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APPROVED
FEB 13 1976

Signed
2/13/76

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: February 14

February 11, 1976

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 4113 - Relief of Mitsue
Karimata Stone

Attached for your consideration is a H.R. 4113, sponsored by Representative Slack, which would waive a section of the Immigration and Nationality Act to admit the alien wife of a U.S. serviceman into the United States, notwithstanding a previous conviction in Japan for unlawful possession of heroin.

Additional background information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, NSC, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 4113 at Tab B.

Posted
2/13
To Archives
2/13





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

FEB 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 4113 - Relief of Mitsue Karimata
Stone
Sponsor - Rep. Slack (D) West Virginia

Last Day for Action

February 14, 1976 - Saturday

Purpose

To admit the alien wife of a U.S. serviceman into the United States, notwithstanding a previous conviction for unlawful possession of heroin.

Agency Recommendations

Office of Management and Budget	Approval
Immigration and Naturalization Service	Approval
Department of State	No objection

Discussion

The enrolled bill would waive a section of the Immigration and Nationality Act which excludes aliens convicted of any drug law violation from entry into the United States, authorize the issuance of an immigrant visa to the beneficiary, Mrs. Mitsue Karimata Stone, and permit her admission into the United States for permanent residence.

Mrs. Stone is a 23 year old native and citizen of Japan who is the wife of a U.S. serviceman. She resides in Okinawa with her husband, U.S. Army Specialist Fourth Class Patrick G. Stone,

and their 2 year old daughter, a U.S. citizen by birth. Prior to her marriage to Specialist Stone on June 29, 1973, she had been convicted under Japanese law on December 28, 1972 of unlawful possession of heroin and sentenced to one year imprisonment, execution of which was suspended pending completion of three years of probation.

According to the House Judiciary Committee report, Mrs. Stone's arrest and conviction had been reported by her husband to the Army prior to their marriage because of Army requirements that soldiers planning to marry aliens overseas undergo a screening process before permission to marry is given. This screening process includes an extensive background check on the prospective bride to avoid situations in which soldiers marry girls who are unable to enter the United States because of immigration restrictions. The investigation by the Army and Japanese police revealed no derogatory information on the beneficiary and Army approval to the proposed marriage was then given. Specialist Stone made the reasonable assumption that the arrest record of his wife had been sealed in accordance with normal juvenile court procedures since his prospective wife was a minor at the time of her arrest.

However, because of her conviction for a drug offense, Mrs. Stone is ineligible for admission to the United States. Inasmuch as Specialist Stone's term of enlistment will expire, the family will be forced to separate upon his (and possibly their child's) return to the United States. Approval of the enrolled bill would waive the statutory ineligibility of Mrs. Stone for admission to the United States and permit the family to remain together.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



To: J. Casanough
2-9-76



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

FEB 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 4113 - Relief of Mitsue Karimata Stone
Sponsor - Rep. Slack (D) West Virginia

Last Day for Action

February 14, 1976 - Saturday

Purpose

To admit the alien wife of a U.S. serviceman into the United States, notwithstanding a previous conviction for unlawful possession of heroin.

Agency Recommendations

Office of Management and Budget	Approval
Immigration and Naturalization Service	Approval
Department of State	No objection

Discussion

The enrolled bill would waive a section of the Immigration and Nationality Act which excludes aliens convicted of any drug law violation from entry into the United States, authorize the issuance of an immigrant visa to the beneficiary, Mrs. Mitsue Karimata Stone, and permit her admission into the United States for permanent residence.

Mrs. Stone is a 23 year old native and citizen of Japan who is the wife of a U.S. serviceman. She resides in Okinawa with her husband, U.S. Army Specialist Fourth Class Patrick G. Stone,



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 10

Time: 800pm

FOR ACTION: Dick Parsons
NSC/S
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: February 11

Time: 6:00pm

SUBJECT:

H.R. 4113 - Relief of Mitsue Karimata Stone

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

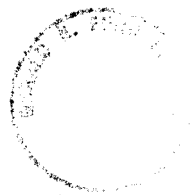
Approval. RP

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Johnston
Staff Secretary



Date: February 10

Time: 800pm

FOR ACTION: Dick Parsons
NSC/S
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: February 11

Time: 6:00pm

SUBJECT:

H.R. 4113 - Relief of Mitsue Karimata Stone

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 2/11/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Thompson
See also 4113001

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 10

Time: 800pm

FOR ACTION: Dick Parsons
NSC/S
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: February 11

Time: 2:00pm
~~6:00pm~~

SUBJECT:

H.R. 4113 - Relief of Mitsue Karimata Stone

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

Washington 25, D.C.

OFFICE OF THE COMMISSIONER

5 FEB 1976

AND REFER TO THIS FILE NO.

A20 900 047

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H. R. 4113; Office of Management
and Budget request dated February 3, 1976

Beneficiary or Beneficiaries Mitsue Karimata Stone

Pursuant to your request for the views of the Department of Justice on the subject bill, a review has been made of the facsimile of the bill, the relating Congressional Committee report or reports, and all pertinent information in the files of the Immigration and Naturalization Service.

