including rape, assault, robbery, and burglary. Such crimes received significant coverage in the German local and national press and prompted official complaints and calls for action. A study of U.S. forces in Germany in the 1960s and 1970s similarly indicates troop involvement in the black market (e.g., sale of cigarettes and whiskey) as well as violent crimes against local citizens. In 1979, a series of three rapes of young German women by American troops in a period of 3 weeks triggered harsh reactions in the local press and raised tensions between the U.S. military and West Germans (Nelson, 1987). In Japan in the 1950s, a wave of media stories about troop-related crime eroded support for the American presence, convincing some Japanese that they would be better off without U.S. forces in their midst (Packard, 1966, pp. 36–37). Tensions ran particularly high following prominent cases, such as the killing of a Japanese woman by a U.S. service member in 1957 (Curtin, 2012) or the 1995 rape of a Japanese schoolgirl by three U.S. servicemen (Angst, 2001). In Korea since the 1950s, reports often circulated about troops' violent crimes against local prostitutes (Moon, 2010).

Overall, the existing literature offers many pieces of evidence of crimes committed by troops—mostly evidence of a qualitative nature and, occasionally, limited quantitative data (e.g., Fürmetz, 2013). Yet, these different pieces do not combine into a systematic account of the extent or severity of the crimes committed by troops: No comprehensive quantitative data currently exist on the type and frequency of

troops' criminal offenses. We cannot even tell whether the anger of host communities reflects a reality of pervasive crime among troops or merely an exaggerated perception (see Kehoe & Kehoe, 2016, p. 60). Allen and Flynn (2013) present a rare effort to quantify crime *indirectly* fueled by troops, for example, by selling weapons to locals or by consuming drugs. Yet, the extent of crimes directly perpetrated by troops—how many homicides, rapes, robberies, and other offenses they committed—has remained a mystery to date.

The gap in our knowledge includes not only what U.S. troops did but also how host countries responded. Status-of-forces agreements (SOFAs) granted local authorities jurisdiction over certain criminal cases involving American troops, but the existing literature gives us limited insight, with little hard data, on how this jurisdiction was actually exercised. Some bits of information indicate that hosts often waived their jurisdiction over troops (e.g., Cooley, 2008, pp. 122–123), but we lack systematic, worldwide quantitative data on whether and how local authorities held troops accountable.

This article begins to fill these critical gaps based on newly discovered, comprehensive statistics collected by the U.S. military during the height of the Cold War: 1954–1970. These statistics were presented to—and published by—a Senate subcommittee that monitored SOFAs, and they give us an unprecedented picture of the extent of criminal offenses committed by troops as well as the response of law enforcement authorities in host countries. The data show that criminality among American troops stationed abroad was extensive: foreign legal authorities filed 361,487 criminal cases against U.S. personnel during this period. While most criminal offenses were minor, troops regularly engaged in serious violent crime (homicide, rape, robbery, and aggravated assault) as well as property crime (arson and burglary). The rate of violent crime among troops was higher than the comparable rate among the U.S. civilian population, whereas the rate of property crime perpetrated by troops was relatively low. Consistent with the American preference, host countries declined to prosecute the majority of American offenders. When troops did stand trial before local courts, the typical punishment was a fine. Host-country courts issued unsuspended prison sentences in a small minority of cases, and the rate of these sentences steadily declined during the period considered here. Furthermore, prison sentences for American troops were short, averaging less than 2 years. Overall, offending U.S. troops received lenient treatment from host countries—more so than the treatment they would have received in U.S. courts, according to the senior American officers and senators who monitored host-country legal practices.

Using the previously unanalyzed data, this article paints a detailed picture of U.S. troop criminality and host-country legal response. This significantly enhances our understanding of troops' criminal involvement and fills gaps in the current knowledge about U.S. military presence abroad. These data also carry far-reaching implications for our understanding of the relations between U.S. forces and host communities, providing the foundation for a promising research program on the criminal involvement of U.S. troops and its implications.

Foreign Criminal Jurisdiction Over U.S. Personnel: An Overview

An important duty and prerogative of the sovereign is the punishing of offenses committed on the national territory, including offenses committed by foreigners. Yet, foreign military forces traditionally enjoyed an exclusion from the criminal jurisdiction of the countries hosting them. Before 1945, visiting military forces had sovereign immunity under “the law of the flag” doctrine. This meant that a military force operating on foreign territory was not subject to the local sovereign. Rather, it enjoyed exclusive jurisdiction over its members (Egan, 2006; Erickson, 1994).

Following World War II, law of the flag theory came under pressure. With a growing sense of national sovereignty and pride in host countries, and given the open-ended duration of the American presence, it was difficult for the United States to keep demanding that its troops abroad be subject exclusively to U.S. criminal jurisdiction. The North Atlantic Treaty Organization (NATO) SOFA, signed in 1951 by the United States and its NATO allies, marked the American recognition of the need to relinquish some jurisdictional authority over U.S. troops. The U.S. military, the Department of Defense (DoD), and the Department of State all agreed that granting a certain degree of jurisdiction to host countries was necessary for establishing security cooperation (U.S. Senate, 1953a, p. 11; U.S. Senate, 1953b, p. 13). At the same time, the NATO SOFA, and SOFAs signed with other countries, sought to minimize the exposure of U.S. troops to foreign jurisdiction and to prevent U.S. troops from facing potentially unfair criminal justice systems (International Security Advisory Board, 2015, pp. 12–13).

The NATO SOFA enshrines this logic of limited troop exposure to foreign justice in its key provision—Article VII—which divides criminal jurisdiction over U.S. personnel between the United States (referred to as the “sending state” in the agreement) and the host country (referred to as the “receiving state” in the agreement). The United States enjoys exclusive jurisdiction over offenses that violate U.S. law but not the law of the host country. For example, if an American service member abroad deserts the military or goes absent without leave, they are subject to exclusive U.S. jurisdiction. Conversely, the host country holds exclusive jurisdiction over offenses that violate its laws but not those of the United States. Yet, most offenses committed by troops typically fall into the category of “concurrent jurisdiction”: They come within the criminal or disciplinary jurisdiction of the United States as well as the criminal jurisdiction of the host country. In these cases, either the United States or the host country will hold the primary right to exercise jurisdiction—that is, the right to prosecute first—depending on the character of the alleged offense. The United States has primary jurisdiction over offenses solely against its property or security or where the offender and victim are both Americans (e.g., an offense committed by a U.S. service member against another service member). The United States also holds primary jurisdiction over acts or omissions performed as part of official duty. In all other cases, it is the host country that has the primary right

to exercise jurisdiction and try offending troops. In practical terms, these are offenses of civilian nature committed while off duty, ranging from traffic offenses to disorderly conduct to robbery, rape, and homicide (Egan, 2006, pp. 299–301).

