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OCCUPATIONAL DEFERMENTS

The essence of a comprehensive Selective Service program is the deferment of men whose occupational skill makes them vital to the war

¹⁴ Sel. Ser. Reg. § 623.35 (1942).

¹⁵ Sel. Ser. Reg. § 623.51 (f) (1942).

¹⁶ Sel. Ser. Sys., Memo to All State Directors I-309, Dec. 15, 1941.

¹⁷ Sel. Ser. Reg. Amend. 45 (April 8, 1942) (deleting Part 629 in its entirety).

¹⁸ Sel. Ser. Reg. § 626.1 (1942).

¹⁹ Egg albumin or sugar may be added to the urine. Undiluted canned milk may be made to simulate urethral discharge. The skin may be irritated or a substance injected under the skin to produce abscesses. Shooting off or cutting off fingers or toes is practically always on the right side. Sel. Ser. Reg. § 21 (1940).

²⁰ Sel. Ser. Reg. § 623.34 (1942).

effort. Those who work in field or factory are an essential complement to the men on the battlefronts of the world.¹

World War I saw the first demonstration of the selective service idea on a scale sufficiently comparable to influence the present program.² Historical and more romantic methods of recruitment were then abandoned³ to the principle of universal liability for military service administered chiefly by local boards. Registrants were grouped in the "inverse order of their importance to the economic needs of the nation,"⁴ those of least productive capacity who were physically fit being the first to be called into military service. The actual selection of registrants for occupational deferment was made by the district boards⁵ upon information supplied by three industrial advisors⁶ as to the needs of the occupation in the particular district. Ship-building was an exception, each worker being issued an exemption card.⁷ Because many who were deferred by district boards by virtue of their occupation gravitated to "non-productive" employment, it was found necessary to issue the famous "Work or Fight" Order of May 17, 1918,⁸ which provided for immediate induction into the armed forces⁹ of all deferred men reported by local boards to be engaged in "non-productive" employment.¹⁰ The Order effectively ushered the men affected into "productive" industries.¹¹

¹ Estimated ratios of civilians necessary to supply a single soldier run from 3 to 1 to 20 to 1. Because of differences in productivity, the numerical ratio varies greatly in the various countries at war. See SPIEGEL, *THE ECONOMICS OF TOTAL WAR* (1942) 66.

² Occupational deferments were first recognized by the Confederacy in 1862. *Conscription*, 6 ENCYC. BRIT. (14th ed. 1937) 285. There was no substantial application. See Marcus, *Some Aspects of Military Service* (1941) 39 MICH. L. REV. 913, 941.

³ In spite of a similar official abandonment, the English in the last war found it necessary to issue badges to vital workers to save them from being badgered and white-feathered into enlisting. See SPIEGEL, *THE ECONOMICS OF TOTAL WAR* (1942) 148.

⁴ Sel. Ser. Reg. § 70 (1917).

⁵ Where the claim for deferment was based upon industrial grounds, the local board had no jurisdiction. Gillette, *War Legislation Pertaining to the Army* (1918) 17 MICH. L. REV. 127, 129.

⁶ The Departments of Labor and Agriculture and the district board each nominated an advisor. Note (1940) 9 INT. JURID. ASS'N. MONTH. BULL. 13 at 16.

⁷ FITZPATRICK, *CONSCRIPTION AND AMERICA* (1940) 53.

⁸ Sel. Ser. Reg. §§ 121A-L (1918). Non-productive employment was defined in Sel. Ser. Reg. § 141K (1918). Among those designated as "non-productive" were waiters, elevator operators, domestic servants, sales clerks, clerical help in stores, theatre ushers, gamblers, and clairvoyants. Hoague, Brown, & Marcus, *Wartime Conscription and Control of Labor* (1940) 54 HARV. L. REV. 50, 58.

⁹ Sel. Ser. Reg. § 121E (1918).

