

**WAGERING THE INTEGRITY OF SPORTS:
THE OVER-UNDER ON CURRENT SPORTS GAMING LEGISLATION IN
THE DOT-COM ERA**

Jeremy J. Geisel
June 23, 2006

INTRODUCTION

Current federal gaming legislation targeting online sports betting may not be packing the punch that Congress originally intended.¹ While the Interstate Wire Act of 1961 (hereafter “the Wire Act”) makes it illegal to place wagers on sports using a wire communication facility, the individual bettor is not covered.² Therefore, even if the Wire Act applies to gambling over the internet, it does not cover the individual bettor.³ The subsequent Professional and Amateur Sports Protection Act (hereafter ‘PASPA’) only regulates operators of online gambling sites and government entities, but, like the Wire Act, fails to regulate individual bettors.⁴ Therefore, current gaming legislation leaves the majority of Americans free to place online wagers on sports contests.⁵ This fact, combined with the reality that most internet gambling operators have established themselves away from U.S. jurisdiction, makes the industry of online sports betting a difficult one to regulate.

The failure of U.S. legislation to regulate sports betting and the increasing popularity of gambling among college athletes make the reach of NCAA Bylaw 10.3 largely irrelevant. Also, despite the recent NHL betting scandal little hope exists that changes will be made to either league gambling policies or federal legislation. Rather, the spending power of professional athletes who are free to place wagers on other sports may further endanger the integrity of college athletics.

A. Loopholes In Current Sports Gaming Legislation

The Wire Act: 18 U.S.C. § 1084

Adopted in 1961, the Wire Act was designed to prevent both online sports gambling and also the transmission of gambling information interstate using a wire communication facility.⁶ However, courts have adopted a narrow interpretation of the Wire Act thereby limiting its reach

to those engaged in the business of betting or wagering.⁷ Simply put, the Wire Act does not apply to ‘mere bettors.’⁸

Past precedent has interpreted the Wire Act as having limited reach, exempting ‘mere bettors’ from Federal prosecution.⁹ The court in *U.S. v. Baborian* held that a bettor who used telephone lines to transmit betting information interstate to a bookmaker did not violate the Wire Act because the bettor was not engaged in the business of betting or wagering.¹⁰ The court determined that even though the defendant developed betting lines for his bookie and gave the bookie advice on which “lay off” bets to make, he was not engaged in the business of betting or wagering.¹¹ Rather, to be in the business of betting or wagering the bettor must be more than a casual bettor and his services must be essential to the business of the bookmaker.¹² The two parties must for all practical purposes be operating as a joint venture.¹³ Likewise, no matter how much money a person bets, they are a casual bettor for the purposes of the Wire Act.¹⁴ Therefore, even if the Wire Act does regulate internet sports gambling it does not likely regulate the individual bettor.

If individual bettors are exempt, then the Government’s only hope for successful prosecution under the Wire Act is to regulate offshore gaming operators themselves. And, there have been instances where this has been successful.¹⁵ In *People v. World Interactive Gaming* (WIG), the State of New York brought an injunctive action against an internet gambling company and its subsidiaries for operating an internet casino from servers located in Antigua.¹⁶ The New York Supreme Court determined that it had both personal and subject matter jurisdiction over the defendant gaming company.¹⁷ The court determined it had personal jurisdiction over WIG, a Delaware corporation, because WIG had used New York contractors to undertake its web programming.¹⁸ Likewise, the court ruled that it had subject matter jurisdiction

over WIG because the illegal betting took place at the gambler's computer located in New York and not at the site of the servers in Antigua.¹⁹ Similarly, the court in *United States v. Cohen* took personal jurisdiction over a defendant who had operated World Sports Exchange, an online sports gambling company located in Antigua, for purposes of prosecuting the defendant under the Wire Act.²⁰

