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## Classification

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## CLASSIFICATION

In conscription, just as in other activities where government assumes the task of directing the actions of individuals, rules of procedure are necessary. Thus, a rigid adherence to rules prescribing procedure for registration, classification and induction are necessary if the policy of equal treatment is to be effective.<sup>1</sup> In the case of classification, prejudice to a registrant may arise where he seeks to introduce claims for deferment.<sup>2</sup> Such claims must be presented to the local board before classification has been made.<sup>3</sup> After classification the registrant may take advantage of the provisions of the Selective Service Regulations concerning reopening of classification,<sup>4</sup> appeal,<sup>5</sup> or personal appearance<sup>6</sup> for determining questions of deferment.

The registrant may be considered *classified* only when he has been

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<sup>39</sup> *Conscription*, THE AMERICANA ANNUAL (1941) 184; *Selective Service*, BRITANNICA BOOK OF THE YEAR (1941) 604 et seq. (a detailed discussion of the organization of the Joint Army and Navy Selective Service Committee).

<sup>40</sup> 55 STAT. 627 (1940), 50 U. S. C. A. § 357 et seq. (Supp. 1941). For a detailed discussion of the provisions of the Selective Training and Service Act of 1940 as amended see Notes (1942) 17 IND. L. J. *infra*.

<sup>1</sup> Sel. Ser. Reg. § 623.1 (c) (1942).

<sup>2</sup> *Application* of Greenberg, 39 F. Supp. 13, 15 (D.N.J. 1941). A registrant was placed in Class I on December 3, 1940. On January 3, 1941 he was given his physical examination. The following day he was married. On January 7 registrant was placed in class I-A. The court found that January 7 was the date of classification and therefore, the local board properly considered registrant's claims for deferment because of dependency. The Board of Appeal considered December 3, 1940, as the date Greenberg was classified and disregarded any information in the registrant's file concerning the question of dependency. Thus the Board of Appeal in effect denied Greenberg a right of appeal on the question of dependency.

<sup>3</sup> Sel. Ser. Reg. § 623.2 (1942)

<sup>4</sup> Sel. Ser. Reg. Part 626 Reopening and Considering Anew Registrant's Classification (1942)

<sup>5</sup> Sel. Ser. Reg. Part 627 Appeal to Board of Appeal (1942)

<sup>6</sup> Sel. Ser. Reg. § 625.1 (1942)

placed in one of the classes listed in section 622.1, Selective Service Regulations.<sup>7</sup>

Registrant's classification will depend upon his status as indicated by the information in his file at the time he is placed in one of the classes listed in section 622.1.<sup>8</sup> At any time prior to his being placed in any one of such classes a registrant may submit information to the local board concerning a change in status which occurred after the filing of the Questionnaire (Form 40). However, with few exceptions, information concerning the status of a registrant as it existed at the time of the filing of his Questionnaire must be submitted to the local board within the time allowed for filing the Questionnaire.<sup>9</sup>

#### *Reclassification.*

All classifications made according to the procedure described above are subject to change.<sup>10</sup> Where a registrant presents evidence of changed circumstances, the local board may in its discretion<sup>11</sup> direct a reclassification. The registrant will then be classified anew in the same manner as if he had never before been classified,<sup>12</sup> taking into account the evidence of changed circumstances.

<sup>7</sup> Sel. Ser. Reg. § 622.1 (As amended Apr. 23, 1942).

Class I-A: Available for general military Service

Class I-A-O: Available for non-combatant general military service; conscientious objector.

Class I-B: Available for limited military service.

Class I-B-O: Available for noncombatant limited military service; conscientious objector.

Class I-C: Member of land or naval forces of United States.

Class I-H: Man deferred by reason of age.

Class II-A: Man necessary in his civilian activity.

Class II-B: Man necessary to the war production program.

Class III-A: Man deferred by reason of dependency.

Class III-B: Man deferred both by reason of dependency and activity.

