No. 22O165

# In the Supreme Court of the United States

LOUISIANA, ET AL.,
*Plaintiffs,*

v.

NEW YORK, ET AL.,
*Defendants.*

**On Motion for Leave to File a Bill of Complaint**

**BRIEF FOR MISSISSIPPI, FLORIDA, GEORGIA, IDAHO, INDIANA, IOWA, KANSAS, KENTUCKY, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, OKLAHOMA, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, TEXAS, AND WEST VIRGINIA AS AMICI CURIAE SUPPORTING PLAINTIFFS**

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## TABLE OF CONTENTS

**Page**

TABLE OF AUTHORITIES ..... ii

INTRODUCTION AND INTEREST OF AMICI CURIAE.....1

SUMMARY OF ARGUMENT.....3

ARGUMENT .....3

I. This Court Has Long Exercised Its Original Jurisdiction To Resolve Conflicts That Raise Fundamental Issues Of Sovereignty And Have Profound Practical Ramifications.....3

II. This Court Should Exercise Its Original Jurisdiction Here .....5

A. This Case Raises Fundamental Issues Of Sovereignty .....6

B. This Case Has Profound Practical Ramifications .....12

CONCLUSION.....17

## TABLE OF AUTHORITIES

**Page(s)**

**Cases**

*Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez*,
458 U.S. 592 (1982)..... 1, 2, 3-4, 6, 11

*Baldwin v. G. A. F. Seelig, Inc.*,
294 U.S. 511 (1935).....7, 11, 12

*Bigelow v. Virginia*,
421 U.S. 809 (1975).....1, 8, 9, 10

*BMW of North America, Inc. v. Gore*,
517 U.S. 559 (1996).....9, 10, 15

*Bonaparte v. Tax Court*,
104 U.S. 592 (1881).....8, 10, 14

*Bond v. United States*,
564 U.S. 211 (2011).....13, 14

*Bowsher v. Synar*,
478 U.S. 714 (1986).....13, 16

*Burnet v. Brooks*,
288 U.S. 378 (1933).....7, 8

*Carroll v. Lanza*,
349 U.S. 408 (1955).....7

*Dobbs v. Jackson Women's Health Organization*,
597 U.S. 215 (2022).....15

*Edgar v. MITE Corp.*,
457 U.S. 624 (1982).....9, 10

*Franchise Tax Board v. Hyatt*,
587 U.S. 230 (2019).....4, 6, 7, 8

*Free Enterprise Fund v. PCAOB*,
561 U.S. 477 (2010).....14, 15

*Freytag v. Commissioner*,
501 U.S. 868 (1991).....2, 15, 16

*Fuld v. Palestine Liberation Organization*,
606 U.S. 1 (2025).....1, 8, 10

*Gonzales v. Oregon*,
546 U.S. 243 (2006).....6, 14, 15

*Gregory v. Ashcroft*,
501 U.S. 452 (1991).....6, 16

*Hillsborough County v.*
*Automated Medical Laboratories, Inc.*,
471 U.S. 707 (1985).....6

*Illinois v. City of Milwaukee*,
406 U.S. 91 (1972).....4

*INS v. Chadha*,
462 U.S. 919 (1983).....13

*Kansas v. Colorado*,
185 U.S. 125 (1902).....3

*Kansas v. Colorado*,
206 U.S. 46 (1907).....1, 8, 10

*Maryland v. Louisiana*,
451 U.S. 725 (1981).....2, 4, 5, 12

*New York Life Insurance Co. v. Head*,
234 U.S. 149 (1914).....2, 9, 11

*New York v. United States*,
505 U.S. 144 (1992).....6, 12-13, 14, 15, 16

*Ogden v. Saunders*,
25 U.S. (12 Wheat.) 213 (1827) .....8, 10

*Osborn v. Ozlin*,
310 U.S. 53 (1940).....9, 11

*Pennsylvania v. West Virginia*,
262 U.S. 553 (1923).....5

*Printz v. United States*,
521 U.S. 898 (1997).....6, 15

*Rucho v. Common Cause*,
588 U.S. 684 (2019).....16

*Shelby County v. Holder*,
570 U.S. 529 (2013).....7

*State Farm Mutual Automobile Insurance Co. v. Campbell*,
538 U.S. 408 (2003).....1, 9, 10

