



## Sports betting decision may empower states in other areas, from marijuana laws to sanctuary cities

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You can bet on this: By striking down a 1992 federal law that blocked states from authorizing sports betting, the Supreme Court empowered them on a host of other issues, from drugs and guns to immigration and taxes.

The proof is in the reasoning. The justices ruled that under the 10th Amendment, the federal government cannot tell states such as New Jersey what to do with their own laws, which is what the Professional and Amateur Sports Protection Act did.

The same justification can be applied to many current and future battles between the federal and state governments, experts say.

"The reason this case was so closely watched is because of its implications on so many areas of policy that have revealed federal-state tensions of late," said Ilya Shapiro, a constitutional studies scholar at the Cato Institute, a libertarian think tank.

"From environmental regulation to sanctuary cities, marijuana to guns, states are flexing their sovereign muscles in a way that strengthens our body politic."

The current fight over sanctuary cities offers the most immediate comparison. The Justice Department threatened to withhold public safety grants from cities that refuse to cooperate in its effort to weed out illegal immigrants. It cites a federal law that bans other governments from concealing information regarding individuals' immigration status.

Four federal district courts and the U.S. Court of Appeals for the 7th Circuit have ruled against the Trump administration on the issue, resulting in a nationwide injunction. Now that the Supreme Court has declared the sports betting law unconstitutional, experts say the immigration law is suspect.

"The legislative powers granted to Congress are sizable, but they are not unlimited," Justice Samuel Alito wrote for the court. "Conspicuously absent from the list of powers given to Congress is the power to issue direct orders to the governments of the states."

That portends trouble for the federal government in other areas. The National Governors Association cites current and future state efforts to regulate assisted suicide, substance abuse during pregnancy — even self-driving cars.

“It’s going to stop the federal government from being more aggressive on things that they might like to be more aggressive on,” said Lisa Soronen, executive director of the State Local Legal Center, which represents state and local governments before the Supreme Court.

Take marijuana. Over the past two decades, most states have repealed portions of their laws despite an "unflinching" federal ban on marijuana possession, said William Trunk, who filed a friend-of-the-court brief in the sports betting case on behalf of constitutional law scholars.

"The (sports betting) decision confirms that the federal government cannot compel those states to keep those laws on the books," Trunk said..

Daniel Hemel, an assistant professor at the University of Chicago Law School, said the high court's ruling could affect federal laws on state taxes. Among them: a law blocking states such as Maryland and Virginia from taxing members of Congress who live there more than half the year to attend legislative sessions.

"If you take Justice Alito’s words at face value, then this decision calls dozens of federal laws affecting state taxes into question," Hemel said.

Had the Supreme Court upheld the ban on sports betting, it would have been seen as a green light to Congress to assert itself elsewhere.

Eighteen states on New Jersey's side warned the justices that telling states they cannot repeal sports betting bans would be akin to telling states not to license youth football leagues, in order to protect children from danger.

“There are all kinds of situations where states might want to legalize under their laws things that the federal government doesn’t like,” said Ilya Somin, a constitutional law professor at George Mason University's Antonin Scalia Law School.

The court's decision, he said, “takes away this option that the federal government would have otherwise had.”