

## Controversial Girard Case Becomes Clouded; Fundamental Facts of Case Recapitulated

Tokyo—The controversial case of American GI William Girard has become so clouded by emotion both in the United States and Japan that a simple recital of facts is in order.

The fundamental ones are these:

1. A Japanese woman, Mrs. Naka Sakai, is dead. She was killed while gathering used American shell casings and other scrap metal on an American firing range north of Tokyo.

2. She was killed by an empty shell from a grenade launcher fired by Specialist 3-c Girard of Ottawa, Ill.

3. Girard would never have been on the firing range that Jan. 30 had not American troops been stationed in Japan at the invitation of the Japanese government under terms of a mutual defense treaty.

**No Freedom Move**

That last point is most important. It is a reflection of the peculiar problems that have arisen and will arise so long as the United States plays its dominant role in world affairs and stations its soldiers around the globe.

Obscured is the fact that there has never been any intent whatsoever to turn Girard free until a trial is held to determine whether his act was deliberate or accidental.

The question has been whether the Japanese courts or the U.S. military should try him. And that revolves around the technicality of whether or not he was on duty at the time and whether or not he was performing official acts.

American military authorities took the position that Girard was on duty. But they waived jurisdiction and agreed, after lengthy negotiations, to permit Japanese civil courts to try Girard.

**National Pride Hurt**

Opposition parties in Japan immediately jumped in to use the affair as an excuse to attack the whole matter of American bases in Japan. They gained wide support as a result, for one thing, of statements made in the United States that Japanese courts were not fair or competent. It hurt national pride.

Almost ignored has been the special local circumstances at

the firing range.

The area is posted, clearly marked in both English and Japanese. Nobody is supposed to enter. But the villagers began entering the range and collecting the scrap years ago when it was used by Japanese Army. The scavenging was highly competitive and the villagers edged closer and closer to danger points.

**Denies 'Lure' Claim**

The Army followed suit and let the villagers in the area past both American and Japanese guards.

They are still doing so right

now despite the Girard case.

The Japanese contend Girard may have been on duty but he was not performing it. They claim he tossed scrap metal toward Mrs. Sakai and lured her closer before he fired. Girard denies it. He says he fired one empty cartridge from a grenade launcher in an effort to warn her away.

That is the point on which the trial will hinge.

But the far bigger question involved is how this will affect the future status of American servicemen stationed abroad in peacetime to defend America and the free world.

## Does U.S. Soldier Take Constitutional Rights Overseas?

Washington—Does an American soldier take all his U.S. constitutional rights with him overseas? That is the basic question raised by the furor over the case of Army Specialist 3C William S. Girard.

If the U.S. courts rule that he does, he won't be admitted to many countries, the government says, and the United States will have to close down its vital overseas bases and bring the boys home.

If the courts permit international agreements which deny GI Joe his American constitutional rights, reply attorneys for Girard and some sympathetic congressmen, a dangerous step toward executive dictatorship and watering down of American freedoms will have been taken.

**Makes Case Important**

These are the weighty issues which make the Girard case more important than the fate of one young soldier.

Girard's lawyers and some congressmen have expanded their attack on the administration's decision to turn him over

to a Japanese court for a manslaughter trial. They are now challenging the constitutionality of the "status of forces" agreements—the administration's act.

Earl J. Carroll, Girard's chief counsel, said he will contend in Federal District Court here that "a soldier or other person acting in an official capacity abroad is a representative of the government of the United States and is entitled to the same immunity that is enjoyed by the sovereignty of the United States. In other words, he stands in the position of the government itself. The principal is responsible for the acts of the individual."

The government contends that neither a soldier nor a civilian of any country has any rights or immunities in a foreign country except those given him by the host country.

"An American retains when he goes abroad only those rights which a foreign nation expressly grants him," a State Department official said. This is true of diplomats, soldiers, civilian officials or tourists—in this country or abroad.

**Best Deal Possible**

"A U.S. serviceman sent to a foreign post has only those immunities to the host country's laws as that country specifically gives up, voluntarily or by negotiated agreements with the United States," the official said.

The U.S. government has made the best deal it could get in winning exemptions from foreign court jurisdiction over American forces stationed abroad, he said.

Its failure to get complete immunity from local prosecution and punishment doesn't constitute a violation of the U.S. Constitution, he added.

This is expected to be a feature of any further government argument in the Girard case in federal courts or at projected congressional hearings on the status of forces agreements.

## Librarians Hold All-Day Conference

Community librarians of Jackson county held an all-day conference Tuesday at the Medford Public Library.

Plans were discussed for making all books held by community library agencies available to all Jackson county readers by having them all listed in the catalog at headquarters. Consideration was also given to a plan for adoption of one night each week as "library night in Jackson county," as soon as it can be determined which night will suit the convenience of the greatest number of borrowers.

The afternoon was devoted to a tour of the Eagle Point and Central Point libraries, the Table Rock station at Wyatt Store, and the domiciliary library at Camp White.

Librarians who attended the conference were Mrs. Jewel Routh of Gold Hill, Mrs. Alta Estes of Talent, Mrs. Helen Roberts of Jacksonville, Mrs. Lulu Trotter of Rogue River, and Mrs. Avis Van Hoy of Central Point.

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• see pages 8 and 12, Section 1, for more news from Mann's