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**BY EMAIL**

The Honorable Noel Francisco  
Principal Deputy Solicitor General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, D.C. 20530-0001

Re: *Christie v. National College Athletic Ass'n*, Sup. Ct. No. 16-476 (*on petition*)  
*New Jersey Thoroughbred Horsemen's Ass'n, Inc. v. National*  
*Collegiate Athletic Ass'n*, Sup. Ct. No. 16-477 (*on petition*)

Dear General Francisco,

I write this on behalf of Eagle Forum Education & Legal Defense Fund ("Eagle Forum ELDF"), which has filed many *amicus curiae* briefs before the U.S. Supreme Court and lower courts, particularly on issues of social significance. Eagle Forum ELDF was founded by Phyllis Schlafly.

Eagle Forum ELDF urges the Trump Administration to **oppose** the petitions for *certiorari* in the foregoing cases. The thorough *en banc* decision by the U.S. Court of Appeals for the Third Circuit was supported by both sides of the political spectrum and has been welcome relief from expansion of the scourge of gambling in the State of New Jersey. The Third Circuit ruling is not a decision that should be overturned or even reconsidered by the U.S. Supreme Court, because it would open the floodgates to gambling on sports nationwide.

In Michigan, for example, pro-gambling forces are already planning a referendum to allow sports betting,<sup>1</sup> illustrating that a mere grant of *certiorari* by the Supreme Court would open up the entire Nation to a push for betting on sports and the corrupting influence that gambling has on politics. This would be contrary to the longstanding, and beneficial, federal ban on sports gambling.

The overriding public policy is against legalized betting on sports, and should remain that way. The Trump Administration should side with the Third Circuit decision. Gambling corrupts our institutions and, if allowed nationwide, would have a negative effect on college and

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<sup>1</sup> <http://www.wsjm.com/2017/04/05/proposal-would-allow-sports-gambling-in-michigan/> (viewed 4/12/17).

professional sports. Many tens of millions of Americans are avid fans of college and professional sports, and injecting gambling into their devotion to sports would be harmful to them, to their families, and to our country.

A referendum was on the ballot in New Jersey this past November to expand gambling to two additional counties outside of Atlantic City. It was rejected by a landslide vote of 77 to 23%.<sup>2</sup> That reflects the overwhelming opposition by the People to more gambling. We urge your office to recognize and respect that will of the People.

The Republican Party Platform of 2012 stated:<sup>3</sup>

***Millions of Americans suffer from problem or pathological gambling that can destroy families.*** We support the prohibition of gambling over the Internet and call for reversal of the Justice Department's decision distorting the formerly accepted meaning of the Wire Act that could open the door to Internet betting.

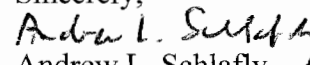
While that did not make it into the Republican Party Platform of 2016, many Republicans and Democrats continue to oppose gambling, rightly so.

The Professional and Amateur Sports Protection Act ("PASPA"), 28 U.S.C. §§ 3701-04, was intended to protect sports and their fans from the damaging influence of gambling. Congress has not seen fit to repeal that law and federal courts should not be urged by your office to engage in judicial activism to undermine that federal law from the bench.

The argument presented by petitioners that the PASPA law somehow "commandeers" the States in an unconstitutional manner is specious, and certainly does not override the need to defer to Congress and to strong public policy considerations. Both the intent and the letter of the PASPA are generally to prohibit States from authorizing gambling on sports. The Third Circuit correctly ruled *en banc* that "because PASPA, by its terms, prohibits states from authorizing by law sports gambling, and because the 2014 Law does exactly that, the 2014 Law violates federal law." *NCAA v. Governor of N.J.*, 832 F.3d 389, 391-92 (3d Cir. 2016).

Any support for the above-referenced petitions before the U.S. Supreme Court would be an affront to the principles of judicial restraint upon which President Trump was elected, and contrary to longstanding conservative public policy that has been beneficial to our Nation. We respectfully urge your office to oppose the petitions for *certiorari* in these cases. Thank you for your consideration of this.

Sincerely,

  
Andrew L. Schlafly

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<sup>2</sup> <http://www.njelections.org/2016-results/2016-official-general-results-question1.pdf> (viewed 4/12/17).

<sup>3</sup> <https://prod-static-ngop-pbl.s3.amazonaws.com/docs/2012GOPPlatform.pdf> (emphasis added, viewed 4/12/17).