Yet, not all troops perpetrating such crimes actually face trial before host-country courts, since Article VII establishes the option of *waiving* the primary right to exercise jurisdiction in concurrent cases. The state holding the primary right in a specific case is required to give “sympathetic consideration” to a request from the other state for a waiver of its right if the other state views such waiver as particularly important. In effect, the United States views every case in which an American troop comes under foreign jurisdiction as particularly important and typically asks for a waiver in cases of concurrent jurisdiction (Cooley, 2008, p. 44). Indeed, U.S. authorities have persistently sought to secure jurisdiction over as many criminal cases involving American troops as possible and to prevent the trial and punishment of troops by foreign courts (U.S. Senate, 1961, pp. 10–11).

The Data Presented to the NATO SOFA Subcommittee

The Senate gave its advice and consent to the NATO SOFA in 1953 after a fierce debate, in which critics denounced the idea of placing American troops under the jurisdiction of foreign courts. For those senatorial critics, the SOFA “reflects a callous disregard of the rights of American armed forces personnel” based on a misguided internationalist sentiment (U.S. Senate, 1953c, p. 3). They vehemently argued that troops should remain under exclusive U.S. jurisdiction and not be tried in foreign courts that, in their view, failed to meet standards of due process (U.S. Senate, 1953a, pp. 19–20; U.S. Senate, 1953c, p. 7). Although the Senate ultimately approved the agreement over these objections, concerns about the subjecting of troops to foreign justice lingered, leading the Senate to monitor the operation of the SOFA. In 1955, the Senate Committee on Armed Services established a Subcommittee to Review Operation of Article VII of the NATO Status of Forces Treaty. The subcommittee’s mandate, in fact, included not only the NATO SOFA but also arrangements with other countries regarding criminal jurisdiction over U.S. troops, as detailed below. The subcommittee was tasked with reviewing the operation of jurisdictional arrangements with foreign countries and how they affected the morale and discipline of American troops and the accomplishment of their mission. The review was based on statistical information that the subcommittee received annually from the DoD and the Army Judge Advocate General, the latter being tasked with compiling reports on foreign jurisdictional arrangements over American troops in all the services. The reported data covered criminal offenses committed by the troops that came under the jurisdiction of host countries as well as the law-enforcement response of the hosts: The number of trials held for troops charged with crime and the outcomes of those trials (U.S. Senate, 1955, pp. 1–2). Every year, the subcommittee held a hearing in which representatives of the DoD and the U.S. Army presented the data. The final year for which the subcommittee received data was

1970. The subcommittee was later disbanded, possibly since its monitoring identified no serious problems with the operation of the jurisdictional arrangements. Indeed, in its annual reports, the subcommittee concluded that these arrangements “have not adversely affected . . . the morale and discipline of our forces, nor have they had a detrimental effect on the accomplishment of our military missions in the various countries” (U.S. Senate, 1964a, p. 2).

The following analysis builds on the data for the period 1954–1970 that the Army compiled and provided to the Senate subcommittee. The data appear in protocols of the hearings that the subcommittee held and in the annual reports that the subcommittee published (see Online Appendix for details). These data included three categories of host countries.

The first category covered NATO countries subject to the NATO SOFA. During the period 1954–1970, the majority of criminal offenses committed by troops—74%—took place in NATO countries (267,555 of 361,487 criminal cases charged worldwide). These countries included Belgium, Canada, Denmark, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Turkey, and the UK. Note that the data include troop offenses in Germany only starting July 1963, when the NATO SOFA entered into force for that country; prior to that, U.S. troops in Germany came under the exclusive jurisdiction of the United States, and the criminal offenses they committed were excluded from the data presented to the Senate. Also note that Iceland—a founding member of NATO where several thousand U.S. troops were deployed—is not included in this category since it was not a party to the NATO SOFA during the period considered here. However, Iceland was subject to a jurisdictional formula similar to that of the NATO SOFA.

The second category included non-NATO countries where the United States had a jurisdictional agreement allocating the legal authority over troops between U.S. military authorities and the host—sometimes in a manner roughly similar to the NATO SOFA. In terms of the number of troops deployed and crimes committed, key countries in this group included Japan, the Philippines, South Korea, and Spain. Note that South Korea entered the data only in 1967, following the 1966 signing of the U.S.–Korea SOFA.

The third category included countries where U.S. troops were present in the absence of a jurisdictional agreement. Key countries in this category included Panama, Mexico, and Thailand. Note that offenses in Mexico were typically committed by troops stationed in Texas who crossed the border into Mexican territory.

The data compiled by the Army encompassed both criminal cases involving U.S. troops and cases involving civilians: civilian employees of the military and dependents of troops or civilian employees. The vast majority of cases—more than 90%—involved troops. For example, in 1962, troops accounted for 92% of the offenses charged against all military affiliates; in 1965, troops accounted for 94% of offenses. Yet, the offenses and trials data reported to the Senate do not offer a breakdown of troops versus civilians, instead lumping the two groups together as “U.S. personnel.” The following analysis thus includes both groups. This results in a slight overcount

of the crimes committed by troops due to the inability to separate the civilian component.

Yet, on the whole, the figures presented below are likely an *undercount* of the criminal offenses committed by troops. One reason is the well-known “dark number” problem that often plagues criminological studies: Even in the best circumstances, victims often fail to report crimes; even if victims do report them, law enforcement authorities do not always record or investigate the crimes, nor do they always charge the offender (Rossmo & Routledge, 1990; Skogan, 1977). The dark-number problem surely intensifies in the context addressed here, where stark power disparities complicated the reporting, investigation, and prosecution of crimes. First, it might be quite intimidating for a citizen of a country protected by the United States to accuse a U.S. service member of a crime. Some victims likely declined to come forward and report crimes of American offenders to local authorities. Second, the investigation of crimes committed by troops faced unique hurdles such as difficulty in identifying the perpetrator due to the transient nature of troop deployment (Kehoe & Kehoe, 2016, p. 75) or the fleeing of the perpetrator back to their base. Third, criminal investigations and prosecutions against troops introduced friction and discord into the host country’s relations with the United States and threatened to undermine the host’s interest in maintaining good relations with U.S. authorities (Curtin, 2012; Nelson, 1987). For all these reasons, we can assume that many crimes committed by troops were left unreported, unrecorded, or uninvestigated.

