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2026



Jurisdictional Tug-of-War: When State Police Powers Clash with Federal Supremacy

Navigating Constitutional Friction in Modern Law Enforcement

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The Constitutional Foundation

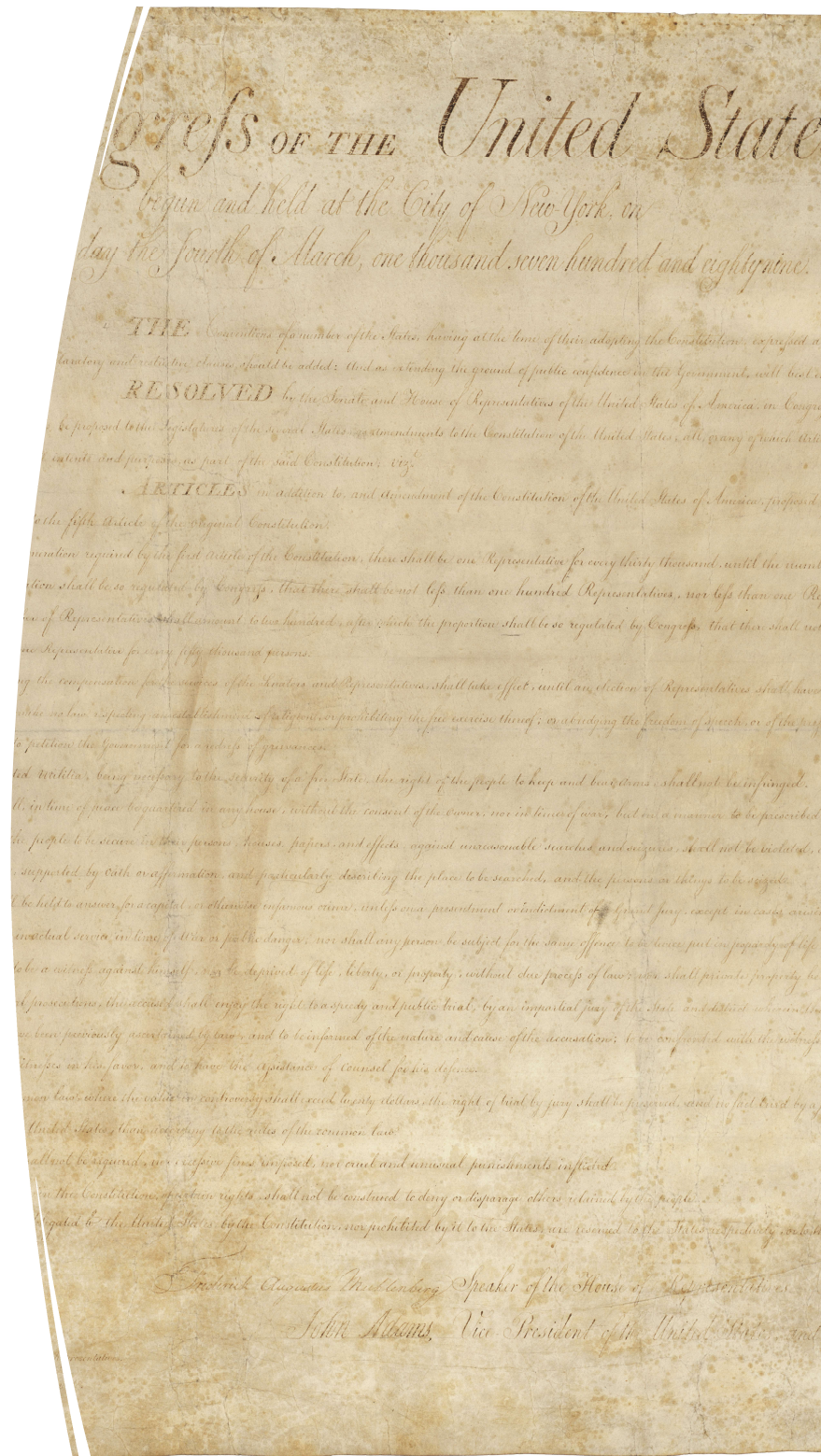
- “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.
- The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution;”
 - *Supremacy Clause (Art. VI)*



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“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.”