¹⁰ Sel. Ser. Reg. § 121B (1918). Bernard Baruch has described this device as more efficient than general labor conscription, and compatible with our institutions as well. SEN. REP. NO. 944, pt. 4, 74th Cong., 2d Sess. (1931) 48-9.

¹¹ 98% found employment in "productive" enterprises. See Hoague, Brown, & Marcus, *Wartime Conscription and Control of Labor*

Occupational deferments are an integral part of the present plan.¹² Although "In fundamental outline, conscription of manpower has changed little since 1917"¹³ yet in the matter of occupational deferments we do find certain differences. "One of the major criticisms of the 1917-18 draft was the occupational exemptions granted to defense workers. . . ."¹⁴ Under the present selective service system there are neither occupational exemptions nor group deferments, each individual case being determined by the local board upon its own merits.¹⁵ The National Director of Selective Service, however, by virtue of his authority to amend the regulations and "to issue such public notices, orders, and instructions as shall be necessary to the efficient administration of the selective service law,"¹⁶ issues releases to State Directors and local boards which provide information to guide them in classifying a registrant and these releases often have the effect of granting occupational deferments on a temporary basis. The Director may also exercise his power to postpone induction for cause shown.

Each registrant may provide such information concerning his occupation as he believes necessary to his proper classification in his Selective Service Questionnaire (Form 40) or in any documents, affidavits, or depositions thereto attached.¹⁷ In addition, "any person other than the registrant who has a cause to claim that the registrant should be deferred" may fill out the proper affidavit (DSS Form 42A) and attach whatever documents he thinks necessary, which should be filed by the time registrant's questionnaire is due to arrive at the local board.¹⁸ Employers¹⁹ and labor unions²⁰ are the chief groups using

(1940) 54 HARV. L. REV. 50, 59. The end of the war prevented its use for the purpose of moving men from one area to another. *Ibid*; Note (1940) 54 HARV. L. REV. 278, 291.

¹² *Hearings before Committee on Military Affairs on H.R. 10132*, 76th Cong., 3d Sess. (1940) 66.

¹³ See Joint Note (1940) 40 COL. L. REV. 1374, 54 HARV. L. REV. 278, 50 YALE L. J. 250.

¹⁴ See BOUTWELL, AMERICA PREPARES FOR TOMORROW (1941) 389. Strictly, only workers engaged in shipbuilding were exempted. District boards, however, did grant group deferments on the basis of occupation.

¹⁵ Sel. Ser. Reg. § 623.23(b) (1942). General Hershey has pointed out that (1) only Congress can make a group deferment, and (2) that occupational deferments are given to serve the national interest. Sel. Ser. Sys., Release No. 252, Feb. 21, 1942. Certain officials, aliens, and ministers and divinity students who are "deferred" under Sel. Ser. Reg. § 622.42 to § 622.44 are for all practical purposes exempted so long as they retain that status. *Ibid*.

¹⁶ Sel. Ser. Reg. § 603.1(1) and (2) (1942).

¹⁷ Sel. Ser. Reg. § 621.4(a) (1942).

¹⁸ Sel. Ser. Reg. § 621.4(b) and (c) (1942). Dependents should file Form 40A. *Ibid*.

¹⁹ Congressman Geyer of California has pointed out that in doubtful cases the employer may fail to file the proper form in order to purge his enterprise of workers interested in the labor union. 86 CONG. REC. app. 5470 (1940).

²⁰ Local boards have been asked to seriously consider deferment of labor leaders. Sel. Ser. Sys., Local Board Release No. 91 (2), Feb.

this form. Any decision of the local board may be carried to the board of appeals,²¹ which may call upon state occupational advisors for information regarding "occupation deferments and labor supply."²² It is the duty of the government appeal agent to appeal whenever he does not believe a registrant is properly classified,²³ but neither the registrant nor the government appeal agent may appeal to the President in case of occupational deferment.²⁴ The Director of Selective Service, however, or the State Director may appeal to the President either on behalf of the registrant or the government.

