



# Selective Service System

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## Hawaii Headquarters

**Committee on Higher Education (HED)**

**Testimony of Andrew L. Pepper, State Director, Selective Service System**

**Tuesday, March 21, 2017 (2:02 p.m.)**

### **SB 419 SB 2 HD1-- RELATING TO SELECTIVE SERVICE**

I am Andrew Pepper, State Director for the United States Selective Service System. My role is to ensure young men<sup>1</sup> in Hawaii ages 18 through 25 register with the Selective Service System, as required by law. This helps ensure that these young people do not lose valuable Federal benefits linked to the registration requirement and helps ensure that any future military draft is fair and equitable to the residents of Hawaii.

Many people ask me the basic question: “Why do we still have the Selective Service System?” It is a fair question with an easy answer: The Selective Service System is our Nation’s ultimate insurance policy in that it provides a ready source of personnel for national service should world events dictate the need for such personnel. The ability of the Selective Service

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<sup>1</sup> Prior testimony opposing SB419 from the Hawaii Civil Rights Commission (“HCRC”) and the American Civil Liberties Union (“ACLU”) has asserted that the registration of only men violates the equal protection component of the due process clause. However, the U.S. Supreme Court held in 1981 that “male only” registration for Selective Service is *not* a violation of equal protection. See *Rostker v. Goldberg*, 453 U.S. 57 (1981) (<http://caselaw.findlaw.com/us-supreme-court/453/57.html>).

System to rapidly deliver personnel for national service ensures that all potential adversaries understand both our national resolve and our national mobilization capabilities. In other words, registration with the Selective Service System helps keep us safe and at peace.

The Selective Service System supports the passage of SB419 SD2 HD1 because it unquestionably will increase registration compliance in Hawaii. Only 73%-88% (depending on the year) of 18-year-old men in Hawaii have registered with Selective Service. This means that up to 27% of the young people in this critical age group are at risk of losing, *for life*, a host of federal benefits linked to the registration requirement. These benefits include: Federal employment, Federal student financial assistance, participation in Federally-funded job training programs, and eligibility for U.S. citizenship.

SB419 SD2 HD1 is not designed or intended to deny anyone access to student financial aid, a university education, or employment by the State. To the contrary, it is a good-faith attempt to create more opportunities for young people to discover that they are not in compliance with the registration requirement of the Military Selective Service Act and, at that time, correct their non-compliance as part of their student financial aid or employment application process. Basically, SB419 SD2 HD1 is an attempt to create an additional safety net to help young people (who may be out of compliance

with the Selective Service registration requirement) realize their status and be brought into compliance, thereby preserving their federal rights and benefits. A failure to preserve such rights can be heartbreaking (such as the loss of the right of naturalization by a person who has a deep desire to become a proud American citizen).

Thirty-one States around the Nation have already passed this type of legislation.<sup>2</sup> Passing SB419 SB2 HD1---to link eligibility for State supported student financial aid and governmental employment to Selective Service registration compliance--will further increase the registration compliance rate in Hawaii. It will also further remind young people in Hawaii of their civic and patriotic obligation to contribute to the defense of our country in a national emergency.

Registration with the Selective Service System is each citizen's contract with freedom.

The Selective Service System never seeks to impose burdens on our State government partners without reimbursing and supporting such efforts. For example, Hawaii already receives the highest *per capita* rate of any State in reimbursement for implementing registration tied to driver's licensing. See Haw. Rev. Stat. §286-102.5. The Selective Service System also notes that it has developed close and effective working relationships with the thirty-one

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<sup>2</sup> Please see attached list describing other States' legislation.

other states that have adopted similar legislation and has implemented computer processing systems designed to minimize the effort required by our State agency partners.

In closing, passing SB419 SD2 HD1 will help ensure that the youth of Hawaii do not lose valuable Federal benefits linked to the registration requirement, ensure that any future draft is fair and equitable as possible, and will help remind young people of their patriotic obligation to contribute to the defense of our country in a national emergency.

Thank you for the opportunity to submit this testimony.

Very Respectfully,



Andrew L. Pepper  
State Director  
U.S. Selective Service System



# Selective Service System

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## Hawaii Headquarters

Re: SB419 SD2 HD1

The Solomon Amendment added Section 12(f) to the Military Selective Service Act in September 1982. Male students who have a requirement to register with Selective Service must satisfy that requirement as an eligibility precondition for receipt of Title 4 federal student financial aid. Title 4 aid includes such need-based programs as Guaranteed Student Loans and Pell Grants.

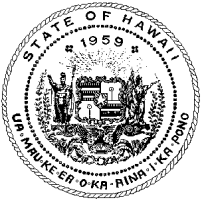
In November 1985, the Thurmond Amendment to the Defense Authorization Act established Title 5 U.S. Code § 3328, which requires Selective Service registration (of men who are required to register) as a prerequisite for appointment to most federal jobs.