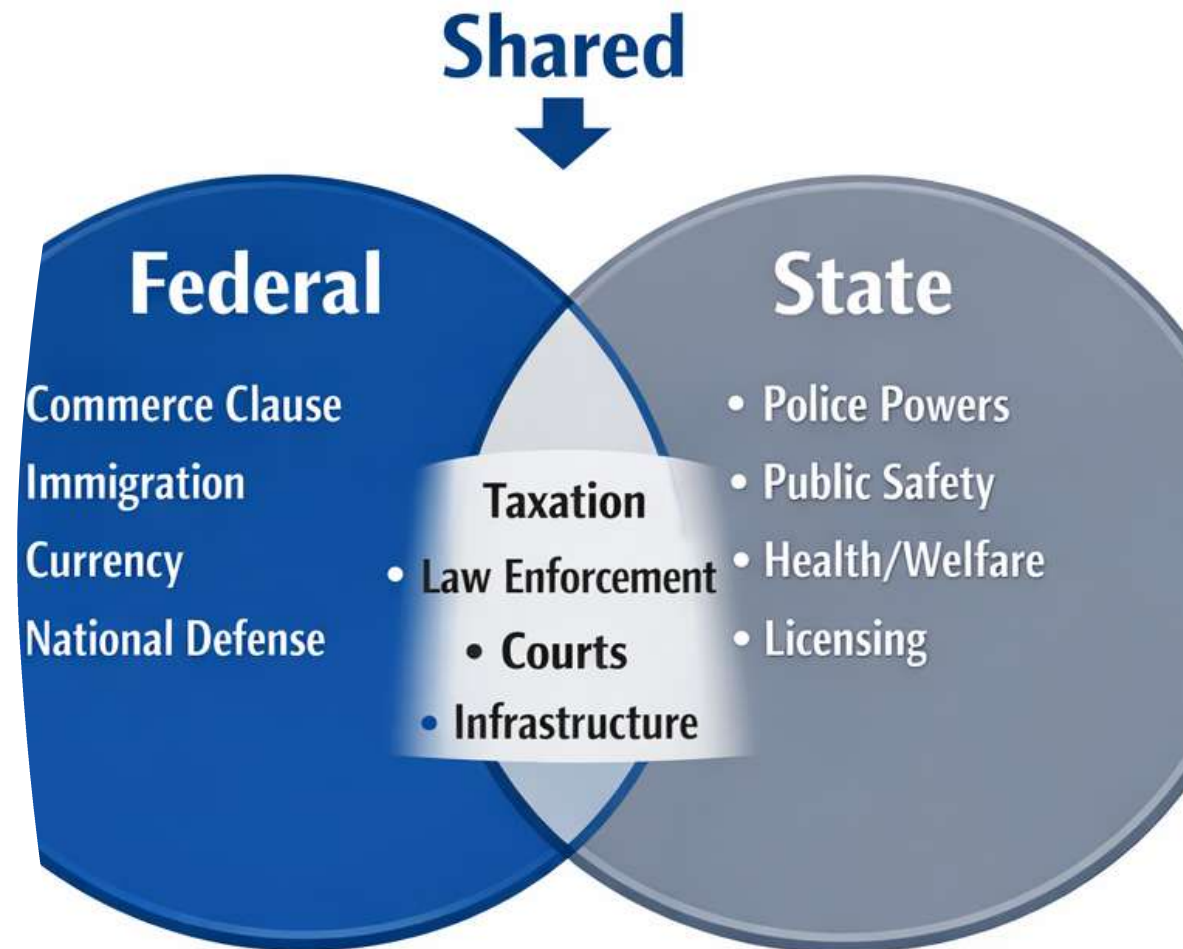
- 10th Amendment



10th Amendment

The Constitutional Foundation

- What happens when your state law authorizes conduct federal law criminalizes?”



Takeaway

- If state law permits but federal law criminalizes → consider requiring command-level approval before enforcement activity
- Create a 3-layer review for any policy:
 - Federal law exposure
 - State or local authorization
 - Officer liability risk

The Anti- Commandeering Doctrine

Can the federal government force ('commandeer') state or local law enforcement to administer federal programs?

