Guest Editorial

The Worsening Pandemic of Gambling

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While the term "pandemic" has been overused, it does apply today to the mushrooming addiction to gambling that entraps an increasingly large segment of our population, particularly teenagers and young adults. Roughly half of Americans are wasting money and time on gambling now. An estimated 26% bet at a bricks-and-mortar casino, while 20% place wagers on sporting events. In 2023, $49 billion (not merely million) was spent on table games and slot machines.[1] Nearly twice as many men gamble as women. Extreme addiction to gambling afflicts about 5% of the population, but the rate is higher for young adults. Relatively few—typically less than 10%—of addicted gamblers ever seek help to overcome their habit.

Gambling is worse than substance abuse in many ways, including suicide rates. A Swedish study estimated that the rate of suicide is 15 times higher among gamblers than in the general population.[2] While many instinctively consider what we ingest or inject into our bodies to be potentially the most harmful, mentally addictive activities such as gambling can be immensely destructive too. Cigarette packs and advertisements come with warnings today, but there are no warning labels on gambling or its advertisements. Moreover, gambling as tailored by artificial intelligence (AI) to individual weaknesses is invading the cell phones of everyone, including teenagers particularly vulnerable to this addiction.

The *Diagnostic and Statistical Manual of Mental Disorders* Fifth Edition ("DSM-5") began classifying gambling addiction as an addictive disorder in 2013, which is the first and only behavioral addiction that is defined in the clinical section of DSM-5.[3] Like most other addictions, gambling requires increased participation over time to attain the same level of satisfaction, and withdrawal discomfort typically arises in those who attempt to overcome this addiction.[3] Effective Oct 1, 2024, the ICD-10-CM includes a code Z72.6 for "gambling and betting" disorders, which is part of the Z72 series of codes for "Problems related to lifestyle."[4]

Physical health problems result from gambling, including "hypertension, sleep deprivation, cardiovascular disease, and peptic ulcer disease."[5] Pathological gambling has also been linked to Parkinson's disease, frontotemporal dementia, and amyotrophic lateral sclerosis.[6] Psychiatric harm includes exacerbation and initiation of major depressive episodes, anxiety disorders, or substance use disorders, and intense shame, deceptive conduct, and rash decision-making.[5]

Video games can be a gateway to a gambling addiction. "Loot boxes" are features in many video games that players can buy for a small amount of money to possibly obtain new skills beneficial in the game. But purchasing a loot box is a wager, as sometimes the loot boxes contain nothing. This trains young video game players to gamble. Belgium has banned loot boxes because they invite making a bet with an unknown financial reward. Hawaii, the strongest state against gambling, has considered banning loot boxes in video games.[3] While the ICD-10 includes a code for gambling addiction, it unjustifiably omits identifying video game addiction as a health issue.

Emotionally devoted fans of the NFL, including its owners and coaches, may suffer from some of the same side effects of gambling as those who wager on the games. The lifespan of many connected with the NFL seems shorter than average, despite their greater wealth. While President Trump turns 79 this year, only one NFL coach is older than 65 and none is older than 70. One study "has identified a higher rate of dementia among retired players than in the general population," sometimes attributed to head injuries.[7] A prominent NFL owner recently died from undisclosed causes at age 65; in the first part of 2022 alone, three NFL players younger than age 30 died prematurely.

As explained to the public about the Super Bowl by Nicholas Ruthmann, M.D., a cardiologist for the Cleveland Clinic, "the emotional stress of watching the game can trigger surges of adrenaline. In turn, this can elevate blood pressure, increase your heart rate and even provoke dangerous heart rhythms—particularly in those with an underlying cardiovascular disease."[8] He added that there is extensive documentation that major sporting events can increase the risk of heart attacks.[8] The added stress of wagering on the outcome is likely to worsen these dangers.