Furthermore, it is important to note that the figures provided by the Army describe criminal cases that came under the exclusive or primary criminal jurisdiction of host countries. Excluded are criminal cases over which U.S. authorities held exclusive or primary jurisdiction, such as offenses committed in the course of official duty. Also excluded are countries where the United States enjoyed exclusive jurisdiction over its troops either on the basis of a formal agreement or as a matter of practice (e.g., Germany until 1962 and South Korea until 1966, as noted above; Taiwan until 1965; and Saudi Arabia). Note also that U.S. troops in Vietnam, a conflict zone, remained under U.S. jurisdiction, and the criminal offenses they committed are excluded from the data as well. Even with these caveats and exclusions, the data that follow offer the most comprehensive, detailed, and credible picture to date of the criminal activity of U.S. troops and its handling by host countries.

Trends in Criminal Offenses of U.S. Troops Worldwide

We begin by plotting the annual number of criminal cases involving U.S. troops that came under host countries’ exclusive or primary jurisdiction during the period 1954–1970. Each case represents an American criminally charged by host-country authorities. We also plot the rate of cases per 100,000 troops, since the number of troops subject to the criminal jurisdiction of host countries varied throughout the period considered here: It stood at about 400,000 at the beginning of the period,

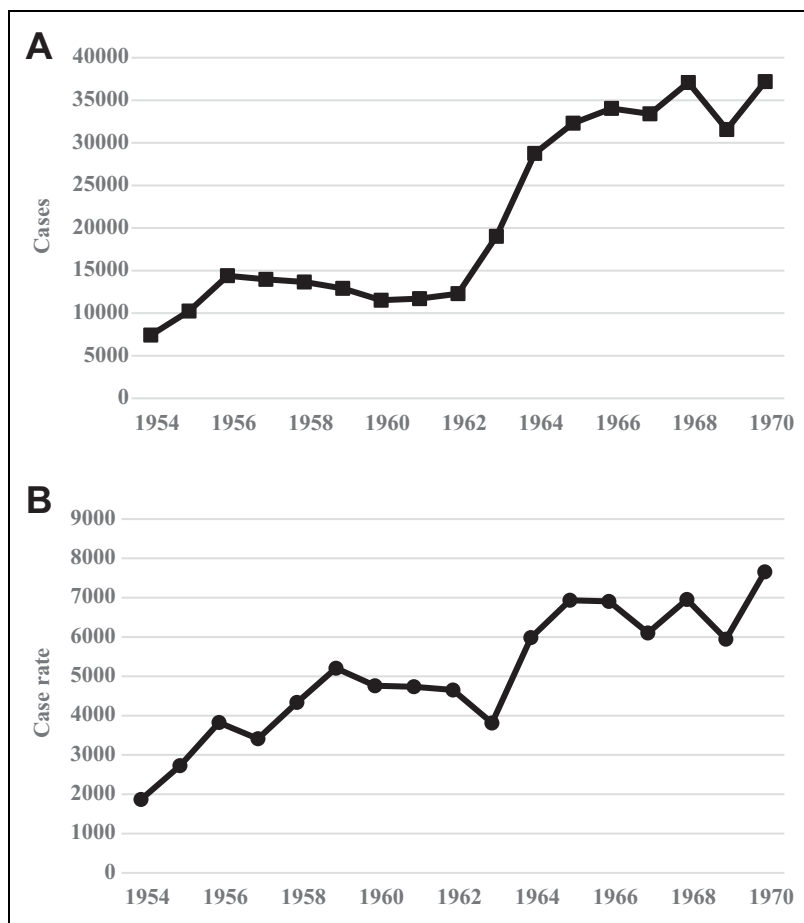


Figure 1. Panel A: Number of criminal cases involving U.S. personnel worldwide (1954–1970). Panel B: Rate of criminal cases per 100,000 troops (1954–1970).

declined to 242,000 in 1960 especially due to the reduction of troops in Japan, and then jumped to nearly 500,000 in 1963, once the NATO SOFA entered into force for Germany (troop count data are from Kane, 2004). The rate of crime per 100,000 troops facilitates the comparison of the criminal involvement of U.S. personnel throughout the entire period.

Figure 1a demonstrates a clear upward trend in the annual number of criminal cases involving U.S. personnel: from 7,416 cases in 1954 to 37,193 cases in 1970, that is, a fivefold increase. In Figure 1b, the rate of criminal cases per 100,000 troops shows a similar rise: from 1,868 cases in 1954 to 7,657 cases in 1970 (a fourfold increase). To a significant degree, the rise in the number and rate of cases stemmed

from the inclusion of troop offenses in Germany starting in 1963. In the period considered here, Germany hosted a larger number of American troops than any other host country, and the number of troops charged by German authorities was much greater than in any other host country. Yet, the data from Germany cannot account for the increasing rate of criminal cases between 1954 and 1959 (when Germany's data were not included) or the increase between 1969 and 1970. This means that additional factors drive the overall increase in criminal cases. It is possible that, over time, law enforcement authorities in host countries felt greater confidence to charge cases against U.S. personnel, or perhaps, they faced growing domestic pressure to hold troops accountable (U.S. Senate, 1966, p. 20). We cannot, however, rule out the possibility that the conduct of troops deteriorated over time, with more troops engaging in crime.

But, of course, not all crimes are equal: Some are minor while others are serious. To better understand patterns of criminality among U.S. troops, we need to break down the crime data by the type of offense. The data provided by the Army do that for the period 1959–1970. Overall, 301,806 U.S. personnel were charged with crime during this period. In the vast majority of cases—92%—the crimes were minor. This includes traffic offenses (67% of all cases); simple assault (6% of all cases); disorderly conduct (13.5% of all cases); violations of economic control law, that is, black-market dealings (1.5% of all cases); and other minor offenses (4% of all cases). U.S. personnel, however, were also charged with 24,878 serious offenses (8% of all offenses for the 1959–1970 period). These included murder (199 cases), manslaughter (1,946 cases), rape (2,107 cases), arson (171 cases), robbery and larceny (14,412 cases), burglary (966 cases), forgery (345 cases), and aggravated assault (4,732 cases).