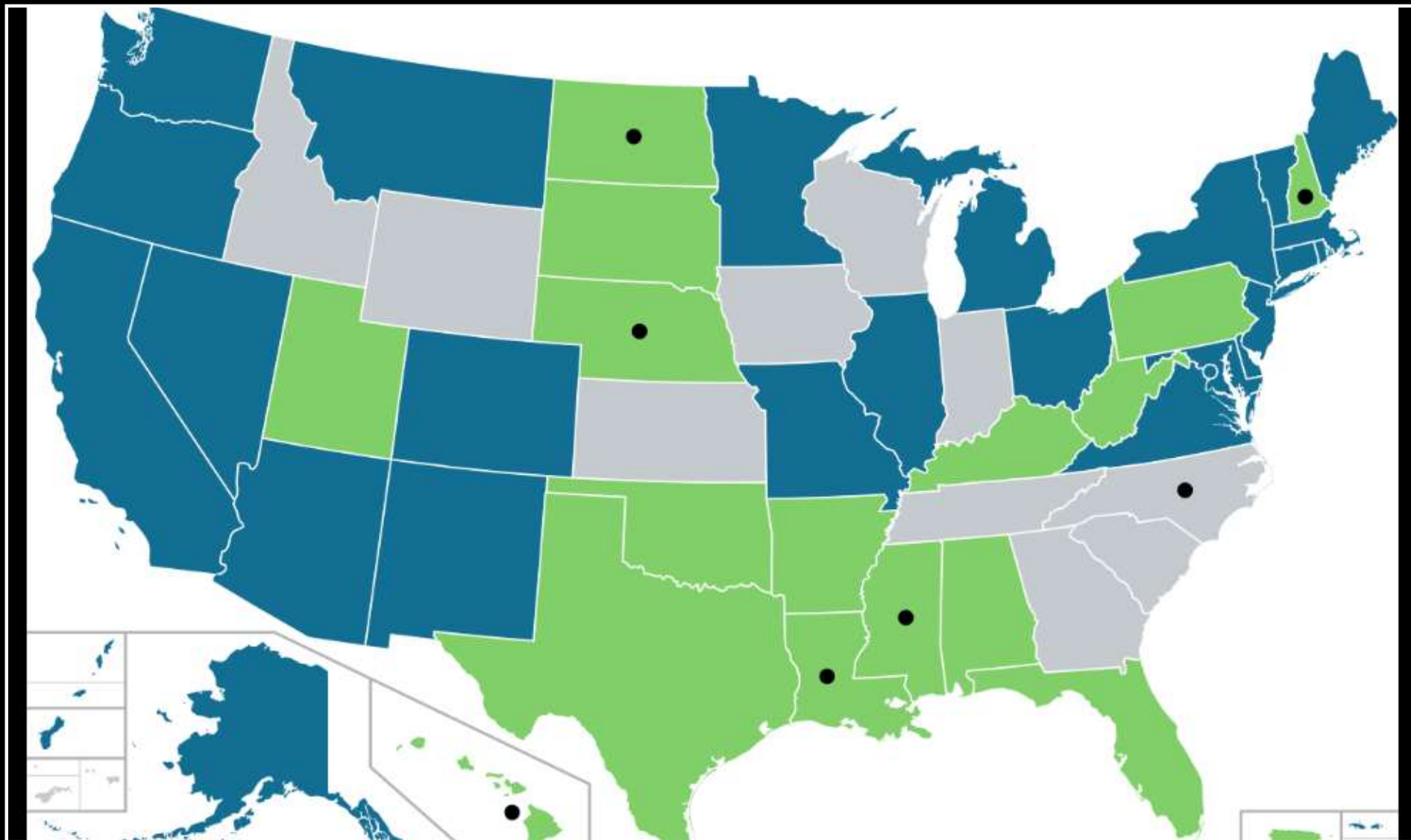


"In two words, yes and no."

Takeaway

Consider Drafting a **Federal Cooperation Matrix**:

- Allowed (e.g., information sharing)
- Restricted (e.g., detainers without warrant)
- Prohibited (e.g., acting as federal agents without authority)



Conflict Area I: Cannabis

Conflict Area #1 – Cannabis

- Status:
 - Federal:
 - Schedule III controlled substance under the Controlled Substances Act (CSA)
 - State-licensed cannabis not federally legal
 - States:
 - Legal in 24 states for adult recreational use
 - Legal in 40 of 50 states for medical use.



