

10th Amendment to the Constitution

Standard 6.5: 10th Amendment to the Constitution

Explain why the 10th Amendment to the United States Constitution is important to state government and identify the powers granted to the states by the Tenth Amendment and the limits to state government outlined in it. (Massachusetts Curriculum Framework for History and Social Studies) [8.T6.5]

The **10th Amendment** to the Constitution states that **any powers not granted to the federal government “are reserved to the states, or to the people.”** It was ratified along with the rest of the Bill of Rights on December 15, 1791.

Historians credit [Anti-Federalists](#) with the inclusion of this amendment. Anti-Federalists were worried about a concentration of power in the national government and the 10th Amendment states that federal power is limited.

But what exactly are those limits has been, and still is, today a matter of intense political debate. Learn more about [The 10th Amendment](#) from National Constitution Center.

Modules for this Standard Include:

1. [INVESTIGATE: The Regulation of Sports Betting](#)

A. INVESTIGATE: The Regulation of Sports Betting

Sports betting is a huge industry in the United States. The American Gaming Association has estimated during the past decade some \$150 billion dollars a year was gambled on sports, 97% of which was bet illegally (Perez, 2018). Based on a federal law, the 1992 Professional and Amateur Sports Protection Act (PASPA), sports betting was illegal in all but the state of Nevada and three other states that allowed more limited gambling.

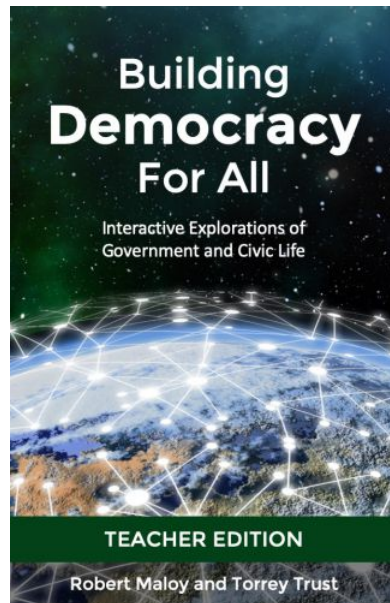
In 2018, however, the Supreme Court declared the PASPA unconstitutional under the 10th Amendment. The federal government had overstepped its powers, the Court said. **A federal law cannot “commandeer the legislative process of the states by compelling to enact or enforce a regulatory program”** (as cited in ["There's Gambling Going on Here? Shocking!" "Your Winnings, Sir"](#) by Greenfogel, 2018). It is up to each state to decide whether or not to authorize or operate sports betting systems, just as states do with lotteries, sweepstakes, or other forms of wagering.

The Court’s decision dramatically changed the practice of sports gambling, making betting on NFL football, NCAA March Madness games, and many of sports legal instead of illegal activities. States across the country are passing sports betting legislation led by New Jersey that is seeking to reestablish Atlantic City as an entertainment center and revenue-generating tourist destination. It is projected that by 2024, half of all Americans will live in a state with legal sports betting. But many politicians believe that the federal government should re-introduce laws to regulate gambling on

sports, a move that will again raise 10th Amendment issues of state versus federal authority.

Suggested Learning Activities

- **Discuss**
 - [To What Extent Does the 10th Amendment Limit the Power of the Federal Government?](#)
- **Debate** (in class or on [Flipgrid](#))
 - Should sports gambling be regulated by the federal or state government? (see [New Jersey bets on 10th Amendment in Supreme Court case](#)).



Maloy, R. W. & Trust, T. (2020). *Building Democracy for All: Interactive Explorations of Government and Civic Life*. EdTech Books. Retrieved from <https://edtechbooks.org/democracy>