

WHERE'S THE LINE?

YOU Are the Answer to What Ails America

Class 3 Handout · States: The Sure Guardians of the Structure · iGovern.us

A six-week course: the 5-Minute Method to restore American self-government

CLASS 3 AT A GLANCE

The Principle: “The State Legislatures ... are sure guardians of the people’s liberty” (Madison, 1789). States are supreme in all matters not delegated — and duty-bound to interpose when the federal government crosses the line. “IT WILL BE THEIR OWN FAULTS if the several states suffer the federal sovereignty to interfere in the things of their respective jurisdictions.” (Dickinson, 1788)

The Toolbox: Madison: “the means of opposition ... are powerful and at hand” (Federalist 46). Eight powers — education, lobbying, lawsuits, legislative action, coordination among States, Article V — plus two last resorts.

The Court’s Counsel: “*The States are separate and independent sovereigns. Sometimes they have to act like it.*” (NFIB v. Sebelius, 2012)

Homework: Teach the “sure guardians” principle, ask your three State legislators for one line they’ll defend this month, and recruit one rope-puller.

Welcome to Class 3: Meet the Guardians

Review — Week 1: YOU are the sovereign, the “boss.” **Week 2:** The exceptional STRUCTURE secures our rights. **This week:** the States are responsible — and equipped — to restore and maintain that structure. You fulfill your sovereign responsibility through the State leaders you hire, train, and sustain.

“The State Legislatures will jealously and closely watch the operations of this Government, and be able to resist with more effect every assumption of power ... the greatest opponents to a Federal Government admit the State Legislatures to be sure guardians of the people’s liberty.”

— James Madison, introducing the Bill of Rights, 1789

Repainting the Lines on the Field

Imagine the Holy War — BYU vs. Utah. You run out of the locker room, buckle your chinstrap, look down ... and there are no lines on the field. No scrimmage line, no out-of-bounds, no end zone. “That would be a disaster!” That’s government today. The State leader’s job is to repaint the jurisdictional lines. But **States can’t defend a line they can’t define** — and no State trains its leaders on these lines. That training is the boss’s job: ours. The number one issue in government today is not policy or politics — it’s principle: **#StructureNOTPolitics**.

“It is important to strengthen the State governments ... It must be done by the States themselves, erecting such barriers at the constitutional line as cannot be surmounted either by themselves or by the General Government.”

— Thomas Jefferson, Letter to Archibald Stuart, 1791

Fill in the Blanks: Repainting the Lines

1. The lack of clear government boundaries is like a football field with no _____.
2. The main job of State leaders is to _____ the lines of jurisdiction to protect our liberty.
3. Jefferson said States must erect _____ at the constitutional line.
4. The number one issue in government today is _____, NOT _____.

States Are Supreme in Their Sphere

“[The States] form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority, than the general authority is subject to them, within its own sphere.”

— Printz v. United States (1997), quoting Madison, Federalist No. 39

“[T]he government of each state is, and is to be, sovereign and supreme in all matters that relate to each state only. ... IT WILL BE THEIR OWN FAULTS, if the several states suffer the federal sovereignty to interfere in the things of their respective jurisdictions.”

— John Dickinson (“Fabius”), Letter III, 1788 — capitals in original

The Chicken Hawk Story

In the old Looney Tunes, a tiny chicken hawk struts into the barnyard ordering everyone around — “I’m a chicken hawk! And I. Eat. Chickens!” — until he meets Foghorn Leghorn: **“Boy, I say boy ... this here is MY barnyard.”** Out goes the hawk, no argument required. Federal agents often play the chicken hawk over matters of State jurisdiction — and States too often cower like the barnyard animals instead of standing like the rooster. States: remember whose barnyard it is (and say so in diplomatically appropriate terms).

Fill in the Blanks: States Are Supreme

5. The Supreme Court said States form distinct and independent portions of the _____.
6. Dickinson warned that if States let the Federal Government interfere, it will be their own _____.
7. The Federal Government in the cartoon story is the _____; the States are the _____.

The Duty to Interpose

The Founders viewed all officials as fiduciaries — trustees. If your company’s lawyer starts doing the accountant’s job, the accountant has a DUTY to push back; silence violates her own duty. The people employ two sets of agents — federal and State. When one invades the other’s portfolio, the invaded agent must **interpose**: “to thrust in as an obstruction ... to place between.”

“[I]n case of a deliberate, palpable, and dangerous exercise of other powers, not granted ... the states ... have the right, and are in duty bound, to interpose for arresting the progress of the evil ...”

— James Madison, Virginia Resolutions, 1798

“We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority.”

— Alexander Hamilton, Federalist No. 85

The Battle Plan: Federalist 28 & 46, in Plain English

Hamilton (Fed. 28): The States are your COMPLETE security against federal invasions of liberty. The legislatures see the danger coming first (“discover the danger at a distance”), hold the actual machinery of government (“all the organs of civil power”), can mount an organized official plan of opposition (“a regular plan of opposition”), and link up with the other States (“unite their common forces”). One condition: the citizens must “understand their rights and be disposed to defend them.”

Madison (Fed. 46): “The means of opposition ... are powerful and at hand” — an escalation ladder: (1) the people get loud and refuse to cooperate; (2) the Governor officially “frowns” — no executive cooperation; (3) the legislature creates “embarrassments” with legislative devices; (4) several adjoining States act in unison — “obstructions which the federal government would hardly be willing to encounter.” In a true power grab: “A correspondence would be opened. Plans of resistance would be concerted. One spirit would animate and conduct the whole.” One Congress vs. fifty legislatures, with the people behind the fifty.