Takeaway

- Review all task force agreements.
- Provide written expectations for employees on federal task forces.



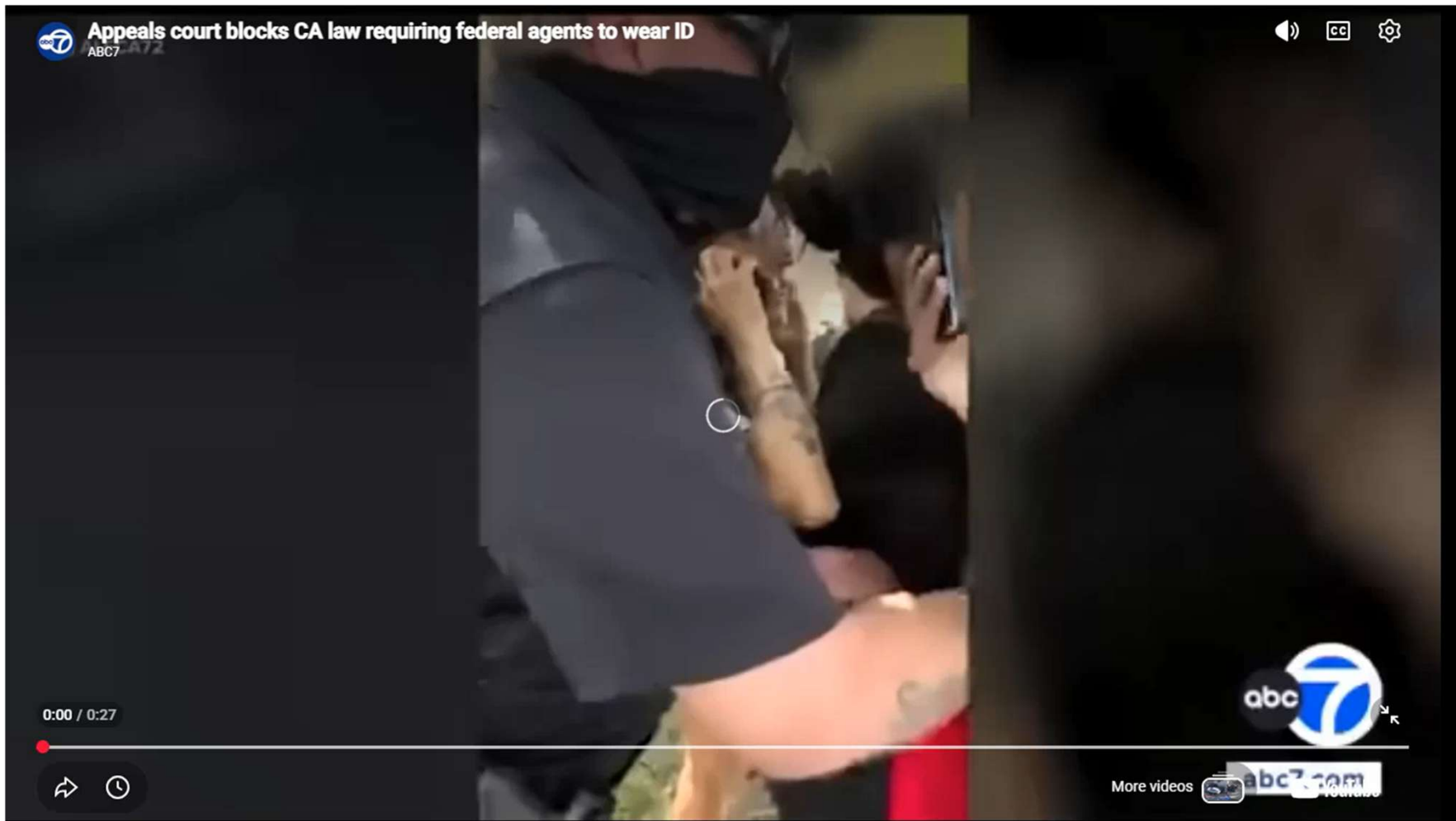
Conflict Area II: Immigration

Conflict Area #2 – Immigration Sanctuary Laws

What can states lawfully do to affect immigration enforcement?



