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## U.S. Supreme Court Sports Betting Update 12/4/17

**Brendan Bussmann, GMA's Director of Government Affairs, reporting live from the Supreme Court in Washington D.C.:**

Today, the Supreme Court of the United States (SCOTUS) heard the *Christie v. NCAA* case. SCOTUS listened to arguments from former Solicitor General Theodore Olson, representing Governor Christie and the State of New Jersey. The NCAA case was led by former Solicitor General Paul Clement, who defended that the Professional and Amateur Sports Protection Act (PASPA) should remain the law by upholding the Third Circuit Court of Appeals previous decision.

Based on the arguments, Global Market Advisors (GMA) believes that if a vote were held today, SCOTUS would vote 6-3 in favor of New Jersey, thereby repealing PASPA and overruling the lower court decision. The majority opinion would include Chief Justice Roberts and Justices Alito, Breyer, Gorsuch, and Kennedy. Those five, in addition to Justice Thomas, who seldom asks questions within the court, but tends to side with the more conservative judges, appeared skeptical of the argument presented by the NCAA.

The three remaining justices, Bader Ginsburg, Kagan, and Sotomayor, peppered Olson during his time before the court. Their questions focused on the federal government's ability to regulate and prohibit certain commercial acts, with much of the questioning on the act of casino gaming or sports betting, not states' rights as Olson reiterated. Olson argued that the constitution allows for interstate commerce by the states and that the federal government can set policy in the act. However, on behalf of New Jersey, Olson put forth that PASPA does not allow states to regulate the illegal market that currently occurs with sports betting. Olson argued that the federal government cannot put the burden on the states to assume the cost of that task and restrict their ability to regulate within their state lines.

In a press conference on the steps of the Supreme Court following the hour-long case, both Christie and Olson reiterated two key points in the argument. The first was decided at the initial formation of the U.S. Constitution when the founding fathers made it clear that the federal government could not nullify the laws of an individual state. The second was reiterated by Christie in that PASPA violates the 10th Amendment and infringes on the rights of states. Over 20 states have joined on to the case with New Jersey including Utah, which does not have any forms of gambling. As Christie stated, "Today is sports betting, tomorrow it is something else."

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While no vote will be produced by the court today, today's proceedings appear to lean toward a positive vote to overturn PASPA. It is viewed that the court will release an opinion sometime between spring 2018 and the end of their current session in June 2018. As GMA has previously stated, this is primarily a states' rights issue and carries over into many topics outside of sports betting. Christie stated that New Jersey can have sports betting operational within two weeks of a court ruling. "We are like a boy scout, we are always prepared; we are ready to go," said Christie.



GMA's Brendan Bussmann at SCOTUS

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