Thirty-one states have laws that mirror, reinforce, or strengthen these two federal laws:

1. Alabama: Requires Selective Service registration to be eligible to enter institutions of higher learning. Registration is also required as a prerequisite for state employment and promotion.
2. Alaska: Requires men to register with the Selective Service System as a precondition to state employment, to receive state financial aid for school, and unique to Alaska, to receive a permanent fund dividend.
3. Arizona: Requires registration with the Selective Service System as a condition for state financial aid for school as well as a precondition for state employment.
4. Arkansas: Requires registration with the Selective Service System as a condition for receiving a state education loan, scholarship, or other state financial assistance. Also, requires compliance with the Military Selective Service Act as a precondition for state employment or enrollment in a public institution of higher learning.
5. California: Requires Selective Service registration as a precondition for state student financial aid.

6. Colorado: Requires statement of compliance from male students born after December 31, 1959, before they are allowed to enroll at a state supported college or university.
7. Delaware: Requires Selective Service registration as a precondition for state employment and state student financial aid.
8. Florida: Requires Selective Service registration as a precondition for state student financial aid. Registration also required as a precondition for state employment.
9. Georgia: Requires Selective Service registration as a precondition for state student financial aid. Proof of registration also is a precondition for state employment.
10. Idaho: Young men must be registered with the Selective Service System to be eligible for state employment and state enrollment in post-secondary institutions, including financial aid for this schooling.
11. Illinois: Selective Service registration is a precondition for state student financial aid and later registration became a precondition for state employment.
12. Kentucky: State regulations require a statement of compliance with the Military Selective Service Act as a precondition for participating in the state educational loan program.
13. Louisiana: Louisiana has a law in which Selective Service registration is required for entry to any state school. Another law requires Selective Service registration to be eligible for certain classified and unclassified state civil service positions.
14. Maine: Requires Selective Service registration as a precondition for state student financial aid.
15. Massachusetts: Requires Selective Service registration as a precondition for state student financial aid.
16. Mississippi: Enacted two pieces of legislation. One requires Selective Service registration as a precondition for state student financial aid. The other requires registration as a precondition for state employment.
17. Missouri: Requires Selective Service registration as a precondition for state employment and state student financial aid.
18. Montana: Requires Selective Service registration as a precondition for state employment and state student financial aid.

19. New Hampshire: Young men must be registered with Selective Service to be eligible for state employment and state enrollment in post-secondary institutions, including financial aid for this schooling.
20. New Jersey: Requires Selective Service registration as a precondition for state student financial aid.
21. North Carolina: Enacted two pieces of legislation: One requires Selective Service registration for certain veterans' dependents financial aid programs and another requires registration as a precondition for state employment and state educational assistance.
22. North Dakota: Selective Service registration is a precondition for student financial aid.
23. Ohio: Requires Selective Service registration as a precondition for state student financial aid. Requires any resident male not registered with Selective Service to pay out-of-state tuition rate.
24. Oklahoma: Requires Selective Service registration as a precondition for state student financial aid.
25. South Dakota: Requires Selective Service registration before acceptance to all state schools and as a precondition to state employment.
26. Tennessee: Requires Selective Service registration before acceptance to all state schools. Registration is also required as a precondition for state employment.
27. Texas: Requires men to be in compliance with Selective Service registration requirement to be eligible for state student financial assistance. State employment also is contingent upon Selective Service registration or exemption.
28. Utah: Requires Selective Service registration as a precondition for state student financial aid.
29. Virginia: Enacted two pieces of legislation. One requires Selective Service registration as a precondition for student financial aid. Another requires registration as a precondition for state employment.
30. West Virginia: Requires Selective Service registration as a precondition for state student financial aid and state employment.
31. Wisconsin: Requires Selective Service registration as a precondition for state employment and state student financial aid.



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 21, 2017  
Rm. 309, 2:02 p.m.

To: The Honorable Angus McKelvey, Chair  
Members of the House Committee on Higher Education

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 419, S.D.2, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights.

Article I, section 5 of the Hawai‘i Constitution provides:

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, *nor be denied the enjoyment of the person’s civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry.*  
(emphasis added).

**The HCRC strongly opposes S.B. No. 419, S.D.2, H.D.1, because it codifies sex discrimination into state law.**

S.B. No. 419, S.D.2, H.D.1, if enacted, will prohibit young men, ages 18-25, who fail to register with the Selective Service System from: enrolling at, or receiving education from, any campus of the University of Hawai‘i System; receiving state educational financial assistance; and being eligible for county or state employment or service. On its face, because the federal Selective Service Act only applies to males, the proposed prohibition is limited to males. It imposes a discriminatory burden on men that does not apply to women. The Senate Committees on Public Safety, Intergovernmental, and Military Affairs and Higher Education tried to address this concern by deleting references to “male(s),” but that does not address the disparate impact of the law on males, because the Selective Service Act only requires registration of young men (not women), ages 18-25. S.B. No. 419, S.D.2, H.D.1, would import that discriminatory federal classification and apply it to state employment, higher education, and service, affecting rights under state law.

In addition, the new prohibition would likely bar young men who are conscientious objectors based on their religious beliefs from state higher education and county or state employment or service, including service in elected office.

The HCRC strongly opposes S.B. No. 419, S.D.2, H.D.1, and urges the Committee to hold the bill.





# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Higher Education  
March 21, 2017 at 2:02 p.m.