On the basis of this review the Immigration and Naturalization Service, on behalf of the Department of Justice:

Recommends approval of the bill.

Interposes no objection to approval of the bill

Sincerely,


Commissioner



DEPARTMENT OF STATE

Washington, D.C. 20520

4 - FEB 1976

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of February 3, 1976, transmitting for comment enrolled bills H.R. 4046, "For the relief of Valerie Ann Phillips, nee Chambers", H.R. 4113, "For the relief of Mitsue Karimata Stone", and H.R. 5750, "For the relief of Chu Wol Kim".

This Department has no objection to the enactment of these bills.

Sincerely,

Robert J. McCloskey
Assistant Secretary for
Congressional Relations

February 11, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: Jeanne W. Davi *JWD*
SUBJECT: Enrolled Bills - H. R. 4046,
H. R. 8555, H. R. 4113

The NSC Staff has no objection to Enrolled Bills H. R. 4046, H. R. 4113, H. R. 8555 for the relief of Valerie Ann Phillips, nee Chambers, Angel Pader Cabal, and Mitsue Karimata Stone respectively.

THE WHITE HOUSE

WASHINGTON

February 12, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: H. R. 4113 - Relief of Mitsue Karimata Stone

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Report	House Report - Mitsue Karimata Stone (redacted copy)	7/25/1975	C

File Location:
 Legislation Case Files, Box 39, "2/13/76, H.R. 4113" / JPS / 2/24/16

RESTRICTION CODES

- (A) Closed by applicable Executive order governing access to national security information.
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MITSUE KARIMATA STONE

JULY 25, 1975.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. FISH, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 4113]

The Committee on the Judiciary to whom was referred the bill (H.R. 4113) for the relief of Mitsue Karimata Stone, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to waive the provision of section 212 (a) (23) in behalf of Mitsue Karimata Stone. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Departments of State or Justice had knowledge prior to the enactment of this Act.

GENERAL INFORMATION

The beneficiary of this bill is a 23-year-old native and citizen of Japan who is the wife of a United States citizen serviceman. She resides in Okinawa with her husband and their child, also a citizen of the United States. The beneficiary has been refused a visa because of a conviction in Japan on December 28, 1972 for being in possession of 0.03 grams of heroin and for having purchased said heroin at a cost of \$10. She received a sentence of one year penal servitude which was suspended for three years.

Certain pertinent facts in this case are contained in a letter dated December 5, 1974 from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary re-

garding a bill then pending for the relief of the same person. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., December 5, 1974.

A20-900-047.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 15788) for the relief of Mitsue Karimata Stone, there is attached a memorandum of information concerning the beneficiary.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a violation of any law or regulation relating to the illicit possession of or traffic in narcotic drugs, and would authorize the issuance of a visa to the beneficiary and her admission to the United States for permanent residence, if she is otherwise admissible under the Act. The bill also limits the exemption granted to a ground for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment.

Sincerely,

LEONARD F. CHAPMAN, Jr.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 15788

The beneficiary, Mitsue Karimata Stone, also known as Emiko Taira, a native and citizen of Japan, was born on June 20, 1952. She completed high school in her native land and was subsequently employed as a painter of kimono from April 1970 until June 1972 and as a bar hostess from June until August of 1972. She was convicted in Japan on December 28, 1972 of the offenses of being in possession of 0.03 grams of heroin and of having purchased said heroin at a cost of \$10. She was sentenced to one year imprisonment, sentence suspended for three years during which time she is on probation. The beneficiary now resides with the interested party on Okinawa. Her widowed mother, one brother and one sister reside in Japan.

The interested party, Specialist Fourth Class Patrick Gerard Stone, a United States citizen, was born on February 21, 1953 at Houston, Texas. He is a high school graduate and has completed two semesters of college. On April 2, 1971, he enlisted in the United States Army and is presently serving in Okinawa, Japan. The interested party and the beneficiary were married on June 29, 1973. Their only child, Peggy Ann, who was born on December 5, 1973, acquired United States citizenship at birth. The interested party receives a salary

and allotments totaling \$569 per month and has assets consisting of personal property valued at \$2,300.

The beneficiary has never resided in the United States. She has stated that she was refused a visa at the United States Embassy, Tokyo, Japan on October 17, 1973 because of her criminal conviction.

Specialist Fourth Class Stone has stated that, if the beneficiary is not permitted to enter this country, he and their daughter will be deprived of the beneficiary's love, care and affection, thereby causing them an undue hardship.

A report from the Department of State on this legislation reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., September 19, 1974.

HON. PETER W. RODINO, JR.,
*Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: With reference to your request for a report concerning the case of Mitsue Karimata Stone, beneficiary of H.R. 15788, 93rd Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been prepared by the American Consulate General at Naha, Japan, in whose consular jurisdiction the beneficiary resides.

The bill would provide for visa issuance and the beneficiary's admission for permanent residence notwithstanding her ineligibility as an alien who has been convicted of a violation of any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marijuana, if she is otherwise admissible under the Immigration and Nationality Act. The relief granted is limited to a ground for exclusion known to the Department of State or the Department of Justice prior to enactment.