Fill in the Blanks: The Battle Plan

8. Hamilton said States afford _____ security against invasions of public liberty.
9. Madison said the means of opposition are _____ and at _____.
10. The federal government would hardly be willing to encounter the obstructions of several States acting in _____.
11. Hamilton’s condition: citizens must understand their _____ and be disposed to _____ them.

The Eight Powers of the States (Madison · Natelson)

Power	What It Looks Like Today
1. Public Relations & Education	Tenth Amendment resolutions; AG opinions; legislative hearings; training State leaders (NFI Educate)
2. Lobbying Congress	Memorials; formal correspondence; delegation accountability meetings; congressional testimony
3. Judicial Challenges	State-led suits: NFIB (26 States), Murphy v. NCAA, West Virginia v. EPA
4. State Legislative Action	Assert jurisdiction by statute (Utah HB 425 Energy; Transfer of Public Lands Act); decline to administer federal programs — protected by anti-commandeering (New York, Printz, Murphy); REAL ID non-implementation

5. Coordination Among States	Joint suits and amicus briefs; interstate compacts; uniform legislation; the NFI Summit of States
6. Article V	Two-thirds of States compel a convention; three-fourths ratify — “without any possible interference of Congress” (Tench Coxe, 1788)
7. Nullification (last resort)	Extraconstitutional — Madison: only after tools 1–6 are exhausted
8. Revolution (final resort)	The Declaration’s ultimate reserve — whose existence keeps it forever unnecessary

“In the typical case we look to the States to defend their prerogatives by adopting ‘the simple expedient of not yielding’ ... The States are separate and independent sovereigns. Sometimes they have to act like it.”

— Chief Justice John Roberts, NFIB v. Sebelius (2012)

Fill in the Blanks: The Eight Powers

12. One of the eight powers is public _____, which means educating people about State authority.
13. States can use Article _____ to propose amendments through a convention of States.
14. An example of State legislative action in Utah is the _____ Act (HB 425, 2023).
15. The anti-commandeering cases protect a State’s refusal to _____ federal programs.
16. Chief Justice Roberts: States defend their prerogatives by “the simple expedient of not _____.”

The Liberty Tug-of-War

Our system is a tug-of-war with a twist: the object is to keep the flag **in the middle** — the constitutional balance point. (And yes, your instructor’s childhood nickname was CHUNKY, which made him the anchor at the end of the rope. You promised not to tell.) For decades the States set the rope down — some forgot why they were pulling, some grew dependent on federal funds, some feared reprisal. The flag drifted to Washington. Every election we beg federal officers to push it back — but **you cannot push a rope**. The States must PULL — not hard, but together, and always. Like the Golden Gate Bridge, the healthy tension is what holds the whole thing up.

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

— Gregory v. Ashcroft (1991)

Fill in the Blanks: Tug-of-War

17. The object of the governing tug-of-war is to keep the flag _____.
18. The Federal Government cannot _____ the rope back into balance.
19. States must _____ together — and always.

The Toolkit Today: NFI, ENLL & Your Dashboard

Utah has institutionalized the founders' toolkit — a model any State can copy:

- National Federalism Initiative (HB 488, 2025): (1) continuing education for State leaders; (2) an annual Summit of States (2nd Annual: Salt Lake City, Aug. 11–12, 2026); (3) a national federalism commission — a jurisdictional watchdog.
- The ENLL Framework — Educate (build the record), Negotiate (governor/AG/delegation engage federal counterparts), Legislate (assert jurisdiction by statute), Litigate (State-led challenges) — escalate in order, document everything.
- Federalism Index & Policy Tracker (federalismindex.org): monitors the balance and logs every federal action that crosses a State line — searchable by branch and committee.
- The Constitutional Standard (Utah Code § 63C-4a-304): the delegated powers codified, the clarity hierarchy, and the action menu.

Go deeper: Where's the Line? How States Protect the Constitution (free digital copy at iGovern.us); Natelson, "The States' Duty to Defend Against Federal Excess: the Methods of 'Interposition'"; "The Enumerated Powers of States."

Your Week 3 Call to Action — 5 Minutes

1. Teach someone why the State legislatures are "the sure guardians of the people's liberty" — use the chicken hawk or the tug-of-war story.
2. Ask your three State legislators: "What is ONE jurisdictional line you will define and defend this month?"
3. Recruit one teammate to pull the rope with you — and join your State's Impact Community at iGovern.us (the 10×10 Initiative: 10,000 people in 10 States, 100 in every legislative district).

Reflect: Which of the eight tools does YOUR State use well — and which is sitting untouched in the drawer?

"The means of opposition ... are powerful and at hand."

— James Madison, Federalist No. 46

Next week: KNOW #4 — hiring, training, and sustaining State agents with the character and ability to be trusted fiduciaries of your sovereign responsibility.

Answer Key (Fill in the Blanks)

Repainting the Lines: 1. lines 2. repaint 3. barriers 4. principle, politics · *States Are Supreme:* 1. supremacy 2. faults 3. chicken hawk, rooster (Foghorn Leghorn) · *Battle Plan:* 1. complete 2. powerful, hand 3. unison 4. rights, defend · *Eight Powers:* 1. relations (education) 2. V 3. Energy Security 4. administer 5. yielding · *Tug-of-War:* 1. in the middle (balanced) 2. push 3. pull