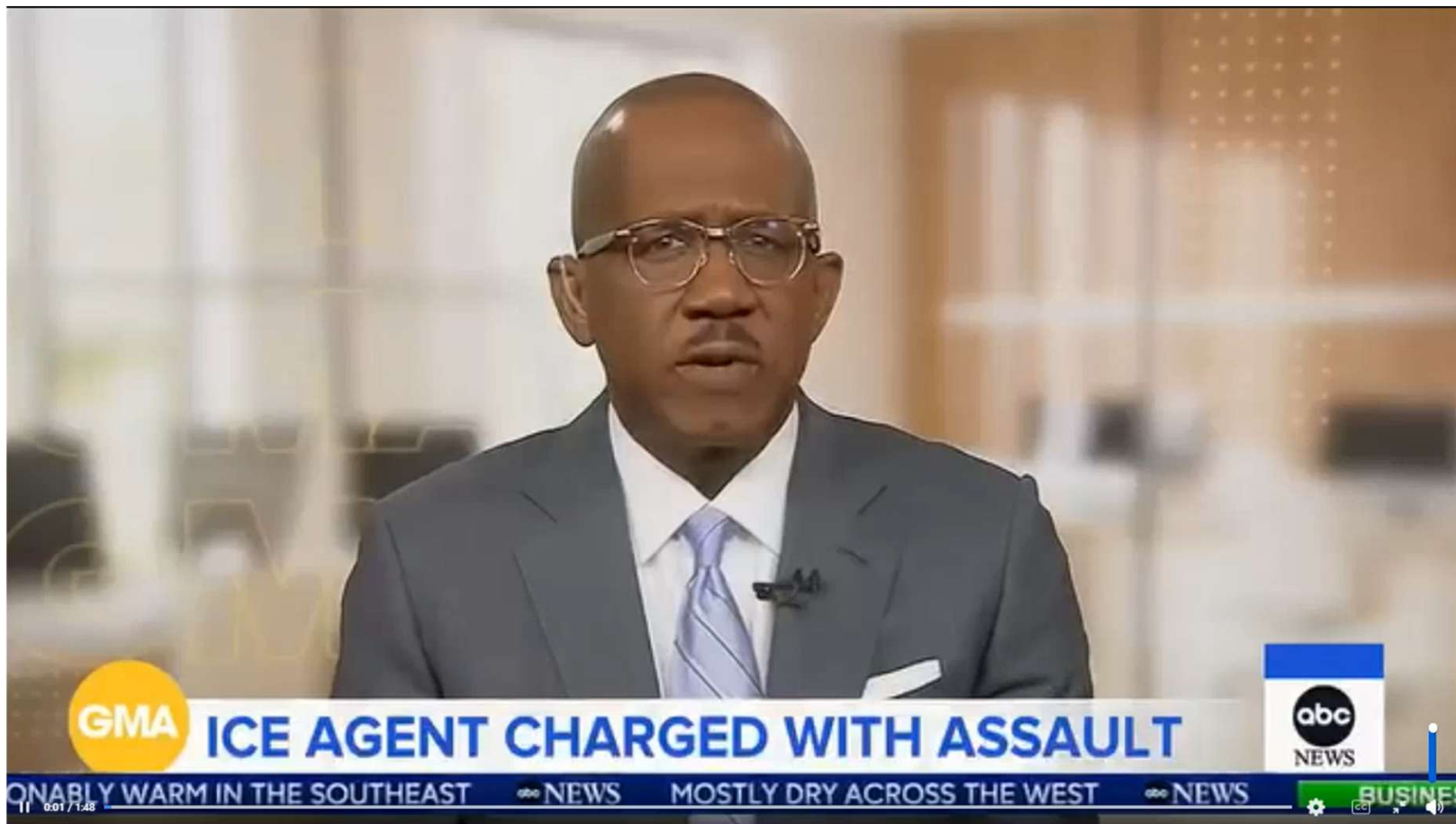
Conflict Area #2 – Immigration Identification