*Texas v. New Mexico*,
462 U.S. 554 (1983).....4

*Texas v. White*,
74 U.S. (7 Wall.) 700 (1869).....4

*United States v. Bennett*,
232 U.S. 299 (1914).....8

*United States v. Bevans*,
16 U.S. (3 Wheat.) 336 (1818) .....8

*U.S. Term Limits, Inc. v. Thornton*,
514 U.S. 779 (1995).....15

*World-Wide Volkswagen Corp. v. Woodson*,
444 U.S. 286 (1980).....1, 7, 8

*Youngstown Sheet & Tube Co. v. Sawyer*,
343 U.S. 579 (1952).....12

**Constitutional Provisions**

U.S. Const. art. I, § 1.....13
U.S. Const. art. I, § 7.....13
U.S. Const. art. I, § 8.....13
U.S. Const. art. I, § 10.....7
U.S. Const. art. III, § 2, cl. 2.....3
U.S. Const. art. IV, § 1.....7
U.S. Const. art. VI, cl. 2.....7
U.S. Const. amend. X.....6
U.S. Const. amend. XIV, § 1.....14

**Statute**

28 U.S.C. § 1251.....3

**Rule**

S. Ct. R. 37.2.....1

**Other Authorities**

Stephen M. Shapiro et al.,
Supreme Court Practice (11th ed. 2019).....4, 5

The Federalist Papers
(Clinton Rossiter ed. 1961).....6, 12, 13

## INTRODUCTION AND INTEREST OF AMICI CURIAE*

This case is about each State's power to govern itself—but only itself. Under our Constitution, each State "may make its own reasoned judgment about what conduct is permitted or proscribed within its borders," *State Farm Mutual Automobile Insurance Co. v. Campbell*, 538 U.S. 408, 422 (2003), and may "enforce" those policy judgments, *Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez*, 458 U.S. 592, 601 (1982). But States' "status as coequal sovereigns in a federal system" "impose[s]" limits on state power. *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 292 (1980). One such limit is that each State's power "is bounded by" its "borders." *Fuld v. Palestine Liberation Organization*, 606 U.S. 1, 14 (2025). This rule of territorial jurisdiction means that no State can "impose its own legislation" or "enforce its own policy" on other States. *Kansas v. Colorado*, 206 U.S. 46, 95, 97 (1907). A State's "police powers" simply "do not reach" "activities outside [its] borders." *Bigelow v. Virginia*, 421 U.S. 809, 827-28 (1975).

The complaint here alleges serious violations of those principles. It contends that each defendant State has adopted a legal regime that "overrid[es]" the plaintiff States' "democratically enacted laws" by "facilitating" within plaintiffs' borders conduct that plaintiffs have forbidden. Complaint ¶¶ 3, 15. That conduct, the complaint explains, is inflicting serious constitutional and practical harm. *See id.* ¶¶ 64-78.

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* Under S. Ct. R. 37.2, counsel of record for the parties received timely notice of the intent to file this brief.

Those features make this case vitally important to amici curiae—the States of Mississippi, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and West Virginia. As States, amici have powerful "interests" in "creat[ing] and enforc[ing] a legal code," in "exercis[ing] ... sovereign power" over those within their "jurisdiction," in the "recognition of [their] borders" by "other sovereigns," "in not being discriminatorily denied [their] rightful status within the federal system," and "in securing observance of the terms under which [they] participate[ ] in the federal system." *Alfred L. Snapp*, 458 U.S. at 601, 607-08. By defying basic features of our constitutional structure, defendants are attacking all those interests. And they are doing so in an alarming way. There is "nothing ordinary" about the challenged regimes: by design they override the laws of many States. *Maryland v. Louisiana*, 451 U.S. 725, 744 (1981). By undercutting our constitutional structure, those regimes harm every State and every citizen. The Constitution's structural features "protect[ ] ... the entire Republic." *Freytag v. Commissioner*, 501 U.S. 868, 880 (1991). They preserve liberty, secure self-government, and maintain democratic accountability. Allowing defendants' conduct to stand would "throw[ ] down the constitutional barriers" that "restrict[ ]" "all the States" and that "preserv[e]" our government and our freedom. *New York Life Insurance Co. v. Head*, 234 U.S. 149, 161 (1914).

This case accordingly has the features that justify an original action: it presents fundamental issues of sovereignty and has profound practical ramifications.

This Court should grant the motion for leave to file a bill of complaint and resolve this dispute.

