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March 22, 2024

Senator Dave Cortese, Chair  
Senate Committee on Transportation  
State Capitol, Room 405  
Sacramento, CA 95814

Dear Sen. Cortese,

Friends Committee on Legislation of California (FCLCA) writes to inform you of our opposition to Senate Bill 1081 (Archuleta), which will be heard in your committee on April 9, 2024. This bill ties applying for a first-time or renewal California driver's license and California I.D. to registration for the federal Selective Service System (SSS) for those under age 26.

Friends Committee on Legislation of California is an advocacy organization founded by Quakers (Friends) in 1952. FCLCA's policy statement on Peace states that FCLCA "affirms the Quaker peace testimony and supports peace initiatives before the state legislature...We believe that civilian local and state public agencies should not provide information or assistance to the military for draft registration or recruitment purposes."

Under this proposed legislation, people as young as 16 years old, i.e., minors, and up to age 26, will be deemed to have agreed to automatic registration for the draft by placing their signature on a driver's license application, which they have filled out for a completely unrelated purpose. The California Department of Motor Vehicles will forward their information to the Selective Service System, registering them immediately or in the case of those under 18, registering them automatically when they turn 18.

This linkage with filling out a DMV form trivializes registration for the draft, something that individuals should be able to thoughtfully consider, with full information and awareness of alternatives. The bill proposes that those who do not accept the linkage may proceed to sign the driver's license form and also indicate that "the applicant declines to consent by checking the "Don't Register" box on the application." However, checking such a box could be considered "self-incrimination," as "knowing and willful" nonregistration can be grounds for penalties such as refusal of federal employment or naturalization.

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.

Legal experts consider that the "opt-out" provision in SB 1081 could be 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.

In the past, when similar bills have been introduced in California, immigrant rights groups, too, have been concerned about the possibility of sensitive personal information about immigration status being transmitted to one branch of the federal government and shared with other branches, and with the possibility that a federal subpoena could override protections passed by the state legislature.

Cost is also an issue. In a year when California is facing budget cuts and a considerable revenue deficit, we should not be considering additional expense to enforce federal laws. Simply put, 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.

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.

There are other concerns raised by this bill: will information on females and non-binary individuals as well as males also be transmitted to the SSS and how will these potential issues be handled? Would parents have the legal authority to pre-register male minors into SSS or opt-out on their behalf? What will the additional burden on the DMV be in terms of additional procedures to register eligible applicants, staff training, time spent answering questions during field office visits?

In recent years, requiring registration with the SSS has been removed as a prerequisite for federal and state financial aid: 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. Californians have strong concerns about privacy and the sharing of personal information gathered for one purpose being shared for other unrelated purposes, even passing a constitutional amendment in 1972 to add privacy as an inalienable right to our state constitution. The DMV website itself lists as one of its Frequently Asked Questions : "Will DMV share any information on the online application?"

In 2015, Gov. Jerry Brown vetoed a similar bill, AB 82, stating "In view of the relatively easy ways that young men can register for the U.S. Selective Service System such as registering online, at their high school, or at a local post office, I don't think this new responsibility for the Department of Motor Vehicles is advisable." Linking registration for the federal SSS to a completely unrelated state function is still a bad policy choice for a number of reasons. In light of the issues discussed here and many others, we ask the committee to vote NO on SB 1081. Thank you.

Sincerely,



Kevan Insko, Director