

August 20, 2026

The Honorable John Thune
Senate Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Charles E. Schumer
Senate Minority Leader
U.S. Senate
Washington, D.C. 20510

Majority Leader Thune and Minority Leader Schumer:

I write to request that the relevant committees of the United States Senate immediately investigate the use of federal departments, federal grants, and federal employees to systematically punish the State of Colorado and its residents. The Trump Administration's coordinated weaponization of the federal bureaucracy – intended to compel Colorado to pardon an individual convicted of state crimes in state court – is unprecedented, and strikes at the core of our democracy and our Constitution's federal architecture.

As you know, last week, a pending lawsuit revealed new evidence confirming the White House's willful targeting of Colorado.¹ In an email, sent at 2:43am on December 15, 2025, a White House special assistant directed individuals from the Departments of Transportation, Agriculture, Interior, Energy, and the Office of Management and Budget to join a "brainstorm call" to discuss "immediate actions that [their agencies] can take with respect to Colorado."² This email was a clear and direct continuation of President Trump's effort to secure Former Mesa County Clerk and Recorder Tina Peters' release from state prison, after a jury of her peers found her guilty of four state felonies and multiple misdemeanors. President Trump raised the issue again within hours of the email being sent, criticizing Colorado Governor Jared Polis for not allowing "our wonderful Tina to come out of a jail, in a high intensity jail, because she caught people cheating on an election that they said she was cheating."³

Over the following days, the Trump Administration cut grant funding to Colorado,⁴ denied two requests for disaster relief aid,⁵ scrutinized the State's food stamp program,⁶ and attempted to

¹ Seth Klamann, "'Smoking gun' email shows White House summoned agencies to Colorado-focused meeting amid Tina Peters furor," *Denver Post*, August 14, 2026.

² Ibid.

³ Alayna Alvarez, "Trump calls Polis 'weak and pathetic' in attack over Tina Peters," *Axios Denver*, December 15, 2025.

⁴ Jesse Paul and Taylor Dolven, "Trump administration cancels \$109M in environmentally focused transportation grants for Colorado," *Colorado Sun*, December 16, 2025.

⁵ Lindsey Toomer, "Trump rejects Colorado request for FEMA disaster declaration following fires, flooding," *Colorado Newslne*, December 22, 2025.

⁶ Taylor Dolven, "Federal judge blocks Trump threats to remove Coloradans from SNAP," *Colorado Sun*, January 29, 2026.

dismantle the National Center for Atmospheric Research in Boulder.⁷ This barrage culminated in President Trump's decision to veto legislation that would have completed the Arkansas Valley Conduit, a pipeline project to deliver clean drinking water to 50,000 Coloradans.⁸ It was the first veto of his second term.

Presidential administrations are entitled to advance their political priorities – part of the presidency's power is the ability to direct the executive branch in a manner that aligns with their policy preferences. But that authority does not and has never included the absolute ability to dictate terms to states, which retain elements of sovereignty in their own right. This is a fundamental precept of our federalist system of government,⁹ and is especially true in the realm of state sentences and state convictions handed down by state courts.¹⁰

Moreover, the case at issue here offers no room for claims of federal preemption. There is no policy difference being adjudicated that pits Colorado against the federal government, nor has Congress passed legislation that would override state law. Instead, the Administration is attempting to use the overwhelming power of the executive branch – grant determinations and disaster aid, nutrition benefits and the location of federal facilities – to force action that is inarguably within Colorado's exclusive sphere of authority.

Allowing this unconstitutional overreach to go unchallenged sets a dangerous precedent, and unsettles the relationship between states and the federal government. No state should be subject to punitive measures for decisions that simply happen to go against a sitting president's desires –

⁷ Sam Brasch, "[The White House promises to dismantle the National Center for Atmospheric Research](#)," *Colorado Public Radio*, December 17, 2025.

⁸ Sara Wilson, "[Trump vetoes bill to help finish Arkansas Valley water pipeline project](#)," *Colorado Newslines*, December 31, 2025.

⁹ In fact, Supreme Court precedent has largely focused on the limits of *congressional* power to direct states and state officers – the notion that the president could unilaterally do what Congress cannot, even through the power of the purse, is hardly contemplated. See recent Tenth Amendment jurisprudence elaborating the anti-commandeering doctrine, *New York v. United States* (1992) discussing how a federal waste-management law “would ‘commandeer’ state governments into the service of federal regulatory purposes, and would for this reason be inconsistent with the Constitution’s division of authority between federal and state governments,” J. O’Connor; *Printz v. United States* (1997) reviewing Congress’ ability to direct state and local law enforcement officers to perform background checks [“The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program,” J. Scalia]; *Murphy v. NCAA* (2018) invalidating federal prohibitions on state sports gambling laws [“The anti-commandeering doctrine may sound arcane, but it is simply the expression of a fundamental structural decision incorporated into the Constitution, i.e., the decision to withhold from Congress the power to issue orders directly to the States,” J. Alito]. See also *City of Chicago v. Sessions*, (7th Cir. 2018) discussing the Attorney General’s unilateral conditioning of federal funds on state cooperation [“If the Executive Branch can determine policy, and then use the power of the purse to mandate compliance with that policy by the state and local governments, all without the authorization or even acquiescence of elected legislators, that check against tyranny is forsaken.”]

¹⁰ See *Ex Parte Grossman* (1925) discussing the extent of the President’s pardon power [“the words ‘for offences against the United States’ were inserted by a Committee on Style, presumably to make clear that the pardon of the President was to operate upon offenses against the United States, as distinguished from offenses against the States.” C.J. Taft]; *Shinn v. Ramirez* (2022) discussing federal habeas relief [“A federal order to retry or release a state prisoner overrides the State’s sovereign power to enforce ‘societal norms through criminal law.’” J. Thomas]; *Gamble v. United States* (2019) discussing states’ prerogative to prosecute in the context of dual-sovereignty and double-jeopardy rules [“we drew the now-familiar inference: A single act ‘may be an offence or transgression of the laws of’ two sovereigns, and hence punishable by both.” J. Alito].

and no American should be denied relief from floods and wildfires, or see their opportunity for clean water ripped away, simply because they happen to live in a state at odds with a given administration.

The President – unable to accomplish his objective legally – resorted to a campaign of coercion. But the nature of this assault is not confined to Colorado alone. Today, no state, and no citizen, can assume they are safe from similar methods of intimidation. That should concern us all.

The Senate must investigate this coordinated effort when we return in September. Coloradans, and all Americans, deserve to know the truth.

Sincerely,



Michael F. Bennet
United States Senator

CC:

Sen. John Boozman

Chair

Senate Committee on Agriculture, Nutrition, and Forestry

Sen. Amy Klobuchar

Ranking Member

Senate Committee on Agriculture, Nutrition, and Forestry

Sen. Mike Lee

Chair

Senate Committee on Energy and Natural Resources

Sen. Martin Heinrich

Ranking Member

Senate Committee on Energy and Natural Resources

Sen. Ted Cruz

Chair

Senate Committee on Commerce, Science, and Transportation

Sen. Maria Cantwell

Ranking Member

Senate Committee on Commerce, Science, and Transportation

Sen. Rand Paul
Chair
Senate Committee on Homeland Security and Governmental Affairs

Sen. Gary Peters
Ranking Member
Senate Committee on Homeland Security and Governmental Affairs

Sen. Ron Johnson
Chair
Senate Committee on the Budget

Sen. Jeff Merkley
Ranking Member
Senate Committee on the Budget