By

Risa E. Dickson, Vice President for Academic Planning and Policy  
University of Hawai'i System

### SB 419 SD2 HD1 – RELATING TO SELECTIVE SERVICE

Chair McKelvey, Vice Chair Hashem, and members of the committee:

SB 419 SD2 HD1 requires compliance with the Military Selective Service Act to be eligible for enrollment in a state-supported post-secondary institution, qualify for post-secondary education state financial aid, or be eligible for state or county employment or service.

The University of Hawai'i (UH) appreciates the goals of the Hawai'i Selective Service Commission, however has significant concerns about unintended consequences of SB 419 SD2 HD1, including a potential for decreasing access to public higher education in Hawai'i for men between the ages of 18 and 26.

First, UH enrollment contingent on Selective Service registration may have a dampening effect on college attendance for young men. This is a concern. Males currently have lower college going rates than females in Hawai'i, and SB419 SD2 HD1 would subject young men between 18 and 26 years of age to additional screening before being eligible to enroll at the state's public university. This is not applied to other populations, for example, women, non-US citizens, those who attend private or out of state institutions, and others.

Second, an additional screening requirement would disadvantage the very students who take the initiative to apply and seek to enroll at our public higher education system after high school in Hawai'i. Data shows that of more than 13,000 graduates from public and private high schools in Hawai'i in 2015, approximately 4,000 students enrolled at UH campuses systemwide as first-time freshmen in the fall of 2015. Of these, fewer than half are male, and it is this smaller population subset, rather than those who do not apply to UH in the first place, that would be required to undergo additional screening before eligibility to enroll at UH.

Any student applying for federal financial aid is required by federal law to register for the Selective Service, and this federal aid information is downloaded to the University's student information system. To implement the eligibility screening for state financial aid as well as university enrollment, however, would require an additional step to manually check applicants who have not applied for federal financial aid before admitting a male

applicant. This requires resources. After reviewing the data, applying selective service registration as an additional filter to allow or prohibit enrollment at UH or as eligibility for state aid may not produce as high a yield as anticipated by the intervention proposed in SB 419 SD2 HD1.

According to the official website of the Selective Service System, only 8 out of 50 states require Selective Service registration for higher education admissions/attendance. UH is unique in its responsibility as the sole provider of public higher education in a state that is located at great geographic distance from other institutions and other options for students in Hawai'i.

For these reasons, the University of Hawai'i has serious concerns, and respectfully requests that SB 419 SD2 HD1 be deferred.

Thank you for the opportunity to testify.



Testimony in Strong Opposition to  
SB 419 SD2, HD1 RELATING TO SELECTIVE SERVICE  
House Committee on Higher Education  
State Capitol, House Conference Room 309 March 21, 2017, 2:02pm

Chair McKelvey, Vice Chair Rep. Hashem and Committee Members  
From: Amy Agbayani, Co-chair Hawai'i Friends of Civil Rights (HFCR)  
3432 B-1 Kalihi St. Honolulu, Hawaii, 96819

Subject: Relating to Selective Service

Hawai'i Friends of Civil Rights strongly opposes SB 419 SD2, HD1 relating to Selective Service. The federal government already has the authority and ability to withhold benefits to individuals who do not comply with the Selective Service Act. It is my understanding only 8 states have state laws that require the University or state/county employers to apply this at admission/enrollment. A large majority of males in Hawai'i and other states already comply without additional penalties at the state level. The University is already working with federal agencies on financial aid and the Selective Service.

I am in total agreement with the testimony provided by UH. I had the opportunity to talk to some students who had not heard about this bill and expressed strong opposition to this bill. I am certain that the majority of students are supportive of the Selective Service requirements but would oppose additional state level penalties for non-compliance.

It is my understanding that there were no testimonies submitted to hearings on this bill by state and county human resource directors and those responsible for appointments to commissions, governing bodies. This bill is very broad and I think this would apply to part-time employees, temporary employees, Neighborhood Boards, and hundreds of city/state commissions and boards. SB 419 sd2, hd1 will limit and/or delay who can be employed or appointed. I feel unions representing state funded programs (e.g. UHPA, HGEA) should comment or be consulted before this bill is approved.

The Selective Service Act and SB419 sd2 is discriminatory because it only applies to males. And as noted, males are now underrepresented at all campuses of UH and nationally. We need to remove barriers to higher education and not add to them.

I respectfully request you reject SB 419 sd2 because it requires the University of Hawaii and state and county governments to enforce federal requirements that the federal government already enforces. This bill should not be passed as there are many less punitive and more efficient ways to meet the purpose of the bill "to require compliance" with the Selective Service Act.





TESTIMONY IN STRONG OPPOSITION TO SB419 SD2 HD1  
House Committee on Higher Education  
March 21, 2017, 2:01 p.m., Conference Room 309

To: Chair Angus L.K. McKelvey and Vice Chair Mark J. Hashem  
Members of House Committee on Higher Education

From: Charlene Cuaresma, Chair, NaFFAA Region 12  
National Federation of Filipino American Associations Region 12

Subject: Relating to Selective Service

Requires compliance with the Military Selective Service Act to be eligible for enrollment in a state-supported post-secondary institution, qualify for state financial assistance for post-secondary education, or be eligible for state or county employment or service. Provides exceptions. (SB419 SD1)

I strongly oppose this bill. My name is Charlene Cuaresma, Chair, NaFFAA Region 12, which represents the interests of Filipinos in Hawai'i, Guam, and the Commonwealth of Northern Marianas Islands. We are an affiliate of the National NaFFAA. Washington policy-makers, private industry and national advocacy groups recognize NaFFAA as the Voice of Filipinos and Filipino Americans throughout the United States. We are a non-partisan, non-profit national affiliation of more than five hundred Filipino-American institutions and umbrella organizations that span twelve regions throughout the continental United States and U.S. Pacific territories.