Because the war effort will demand greater liberality in deferring those engaged in actual war production, it is wise to distinguish between persons who receive occupational deferments because they perform civilian activity of an essential nature, or are in training therefore (II-A),²⁵ and those whose occupations contribute directly to the war production program, or who are in training therefor (II-B).²⁶ In either event, it must be shown that the registrant is a "necessary man."²⁷ Apparently agricultural workers,²⁸ engineers,²⁹ transportation

3, 1942; Hershey, *Occupational Deferment Under the Selective Service Act* (May, 1941) 8 LAB. INF. BULL. 6 (pointing out that a union may file Form 42A as one claiming deferment for its leader).

²¹ Sel. Ser. Reg. § 603.24 (1942); Note (1941) 36 ILL. L. REV. 315.

²² Sel. Ser. Reg. § 603.15(a) and (b) (1942). The section provides for an officer of the armed forces to serve under the State Director as occupational adviser and liaison officer, and for the appointment by the Governor of equal numbers of labor and industry representatives, and, "where applicable," representatives of agriculture to assist the occupational advisor.

²³ Sel. Ser. Reg. § 603.71(a) (1942). This operates as a check on a local board which may misinterpret a memorandum. Sel. Ser. Sys., Release No. 252, Feb. 21, 1942.

²⁴ Dependency is the only grounds for such an appeal. Sel. Ser. Reg. § 628.2(a) (1942).

²⁵ Sel. Ser. Reg. § 622.21 (1942).

²⁶ Sel. Ser. Reg. § 622.22 (1942).

²⁷ Sel. Ser. Reg. §§ 622.21(a) and 622.22(a) (1942). To be considered "necessary" to industry or any other pursuit, the registrant must not only be employed in such activity (unless seasonally or temporarily unemployed), but he or his employer must show that he cannot be replaced and that his removal would impair efficiency. Sel. Ser. Reg. § 622.24 (1942). As to the necessity for deferring men skilled but temporarily unemployed, see Sel. Ser. Sys., *Occupational Deferments and the National Defense Industrial Production Program* 7 (May 24, 1941).

²⁸ The available farm labor supply is 21.6% below normal in the mid-west. In Ohio, Indiana, Wisconsin, and Illinois the shortage is especially acute in the dairy and truck crop areas. Sel. Ser. Sys., Memo to All State Directors No. I-116, May 23, 1941. The Secretary of Agriculture, Mr. Wickard, has emphasized the wartime importance of dairy products, eggs, hogs (and lard), beef, fruit, and vegetables. 38 TIME 12 (July 21, 1941). It would seem that producers of such products are "necessary" to the prosecution of the war and should be placed in class II-B. The size of the enterprise, the amount of skill required, and the supply of such labor in the area should also be considered before classification.

²⁹ The airplane factories in metropolitan New York alone could annually absorb half the number of aeronautical engineers graduated

workers,³⁰ labor leaders,³¹ plant managers, health officers, and federal government employees may be placed in either of the two subclasses, depending upon whether their chief contribution is to the sustenance of a civil or military function.

Chief among those to be deferred because of the importance of their civilian activity (II-A) are doctors,³² osteopaths,³³ dentists,³⁴ veterinarians,³⁵ police,³⁶ and other local officials,³⁷ employees of the Civil Aeronautics Authority,³⁸ and proprietors of businesses essential to the community.³⁹ Since younger men deferred because of physical unfitness⁴⁰ or dependency⁴¹ will enter these means of livelihood and older men will come out of retirement it will become increasingly diffi-

by all American schools combined. See REP. SUB-COM. (N. Y. Com. on Engineering Training for National Defense, 1940); Sel. Ser. Sys., Memo to All State Directors I-119, May 27, 1941. In contrast, the water works engineer would be a "necessary man" because of his civilian activity (II-A).