However, the outcome of these cases is largely misleading, and the U.S. will likely have trouble establishing jurisdiction over online bookies operating on foreign soil. Jurisdictional issues, combined with a lack of cooperation between the U.S. and gambling hubs like Antigua, will make it increasingly difficult for the U.S. to regulate offshore gambling entities.²¹ Specifically, the U.S. does not have jurisdiction over off-shore gaming operations and cannot force the host country to surrender those that violate U.S. law.²² Rather, only if a host country agrees to surrender the online operators to U.S. authority as required by a previous treaty or through 'comity' will the U.S. be able to effectively prosecute offenders in U.S. courts.²³ However, this will not likely be the case when Antigua and others continue to make a healthy income from the licensing fees they charge online operators.

Even if jurisdiction were established, U.S. courts would likely hold that offshore gaming operators are immune from U.S. law. The holding in *People v. World Interactive Gaming* will not likely prove persuasive in a situation where the defendant gaming operation is completely located offshore. Rather, the holdings in *Cohen* and *World Interactive* may serve as warnings to offshore gamblers to avoid judicial scrutiny by completely severing ties with the U.S. Also, although the Court in *Cohen* established personal jurisdiction over the owner of World Sports Exchange, this was only because he decided to return to the United States where federal agents were able to arrest him.²⁴ This is not likely to happen a second time however, and offshore

gambling operators are more alert now than ever of the need to completely detach themselves from U.S. soil.²⁵

Therefore, it is largely irrelevant whether the wireless internet is considered a ‘wire communication facility’ for purposes of regulating internet sports betting under the Wire Act. Arizona’s Senator Kyl and others have repeatedly emphasized the need to draft legislation making the Wire Act applicable to wireless technologies.²⁶ Kyl’s ‘Internet Gambling Prohibition Act’ has been in the works since 1996, and it is perhaps no coincidence that the legislation has yet to successfully make its way through Congress.²⁷ Such legislation makes little difference in regulating an industry where neither the bettor nor the offshore entity can be reached regardless of which technology they use to place bets. Instead, more effective legislation would focus on regulating individual bettors.

PASPA: 28 U.S.C.A. §§ 3701 - 3703

Adopted in 1992, PASPA was intended to safeguard the integrity of sports by regulating the sports betting industry.²⁸ If PASPA had worked the way Congress intended, it would most likely have solved the problem of online sports betting taking place within the U.S.²⁹ However, PASPA does not appear to address the holes in federal gaming legislation left by the Wire Act because PASPA does not likely regulate the individual bettor.³⁰ Regardless, even if PASPA can be interpreted to reach individual bettors, studies show that PASPA has not had its intended affect because online sports wagering and sports wagering in general have both increased since PASPA’s inception.³¹

Section 3702 of PASPA makes it unlawful for:

- 1) A government entity to sponsor, operate, advertise, promote, license, or authorize by law or by compact, or

- 2) A person to sponsor, operate, advertise, promote, pursuant to the law or compact of a government entity, a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly...on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.³²

By using general language that makes sports betting illegal irrespective of the medium over which the betting takes place, PASPA effectively addresses the internet debate inspired by the Wire Act. Specifically, unlike the Wire Act, PASPA leaves out any language referring to specific wire communication technologies, thereby accounting for sports betting that takes place over a wireless internet connection.³³ In fact, in *Greater New Orleans Broadcasting Association, Inc. v. U.S.* the Supreme Court interpreted PASPA as applying broadly to multiple types of communication facilities.³⁴ Although the Court was not ruling on PASPA per se, the Court mentioned in passing that Congress did not intend the word ‘advertise’ as used in § 3702 to be limited to broadcast media.³⁵ Therefore, past precedent suggests that courts may be favorable to interpreting § 3702 as applying to internet sports gambling as well. However, *Greater New Orleans* is the only case to date to interpret PASPA, and it is not altogether clear whether PASPA conclusively addresses wireless internet gambling.³⁶

