

WHERE'S THE LINE?

YOU Are the Answer to What Ails America

Class 2 Handout · The Exceptional Structure — The Compound Republic · iGovern.us

A six-week course: the 5-Minute Method to Restore American Self-Government

CLASS 2 AT A GLANCE

The Principle: It is the STRUCTURE of American government — the limits, divisions, balance, checks, and restraints on governing power — not any politician or policy, that secures our rights. “The fragmentation of power produced by the structure of our Government is central to liberty, and when we destroy it, we place liberty at peril.” (NFIB v. Sebelius, joint dissent, 2012)

The Design: In the Compound Republic, the people’s power is FIRST divided between two governments — State and National — then subdivided among branches. “Hence a double security arises to the rights of the people.” (Federalist 51)

The Line: Federal powers are “few and defined”; State powers are “numerous and indefinite.” (Federalist 45)

Homework: Teach the difference between a single republic and America’s unparalleled compound republic (use the bike tire story), teach the Constitution in four words, and make your never-delegated list.

Welcome to Class 2: The Liberty Machine

Last week you learned that YOU are the sovereign — the boss. Tonight we open the liberty machine the Framers engineered so the sovereign can actually govern: a Republic of Republics, built bottom-up, not top-down, so the people govern the nation from right where they live — to Lift Where We Stand ... in as little as 5 minutes a week.

It is this structure — not our DNA — that made America exceptional. Within decades, the life, liberty, and property it secured unleashed what Cleon Skousen called a five-thousand-year leap: 4% of the world’s population producing roughly 90% of its innovation. America does not mean One-Size-Fails-All; it means fifty unique gardens blooming into one secure nation.

“The fragmentation of power produced by the structure of our Government is central to liberty, and when we destroy it, we place liberty at peril.”

— Justices Scalia, Kennedy, Thomas & Alito, joint dissent, NFIB v. Sebelius (2012)

Government is like gas — it fills whatever space it is released into unless we contain it. The Framers assumed men are not angels and engineered our governing structure accordingly:

“If men were angels, no government would be necessary. ... You must first enable the government to control the governed; and in the next place oblige it to control itself. ... Ambition must be made to counteract ambition.”

— James Madison, Federalist No. 51

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands ... may justly be pronounced the very definition of tyranny.”

— James Madison, Federalist No. 47

Fill in the Blanks: The Exceptional Structure

1. The Framers built the government _____, not top-down, so the people could govern from wherever they live.
2. Justice Scalia said the _____ of power is central to liberty.
3. If we destroy the structure of our government, we put _____ at peril.
4. Government is like _____, filling whatever space it is given unless contained.

Single Republic vs. the Compound Republic

In a **single republic**, all the power surrendered by the people goes to one government, guarded only by dividing that government into legislative, executive, and judicial branches. That is all most of us are taught — few are ever exposed to the real org chart of American government. The **Compound Republic of America** goes much further:

“In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.”

— James Madison, Federalist No. 51

“This balance between the National and State governments ought to be dwelt on with peculiar attention, as it is of the utmost importance. It forms a double security to the people. If one encroaches on their rights, they will find a powerful protection in the other.”

— Alexander Hamilton, New York Ratifying Convention, June 21, 1788

“Federalism was our Nation’s own discovery. The Framers split the atom of sovereignty. It was the genius of their idea that our citizens would have two political capacities, one state and one federal, each protected from incursion by the other.”

— Justice Anthony Kennedy, U.S. Term Limits v. Thornton (1995)

Fill in the Blanks: Single vs. Compound

5. James Madison called our government the _____ Republic of America.
6. In the compound Republic, power is first divided between _____ and _____ governments.
7. This two-level division creates a _____ security for the rights of the people.
8. Justice Kennedy said the Framers “split the _____ of sovereignty.”

The Bike Tire Story

October 2016, at the height of the presidential race, a Colorado masseuse — 30-year New York transplant, ponytail, Birkenstocks, mountain bike in the massage room — asked what a State legislator

even does. I pointed to his bike: “What if your front tire is at 105 PSI and your back tire is under 5?” “A disaster.” “Ride it harder?” “No.” “Lance Armstrong on steroids?” “No.” “Yank the handlebars right or left?” “No, no, no — **you have to fix the balance in the tires!**”

That is the State legislator’s job. Our government is two spheres, like two tires: the Federal front tire is rated “few and defined”; the State back tire is rated “numerous and indefinite.” Today the federal tire is bloated to bursting, and the State tire is so flat it’s about to chew the rubber right off the rim — yet all we ever debate is who should ride the bike and which way to steer it. He jumped up and down and exclaimed: “I’ve learned more about government in two minutes than I’ve known my whole life. You have to share this with everyone!” So, please share how American government is like a bicycle with everyone!