³⁰ In China, the Executive Yuan advised the exemption of transportation laborers. Tso, *Wartime Labor in China* (1941) 52 MONTH. LAB. REV. 322, 325. It has been estimated that conscription has drained over a million skilled workers from the southwest provinces of China. *Id.*, at 324.

³¹ "Registrants who are key men in the maintenance of such harmonious relations and who are employed for that activity by the Government, by industrial organizations, or by local, national, or international labor organizations may be given serious consideration for deferment." Sel. Ser. Sys., Local Board Release 91(2), Feb. 3, 1942. Such persons may be classified either as II-A or II-B. *Id.*, 91(3). The tendency is to put union officers in II-A.

³² Sel. Ser. Sys., Local Board Release No. 23, Aug. 18, 1941.

³³ Sel. Ser. Sys., Memo to All State Directors I-62, May 2, 1941. Three-fifths of those completing their medical education are needed for normal replacement. See Eanes, *The Need for Doctors* in BOUTWELL, AMERICA PREPARES FOR TOMORROW (1941) 578.

³⁴ Sel. Ser. Sys., Memo to All State Directors I-99, May 12, 1941.

³⁵ Sel. Ser. Sys., Memo to All State Directors I-98, May 12, 1941. *But cf.* Sel. Ser. Sys., Memo to All State Directors I-363, announcing the appointment of a Procurement and Assignment Service whom local boards should consult before classifying medical doctors, dentists, and veterinarians.

³⁶ For example, up until December 15 Mayor LaGuardia requested deferment for New York City policemen. N. Y. Times, Dec. 15, 1941, p. 1, col. 1.

³⁷ But a proposal urging deferment for self-employed members of the younger bar was abandoned. Com. on Legal Service and Economic Welfare of the Legal Profession, *Selective Training and Service Act of 1940 and the Lawyer* (June, 1941) 1 LAW GUILD REV. 32.

³⁸ Sel. Ser. Sys., Local Board Release No. 74, Dec. 26, 1941.

³⁹ In referring to the II-A group, Mr. Dykstra said: "The test is the welfare of the nation and the community . . . the fact that a little more sacrifice is asked of some than of others is inevitable." See BOUTWELL, AMERICA PREPARES FOR TOMORROW (1941) 390.

⁴⁰ Sel. Ser. Reg. § 622.62 (1942); see Note, *Physical Deferments* (1942) 17 IND. L.J. *supra*.

⁴¹ Sel. Ser. Reg. § 622.31 (1942); see Note, *Dependency* (1942) 17 IND. L.J. *infra*.

cult for a registrant or his employer to prove that he cannot be replaced, which is necessary for occupational deferment.⁴² Deferments for essential civilian activity (II-A) are made for a period of six months or less, ". . . as may be deemed necessary to secure or train a replacement. . . ."⁴³

Men necessary for war production (II-B) likewise receive deferments by six month periods but here the burden is on the employer alone to show that he has made a reasonable effort to secure a replacement.⁴⁴ Great caution should be exercised in changing a classification from II-B to I-A (available for military service), as ". . . the number of workers who can be mobilized for military service without seriously disturbing the function of the economic system is different in the various occupations. . . ."⁴⁵ As to aircraft, machine tools, shipbuilding and base construction, nonferrous metals, and iron and steel, however, it can be literally said that every skilled worker inducted into the armed forces from this group impairs the efficiency of our war machine.⁴⁶ This contention is further buttressed by the fact that skilled and semi-skilled employees make up a great proportion of total workers in these industries,⁴⁷ making training periods necessary for replacement. It has already been found wise to call the attention of local boards to the necessity for continued occupational deferment.⁴⁸ Chemists and

⁴² Sel. Ser. Reg. § 622.24 (1942); Sel. Ser. Sys., Release No. 252, Feb. 21, 1942.

⁴³ Sel. Ser. Reg. § 622.21(b) (1942).

⁴⁴ Sel. Ser. Reg. § 622.22(b) (1942); see Note (Feb. 1942) 100 FACTORY MANAGEMENT 58, 60.

