

Court Strikes Down Federal Law Banning Sports Betting

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In a 7-2 opinion by Justice Alito, the Court reversed the Third Circuit and held that the Professional and Amateur Sports Protection Act was unconstitutional for violating the anticommandeering rule inherent in the Tenth Amendment, as it impermissibly sought to regulate state regulation of sports betting. The Act in question forbids states from authorizing betting schemes based on competitive sporting events, and also prohibited states from licensing such schemes. New Jersey passed a law repealing its state ban on certain sporting events, and the NCAA sued to enforce the Act. First, the Court held that New Jersey's law to repeal restrictions did constitute authorization of betting schemes that would bring it subject to the Act's prohibition. The Court also held that the Act was not severable, and the whole must be struck down instead of just the portions New Jersey challenged. Justice Breyer joined in the majority opinion to the extent the Act was held to be unconstitutional, but filed a partial dissent agreeing with the dissenters (Justices Ginsburg and Sotomayor) that the Act was severable and could be preserved. Justice Thomas filed a concurrence noting his discomfort with modern application of severability.

A link to the opinion in *Murphy v. NCAA* is [here](#).

TAGGED: Sports Betting, Professional and Amateur Sports Protection Act, anticommandeering rule, *Murphy v. NCAA*, severability