Fill in the Blanks: The Bike Tire Story

9. The bike analogy compares the government to a bike with two _____ — federal and State.
10. The federal sphere should have _____ and _____ powers.
11. The State sphere should have _____ and _____ powers.
12. Right now, the federal tire is _____, and the State tire is _____.

Where’s the Line? “Few and Defined” vs. “Numerous and Indefinite”

“The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce. ... The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.”

— James Madison, Federalist No. 45

“[The federal government’s] jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects.”

— James Madison, Federalist No. 39

“We start with first principles. The Constitution creates a Federal Government of enumerated powers.”

— Chief Justice Rehnquist, United States v. Lopez (1995)

The line was drawn on purpose — and the Founders charged us to keep both governments from stepping over it:

“... this Constitution deserves approbation ... [for] the accuracy with which the line is drawn between the powers of the general government and those of the particular state governments.”

— James Wilson, Pennsylvania Ratifying Convention, December 1787

“I wish to preserve the line drawn by the federal constitution between the general and particular governments as it stands at present, and to take every prudent means of preventing either from stepping over it.”

Fill in the Blanks: The Line

13. The powers delegated to the Federal Government are _____ and _____.
14. The powers reserved to the State governments are _____ and _____.
15. Federal powers focus on external objects like _____, _____, _____, and foreign commerce.
16. State powers extend to everything concerning our _____, _____, and _____.
17. James Wilson praised the _____ with which the Constitution drew the line between federal and State powers.

The Constitution in Four Words: “If Government, Which Government?”

IF GOVERNMENT ...? The Ninth Amendment: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” Did We the People delegate the matter in question to ANY government? If not — stop right there, no matter how brilliant a proposed solution may sound.

WHICH GOVERNMENT? The Tenth Amendment: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” If we did delegate power over the matter in question to government — did we delegate it to a government farther away and less accountable with only few and defined powers, or did we determine to keep the matter the close-at-hand, where the government is more accessible and accountable with numerous and indefinite powers, where we can mobilize and make our voices heard?

“The Tenth Amendment is not ‘a general assumption,’ but a prohibitory rule of law. ... The Constitution draws a sharp and clear line between federal jurisdiction and state jurisdiction.”

— Senator Barry Goldwater, The Conscience of a Conservative (1960)

A Sense of Proportion: The Four Circles

- The Creator: a circle the size of the universe — times infinity.
- The People: a circle the size of the earth — the source of ALL governing power.
- All government combined: a basketball — the small fraction we delegated.
- The Federal Government: a penny — “few and defined.” Yet today the penny acts like the universe ... because we allow it.

Fill in the Blanks: Four Words & Four Circles

18. The Ninth Amendment says the enumeration of rights shall not deny others retained by the _____.
19. The Tenth Amendment reserves undelegated powers to the _____ or the _____.
20. Barry Goldwater called the Tenth Amendment a _____ rule of law.
21. The Constitution in four words: If _____, which _____?
22. The people’s power is a circle the size of the _____; the Federal Government’s is the size of a _____.

The “Police Power” and the Two Lines of Accountability

“Our cases refer to this general power of governing, possessed by the States but not by the Federal Government, as the ‘police power.’”

— Chief Justice John Roberts, *NFIB v. Sebelius* (2012), citing *United States v. Morrison* (2000)

“... the power of the state, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the state, develop its resources, and add to its wealth and prosperity.”

— *Keller v. United States*, 213 U.S. 138 (1909)

Police power is not about police officers — it is the name of the general power of governing, which belongs to the States alone. And clear jurisdiction is what makes accountability possible:

“Federalism serves to assign political responsibility, not to obscure it. ... [Two governments accord more liberty only with] two distinct and discernable lines of political accountability: one between the citizens and the Federal Government; the second between the citizens and the States. ... [If the lines blur,] political responsibility would become illusory.”

— Justice Anthony Kennedy, concurring, *United States v. Lopez* (1995)

“I scarcely ever met with a plain American citizen who could not distinguish with surprising facility the obligations created by the laws of Congress from those created by the laws of his own state, and who ... could not point out the exact limit of the separate jurisdictions.”

— Alexis de Tocqueville, *Democracy in America* (1835)

The Boss’s Test: When something goes wrong, can you name WHICH government failed you? If not, the line has blurred — and nobody answers to the boss.

