



American Friends Service Committee

California Healing Justice Program · 1730 Franklin Street Ste 201 · Oakland, CA 94612 · (510) 282-8983

March 14, 2024

California SB-1081 -- Oppose

The American Friends Service Committee opposes SB-1081, which would automatically register draft-age and some younger applicants for California driver's licenses or state IDs with the U.S. Selective Service System for a possible military draft. Our concerns about SB-1081 include the following:

1. Draft registration is a failure. Linking it to California driver's licenses won't salvage it.

A workable draft requires a complete and accurate database of names and current addresses for provable delivery of induction notices. Men ages 18-26 are required to notify the Selective Service System (SSS) within 10 days of any change of address, but few young men do. Draft registration proved unenforceable, and an actual draft would be similarly unenforceable. Federal criminal prosecutions of non-registrants (including in California) didn't work, and were abandoned by Federal prosecutors in 1988. Too many young people don't comply for more than a handful to be prosecuted. In Fiscal Year 2021 (the most recent year reported), the SSS referred 238,679 names of non-registrants to the U.S. Department of Justice. None were investigated or prosecuted.

Nonregistration is only a crime if it was "knowing and willful." Proving knowledge and willfulness requires labor-intensive personal notice before each prosecution. Most non-registrants didn't know they were supposed to register, have committed no crime, and couldn't be prosecuted.

2. The negative consequences of nonregistration have been exaggerated and don't justify this bill.

Congress repealed the requirement to register with the SSS for Federal student aid in 2020. California repealed the requirement to register with the SSS for state Cal Grants for higher education in 2021. There have been no reported negative outcomes from these changes. Legislation has been proposed in Congress – which we support -- to end registration entirely and abolish the SSS.

Denial of Federal jobs or naturalization requires evidence that nonregistration was "knowing and willful." In most cases, there is no such evidence, and non-registrants are eligible for Federal jobs if they didn't know they were supposed to register. According to the Federal Office of Personnel Management, only 1% of cases of non-registrants adjudicated by OPM result in denial of Federal employment.

3. California should not be using state resources to enforce the Military Selective Service Act.

Federal laws should be enforced by the federal government, at federal expense. If the federal government chooses not to enforce the provisions of federal criminal laws, California should not try to take over enforcement of those federal laws. This would set a dangerous precedent for claims of “states rights” and overreach of state authority.

Registration for a military draft is irrelevant to the purpose of driver’s licenses: road safety. **The California Constitution prohibits using vehicle funds for unrelated purposes.** SB-1081 would require startup funding from the federal government, but no such funds are available, and the bill makes no provision for ongoing funding after the startup. Ongoing funding for this program would require diversion of money from the general fund that could better be spent on other programs, especially at this time of projected budget deficits.

The only reason to use driver’s licenses as the primary mechanism for enforcement of draft registration is as a short-cut to evade federal court proceedings and due-process rights. Selective Service registration data is given automatically to military recruiters. But the Department of Motor Vehicles shouldn’t be used as a military recruiting agency.

4. Extrajudicial state sanctions for nonregistration with the SSS deny due process and other rights.

SB-1081 does not recognize the presumption that applicants for driver’s licenses are innocent of federal crimes (with which they have neither been charged nor convicted) or give them their day in court. The requirement to register with the SSS would be enforced by the DMV with no opportunity for judicial review of the Constitutionality of the underlying registration requirement, of preparation for a military draft for undeclared wars, or the lack of provisions for conscientious objectors to registration.

5. The “opt-out” provision in SB-1081 is deceptive and entrapment.

Opting out of registration with the SSS would require signing a written admission of notice of the registration requirement. This would amount to a written confession of a federal crime, obtained by the DMV without providing legal counsel or Miranda warnings. The DMV should not be interrogating driver’s license applicants about unrelated federal crimes. SB-1081 purports to restrict access to records of who opts out of being registered with the SSS, but this provision could be overridden by a federal subpoena for evidence of knowing and willful nonregistration.

The state of California should not use false assurances of confidentiality to trick applicants for driver’s licenses as young as 16 years of age into signing confessions of federal crimes without benefit of a lawyer’s advice, Miranda warnings, or the right to remain silent.

6. Selective Service registration is a bad policy choice.

Draft registration is not needed. The only reason for draft registration is to enable and prepare for a draft. Many people have sincere religious objections to registering for the draft. This bill would force them to violate their conscience or sign a confession of a crime to get a driver's license. There's no provision in federal law or SB-1081 for conscientious objection to Selective Service registration.

7. Only males (as assigned at birth) are currently required to register with the SSS. This is discriminatory.

California should not use state resources in support of a program that is explicitly anti-trans and that explicitly discriminates on the basis of gender.

Only males as assigned at birth are required to register with the SSS. In order to determine which applicants for driver's licenses are eligible for registration with the SSS, the DMV would have to determine and keep track of all applicants' sex as assigned at birth, even if their sex was changed before they first applied for a driver's license, their California driver's license indicates a different sex than was assigned at birth, or they have a non-gendered ("X" instead of "M" or "F") driver's license.

Even if requiring only males (as assigned at birth) to register with the SSS is permitted under Federal law, using California state resources in support of such a discriminatory program would violate the California Constitution. Defending this bill against inevitable lawsuits would require the state of California to argue in favor of sex discrimination and set dangerous state law precedents rolling back protections against sex discrimination in California.

For all these reasons, American Friends Service Committee opposes SB 1081. Please feel free to contact me for any questions at jliindsay-poland@afsc.org.

Sincerely,



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California Healing Justice Program
American Friends Service Committee