No. 162, Original

In the Supreme Court of the United States

STATE OF FLORIDA

Plaintiff,

v.

STATE OF CALIFORNIA AND STATE OF WASHINGTON

Defendants.

ON MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

BRIEF OF IOWA AND 16 AS AMICI CURIAE IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE BILL OF COMPLAINT

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INTEREST OF AMICI CURIAE

Amici curiae States of Iowa and 16 additional States[1] have a fundamental interest in the proper scope of this Court's original jurisdiction and call on this Court to exercise its jurisdiction consistent with the original understanding of Article III and 28 U.S.C. § 1251(a).

This Court's practice of treating jurisdiction over disputes between States as discretionary leaves States without adequate recourse in many instances. But the Framers gave this Court jurisdiction over such disputes because of their importance, not to treat States as second-class litigants.

This case shows the pitfalls of the Court's practice. Florida's allegation that California and Washington are illegally issuing commercial driver's licenses to illegal immigrants is serious. And while views on that allegation will vary widely, this Court's obligation under the Constitution and laws is to adjudicate Florida's claim and "say what the law is." *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

The Amici States respectfully ask this Court to take this case out of respect for the sovereign dignity inherent in a State against State dispute.

SUMMARY OF ARGUMENT

Federal law requires that States issuing commercial driver's licenses to operate large trucks abide by relevant safety and immigration standards. But California and Washington instead flout those

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[1] This brief is filed under Supreme Court Rule 37.2. Counsel of record for the parties have received timely notice of intent to file this amicus curiae brief.

federal laws—and the effects of that failure can be felt in loss of life across the country. Few industries are as important to the nation as trucking, and few industries have such an obvious interstate role. Ensuring that laws are followed is vital both for the flow of commerce across our country and to ensure the mutual respect and comity that accompany interstate commerce.

Article III vested this Court with jurisdiction for disputes arising between States. U.S. Const. art. III, § 2. And Congress enacted a law to implement that grant of jurisdiction. 28 U.S.C. § 1251(a). Those texts are mandatory. The Court should follow their unambiguous dictates and hear Missouri's case.

This Court has adopted a "discretionary rule" for original actions between States. But that rule was grounded in policy and finds no footing in the text. It also makes no sense. This Court's jurisdiction over such actions is exclusive. Without jurisdiction in this Court, there is no Court in which a State may press its claims.

ARGUMENT

I. THE CONSTITUTION AND FEDERAL LAW TASK THIS COURT WITH ADJUDICATING DISPUTES BETWEEN STATES.

A. The Court's jurisdiction over original actions in suits between States is mandatory, not discretionary. The Framers "vested" "[t]he judicial Power of the United States . . . in one supreme Court[] and in such inferior Courts as the Congress may from time to time ordain and establish." U.S. Const. art. III, § 1. And the Constitution provides that this Court's "judicial Power *shall* extend . . . to Controversies between two or more

States." U.S. Const. art. III, § 2 (emphasis added). Such suits fall within this Court's original jurisdiction. *See United States v. Texas*, 143 U.S. 621, 644 (1892).

Having this Court adjudicate such cases is part of what the States signed up for when they ratified the Constitution. This Court's "role in these cases is to serve as a substitute for the diplomatic settlement of controversies between sovereigns and a possible resort to force." *Texas v. New Mexico*, 583 U.S. 407, 412 (2018). And the Court's jurisdiction is "exclusive." 28 U.S.C. § 1251(a).

This Court's duty to hear such suits is mandatory, not discretionary. And that is not surprising, given the importance of refereeing disputes between sovereigns, and the fact that States lack an alternative forum to be heard. Indeed, the relevant statute, which dates from the Judiciary Act of 1789, provides that this Court "*shall* have original and exclusive jurisdiction of *all* controversies between two or more States." 28 U.S.C. § 1251(a) (emphases added).

