



## Orloff v. Willoughby, 345 U.S. 83, 98-99 (1953)

Petitioner was lawfully inducted into the Army as a medical specialist under the Universal Military Training and Service Act, but when he was not given the commissioned rank to which he thought he was entitled by the circumstances of his induction, he sought a writ of habeas corpus. The district court and the court of appeals denied his application, and on appeal, the Court affirmed, holding first that the statute should be interpreted to obligate the Army to classify specially inducted professional personnel for duty within the categories which rendered them liable to induction. However, the Court concluded that petitioner was not entitled to a commission because the commissioning of officers was a matter of discretion within the province of the President as Commander in Chief.

### **The Court Looked at the Absence of the AMA's Position to Signal the Views of the Medical Field**

It is hard to believe that the powerful American Medical Association would have failed to oppose vigorously any provisions under which the Army could draft doctors not otherwise draftable as noncommissioned personnel or that the Congress would have adopted any such provision in the face of professional opposition.