


**In the  
Supreme Court of the United States**



NATIONAL COALITION FOR MEN, ET AL.,  
*Petitioners,*

v.

SELECTIVE SERVICE SYSTEM, ET AL.,  
*Respondents.*

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**On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit**

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**BRIEF OF AMICI CURIAE  
NATIONAL WOMEN VETERANS UNITED;  
NATIONAL WOMEN'S POLITICAL CAUCUS;  
INTERNATIONAL ASSOCIATION OF MILITARY WOMEN OF COLOR;  
AND OTHER AMICI IN SUPPORT OF NEITHER PARTY**

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## INTERESTS OF THE AMICI CURIAE<sup>1</sup>

**NATIONAL WOMEN VETERANS UNITED (NWWU)** consists of a network of women veterans across the nation with a history of past and/or present service in the United States Armed Forces, during War and peacetime. NWWU'S mission is to advocate for female military veterans and ensure that they are treated equally. NWWU advocates for military women veterans by hosting community panel discussions and forums to educate the public on issues that affect women veterans. NWWU promotes and hosts programs during National Women's History Month, Women Veterans Day, and Memorial Day to honor the contributions of women veterans, advocate for their rights, and recognize their profound sacrifices.

**NATIONAL WOMEN'S POLITICAL CAUCUS (NWPC)** was founded in 1971 after Congress' failed to pass the Equal Rights Amendment in 1970. It has been fighting for equal rights for women ever since. NWPC's mission is dedicated to advancing the legal, economic, and social equality of women. NWPC is a multi-partisan grassroots organization that helps to elect women to political office in order to support the still unfinished fight for women's full legal equality.

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<sup>1</sup> As per Supreme Court Rule 37.6, no counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. As per Supreme Court Rule 37.2, counsel for both sides were duly notified of this filing and Petitioner's counsel assents to its filing. The government's attorney neither assented nor objected.

**INTERNATIONAL ASSOCIATION OF MILITARY WOMEN OF COLOR (IAMWOC)** is an international organization that advocates for the rights and well-being of military women of color, veterans, and family members. IAMWOC advocates for military women of color with regard to military laws and policies. IAMWOC works to ensure that Women of Color receive fair and equal treatment in and out of the military.

Additional Amici/signatories are listed in the Appendix.



## INTRODUCTION

Amici represent tens of thousands of military and non-military women, including military women of color,<sup>2</sup> whose rights are at stake in this proceeding. The issues center on the constitutionality of the Military Selective Service Act, 50 U.S.C. §§ 3801 et seq. (MSSA), a federal statute that requires men to register for the military draft but forbids women to do the same. Petitioners represent a men’s rights organization and argue that the MSSA unconstitutionally discriminates on the

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<sup>2</sup> Military women represented by Amici include thousands of women of color who are disproportionately represented in the United States military. See *2018 Demographics: Profile of the Military Community*, United States Department of Defense (2018) at 17, with data provided by the Defense Manpower Data Center (“nearly 61% of the enlisted women in the DoD services are minority women . . . African Americans account for a significantly higher percentage of military women compared to military men”), available at <https://download.militaryonesource.mil/12038/MOS/Reports/2018-demographics-report.pdf?utm>

basis of their sex, but their brief does not adequately represent the rights and interests of women. Indeed, Petitioners' brief cites to three similar "parallel litigation" cases now pending in the lower courts (Pet. Br. 15); but, as set forth in detail below, but those cases, too, fail adequately to represent the rights and interests of women. Further, Petitioners failed to include in their list of parallel litigation, a fourth case that raises exactly the same issue, is currently pending in Massachusetts, and does adequately represent the rights and interests of women. *Equal Means Equal, et al. v. Trump, et al.*, CA No. 1:25-cv-10806 (*EME* case).

Amici submit this brief to urge the Court to recognize the *EME* case as parallel litigation and accept it for review if it grants review in Petitioner's case or any similar case, including *Valame v. Trump*, 25-1259. *Valame* recently filed a certiorari petition that raises the same constitutional question and is now pending before this Court. *Valame* has not yet been scheduled for Conference. Petitioners' case is scheduled for Conference on June 4, 2026.<sup>3</sup>

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<sup>3</sup> Leading military and non-military women's organizations were unaware of Petitioners' Supreme Court case when it was filed with this Court in March 2026, because it was not docketed until May 2026. They are actively engaging their members and have organized several public awareness events to address their concerns about this case.



