



THE DIRECTOR OF SELECTIVE SERVICE
Arlington, Virginia 22209-2425

HAWAII HOUSE OF REPRESENTATIVES

House Committee on Judiciary

**Testimony of Donald M. Benton,
Director, U.S. Selective Service System**

SB 1343, SD1-- RELATING TO SELECTIVE SERVICE
(Testimony in **SUPPORT)**

Chairman Lee, Vice Chair Buenaventura, and Members of the Committee:

My name is Donald Benton, and I serve as the 13th Director of the United States Selective Service System.

The mission of the Selective Service is: “To register men² and maintain a system that, when authorized by the President and Congress, rapidly provides personnel in a fair and equitable manner while managing an alternative service program for conscientious objectors.”³

In addition to providing additional personnel in the event of a draft, the existence of the Selective Service is a deterrent to aggression from our foreign adversaries and is considered by the Department of Defense as an “insurance policy” receiving sustained bipartisan support. For example, on May 18, 1994, former President Bill Clinton said the following:

² Although there has been a recent federal court ruling regarding the constitutionality of male-only Selective Service registration, that ruling did not direct the Selective Service System to begin registering women and, as an independent agency of the federal Executive Branch, the Selective Service does not make policy and follows the law as written. As such, until Congress amends the Military Selective Service Act or the Judiciary orders Selective Service to change our standard operating procedure, the following remains in effect: (1) Men between ages 18 and 25 are required to register with Selective Service and (2) Women are not required to register with Selective Service. If Selective Service is directed by Congress or the Supreme Court to include women in the registration process, we will implement the ordered changes in a timely fashion.

³ <https://www.sss.gov/About/Agency-Mission>

Maintaining the Selective Service System and draft registration provides a hedge against unforeseen threats... the link between the All-Volunteer Force and our society-at-large. The Armed Forces must also know that the general population stands behind them, committed to serve, should the preservation of our national security so require⁴

Further, the Selective Service received strong support from the Department of Defense under President Barack Obama, and receives sustained support from the Department of Defense under President Donald J. Trump.⁵

Accordingly, federal law requires virtually all male U.S. citizens and male immigrants (documented and undocumented) residing in the United States, who are ages 18 to 25, to register with Selective Service. Specifically, the law says that men must register within 30 days of their 18th birthday, but men are permitted to register through age 25. Once a man turns 26, it is too late to register with Selective Service.⁶

Those who fail to register are not only in criminal violation of federal law, but may be precluded from receiving federal student loans and grants, federal job training under the Workforce Innovation and Opportunity Act, federal jobs or security clearance as a contractor, and can have citizenship proceedings delayed by 5 years. Additionally, an increasing number of private sector employers require a Selective Service number as a requisite for employment.⁷

⁴ <https://www.sss.gov/About/What-does-the-Agency-provide-for-the-Nation>

⁵ <https://www.usatoday.com/story/news/nation/2019/02/25/federal-judge-all-male-draft-unconstitutional-now-what-selective-service/2979346002/> (“The Department of Defense wants to keep the Selective Service System as a backstop to the all-volunteer military”) and <https://www.sss.gov/About/What-does-the-Agency-provide-for-the-Nation> (“Registration provides a hedge against a catastrophe we do not yet anticipate... and reminding our youth that public service is a valid part of American Citizenship” – Secretary of Defense Chuck Hagel, May of 2013)

⁶ 50 U.S.C. § 3802(a): “Except as otherwise provided in this chapter it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 1101(a)(15) of title 8, for so long as he continues to maintain a lawful nonimmigrant status in the United States.”

⁷ <https://www.sss.gov/Registration/Why-Register/Benefits-and-Penalties>

Maximum registration rates are necessary to ensure that any future military draft is fair and equitable. Senate Bill 1343, SD1 which conditions both state financial assistance for post-secondary education and eligibility for state and/or county employment on registration with Selective Service, helps ensure that the maximum number of people register with Selective Service. In fact, this type of legislation has had such a positive impact on Selective Service registration rates that 31 states have passed variations of Senate Bill 1343, SD1⁸

Selective Service registration rates of 18 year-old men in Hawaii, depending on the year, ranges between 73% and 88%, meaning that a significant percentage of men in Hawaii are not in compliance with federal law and risk losing important benefits for life. There is no doubt that Senate Bill 1343, SD1 will boost registration awareness and thus raise registration rates.

Raising registration rates in Hawaii not only helps ensure equity if there is a draft in the future, but also helps protect Hawaii's men from being denied federal benefits. Further, denied federal benefits not only hurt the individuals who are denied those federal benefits, but also results in less federal funds associated with those benefits flowing into the State of Hawaii.

Legislation like Senate Bill 1343, SD1 is not implemented with the intent of denying any person access to student financial aid or state employment, but is instead one of several tools used by the federal government and 31 U.S. states to create more opportunities for young people to discover their registration status, and if not registered, to cure their non-registration. In other words, Senate Bill 1343, SD1 is a "safety net" for non-registrants and is a critical component of

⁸ States that have enacted legislation conditioning state and county employment and/or state student financial aid on registration with Selective Service include: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Missouri, Montana, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

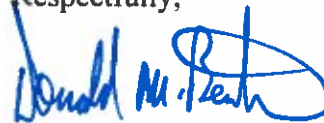
the ongoing efforts to ensure that young people remain in compliance with the law and to make any future draft as equitable as possible.

