

Firm Files Amicus Brief in US Supreme Court Case Over US Military Draft

News

February 11, 2021

On Wednesday, February 10, a Jenner & Block team filed an amicus brief on behalf of a prominent group of retired generals, admirals, and other flag officers in a US Supreme Court case over the constitutionality of the military draft.

Since 1948, the Military Selective Service Act has authorized the President to require only men – but not women – to register for the draft. The ACLU and co-counsel filed a case before the Supreme Court asking the Court to declare the Act unconstitutional. The case argues that the Act is one of the last examples of overt sex discrimination written into law from a bygone era.

The firm's brief is filed pro bono on behalf of General Michael Hayden, General Stanley McChrystal, Lieutenant General Claudia Kennedy, Major General Randy Manner, Major General Gale Pollock, Brigadier General Stephen Cheney, Brigadier General Carlos E. Martinez, Brigadier General Marianne Watson, Rear Admiral John Hutson, and Rear Admiral Harold L. Robinson.

The brief argues that the draft should include both men and women, highlighting the achievements, contributions, and sacrifices women have made in the service of the nation, and recognizing that drafting women alongside men will improve the nation's military readiness.

“Today, women form an integral part of the US Military, in both combat and noncombat roles,” the brief states. “Requiring both women and men to register for the selective service is a long overdue next step. Indeed, the male-only selective service registration requirement is the last vestige of an American service force that no longer exists.”

Jenner & Block Law Clerk Laurel A. Raymond prepared the brief, with input from Partners Lindsay C. Harrison, Todd C. Toral, and Previn Warren, Associate Noah B. Bokot-Lindell, and Senior Paralegal Cheryl Olson.

Related Attorneys



Lindsay Harrison

Managing Partner, Washington, DC
lharrison@jenner.com
+1 202 639 6865



Todd C. Toral

Partner
ttoral@jenner.com
+1 213 239 2294

Related Capabilities

Appellate and Supreme Court

Litigation

Related Locations

Washington, DC

© 2026 Jenner & Block LLP. Attorney Advertising. Jenner & Block LLP is an Illinois Limited Liability Partnership including professional corporations. This publication, presentation, or event is not intended to provide legal advice but to provide information on legal matters and/or firm news of interest to our clients and colleagues. Readers or attendees should seek specific legal advice before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number

615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact dataprotection@jenner.com.

Stay Informed