However, even if PASPA reaches wireless internet gambling, it is not without its problems. First, PASPA still does not regulate the individual bettor.³⁷ Looking at the language of § 3702 it seems apparent that only government entities, such as state run lotteries, and those who operate, promote, sponsor, or advertise gambling are covered by PASPA.³⁸ In addition, the Act’s language suggests that it applies only to those people who are in the business of gambling and not to the individual bettor.³⁹ Specifically, it seems appropriate to assume that ‘sponsoring,’ ‘operating,’ ‘advertising,’ and ‘promoting’ are functions typical of business entities, not individual bettors. Second, there is still no way to effectively regulate offshore gaming entities.⁴⁰

Until the Federal Government finds a way to effectively control offshore gaming startups, sports internet gambling will likely continue to grow and prosper within the United States even if U.S. providers can be reached by § 3702. Lastly, regardless of PASPA's legal fortitude, statistics show that the problem of online sports wagering continues to grow.⁴¹ In 1997, between 80 and 380 billion dollars were bet on sports.⁴² A year later, it was determined that of the gross total bet on sports only 2.3 billion dollars was bet legally, suggesting that PASPA and other federal gaming law has had little effect regulating unlawful sports wagering.⁴³

Not surprisingly, evidence suggests that PASPA has not helped curb NCAA point shaving scandals, which proliferated in the 1990's following the Act's adoption in 1992.⁴⁴ In fact, there were more college point shaving scandals in the 1990's than in the previous five decades combined.⁴⁵ These facts suggest that, despite PASPA and other anti-gaming legislation, illegal sports betting is as healthy as ever, exposing college and professional athletes to potential point shaving scandals.⁴⁶ Therefore, the problem of online sports gambling is not likely to be addressed by PASPA alone, and those worried about online sports wagering and its effect on the integrity of sports should look elsewhere for resolution.

NCAA Bylaw 10.3

If athletes were just normal citizens they would be as free as the rest of us to place online sports bets due to the inability of PASPA and the Wire Act to effectively regulate individual bettors and offshore gambling entities. However, NCAA athletes are governed by their own set of rules and regulations that extend beyond the reach of the law and penalize violators through suspensions and forfeitures.⁴⁷ Specifically, NCAA Bylaw 10.3 makes it illegal for athletes and NCAA employees to accept or solicit bets on any intercollegiate or professional sports event or to provide information about sports events to bookmakers.⁴⁸ In addition, Bylaw 10.3 makes it illegal for athletes to place wagers by any means including the internet.⁴⁹ However, the growing

appeal and availability of online sports gambling and the promise of a quick buck may cause college athletes to disregard rules like 10.3 which are not actual laws.

NCAA bylaw 10.3 may be ineffective in regulating college athletes for several reasons. First, studies have shown that college athletes have a unique attraction to sports gambling in general.⁵⁰ Also, college students and athletes have greater access to the internet than the rest of the population.⁵¹ These realities set the stage for prolific gambling among college athletes despite Bylaw 10.3. Second, the secret passwords and private login ID's required by online internet providers offer a cloak of secrecy that may allow athletes placing online sports wagers to avoid punishment under 10.3.⁵² And, because the reach of PASPA does not extend to individual bettors, it will be perfectly legal for college athletes to place online bets.⁵³ Finally, college athletes playing for nothing more than scholarship money are more susceptible to point shaving bribes than are their professional counterparts who earn larger incomes.⁵⁴ The short term gains to be made by providing information or shaving points may be especially tempting to NCAA athletes who either know they will never play professional ball, or who have no intention of entering a pro draft.⁵⁵ Unfortunately, the majority of college athletes never play professional ball.⁵⁶ Therefore, 10.3 is not a likely deterrent for the majority of college athletes, thereby leaving college sports vulnerable to betting scandals.