Those words lack ambiguity. The word "shall" "normally creates an obligation impervious to judicial discretion." *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998). The word "all" is also expansive. Combining the two yields a directive that is "as clear as statutes get." *Axon Enter., Inc. v. FTC*, 598 U.S. 175, 205 (2023) (Gorsuch, J., concurring). The result is an obligation at least to hear such suits. *See*, *e.g.*, *Texas v. California*, 141 S. Ct. 1469, 1469 (2021) (Alito, J., dissenting); *Arizona v. California*, 589 U.S. 1199, 1199 (2020) (Thomas, J., dissenting); *cf. California v. West Virginia*, 454 U.S. 1027, 1027–28 (1981) (Stevens, J., dissenting).

Similar considerations undergird the principle that federal courts ordinarily have "a virtually unflagging obligation to hear and resolve questions properly before [them]." *FBI v. Fikre*, 601 U.S. 234, 240 (2024) (quotation marks omitted). And in the rare times a federal court may decline to exercise otherwise mandatory jurisdiction, it is usually because there is some other important constitutional interest at stake, like showing due respect to the States. *See, e.g., Younger v. Harris*, 401 U.S. 37, 44–45 (1971).

Here, that respect counsels in favor of exercising original jurisdiction in cases like this. This Court has explained that States cannot be haled into their sister States' courts against their will because it disrespects their inherent sovereignty. *See Franchise Tax Bd. of California v. Hyatt*, 587 U.S. 230, 237 (2019). But the States did consent to their disputes being heard in this Court when they ratified the Constitution. *See* U.S. Const. art. III, § 2.

When Congress wants to make the federal courts' jurisdiction discretionary, it has done so in unmistakably clear terms. Especially pertinent here, the certiorari statute, which was enacted precisely to confer discretion on this Court over its own docket, *see* William Howard Taft, *The Jurisdiction of the Supreme Court Under the Act of February 13, 1925*, 35 Yale L.J. 1, 1–2 (1925), is phrased in expressly discretionary terms. *See* 28 U.S.C. §§ 1254, 1257 (this Court "may" review cases by certiorari from the federal courts of appeals and from state courts of last resort). Other statutes explicitly conferring discretion over whether

to exercise jurisdiction abound.[2] The Court should construe "that difference in language to convey a difference in meaning." *Bittner v. United States*, 598 U.S. 85, 94 (2023).

The original-jurisdiction statute reflects the opposite tradition. "For the first 150 years after the adoption of the Constitution, the Court never refused to permit the filing of a complaint in a case falling within its original jurisdiction." *Texas*, 141 S. Ct. at 1470 (Alito, J., dissenting). The Court seems to have moved away from that tradition out of concern about its "'increasing duties with the appellate docket.'" *Id.* at 1471 (quoting *Illinois v. City of Milwaukee*, 406 U.S. 91, 94 (1972)). The appellate docket today, however, is quite small relative to what it was in 1972. And policy concerns are no warrant for departing from the language of the statute anyway.

B. The Court has hesitated to assert its mandatory original jurisdiction in part because it is "structured to perform as an appellate tribunal, ill-equipped for the task of factfinding" and because the cases are inordinately complex. *Ohio v. Wyandotte Chemicals Corp.*, 401 U.S. 493, 498 (1971). But this Court has ample tools for managing those challenges, just as it

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[2] For example, Congress has given district courts discretion to decline to hear certain class actions: "A district court *may*, in the interests of justice and looking at the totality of the circumstances, decline to exercise jurisdiction under paragraph (2) over a class action" that does not implicate truly national interests. 28 U.S.C. § 1332(d)(3) (emphasis added). Similarly, Congress has given district courts discretion to hear pendent state-law claims: "The district courts *may* decline to exercise supplemental jurisdiction over a claim under subsection (a) if" certain factors are met. 28 U.S.C. § 1367(c) (emphasis added).

manages them in the few cases that come to this Court on its mandatory appellate docket.

Many disputes between States can be disposed of on cross-motions for judgment on the pleadings. *See New York v. New Jersey*, 598 U.S. 218, 223 (2023). Those proceedings are virtually identical to how this Court handles appeals—the parties submit briefs, and this Court then holds oral arguments on pure questions of law. Indeed, these types of disputes are even easier to dispose of than appeals because there is no underlying record to review. The Court only need apply the law to agreed-upon facts.

