

Schofield GIs win first round in callup suit

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The Army today agreed not to transfer 257 Mainland Army reservists from Schofield Barracks until their lawsuit — aimed at stopping such a move — is decided in Federal Court.

Judge Harry S. Westover, who is here on assignment from Los Angeles, approved the stipulation between the Army and the reservists.

This put off a hearing today on the reservists' motion for a temporary restraining order to block the transfer.

NO DATE HAS BEEN set for the trial of the case.

In the one-page stipulation, the reservists withdrew their motion "upon the representation" of the Army that they "will not be removed from the jurisdiction of this court except upon order of the Department of the Army, Washington, D.C."

Honolulu attorney Daral G. Conklin filed the suit little over a week ago for 225 Mainland reservists. Since then, 32 more have hired him to represent them.

They claim they were called to active duty illegally last May and are being detained at Schofield against their will.

EACH HAS ASKED for \$10,000 in damages.

They said they "are informed and believe that some or all of them may be ordered to combat duty in the immediate future."

Last Thursday, U.S. Supreme Court Justice William

O. Douglas stopped the transfer of 113 soldiers from the Cleveland area to Vietnam.

Douglas ordered them kept at home until the high court can consider their case next month.

Their suit is based on grounds similar to the Schofield group.

The Cleveland suit is believed to be the first attack on a 1966 act of Congress that permitted President Johnson to mobilize reserve units without a declaration of war or national emergency.

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

They said their agreements also provided that they were "not obligated to active duty unless in time of war or of national emergency declared by Congress or national emergency declared by the President."

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