

Authority of U.S. Army Courts Within Canada Extended: Working Well

By GORDON McCALLUM

Edmonton, Dec. 29. — Canadian civilians working for the American Army in Canada are subject to the laws of both countries. On duty, Uncle Sam is the boss and they can be punished under Uncle Sam's laws—unless Canada says it wants to do it—and after the 5 o'clock bell rings and they walk out of their work, the Canada Criminal Code is their boss again.

Harold Winch, British Columbia C.C.F. Leader, recently brought this curious situation to light. The explanation, as given by United States Army officers, is simple.

When the United States Army moved into Edmonton in connection with the Alaska Highway and other northern projects, it was short of help. It brought in United States civilians to help, but it was still short. So it hired Canadians, both men and women. The United States engineers have several hundred Canadian employees right in Edmonton; so has the United States Army Air Force. And when the Canadians joined the civilian arm of the American Army they became subject to American Army laws as long as they were on American grounds.

No Cases as Yet.

But it hasn't caused any friction yet. One United States Army officer said he did not know of one Canadian civilian who had been charged by the American Army.

While the United States Army laws apply to both Canadian and American civilians on American Army grounds, they apply to American soldiers at all times—either on or off army grounds. If an American soldier has a fight on Jasper Ave. he's thrown into the United States Army jail and faces a court-martial. It doesn't matter if the person with whom he was fighting was Canadian or American, civilian or soldier.

Rape Charges Heard.

There have been at least two charges of rape heard by the United States court-martial in Edmonton. The complainants were Canadian girls, and in one case the girl charged three soldiers. Acquittals were registered in each case. The girls went to the United States Army grounds and gave their testimony there. The United States called in representatives of

the Alberta Attorney-General's Department to hear the evidence and form their own opinion as to whether there was a fair trial, looking at it from the girls' angle.

One difficulty developed. This was that United States Army court rules prevented one of the girls from giving testimony as complete as she could have done in a Canadian civilian court. The girl objected, apparently in the belief that she was being "shushed up" and not allowed to "tell everything." But there was an unofficial declaration from a Canadian lawyer who heard the evidence that in a Canadian court the girl would not have been able to prove her case anyway.

But to get back to the question of Canadians being subject to United States Army law: An American officer told this writer that if a Canadian were to be charged before a court-martial, appropriate Canadian civilian legal authorities would be notified. And if the Canadians decided the accused should be tried before a Canadian court, "we would acquiesce immediately and turn the accused over to the Canadian police."

American civilians are bossed by American Army law as long as they are on American grounds. But when they are off the grounds they are under Canadian civil law. The other day one American knifed another at McMurray, Alta., and faced a Canadian magistrate. He was sent to a Canadian jail.

Is General Practice.

The American Army the world over, it was explained, hires civilians. It hires the civilians of the countries in which its units are stationed. And the United States Army rule is that all civilian employees of the army, whether they be Canadian, American, Polynesian or what have you, are subject to United States Army laws as long as they are on United States Army grounds. But there's that overriding understanding, just to avoid friction, that if any country asks for the possession of one of its accused civilians it can have him.

The Empire Loyalist type of Canadian probably will disagree with Uncle Sam bossing Canadians. But the Canadians really are asking for it. They asked the United States Army to give them jobs, and it's only reasonable to expect that the United States Army would lay down the rules of procedure for them. Its equivalent in the civil world would be this: A stenographer would quit one firm and go to work for a second. The second would tell her what she could or could not do

while she was on duty. And if she didn't conform to those rules, the firm would apply the punishment—a demotion, a cut in pay or dismissal.

The Canadians are glad to conform to American Army laws. As a matter of fact, 99 per cent of them couldn't tell you what they were anyway, beyond the understanding the decent sort of person has that he's not to do any wrong. The American flag and Uncle Sam aren't being thrown at them all the time.

Don't let the term "court-martial" worry you as far as Canadians are concerned. Uncle Sam isn't going to shoot any Canadian one of these winter mornings, or take him down to an American jail. Probably the worst punishment would be the same as that for the Canadian steno in the Canadian firm: she'd be fired.

Ottawa, Dec. 29 (CP).—A United States Service Court will have jurisdiction to try all members of its forces in Canada for any offense committed by them in Canada, under an Order-in-Council announced today.

The order follows discussions between Canadian and United States officials at the request of the United States, "for the purpose of clarifying the legal position of members of the armed forces of the United States charged with having committed offenses while in Canada and of members of the armed forces of Canada charged with having committed offenses while in the United States."

The question of what authority United States Service Courts should exercise over members of American forces in respect to major crimes was referred to the Supreme Court by Parliament this year. The court held that legislation was necessary to grant the United States the complete authority over its men which it desired; and the new order is a sequel to this finding.

Under the order, a "member" of the United States forces includes all persons who by United States law are subject to military or naval law, provided that no person employed in connection with the forces and not being a United States national will be deemed to be a "member" unless he entered the employment outside Canada.

The regulations provide that whenever a member of United States forces is detained by any Canadian authority, the commanding officer of the man detained, the nearest commanding officer, or some other United States official must be notified.

The officer then must take over custody of the detained man within 30 days, making the request for his release to Canadian authorities in writing.

After such a request in writing has been received, no criminal proceedings may be prosecuted before a Canadian court.

The United States Service Court will have authority to call before it in Canada any person whose evidence is required.

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