

4-1942

# Introduction (Legal Aspects of the Selective Service Act )

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*National Selective Service System*

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## Recommended Citation

Hershey, Lewis B. (1942) "Introduction (Legal Aspects of the Selective Service Act )," *Indiana Law Journal*: Vol. 17 : Iss. 4 , Article 1.  
Available at: <http://www.repository.law.indiana.edu/ilj/vol17/iss4/1>

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# INDIANA LAW JOURNAL

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Volume XVII

April, 1942

Number 4

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## LEGAL ASPECTS OF THE SELECTIVE SERVICE ACT

### INTRODUCTION

LEWIS B. HERSHEY\*

The selective service law is probably affecting more people in America today than any other single Federal enactment.

Administered as it is in a decentralized fashion to and through the several States and more than 6,400 local board areas, by more than a hundred thousand uncompensated individuals, there is no wonder that the appetite to acquire a working knowledge of the law and regulations is so keen and so palpable throughout the nation.

The outstanding feature of the Selective Service System is that these patriotic civilians perform the real task of selection. They consist of more than 20,000 local board members, approximately 7,500 government appeal agents, in excess of 1,500 appeal board members, and nearly 80,000 doctors, lawyers and other advisory board people and—as a composite group of selective service soldiers—are doing a magnificent job.

The Selective Training and Service Act of 1940 was enacted by the Congress on September 16, 1940. It was the first peace-time mobilization of manpower in American history. I happily report that it has been universally accepted and generally understood.

But substantial changes in the selective service law (the Act and the Regulations) have taken place since the

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declaration of war against our enemies. The Act itself was amended on December 20, 1941 (Public Law 360, 77th Congress). The minimum and maximum ages of liability for registration were expanded to embrace those persons between 18 and 65. Liability for training and service in the land and naval forces of the United States was also enlarged to include those between 20 and 45. Moreover, under the original Act, only citizens of the United States and declarant aliens (those aliens who had declared their intention to become citizens of the United States) residing in the United States were liable for training and service in the public armed forces, whereas under the amendment of December 20, 1941, such liability was enlarged to include all other persons residing in the United States, including declarant and nondeclarant aliens; with the provision that citizens or subjects of neutral countries may relieve themselves from such liability by filing an application or request therefor and thereby debar themselves from ever becoming American citizens, and also the further provision that alien enemies can not be inducted for training and service under the Act unless they are "acceptable to the land and naval forces."

The Selective Service Regulations, which were originally promulgated and published in six separate volumes of pamphlet form, were revised and amended, some effective as of January 1, 1942, but most of them effective as of February 1, 1942. As revised and amended (Second Edition), these regulations appear in loose-leaf form, with a numbering system and style to conform to the uniform Code of Federal Regulations.

These changes and the others which may follow must be continually studied and well understood.

The American law school associations and their publications have done much toward this endless task of educating the public about selective service; and I am grateful for such assistance.

While the opinions and statements contained in this publication do not necessarily represent the official views of the Selective Service System, I am convinced that the undertaking has been worth while and will be helpful in this great national endeavor.