Furthermore, studies show that Bylaw 10.3 may not be safeguarding the integrity of sports as originally intended.⁵⁷ A 1999 University of Michigan study confirmed that more than 45 % of male college athletes had gambled on sports sometime during their college career, and more than 5% of the same had either wagered on or fixed a game in which they participated or had provided information for gambling purposes.⁵⁸ These results are consistent with a 1996 study conducted by the University of Cincinnati.⁵⁹ Also, the Michigan study confirmed that athletes

who gambled on sports were betting almost 225 dollars per month on average.⁶⁰ Finally, a 1999 Gallop Poll found that student athletes are twice as likely as regular college students to be problem gamblers.⁶¹ To be fair however, section 10.3.1, which provides sanctions for violators of 10.3, was not adopted until 2000, one year after these studies were published.⁶² Therefore, it remains to be seen what effect 10.3.1 will have on sports betting by college athletes.

However, these studies become a cause for concern when considered in light of other scenarios. For example, it has been suggested that bookies may be using the internet to lure athletes into debt through online betting, and then using that debt as leverage to encourage game fixing.⁶³ Although there is no independent evidence that this phenomenon is actually occurring, the very idea that this could be occurring is cause for some concern given the prevalence of sports gambling by college athletes and the proliferation of the internet on college campuses. Regardless, the loopholes created by both the Wire Act and PASPA combined with the athlete's potential disregard for 10.3 could provide bookies and individual bettors with greater opportunity to take advantage of vulnerable athletes. Indeed, this may explain the recent push by NCAA officials for legislation that would finally outlaw all betting on college and high school sports.⁶⁴

B. What Pending Federal Legislation Adds to the Regulation of Internet Sports Betting

Because neither PASPA nor the Wire Act effectively regulates individual bettors or offshore gaming constituencies, and because college athletes may disregard NCAA Bylaw 10.3, further legislation is required to protect the integrity of sports. However, because the online gambling industry has largely moved away from U.S. soil, Congress may be forced to draft legislation regulating individual bettors. Legislation that attempts to regulate bettors has and will likely continue to be met with some resistance.⁶⁵

Because of the inability of current legislation to reach offshore internet operators, individual legislators have attempted to introduce legislation regulating individual bettors.⁶⁶ One example is Senator Kyl's Internet Gambling Prohibition Act ("IGPA") which, if adopted, would make it illegal for U.S. citizens to place online sports wagers, thereby modifying the Wire Act to reach individual bettors and clarifying the Wire Act's ability to regulate internet betting.⁶⁷ However, although such legislation would likely cover the gaps created by both the Wire Act and PASPA, statutes like IGPA will not likely be adopted anytime soon.⁶⁸

There are several reasons why IGPA will not likely become U.S. law. One reason is that regulating individual bettors consumes both time and money, resources that could better be spent regulating and punishing more heinous crimes.⁶⁹ U.S. officials often cannot justify the amount of work it takes to regulate individual gamblers with the small penalties bettors receive if convicted.⁷⁰ Also, IGPA may not pass because of the current debate among legislators and legal scholars regarding whether online gambling should be prohibited or whether it should be legalized and then regulated.⁷¹ Some believe it would be more effective to legalize internet gambling, creating a stringent application process that would allow U.S. officials to closely scrutinize and police individual internet bookies.⁷² Some proponents of regulation also believe that legalizing online gambling would create a new tax stream, encouraging online bookies to locate within the United States rather than in Antigua or some other offshore sanctuary.⁷³ Lastly, because online internet gambling provides a lucrative revenue stream for Antigua, Antiguan officials have emphasized that they do not plan on making online operations illegal anytime soon.⁷⁴ Therefore, even if IGPA is adopted it will not likely have any real effect because offshore gambling entities will continue to seek sanctuary overseas.