I oppose this bill, because it would deny enrollment in Hawaii's public universities and colleges, block access to State funded tuition and assistance, and make State and County government jobs ineligible to males who failed to register for the Selective Service. In these perilous times, education is essential for young people to be informed and engaged in democracy and in the workplace. Please consider the importance of safeguarding our society from the structural violence such a policy foments. To enact this law would be reckless and socially irresponsible, because it would disenfranchise conscientious objectors, as well as shift dwindling resources to overhaul government technology systems for implementation of a discriminatory law against males.

Thank you for opportunity to offer my strong opposition to this bill.

Sincerely,

Charlene Cuaresma, Chair, NaFFAA Region 12

# Filipino American Citizens League

Jake Manegdeg, President  
P. O. Box 270126 \* Honolulu, Hawai'i 96827

TESTIMONY IN STRONG SUPPORT OF SB419 SD2 HD1  
House Committee on Higher Education  
March 21, 2017, 2:01 p.m., Conference Room 309

To: Chair Angus L.K. McKelvey and Vice Chair Mark J. Hashem  
Members of House Committee on Higher Education

From: Jake Manegdeg, President, Filipino American Citizens League

Subject: Relating to Selective Service

Requires compliance with the Military Selective Service Act to be eligible for enrollment in a state-supported post-secondary institution, qualify for state financial assistance for post-secondary education, or be eligible for state or county employment or service. Provides exceptions. (SB419 SD1)

My name is Jake Manegdeg. As president of the Filipino American Citizens League, I oppose this bill. The Filipino American Citizens League was formed over twenty years ago to contribute to the advancement of civil rights and social justice for minority groups, underserved populations, and vulnerable communities through education, advocacy, and social action.

This bill is troubling and must be opposed because it would deny enrollment in Hawaii's public universities and colleges, block access to State funded tuition and assistance, and prohibit public employment at the State and County levels to males who failed to register for the Selective Service. Furthermore, it is discriminatory because males are targeted.

Thank you for the opportunity to oppose this bill, which is wrong-headed and weakens, not strengthens our communities. Our country's national security is fortified by opening doors for our youth to develop themselves, not closing them.

Very Sincerely,

Jake Manegdeg, President, Filipino American Citizens League

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 8:42 AM  
**To:** HEDtestimony  
**Cc:** kmt.amos@gmail.com  
**Subject:** Submitted testimony for SB419 on Mar 21, 2017 14:02PM

**SB419**

Submitted on: 3/20/2017

Testimony for HED on Mar 21, 2017 14:02PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Kelsey Amos	Individual	Oppose	No

Comments: I am opposed to this bill and especially opposed to denying young men who do not register for selective service the ability to attend and receive financial aid at UH. There are already enough barriers to higher education for young people in Hawai'i; we do not need to add another. Even young men who mistakenly do not register may have their educations delayed or end up opting out of a college education after experiencing a setback. As a graduate assistant at UH who teaches freshmen, I see the impacts on young people's lives of bureaucratic errors in financial aid, for example, which cause families undue stress and expense. This bill could create similar situations. Furthermore, I am opposed on principle to Hawaii joining other states that penalize young men for resisting U.S. militarization, especially in the Pacific. Young men already cannot get drivers licenses in Hawaii without automatically registering. Hawaii should be an example of peace for the world, not a willing host to war. The situation is especially ironic and offensive for young Native Hawaiian men who understand themselves as citizens of the Hawaiian Kingdom under illegal occupation by the U.S. To force Hawaiian men to register for selective service in order to get a college education or a job is really insulting and outrageous. Though some men still opt to do so and I respect an individual's choice, in principle this burden should not be put on them. Kelsey Amos 96789

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March 18, 2017

TO: Chair Representative Angus L.K. McKelvey, Chair  
Vice-Chair Representative Mark J. Hashem  
Committee on Higher Education

**TESTIMONY IN OPPOSITION TO SB419, SD2 RELATING TO SELECTIVE SERVICE**

- This bill will create a permanent underclass of Hawaii residents and, **unlike the Military Selective Service Act, provides no relief from sanctions** for individuals over the age of 26 who inadvertently fail to register. See, 34 C.F.R. 668.37 (d).
- Those most affected by harsh sanctions related to the failure to register under the Military Selective Service Act are minorities, immigrants, and the poor. See, FY 1999 Annual Report to the Congress of the United States, from the Director of Selective Service, p.8.
- According to the Selective Service Administration the primary factors contributing to registration compliance are:

(1) enacting and implementing driver's license legislation (DLL) encouraging registration with Selective Service to obtain a driver's license, driver's permit, or an identification card; (2) using online registration through Selective Service's website, [www.sss.gov](http://www.sss.gov), as a means to register (other than registering with Selective Service using the reminder mail-back forms, other electronic methods, paper forms available at the U.S. Postal Service, and the interactive voice response (IVR) system at Selective Service's call center); (3) soliciting volunteer Selective Service registrars; (4) partnering with U.S. Postal Service offices, the only universal source of availability of Selective Service registration forms; and (5) focusing on cost-effective registration awareness initiatives and outreach efforts to inform educational and community leaders and groups.