Copies of the beneficiary's court record, with a translation, are also enclosed for the Committee's information.

Cordially,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

Enclosures.

Submitted by the American Consulate General at Naha, Japan.

MEMORANDUM OF INFORMATION CONCERNING H.R. 15788 FOR THE
RELIEF OF MITSUE (KARIMATA) STONE

The beneficiary was born on June 20, 1952, at Taira-City, Okinawa, Japan. She attended local schools and was a graduate of Aza-Kamahara, Koza-City High School in 1968. She was later employed by various local firms as a factory worker and hostess. On June 29, 1973 she was married to a United States citizen, Patrick Stone, an enlisted man serving with the U.S. Army in Okinawa. Their only child, Peggy Ann Stone, was born in Okinawa on December 5, 1973.

On October 2, 1973 the beneficiary consulted with a consular officer about the possibility of obtaining an immigrant visa. She was found ineligible under Section 212(a)(23) of the Immigration and Nation-

ality Act, due to her conviction by the Japanese Court on December 28, 1972 for the violation of Article 12 of the Japanese Narcotics Control Law. She was charged with possession of approximately .006 grams of morphine and sentenced to one year penal servitude. The sentence was suspended for three years from the date of the trial conclusion.

The beneficiary is classifiable as an Immediate Relative.

The Consulate General's investigation revealed no additional derogatory information concerning the beneficiary.

The beneficiary underwent a medical examination on August 15, 1974, and was found to be in good health.

(Rough translation : Visa case of Mitsue Karimata Aka Shoko Taira)

COURT DECISION

Accused: Karimata, Mitsue, commonly called Taira, Shoko.

Permanent address: 1278, Aza-Karimatal, Hirara City.

Present address: 50-3, Aza-Nakasono, Koza City.

Date of birth: 20 June 1952.

Occupation: Hostess.

With the presence of Public Procurator Seikyo Toma, the Court examined the accused for suspicion of violation of Narcotic Control Law and rendered a decision as follows:

TEXT OF DECISION

The accused is sentenced to one year penal servitude; provided that the execution is suspended for three years from the date of the trial conclusion.

During the period of suspended execution of sentence, the accused will be placed on probation.

The accused will bear the total cost of the trial.

REASONS

Facts constituting the offense

The accused without legal exemption:

1. At or about 1900 hours, August 20, 1972, at the road in front of (D.D.) No. 1402, Aza-Goya, Koza City, the accused was in possession of approximately 0.03 grams of the narcotic hydrochloric diathetic morphine.

2. At or about 1800 hours, on the 21st day of the same month, in a ladies' toilet located at (D.D.) No. 1402, Aza-Goya, Koza City, the accused obtained one package of diathetic morphine (about 0.03 grams) for the price of \$10.00 from Miko Hirayama, also known as Mikky.

ITEMS OF EVIDENCE

1. The statement of the accused made at the Court hearing.
2. The statement of the accused made to the Narcotics Control Officer and the Public Procurator.
3. The statement of Seiji Sakagawa made to the Narcotics Control Officer.
4. The statement of Hatsumi Arasaki to the Public Procurator.
5. The statement of Miko Hirayama to the Narcotics Control Officer.

6. Examination report prepared by Taro Nishioka.
7. Examination report prepared by Kakei Taira.

APPLICABLE LAWS

For the conduct specified in the sentence: Paragraph 1, article 64-2 and paragraph 1, article 12 of the Narcotics Control Law.

For increase of punishment for consolidated crimes: The first part of article 45, the main clause of article 47, article 10 of the Criminal Code. (Therefore, an increased punishment has been decided under item 2 of the sentence which is heavier (more serious?).)

SUSPENSION OF EXECUTION OF SENTENCE

Paragraph 1, article 25 of the Criminal Code.

FOR PLACEMENT UNDER PROBATION

The first part of paragraph 1, article 25-2, Criminal Code.

THE COST OF THE TRIAL

The main clause of paragraph 1, article 181, the Criminal Procedure Code.

Sentenced on this day of December 28, 1972.

OSAMA HAYASHI,
Judge, Naha District Court.

Mr. Slack, the author of this bill, submitted the following letters in support of this legislation:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 11, 1974.

HON. JOSHUA EILBERG,
*Chairman, Immigration, Citizenship and International Law,
Committee on the Judiciary, Rayburn House Office Building,
Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is written to ask that your Committee expeditiously consider H.R. 15788, for the relief of Mitsue Karimata Stone, which I introduced in the House of Representatives on July 2, 1974, after considering the matter at length.

In reviewing the accompanying file, you will learn this situation has developed as a result of a premarital investigation conducted by the United States Army. Upon completion of the investigation, permission to marry was granted even though there had been an infraction of the drug laws.

There is now a child involved, and Specialist Stone is interested in keeping his family together but will be unable to do so unless this bill is enacted into law.

I will be most appreciative of your sympathetic consideration of this matter, I assure you.