In February 2025, absenteeism the day after the Super Bowl hit a record high, increasing by 40% to an estimated 22.6 million employed Americans who failed to show up for work on the following Monday.[9] Legal gambling on the Super Bowl increased to a record $1.39 billion on this Super Bowl last February,[10] tracking the record amount of employee absenteeism the following day.

Bubba Smith, a famous lineman in the 1969 Super Bowl, persuasively complained that this game was fixed for gamblers who wagered against the heavily favored Baltimore Colts in one of the biggest upsets in sports history. A strikingly poor performance and one particularly botched game-changing play are difficult to explain any other way. Of course, the NFL never investigated. Major-league baseball did investigate how the 1919 World Series was thrown for the benefit of gamblers by a few key players on the Chicago White Sox, although not by "Shoeless" Joe Jackson, the star player kicked out of baseball for life because of it.

Today, hundreds of suspicious sports performances annually have been correlated with unusual betting activity. "In the past two years, dozens of professional and collegiate athletes and coaches have been suspended or fired for gambling violations, and at least one bettor has pleaded guilty to obstruction charges related to a college baseball betting scandal."[11]

Corruption by gambling is very difficult to prove, but recognition that it inevitably exists might help overcome addiction to it.

Sports Gambling

Traditionally, states have been the authority to decide whether and what kind of gambling to allow within their jurisdictions. There have been three major waves of gambling legalization in the United States, and we are currently in the third wave, which has accelerated because of smartphones—an easy, immediate gambling device accessible to nearly everyone, including children. It is no longer necessary to travel to a casino to lose one's life savings. It can be done with a few clicks on an "app" on a phone, by someone too young to hold a driver's license, and the money is lost forever.

The U.S. Supreme Court opened our country to sports gambling with its decision in *Murphy v. NCAA* in 2018. Since then, 39 states plus the District of Columbia have legalized sports gambling within their borders. By 2021, $57.2 billion (not just million) was wagered annually on sporting events alone.[12]

Several Bible Belt states, most notably Alabama, Georgia, Oklahoma, South Carolina, and Texas, have held the line against allowing sports gambling in their jurisdictions. The predominantly Mormon state of Utah has also kept sports gambling out, as has the conservative state of Idaho. The liberal states of California and Hawaii prohibit sports gambling for different reasons. In California, entrenched gambling interests are strong enough to forbid new competition. Hawaii, meanwhile, has never allowed any gambling, including state lotteries. In addition to Hawaii, the states of Alabama, Alaska, Nevada, and Utah also lack state lotteries. Nevada does not have a state lottery, presumably in deference to its dominant industry of private casinos.

Advertisements for sports gambling are pervasive now. The public is bombarded with enticing ads to gamble on sports—on television, radio, internet, billboards, and even on the sides of buses. One often-seen television ad features an AI program debating Charles Barkley, a popular former basketball player. Overall, televised gambling ads, mostly by BetMGM, DraftKings, and FanDuel, have surpassed beer ads on many sports programs. "Betting ads were more frequent than alcohol during NFL, NHL, PGA, NASCAR and MLS programming," and NFL games are by far the most-watched programs on all of television.[13] The nationwide televised gambling ads are not limited to states that allow gambling on sports but also extend into states trying to prohibit it.

The gambling advertisements do not include any warnings as provided by advertisements for other addictions, such as cigarettes. Instead, slick ads make gambling appear to be a fun and even profitable activity. Participants are lured in by promotional offers, initial giveaways, and celebrity pitchmen.

Expansion of Gambling by Event Contracts in the Futures Markets

As pervasive as gambling has become in America, it may yet become even far more prevalent. A clever new way around state regulation and limitation of gambling is percolating in federal courts.

There is a billion-dollar financial derivatives market that can mimic ordinary gambling on sporting and other events. A derivative is a financial contract or instrument or contract whose price depends on the value of an underlying asset, such as a commodity (like corn or pork bellies), debt instruments, or securities. Derivatives can be a variety of sophisticated contractual rights, such as "futures, options, and swaps." Risk can be allocated in this way between two willing parties to the transaction.