Below, we plot the rate of each of the serious offenses charged against U.S. personnel. We also compare the rate of each type of offense committed by troops to the rate of same offense among the civilian population in the United States based on data from the Department of Justice (DoJ, 2020). To allow for a meaningful comparison, we use data on the rate of arrests for the particular offense among U.S. men aged 18–24 years. This is the demographic group closest to representing the U.S. military in the 1960s—a time when women constituted less than 2% of military personnel, and more than 50% of troops were younger than 25 (Sider & Cole, 1984). Note, however, that the comparison between the troop crime rate and the U.S. crime rate is somewhat rough. First, the classification of criminal offenses and calculation of arrest rates by the DoJ may not be identical to that of the Army. Second, while most troops were younger than 25, many troops—especially officers—were older than 25. This puts them in an age bracket that is less crime prone than 18–24 years (Ulmer & Steffensmeier, 2014). Third, the U.S. offense rate represents arrests, whereas the troop data include cases where individuals were charged. Taken together, this means that the comparison of crime rates here is suggestive only, and it aims to give a rough sense of the magnitude of troops' crimes. Since DoJ arrest data are available from 1980, we use the data for 1980 and for 2014, the most recent

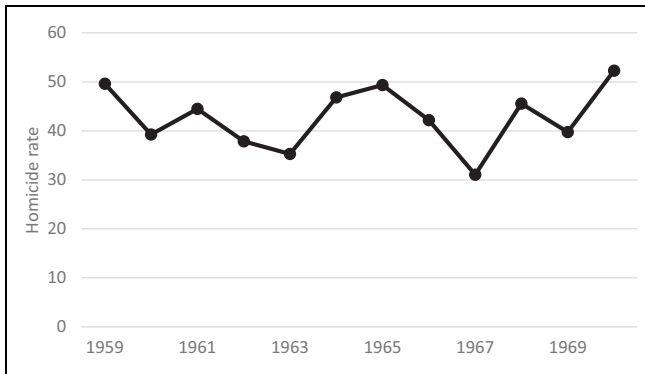


Figure 2. Rate of homicides per 100,000 troops (1959–1970).

year available. The year 1980 marks a period of high criminality in the United States, whereas 2014 crime rates are lower (Farrell et al., 2014), and the data from both years allow us to put the criminal activity of troops into perspective. We begin with four categories of violent crimes committed by troops: homicide, rape, robbery, and aggravated assault.

Homicide

The data reported by the Army included separate categories for murder and manslaughter, which we combine here into a single category of homicide. The absolute number of homicides for which host countries charged U.S. personnel increased from 123 cases in 1959 to 254 cases in 1970; in other words, a doubling of the annual number of homicides over this period. Figure 2 shows, however, that the *rate* of homicide, while fluctuating throughout the period, ultimately changed little: from 49.6 homicides per 100,000 troops in 1959 to 52.3 homicides in 1970. This rate of homicide is higher than the comparable arrest rate for homicide among men aged 18–24 in the United States. In 1980, that rate stood at 23.5 arrests per 100,000 men in this age-group; in 2014, that rate stood at 12.3. The troop homicide rate of roughly 50 is high in comparison.

Rape

The absolute number of rapes for which host countries charged U.S. personnel increased from 51 cases in 1959 to 255 cases in 1970, in other words, a fivefold increase of the annual number of rapes. The most significant increase took place in 1963–1965, with the inclusion of data from Germany in the Army’s reporting. Figure 3 shows, however, that it is not only the absolute number of rapes that leaped over this period but also the rate of rapes: from 20.6 rapes per 100,000 troops in 1959

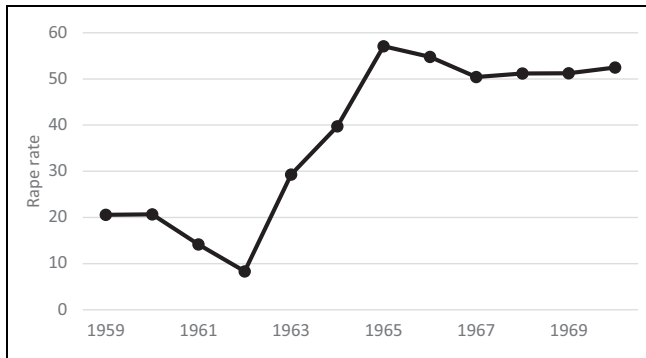


Figure 3. Rate of rapes per 100,000 troops (1959–1970).

to 52.5 rapes in 1970—more than a doubling of the annual rape rate. Again, the sharp increase in the rape rate occurred in 1963–1965, suggesting that the U.S. deployment in Germany was the primary source of this increase, although it is unclear whether troops in Germany indeed committed more rapes compared with troops deployed elsewhere, or whether German law enforcement authorities had greater capacity or willingness to catch and charge the offenders compared with law enforcement in other host countries. The latter interpretation perhaps seems more likely (see Kehoe & Kehoe, 2016, pp. 74–75). The troop rate of roughly 50 rape charges per 100,000 in the latter 1960s stands above the rate of 40.8 arrests for rape among U.S. men aged 18–24 years in 1980. The troop rape rate is considerably higher than the U.S. arrest rate for rape in 2012, the most recent year available: 15.8 arrests per 100,000 men aged 18–24. In other words, measured by contemporary or earlier American standards, U.S. troops committed a high number of rapes in the 1960s.

Robbery

The Army’s reporting included a category of “robbery and larceny,” but from the Senate subcommittee’s hearings, it seems that most cases covered here included robbery—the taking of anything of value from a person through force or violence—rather than nonviolent larceny such as pickpocketing or shoplifting (see, e.g., U.S. Senate, 1959, p. 9).

The absolute number of robberies charged against U.S. personnel shows a time trend similar to the one we have identified for rape: an overall increase in the number of robberies, with a precipitous rise in 1963–1965. Standing at 389 in 1959, the number of robberies allegedly committed by U.S. personnel reached 1,780 in 1970. As Figure 4 shows, the rate of robberies also increased: from 156.9 to 366.4 robberies per 100,000 troops, that is, more than doubling of the robbery rate between 1959 and 1970. A robbery rate of 366.4 per 100,000 places the troops above the comparable population of U.S. men aged 18–24 years. For that population, the arrest

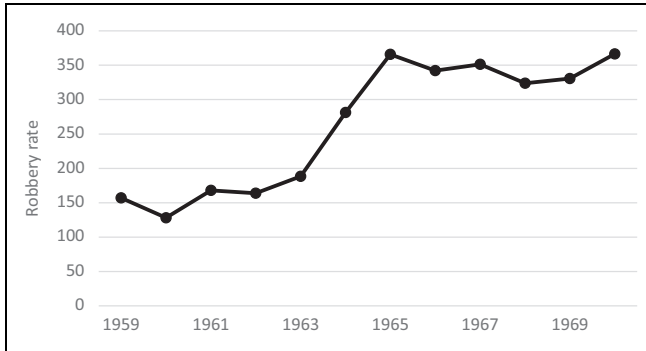


Figure 4. Rate of robberies per 100,000 troops (1959–1970).

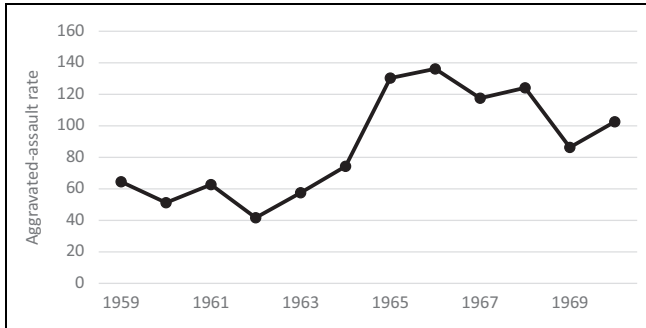


Figure 5. Rate of aggravated assaults per 100,000 troops (1959–1970).

rate for robbery stood at 207.6 arrests per 100,000 in 1980 and 114.4 arrests in 2014. In other words, U.S. troops committed a high number of robberies.