Yours sincerely,

JOHN SLACK.

H.R. 408

OFFICE OF THE STAFF JUDGE ADVOCATE,
DEPARTMENT OF THE ARMY,
APO San Francisco, Calif., May 3, 1974.

HON. JOHN SLACK,
Rayburn House Office Building,
Washington, D.C.

DEAR SENATOR SLACK: I am writing to you on behalf of Specialist Four and Mrs. Patrick G. Stone, [REDACTED] of Headquarters Company (MSA), APO San Francisco 96248. His permanent place of residence is in your district at 1211 Lee Street, Charleston, West Virginia. As you may remember, Specialist Stone wrote to you last fall to request your help in bringing his wife into the United States, and you replied that she was ineligible to immigrate because she had been convicted on a drug charge (TAB A). After consulting you, Specialist Stone explored every possible alternative means of getting a visa for his wife. A letter from his commanding officer, Captain Bowling, to the Secretary of the Army, Howard H. "Bo" Callaway, prompted a reply (TAB B) which offered what appears to be the only alternative. The Secretary stated that the only way Mrs. Stone can come to America is for Congress to pass a private bill on her behalf.

Specialist Stone came to this office for help after receiving Secretary Callaway's letter. I feel very strongly that Specialist Stone deserves help because of the unfortunate way the Army erred in processing his application to marry and because his wife is now completely rehabilitated and a member of a happy family group. I am sure that you will share these feelings after you examine the inclosed documents. I hope that you will find this case to be meritorious and that you will help the Stone family. I believe that you will be better equipped to understand the Stones' dilemma if I tell you their story from the beginning. Under existing American law, Mrs. Mitsue Karimate Stone is unable to immigrate to America because she has been convicted by a Japanese Court for possession of heroin. She is a Japanese citizen who Specialist Stone has married during the time he has been stationed on Okinawa. They have one daughter (TAB C).

The Army requires soldiers who are planning to marry local nationals overseas to undergo a rigorous screening process before permission to marry is given. This screening process includes an extensive background check on the prospective bride and it is normally quite thorough. The purpose of this requirement is to avoid situations in which soldiers marry girls who are unable to enter the United States because of American immigration restrictions. In the Stone case, however, the system broke down. Specialist Stone knew that his fiancée had been arrested on a drug charge before he met her, and he had indicated this to the Army during the premarital screening process on the Army Personal History Statement (TAB D, USFJ Form 196EJ of February 1972 at page 6, number 19). The investigation by the Army and Japanese police revealed no derogatory information about Mrs. Stone despite the information Specialist Stone had provided (TAB E, Army Pre-marriage Investigation, DA Form 2496 of 1 February 1962; TAB F, Personnel Security Action, DA Form 2784 of 1 December 1966; and TAB G, Japanese Police Report). When these favorable reports were received and the Army approval given (TAB H) Specialist Stone made the reasonable assumption that the arrest record of his wife had

been sealed in accordance with normal juvenile court procedures since his fiancée had not attained her majority at the time of her arrest, and that his wife would have no problem coming to America. Therefore, the couple was married (TAB I, Witness to Marriage).

If Specialist Stone had known that his wife could not have entered the United States, he might never have married her. He believed that the Army's screening process would do what it was intended to do, and his faith in the system has been rewarded by placing him in the position of having to choose between living in his country or living with his wife. He has recently re-enlisted and he will be on Okinawa for one more year, but at the end of that time he must decide whether he will leave his wife and child to return to America or whether he will remain in an alien land throughout his married life.

The various other forms Specialist Stone submitted to the Army are at TAB H. The Certificate of Marriage Interview (TAB I) indicates that Specialist Stone received legal counseling about immigration laws prior to the marriage. I usually give this class, and I know that in this case, this certificate is misleading. What the counseling states is, in essence, that a soldier's wife will not be allowed to enter the United States if she does not satisfactorily complete the Army Screening process. Because applicants are told that the Army investigation is as thorough as the one which the immigration authorities will make at the time the visa application is submitted, the implication is clear that she will be eligible to enter if she successfully completes the Army Screening process. Soldiers are told that the Army will not allow them to marry girls who cannot enter the United States. The interview encourages soldiers to be honest when they prepare the background information forms to spare themselves eventual heartbreak. Specialist Stone was completely honest when he submitted his forms, and the Army personnel who were charged with the responsibility of screening fiancées of servicemen were obviously derelict in their duties because they overlooked the information Specialist Stone gave them. The Army clearly failed to fulfill its obligations to Specialist Stone.

Mrs. Stone is not now the kind of person the immigration laws are supposed to exclude from the United States. She is a healthy, normal, productive mother and housewife, as the letters at TAB J will attest. The letter from Specialist Stone's commanding officer (TAB K) shows the character of her husband, and Mrs. Stone's Army Doctor (TAB L) and Japanese Probation Officer (TAB M) both state that she is completely rehabilitated and should be allowed to accompany her husband to the United States.