## SUMMARY OF ARGUMENT

I. This Court has long exercised its original jurisdiction to resolve important conflicts between States. This Court is especially likely to use that authority when a case raises fundamental issues of sovereignty or has profound practical ramifications.

II. This Court should exercise its original jurisdiction here. First, this case raises fundamental issues of sovereignty. Under our Constitution, a State may govern itself and only itself. The complaint alleges serious violations of that rule. Only this Court can restore our constitutional order. Second, this case has profound practical ramifications. In defying the limits on their power, the defendant States are inflicting nationwide damage on the liberty, self-government, and accountability that are vital to our nation, to all States, and to all citizens.

## ARGUMENT

### I. This Court Has Long Exercised Its Original Jurisdiction To Resolve Conflicts That Raise Fundamental Issues Of Sovereignty And Have Profound Practical Ramifications.

This Court has "original and exclusive jurisdiction of all controversies between two or more States." 28 U.S.C. § 1251(a); *accord* U.S. Const. art. III, § 2, cl. 2. "[T]he importance and the gravity of this grant of power" cannot be overstated. *Kansas v. Colorado*, 185 U.S. 125, 140 (1902). That power allows "for the peaceful settlement of disputes between States." *Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel.*

*Barez*, 458 U.S. 592, 601 (1982). It therefore promotes what "[t]he Constitution, in all its provisions, looks to": "an indestructible Union, composed of indestructible States." *Texas v. White*, 74 U.S. (7 Wall.) 700, 725 (1869).

Exercising that power is no small matter. This Court has accordingly favored "a sparing use" of its original jurisdiction. *Illinois v. City of Milwaukee*, 406 U.S. 91, 94 (1972). This Court considers "the seriousness and dignity of the claim" presented and "the availability of another forum" that is adequate. *Maryland v. Louisiana*, 451 U.S. 725, 740 (1981). And the Court acts "with an eye to promoting the most effective functioning of this Court within the overall federal system." *Texas v. New Mexico*, 462 U.S. 554, 570 (1983). The Court has been especially apt to use its original jurisdiction to address "serious and important concerns of federalism." *Maryland*, 451 U.S. at 744.

A State-on-State clash is especially likely to justify an original suit in this Court. Those disputes often have either—or both—of two features.

First, disputes between States often raise matters that are fundamental to our constitutional design. Those disputes concern the reach and limits of state power. *See* Stephen M. Shapiro et al., Supreme Court Practice, ch. 10.2, p. 10-9 (11th ed. 2019) (discussing "controversies between states" involving "limitations on state conduct"). State-against-State fights over borders, trade, or water (to name a few examples) present vital questions of state sovereignty and interstate federalism. *See*, *e.g.*, *Franchise Tax Board v. Hyatt*, 587 U.S. 230, 246-47 (2019) ("a dispute over borders or water rights ... involves a direct conflict

between sovereigns"). So this Court has resolved original disputes on all those matters. *See* Shapiro, ch. 10.2, p. 10-7 (collecting cases on boundary and water disputes), p. 10-9 (discussing trade disputes).

Second, disputes between States tend to have profound practical ramifications. Such disputes often have broad impact. *See*, *e.g.*, *Maryland*, 451 U.S. at 744 (resolving a dispute, about state authority over the interstate flow of natural gas, that affected over 30 States). Such disputes often have massive impact even when the impact is not so broad—as when one State's conduct "seriously jeopardize[s]" the "health, comfort, and welfare" of another State's citizens. *Pennsylvania v. West Virginia*, 262 U.S. 553, 592 (1923) (blocking a West Virginia law barring transportation of that State's natural gas to other States). Border, trade, and water disputes (to return to the examples noted above) raise not just massive constitutional consequences, but massive practical consequences too. *See*, *e.g.*, Shapiro, ch. 10.2, p. 10-9 (discussing practical impact of several original actions challenging trade barriers).

## II. This Court Should Exercise Its Original Jurisdiction Here.

The complaint in this case alleges that each defendant State has adopted a legal regime that "overrid[es]" the plaintiff States' "democratically enacted laws" by "facilitating" conduct that plaintiffs have forbidden. Complaint ¶¶ 3, 15. This dispute raises the concerns that justify an original action. The Court should grant the motion for leave to file a bill of complaint and resolve this dispute.

### A. This Case Raises Fundamental Issues Of Sovereignty.

Plaintiffs' complaint asks this Court to enforce a basic rule of our constitutional system: A State is entitled to govern itself—but only itself. So the complaint raises fundamental issues of sovereignty.

