

## New Jersey Cites Support Of Other States In Sports Betting Appeal

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Responding to arguments by the nation's major sports leagues that another state is "unlikely" to try to reverse a federal sports betting ban, New Jersey is citing the support of six other states in its appeal to the U.S. Supreme Court.

In a brief obtained by Gambling Compliance, the New Jersey legislature says West Virginia, Wisconsin and Wyoming have submitted briefs to the Supreme Court backing New Jersey's appeal of decisions by lower courts upholding the ban in the [Professional and Amateur Sports Protection Act](#) [2], or PASPA.

New Jersey also notes Georgia, Kansas and Virginia joined West Virginia in submitting similar briefs to the [U.S. 3rd Circuit Court of Appeals](#) [3], which rejected New Jersey's appeal last year.

"Thus, a total of seven states have spoken against these threats to our constitutional system of dual sovereignty," wrote Newark attorney Michael Griffinger in the brief submitted Friday on behalf of New Jersey Senate President Stephen Sweeney.

Dual sovereignty refers to the ability of state governments to operate separately from the federal government, and form their own laws on issues like gambling.

If the Supreme Court denies New Jersey's appeal in the sports betting case, "the sovereign states could be reduced to mere puppets of Congress," Griffinger wrote. New Jersey [used similar language](#) [2] in its unsuccessful appeal last year to the 3rd U.S. Circuit Court of Appeals in Philadelphia.

Daniel L. Wallach, a gaming attorney in Fort Lauderdale, Florida, said New Jersey's brief counters the leagues' argument that the state's appeal is limited to 'a single federal statute about sports wagering.'"

The brief describes "the far-reaching consequences of the 3rd Circuit's decision upholding PASPA and asserts that it threatens the constitutional balance of power between the states and the federal government," Wallach said.

Additional briefs urging the reversal of PASPA are expected from the New Jersey attorney general's office and the New Jersey Thoroughbred Horsemen's Association.

All briefs from the leagues and New Jersey are scheduled to be distributed Tuesday to the nine justices of the Supreme Court.

The justices are scheduled to discuss the sports betting case in a conference on June 19.

The court could issue a decision on whether to grant a hearing to New Jersey as early as June 23. Only about 1 percent of the appeals to the Supreme Court receive hearings.

Congress should not be allowed to prevent states from regulating an activity like sports betting that the federal government "has not undertaken to regulate itself," according to the New Jersey brief.

"There is very little precedent on this point, and it may be an issue that the (Supreme Court) may want to clarify," said Griffin Finan, a gaming attorney in Washington, D.C.

In briefs submitted to the court on May 15, the leagues argued [New Jersey missed its chance](#) [4] to legalize sports betting in 1993.

Nevada is fully exempt from PASPA because the Silver State allowed sports betting before Congress passed the ban. Delaware, Montana and Oregon also received partial exemptions because they allowed limited forms of sports betting prior to PASPA.



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