

GI Seeks To Block Japan Trial

(Picture on opposite page.)

WASHINGTON, June 6 (AP) — Attorneys for William S. Girard, young American soldier who has become an international issue, launched a court action and other moves today to prevent him from being tried by a Japanese court.

U.S. Dist. Judge Joseph C. McGarraghy signed an order directing that Girard "not be delivered to custody or control of any foreign government or power" pending hearing next Tuesday on an application for a writ of habeas corpus.

The judge rejected a request of Girard's attorneys, Earl J. Carroll of New York and Dayton M. Harrington of Washington, for an immediate order requiring that Girard be brought home and "produced to this court."

James C. Reynolds and Elliott Young, attorneys retained by Girard's mother, Mrs. Dorothy Girard of Ottawa, Ill., flew here from Panama seeking reversal of the decision to turn the GI over to Japanese authorities. Girard is charged with causing the death of a Japanese woman who was scavenging on a military firing range.

Given to Japanese

The Defense and State departments jointly announced Tuesday the decision to turn Girard over to Japanese authorities for trial in a civil court.

This, in effect, upheld Japan's contention that while Girard was authorized to protect military property he was not authorized to shoot.

The order signed today by Judge McGarraghy directed Secretary of State Dulles, Defense Secretary Wilson and several other officials to appear in court, either in person or through counsel, at 11 a.m. Tuesday to show cause, if any there be, why a writ of habeas corpus should not issue.

U.S. Atty. Oliver Gasch, while predicting ultimate victory for the government, did not object to issuance of the show cause order. He merely urged an early hearing.

In Custody of U. S.

Gasch said the Defense Department had, with some reluctance, authorized him to tell the court that Girard would be kept in custody of the United States government pending determination of the suit.

On Capitol Hill, Sen. Schoeppel (R-Kan.) joined the growing criticism of the decision giving jurisdiction to Japan.

"The decision should shock the conscience of every American citizen," Schoeppel said. "It is William Girard today it could be your son tomorrow."

"Does a boy who has been forced into the armed services and forced to go overseas also surrender all the rights, privileges and immunities of a citizen of the United States guaranteed him under the Constitution?"

In Judge McGarraghy's courtroom, Carroll said Girard was being made "a sacrificial lamb merely for the purpose of appeasing Japan."

Loosing U. S. Rights

"This boy is having all of his constitutional rights stripped away from him," Carroll said.

If Girard is tried in a Japanese court, Carroll said, "We are setting a principle that will apply to every country of the world, even to Saudi Arabia where a boy stealing \$5 may have his hands cut off or his ears cut off."

Carroll called the Japanese woman Girard is accused of killing "a trespasser" and said the shooting was accidental.

Gasch, disagreeing with Carroll, denied that the shooting occurred on a U.S. military base. He said it took place on a maneuver area used by both U.S. and Japanese forces and in which Japanese were permitted to farm when it was not being used.

Girard is "confronted with a situation of his own making the shooting in the back of a Japanese civilian," Gasch said.

By Men Off Duty

The basic contention of Carroll and Harrington is that the Girard case differs from others in which U.S. courts have upheld the right of Japanese courts to try military personnel. In the other cases, they contended, the incidents which resulted in charges took place off base while the servicemen were off duty.

In Girard's case, they said, U.S. authorities have certified that the shooting took place "in the performance of official duty."

In Japan, Girard picked Itane Hayashi, 64, a defense attorney in the World War II Japanese war crimes trials to head his defense. Girard asked Maj. Stanley F. Levin, 49, of Hollywood, Calif., to serve as his personal legal adviser. Levin, who has served as a law officer of courts-martial in Japan, Europe and the United States, now is a member of the judge advocate's office of the 1st Cavalry Division.

Through Interpreter

Hayashi, who lives in Tokyo, cannot speak English. He will confer with Girard through an interpreter.

Reynolds and Young, the lawyers retained by Girard's mother, said the decision to turn Girard over to Japanese authorities, placed "in jeopardy every American serviceman and woman now overseas."