See, 2016 Annual Report to Congress, Director of Selective Service. Notably, nowhere does the Director's Annual Report indicate that legislation, such as that proposed by Senate Bill 419, is a primary factor that will lead to registration compliance.

- Hawaii already requires applicants for driver's licenses to submit to automatic registration with the Selective Service Administration. HRS §286-102.5, Military Selective Service Act; Selective Service System Registration, requires

(a) Qualified applicants for a motor vehicle [driver's] license pursuant to section 286-107 or 286-108 or an instruction permit pursuant to section 286-110 shall be registered with the United States Selective Service



System in compliance with Title 50 United States Code Appendix section 453, as amended.

(b) Every qualified applicant identified in subsection (a) shall be required to authorize the examiner of drivers to:

(1) Collect the necessary personal information required for registering the qualified applicant with the United States Selective Service System; and

(2) Electronically transmit the information to the Selective Service System pursuant to subsection (d) for purposes of registering the qualified applicant with the United States Selective Service System.

(c) The examiner of drivers shall notify all qualified applicants identified in subsection (a) that by submitting an application, the qualified applicant is consenting to registration with the United States Selective Service System, if so required by federal law.

- Complying with Senate Bill 419 will require significant modification of computer systems at Hawaii's colleges and universities as well as all State and County employers, including the Legislature. While the exact cost to implement and maintain the required computer system changes is unknown at the time, it will not be insignificant as the legislated institutions will be required to process the verifications to the Selective Services Administration by batch.

With so many unmet needs in Hawaii coupled with the State's declining tax revenues, the Legislature should decline to invest State dollars to support the technology and personnel needed to implement House Bill 419.

- The proposed legislation will negatively impact and discriminate against young adult males seeking government employment or enrollment in state funded colleges and universities as the current federal registration requirements do not apply only to young adult females.
- The proposed legislation may also bar young adult male conscientious objectors from State funded colleges and universities and State or County employment despite a clear and unambiguous federal exemption from military service for these individuals. Current military policy defines a conscientious objection as a, "firm, fixed, and sincere objection to participation in war in any form or bearing of arms, by reason of religious training and/or belief. See Department of Defense Instruction, Conscientious Objectors, 1300.06.

Thank you for your consideration,

Patricia McManaman



TO: Chair Angus McKelvey  
Vice-Chair Mark Hashem  
Committee on Higher Education  
Re: **Opposition to SB 419 SD2 HD1**

Tuesday, 03-21-17 2:02PM in House conference room 309.

Aloha Chair McKelvey, Vice-Chair Hashem and Members of the Committee,

I strongly urge you to vote **no** on SB419, SD2, HD1.

This measure is severely punitive, impacting both education and employment for young men. It would also add unneeded burden and cost to the University, thus to State funds. As the Legislature determines expenditures, we all know there are many, many more pressing issues.

The Selective Service Act has been in place for years and there are already unfair consequences to men who do not register. Hawaii had been fine not further penalizing our youth. Please leave things as they are.

Young men are given so few options as it is. And they are rarely exposed to any critical thinking about war, killing, and military service. Those who have the opportunity to reflect and choose to not register due to a conscious belief should not be punished for this. These are exactly the young men we should want to pursue higher education, to learn, question, and reshape systems, and build a more peaceful society.

Thank you,

Nancy Aleck

Executive Director, ret.

Masters in Education

PO Box 61212 Honolulu 96839

## HEDtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 20, 2017 1:05 PM  
To: HEDtestimony  
Cc: milton\_s\_bain@yahoo.com  
Subject: Submitted testimony for SB419 on Mar 21, 2017 14:02PM

Categories: Green Category

### **SB419**

Submitted on: 3/20/2017

Testimony for HED on Mar 21, 2017 14:02PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rev. Stanley Bain	Individual	Oppose	No

Comments: Honorable Representative Angus McKelvey, Chair Honorable Members Committee on Higher Education I am the Rev. Stanley Bain, an ordained minister of the United Methodist Church with 40 years residence and ministry in Hawaii nei. I testify in strong opposition to SB419 and request that the House Committee on Higher Education oppose SB419, SD2, HD1. I object to denial of civil liberties, denial of educational benefits and opportunities for employment in public service for the following reasons: 1) If enacted the bill will in essence export some of our talented students out of state. Hawaii's state university system will be deprived of our more able students (and their fees) who will choose to pursue higher education in a state which does not comply with the federal law or in another country or not at all. Our state as a whole will dumb down. 2) The bill is a liability to our economy because it eliminates potential skilled employees and leaders from public service and from the tax base. They will be forced to search elsewhere for employment. Hawaii needs its young men serving their home state. 3) The bill is gender discriminatory because it applies to males only. The Selective Service System fails to recognize the skills females bring to our nation's defense. 4) The bill discriminates against males who choose not to join the military for religious reasons. They will be deprived of their civil liberties and the opportunity to develop their skills and build their lives in other ways. I urge members of the House Higher Education Committee to value the fact that there are many ways to serve and defend our nation. Service is not limited to the military alone! Thank you for receiving my testimony. Respectfully submitted, Rev. Stanley Bain March 20, 2017

