

A federal statute requires all males between the ages of 18 and 26 to register with the Selective Service Agency, which is responsible for drafting individuals to serve in the armed forces in the event of war. The statute makes it a felony to fail to register but provides an exemption for individuals who hold a sincere religious objection to war. The statute allows the federal government to question the sincerity and reasonableness of religious objections. The provisions of the statute are inseverable.

An 18-year-old man applying for federal student loans noted on the loan application that he had not registered with the Selective Service Agency. A representative of the Agency contacted the man, and the man said that he had no intention of registering due to his religious belief that all war is wrong. After refusing to register on several more occasions, the man was arrested and charged under the federal statute.

What is the man's strongest argument that the federal statute is unconstitutional?

- A. The statute denies him the equal protection of the laws because it only applies to men.
- B. The statute denies him the equal protection of the laws because it only applies to those between the ages of 18 and 26.
- C. The statute violates his right to freely exercise his religious beliefs by allowing the government to challenge the reasonableness of those beliefs.
- D. The statute violates his right to freely exercise his religious beliefs by allowing the government to challenge the sincerity of those beliefs.

Explanation:

The First Amendment **free exercise clause** prohibits the government from punishing an individual for *any sincerely held religious belief*. As a result, any **government inquiry is limited** to whether a professed belief is sincere—not whether that belief is reasonable or true **(Choice D)**. Here, the federal statute allows the government to challenge the *reasonableness* of any religious objection to Selective Service registration. Therefore, this is the man's strongest argument that the federal statute is unconstitutional.

(Choice A) A federal law that intentionally discriminates based on gender or nonmarital birth violates the **equal protection component** of the Fifth Amendment unless it passes intermediate scrutiny. This standard of scrutiny is likely met here because, as the U.S. Supreme Court held in *Rostker v. Goldberg*, the male-only requirement is substantially related to the government's important interest in national defense.

(Choice B) Under the Fifth Amendment's equal protection component, a federal law that does not impact a fundamental right or **protected class** is generally valid under mere rational basis scrutiny. Age is not a protected class, so the statute's application to those between the ages of 18 and 26 is likely valid.

Educational objective:

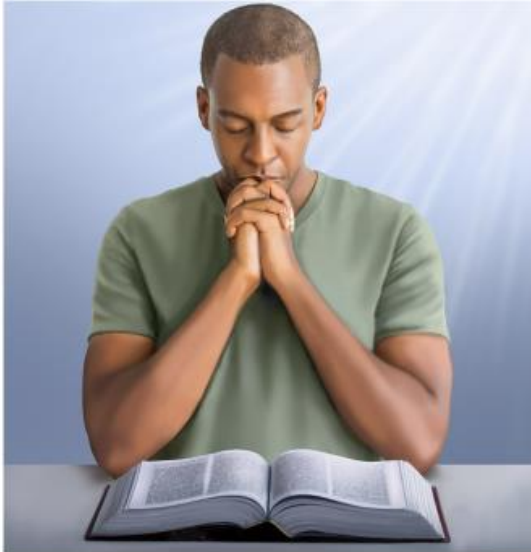
The free exercise clause allows the government to question whether a religious belief is sincerely held but not whether that belief is reasonable or true.

References

- United States v. Seeger, 380 U.S. 163, 184–85 (1965) (explaining that the government's only task is to determine whether a professed religious belief is sincerely held).
- Rostker v. Goldberg, 453 U.S. 57, 78–79 (1981) (holding that a law exempting women from the draft does not violate the equal protection component of the Fifth Amendment).

Religious inquiries

Do you sincerely believe?
(permissible)



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Is your belief reasonable or true?
(impermissible)