1. Under our constitutional system, States have broad power—but only within their borders.

The Constitution adopts a system of "dual sovereignty." *Gregory v. Ashcroft*, 501 U.S. 452, 457 (1991); *see* U.S. Const. amend. X. That system—federalism—divides and balances power "between the States and the Federal Government." *New York v. United States*, 505 U.S. 144, 181 (1992). Under that system, the States "retained 'a residuary and inviolable sovereignty.'" *Printz v. United States*, 521 U.S. 898, 919 (1997) (quoting The Federalist No. 39, p. 245 (Clinton Rossiter ed. 1961) (James Madison)).

States thus have broad power. States may "create and enforce a legal code, both civil and criminal." *Alfred L. Snapp*, 458 U.S. at 601. States enjoy "great latitude" to make laws protecting "lives, limbs, health, comfort, and quiet." *Gonzales v. Oregon*, 546 U.S. 243, 270 (2006). "States possess sovereignty concurrent with that of the Federal Government," and so may reach most of what the federal government can. *Gregory*, 501 U.S. at 457. On many matters—such as "health and safety"—States have "primar[y]" authority. *Hillsborough County v. Automated Medical Laboratories, Inc.*, 471 U.S. 707, 719 (1985).

But the Constitution limits state power. After declaring independence, the States operated as "fully sovereign nations." *Hyatt*, 587 U.S. at 237. They

possessed "all the rights and powers of sovereign states" and "relate[d] to each other ... as foreign sovereigns." *Id.* at 238, 245. Each State could make war, enter treaties, act "[i]ndependent[ly]" of each other—and, indeed, act against each other. *Id.* at 237.

The Constitution changed this. It transformed the States "from a loose league of friendship into a perpetual Union." *Hyatt*, 587 U.S. at 246. It "was framed upon the theory that the peoples of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division." *Baldwin v. G. A. F. Seelig, Inc.*, 294 U.S. 511, 523 (1935). To make a Union, the Constitution "limit[ed]" state power in ways that "fundamentally adjust[ed] the States' relationship with each other." *Hyatt*, 587 U.S. at 237, 245.

The Constitution imposes some limits on state power expressly. It strips the States of some traditional sovereign powers, such as warmaking and diplomacy. U.S. Const. art. I, § 10. It bars States from "adopting any policy of hostility to the public Acts" of another State. *Carroll v. Lanza*, 349 U.S. 408, 413 (1955); *see* U.S. Const. art. IV, § 1. It overrides States' laws that conflict with the Constitution or with a valid federal law. U.S. Const. art. VI, cl. 2.

The Constitution also limits state power implicitly, through its structure. The Constitution "bond[s]" the States into a "Federal Union," *Burnet v. Brooks*, 288 U.S. 378, 401 (1933), in which "all the States enjoy equal sovereignty," *Shelby County v. Holder*, 570 U.S. 529, 540 (2013). The equal sovereignty of each State "implie[s] a limitation on the sovereignty of" all States. *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 293 (1980). The

"implicit ordering of relationships within the federal system" (*Hyatt*, 587 U.S. at 237) thus "limits ... [s]tate power." *Burnet*, 288 U.S. at 401. The Constitution's structural "barriers" "prevent[ ]" States from "destroying the rights of other States" and "sav[e]" States "from destruction by the other States." *United States v. Bennett*, 232 U.S. 299, 306 (1914).

One basic limit on state power—and the one central to this case—is territorial jurisdiction: States may govern only within their borders and so may not govern for other States. This Court said long ago: "No State can legislate except with reference to its own jurisdiction." *Bonaparte v. Tax Court*, 104 U.S. 592, 594 (1881). And "the jurisdiction of a state is co-extensive with its territory." *United States v. Bevans*, 16 U.S. (3 Wheat.) 336, 386-87 (1818) (Marshall, C.J.). "State sovereign authority is bounded by the States' respective borders." *Fuld v. Palestine Liberation Organization*, 606 U.S. 1, 14 (2025). This limit flows from the States' "status as coequal sovereigns in a federal system." *World-Wide Volkswagen*, 444 U.S. at 292. When "States pass beyond their own limits, and the rights of their own citizens, and act upon the rights of citizens of other States, there arises a conflict of sovereign power" that is "incompatible with the rights of other States, and with the constitution of the United States." *Ogden v. Saunders*, 25 U.S. (12 Wheat.) 213, 369 (1827) (opinion of Johnson, J.).