Further, Selective Service has developed and implemented simple and cost-free programs to help states implement legislation like Senate Bill 1343, SD1. Selective Service enjoys close working-relationships with all 50 states, Washington, D.C., and the U.S. territories, including the State of Hawaii Department of Motor Vehicles. Our agency stands at the ready to help Hawaii implement Senate Bill 1343, SD1.

In closing, thank you for the opportunity to submit written testimony in support of Senate Bill 1343, SD1. We appreciate efforts already undertaken by the State of Hawaii to boost registration numbers, and we look forward to our continued partnership.

I urge you to vote in favor of Senate Bill 1343, SD1.

Respectfully,



Donald M. Benton



Selective Service System

Hawaii Headquarters

Committee on Judiciary

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

Monday, March 25, 2019 (2:00 p.m.)

SB 1343 SD 1-- RELATING TO SELECTIVE SERVICE
(Testimony in SUPPORT)

I am Andrew Pepper, State Director for the United States Selective Service System. My role is to ensure young men¹ 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.

¹ 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>). The modern applicability of the *Rostker* decision currently is under review and on February 22, 2019, a United States District Court in Texas held that male-only registration is unconstitutional; however the Court did not direct the Selective Service System to begin registering women. The matter continues to be litigated and the Selective Service System stands ready to implement any final order of the Court or directive of Congress regarding the registration of women.

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 such a need. The ability of the Selective Service System to rapidly deliver personnel for national service ensures that all potential adversaries understand both our national resolve and our national mobilization capabilities. Such “messaging” makes clear that military aggression by other governments would not result in a strategically positive outcome for those nations and their citizens. In other words, the deterrent effect of registration with the Selective Service System helps keep us safe and at peace.

The Selective Service System supports the passage of SB 1343 SD1 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.

SB 1343 SD1 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, SB 1343 SD1 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.² Passing SB 1343 SD1---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.

² Please see attached list describing other States' legislation.

The Selective Service System never seeks to impose burdens on our State and municipal government partners without supporting such efforts. To that end, the Selective Service System has developed and implemented a comprehensive system of Web Application Services to make registration verification simple and cost free. In each of the 31 other states that have adopted similar legislation, this has allowed the Selective Service to develop close and effective working relationships with our governmental counterparts.

In closing, passing SB 1343 SD1 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

Hawaii Headquarters

Re: SB 1343 SD1

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 25, 2019
Rm. 325, 2:00 p.m.

To: Hon. Chris Lee, Chair
Members of the House Committee on Judiciary

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

Re: S.B. No. 1343, S.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 (on the basis of disability). 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. 1343, S.D. 1, because it codifies sex discrimination into state law.

S.B. No. 1343, S.D. 1, if enacted, will prohibit *males* 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. 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. 1343, S.D. 1, and urges the Committee to hold the bill.

SB-1343-SD-1

Submitted on: 3/25/2019 10:54:40 AM

Testimony for JUD on 3/25/2019 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Khara Jabola-Carolus	Hawai'i State Commission on the Status of Women	Oppose	No

Comments:



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Judiciary
Monday, March 25, 2019 at 2:00 p.m.

by

Donald O. Straney, Vice President for Academic Planning and Policy
University of Hawai'i System

SB 1343 SD1 – RELATING TO SELECTIVE SERVICE

Chair Lee, Vice Chair San Buenaventura and members of the committee:

SB 1343 SD1 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 but has significant concerns about unintended consequences of SB 1343 SD1, including a potential for decreasing access to public higher education in Hawai'i for men between the ages of 18 and 26. Much of what this bill seeks to accomplish is already required by federal law.

Federal law currently requires any student applying for federal financial aid via the Free Application for Federal Student Aid (FAFSA) 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 enrollment or for state financial aid, however, would require an additional step to identify applicants who have not applied for federal financial aid before admitting a male applicant. This requires additional administrative resources and is complicated because the Selective Service database uses social security numbers as identifiers and the University does not collect social security numbers at the admissions stage, nor do we collect it for non-FAFSA filers. 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 1343 SD1.

UH enrollment contingent on Selective Service registration may have a dampening effect on college attendance at UH campuses for young men. This is a concern. Males currently have lower college going rates than females in Hawai'i; 47% of males vs. 63% of females enroll in college directly out of public high schools. SB 1343 SD1 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.

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 14,100 graduates from public and private high schools in Hawai'i in 2018, approximately 5,300 students enrolled at UH campuses systemwide as first-time freshmen in the fall of 2018. Of these, fewer than half (44%) were 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.

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. Hawai'i does not have a state grant program similar to other states. 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 with this bill, and respectfully requests that SB 1343 SD1 be deferred.

