

## From Federal Attacks to State Action: How State Legislators Can Fight Back

In the face of sweeping federal attacks that threaten civil rights, public programs, and regulatory safeguards, states are a critical line of defense. State legislators have significant authority to counter harmful federal actions and mitigate their impact. Yet identifying where to focus limited time and resources can be challenging amid a barrage of policy attacks.

This memo outlines four core tools available to state legislators—**strategic communications**, **investigatory powers**, **legislative action**, and **litigation**—and provides recent examples of each in practice, especially in the fight to protect and advance gender justice which has been under acute attack at the federal level. The memo is intended to serve as a practical reference for deploying state authority in defense of communities and democratic institutions.

### Strategic Communications

Strategic communications are a key tool for legislators to counter harmful federal actions and affirm their state's commitment to protecting communities and upholding core values. By using their public platforms to explain federal actions—and clarify the ways state law is impacted and how states are responding—legislators can provide reassurance, clarify current events, and highlight the role of states in safeguarding rights and services. Through press statements, constituent newsletters, social media, and cross-state sign-on letters, proactive communication helps expose the stakes of federal rollbacks, elevate responses, counter and “prebunk” misinformation, and signal a clear commitment to gender justice.

#### Examples of strategic communications:

- Use social media, op-eds, and press releases to translate what is happening at the federal level and what federal actions do *and* don't do, what rights, obligations, or funding still exist, and how the action impacts the state. *For example:*
  - **Pennsylvania** Representative Tarik Khan posted a [YouTube clip](#) breaking down what cuts to Medicaid mean for Pennsylvanians and **Minnesota** Senator Erin Maye Quade posted a [reel](#) explaining the federal funding freeze and its impact on Minnesota.
- Highlight issues in a floor speech. *For example:*
  - **Colorado** Senators Dafna Michaelson Jenet and Lisa Cutter discuss the impact of federal Medicaid cuts on Colorado women and children [during a point of personal privilege](#).

- Leverage newsletters to constituents to share Know Your Rights resources from trusted local, state, or national organizations. *For example:*
  - **Illinois Representative Kelly Cassidy** created a “LGBTQ+ preparedness” page on her official legislative website with federal updates and community resources.
  - **Oregon’s** Attorney General launched a [Gender-Affirming Care Toolkit](#) full of information about patients’ and providers’ rights under Oregon law and legal and health care resources from state and national organizations.
- Hold a press conference, rally, or town hall to highlight and amplify impacts of federal action on the state. Inviting advocates, other lawmakers at the state or federal levels, or grassroots groups increases the likelihood these events get media coverage. *For example:*
  - **Minnesota** lawmakers broke down the threat of DOGE accessing Treasury Department classified information in a [press conference](#).
  - State lawmakers in **Oklahoma** [hosted a town hall](#) to provide residents a platform to voice their concerns about federal issues.
- Send letters to the state’s congressional delegation or federal agencies from a legislator, a group of legislators, or the entire chamber in opposition to federal actions. *For example:*
  - **Alaska** [legislative leaders wrote](#) and [published a letter](#) to their US congressional delegation urging them to avert ‘looming crisis’ from deep federal cuts
  - **California** [legislators signed a bipartisan letter](#) urging their US congressional delegation to protect Head Start and oppose federal cuts.
- Join forces with state legislators in other states by signing on to a cross-state sign-on letter or statement. *For example:*
  - More than 200 state legislators from 45 states [joined a submission](#) to the United Nations outlining the United States’ human rights violations in sexual, reproductive, and maternal health.
  - State legislators across X states signed a letter to Congress in support of Planned Parenthood in response to proposed Medicaid cuts.
- Open regular communication channels across state government offices to share information and resources. In particular, be in contact with the state’s financial officer who has up-to-the-minute information about fiscal impacts on state programs and revenue. *For example:*
  - A group of **Tennessee** lawmakers [sent a letter](#) to the state Department of Finance and Administration asking it to detail the impact of federal funding cuts before discussing the governor’s state budget proposal. The letter, [featured in the press](#), noted the harmful disruptions in state services due to the federal funding pause.