Because of the limits of territorial jurisdiction, no State can "impose its own legislation" or "enforce its own policy" on other States. *Kansas v. Colorado*, 206 U.S. 46, 95, 97 (1907). A State's "police powers do not reach" "activities outside [its] borders." *Bigelow v. Virginia*, 421 U.S. 809, 827-28 (1975). A State "has no legitimate interest in protecting nonresident[s]."

*Edgar v. MITE Corp.*, 457 U.S. 624, 644 (1982). And a State "does not acquire power or supervision over the internal affairs of another State merely because the welfare and health of its own citizens may be affected when they travel to that State." *Bigelow*, 421 U.S. at 824. Allowing a State's law "to operate beyond the jurisdiction of that State" would "throw[ ] down the constitutional barriers by which all the States are restricted within the orbits of their lawful authority and upon the preservation of which the Government under the Constitution depends." *New York Life Insurance Co. v. Head*, 234 U.S. 149, 161 (1914).

The upshot is simple: A State may govern itself—but only itself. "A basic principle of federalism is that each State may make its own reasoned judgment about what conduct is permitted or proscribed within its borders, and each State alone can determine what measure of punishment, if any, to impose on a defendant who acts within its jurisdiction." *State Farm Mutual Automobile Insurance Co. v. Campbell*, 538 U.S. 408, 422 (2003). States "need not" and "do not" exercise power "in a uniform manner." *BMW of North America, Inc. v. Gore*, 517 U.S. 559, 569 (1996). Each State may make its own rules—no matter how "wise" another State thinks it would be "for every State to adopt" its "preferred rule." *Id.* at 570. A State may not "reach[ ] beyond her borders to regulate a subject which [is] none of her concern because the Constitution has placed control elsewhere." *Osborn v. Ozlin*, 310 U.S. 53, 62 (1940).

2. The complaint here alleges serious violations of the rule that a State may govern itself and only itself. So this case raises basic issues of sovereignty.

The complaint alleges that each defendant State has adopted a legal regime that "overrid[es]" the plaintiff States' "democratically enacted laws" and thus nullifies plaintiffs' policy choices within their own borders. Complaint ¶¶ 3, 15. The complaint catalogues how those regimes operate (*id.* ¶¶ 43, 49, 59), shows how each aims to wash away other States' policy choices (*id.* ¶¶ 32-33, 45, 56), and explains how those regimes have achieved that aim by greenlighting the conduct that plaintiffs have forbidden and inflicting the damage that plaintiffs have sought to avert (*id.* ¶¶ 64-78).

The complaint thus alleges that defendants are defying the limits on state power. They are projecting their power outside their "respective borders" (*Fuld*, 606 U.S. at 14) and thus beyond their "own jurisdiction" (*Bonaparte*, 104 U.S. at 594). And they are "impos[ing] [their] own legislation" and "enforc[ing] [their] own policy" on other States. *Kansas*, 206 U.S. at 95, 97. That effort is "incompatible with the rights of other States, and with the constitution of the United States." *Ogden*, 25 U.S. (12 Wheat.) at 369 (opinion of Johnson, J.). Defendants' "police powers do not reach" "activities outside [their] borders," *Bigelow*, 421 U.S. at 827-28, and defendants have "no legitimate interest in protecting" other States' residents just because they think those States' policies unwise, *Edgar*, 457 U.S. at 644. Each plaintiff State—and every other State—"may make its own reasoned judgment about what conduct is permitted or proscribed within its borders" and "what measure of punishment, if any, to impose on a defendant who acts within its jurisdiction." *State Farm*, 538 U.S. at 422. Those "policy judgments" (*BMW*, 517 U.S. at 570) are "none of [defendants']

concern" because "the Constitution has placed control" of them "elsewhere." *Osborn*, 310 U.S. at 62.

In defying the rule of territorial jurisdiction, defendants are inflicting serious damage on our constitutional system. As States, plaintiffs have powerful "interests" in "creat[ing] and enforc[ing] a legal code," in "exercis[ing] ... sovereign power" over those within their "jurisdiction," in the "recognition of [their] borders" by "other sovereigns," "in not being discriminatorily denied [their] rightful status within the federal system," and "in securing observance of the terms under which [they] participate[ ] in the federal system." *Alfred L. Snapp*, 458 U.S. at 601, 607-08. Defendants' conduct is an attack on all those interests. And it is an attack on every State. Allowing defendants' conduct to stand would "throw[ ] down the constitutional barriers" that "restrict[ ]" "all the States" and that "preserv[e]" our government. *Head*, 234 U.S. at 161.