Class IV-A: Man who has completed service. (Not effective in time of war.)

Class IV-B: Official deferred by law.

Class IV-C: Neutral aliens requesting relief from liability, and unacceptable alien enemies.

Class IV-D: Minister of religion or divinity student.

Class IV-E: Available for general service in civilian work of national importance; conscientious objector.

Class IV-E-LS: Available for limited service in civilian work of national importance; conscientious objector.

Class IV-E-H: Man formerly classified in Class IV-E or Class IV-E-LS, since deferred by reason of age.

Class IV-F: Physically, mentally or morally unfit.

<sup>8</sup> Sel. Ser. Reg. § 623.2 (1942).

<sup>9</sup> Sel. Ser. Reg. §§ 621.3, 623.2, and 623.51 (1942).

<sup>10</sup> Sel. Ser. Reg. § 626.2 (1942). Such evidence consists of facts not considered when the registrant was classified.

<sup>11</sup> United States *ex rel* Fred Filomio v. Powell, 38 F. Supp. 183 (D.N.J. 1941). *Held*: no appeal from refusal to reclassify. Court can only determine whether the board acted arbitrarily without any evidence on which to base its refusal to reclassify. Sel. Ser. Reg. §§ 626.2, 626.3 (1942).

<sup>12</sup> Sel. Ser. Reg. § 626.11 (1942).

*Notice of Classification.*

Classification becomes final as soon as it is determined by the Board, which is directed to mail notification thereof to the registrant as soon as possible after classification.<sup>13</sup> While finality of classification does not depend upon notification, the time in which a registrant may take an appeal or request a personal appearance does not begin to run until the Notice of Classification is mailed, whether or not the date of mailing is the same as the date the registrant is placed in one of the classes listed in section 622.1.

**PHYSICAL DEFERMENTS**

Physical deferments under the Selective Service Act present the most fundamental problem of the war. The problem is to provide manpower to produce the materials necessary for carrying on the war, and manpower to use these materials effectively in the field.

The function of the Medical Division of the Selective Service System may be summed up as follows: 1) to correlate, guide, activate, and improve medical functions in the procurement of man power. 2) To prepare, assemble, and effectively utilize records relating to the medical examination of registrants. 3) To assist in compiling pertinent statistics relative to the health of registrants. (4) To suggest methods for improving the fitness of registrants for examination and selection, and to act in an advisory capacity concerning rehabilitation of those suffering from defects or deficiencies susceptible of cure. 5) To assist and advise in every way possible the local boards in submitting to induction boards the maximum number of acceptable registrants—men representing outstanding American manhood, physically, mentally, and morally.<sup>1</sup>

It is estimated that of the 2,000,000 men examined for military service approximately half have been rejected—of these 90% were rejected because of physical unfitness and 10% because they did not have the equivalent of a fourth grade education.<sup>2</sup> In the Civil War approximately 37% of those drafted were rejected for physical defects, and in the World War 31% of those drafted were rejected for the same reason. Under the present Selective Service approximately 25% of all selectees have been rejected for any type of military service. A recent survey of 19,923 reports of physical examination revealed an

<sup>13</sup> Sel. Ser. Reg. § 623.52 (a) (1942). As soon as practicable after the local board has classified or changed the classification of a registrant, it shall mail notice thereof to the registrant. *See*, 3 Sel. Ser. Reg. § xvii, ¶ 332 (a) (1940). On the same day that the local board classifies or changes the classification of a registrant, it shall: Mail notice thereof . . . to (1) Registrant . . . The Regulations of 1942 make the implication mentioned in the Greenberg case, note 2 *supra*, untenable. The Court there said that classification is not completed until the registrant has been mailed a "notice" of classification.

<sup>1</sup> Rowntree & Bagg, *Health of Registrants and Rehabilitation of Rejectees* (1942) 220 ANNALS 81.

<sup>2</sup> Report to President Roosevelt by Brig. Gen. Lewis B. Hershey on Oct. 10, 1941.