Aggravated Assault

It is not entirely clear how the Army defined “aggravated assault” for the purpose of the reporting, but the definition was likely similar to that of the Uniform Code of Military Justice, Art. 128: an assault with a dangerous weapon or one in which the victim suffered serious bodily harm.

Aggravated assaults demonstrate a pattern familiar by now: an overall increase in the annual number and rate of assaults charged against U.S. personnel, with a precipitous rise in 1963–1965, once the U.S. deployment in Germany is included in the data. The absolute number of aggravated assaults more than tripled from 160 in 1959 to 498 in 1970; the rate of assaults per 100,000 troops, shown in Figure 5, increased from 64.5 to 102.5 over the same period. Note, however, the decline in the rate of assaults toward the end of this period.

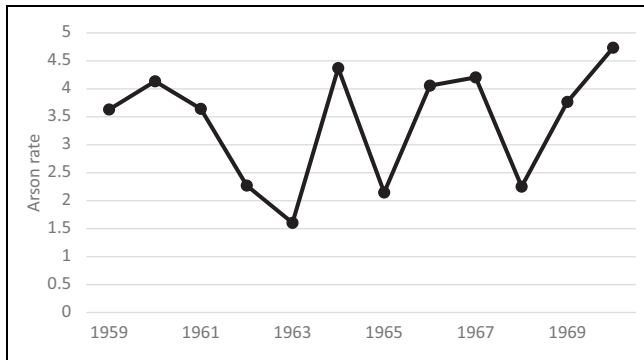


Figure 6. Rate of arsons per 100,000 troops (1959–1970).

In contrast to our findings with respect to homicide, rape, and robbery, the rate of aggravated-assault charges among troops is *lower* than the arrest rate for aggravated assault among U.S. men aged 18–24. That rate stood at 313.2 and 278.7 arrests per 100,000 in 1980 and 2014, respectively.

After looking at trends in violent crime committed by U.S. troops, we turn to two categories of property crime that do not involve the use of force against the victim: arson and burglary.

Arson

While U.S. troops committed significant violent crime, they exhibited smaller involvement in property crime. The absolute number of arsons that U.S. personnel were charged with ranged from a low of six in 1962 to a high of 23 in 1967 and 1970. The annual rate of arsons per 100,000 troops stood at an average of 3.4 during this period (Figure 6). This rate fluctuates and does not show the clear upward trend that characterized the rapes or robberies committed by troops. Importantly, the rate of arson charges against troops is *lower* than the rate of arrests for arson among U.S. men aged 18–24 years: 17.4 and 5.6 arrests per 100,000 in 1980 and 2014, respectively.

Burglary

The absolute number of burglaries charged against U.S. personnel reached a high of 151 in 1968 and stood at an annual average of 80.5 throughout the period 1959–1970. This is lower than the average counts of homicides, rapes, robberies, and aggravated assaults, which stood at 179, 176, 1,201, and 394, respectively. A nonviolent offense such as burglary is typically more common than any of these four violent offenses; this has been the case in the United States since the 1960s to this day (Berg et al., 2016; Federal Bureau of Investigation, 2020). Yet, U.S. troops

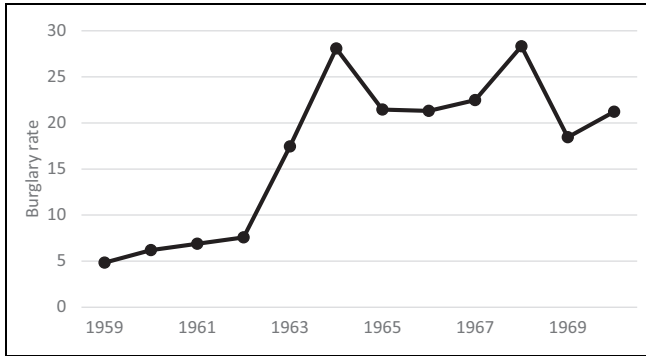


Figure 7. Rate of burglaries per 100,000 troops (1959–1970).

committed relatively few burglaries. This comes through clearly in the rate of burglaries per 100,000 troops shown in Figure 7 and in a comparison of the troops' burglary rate with the far higher burglary rate among U.S. men aged 18–24 years. The arrest rate for burglaries in that population stood at 617.2 and 234.8 arrests per 100,000 in 1980 and 2014, respectively. By contrast, troops' rate of burglary charges stood at roughly 20 per 100,000 in the latter 1960s.

One possible explanation for the low number of property crimes compared with violent crimes is that host-country authorities focused on charging U.S. troops for serious crimes that involved violence while neglecting nonviolent property crimes. In other words, the count of property crimes presented here may be an undercount of the property crimes committed by troops. This explanation, however, is contradicted by the vast number of charges that host countries filed against U.S. troops for minor offenses. During the period 1959–1970, U.S. personnel were charged with 17,451 cases of simple assault, 40,938 cases of disorderly conduct or drunkenness, and 201,791 traffic offenses. This means that law enforcement authorities indeed charged U.S. troops for lesser crimes, and the relatively small number of property-crime charges does not stem from a law enforcement focus on violent crimes. It is possible that troops—young, able-bodied men—tended toward violent crimes in which they could take advantage of their physical strength. The relative paucity of burglaries may also have resulted from the difficulty of concealing the illegal origin of stolen goods in a military-base environment.

Also note that a series of Pearson correlation tests show a strong, positive, and statistically significant association between the six types of offenses presented here. This means that as troops committed more offenses of one type, they typically committed more offenses of other types.

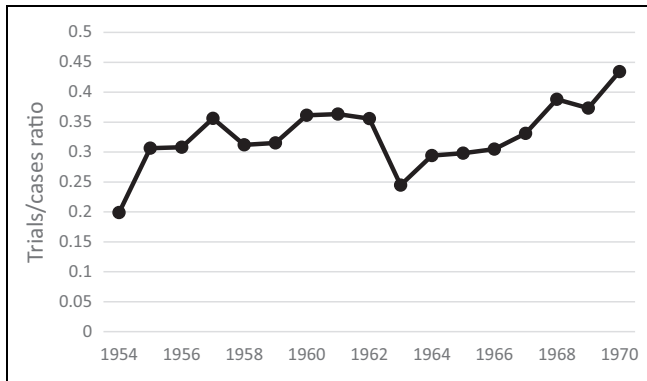


Figure 8. Ratio of trials to criminal cases charged against U.S. personnel (1954–1970).

