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150 GIs will sue to leave 29th

By Lyle Nelson
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More than 150 Mainland servicemen in the 29th Infantry Brigade at Schofield Barracks will file suit this week in Federal court in an effort to get out of the Army.

No Island soldiers are involved in the legal move.

Similar suits are being filed in other states by soldiers of units that were called to active duty May 13.

In each case the men were transferred out of Army Re-

serve units being eliminated by the Defense Department and into an outfit that was activated.

The men claim they signed letters of agreement with the Army in 1963 and 1964 that said they would not have to serve more than 30 days after being transferred.

Island Reservists in the 29th cannot make this claim. They were members of the 100th Battalion of the 442nd Inf., a Reserve component at Ft. DeRussy that had not

been deactivated at the time of the May 13 call-up. In suits filed in Baltimore, servicemen have lost their legal battle at both the district and circuit court levels, and have appealed to the U.S. Supreme Court.

The Army's legal department at Schofield has declined to discuss the local case. About 700 members of the 29th come from Mainland units, particularly Ohio, California and Arizona.

The crux of their case may be whether the Vietnam war is a "national emergency declared by Congress."

The soldiers say the agreement they signed states:

"Should proper authority transfer me from my unit to

the Ready Reserve Mobilization Pool, I will when directed perform not more than 30 days of active duty for training annually.

"In the event of war or national emergency declared by Congress, my enlistment which would otherwise expire will be continued in effect until six months after the end of such war or national emergency, unless sooner terminated."

No war has been declared in Vietnam, but the President was authorized to do what he felt was necessary by the 1964 Tonkin Gulf Resolution.

While some critics of the war have called it "illegal," no court has been willing to rule on this question.

The bombing of North Vietnam was started after the 1964 resolution.