



March 21, 2011

The Honorable Lou Correa
State Capitol
Sacramento, CA 95814

Re: SB 251 – Oppose

Dear Senator Correa:

The American Civil Liberties Union (ACLU) regrets to inform you of our opposition to AB 251 because it would (1) register young people – including people under 18 -- with the Selective Service when they apply for a driver's license and (2) allow the DMV to share individual's Social Security numbers for "registration with the federal Selective Service System."

The ACLU has fundamental religious freedom concerns about Selective Service registration because there is no opportunity for an individual to declare himself as a conscientious objector at the time of registration. For some, the act of registration forces them to engage in an activity that is in violation of their religious beliefs.

Regarding this legislation, we question the propriety and fairness of asking a 15, 16, or 17 year old to enter a binding contract stating that they will be registered for the Selective Service effective upon reaching age 18. This concern is exacerbated by the religious freedom issue. Generally, under exiting law, a contract entered into by a minor may be disaffirmed before he or she reaches majority (Family Code §6710). However, Family Code §6711 provides "[a] minor cannot disaffirm an obligation, otherwise valid, entered into by the minor under the express authority or direction of a statute." Therefore, unlike most other contracts entered into a minor, the contract entered into under this proposed legislation would be binding on a 15 or 16 year old.

Finally, we strenuously object to allowing or requiring the DMV to share Social Security numbers with the federal Selective Service system based on the "inalienable right to privacy in our State Constitution (Art. I, Sec. 1). When this right was added by the voters, the ballot argument discussed one of the fundamental components of privacy -- the notion that personal data collected should not be used or disclosed for purposes other than those for which it as collected (except by consent of the individual) -- the use limitation principle. Specifically, the ballot argument stated that this People's Initiative is intended to "prevent government and business interests from stockpiling unnecessary information about us and from misusing information gathered for one purpose in order to serve another purpose or to embarrass us." (Prop. 11 Ballot Argument, Proposed Stats. and Amends to Cal. Const. with arguments to voters, Gen. Elec. (Nov. 7, 1972).

Information gathered by the Department of Motor Vehicles to provide a driver's license should be limited to that purpose. Sending DMV records to the federal government for Selective Service registration is completely unrelated to an individual's identity or ability to drive. In fact, the Legislature should consider eliminating all authority for the DMV to provide information to the Selective Service.

If you or your staff wish to discuss our concerns, please call us.

Sincerely,

Francisco Lobaco
Legislative Director

Valerie Small Navarro
Senior Legislative Advocate

cc: Members and Consultants, Senate Transportation and Housing Committee