⁴⁵ See Speier, *Class Structure and Total War* (1939) 4 AM. SOC. REV. 372.

⁴⁶ During the period from Aug. 1939 to Jan. 1941, factory employment increased as follows: aircraft, 225%; machine tools, 103%; shipbuilding, 96%; non-ferrous metals, 38%; iron and steel, 32%; rubber, 19%; and textiles, 3%. 20 SURVEY OF CURRENT BUSINESS (U. S. Dept. Commerce, Feb. 1940) 64, 21 SURVEY OF CURRENT BUSINESS (U. S. Dept. Commerce, March 1941) 25-6. It has been estimated that shipbuilding alone will need 261,500 more workers by November than it used in Nov. 1940, which itself was in the midst of a boom period. See Note (1941) 52 MONTH. LAB. REV. 571, 576. The President has urged deferment of machine tool operators. Sel. Ser. Sys., *Occupational Deferments and the National Defense Industrial Production Program* 8 (May 24, 1941).

⁴⁷ Shipbuilding and base construction, for example, call for approximately 37% skilled and 38% semi-skilled. See Hinrichs, *The Defense Programme and Labour Supply in the United States* (1941) 7 CAN. J. OF ECON. & POL. SCI. 415. Cf. Bassett, *The Defense Program and Labor Requirements* 21 SURVEY OF CURRENT BUSINESS (U. S. Dept. Commerce, Sept. 1941) 12 et. seq. estimating future requirements as: 48% skilled and 22% semi-skilled for shipbuilding, 36% skilled and 41% semi-skilled for aircraft, and 39% skilled and 41% semi-skilled for machine tools. Newly-established shipyards are having great difficulty in recruiting satisfactory workers. See Gilbert, *The Expansion of Shipbuilding* (Winter, 1942) 20 HARV. BUS. REV. 156, 167.

⁴⁸ Sel. Ser. Sys., Local Board Release No. 76, Jan. 1, 1942; Sel. Ser. Sys., Memo to All State Directors No. I-341, Jan. 8, 1942. The tendency of numerous local boards to reclassify men from II-A or II-B to I-A should not have been brought about by pressure for

other scientists, whether doing research on war production or instructing in a scientific, engineering, or medical school,⁴⁹ seamen,⁵⁰ naval architects and marine engineers,⁵¹ and agents and specialists of the Federal Bureau of Investigation⁵² should obviously be deferred as necessary to the prosecution of the war.

The regulations also provide for deferment of persons in training for both civilian activity (II-A) and war production occupations (II-B).⁵³ Men physically fit and without dependents may be deferred for training *only* if they can acquire some skill during the deferment period essential to national defense, or unless the demand for replacements in their profession is great. Most types of specialists are trained formally by educational institutions.⁵⁴ By far the greater number, however, are engaged in training programs designed to develop skilled war production workers (II-B) and sponsored by a particular industry, plant, or labor union. General Hershey has advised local boards to "give every consideration for deferment to apprentices who have served a year or more in trades essential to war production."⁵⁵ As it has been estimated that sources of suitable labor for war industries will be exhausted sometime in 1942,⁵⁶ management should be urged to "continue existing *bona fide* apprenticeship programs and to establish new ones."⁵⁷

The English procedure in granting occupational deferments differs particularly with reference to war production workers. In contrast to our regulations which leave all occupational deferments nominally

more men, since the local board quota is based upon I-A and I-A-O (available, but noncombatant because of conscientious objections) men not yet inducted only. Sel. Ser. Reg. § 631.1(c) (1942).

⁴⁹ Sel. Ser. Sys., Local Board Release No. 83, Jan. 12, 1942.

⁵⁰ Sel. Ser. Sys., Nat. Head. Memo No. 5, Feb. 27, 1941. Offshore seamen particularly should be placed in II-B. Sel. Ser. Sys., Local Board Release No. 81, Jan. 9, 1942. Offshore seamen trainees should also be placed in II-B. Sel. Ser. Sys., Local Board Release No. 96, Feb. 13, 1942.