## Resources available:

- Sign up for Research Collaborative’s [Movement Briefings](#) and [messaging guidance and toolkits](#).
- [Sign up](#) for polling and messaging updates from Navigator.
- [Sign up](#) for NWLC’s Federal Attacks-State Action Digest to get a regularly updated compilation of Know Your Rights Resources for many communities under attack (e.g. immigrant, LGBTQI+, students, those seeking reproductive health care).
- [Sign up](#) for the State Futures Dispatch, a bi-monthly newsletter of state policy news, upcoming events, opportunities to join policy working groups or caucuses, and resources for legislators and staff.

## Investigatory and Oversight Tools

Legislators have powerful investigatory tools to surface the impacts of federal actions, shape the public narrative, and build the case for state-level response. Hearings, working groups, and oversight committees can elevate constituent voices, gather critical evidence, and put pressure on federal actors. Even from the minority, legislators can form caucus-based task forces to investigate and document harm, identify policy gaps, and lay the groundwork for legislative, legal, or communications strategies. These tools are essential for making the effects of federal rollbacks visible—and for demonstrating that state leaders are paying attention, asking hard questions, and ready to act.

### Examples of investigatory and oversight tools:

- Use hearings as an advocacy tool to elevate issues and emphasize the impact of federal action on the state. Those in the minority status can hold a “people’s hearing.” *For example:*
  - At the beginning of 2025, the **Michigan** Senate held hearings on [data privacy](#), the [federal workforce, education, and Medicaid cuts](#) in response to emerging federal threats.
- Organize a task force, working group, or committee within the legislature, chamber, caucus or across state government offices to assess the impact of federal actions on the state. *For example:*
  - **Virginia** House of Delegates formed a bipartisan [Emergency Committee on the Impacts of Federal Workforce and Funding Reductions](#) to study and understand impacts of federal actions to cut workforce and funding, and prepare the legislature for action.
  - **Maryland** Senate President and House speaker announced the creation of a [Joint Federal Action Oversight Committee within the General Assembly](#).

### Resources available:

- State Futures Federal Impacts Working Group - [sign up](#) to join an upcoming conversation or ongoing working group with fellow state legislators who are part of federal impact response.
- For up-to-date analyses on state impacts of federal action, check out the [Center for American Progress](#), [Economic Policy Institute](#), [Center on Budget and Policy Priorities](#).

## Legislative Tools

Legislation is one of the most direct and impactful ways for state legislators to respond to harmful federal actions. Legislators can introduce bills to protect residents from federal prosecution, investigation, or privacy violations; reinforce rights under state law; and advance an affirmative policy vision even amid national setbacks. From highlighting federal funding cuts in state bill fiscal notes to introducing non-binding resolutions, legislation can block, mitigate, or expose the effects of federal action. Used strategically, these tools offer immediate protections and also signal clear policy leadership to help chart a course forward.

### Examples of legislative tools:

- Introduce legislation to directly protect the state against a federal attack, including the rollback of federal protections or funding. While the goal is to enact these bills, introduction itself is a powerful way to communicate opposition to a federal policy. *For example:*
  - **Minnesota** lawmakers [introduced “Protect Medicaid, Not Millionaires” Act](#) that would increase taxes on millionaires at the rate necessary to offset any federal cuts to Medicaid.
  - **Maryland** and **New York** state lawmakers introduced legislation that would allow the state comptroller to withhold funds owed to the federal government if the federal government withholds funding owed to the state.