The IGPA would also outlaw the sharing and publishing of point spreads via the internet with the intention of making it more difficult for online gamblers to access spreads and make informed bets.⁷⁵ However, directly or indirectly regulating the publishing of point spreads would likely do little to address the problem of online sports betting or to protect the integrity of sports. First, legislation such as this, if effective, would only make it more difficult for bookies and illegal bettors who rely on point spreads to get reliable information and place informed bets. That type of prohibition may increase rather than decrease college point shaving scandals, as bettors and bookies wagering large sums of money look for some other way to exercise outcome control and influence their chances of winning. Also, even if offshore gaming operators could be brought into a U.S. court, *People v. World Interactive Gaming* has already determined that betting occurs where the bet is placed not received.⁷⁶ Therefore, U.S. courts may view the posting of point spreads as an event that takes place in the offshore jurisdiction where they were legally posted, rather than in the U.S. where they were received.⁷⁷ It does not follow then that IGPA or similar legislation would necessarily curb the problem of online sports betting as it exists on college campuses or elsewhere; leaving the integrity of sports somewhat vulnerable.

C. The NHL Betting Scandal: Potential Repercussions And What They May Mean for NCAA Athletics

In February 2006, Federal investigators began ‘Operation Slap Shot’ to investigate the alleged NHL gambling ring financed and headed by Phoenix Coyote’s assistant, Rick Tocchet and involving team owner Wayne Gretzky and his wife Janet, among others.⁷⁸ Currently, Tocchet has been charged with a handful of federal offenses including money laundering and promoting gambling.⁷⁹ However, it is not clear what steps will be taken to protect the integrity of sports or whether federal legislation will be an effective deterrent against future gambling.

Despite its somewhat sorted history with the involvement of its players in gambling scandals, the NHL currently is still the least regulated of the four major professional sports leagues: the NHL, NBA, NFL and MLB.⁸⁰ Even though the NHL currently does not allow NHL players to bet on NHL games, current rules do allow NHL players to gamble on other professional and amateur sports contests.⁸¹ The league by itself however does not have the power to independently modify league rules without involvement from both the players and their union.⁸² And, given the apparent popularity of gambling among NHL players and among professional athletes in general, this is not likely to happen anytime soon.⁸³

Therefore, any relief would likely have to come from Congress in the form of clearly drafted and highly regulated legislation making it unlawful for individual bettors to place wagers on sporting events. However, as previously discussed, such legislation creates overwhelming enforcement concerns, and more legislation would likely only create more paperwork and administrative headaches. After all, PASPA has been on the books since 1992 and since that time has been referenced only by the court in *Greater New Orleans*, which was not directly on point and referenced PASPA only in passing.⁸⁴ The lack of challenges to PASPA suggests that enforcement officials are not using the legislation to regulate perpetrators. Therefore, new legislation no matter how stringent would not likely have the intended effect of regulating sports gambling by professional athletes.

With regulation of the NHL unlikely despite the recent gambling scandal, the ability of NHL players to wager on other sports leaves the NCAA vulnerable to future gambling scandals. A report by Bill Saum, Director of Agent, Gambling and Amateurism Activities for the NCAA, acknowledges that the growth of the internet combined with the attractiveness of sports gambling to college athletes presents a significant threat to the sanctity of college sports.⁸⁵ The report goes

on to state that “there may be no group in this country who has more readily available access to computers and the Internet than college students.”⁸⁶

These realities, viewed in light of the fact that many professional athletes are allowed to gamble on other sports besides their own, create a potential hotbed for betting scandals. Many professional athletes likely hang out in the same social circles as college athletes and likely have access to them at banquets and league functions. In addition, college athletes, who may have gambling debts of their own and who are only given scholarship money in exchange for athletic performance, may be easily influenced by well-paid professional athletes looking to cushion their sports bets. Therefore, current NHL league policy, combined with the state of anti-gaming legislation, leaves college athletes and their sports vulnerable while doing little to further the integrity of college athletics.