Thank you for the opportunity to testify



Testimony in Strong Opposition to
SB 1343, sd1 RELATING TO SELECTIVE SERVICE
State Capitol, House Conference Room 325 March 25, 2019, 2pm

From: Amy Agbayani, Co-chair Hawai'i Friends of Civil Rights (HFCR)
3432 B-1 Kalihi St. Honolulu, Hawaii, 96819
Subject: SB1343, sd1: Relating to Selective Service

Chair Lee, Vice Chair San Buenaventura and members of the Judiciary Committee

Hawai'i Friends of Civil Rights strongly opposes SB 1343 Sd1 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. Hawai'i and over twenty other states do not have state laws that require the University or state/county employers to withhold or delay admission, financial assistance, employment or service on commissions and boards. 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. SB 1343 sd1 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 SB1343 sd1 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 1343 sd1 because it requires the University of Hawai'i 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.



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
John Bickel, President	Guy Archer	Jan Lubin	Cameron Sato	P.O. Box 23404
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Karin Gill, Secretary	Chuck Huxel	Doug Pyle		

March 25 , 2019

TO: Honorable Chair Lee & Members of JUD Committee

RE: SB 1343 SD1 Relating to Selective Service

Opposition for hearing on March 25

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We oppose SB 1343 SD1 as it would prohibit *males* 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. We do not like that it selects males only. It appears to exclude non-American students from enrollment at the University of Hawai'i system. It would deny education to those who refuse as a conscientious objection, whether on political or religious basis. Therefore it discriminates in higher education on the basis of political views and religion. Also, it goes further than the already existing federal requirement for registration to receive federal financial aid, which is a benefit, and actually denies education, a basic right. Even the federal law doesn't go that far. Generally the bill seems a bit mean-spirited.

Thank you for your consideration.

Sincerely,

John Bickel
President



LATE

BEFORE THE HOUSE JUDICIARY COMMITTEE

Hawaii State Legislature, March 25, 2019

Senate Bill No. 1343
Relating to Selective Service

Aloha Chair Lee, Vice Chair San Buenaventura, and Members of the Committee,

The Ka Lāhui Hawaii Political Action Committee (KPAC) opposes SB 1343 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 Kanaka Maoli or Native Hawaiian ancestry. The University of Hawaii at Mānoa occupies more than 300 acres of “ceded” Hawaiian national lands and pays no rent to the Kanaka Maoli peoples.

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. Denying entry into a State supported college to those who choose not to register because they are conscientious objectors is unconstitutional (Hawai'i State Constitution Article I, Sections 4 and 5).

Registering with the Military Selective Service should not be a requirement for government employment either. The government is Hawaii's largest employer and this requirement would open up the State to lawsuits to discriminatory hiring practices by those who choose not to register for selective services as conscientious objectors especially those objecting for religious reasons (Hawai'i State Constitution Article I, Sections 4 and 5).

Respectfully submitted,

M. Healani Sonoda-Pale
Member, KPAC

LATE

SB-1343-SD-1

Submitted on: 3/25/2019 10:17:26 AM
Testimony for JUD on 3/25/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Democrats Committee on Legislative Priorities	Oppose	No

Comments:



Hawai'i

LATE

Committees: Committee on Judiciary
Hearing Date/Time: Monday, March 25, 2019, 2:00 p.m.
Place: Conference Room 325
Re: Testimony of the ACLU of Hawai'i in Opposition to S.B. 1343, S.D.1, Relating to Selective Service

Dear Chair Lee, Vice Chair San Buenaventura, and members of the Committee on Judiciary:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in opposition to S.B. 1343, S.D. 1, which bans 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, poses a serious burden on civil liberties, including the right to freedom of association, the right to be free from involuntary servitude, and the right to privacy. Imposing and enforcing such burden should not be taken lightly. 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, for example, the Hawaiian sovereignty movement, would 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 no 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 Hawai'i opposes all attempts to codify such discrimination into state law.

This measure could also have grave consequences for Deferred Action for Childhood Arrivals ("DACA") recipients. Although DACA recipients are 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 the rescission of DACA, this fear is not unfounded. In summary, withholding state educational and employment opportunities are both unrelated and simply the wrong way to enforce military selective service registration requirements.

For these reasons, the ACLU of Hawai'i urges the Committee to defer this measure.

Thank you for the opportunity to testify.

Chair Lee and Members of the Committee on Judiciary
March 25, 2019
Page 2 of 2

Sincerely,



Mandy Fernandes
Policy Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i 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 Hawai'i has been serving Hawai'i for 50 years.

March 25, 2019

LATE

TO: Representative Chris Lee, Chair
Representative Joy San Buena Ventura, Co-Chair
Committee on Judiciary

TESTIMONY IN STRONG OPPOSITION TO SB1343, SD1
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, 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 1343 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. See, HRS §286-102.5.
- Complying with Senate Bill 1343 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 Senate Bill 1343.

- The proposed legislation will negatively impact and discriminate against young adult males seeking government employment or enrollment in state funded colleges and universities.
- 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.

I stand strongly opposed to Senate Bill 1343.

Sincerely,
Patricia McManaman