states owe political accountability to the people. When Congress encourages states to adopt and administer a federally prescribed program, both governments maintain their accountability for their decisions. When Congress compels the states to act, state officials will bear the brunt of accountability that properly belongs at the national level.[183] The "take title" provision, because it presented the states with "an unavoidable command," transformed state governments into "regional offices" or "administrative agencies" of the Federal Government, impermissibly undermined the accountability owing the people and was void.[184] Whether viewed as lying outside Congress's enumerated powers or as infringing the core of state sovereignty reserved by the Tenth Amendment, "the provision is inconsistent with the federal structure of our Government established by the Constitution." [185]

Federal laws of general applicability, therefore, are surely subject to examination under the *New York* test rather than under the *Garcia* structural standard.

Expanding upon its anti-commandeering rule, the Court in *Printz v. United States* [186] established "categorically" the rule that "[t]he Federal Government may not compel the States to enact or administer a federal regulatory program." [187] At issue in *Printz* was a provision of the Brady Handgun Violence Prevention Act that required, pending the development by the Attorney General of a national system by which criminal background checks on prospective firearms purchasers could be conducted, the chief law enforcement officers of state and local governments to conduct background checks to ascertain whether applicants were ineligible to purchase handguns. Confronting the absence of any textual basis for a "categorical" rule, the Court looked to history, which in its view demonstrated a paucity of congressional efforts to impose affirmative duties upon the states.[188] More important, the Court relied on the "structural Constitution" to demonstrate that the Constitution of 1787 had not taken from the states "a residuary and inviolable sovereignty," [189] that it had, in fact and theory, retained a system of "dual

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[183] 505 U.S. at 168–69.

[184] 505 U.S. at 175–77, 188.

[185] 505 U.S. at 177.

[186] 521 U.S. 898 (1997).

[187] 521 U.S. at 933 (internal quotation marks omitted) (quoting New York v. United States, 505 U.S. 144, 188 (1992)).

[188] 521 U.S. at 904–18. Notably, the Court expressly exempted from this rule the continuing role of the state courts in the enforcement of federal law. Id. at 905–08.

[189] 521 U.S. at 919 (quoting THE FEDERALIST, No. 39 (Madison)).