In cases that do involve factfinding, this Court routinely appoints a special master who makes findings of fact and conclusions of law. *See, e.g., Delaware v. Pennsylvania*, 598 U.S. 115, 126–27 (2023). After the special master makes those findings, the States submit exceptions, *see id.*, this Court holds oral arguments, and then it issues a ruling. That is much like how an appeal proceeds, which sometimes requires detailed review of district-court factual findings. *See, e.g., Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 6 (2024) (holding that the district court's factual findings were clearly erroneous). And at least some review of the facts is central to an appeal. *See Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 399–405 (1990) (explaining how appellate courts review factual findings on appeal of Rule 11 motions).

Hearing original actions as a matter of course will not clog this Court's docket either. States have sued each other just nine times in the last five years. *See Nebraska v. Colorado*, Case No. 161 (July 16, 2025)' *Missouri v. New York*, 145 S. Ct. 100 (2025); *Alabama v. California*, 145 S. Ct. 757 (2025); *Texas v.*

Pennsylvania, 141 S. Ct. 1230 (2020); *Arizona*, 589 U.S. 1199; *New Hampshire v. Massachusetts*, 141 S. Ct. 2848 (2021); *Montana v. Washington*, 141 S. Ct. 2848 (2021); *Texas*, 141 S. Ct. 1469; *New York*, 598 U.S. 218. In that same time, few parties have taken appeals as of right to this Court. *See Trump v. New York*, 592 U.S. 125 (2020); *FEC* v. *Cruz*, 596 U.S. 289 (2022); *Allen v. Milligan*, 599 U.S. 1 (2023); *Alexander*, 144 S. Ct. 1221. Original actions are not meaningfully different from direct appeals. Indeed, direct appeals often require review of voluminous statistical data required to create a congressional map.

What is more, state courts sometimes must exercise mandatory original jurisdiction, and they do not run into any problems. We are not aware, for example, that election contests have clogged the Missouri Supreme Court's docket. *See* Mo. Const. art. VII, § 5 (original jurisdiction over election contests). Nor does the Illinois Supreme Court decline to hear redistricting cases to save room for its appellate docket. *See* Ill. Const. art. IV, § 3(b) (original, exclusive jurisdiction over redistricting cases).

This is true across the Nation, even in States (like Missouri, Illinois, and many others) that have far larger mandatory appellate dockets than this Court has. *See*, *e.g.*, Mo. Const. art. V, § 3 (mandatory jurisdiction over attacks on the validity of a statute, tax cases, and death penalty cases, among others); Ill Const. art. VI, § 4(c) (constitutional cases); N.J. Const. art. VI, § 5, ¶ 1 (constitutional cases and cases with a dissent below); Ga. Const. art. VI, § 6, ¶ 2 (election contests and attacks on the validity of a statute). Not to mention that many State high courts also must hear attorney and judicial disciplinary proceedings. *See*,

e.g., Fla. Const. art. V, §§ 12(c), 15; Iowa Ct. R. 36.21–22; Or. Const. art. VII, § 8; Ga. Const. art. VI, § 7, ¶ 8.

All told, the concerns that exercising original jurisdiction would clog up this Court's appellate docket are overstated. This Court should exercise its mandatory and exclusive jurisdiction to hear this case.

II. IF THE COURT CONTINUES TO TREAT ITS JURISDICTION AS DISCRETIONARY, IT SHOULD GIVE DUE WEIGHT TO CALIFORNIA AND WASHINGTON'S UNLAWFUL CONDUCT.

Congress has determined that illegal aliens and non-English speakers may not safely operate commercial vehicles. *See* Commercial Motor Safety Act of 1986, 100 Stat. 3207-170, 183; *see also* 49 U.S.C. §§ 31302, 31308. Large trucks have the potential to cause large harm. So minimal uniform standards are needed to ensure safe transportation of goods across the country. *See* 49 U.S.C. § 31308(1); *see also* 49 C.F.R. § 383.1(a).