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 1:06 PM  
**To:** HEDtestimony  
**Cc:** dkk@hawaiiantel.net  
**Subject:** Submitted testimony for SB419 on Mar 21, 2017 14:02PM

**SB419**

Submitted on: 3/20/2017

Testimony for HED on Mar 21, 2017 14:02PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deborah Kimball	Individual	Oppose	No

Comments: I strongly oppose SB 419 SD1 HD1 because: 1) Only males are subject to the draft. That's discrimination and this bill makes the state complicit in that discrimination. 2) The prohibitions would likely bar (only) male conscientious objectors from state higher education, state educational financial aid, and county and state employment and service--including elected office and even boards and commissions! Conscientious objectors, several of whom I know, are some of the most intelligent, informed and civic-minded citizens of Hawai'i. Do you really want to exclude them from development and contributions to our state? This bill is contradictory to current laws. State self-inflicted discrimination is unacceptable! This bill constitutes unfortunate and serious overreach by the Legislature. Will you please oppose it? Aloha and mahalo nui.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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March 20, 2017

To: Honorable Chair Angus L.K McKelvey

To: Honorable Vice-Chair Mark J. Hashem

To: Honorable Members- Richard P. Creagan, Sharon E. Har, Kaniela Ing, Takashi Ono, Richard H.K Onishi, Justin H. Woodson, Lauren Kealohilani Matsumoto

Subject: Opposing SB 419-Relating to compliance with the Military Selective Service Act

Aloha e Committee of Higher Education,

My name is Kaylene Kauwila Sheldon and I am opposing SB 419 because 1. It requires our young sons, nephews, cousin, grandsons and students to sign up for the Military Selective Services and engage in destructive war. I feel that this requirement will target Native Hawaiians and Polynesians or Pacific Islanders as the major target to fight in front lines and a means to eliminate the nā 'ōiwi of these Hawaiian islands and their Pacific cousins. 2. The State is acting like an “apparatus” for federal issues which I feel is an ethnic and belligerent problem. 3. Higher education should be a time to encourage peaceful resolutions not war. 4. The University of Hawaii sits on lands that originally belong to the Hawaiian Kingdom, the back pay and reparations are over due therefore this requirement is out of line. 5. “Since 1898, the United States has unlawfully exercised its power within the territory of the Hawaiian Kingdom militarily, legislatively and economically. On July 7, 1898, the United States Congress enacted a joint resolution unilaterally annexing the Hawaiian Kingdom over the protests of Hawai'i's Queen and people. Two years later, Congress enacted another law by creating a territorial government that took over the governmental infrastructure of the Hawaiian Kingdom that was previously high jacked by insurgents since 1893 with the support of the United States military. In 1959, the Congress again passed legislation transforming the territorial government into the 50th state of the American Union. Under both international law and United States constitutional law, these Congressional actions have no force and effect in Hawai'i. Despite the propaganda and lies that have been perpetuated since the beginning of the occupation that Hawai'i was annexed by a treaty, the Hawaiian Kingdom continues to be an independent State that still retains its personal supremacy over its nationals abroad, and territorial sovereignty over its territory and territorial seas”(retrieved from Hawaiian Kingdom.org March 20, 2017).

Therefore, I ask that you prioritize funding appropriately toward higher education and follow what your constituents put you in office for. I am telling you as a Native daughter of Hawaii, a tax payer and as a mother to kill this bill.

Mahalo for your time,

Kaylene Kauwila Sheldon

TESTIMONY IN STRONG OPPOSITION TO SB419, SD2 HD1  
House Committee on Higher Education  
March 21, 2017, 2:01 p.m., Conference Room 309

To: Chair Angus L.K. McKelvey and Vice Chair Mark J. Hashem  
Members of House Committee on Higher Education

From: Davelyn Quijano, Private Citizen

Subject: Relating to Selective Service

Requires compliance with the Military Selective Service Act to be eligible for enrollment in a state-supported post-secondary institution, qualify for state financial assistance for post-secondary education, or be eligible for state or county employment or service. Provides exceptions. (SB419 HD1)

I strongly oppose this bill. I am speaking as a private citizen. My name is Davelyn Quijano, president of the Sinai National High School Alumni Association of Hawaii. Our alumni association was established in 1995 and has grown to 60 members in Hawaii. I also serve as the secretary of the Anak ti Sinait of Hawai'i (Children of Sinai). Our alumni association prides itself in volunteerism both in Hawaii and the Philippines, where we perpetuate our culture, join in disaster relief efforts, finance medical missions to the Philippines, foster good health through outreach programs to our Filipino community, empower our youth through scholarship programs, offer aid to deceased members and their beneficiaries, and engage network opportunities to contribute successfully to Hawaii's economy through entrepreneurship.