How Did Host Countries Handle Offending Troops?

The charging of an American troop with a crime marked the beginning of the legal process. The next steps in this process included the holding of trial for the alleged offender, the verdict (conviction or acquittal), and, in case of a conviction, the sentence. U.S. authorities had a strong preference against the holding of trials before host-country courts. It was the U.S. policy to try and maximize the waivers of foreign jurisdiction in cases involving troops (see Army Regulation 27–50, reprinted in U.S. Senate, 1967, p. 19). Given the importance of U.S. presence for the host countries' security (Martinez Machain & Morgan, 2013), one might expect hosts to comply with the American preference by frequently terminating cases involving U.S. personnel and not advancing them to the trial stage. If trials are held, one would expect lenient treatment of the Americans on trial: frequent acquittals and light sentences for convictions. Do the data support these expectations?

We begin with the rate of completed trials, that is, the fraction of cases in which U.S. personnel charged with a crime went through a full trial, ending with a judgment, before host-country courts—without the host country waiving its jurisdiction, releasing the alleged offender to U.S. custody, or dropping the charges. Note that the data presented here combine trials for all types of offenses.

Figure 8 shows that, while fluctuating over the years, the annual rate of completed trials of U.S. personnel was low: It ranged from 0.2 to 0.43, standing at an average of 0.33 during the period 1954–1970. This means that roughly two thirds of criminal cases involving U.S. personnel did *not* lead to a full trial before host-country courts. This is consistent with the American preference for shielding troops from host-country jurisdiction and the persistent pressure for waivers (U.S. Senate, 1961, pp. 10–11). Note that the drop in the trials/cases ratio in 1963 stems from the inclusion of Germany in the data. In that year, German authorities charged 6,188 Americans but put on trial only 349 of them, thus reducing the overall trial

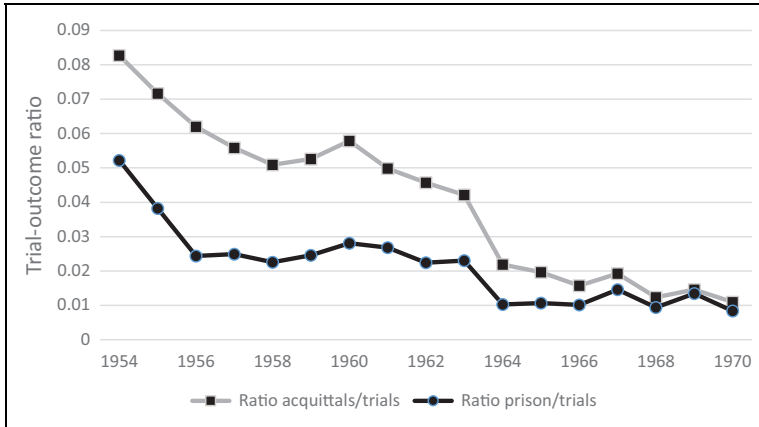


Figure 9. Ratio of acquittals or prison sentences to trials of U.S. personnel (1954–1970).

rate. In the following years, as more U.S. personnel stood trial in Germany, the rate of trials begins to climb.

Figure 9 plots two outcomes of trials of U.S. personnel before host-country courts: a verdict of acquittal and an unsuspended prison sentence (i.e., actual time in prison). More specifically, we plot the ratio of acquittals to completed trials and the ratio of prison sentences to trials.

Surprisingly, the rate of acquittals is extremely low, ranging from 0.08 in 1954 to 0.01 in 1970. This means that nearly all U.S. personnel on trial—roughly 97%—were *convicted*, contrary to the U.S. preference for shielding troops from local criminal responsibility. The sentences, though, hewed closer to the American preference. Upon conviction, U.S. personnel were typically sentenced to pay a fine. The rate of unsuspended prison sentences—that is, Americans behind bars—was very low, and it declined throughout the period examined here. In 1954, 5% of trials concluded with a prison sentence; in 1970, only 0.8% of trials resulted in a prison sentence. To put things into perspective, we should remember that the majority of offenses that troops committed, such as traffic offenses or disorderly conduct, were minor offenses that did not necessarily merit a prison sentence. Nonetheless, an average annual imprisonment rate of 2% does seem low. In hearings before the NATO SOFA subcommittee, both senators and military officers expressed the view that host-country courts imposed more lenient punishments on troops than they would have received in U.S. civilian courts or courts-martial (U.S. Senate, 1961, pp. 14, 29–30; U.S. Senate, 1966, p. 18).

Overall, it seems that host-country authorities were playing a two-level game (Cooley, 2008, p. 10; Kawato, 2015, p. 7; Yeo, 2011, p. 2). Domestically, they sought to demonstrate to the public that they were holding U.S. troops accountable by convicting nearly all troops, with the rate of acquittals dropping (and the rate of

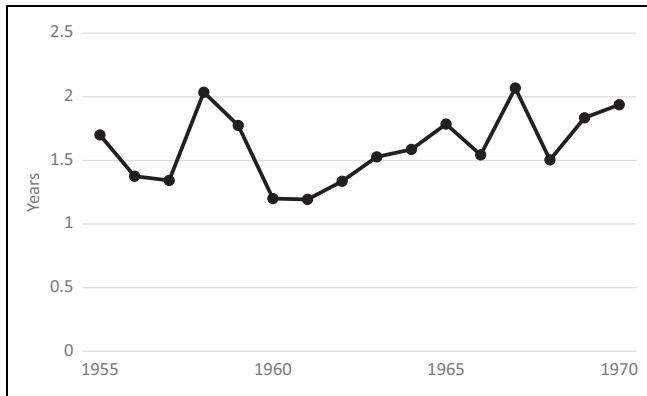


Figure 10. Average duration of prison sentences imposed on U.S. personnel (1955–1970).

convictions rising) over time, as seen in Figure 9. Yet, in order to maintain good relations with the U.S. military, hosts' law enforcement authorities settled for lenient sentences, rarely putting troops behind bars and typically preferring a fine. Another possible motive for imposing fines over prison sentences was financial. Hosts may have preferred to generate income from fines paid by American troops, who often had deeper pockets than locals, than to bear the costs of imprisoning troops (U.S. Senate, 1964b, p. 24).

In another expression of leniency, even when troops were sent to prison, the duration of sentences was typically short throughout the period considered here, as Figure 10 shows. In 1955, a prison sentence for U.S. personnel stood at 1.7 years on average, and in 1970, it stood at 1.94 years on average; 60% of prison sentences were shorter than 1 year.