## SUMMARY OF ARGUMENT

Amici urge this Court to recognize the *EME* case as parallel litigation and accept it for review if it grants review in Petitioner’s case, *Valame v. Trump*, 25-1259, and/or any similar matter.<sup>4</sup>



## ARGUMENT

**I. This Court Should Recognize *Equal Means Equal v. Trump* as Parallel Litigation and Accept It for Review If It Grants Review in This Case, or in Any Similar Case, Because It Is the Only Case Where the Interests of Women Are Adequately Represented**

The constitutional rights and interests of military and non-military women are at stake in this proceeding, but they are not adequately represented by Petitioners or by the parties in the three similar cases cited by Petitioners as related “parallel litigation” in the lower courts. (Pet. Br. 15). Petitioners also failed to reference the *EME* case in its list of parallel litigation, even though it raises the same constitutional question. Amici respectfully request that the Court

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<sup>4</sup> The Court has various options for coordinated consideration, including holding or consolidating the cases should a petition be filed in the *EME* case, or simply accepting the *EME* case in tandem with Petitioners’ case, on its own initiative, without having a petition filed in the *EME* case.

recognize the *EME* case as parallel litigation and accept it for review if the Court grants review in Petitioners' case, or any similar case, so that the rights and interests of women can adequately be represented.

Only the *EME* case advances strong legal arguments on behalf of women and makes the salient and compelling argument that if women must register for Selective Service and die on the front lines of battle alongside men, then they should die as fully equal citizens, whose claims of unequal treatment are subject to strict scrutiny review in the courts. *Equal Means Equal v. Trump*, No. 25-10806, 2026 U.S. Dist. LEXIS 87456 (D. Mass. 2026). Petitioners, who represent a men's rights organization, make no such argument. In fact, they expressly ask for unequal treatment of sex-based claims subject to intermediate scrutiny review. *Nat'l Coal. for Men v. Selective Serv. Sys.*, No. 24-7746, 2025 U.S. App. LEXIS 31562 (9th Cir. 2025).

Only strict scrutiny effectively prevents discrimination because it requires the government to demonstrate a compelling reason to discriminate and requires further proof that the government narrowly tailored any such discrimination and used the least restrictive means to achieve its goal. *Ward v. Rock Against Racism*, 491 U.S. 781, 798-800 (1989). The much weaker standard of intermediate scrutiny requires the government to demonstrate only an important reason to discriminate, rather than a compelling one, and the means used to achieve the government's goal need not be narrowly tailored or use the least restrictive means. *Id.* In short, strict scrutiny forbids discrimination while intermediate scrutiny allows it. Only the *EME* case advocates for strict scrutiny.

Moreover, the *EME* case is more viable than Petitioners' case because Petitioners were denied standing by the District Court and by the Ninth Circuit, while standing was granted in the *EME* case. *Nat'l Coal. for Men v. Selective Serv. Sys.* at \*2. The *EME* case also asserts a claim under the Equal Rights Amendment (ERA), U.S. Const., Amendment XXVIII, *Equal Means Equal v. Trump* at \*2 while Petitioners have no such claim even though the American Bar Association, esteemed Harvard Law Professor Lawrence Tribe, and President Joseph Biden, among many others, agree that the ERA is currently valid and must be enforced.<sup>5</sup>

The three parallel litigation cases cited by Petitioners mount similar constitutional challenges to the Selective Service Act, *Valame*,<sup>6</sup> *Kyle-Label*,<sup>7</sup> and *Doe*,<sup>8</sup> but are also inadequate to represent the rights and interests of women.

In *Valame*, the plaintiff is male, and he asks for only intermediate scrutiny under both the Equal Protection doctrine, *Valame v. Trump* at 1173, and the ERA, *Id.*, despite the fact that the ERA requires strict

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<sup>5</sup> Joseph R. Biden, Jr., *Statement on the Equal Rights Amendment*, available at <https://www.presidency.ucsb.edu/documents/statement-the-equal-rights-amendment-0>; Laurence H. Tribe, *Statement on the Current Status of the Equal Rights Amendment*, available at <https://feminist.org/wp-content/uploads/2022/03/ERA-50th-Anniversary-Prof-Tribe-Letter.pdf>; American Bar Association, *Resolution on the Status of the Equal Rights Amendment*, available at <https://www.americanbar.org/content/dam/aba/administrative/women/2024/res-601-adopted.pdf>.

<sup>6</sup> *Valame v. Trump*, S. Ct. No. 24-369 (CA9).

<sup>7</sup> *Kyle-Label v. Selective Serv. Sys.*, No. 15-5193 (ES)(JAD).

