

HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 16, 2017
Rm. 429, 9:30 a.m.

To: The Honorable Ken Ito, Chair
Members of the House Committee on Veterans, Military, & International Affairs & Culture and the Arts

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

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

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, because it codifies sex discrimination into state law.

S.B. No. 419, S.D.2, 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, 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, and urges the Committee to hold the bill.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Veterans, Military, and International Affairs,
and Culture and the Arts
March 16, 2017 at 9:30 a.m.

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

SB 419 SD2 – RELATING TO SELECTIVE SERVICE

Chair Ito, Vice Chair Tokioka, and members of the committee:

SB 419 SD2 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, including a potential for decreasing access to public higher education in Hawai'i for men between the ages of 18 and 26.

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, any student applying for federal financial aid would be required to register for the Selective Service. UH enrollment contingent on Selective Service registration may have a dampening effect on college attendance for young men. This is a concern because males currently have lower college going rates. This requirement in particular, disadvantages the very students who take the initiative to seek access to higher education after high school. This group would be subject to additional screening not applied to other populations, for example, women, non-US citizens, and those high school graduates who do not apply to UH in the first place. After reviewing the data, applying selective service registration as a 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.

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 has a responsibility to provide higher education for residents of the state of Hawai'i, and unlike many other states we are unique in being the sole institution of public higher education and located geographically distant from other institutions.

The University of Hawai'i respectfully requests that SB 419 SD2 be deferred. Thank you for the opportunity to testify.



LATE

Testimony in Strong Opposition to
SB 419 SD2 RELATING TO SELECTIVE SERVICE
House Committee on Veterans, Military & International Affairs, & Culture and the Arts Hawai'i
State Capitol, House Conference Room 429 March 16, 2017, 9:30 a.m.

Chair Ken Ito, Vice Chair Rep. James Kunane Tokioka, and House VMI 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 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 419 sd2 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.



University of Hawai'i Student Caucus

Date: Thursday March 15, 2017

To: House Committee on Veterans, Military, & International Affairs, & Culture and the Arts
Representative Ken Ito, Chair
Representative James Kunane Tokioka, Vice Chair

LATE

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



LATE

Committee: Committee on Veterans, Military, & International Affairs & Culture and the Arts
Hearing Date/Time: Thursday, March 16, 2017, 9:30 a.m.
Place: Conference Room 429
Re: Testimony of the ACLU of Hawai'i in **Opposition** to S.B. 419, S.D. 2, Relating to Selective Service

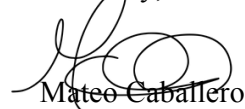
Dear Chair Ito, Vice Chair Tokioka, and Committee Members:

The American Civil Liberties Union of Hawai'i ("**ACLU of Hawai'i**") writes in opposition to S.B. 419, S.D. 2, 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 refuse to register due to religious belief may be prohibited from obtaining a state college education or obtaining public employment. 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.

Thank you for the opportunity to testify.

Sincerely,


Mateo Caballero
Legal 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.

American Civil Liberties Union of Hawai'i
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Representative Ken Ito, Chair
Representative James Tokioka, Vice Chair
Members of the Committee on Veterans, Military Affairs and Culture and Arts

SB 419, SD2

MY name is Barbara Yamashita and I appreciate the opportunity to provide comments on SB419,SSD2.

This measure, which attempts to ensure compliance with federal law is not necessary, increases costs and impacts adversely males. In addition, by restricting access to education and employment, this measure negatively impacts the Hawaii job market. Hawaii has the nation's second lowest unemployment rates and this measure would make it even more difficult for local government to hire local.

The university system has expressed concerns about the declining enrollment. This measure exacerbates the university systems' recruitment efforts to keep Hawaii young adults here in the islands.

The human resources offices at both the county and state level will have added screening burdens, which will impact their respective budgets. No funds are provided for implementation of this measure.

Leave Selective Service efforts to the federal government. Do not burden our local resources nor impact our local efforts to keep our young adults here in the state.

TO: Chair Representative Ken Ito,
Vice-Chair Representative James Tokioka
Committee on Veterans, Military and International Affairs, and Culture and the Arts
Re: Opposition to SB 419

Hearing: Thursday, March 16, 2017 – 9:30 am - Room 429

Aloha Chair Ito, Vice-Chair Tokioka and Members of the Committee,

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

This measure would 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

SB419

Submitted on: 3/14/2017

Testimony for VMI on Mar 16, 2017 09:30AM in Conference Room 429

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	No

Comments: An important mechanism in sustaining our country's military readiness. Urge committee members to support this measure. Mahalo.

March 14, 2017

TO: Chair Representative Ken Ito,
Vice-Chair Representative James Kunane Tokioka
Committee on Veterans, Military and International Affairs, and Culture and the Arts

TESTIMONY IN OPPOSITION TO SB419, SD2 RELATING TO SELECTIVE SERVICE

Senate Bill 419 requires State and City and County employers to deny employment to individuals who are not registered pursuant to the federal Military Selective Service Act. It also denies enrollment and financial assistance in Hawaii's state funded colleges and universities to individuals who have failed to register pursuant to the federal Military Selective Service Act.

- Complying with Senate Bill 419 would 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. Additionally, the Council on Revenues recently lowered, once again, the projected tax revenues for 2017 from 3.0% to 2.5%. With so many unmet needs in Hawaii, the Legislature should decline to invest State dollars to support this federal requirement.
- 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 apply only to young adult males.
- The proposed legislation will also bar young adult male conscientious objectors from state funded colleges and universities and county or state 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 1300.6.