This Court should intervene. This Court has long refused to allow a State to "extend[ ]" its power "to embrace subjects wholly beyond its legitimate authority." *Head*, 234 U.S. at 164. And it has recognized the need to "ensur[e] that [a] State and its residents are not excluded from the benefits that are to flow from participation in the federal system." *Alfred L. Snapp*, 458 U.S. at 608. Vindicating those interests is critical here. Defendants' conduct is eroding "the distribution of powers and the limitations which arise from the existence of the Constitution." *Head*, 234 U.S. at 163. It is undercutting the "national solidarity" that the Constitution sought to foster. *Baldwin*, 294 U.S. at 523. And it is fomenting the "mutual jealousies," "aggressions," and "rivalries" among States that the

Constitution sought to avert. *Id.* at 522. Private parties "cannot be expected to litigate" the global assault that defendants have launched on our constitutional structure. *Maryland v. Louisiana*, 451 U.S. 725, 739 (1981). The stakes for the Constitution could not be higher. And there is no higher place for plaintiffs to turn. This Court should resolve this dispute for these reasons alone.

### B. This Case Has Profound Practical Ramifications.

There is a powerful further basis for resolving this dispute: it has massive real-world consequences. Defendants' conduct is ending lives in the plaintiff States, harming the health of plaintiffs' residents, and sapping plaintiffs' resources. Complaint ¶¶ 68-73. Those features alone give this case major practical ramifications. And those ramifications go farther. In defying the rule of territorial jurisdiction, defendants are damaging the liberty, self-government, and accountability that make our country what it is and that are critical to all States and all citizens.

*First*, by defying the limits on state power, defendants are imperiling liberty.

Our system of divided sovereignty is vital to liberty. The Framers understood that "unit[ing]" different powers in "the same person, or body" destroys "liberty." The Federalist No. 47, p. 302 (Clinton Rossiter ed. 1961) (James Madison) (quoting Montesquieu). So the Constitution "diffuses power" to "better ... secure liberty." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring). It divides and balances "power between the States and the Federal Government." *New York v.*

*United States*, 505 U.S. 144, 181 (1992); *supra* Part II-A. It further "divide[s]" the powers of the federal government "into three defined categories, Legislative, Executive, and Judicial," and "confine[s]" each branch to "assigned responsibilit[ies]." *INS v. Chadha*, 462 U.S. 919, 951 (1983). And, critical here, it preserves a division of power at the state level: it maintains separate States, respects the equal sovereignty of all States, and thus limits the power of each State to its borders. *Supra* Part II-A. By dividing and limiting power in this way—and "denying any one government" too much power over "public life"—the Constitution "protects the liberty of the individual from arbitrary power." *Bond v. United States*, 564 U.S. 211, 222 (2011).

Defendants are upending that system. They refuse to leave national policymaking to one "vigorous Legislative Branch" and one "separate and wholly independent Executive Branch," "with each branch responsible ultimately" to *all* "the people." *Bowsher v. Synar*, 478 U.S. 714, 722 (1986). Each defendant State claims the right to make national policy on its own. But "unit[ing]" so much power in one State imperils "liberty." The Federalist No. 47, p. 302. To preserve liberty, the Constitution limits national lawmaking power and makes that power hard to exercise. Congress has only defined, limited powers. *See* U.S. Const. art. I, §§ 1, 8. And a policy can become federal law only by a majority vote of two differently composed and nationally representative houses of Congress and approval by the President. *Id.* art. I, § 7. That process is deliberately challenging. *See Chadha*, 462 U.S. at 951, 959. A State does not face the same constraints. So it can make laws without the hard work and need for wide buy-in that normally check

national policymaking and thus preserve liberty. By "act[ing] in excess of [their] lawful powers," defendants are endangering "liberty." *Bond*, 564 U.S. at 222.