- **Michigan** enacted [legislation](#) to simplify and streamline the process for people changing their name or gender marker on state-issued identity documents.
- **Colorado** enacted [legislation](#) expanding their “shield laws,” which protects those seeking and providing abortion or gender-affirming care from out-of-state lawsuits, to include prescription label and other data privacy protections.
- As the federal administration seeks to rewrite Title IX rules to weaken protections against sexual harassment, **three states** have introduced the [SAFER Act](#) to provide stronger and uniform state-level protections against harassment in education based on sex, race, disability, and other protected classes.
- Introduce legislation to keep advancing towards an affirmative vision of a future where we all thrive. For example:
  - A [bipartisan group of Pennsylvania legislators](#) are advancing a comprehensive paid family and medical leave [bill](#).
  - **Maryland** enacted [legislation](#) to support equitable access to abortion care through a [first-of-its-kind public health grant program](#) to fund abortion services for anyone in Maryland seeking care.
  - The **Michigan** Senate passed a “[Mominibus](#)” [bill package](#) aimed at reducing racial inequity in Michigan’s maternal health care system through anti-discrimination measures, patient protections, and more.
- Introduce resolutions to show support for a community or issue under attack. For example:
  - The **Vermont** and **Rhode Island** legislatures adopted resolutions expressing support for the [trans and non-binary community](#) and [LGBTQIA+ community](#), respectively.
  - Eight states, from **Alabama** to **Illinois**, have [introduced resolutions](#) affirming the importance of Diversity, Equity, and Inclusion in their states.
  - **California’s** legislature [passed a resolution](#) in support of SNAP and urging Congress to protect and strengthen SNAP against proposed cuts. Highlight federal funding in fiscal notes of state bills to emphasize the consequences of funding cuts and use legislative findings in bills to draw attention to policy impacts.
- Consider how states could join together to cooperate around shared policy areas and goals. This could be accomplished through MOU, interstate compact, or other arrangement. For example:
  - Attorneys General in **16 states** came together to issue [multi-state guidance](#) concerning the continuing viability and importance of Diversity, Equity, Inclusion, and Accessibility employment initiatives.
  - Governors in several Western states signed MOUs ([here](#) and [here](#)) to foster cross-state collaboration around energy policies and practices (shared as example of MOU tool, not as a policy example)
- Work with local and state advocates and impacted communities to stop copy-cat legislation mirroring federal attacks. For example:
  - In **Georgia**, a [diverse group](#) of civil rights organizations, community advocates and legislators came together to [stop the passage of legislation](#) that sought to eliminate all diversity, equity, and inclusion policies and programs from Georgia’s K-12 schools and higher education institutions.

### **Resources available:**

- [NWLC State Playbook for Gender Justice](#); [ACLU Firewall for Freedom](#); [State Innovation Exchange](#); [Local Progress Toolkit for a Second Trump Administration](#); [Home Is Here State Policy Guide \(Immigration\)](#); [National Employment Law Project “How States Can Preserve Federal Protections”](#); [NWLC’s Federal Attacks-State Action Digest](#) which compiles examples of state legislation for fighting back and moving forward.

## Litigation

Litigation can be an important tool for challenging unlawful federal actions. State legislators can play a key role by connecting legal advocates with impacted constituents, signing onto amicus briefs, and possibly even intervening as co-plaintiffs. These efforts help shape legal outcomes, strengthen the public record, and demonstrate a united state-level response to federal overreach.

### Examples of litigation tools:

- Provide litigation partners with ideas for impacted constituents to serve as plaintiffs.
- Sign on to amicus briefs. For example:
  - While prior to the current federal administration, a bipartisan group of state legislators filed an [amicus brief](#) in the Supreme Court case *Young v. UPS* attesting to how pregnancy accommodation legal protections in their states benefited families and businesses.
- Explore whether there may be an option to intervene as a co-plaintiff in litigation.

### Resources available:

- For regularly updated lists of lawsuits being brought to challenge federal action, check out [Democracy Forward 2025 Response Center](#), [Just Security](#), and [Civil Rights Litigation Clearinghouse](#).

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*For further information or support on any of these ideas, contact Andrea Johnson with the National Women's Law Center, [ajohnson@nwlc.org](mailto:ajohnson@nwlc.org) or Gaby Goldstein with State Futures, [gaby@statefutures.org](mailto:gaby@statefutures.org).*