To ensure compliance with federal law, the Commercial Motor Safety Act also imposes reasonable uniform regulations on States. States must "adopt and carry out a program for testing and ensuring the fitness of individuals to operate commercial motor vehicles consistent with the minimum standards prescribed by the Secretary of Transportation." 49 U.S.C. § 31311(a)(1). A "State may issue a commercial driver's license to an individual only if the individual passes written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards." 49 U.S.C. § 31311(a)(2).

One of the required steps to get a commercial driver's license include giving the issuing State "proof of citizenship or lawful permanent residency." 49 C.F.R. § 383.71(a)(5); *see also* 49 C.F.R. §§ 383.71(b)(9), 383.71(f)(2)(i). Other lawfully present people may be eligible to get a "non-domiciled" commercial learner's permit in limited circumstances. 49 C.F.R. § 383.71(a)(5). Another requirement to get a commercial driver's license is English-speaking proficiency. 49 C.F.R. § 391.11(b)(2).

Yet in 2017, California enacted the "California Values Act," which prohibits the California Department of Motor Vehicles from "[i]nquiring into an individual's immigration status." Cal. Gov. Code §§ 7284.6(a)(1)(A), 7284.4(a); *see* Cal. Veh. Code §§ 1501, 1653. California also refuses to enforce the English language proficiency requirement. *See* Alex Lockie, *Enforcing Trump's English language mandate 'not part of California law'*: CHP, Overdrive (Aug. 3, 2025), https://perma.cc/YT4N-WY2Q; *see also Trump's Transportation Secretary Sean P. Duffy to California, Washington, and New Mexico: Enforce English Language Requirements or Lose Federal Funding*, U.S. Dep't of Transp. (Aug. 26, 2025), https://perma.cc/B7AN-YRSJ.

And like California's little brother, Washington followed not far behind. Washington enacted the "Keep Washington Working Act" which imposes the same prohibition in Washington that stops its Department of Motor Vehicles from checking citizenship status of potential commercial driver's license applicants. *See* Wash. Rev. Code. § 10.93.160(4)(a). Between January 2018 and August 2025, Washington issued 685 commercial driver's

licenses to drivers that failed to prove citizenship or lawful permanent residency in violation of federal law. *See* Mark Schremmer, *FMCSA to States Over Non-Domiciled CDLs – Shape Up or Pay Up*, Landline.Media (Nov. 7, 2025), https://perma.cc/T828-NCBA. Indeed, Washington failed to follow federal law by drivers that failed the English Language Proficiency requirement to continue driving. Indeed, it allowed more to continue driving than it suspended—despite suspension being required by law. *See Duffy to California, Washington, and New Mexico*, *supra*.

Washington and California's intentional noncompliance with federal law created deadly consequences in Florida. An illegal alien driving a commercial vehicle in Florida made an illegal U-turn (despite warning signs forbidding such a maneuver). A minivan crashed into the truck, leaving the driver and two passengers dead. *Criminal Illegal Alien Recklessly Driving an 18-Wheeler Kills Three in Florida*, U.S. Dep't of Homeland Sec. (Aug. 18, 2025), https://perma.cc/3S8Y-8R74. The illegal driver could not proficiently speak English. *Trump's Transportation Secretary Announces Investigation into Deadly Florida Truck Crash, Shares Preliminary Findings,* U.S. Dep't of Transp., (Aug. 19, 2025), https://perma.cc/M3Z4-6KBL.

This disaster was not only preventable but Congress had already enacted laws to prevent it. Yet Washington issued the non-English speaking illegal alien a commercial driver's license under the Keep Washington Working Act in violation of federal law after the illegal alien failed the examination 13 times. In 2024, California issued a non-domiciled license in violation of federal law too.

California and Washington's laws as applied to issuing commercial driver's license likely violate federal law. The effects of those harms are not limited to California and Washington. This Court should exercise its mandatory jurisdiction to find that California and Washington may not put citizens in other States at risk by enacting laws that directly conflict with federal law.

CONCLUSION

This Court should grant Florida's Motion for Leave to File a Bill of Complaint.

Respectfully submitted,

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December 19, 2025

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