⁵¹ About 60 men graduate per year from three accredited schools. Sel. Ser. Sys., Memo to All State Directors I-205, Aug. 11, 1941.

⁵² Sel. Ser. Sys., Local Board Release No. 75, Dec. 29, 1941.

⁵³ Sel. Ser. Reg. §§ 622.21(a) and 622.22(a) (1942).

⁵⁴ As to persons pursuing formal educational training, see Note, *Educational Deferments* (1942) 17 IND. L.J. *infra*.

⁵⁵ Sel. Ser. Sys., Release No. 245, Feb. 5, 1942. In shipbuilding, for example, "the shortage of available skilled workers is such that most of the new workers will require . . . extensive training before they can be utilized effectively. . ." Note (1941) 52 MONTH. LAB. REV. 571, 576. Management has been advised to adopt fair apprenticeship compensation schedules in order to prevent the more capable from turning to the assembly line for higher wages. See Mee, *Personnel Problems in a War Economy* in STEINER, *ECONOMIC PROBLEMS OF WAR* (1942) 8.

⁵⁶ See SPIEGEL, *THE ECONOMICS OF TOTAL WAR* (1942) 67.

⁵⁷ Sel. Ser. Sys., Release No. 245, Feb. 5, 1942. A Note, *Estimating Skilled Labor Requirements* (1941) 19 PERSONNEL J. 300, fails to mention the armed forces as a factor that will diminish the skilled labor supply.

up to the local boards,⁵⁸ the National Service (Armed Forces) Act of September 3, 1939,⁵⁹ places discretionary power in the Minister of Labour and National Service to issue and revise by proclamation a Schedule of Reserved Occupations.⁶⁰ Once liability is established, the worker is subject to immediate call.⁶¹ Thus with the exception of dock workers,⁶² the English Act does not provide for strict exemptions of industrial labor.⁶³

This type of deferment is not to be confused with postponement of military service on the ground that "business responsibilities and interests" are such that induction will result in "exceptional personal hardship."⁶⁴ In the latter instance certificates are granted for a period of six months or less, and in no case will more than one renewal be allowed.⁶⁵

The English have drawn a clear line between those who are deferred for war work and those deferred for personal hardship.⁶⁶ There is no recognition of deferment for essential civilian activity, the II-A class of American Selective Service. It is interesting to note that Australia took over the British list of reserved occupations,⁶⁷ while in New

⁵⁸ Sel. Ser. Reg. § 623.23(b) (1942); Sel. Ser. Sys., Release No. 252, Feb. 21, 1942.

⁵⁹ 2 & 3 GEO. VI, c. 81, § 2 (1939).

⁶⁰ The ages of non-liability are constantly delimited. See Schoenfeld, *Development of British War Labor Policy* (1941) 52 MONTH. LAB. REV. 1079. In 1941 the ages of liability were raised 5 to 10 years in several occupations. Note (1941) 43 INT. LAB. REV. 572. As to reserved occupations in the last war, see Note (1918) 7 MONTH. LAB. REV. 870, 871.

⁶¹ Note, *Military Service: Reservation and Deferment* (1940) 104 JUST. P. 597. Yet a specialist may be deferred individually upon the application of some other Minister or Department. Note, *National Service and Local Government* (1940) 104 JUST. P. 134.

⁶² Dock labor has the effect of being exempted. In 1940, regional control was instituted, and in 1941 all dock laborers were made employees of the Ministry of Transportation. NEAL, *INTRODUCTION TO WAR ECONOMICS* (1942) 66; SPIEGEL, *THE ECONOMICS OF TOTAL WAR* (1942) 153.

⁶³ Note, *National Service and Local Government* (1940) 104 JUST. P. 134.