At the state level, no longer is each citizen subject to the "control" only of the State in which he is a resident—the State to which he "submit[s] himself" and from which he "claims" "protection." *Bonaparte*, 104 U.S. at 595; *cf.* U.S. Const. amend. XIV, § 1 (persons are "citizens of the United States and of the State wherein they reside"). Under defendants' use of power, each citizen is now subject to the control of *any* State—even if he has never been to that State, has no connection to it, and has no say in what it decides to do to him. Power gets no more "arbitrary" than that—but that is inevitable when "one government" seizes too much power. *Bond*, 564 U.S. at 222.

*Second*, by overriding other States' laws, defendants are undermining self-government.

"Our Constitution was adopted to enable the people to govern themselves, through their elected leaders." *Free Enterprise Fund v. PCAOB*, 561 U.S. 477, 499 (2010). The people of each State are entitled to "debate" the "morality, legality, and practicality" of hard policy questions and decide those questions for themselves. *Gonzales v. Oregon*, 546 U.S. 243, 249 (2006). But, given the limits of territorial jurisdiction, the people of each State may decide those issues *only* for themselves. *Supra* Part II-A. Under our system, "[t]he States," through "officials ... accountable to the local electorate," "retain the ability to set their legislative agendas." *New York*, 505 U.S. at 185.

Defendants' conduct denies the people of other States the right to self-government on a major issue.

As with most other hard issues, the Constitution allows "each State" to "regulat[e]" abortion as its "people" wish. *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 302 (2022). Exercising that power, the people in the plaintiff States and other States have chosen, through their elected representatives, to regulate or restrict abortion. Complaint ¶¶ 19-22. Yet defendants are nullifying those choices. *See*, *e.g.*, *id.* ¶¶ 11, 14, 76-78. Defendants are "infringing on the policy choices of other States," *BMW*, 517 U.S. at 572, and denying other States' citizens the right to decide for themselves the "morality, legality, and practicality" of these hard policy questions, *Gonzales*, 546 U.S. at 249. The people of a State cannot "govern themselves" if they have no meaningful say, "through their elected leaders," on the most vital questions of policy. *Free Enterprise Fund*, 561 U.S. at 499.

*Third*, by stripping away other States' power, defendants are eroding democratic accountability.

"The Constitution ... contemplates that a State's government will represent and remain accountable to its own citizens." *Printz v. United States*, 521 U.S. 898, 920 (1997). By design, each state government has "its own direct relationship, its own privity, its own set of mutual rights and obligations to the people who sustain it and are governed by it." *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 838 (1995) (Kennedy, J., concurring). This design ensures that those who wield government power are "accountable to political force and the will of the people," *Freytag v. Commissioner*, 501 U.S. 868, 884 (1991), and face "electoral ramifications" when they use power poorly, *New York*, 505 U.S. at 169. It also facilitates local policies that are "more sensitive to the diverse needs

of a heterogeneous society" and makes government "more responsive by putting the States in competition for a mobile citizenry." *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991).

Defendants are diminishing the accountability on which our system rests. New York (for example) has enacted laws that have serious consequences for Louisiana's citizens. Complaint ¶¶ 68-75. Yet New York officials "suffer" no "consequences" in Louisiana for passing those laws. *New York*, 505 U.S. at 168. It does not matter how "detrimental or unpopular" those laws may be in Louisiana. *Ibid.* Because New York lawmakers are not "responsible ultimately to the people" of Louisiana through elections, *Bowsher*, 478 U.S. at 722, New York officials are "insulated" from the "ramifications of their decision[s]" and will "avoid being held accountable" to "voters" whose lives they affect, *New York*, 505 U.S. at 169, 182. Indeed, Louisiana officials may "bear the brunt of public disapproval" from Louisiana voters. *Id.* at 169. Those voters may hold their own officials accountable for failing to achieve—albeit through New York's fault—what the people elected them to do. And the ability to move to another State (*cf. Gregory*, 501 U.S. at 458) does not help Louisianians: if New York can reach them in Louisiana, it can reach them elsewhere.

If defendants' conduct is allowed to stand, no longer are those who wield power "accountable to political force and the will of the people" whose lives they affect. *Freytag*, 501 U.S. at 884. And that spells the end of our system, which demands "that those entrusted with [power] should be kept in dependence on the people." *Rucho v. Common Cause*, 588 U.S. 684, 727 (2019) (Kagan, J., dissenting). This Court

should intervene to halt those harms—and the many others that defendants are inflicting on our country.

## CONCLUSION

This Court should grant the motion for leave to file a bill of complaint.

Respectfully submitted.

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