There is simply no need or requirement for states to intervene or supplement the current federal regulatory scheme. To do so exposes the State to liability should it erroneously determine an individual has failed to register under the Military Selective Service Act.

Thank you for your consideration,

Patricia McManaman

14 March 2017

TO: Representative Ken Ito, Chair
Representative James Kunane Tokioka, Vice-Chair
Committee on Veterans, Military and International Affairs, and Culture
and Arts

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

I oppose Senate Bill 419 because it clearly discriminates against young males who are between the ages of 18 and 26 seeking employment in our State and City and County government offices. It places an additional separate requirement not imposed on women of the same age group and on all employees outside the designated age group. It is in effect a discriminatory measure that cannot pass Constitutional scrutiny and will in all likelihood expose the State and Counties to liability.

In addition Senate Bill 419 will bar young adult male conscientious objectors from state funded colleges and state or county employment despite a clear and unambiguous federal exemption from military service for these individuals. Under current military policy, one who objects to military service had 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 1300.6.0)

I urge your Committee to consider carefully the implications of this legislation and vote against its passage.

Esther Kwon Arinaga
1434 Punahou Street, #701
Honolulu, HI 96822
(808) 591-6662

Honorable Chair and Committee Members,

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 in all its versions and request that the Committee on Veterans, Military, & International Affairs, and Culture and the Arts defer action indefinitely on SB419.

I object to mandatory registration for the military draft for the following reasons:

- 1) Hawaii's state university system will be deprived of our more able students 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 be diminished.
- 2) The bill is a liability to our economy because it eliminates potential skilled employees and leaders from the workforce. They will be forced to search elsewhere for employment. We need our young people here.
- 3) The bill is coercive and punitive, undemocratic and anti-aloha in spirit in order to promote militarism as a higher value.
- 4) The bill is discriminatory against adherents to some religions which oppose participation in warfare and preparation for war. Are we the land of the free or not? Please do not use protection of this freedom as an excuse for enforced military draft.

Stop this bill in its tracks right here in room 429, right now at this hearing!

Respectfully submitted,

A handwritten signature in black ink that reads "Stanley Bain". The signature is written in a cursive, flowing style.

Rev. Stanley Bain

March 15, 2017

milton_s_bain@yahoo.com

808-282-6734

LATE

Testimony Opposing SB 419 SD 2

Aloha `aina. As a both a military veteran, a UH grad school alumni and a DOE high school teacher, I am strongly opposed to the Military Selective Service Act for several reasons:

- 1) As long as there is no opt-out process within the Selective Service process, specifically no formal options or recourse for individuals who do not consent to registration for military service, whether for reasons of religious conscientious objection or other expressions of conscience, this is an unjust exertion of government infringement of personal and cultural freedom;
- 2) Why is the State serving as an apparatus of Federal obligations? It seems analogous to expecting local authorities to do the work of Federal officials, with an additional unfunded burden to the State to pursue this purging of potential local students consequential to this unnecessary bureaucracy;
- 3) This is unnecessary government intervention. We should be prioritizing State funds to encourage and support students to complete their education over hindering it;
- 4) Because it is so unnecessary! What benefit does it provide to the State, the higher education system or students, versus what are the burdens?;
- 5) Because a youth should not have to be willing to kill or be killed for his/her (???) nation, just because s/he wants to get an education. I see no value in this, other than a bullying an archaic, patriarchal cultural value of blind nationalism and bias towards militarism. It is not the role of government to legislate based on imposing personal values on to entire generations, nor interferes with their pursuit of an education.

Just exactly why is Veterans, Military & International Affairs & Culture and the Arts Committee intervening in our State's education matters?!

Pete Doktor
Veteran for Peace, Hawai'i Ch. 113 Co-coordinator
Moanalua

808-782-0023
2168 Maha Place
Honolulu, Hawai'i 96819

SB419

Submitted on: 3/15/2017

Testimony for VMI on Mar 16, 2017 09:30AM in Conference Room 429

LATE

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

Comments:

LATE

March 15, 2017

Committee on Veterans, Military and International Affairs, and Culture And The Arts
Chair Ito; Vice Chair Tokioka

Testimony in opposition to SB 419, SD2

I write in strong opposition this bill that would deny enrollment and tuition assistance in state funded colleges and universities to individuals who have not registered for the Selective Service Commission; and would also deny State and County employment to these individuals as well.

This is an unnecessary and harsh penalty to place on our citizens who are seeking higher education and/or employment. Most students and their families are unaware of this bill. I think you will find there are many surprised and angry island families if this bill is passed.

Doris Segal Matsunaga
Aiea, Hawaii

LATE

SB419

Submitted on: 3/16/2017

Testimony for VMI on Mar 16, 2017 09:30AM in Conference Room 429

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan A. Brogan	Individual	Oppose	No

Comments: I respectfully present testimony in opposition to this bill. As an honorably discharged veteran of the United States Navy, I join in the opinion of the Hawaii Civil Rights Commission that the effect of the measure would amount to codifying sexual discrimination, in contravention of State and Federal law.



Selective Service System

Hawaii Headquarters

Committee on Veterans, Military & International Affairs & Culture and the Arts (VMI)

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

Thursday, March 16, 2017 (9:30 a.m.)

SB 419 SB 2-- RELATING TO SELECTIVE SERVICE

I am Andrew Pepper, State Director for the United States Selective Service System. My role is to ensure young men in Hawaii ages 18 through 25 register with the Selective Service System, as required by law. This helps ensure that they 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 asked 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 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 because it will unquestionably 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 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 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. Passing SB419 SB2---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 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 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