Conflict Area
#2 –
Immigration



Conflict Area #2 – Immigration Criminal Prosecution



Conflict Area #2 – Immigration Criminal Prosecution



Takeaway

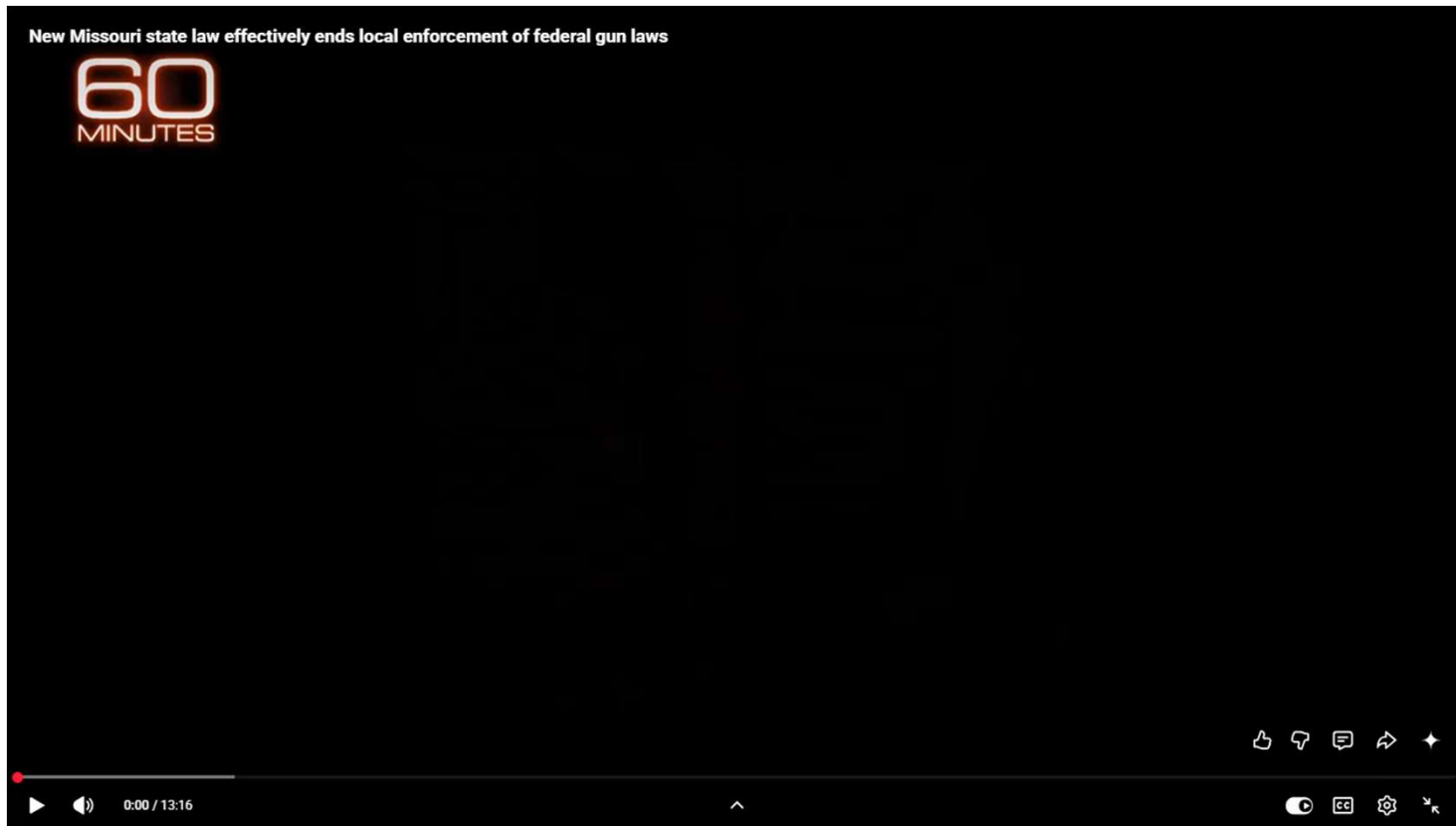
- Your policies should clearly spell out what officers are NOT allowed to do:
 - No detention solely for immigration status without federal authority
 - No independent immigration investigations unless authorized
- Have clear rules on:
 - ICE notification
 - ICE cooperation



Conflict Area III: Firearms

Conflict Area #3 – Firearms

Status: 'Second Amendment Sanctuaries' trying to nullify federal gun laws.