Mrs. Stone was never a drug dealer or dangerous criminal. When she graduated from high school, she took a highly respected, but low-paying job as a kimono painter in the capital city of Naha. When her father died, leaving her mother deeply in debt, she took a new job as a waitress in a bar catering to Americans. She made a great deal more money at this job than she had made painting because of the generous tipping habits of the Americans, and she was able to help her mother substantially.

She began to date an American to whom she eventually became engaged. He, unfortunately, had brought his addiction to heroin with him from Vietnam. She eventually yielded to his urging and tried heroin. By the time he was arrested for possession of heroin, she had

become an addict. She then had to acquire her own drugs, and she was arrested by the Japanese police for buying heroin and for possessing it approximately one month after her fiancée's arrest.

Although she was convicted in accordance with Japanese law and given a suspended sentence (TAB N), she was guilty only of the possession and purchase of drugs and she was never a "pusher." Her criminality has been confined exclusively to the use of heroin and she has no other police record.

She was hospitalized for two months after her arrest during which time she "kicked" her habit. She later met Specialist Stone, quit working in the bar, and began to lead a normal life. She is now completely rehabilitated, and leads a productive life as a wife and mother. Her infant daughter is an American citizen. The child's future would be bleak if she either accompanied her father to America and left her mother behind or if she had to spend her life in an alien environment where she would be unable to attend Japanese schools or be assimilated by the surrounding society.

Since it was a mistake made by the Army which allowed the Stones to marry, since Mrs. Stone is now completely rehabilitated, and since a child is involved who is an American citizen and whose whole life will be adversely affected if her mother cannot enter the United States, I hope that you will help this unfortunate family. You are the only remaining hope the Stones have of coming to America together.

Thank you very much for any assistance you can render Specialist Stone and his family. Since this is a matter of the utmost importance to the Stones your prompt reply would be greatly appreciated.

Sincerely,

GREGORY BRUCE ENGLISH,
Captain, Chief, Legal Assistance Division.

[The enclosures referred to in the above letter are in the files of the Committee on the Judiciary.]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 23, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of April 21st has been received, and I appreciate knowing of the Subcommittee consideration of H.R. 4113. I agree with the Members of the Subcommittee that in view of the evidence provided and circumstances surrounding the beneficiary the bill should be reported to the full Committee.

Your continued consideration and assistance in bringing the bill forward will be appreciated, I assure you.

Yours sincerely,

JOHN SLACK.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 4113 should be enacted and accordingly recommends that the bill do pass.

○

WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Report	Senate Report - Mitsue Karimata Stone (redacted copy)	1/30/1976	C

File Location:
 Legislation Case Files, Box 39, "2/13/76, H.R. 4113" / JPS / 2/24/16

RESTRICTION CODES

- (A) Closed by applicable Executive order governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
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MITSUE KARIMATA STONE

JANUARY 30, 1976.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 4113]

The Committee on the Judiciary, to which was referred the bill (H.R. 4113), for the relief of Mitsue Karimata Stone, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a violation of any law or regulation relating to the illicit possession of narcotic drugs or marihuana in behalf of the spouse of the spouse of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 23-year-old native and citizen of Japan. On December 28, 1972, she was convicted in Japan of being in possession of .03 grams of heroin and of having purchased said heroin at a cost of \$10. She was sentenced to one year imprisonment, sentence suspended for three years during which time she is on probation. On June 29, 1973, the beneficiary married a United States citizen. Her husband is a member of the United States Army and met the beneficiary while he was stationed in Japan. They have one child, born December 5, 1973, who acquired U.S. citizenship at birth.

A letter with attached memorandum dated December 5, 1974, to the Chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization refers to H.R. 15788, a similar bill introduced in the 93rd Congress. The letter reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., December 5, 1974.

A20-900-047.

Hon. PETER W. RODINO, Jr.
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 15788) for the relief of Mitsue Karimata Stone, there is attached a memorandum of information concerning the beneficiary.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a violation of any law or regulation relating to the illicit possession of or traffic in narcotic drugs, and would authorize the issuance of a visa to the beneficiary and her admission to the United States for permanent residence, if she is otherwise admissible under the Act. The bill also limits the exemption granted to a ground for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment.

Sincerely,

LEONARD F. CHAPMAN, Jr.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 15788

The beneficiary, Mitsue Karimata Stone, also known as Emiko Taira, a native and citizen of Japan, was born on June 20, 1952. She completed high school in her native land and was subsequently employed as a painter of kimonos from April 1970 until June 1972 and as a bar hostess from June until August of 1972. She was convicted in Japan on December 28, 1972 of the offenses of being in possession of 0.03 grams of heroin and of having purchased said heroin at a cost of \$10. She was sentenced to one year imprisonment, sentence suspended for three years during which time she is on probation. The beneficiary now resides with the interested party on Okinawa. Her widowed mother, one brother and one sister reside in Japan.

The interested party, Specialist Fourth Class Patrick Gerard Stone, a United States citizen, was born on February 21, 1953 at Houston, Texas. He is a high school graduate and has completed two semesters of college. On April 2, 1971, he enlisted in the United States Army and is presently serving in Okinawa, Japan. The interested party and the beneficiary were married on June 29, 1973. Their only child, Peggy Ann,

who was born on December 5, 1973, acquired United States citizenship at birth. The interested party receives a salary and allotments totaling \$569 per month and has assets consisting of personal property valued at \$2,300.