<sup>8</sup> *Doe v. Selective Serv. Sys.*, No. 23-cv-02403-JST (N.D. Cal. 2024).

scrutiny. *Frontiero v. Richardson*, 411 U.S. 677, 692 (1973) (Powell, J., concurring). Indeed, women have been fighting for the ERA for a long time precisely because it elevates sex discrimination claims to strict scrutiny review. *Id.*

In the *Kyle-Labelle* case, the plaintiff is female, and like the plaintiff in the *EME* case she was granted standing after she was forbidden to register for Selective Service, but her claims were filed by a men's rights attorney, and they are moot because she long ago aged out of eligibility for Selective Service. *Kyle-Labelle v. Selective Serv. Sys.* at 399. Moreover, she nowhere asks for strict scrutiny review. *Id.* The female Plaintiff in the *EME* case, by contrast, has standing, remains age-eligible for selective service, and asks for strict scrutiny review. *Equal Means Equal v. Trump* at \*15.

*Kyle-Labelle* also has a class action claim that seeks to represent the interests of all women, but the court has not granted class status. *Kyle-Labelle v. Selective Serv. Sys.* at 400. Nor could the *Kyle-Labelle* case ever deign to speak for women as a class because, as noted above, her case was filed by a men's rights attorney, asserts no claim under the ERA, and nowhere asks for strict scrutiny review. *Id.*

The *Doe* case is similarly inadequate to represent the rights and interests of women because it has a male plaintiff who asserts an Equal Protection claim, but fails to ask for strict scrutiny, and has no ERA claim. *Doe v. Selective Serv. Sys.*, No. at \*1.

On the eve of the 250th anniversary of the Declaration of Independence, it bears emphasizing that women, like men, have been sacrificing their lives in service to this country since the dawn of our nation,

Kennedy, L., *Women in the U.S. Military, Timeline: From the Revolutionary War to the Wars in Iraq, U.S. Women Have Served Critical Roles in Military Forces*, October 9, 2025, History.com, available at, <https://www.history.com/articles/women-us-military-timeline>. And while there was a time when women did not serve equally because they were not always eligible to fight in combat, women have even been fighting on the front lines of battle in all military branches since 2015. National Public Radio, *Pentagon Says Women Can Now Serve in Front-Line Ground Combat Positions*, NPR.org (Dec. 3, 2015). Women deserve a primary voice in this proceeding, and the strongest possible advocacy on their behalf, mindful of what this Court said many years ago about the Equal Protection doctrine:

“The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to [another] . . .”

*Regents of the University of California v. Bakke*, 438 U.S. 265, 289-90 (1978). Only the *EME* case affords women this opportunity and enables them to make the irrefutable moral point that no woman should bleed to death in combat defending a constitution that subjugates her in second-class citizenship.



## CONCLUSION

For the foregoing reasons, Amici respectfully request that this Court recognize the *EME* case as a parallel proceeding in the lower courts and accept it for review if and when the Court grants review in Petitioners' case, or any similar case. All women, but especially military women of color, should have the loudest voice in any case where our nation's highest Court undertakes to determine women's rights under the United States Constitution.

Respectfully submitted,

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List of Other Amici Curiae .....App.1a

**LIST OF OTHER AMICI CURIAE**

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CalPride,  
Modesto, California

Feminists in Struggle,  
San Diego, California

Muslims for Progressive Values,  
Los Angeles, California

The Women's Coalition,  
San Diego, California

Rethinking Eve LLC,  
Darien, Connecticut

Dr. Bronner's Family Foundation,  
Washington, DC

UltraViolet Action,  
Washington, DC

Dr. Julie A Kent Florida Chapter National  
Organization for Women,  
Deland, Florida

Positive People Network, Inc.,  
Miami, Florida

Georgia National Organization for Women,  
Marietta, Georgia

The Susan Jolley Foundation,  
Marietta, Georgia

App.2a

Canvasrus,  
Evanston, Illinois

Indivisible Lincoln Square,  
Chicago, Illinois

Medical Students for Choice-Northwestern  
University Feinberg School of Medicine Chapter,  
Chicago, Illinois

ERA Minnesota,  
Minneapolis, Minnesota

The LINDA Organization,  
Jersey City, New Jersey

Santa Fe NOW,  
Santa Fe, New Mexico

American Medical Women's Association,  
Albany, New York

Engendered Collective,  
New York, New York

Moral Injury Support Network  
for Servicewomen, Inc,  
Robbins, North Carolina

Justice for Migrant Women,  
Fremont, Ohio

National Organization for Women, Akron Chapter,  
Wooster, Ohio

Ohio Business and Professional Women,  
Stow, Ohio

App.3a

Justice and Joy National Collaborative,  
Portland, Oregon

Columbia NOW, SC,  
Irmo, South Carolina

Green Alliance For Sex-Based Rights,  
Carbondale, Illinois

Battered Mothers Custody Conference,  
Loudonville, New York

Int'l Conference on Violence, Abuse and Trauma,  
San Diego, California