

September 15, 2025

**RE: DOJ Docket No. OLP182**

The undersigned state legislators and civil society organizations write to express our opposition to the Department of Justice’s Request for Information “on State laws significantly and adversely affecting the national economy or interstate commerce.” Specifically, we reject the assumption that state policymaking “undermines Federalism.” Rather, state policymaking is the backbone of federalism.

At the core of our constitutional system is the idea that states, not the federal government, are the primary regulatory actors. The Tenth Amendment provides that all “powers not delegated to the United States by the Constitution . . . are reserved to the States respectively, or to the people.” And the Supreme Court has consistently recognized a presumption that federal laws do not preempt state laws absent clear and manifest statements to the contrary.<sup>1</sup> Our constitutional scheme is fiercely protective of states’ authority to adopt laws and regulations that best serve the local interests of their citizens.

This federal system benefits all Americans. States, in the famous words of Justice Brandeis, serve as laboratories of democracy, “try[ing] novel social and economic experiments without risk to the rest of the country.”<sup>2</sup> Denial of this right to experiment is “fraught with serious consequences to the Nation.”<sup>3</sup> When states’ ability to regulate is restricted, local preferences are forced to take a backseat to a one-size-fits-all approach imposed by Washington, D.C. In the process, we all lose out on innovative policies that most effectively protect the health, safety, and well-being of ordinary Americans while still allowing businesses to thrive.

President Trump told the nation’s governors in 2017 that “we need to make states the laboratories of democracy once again,”<sup>4</sup> after pledging in his inaugural address to “transfer[] power from Washington, D.C., and giv[e] it back to you, the American people.”<sup>5</sup> Using the weight of the federal government to override states’ wishes and preempt local regulation would do the opposite. We respectfully urge you to withdraw this RFI.

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<sup>1</sup> See, e.g., *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 228, 230 (1947); *Jones v. Rath Packing Co.*, 430 U.S. 519, 525 (1977) (noting that this is necessary to avoid disturbing the federal-state balance).

<sup>2</sup> *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting).

<sup>3</sup> *Id.*

<sup>4</sup> The White House, *Remarks by President Trump in Meeting with the National Governors Association* (Feb. 27, 2017), <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-meeting-national-governors-association/>.

<sup>5</sup> The White House, *The Inaugural Address* (Jan. 20, 2017), <https://trumpwhitehouse.archives.gov/briefings-statements/the-inaugural-address/>.

Signed,

Senator Lashrecse Aird, Virginia Senate

State Representative Angela Arsenault, Vermont General Assembly

State Representative Kristin Bahner, Minnesota House of Representatives

State Representative Tim Barhorst, Ohio House-District 85

Representative Aimee Berger-Girvalo, Connecticut General Assembly

State Senator (OH-8) Louis W. Blessing III, Ohio Senate

Tennessee State Senator Janice Bowling, Tennessee Senate

Senator Amanda M. Cappelletti, Pennsylvania Senate

State Representative Willy Chotzen, Oregon Legislature

Representative Brian Cina, Vermont General Assembly

Representative Thomas Cormen, New Hampshire House of Representatives

Representative Anna V. Eskamani, Florida House of Representatives

Senator Barry Finegold, Massachusetts State Senate

State Senator Kristen Gonzalez, New York State Senate

Representative William Greer, Vermont General Assembly

Representative Brandon Guffey, South Carolina House of Representatives

Representative Kathleen James, Vermont General Assembly

Senator Scott Kawasaki, Alaska State Legislature

Representative Amy Kuhn, Maine Legislature

State Representative Jennifer Leeper, Connecticut General Assembly

Senator Sara Love, Maryland State Senate

State Representative Steven R. Malagari, Pennsylvania House of Representatives

State Senator Michael Moore, Massachusetts State Senate

State Representative Carol Ode, Vermont General Assembly

Representative Steven Owens, Massachusetts House of Representatives

State Representative Monique Priestley, Vermont General Assembly

Delegate Irene Shin, Virginia House of Delegates  
Representative Laura Sibilila, Vermont General Assembly  
Senator Jeff Taylor, Iowa General Assembly  
Representative Brianna Titone, Colorado General Assembly  
Representative Jordan Ulery, New Hampshire General Court  
Representative (Former) Collin Walke, Oklahoma House of Representatives  
Senator Christy Zito, Idaho Legislature  
Becca Schmill Foundation  
Center for Democracy & Technology  
Center for Digital Democracy  
Consumer Federation of America  
David's Legacy Foundation  
Demand Progress Education Fund  
Electronic Privacy Information Center  
Fairplay  
ParentsSOS  
Public Knowledge  
Tech Justice Law Project  
U.S. Public Interest Research Group  
UnidosUS