The beneficiary has never resided in the United States. She has stated that she was refused a visa at the United States Embassy, Tokyo, Japan on October 17, 1973 because of her criminal conviction.

Specialist Fourth Class Stone has stated that, if the beneficiary is not permitted to enter this country, he and their daughter will be deprived of the beneficiary's love, care and affection, thereby causing them an undue hardship.

A letter, with attached memorandum, dated September 19, 1974 to the Chairman of the House Committee on the Judiciary from the then Assistant Secretary for Congressional Relations, U.S. Department of State, with reference to H.R. 15788 reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., September 30, 1974.

HON. PETER W. RODINO, JR.,
*Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: With reference to your request for a report concerning the case of Mitsue Karimata Stone, beneficiary of H.R. 15788, 93rd Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been prepared by the American Consulate General at Naha, Japan, in whose consular jurisdiction the beneficiary resides.

The bill would provide for visa issuance and the beneficiary's admission for permanent residence notwithstanding her ineligibility as an alien who has been convicted of a violation of any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marijuana, if she is otherwise admissible under the Immigration and Nationality Act. The relief granted is limited to a ground for exclusion known to the Department of State or the Department of Justice prior to enactment.

Copies of the beneficiary's court record, with a translation, are also enclosed for the Committee's information.

Cordially,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

Enclosures.

Submitted by the American Consulate General at Naha, Japan.

MEMORANDUM OF INFORMATION CONCERNING H.R. 15788 FOR
THE RELIEF OF MITSUE (KARIMATA) STONE

The beneficiary was born on June 20, 1952, at Taira-City, Okinawa, Japan. She attended local schools and was a graduate of Aza-Kamahara, Koza-City High School in 1968. She was later employed by various local firms as a factory worker

and hostess. On June 29, 1973 she was married to a United States citizen, Patrick Stone, an enlisted man serving with the U.S. Army in Okinawa. Their only child, Peggy Ann Stone, was born in Okinawa on December 5, 1973.

On October 2, 1973 the beneficiary consulted with a consular officer about the possibility of obtaining an immigrant visa. She was found ineligible under Section 212(a)(23) of the Immigration and Nationality Act, due to her conviction by the Japanese Court on December 28, 1972 for the violation of Article 12 of the Japanese Narcotics Control Law. She was charged with possession of approximately .006 grams of morphine and sentenced to one year penal servitude. The sentence was suspended for three years from the date of the trial conclusion.

The beneficiary is classifiable as an Immediate Relative.

The Consulate General's investigation revealed no additional derogatory information concerning the beneficiary.

The beneficiary underwent a medical examination on August 15, 1974, and was found to be in good health.

[Rough translation: Visa case of Mitsue Karimata Aka Shoko Taira]

COURT DECISION

Accused: Karimata, Mitsue, commonly called Taira, Shoko.

Permanent address: 1278, Aza-Karimatal, Hirara City.

Present address: 50-3, Aza-Nakasono, Koza City.

Date of birth: 20 June 1952.

Occupation: Hostess.

With the presence of Public Procurator Seikyo Toma, the Court examined the accused for suspicion of violation of Narcotic Control Law and rendered a decision as follows:

TEXT OF DECISION

The accused is sentenced to one year penal servitude; provided that the execution is suspended for three years from the date of the trial conclusion.

During the period of suspended execution of sentence, the accused will be placed on probation.

The accused will bear the total cost of the trial.

REASONS

Facts constituting the offense

The accused without legal exemption:

1. At or about 1900 hours, August 20, 1972, at the road in front of (D.D.) No. 1402, Aza-Goya, Koza City, the accused was in possession of approximately 0.03 grams of the narcotic hydrochloric jathetic morphine.

2. At or about 1800 hours, on the 21st day of the same month, in a ladies' toilet located at (D.D.) No. 1402, Aza-Goya, Koza City, the accused obtained one package of jathetic morphine (about 0.03 grams) for the price of \$10.00 from Miko Hirayama, also known as Mikky.

ITEMS OF EVIDENCE

1. The statement of the accused made at the Court hearing.
2. The statement of the accused made to the Narcotics Control Officer and the Public Procurator.
3. The statement of Seiji Sakagawa made to the Narcotics Control Officer.
4. The statement of Hatsumi Arasaki to the Public Procurator.
5. The statement of Miko Hirayama to the Narcotics Control Officer.
6. Examination report prepared by Taro Nishioka.
7. Examination report prepared by Kakei Taira.

APPLICABLE LAWS

For the conduct specified in the sentence: Paragraph 1, article 64-2 and paragraph 1, article 12 of the Narcotics Control Law.
 For increase of punishment for consolidated crimes: The first part of article 45, the main clause of article 47, article 10 of the Criminal Code. (Therefore, an increased punishment has been decided under item 2 of the sentence which is heavier (more serious?).)