Discussion and Implications

The data present a picture of significant crime committed by U.S. troops in host countries from 1954 to 1970. Unfortunately, DoD and the Army did not provide Congress with data for later years. Yet, the data for 1978 are available (Cochran & Chiu, 1979), suggesting a continuation and escalation of the criminal involvement of U.S. personnel abroad. In 1978, foreign authorities charged U.S. personnel with 79,346 criminal cases—more than double the number in 1970 (37,193). U.S. personnel were charged with 179 cases of homicide (down from 254 cases in 1970), 412 cases of rape (up from 255 in 1970), 2,548 cases of robbery (up from 1,780 in 1970), 657 cases of aggravated assault (up from 498 in 1970), 35 cases of arson (up from 23 in 1970), and 172 cases of burglary (up from 103 in 1970). The rate of cases resulting in completed trials rose significantly: from 43% in 1970 to 68% in 1978. Yet, trial outcomes were consistent with the familiar pattern: a very low rate of acquittals (0.5% of all trials) alongside an extremely low rate of

unsuspended prison sentences (0.2% of trials). Although we do not have comprehensive data after 1978, it looks like troops' criminal involvement has significantly declined since the early 1980s (e.g., Cooley, 2008, pp. 122–123; Moon, 2010—providing figures for Korea). While reports of troop crime still occasionally circulate (e.g., Otis, 2015), the magnitude of criminal activity seems much lower than during the period examined in this article. Pay increases for troops and a better quality of recruits may have contributed to the drop in crime (Baker, 2004).

The data presented shed light on the extensive criminality of American troops during the Cold War—a grim phenomenon that has long remained hidden. It turns out that American troops' involvement in crime was not limited to isolated incidents: It included a staggering number of serious criminal offenses, especially violent crimes, against civilian population in host countries. Remember, also, that the data compiled by the Army and presented here are likely an undercount of troops' offenses for reasons outlined above. The data also, for the first time, give us deep insight into host countries' legal response to the crimes committed by troops. Offending troops, we now learn, often escaped accountability before host-country courts. Most of them did not face trial before local courts, and those who did typically received light punishments that involved little prison time. The punishments imposed on troops were lenient by American standards but also by local standards (U.S. Senate, 1966, p. 18). For example, in the 1970s and 1980s, 82%–84% of all sentences in German courts consisted of fines (Albrecht, 1995). Our data for 1970 show that roughly 99.6% of convictions of U.S. troops by German courts resulted in fines. This much higher rate of fines—which means fewer offenders sent to prison—indicates a more lenient treatment of troops than of locals.

The analysis here joins a small body of literature that documents the criminal behavior of U.S. troops toward civilians in Europe during World War II and in its immediate aftermath (Kehoe & Kehoe, 2016; Lilly, 2007; Roberts, 2013). But while criminal conduct of troops in the height of war is not entirely unexpected, large-scale troop criminality in peacetime—in countries that consented to the American presence to enhance their security—is more surprising. Furthermore, while wartime accounts focus on certain serious crimes—in particular, rape—the data compiled by the Army paint a broader picture that goes beyond violent crimes. Consider, for example, the 201,791 cases of traffic offenses charged against U.S. personnel in 1959–1970 and the 40,938 cases of disorderly conduct during the same period. American troops, it appears, often broke host countries' laws through minor and serious offenses.

By relying on systematic data to paint a broad picture of troops' criminal involvement during the Cold War, this study enhances the highly incomplete knowledge we currently have. The emerging picture bolsters the historical record and gives credence to long-standing claims made by host communities, demonstrating that troop crime was indeed a problem of significant proportions. These data should also lead us to reexamine our understanding of the relations between U.S. forces and hosts. The criminal activity of troops, American pressure on host governments to

waive their jurisdiction over offending troops, and domestic pressures to hold troops accountable likely shaped U.S.–host relations in ways that the existing literature underappreciates.

This article should also be read as an invitation for future research regarding the causes and implications of troops' criminal conduct. Possible avenues of research include complementing the partial data on troop offenses in Germany and Korea with archival data for the pre-SOFA period; exploring the causes of troops' criminality and why it increased over time; identifying the reasons for the higher crime rates of troops in Germany; attempting to estimate the dark number of unreported or unrecorded crimes committed by troops; and assessing the impact of troop crime on society in the host country. While this article focused on hosts' treatment of offending troops, it is also important to understand how U.S. authorities addressed troops' illegal activities: Did they seek to prevent and punish such activities or did they overlook them?

When thinking about the impact of U.S. military presence on host countries, one should not lose sight of the good, as U.S. military presence has brought significant benefits to the host countries' security, economy, and political stability (Braithwaite & Kucik, 2018; Heo & Ye, 2019; Martinez Machain & Morgan, 2013). But, U.S. overseas presence also exerted some negative effects on hosts, and this study shines a light on one such effect. The picture painted here demonstrates that, from the 1950s to the 1970s, American troops engaged in significant criminality and lawbreaking, and this conduct is a part of the legacy of U.S. military presence abroad.

Acknowledgments

I thank four reviewers and the editor of *Armed Forces & Society* for helpful comments. Shir Beerli provided research assistance.

Declaration of Conflicting Interests

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

This research benefited from the support of the European Union's Horizon 2020 Research & Innovation programme under Grant Agreement no. 770142 (Reconciling Europe with its Citizens through Democracy and the Rule of Law – 'RECONNECT').

ORCID iD

Asif Efrat  <https://orcid.org/0000-0001-8325-3932>

Supplemental Material

The supplemental material for this article is available online.