CONCLUSION

Arguably, the current state of federal and administrative gaming law does not address the problem of online sports gambling and its potential effect on both college athletes and the integrity of sports. Because both PASPA and the Wire Act fail to regulate individual online gamblers, college athletes and others are able to gamble freely on amateur and professional sporting events. Even if Congress adopts legislation regulating online sports gambling however, jurisdictional concerns will still make it difficult to enforce U.S. law against offshore gaming organizations completely removed from U.S. soil. Meanwhile, the proficiency of problem gambling among college athletes, combined with increasing internet access on college campuses, leaves college athletes vulnerable to escalating gambling debts despite NCAA regulations such as Bylaw 10.3. Even if online bookies do not capitalize on this debt, professional athletes may as league gambling policies remain lenient despite the recent NHL scandal.

¹ See John Warren Kindt & Thomas Asmar, *College and Amateur Sports Gambling: Gambling Away Our Youth?*, 8 VILL. SPORTS & ENT. L.J. 221, 232-33 (2002).

² See Lori K. Miller & Cathryn L. Claussen, *Online Sports Gambling – Regulation or Prohibition?*, 11 J. LEGAL ASPECTS SPORT 99, 114-15 (2001).

³ See *id.*

⁴ See *id.* at 118.

⁵ See *id.*

⁶ See 18 U.S.C. § 1084 (2006).

⁷ See *United States v. Baborian*, 528 F. Supp. 324, 328-29 (1981).

⁸ See *id.*

⁹ See *id.*

¹⁰ See *id.*

¹¹ See *id.* at 329.

¹² See *id.*

¹³ See *United States v. Alpirn*, 307 F. Supp. 452, 455 (1969).

¹⁴ See *id.*

¹⁵ See *People v. World Interactive Gaming*, 185 Misc.2d 852, 854-55 (1999).

¹⁶ See *id.*

¹⁷ See *id.*

¹⁸ See *id.* at 858.

¹⁹ See *id.* at 859-60.

²⁰ See *United States v. Cohen*, 260 F.3d. 68, 78 (2001).

²¹ See Anthony N. Cabot & Robert D. Faiss, *Sports Gambling In the Cyberspace Era*, 5 CHAP. L. REV. 1, 28-29 (2002).

²² See *id.*

²³ See *id.*

²⁴ See ESPN, Darren Rovell, *House Committee Divided in Internet Gambling Debate*, Apr. 5, 2006, <http://sports.espn.go.com/espn/news/story?id=2398508>.

²⁵ See *id.*

²⁶ See Jon Kyl, Editorial, *Internet Gaming Ban Exegetic*, WASH. TIMES, June 21, 1999, at A13.

²⁷ See DAVID G. SCHWARTZ, *CUTTING THE WIRE: GAMBLING PROHIBITION AND THE INTERNET 191-92* (William R. Eadington ed., University of Nevada Press 2005).

²⁸ See Aaron J. Slavin, Comment, *The “Las Vegas Loophole” and the Current Push In Congress Towards a Blanket Prohibition on Collegiate Sports Gambling*, 10 U. MIAMI BUS. L. REV. 715, 719 (2002).

²⁹ See *id.*

³⁰ See 28 U.S.C.S. § 3702 (2006).

³¹ See Slavin, *supra* note 28, at 724.

³² See § 3702.

³³ See U.S. Gambling Law, <http://www.gambling-law-us.com/Federal-Laws/sports-protection.htm> (last visited June 16, 2006) (quoting Jeffrey Rodefer, *Internet Gambling in Nevada: Overview of Federal Law Affecting Assembly Bill 466*, 6 GAMING LAW REVIEW 393 (2002)).

³⁴ See *Greater New Orleans Broadcasting Ass’n v. United States*, 527 U.S. 173, 180 (1999).

³⁵ See *id.*

³⁶ See U.S. Gambling Law.

³⁷ See Miller & Claussen, *supra* note 2, at 118.

³⁸ See 28 U.S.C.S. § 3702 (2006).

³⁹ See *id.*

⁴⁰ See *id.*

⁴¹ See Cabot & Faiss, *supra* note 21, at 8.

⁴² See *id.*

⁴³ See *id.*

⁴⁴ See Slavin, *supra* note 28, at 724.