⁶⁴ National Service (Armed Forces) Act, 1939, 2 & 3 GEO. VI, c. 81, § 6; Note, *Military Service: Reservation and Deferment* (1940) 104 JUST. P. 597. Decisions insist upon a business owned or operated by the applicant. (1940) 89 L.J. 256. But where a law partner set up a branch office after war was declared, the postponement certificate was denied. (1940) 90 L.J. 205. A farmer, nurseryman, market gardener, and infirmity operator were granted certificates. (1940) 89 L.J. 192, 286.

⁶⁵ Note (1920) 89 L.J. 192. The period of postponement should be judged by the period required to train a substitute. (1940) 90 L.J. 205. There is no limit on the number of renewals for dependency and exceptional individual circumstances. Note (1940) 89 L.J. 192.

⁶⁶ The Hardship Committee, which hears appeals from the refusal of the Minister to grant postponements, has no jurisdiction where work of national importance is the ground. (1940) 89 L.J. 286.

⁶⁷ Note (1941) 53 MONTH. LAB. REV. 607, 608. The reserved occupations principle has been criticised on the grounds that it provides an

Zealand (like the United States) each case is decided upon its own merits.⁶⁸ Without the detailed information concerning all potential workers which is now available but perhaps not expertly used in the nations using the reserved occupations principle, our scheme seems wise for the present American scene. Use of the Schedule of Reserved Occupations at the present would only invite "non-productive" employment. Perhaps our solution to the problem of finding more men available for the armed forces lies in the gradual delimitation of the "necessary man" concept. The local board with foresight will be willing to vary its policy as to occupational deferments as the definition of the term changes.

"EDUCATIONAL DEFERMENTS"

There are no formal educational deferments under the Selective Training and Service Act.¹ However, registrants who fall within the groups below are permitted to continue formal educational training.

First, there are those deferred by local boards for the purpose of completing a school term. Although deferment of college students until July 1, 1941 was provided for in the original Act,² the present policy is to postpone induction only in the case of extreme emergency.³ Deferment is on an individual basis and completely within the discretion of the local board.⁴ The registrant is left in Class I-A during the interim of his postponement.⁵ Where a registrant claimed deferment for the term of a school year for the purpose of finishing work upon his degree, his claim was denied.⁶

Secondly, students in divinity schools must register⁷ but are deferred⁸ so long as they continue that training. But as active ministers

alibi for men who should enlist. See Walker, *Wartime Labor Problems in Australia* (1941) 44 INT. LAB. REV. 389, 396.

⁶⁸ Note (1941) 53 MONTH. LAB. REV. 607, 608.

¹ Most so-called "educational deferments" are occupational deferments, the third group discussed herein. See Sel. Ser. Reg. §§ 622.21 to 622.24 (1942).

² 54 STAT. 885, 50 U.S.C.A. 305 (Supp. 1940).

³ Sel. Ser. Reg. § 633.1 (1942). Previous to this, local boards could postpone induction until the end of a semester where the registrant had completed more than half of the school term. Sel. Ser. Sys., Local Board Release No. 34(10), Sept. 16, 1941. In England, certificates of six months duration are issued in the instance of "exceptional personal hardship." Local Hardship Committees are split on whether a certificate should be renewed to allow the registrant to take a bar or public accountant examination. Note (1940) 90 L.J. 65. It is settled that two attempts to pass such an examination are sufficient. (1940) 90 L.J. 117.

⁴ Sel. Ser. Reg. § 623.23 (1942).

⁵ Sel. Ser. Sys., Local Board Release No. 34(8), Sept. 16, 1941.

⁶ Local Draft Board No. 1 of Silver Bow County, Mont. v. Conners, 124 F. (2d) 388 (C.C.A. 9th, 1941).

⁷ Sel. Ser. Reg. § 611.1 (1942). Eight divinity students who failed to register in New York City were sentenced by the federal court. N.Y. Times, Nov. 15, 1940, p. 1, col. 2; Note (1941) 15 ST. JOHN'S L. REV. 346 for other instances.

⁸ Sel. Ser. Reg. § 622.44(a) (1942).