SUSPENSION OF EXECUTION OF SENTENCE

Paragraph 1, article 25 of the Criminal Code.

FOR PLACEMENT UNDER PROBATION

The first part of paragraph 1, article 25-2, Criminal Code.

THE COST OF THE TRIAL

The main clause of paragraph 1, article 181, the Criminal Procedure Code.
 Sentenced on this day of December 28, 1972.

OSAMA HAYASHI,
Judge, Naha District Court.

Congressman John Slack, the author of the bill, submitted the following information in support of H.R. 4113:

CONGRESS OF THE UNITED STATES,
 HOUSE OF REPRESENTATIVES,
 Washington, D.C., July 11, 1974.

HON. JOSHUA EILBERG,
*Chairman, Immigration, Citizenship and International Law,
 Committee on the Judiciary, Rayburn House Office Building,
 Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is written to ask that your Committee expeditiously consider H.R. 15788, for the relief of Mitsue Karimata Stone, which I introduced in the House of Representatives on July 2, 1974, after considering the matter at length.

In reviewing the accompanying file, you will learn this situation has developed as a result of a premarital investigation conducted by the United States Army. Upon completion of the investigation, per-

mission to marry was granted even though there had been an infraction of the drug laws.

There is now a child involved, and Specialist Stone is interested in keeping his family together but will be unable to do so unless this bill is enacted into law.

I will be most appreciative of your sympathetic consideration of this matter, I assure you.

Yours sincerely,

JOHN SLACK.

OFFICE OF THE STAFF JUDGE ADVOCATE,
DEPARTMENT OF THE ARMY,
APO San Francisco, Calif., May 3, 1974.

HON. JOHN SLACK,
Rayburn House Office Building,
Washington, D.C.

DEAR SENATOR SLACK: I am writing to you on behalf of Specialist Four and Mrs. Patrick G. Stone, [REDACTED], of Headquarters Company (MSA), APO San Francisco 96248. His permanent place of residence is in your district at 1211 Lee Street, Charleston, West Virginia. As you may remember, Specialist Stone wrote to you last fall to request your help in bringing his wife into the United States, and you replied that she was ineligible to immigrate because she had been convicted on a drug charge (TAB A). After consulting you, Specialist Stone explored every possible alternative means of getting a visa for his wife. A letter from his commanding officer, Captain Bowling, to the Secretary of the Army, Howard H. "Bo" Callaway, prompted a reply (TAB B) which offered what appears to be the only alternative. The Secretary stated that the only way Mrs. Stone can come to America is for Congress to pass a private bill on her behalf.

Specialist Stone came to this office for help after receiving Secretary Callaway's letter. I feel very strongly that Specialist Stone deserves help because of the unfortunate way the Army erred in processing his application to marry and because his wife is now completely rehabilitated and a member of a happy family group. I am sure that you will share these feelings after you examine the inclosed documents. I hope that you will find this case to be meritorious and that you will help the Stone family. I believe that you will be better equipped to understand the Stones' dilemma if I tell you their story from the beginning. Under existing American law, Mrs. Mitsue Karimate Stone is unable to immigrate to America because she has been convicted by a Japanese Court for possession of heroin. She is a Japanese citizen who Specialist Stone has married during the time he has been stationed on Okinawa. They have one daughter (TAB C).

The Army requires soldiers who are planning to marry local nationals overseas to undergo a rigorous screening process before permission to marry is given. This screening process includes an extensive background check on the prospective bride and it is normally quite thorough. The purpose of this requirement is to avoid situations in which soldiers marry girls who are unable to enter the United States because of American immigration restrictions. In the Stone case, however, the system broke down. Specialist Stone knew that his fiancée had

been arrested on a drug charge before he met her, and he had indicated this to the Army during the premarital screening process on the Army Personal History Statement (TAB D, USFJ Form 196EJ of February 1972 at page 6, number 19). The investigation by the Army and Japanese police revealed no derogatory information about Mrs. Stone despite the information Specialist Stone had provided (TAB E, Army Pre-marriage Investigation, DA Form 2496 of 1 February 1962; TAB F, Personnel Security Action, DA Form 2784 of 1 December 1966; and TAB G, Japanese Police Report). When these favorable reports were received and the Army approval given (TAB H) Specialist Stone made the reasonable assumption that the arrest record of his wife had been sealed in accordance with normal juvenile court procedures since his fiancée had not attained her majority at the time of her arrest, and that his wife would have no problem coming to America. Therefore, the couple was married (TAB I, Witness to Marriage).

If Specialist Stone had known that his wife could not have entered the United States, he might never have married her. He believed that the Army's screening process would do what it was intended to do, and his faith in the system has been rewarded by placing him in the position of having to choose between living in his country or living with his wife. He has recently re-enlisted and he will be on Okinawa for one more year, but at the end of that time he must decide whether he will leave his wife and child to return to America or whether he will remain in an alien land throughout his married life.

