

New Jersey's odds on sports betting suddenly look pretty good

We had almost given up hope that New Jersey could undo its misguided and costly rejection of sports gambling. But now the U.S. Supreme Court might give Gov. Chris Christie a major, long-sought victory on the issue in his last days in office.

The court last week decided to hear the case, *Christie v. NCAA*, in the fall. The state had appealed a full Third Circuit appellate court ruling in August that upheld a 1992 ban on New Jersey and most other states from allowing sports betting.

Clearly we were wrong after the August ruling to urge “an end of state time and money spent trying to fix this particular past mistake.” We based that on multiple failed efforts over six years and the Supreme Court declining to consider a prior appeal in 2014.

The new appeal turned out to have more traction by focusing on states’ rights.

The Professional and Amateur Sports Protection Act lets four states — Nevada, Delaware, Montana and Oregon — have some form of sports gambling and bans the rest from it entirely. Las Vegas has a robust, comprehensive sports book.

Daniel Wallach, an attorney who writes on sports gambling and handles cases in it, told the New Jersey Law Journal the fact that four justices are interested in the case is a strong indicator the act’s days might be numbered. “If a federal government can dictate how a state regulates its own citizens, it presents a more pernicious violation of state sovereignty,” he said.

Christie called it a “very good sign for sports betting having a future in New Jersey.”

Despite overwhelming support by New Jersey’s residents and the casino industry for regulated and legal sports betting, the actions of two politicians ensured the state wouldn’t get a share of the more than \$150 billion wagered (mostly illegally) in the U.S. annually on games.

First former NBA player and N.J. Sen. Bill Bradley led a national push to ban sports gambling everywhere outside Nevada. Then-casino operator Donald Trump urged him to stop, saying politicians elsewhere were “watching in amazement” as Bradley worked against New Jersey’s interests.

Then the state had one last chance to join those with legal sports betting if its voters approved a referendum to do so. But although public support was assured and most state legislators

favored the plan, then-Speaker Garabed “Chuck” Haytaian wouldn’t allow the Assembly to vote on having the referendum, knowing it would be approved. Putting politics ahead of the people apparently is a New Jersey habit. The state’s casino industry called it a “tragic error” for which the state would pay “a very stiff price.”

New Jersey citizens finally got their say in a 2011 nonbinding referendum, and two-thirds voted for allowing sports gambling. The Christie administration has pushed for it ever since.

The arguments for protecting professional and collegiate sports from gambling look more ridiculous with each passing year. The pro leagues have made financial deals with daily fantasy sports gambling and are putting pro hockey and football teams in Las Vegas. The NCAA is reconsidering its vow never to hold its basketball tournament there, now that four major conference tournaments are already in Vegas.

Wallach, the sports gambling attorney, said if the top court doesn’t undo the ban, federal legislation might anyway. “There’s a 100 percent likelihood sports gambling will become legal. The question is when, or how.”

Maybe a bipartisan effort by Reps. Frank LoBiondo, R-2nd, and Frank Pallone Jr., D-6th, to get such a bill through the House will succeed.

But it looks more likely that the U.S. Supreme Court, in the interest of limiting federal overreach, will end the unfair favoring of a few states over the others.