⁴⁵ See *id.*

⁴⁶ See *id.*

⁴⁷ See Kindt & Asmar, *supra* note 1, at 249.

⁴⁸ See *Gambling Activities*, Bylaw 10.3, in 2004-2005 NCAA DIVISION I MANUAL (2004).

⁴⁹ See *id.*

⁵⁰ See Kindt & Asmar, *supra* note 1, at 226-27.

⁵¹ See NCAA, BILL SAUM, SPORTS WAGERING COMPREHENSIVE PLAN (1999),

http://www.ncaa.org/databases/reports/1/199907mc/199907_d1_mc_agenda_s13.htm.

⁵² See Slavin, *supra* note 28, at 732-33.

⁵³ See Miller & Claussen, *supra* note 2, at 118.

⁵⁴ See *id.*

⁵⁵ See Kindt & Asmar, *supra* note 1, at 236.

⁵⁶ See Than Tibbetts, *Going Pro a Tough Decision for Many Student-Athletes*, THE MINN. DAILY, Nov. 16, 2004,

<http://www.mndaily.com/articles/2004/11/16/11292>.

⁵⁷ See *id.* at 226-27.

⁵⁸ See *id.*

⁵⁹ See *id.*

⁶⁰ See *id.*

⁶¹ See *id.* at 236.

⁶² See *Sanctions*, Bylaw 10.3.1., in 2004-2005 NCAA DIVISION I MANUAL (2004).

⁶³ See Elliot Almond, *Student-Athlete Bookies – Internet Revolution Heightens Concern Over Sports Betting In College Sports*, SEATTLE TIMES, Jan. 24, 1999, at D7.

⁶⁴ See Slavin, *supra* note 28, at 737-38.

⁶⁵ See Jon Swartz, *Ban Net Gambling?: Senate Bill to Curb Online Betting Faces Big Odds*, S.F. CHRONICLE, Apr. 18, 1998, at D1.

⁶⁶ See CHARLES DOYLE, INTERNET GAMBLING: OVERVIEW OF FEDERAL CRIMINAL LAW 43-44 (Susan Boriotti & Donna Dennis eds., Novinka Books 2003).

⁶⁷ See *id.*

⁶⁸ See *id.*

⁶⁹ See *id.*

⁷⁰ See Kindt & Asmar, *supra* note 1, at 238.

⁷¹ See Miller & Claussen, *supra* note 2, at 104.

⁷² See Don Yaeger, *All Bets Are Off*, SPORTS ILLUSTRATED, Jan. 26, 1998, at 82.

⁷³ See Tom Weir, *Online Sports Betting Spins Out of Control*, USA TODAY, Aug. 22, 2003,

http://www.usatoday.com/sports/2003-08-21-online-betting_x.htm.

⁷⁴ See Yaeger, *supra* note 71, at 82.

⁷⁵ See Slavin, *supra* note 28, at 139.

⁷⁶ See *World Interactive Gaming*, 185 Misc.2d at 859-60.

⁷⁷ See *id.*

⁷⁸ See Michael Farber, *Risky Business: Will the NHL Stick with Its Blasé Attitude Toward Gambling Now That a Bookmaking Scandal Has Touched the Life of Wayne Gretzky?*, SPORTS ILLUSTRATED, Feb. 20, 2006, at 18.

⁷⁹ See *id.*

⁸⁰ See Rob Biertempfel, *NHL Rules on Gambling Softer than Other Pro Leagues*, PITTSBURGH TRIBUNE REVIEW, Feb. 12, 2006, at D1.

⁸¹ See *id.*

⁸² See *id.*

⁸³ See Paul Doyle, *They're Stuck on the Juice: With Near-Limitless Fortitude and Funds Pros Find Gambling an Irresistible Rush*, HARTFORD COURANT, Feb. 12, 2006, at E1.

⁸⁴ See *Greater New Orleans*, 527 U.S. at 180.

⁸⁵ See NCAA.

⁸⁶ *Id.*