I oppose this bill because it is not right for individuals to be denied opportunities for government work, or be blocked from enrollment to state funded colleges and universities, or be denied the ability to apply for financial aid for school if they do not register with the Military Selective Service Act. This bill is discriminatory, because it singles out males. This bill is also unfair to individuals who are conscientious objectors.

Furthermore, implementation of this bill will require exorbitant computer system costs to government agencies. There are more pressing issues for our limited resources that build the capacity for strong communities, rather than disempower and cut people off from bettering themselves.

Thank you for the opportunity to express my strong opposition.

Warmest regards,

Davelyn Quijano



**LATE**

Committee: Committee on Higher Education  
Hearing Date/Time: Tuesday, March 21, 2017 at 2:02 p.m.  
Place: Conference Room 309  
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 419, S.D. 2, H.D.1, Relating to Selective Service

Dear Chair McKelvey, Vice Chair Hashem, and Members of the Committee on Higher Education:

The American Civil Liberties Union of Hawai'i ("**ACLU of Hawai'i**") writes in **opposition** to S.B. 419, S.D. 2, H.D. 1, which seeks to ban men ages 18-25 who fail to register with the selective service from enrolling in a state-supported post-secondary educational institution, qualifying for state financial assistance, or being considered for county or state employment.

Forcing individuals into registering for military service, absent an extreme national emergency, constitutes a violation of civil liberties and constitutional guarantees, including the right to freedom of association, the right to be free from involuntary servitude, and the right to privacy. Should this measure pass into law, conscientious objectors who oppose military service due to religious or cultural belief may be barred from enrolling in a state college or university or obtaining public employment. This would mean that a man who objects to registration — and not just military service — based on his personal belief and participation in the Hawaiian sovereignty movement may be forced to choose between his cultural and political beliefs and pursuing an education.

Further, the Military Selective Service Act discriminates on the basis of sex, as only men are required to register. The justification proffered for this discrimination relies on archaic stereotypes about gender roles and women's capabilities — justifications that have zero basis in reality and undermine the accomplishments of women who have valiantly served in our military, including those who have served, more recently, in combat roles. The ACLU of Hawaii vehemently disagrees with any attempt to codify this discrimination into state law.

This measure could have grave consequences for Deferred Action for Childhood Arrivals ("DACA") recipients. Although DACA recipients are currently required to register with the selective service, they may be afraid to do so out of fear that this information may be shared and used against them in the future. In light of recent actions by the President, such as an Executive Order instructing agencies to exclude, among other groups, DACA recipients from the protections afforded by the Privacy Act regarding personally identifiable information, this fear would not be unfounded.



Chair McKelvey and Members of the Committee  
March 21, 2017  
Page 2 of 2

Withholding state educational and employment opportunities is simply not the correct way to enforce military selective service registration requirements. For these reasons, the ACLU of Hawaii urges the Committee to defer this measure.

Thank you for the opportunity to testify.

Sincerely,



Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*

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## University of Hawai'i Student Caucus

Date: Monday March 20, 2017

To: House Committee on Higher Education  
Representative Angus L. K. McKelvey, Chair  
Representative Mark J. Hashem, Vice Chair

Re: SB419 Relating to Selective Service

Mahalo for the opportunity to provide testimony. The University of Hawai'i Student Caucus (UHSC) stands **in opposition** to SB419. The UHSC represents approximately 42,700 students across the 10 campuses of the University of Hawai'i (UH) System.

Maintaining access to higher education is of critical importance to the UHSC. Denying the ability to "enroll in, or receive education from a post-secondary institution" based on non-compliance with the Military Selective Service Act presents an unnecessary barrier to receiving a higher education and the potential employment opportunities that may result from achieving a post-secondary degree. Furthermore, by targeting "state-supported post-secondary institutions," this bill would effectively prevent affected individuals from enrolling in any of the 10 UH campuses and also targets UH as a vehicle to increase the numbers of people enrolled in the Selective Service while allowing other post-secondary institutions to continue recruiting students without requiring their enrollment in the Selective Service.

Requiring prospective students to comply with the Selective Service as a prerequisite for enrollment in a post-secondary institution would require individuals who have filed for Deferred Action for Childhood Arrivals (DACA) to essentially "out" themselves as undocumented citizens and therefore subject them to potential deportation in accordance with recent actions by the Executive Branch of the U. S. Federal Government.

The UHSC understands the importance and function of the Selective Service to ensuring that the U. S. has an adequate number of soldiers may be called upon in times of emergency. However, it is unnecessary and unethical to deny individuals the right to a higher education due to non-compliance with the Selective Service.

Mahalo nui,

Kepo'o Keli'ipa'akau  
Chair, University of Hawai'i Student Caucus (UHSC)

### University of Hawai'i Student Caucus

UH AVPSA attn: Russell Chan  
2444 Dole Street, BA 9-6  
Honolulu, HI 96822

Phone: 808-956-6066  
Fax: 808-956-7292

BEFORE THE HOUSE COMMITTEE ON HIGHER EDUCATION

Hawaii State Legislature, March 21, 2017

Senate Bill No. 419  
Relating to Selective Service

**LATE**

Aloha Chair McKelvey, Vice Chair Hashem, and Members of the Committee:

The Ka Lāhui Hawaii Political Action Committee (KPAC) opposes SB 419 Relating to Selective Service.