References

- Albrecht, H. (1995). Sentencing in the Federal Republic of Germany. *Federal Sentencing Report*, 7(6), 305–307.
- Allen, M. A., & Flynn, M. E. (2013). Putting our best boots forward: U.S. Military deployments and host-country crime. *Conflict Management and Peace Science*, 30(3), 263–285.
- Angst, L. I. (2001). The sacrifice of a schoolgirl: The 1995 rape case, discourses of power, and women's lives in Okinawa. *Critical Asian Studies*, 33(2), 243–266.
- Baker, A. P. (2004). *American soldiers overseas: The global military presence*. Praeger.
- Berg, M. T., Baumer, E., Rosenfeld, R., & Loeber, R. (2016). Dissecting the incidence and prevalence of offending during the crime drop of the 1990s. *Journal of Quantitative Criminology*, 32, 377–396.
- Biglaiser, G., & DeRouen, K., Jr. (2009). The interdependence of U.S. troop deployments and trade in the developing world. *Foreign Policy Analysis*, 5(3), 247–263.
- Braithwaite, A., & Kucik, J. (2018). Does the presence of foreign troops affect stability in the host country? *Foreign Policy Analysis*, 14(4), 536–560.
- Calder, K. E. (2007). *Embattled garrisons: Comparative base politics and American Globalism*. Princeton University Press.
- Cochran, C., & Chiu, H. (Eds.). (1979). *U.S. status of force agreements with Asian Countries: Selected countries* [Occasional papers/reprints series in Contemporary Asian Studies 7]. University of Maryland School of Law.
- Cooley, A. (2008). *Base politics: Democratic change and the U.S. Military overseas*. Cornell University Press.
- Curtin, N. (2012). “We might as well write Japan off”: The state department deals with the Girard crisis of 1957. *Journal of American-East Asian Relations*, 19, 109–131.
- Department of Justice, Bureau of Justice Statistics. (2020). Arrest data analysis tool. <https://www.bjs.gov/index.cfm?ty=datool&surl=/arrests/index.cfm>
- Egan, J. W. (2006). The future of criminal jurisdiction over the deployed American Soldier. *Emory International Law Review*, 20, 291–343.
- Erickson, R. J. (1994). Status of forces agreements: A sharing of sovereign prerogative. *Air Force Law Review*, 37, 137–153.
- Farrell, G., Tilley, N., & Tseloni, A. (2014). Why the crime drop? *Crime and Justice*, 43(1), 421–490.
- Federal Bureau of Investigation. (2020). Crime data explorer. <https://crime-data-explorer.app.cloud.gov/explorer/national/united-states/crime>
- Fürmetz, G. (2013). Insolent occupiers, aggressive protectors: Policing GI delinquency in early 1950s West Germany. In T. W. Maulucci Jr., & D. Junker (Eds.), *GIs in Germany: The social, economic, cultural, and political history of the American Military Presence* (pp. 189–211). Cambridge University Press.
- Heo, U., & Ye, M. (2019). U.S. Military deployment and host-nation economic growth. *Armed Forces & Society*, 45(2), 234–267.
- Ikenberry, G. J. (2011). *Liberal Leviathan: The origins, crisis, and transformation of the American World Order*. Princeton University Press.

- International Security Advisory Board. (2015, January 16). Report on status of forces agreements. <https://2009-2017.state.gov/documents/organization/236456.pdf>
- Kane, T. (2004). *Global U.S. troop deployment, 1950-2003*. Heritage Foundation.
- Kawana, S., & Takahashi, M. (Eds.). (2021). *Exploring base politics: How host countries shape the network of U.S. Overseas Bases*. Routledge.
- Kawato, Y. (2015). *Protests against U.S. Military base policy in Asia: Persuasion and its limits*. Stanford University Press.
- Kehoe, T. J., & Kehoe, E. J. (2016). Crimes committed by U.S. Soldiers in Europe, 1945–1946. *Journal of Interdisciplinary History*, 47(1), 53–84.
- Lake, D. A. (2009). *Hierarchy in international relations*. Cornell University Press.
- Lilly, J. R. (2007). *Taken by force: Rape and American GIs in Europe during World War II*. Palgrave Macmillan.
- Martinez Machain, C., & Morgan, T. C. (2013). The effect of US troop deployment on host states' foreign policy. *Armed Forces & Society*, 39(1), 102–123.
- Moon, S. (2010). Camptown prostitution and the imperial SOFA: Abuse and violence against transnational camptown women in South Korea. In M. Höhn & S. Moon (Eds.), *Over there: Living with the U.S. Military empire from World War II to the present* (pp. 337–365). Duke University Press.
- Nelson, D. J. (1987). *Defenders or intruders? The dilemmas of U.S. Forces in Germany*. Westview Press.
- Otis, J. (2015, April 15). Colombians accuse U.S. soldiers and officials of sexual assault and rape. *Time*. <https://time.com/3823044/colombia-us-soldiers-rape/>
- Packard, G. R. (1966). *Protest in Tokyo: The security treaty crisis of 1960*. Princeton University Press.
- Roberts, M. L. (2013). *What soldiers do: Sex and the American GI in World War II France*. University of Chicago Press.
- Rossmo, D. K., & Routledge, R. (1990). Estimating the size of criminal populations. *Journal of Quantitative Criminology*, 6, 293–314.
- Sider, H., & Cole, C. (1984). The changing composition of the military and the effect on labor force data. *Monthly Labor Review*, 107(7), 10–13.
- Skogan, W. G. (1977). Dimensions of the dark figure of unreported crime. *Crime & Delinquency*, 23, 41–44.
- Ulmer, J. T., & Steffensmeier, D. J. (2014). The age and crime relationship: Social variation, social explanations. In K. Beaver, J. C. Barnes, & B. Boutwell (Eds.), *The nurture versus biosocial debate in criminology: On the origins of criminal behavior and criminality* (pp. 377–396). Sage.
- U.S. Senate. (1953a, April 7–8). Agreements relating to the status of the North Atlantic Treaty Organization, armed forces, and military headquarters: Hearings before the Committee on Foreign Relations, 83rd Cong.
- U.S. Senate. (1953b, April 28). Agreements relating to the status of the North Atlantic Treaty Organization, armed forces, and military headquarters, 83rd Cong [Executive report no. 1].

- U.S. Senate. (1953c, June 24). Agreement regarding status of forces of parties of the North Atlantic Treaty: Supplementary hearing before the Committee on Foreign Relations, 83rd Cong.
- U.S. Senate. (1955, July 29). Operation of article VII, NATO status of forces treaty: Report of the Committee on Armed Services, 84th Cong [Senate report no. 1268].
- U.S. Senate. (1959, August 18). Operation of article VII, NATO status of forces treaty: Hearing before a subcommittee of the Committee on Armed Services, 86th Cong.
- U.S. Senate. (1961, July 19). Operation of article VII NATO status of forces treaty: Hearing before a subcommittee of the Committee on Armed Services, 87th Cong.
- U.S. Senate. (1964a, July 8). Operation of article VII, NATO status of forces treaty: Report of the Committee on Armed Services, 88th Cong [Report no. 1171].
- U.S. Senate. (1964b, August 7). Annual NATO status of forces treaty report: Hearing held before status of forces subcommittee of the Committee on Armed Services [Executive session].
- U.S. Senate. (1966, August 26). Operation of article VII, NATO status of forces treaty: Hearing before a subcommittee of the Committee on Armed Services, 89th Cong.
- U.S. Senate. (1967, August 15). Operation of article VII, NATO status of forces treaty: Hearing before a subcommittee of the Committee on Armed Services, 90th Cong.
- Yeo, A. I. (2011). *Activists, alliances, and anti-U.S. base protests*. Cambridge University Press.

Author Biography

Asif Efrat, PhD, is an Associate Professor of government at the Interdisciplinary Center (IDC) Herzliya. His work examines international cooperation in matters of crime and justice.