Fill in the Blanks: Police Power & Accountability

23. The general power of governing possessed by the States is called the _____ power.
24. The police power promotes health, peace, morals, _____, and good order.
25. Federalism serves to assign political _____, not to obscure it.
26. There are two lines of accountability: citizens ↔ the _____ Government, and citizens ↔ the _____.
27. Tocqueville said plain citizens could point out the exact _____ of the separate jurisdictions.

The Documentary Record: Settled Doctrine, Not Theory

Six propositions, each anchored in primary authority (see the Class 2 Brief for the full record):

Proposition	Primary Authority
1. It is the structure — not the virtue of officeholders — that secures the people’s rights	Federalist Nos. 47, 51; Mass. Const. Art. XXX (1780); <i>NFIB v. Sebelius</i> joint dissent (2012)

2. The Compound Republic divides power FIRST between two governments — a double security	Federalist No. 51; Hamilton, N.Y. Ratifying Convention (1788); U.S. Term Limits v. Thornton (1995)
3. Federal powers are few and defined; State powers numerous and indefinite — a residuary and inviolable sovereignty	Federalist Nos. 39, 45; United States v. Lopez (1995)
4. The general “police power” belongs to the States, not the Federal Government	NFIB v. Sebelius (2012); United States v. Morrison (2000); Keller v. United States (1909)
5. The Ninth and Tenth Amendments make the line a prohibitory rule of law	U.S. Const. amends. IX, X; Jefferson, Bank Opinion (1791); Goldwater (1960)
6. Two clear lines of accountability let the people govern; blur them and responsibility becomes illusory	United States v. Lopez (Kennedy, J.) (1995); FTC v. Ticor (1992); Tocqueville (1835)

Key Voices from the Record

“If ... the constitutional powers be in any particular wrong, let it be corrected by an amendment ... But let there be no change by usurpation; ... it is the customary weapon by which free governments are destroyed.”

— George Washington, Farewell Address (1796)

“To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition.”

— Thomas Jefferson, Opinion on the National Bank (1791)

“A healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front. ... In the tension between federal and state power lies the promise of liberty.”

— Justice Sandra Day O’Connor, Gregory v. Ashcroft (1991)

“The Constitution protects us from our own best intentions: It divides power ... precisely so that we may resist the temptation to concentrate power in one location as an expedient solution to the crisis of the day.”

— Justice Antonin Scalia, Printz v. United States (1997)

“By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power.”

— Justice Anthony Kennedy, Bond v. United States (2011)

“Federalism is rooted in the knowledge that our political liberties are best assured by limiting the size and scope of the national government.”

— Ronald Reagan, Executive Order 12612 (1987)

Practice: If Government, Which Government?

For each item, answer out loud: NO government (9th Amendment), STATE (police power), or FEDERAL (enumerated):

1. Your child's school curriculum: _____
2. A treaty with Japan: _____
3. Zoning for the lot next door: _____
4. What you eat for breakfast: _____
5. Coining money: _____
6. Licensing doctors and contractors: _____

Your Week 2 Call to Action — 5 Minutes

1. Teach someone the difference between a single republic and the Compound Republic of America — the bike tire story works every time.
2. Teach someone to memorize the Constitution in four words: "If Government, Which Government?"
3. Make two lists: (a) 10 rights or powers of the people we NEVER delegated to any government (9th Amendment); and (b) the few and defined federal powers vs. some of the numerous and indefinite State powers (use Federalist 45–46 as your guide).

Reflect: Where in your life did the federal "tire" cross the line this week — and which State agent could you tell about it?

"In the tension between federal and state power lies the promise of liberty."

— Justice Sandra Day O'Connor, *Gregory v. Ashcroft* (1991)

Next week: the powers of the States to restore and maintain State-Federal governing balance — State powers neither you nor your State leaders were probably ever taught, as well as how to use them right where you live.

Answer Key (Fill in the Blanks)

Exceptional Structure: 1. bottom-up 2. fragmentation 3. liberty 4. gas · Single vs. Compound: 1. Compound 2. State, National 3. double 4. atom · Bike Tire: 1. tires 2. few, defined 3. numerous, indefinite 4. bloated, flat · The Line: 1. few, defined 2. numerous, indefinite 3. war, peace, negotiation 4. lives, liberties, properties 5. accuracy · Four Words & Circles: 1. people 2. States, people 3. prohibitory 4. Government, Government 5. earth, penny · Police Power: 1. police 2. education 3. responsibility 4. Federal, States 5. limit · Practice: 1. State 2. Federal 3. State/Local 4. No government 5. Federal 6. State