It already is a Federal requirement for all men ages 18 to 26 to sign up for the Military Selective Service. There is no need for the State to duplicate this, and if a person chooses to not register, it would be a Federal matter.

Signing up for the Military Selective Service should not be a requirement for enrollment at a University of Hawaii campus for anyone, especially for students of Native Hawaiian ancestry. The University of Hawaii at Mānoa is on more than 300 acres of ceded Hawaiian lands and pays no rent to kanaka maoli.

It should not be a requirement to qualify for State financial assistance for post-secondary education at any school. KPAC views such a requirement as a penalty in an environment where attending college should be encouraged, not discouraged.

Registering with the Military Selective Service should not be a requirement for government employment either. The government is Hawaii's largest employer, and such a requirement will reduce the labor pool of public servants because many of our young men will likely decline registering.

Respectfully submitted,

Rebekah Luke  
Member, KPAC

**LATE**

To: House Committee on Higher Education  
Honorable Representative Angus L.K. McKelvey, Chair  
Honorable Representative Mark J. Hashem, Vice-Chair

Date: March 21, 2017

Time: 2:02 PM

Place: House Conference Room 309

**Re: IN OPPOSITION TO SB 419 - RELATING TO SELECTIVE SERVICE**

Thank you for the opportunity to provide testimony. As the Associated Students of the University of Hawai'i at Leeward Community College, representing the 6,565 students enrolled on our campus, we submit testimony in strong opposition of SB 419.

Maintaining access to higher education is of critical importance to University of Hawai'i at Leeward Community College. Denying the ability to "enroll in, or receive education from a post-secondary institution based on non-compliance with the Military Selective Service Act presents an unnecessary barrier to receiving a higher education and the potential employment opportunities that may result from achieving a post-secondary degree. Furthermore, by targeting "state-supported post-secondary institutions," this bill would effectively prevent affected individuals from enrolling in any of the 10 UH campuses and also targets UH as a vehicle to increase the numbers of people enrolled in the Selective Service while allowing other post-

[www.leeward.hawaii.edu/studentlife](http://www.leeward.hawaii.edu/studentlife)

96-045 Ala 'Ike, Pearl City,  
Hawai'i, 96782  
**Telephone:** (808) 455-0560  
**Email:** [leewardsg-L@lists.hawaii.edu](mailto:leewardsg-L@lists.hawaii.edu)  
**Facebook:** [facebook.com/leewardSG](https://www.facebook.com/leewardSG)

secondary institutions to continue recruiting students without requiring their enrollment in the Selective Service.

Requiring prospective students to comply with the Selective Service as a prerequisite for enrollment in a post-secondary institution would require individuals who have filed for Deferred Action for Childhood Arrivals (DACA) to essentially “out” themselves as undocumented citizens and therefore subject them to potential deportation in accordance with recent actions by the Executive Branch of the U. S. Federal Government.

The Associated Students of the University of Hawai‘i at Leeward Community College understands the importance and function of the Selective Service to ensuring that the U. S. has an adequate number of soldiers may be called upon in times of emergency. However, it is unnecessary and unethical to deny individuals the right to a higher education due to non-compliance with the Selective Service.

Thank you,

Raezheen Pascua

President, Associated Students of the University of Hawai‘i at Leeward Community College

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 21, 2017 12:38 AM  
**To:** HEDtestimony  
**Cc:** raulg@nohea.com  
**Subject:** Submitted testimony for SB419 on Mar 21, 2017 14:02PM

**SB419**

Submitted on: 3/21/2017

Testimony for HED on Mar 21, 2017 14:02PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raul Nohea Goodness	Individual	Oppose	No

Comments: I oppose this bill. This appears to be an additional level of unnecessary law and paperwork. Young men are already required to register for selective service under Federal law, and also when applying for financial aid. I believe this bill, if enacted, would be used to remove critics of US policy from university.

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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 5:37 PM  
**To:** HEDtestimony  
**Cc:** jkkeliip@hawaii.edu  
**Subject:** \*Submitted testimony for SB419 on Mar 21, 2017 14:02PM\*

**SB419**

Submitted on: 3/20/2017  
Testimony for HED on Mar 21, 2017 14:02PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Keliipaakaua	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 5:35 PM  
**To:** HEDtestimony  
**Cc:** hapagurl7669@yahoo.com  
**Subject:** Submitted testimony for SB419 on Mar 21, 2017 14:02PM

**SB419**

Submitted on: 3/20/2017

Testimony for HED on Mar 21, 2017 14:02PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theodora Akau Gaspar	Individual	Oppose	No

Comments: I OPPOSE SB419

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 21, 2017 7:09 AM  
**To:** HEDtestimony  
**Cc:** burgharc@gmail.com  
**Subject:** Submitted testimony for SB419 on Mar 21, 2017 14:02PM

**LATE**

**SB419**

Submitted on: 3/21/2017

Testimony for HED on Mar 21, 2017 14:02PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Oppose	No

Comments: We already have so many stipulations and it is already law that people register. Why are we supporting military registration of our young people and making it a requirement for their education possibilities? Who other than a recruiter or overzealous military supporter would require this? What next? Geez.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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