budgets rather than increase them." [160] In his concurrence, Justice Blackmun suggested his lack of agreement with "certain possible implications" of the opinion and recast it as a "balancing approach" that "does not outlaw federal power in areas such as environmental protection, where the federal interest is demonstrably greater and where state facility compliance with imposed federal standards would be essential." [161]

The Court overruled *National League of Cities* in *Garcia v. San Antonio Metropolitan Transit Authority*,[162] and seemingly returned to the conception of federal supremacy embodied in *Wirtz* and *Fry*. For the most part, the Court indicated, states must seek protection from the impact of federal regulation in the political processes, and not in any limitations imposed on the commerce power or found in the Tenth Amendment. Justice Blackmun's opinion for the Court in *Garcia* concluded that the *National League of Cities* test for "integral operations in areas of traditional governmental functions" had proven "both impractical and doctrinally barren." [163] State autonomy is both limited and protected by the terms of the Constitution itself, hence—ordinarily, at least—exercise of Congress's enumerated powers is not to be limited by "*a priori* definitions of state sovereignty." [164] States retain a significant amount of sovereign authority "only to the extent that the Constitution has not divested them of their original powers and transferred those powers to the Federal Government." [165] There are direct limitations in Art. I, § 10; and "Section 8 . . . works an equally sharp contraction of state sovereignty by authorizing Congress to exercise a wide range of legislative powers and (in conjunction with the Supremacy Clause of Article VI) to displace contrary state legislation." [166] On the other hand, the principal restraints on congressional exercise of the commerce power are to be found not in the Tenth Amendment, in the Commerce Clause itself, or in "judicially created limitations on federal power," but in the structure of the Federal Government and in the

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[160] National League of Cities v. Usery, 426 U.S. 833, 846–51 (1976). The quotation in the text is at 853 (one of the elements distinguishing the case from *Fry*).

[161] 426 U.S. at 856.

[162] 469 U.S. 528 (1985). The issue was again decided by a 5-to-4 vote, Justice Blackmun's qualified acceptance of the *National League of Cities* approach having changed to complete rejection. Justice Blackmun's opinion of the Court was joined by Justices Brennan, White, Marshall, and Stevens. Writing in dissent were Justices Powell (joined by Chief Justice Burger and by Justices Rehnquist and O'Connor), O'Connor (joined by Justices Powell and Rehnquist), and Rehnquist.

[163] 469 U.S. at 557.

[164] 469 U.S. at 548.

[165] 469 U.S. at 549.

[166] 469 U.S. at 548.