The various other forms Specialist Stone submitted to the Army are at TAB H. The Certificate of Marriage Interview (TAB I) indicates that Specialist Stone received legal counseling about immigration laws prior to the marriage. I usually give this class, and I know that in this case, this certificate is misleading. What the counseling states is, in essence, that a soldier's wife will not be allowed to enter the United States if she does not satisfactorily complete the Army Screening process. Because applicants are told that the Army investigation is as thorough as the one which the immigration authorities will make at the time the visa application is submitted, the implication is clear that she will be eligible to enter if she successfully completes the Army Screening process. Soldiers are told that the Army will not allow them to marry girls who cannot enter the United States. The interview encourages soldiers to be honest when they prepare the background information forms to spare themselves eventual heartbreak. Specialist Stone was completely honest when he submitted his forms, and the Army personnel who were charged with the responsibility of screening fiancées of servicemen were obviously derelict in their duties because they overlooked the information Specialist Stone gave them. The Army clearly failed to fulfill its obligations to Specialist Stone.

Mrs. Stone is not now the kind of person the immigration laws are supposed to exclude from the United States. She is a healthy, normal, productive mother and housewife, as the letters at TAB J will attest. The letter from Specialist Stone's commanding officer (TAB K) shows the character of her husband, and Mrs. Stone's Army Doctor (TAB L) and Japanese Probation Officer (TAB M) both state that she is completely rehabilitated and should be allowed to accompany her husband to the United States.

Mrs. Stone was never a drug dealer or dangerous criminal. When she graduated from high school, she took a highly respected, but low-paying job as a kimono painter in the capital city of Naha. When her father died, leaving her mother deeply in debt, she took a new job as a waitress in a bar catering to Americans. She made a great deal more money at this job than she had made painting because of the generous tipping habits of the Americans, and she was able to help her mother substantially.

She began to date an American to whom she eventually became engaged. He, unfortunately, had brought his addiction to heroin with him from Vietnam. She eventually yielded to his urging and tried heroin. By the time he was arrested for possession of heroin, she had become an addict. She then had to acquire her own drugs, and she was arrested by the Japanese police for buying heroin and for possessing it approximately one month after her fiancée's arrest.

Although she was convicted in accordance with Japanese law and given a suspended sentence (TAB N), she was guilty only of the possession and purchase of drugs and she was never a "pusher." Her criminality has been confined exclusively to the use of heroin and she has no other police record.

She was hospitalized for two months after her arrest during which time she "kicked" her habit. She later met Specialist Stone, quit working in the bar, and began to lead a normal life. She is now completely rehabilitated, and leads a productive life as a wife and mother. Her infant daughter is an American citizen. The child's future would be bleak if she either accompanied her father to America and left her mother behind or if she had to spend her life in an alien environment where she would be unable to attend Japanese schools or be assimilated by the surrounding society.

Since it was a mistake made by the Army which allowed the Stones to marry, since Mrs. Stone is now completely rehabilitated, and since a child is involved who is an American citizen and whose whole life will be adversely affected if her mother cannot enter the United States, I hope that you will help this unfortunate family. You are the only remaining hope the Stones have of coming to America together.

Thank you very much for any assistance you can render Specialist Stone and his family. Since this is a matter of the utmost importance to the Stones your prompt reply would be greatly appreciated.

Sincerely,

GREGORY BRUCE ENGLISH,
Captain, Chief, Legals Assistance Division.

[The enclosures referred to in the above letter are in the files of the Committee on the Judiciary.]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 23, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of April 21st has been received, and I appreciate knowing of the Subcommittee consideration of H.R.

4113. I agree with the Members of the Subcommittee that in view of the evidence provided and circumstances surrounding the beneficiary the bill should be reported to the full Committee.

Your continued consideration and assistance in bringing the bill forward will be appreciated, I assure you.

Yours sincerely,

JOHN SLACK.

Senator Robert C. Byrd has also submitted a letter in support of the bill:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., December 30, 1975.

HON. JAMES O. EASTLAND,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I write to express interest in H.R. 4113, a private bill in behalf of Mitsue Karimata Stone. This measure passed the House of Representatives December 16, 1975, and is now pending before the Senate Judiciary Committee.

The Honorable John M. Slack, the Congressman from my State who sponsored this legislation, advises me that the House Judiciary Committee has substantial documentation on file concerning the extenuating circumstances involved in Mrs. Stone's case. I hope that the measure can be given expeditious consideration by the Committee, and I would appreciate being apprised of the action taken on it.

With kind regards.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 4113) should be enacted.

○

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

For the relief of Mitsue Karimata Stone.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(23) of the Immigration and Nationality Act, Mitsue Karimata Stone may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.*

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

February 3, 1976

Dear Mr. Director:

The following bills were received at the White House on February 3rd:

✓ H.R. 1399	✓ H.R. 5750
✓ H.R. 1758	✓ H.R. 8451
✓ H.R. 4046	✓ H.R. 8555
✓ H.R. 4113	✓ H.R. 8907
✓ H.R. 4939	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.

Dear Mr. Director:

The following bills were received at the White House on February 3rd:

H.R. 1399
H.R. 1758
H.R. 4046
H.R. 4113
H.R. 4939

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.