They say their trip here is to see what can be done to get the U.S. government to reverse the decision.

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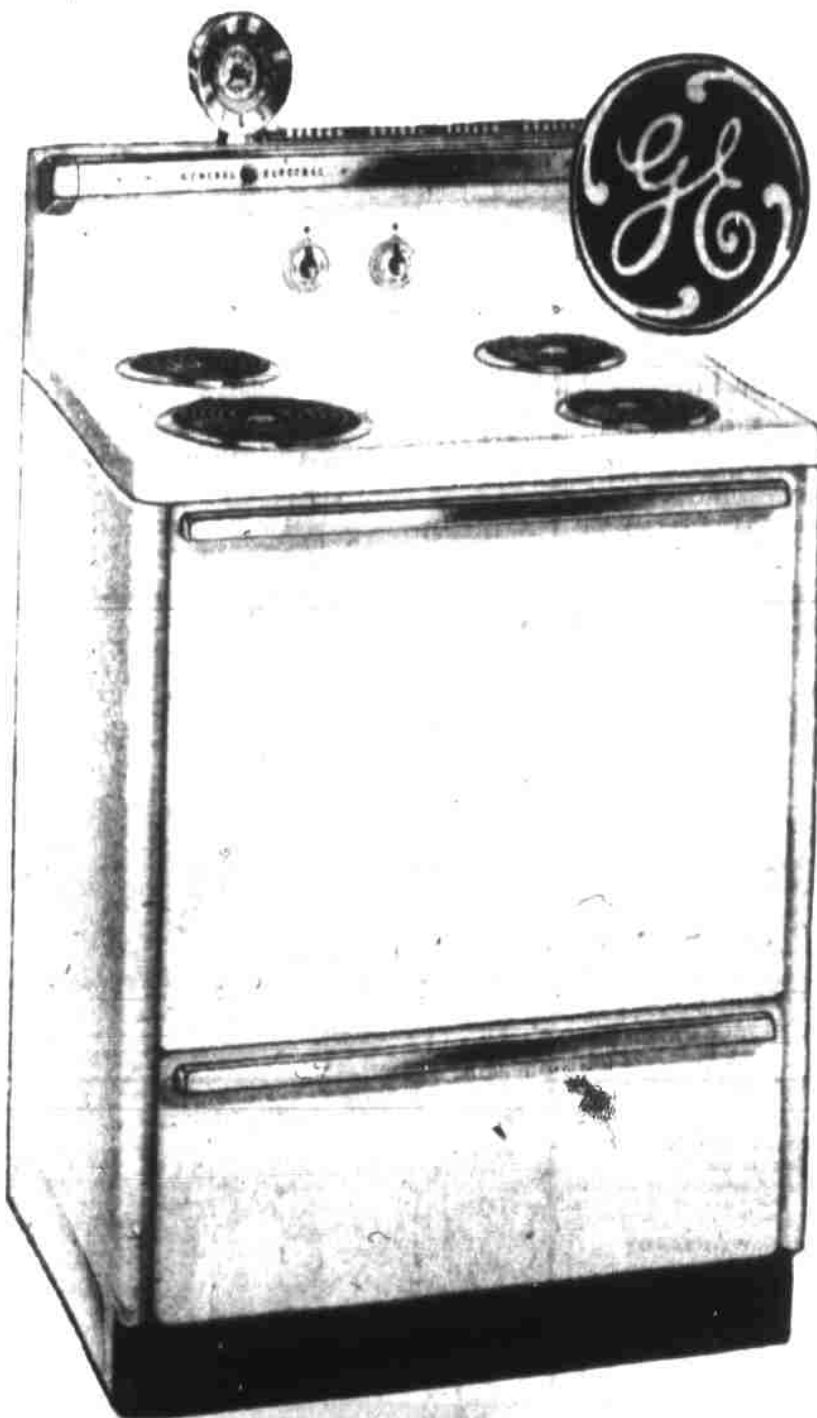


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