Conflict Area #3 – Firearms

- Reality: States can refuse to help but cannot legally stop federal agents from enforcing federal law.



Conflict Area IV: Drones (UAS)



Conflict Area #4 – Drones (UAS)

What authority
does local law
enforcement have
over drones?

✕ @ ▶

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SCOTUS rejects NC drone company owner's licensing dispute

CJ | CJ STAFF

APRIL 20, 2026

f X in ✉

A photograph showing a man in a blue polo shirt with a logo on the chest, smiling and holding a drone controller. A white drone is flying in the sky above him. The background is an outdoor field with trees and a clear sky.

Takeaway

- Training should clearly distinguish between:
 - Airspace (federal – FAA controlled)
 - Ground-based conduct (state/local authority)
- Policies should prohibit:
 - Shooting down drones
 - Interfering with FAA-regulated airspace

The Conflict

UNDERSTANDING JURISDICTION: FEDERAL AUTHORITY AND STATE IMPACT



FEDERAL GOVERNMENT:
SUPREME
ESTABLISHED SUPREMACY ON CORE MATTERS



DRONES

- REGULATES AIRSPACE & SAFETY (FAA)
- LICENSING OPERATORS
- COMMERCIAL RULES



CANNABIS

- FEDERAL ILLEGALITY (DEA)
- CLASSIFICATION (SCHEDULE III)
- INTERSTATE TRAFFIC



IMMIGRATION

- CONTROLS BORDERS (ICE)
- SETS ADMISSION POLICIES
- CITIZENSHIP PROCESS



FIREARMS

- FEDERAL GUN LAWS (ATF)
- LICENSING DEALERS
- INTERSTATE SALES

FEDERAL PREEMPTION & SUPREMACY CLAUSE



STATES:
IMPACT & INFLUENCE
USING STATE POLICE POWER & LEGISLATION

HOW STATES IMPACT

- LOCAL USE RESTRICTIONS
- PRIVACY LAWS
- ZONING FOR DRONE PORTS

HOW STATES IMPACT

- MEDICAL LEGALIZATION
- RECREATIONAL MARKETS
- TAXATION & LICENSING (WITHIN STATE)

HOW STATES IMPACT

- SANCTUARY CITIES & POLICIES
- STATE-LEVEL ENFORCEMENT MEASURES (challenges)
- LOCAL SERVICE PROVISION

HOW STATES IMPACT

- STATE & LOCAL GUN CONTROL
- CONCEALED CARRY PERMITS
- "RED FLAG" LAWS
- ASSAULT WEAPONS BANS

ULTIMATE FEDERAL SUPREMACY, BUT STATES CAN CREATE DIVERGENT LOCAL ENVIRONMENTS

Final Thoughts

- **Legal Advisors should:**

- **Identify** jurisdictional conflict early
- **Define** agency role (independent vs. cooperative)
- **Limit** officer discretion in gray areas
- **Document** policy boundaries clearly
- **Train** supervisors—not just line officers

Table of Case Citations



- McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819): Federal Supremacy
- Printz v. United States, 521 U.S. 898 (1997) : Anti-Commandeering
- Gonzales v. Raich, 545 U.S. 1 (2005): Cannabis
- Arizona v. United States, 567 U.S. 387 (2012) – Immigration Federal Preemption.
- Idaho v. Horiuchi 253 f.3d 359 (2001) Criminal Prosecution
- District of Columbia v. Heller (2008): 2nd Amendment
- McDonald v. Chicago (2010): 2nd Amendment
- New York State Rifle & Pistol Association v. Bruen (2022): 2nd Amendment
- Singer v. Newton (2017): UAS Airspace Preemption.
- US v. California (2019): Intergovernmental Immunity (Sanctuary laws).
- United States v. California, 9th Cir. April 22, 2026: ICE Identification Law

A large, glowing pink question mark graphic is centered on the page. The question mark is composed of a thick, neon-like line that forms the shape of a question mark. The color is a vibrant pink with a slight gradient, giving it a three-dimensional, glowing appearance. The background is solid black, which makes the pink glow stand out prominently.

Questions?