

THE ANTI-COMMANDEERING DOCTRINE

Printz v. United States, 521 U.S. 898 (1997)

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Syllabus

powers within the Necessary and Proper Clause's meaning. Cf. *New York v. United States*, [505 U.S. 144](#), 166. The Supremacy Clause does not help the dissent, since it makes "Law of the Land" only "Laws of the United States which shall be made in Pursuance [of the Constitution]." Art. VI, cl. 2. pp. 923-925.

(f) Finally, and most conclusively in these cases, the Court's jurisprudence makes clear that the Federal Government may not compel the States to enact or administer a federal regulatory program. See, e. g., *New York, supra*, at 188. The attempts of the Government and Justice STEVENS' dissent to distinguish *New York-on* grounds that the Brady Act's background-check provision does not require state legislative or executive officials to make policy; that requiring state officers to perform discrete, ministerial federal tasks does not diminish the state or federal officials' accountability; and that the Brady Act is addressed to individual CLEOs while the provisions invalidated in *New York* were directed to the State itself-are not persuasive. A "balancing" analysis is inappropriate here, since the whole *object* of the law is to direct the functioning of the state executive, and hence to compromise the structural framework of dual sovereignty; it is the very *principle* of separate state sovereignty that such a law offends. See, e. g., *New York, supra*, at 187. Pp. 925-933.

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New York v. United States - 505 U.S. 144 (1992)

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Held:

1. The Act's monetary incentives and access incentives provisions are consistent with the Constitution's allocation of power between the Federal and State Governments, but the take title provision is not. Pp. 155-183.

(a) In ascertaining whether any of the challenged provisions oversteps the boundary between federal and state power, the Court must determine whether it is authorized by the affirmative grants to Congress contained in Article I's Commerce and Spending Clauses or whether it invades the province of state sovereignty reserved by the Tenth Amendment. Pp. 155-159.

(b) Although regulation of the interstate market in the disposal of low level radioactive waste is well within Congress' Commerce Clause authority, cf. *Philadelphia v. New Jersey*, [437 U. S. 617](#), 621-623, and Congress could, if it wished, pre-empt entirely state regulation in this area, a review of this Court's decisions, see, e. g., *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, [452 U. S. 264](#), 288, and the history of the Constitutional Convention, demonstrates that Congress may not commandeer the States' legislative processes by directly compelling them to enact and enforce a federal regulatory program, but must exercise legislative authority directly upon individuals. Pp. 159-166.