An "event contract" is a derivative contract that has a payout based on a specific event, outcome, or occurrence. It can be based on the weather, such as the possibility of snowfall on July 4 (very unlikely), or rain during the Super Bowl (which does happen, and the game is often played inside or with a retractable roof). Usually, an event contract is based on a future possibility for which one side bets on "yes," while the other side bets on "no."

The value of an event contract fluctuates just as stock prices do. The contract itself states the amount to be paid once the event occurs. These contracts have a cutoff date and can be traded until that date. Once the contract expires because the event has transpired, the seller of the contract must pay the buyer if the event occurred but pays nothing if the event did not occur. The seller seeks profit by retaining what the buyer of the contract originally paid if the event does not occur, while the buyer seeks profit by obtaining a larger payout if the event does occur.

The price of an event contract for snow occurring on July 4 would be nearly zero because the event is so unlikely and a buyer is not going to pay much on the chance that it does snow on that summer day. But the price of an event contract for whether it rains outside during the Super Bowl would be a fraction of the amount to be paid if it does rain.

The economic justification for event contracts is that, just like derivatives on farm commodities, these contracts can be used to reduce financial risk. Someone lacking home insurance might want to buy an event contract prior to hurricane season in order to reduce his financial risk if a storm were to destroy his home. But many event contracts are purchased purely for speculative purposes, analogous to gambling.

Kalshi

KalshiEX, LLC, ("Kalshi") is an aggressive, legally savvy company that offers a derivatives exchange and prediction market for the public to trade financial products in the form of event contracts. Kalshi has obtained designation as a contract market by the Commodity Futures Trading Commission (CFTC), pursuant to the Commodity Exchange Act (CEA).[14] Enacted in 1936 and amended several times since, the CEA authorizes federal regulation of commodity futures. The CEA confers jurisdiction on the CFTC to promulgate regulations for commodity futures that are set forth in title 17 of the Code of Federal Regulations (CFR).

With its approach, Kalshi attempts to bypass state laws because Kalshi's product is subject to regulation at the federal level by the CFTC, similar to the way in which corn, cotton, soybean, orange juice, or pork belly futures have long been regulated by that commission and its predecessors in Chicago. Corn was the first commodity traded on the Chicago Board of Trade, which was established in 1848 amid the growth in railroads and communication with New York City via the newly invented telegraph. Chicago became the national center for agriculture and grew from merely 350 people in 1833 to become the second-largest city in the U.S. by 1870.

After corn, futures markets in soybeans and wheat quickly followed, and those three crops continue to constitute the majority of the trades executed at the CBOT. These futures markets have been invaluable to farmers for hedging against harm by bad weather and pestilence that might destroy their crops. The Locust Plague of 1874 harmed an estimated 2 million square miles, causing pre-inflation losses of hundreds of millions of dollars.

Kalshi breaks new ground by using this federal regulatory structure for futures contracts to offer its own event-based contracts, not based on pork belly futures but on which side will win a sporting event, or which political party will win a majority in Congress in the next election. The CFTC allows Kalshi to offer contracts for bets on the outcomes of sporting events and, incredibly, last year a federal district court in D.C. authorized Kalshi's political event contracts.

The CFTC had sued Kalshi to block its plans to offer an event contract on which political party would gain control of the U.S. House of Representatives in a congressional election. This type of wager is prohibited by many states and would seemingly be contrary to public policy. But the federal district court in Washington, D.C., where the CFTC sued Kalshi, ruled in favor of Kalshi because congressional elections are not themselves unlawful activities, and betting on them is not "gaming" as in wagering on a sporting event. Kalshi had excluded from betting on congressional control the following categories of potential gamblers: candidates for any federal or statewide public office and paid employees with various political affiliations, including members of Congress, campaign staffers on congressional campaigns, employees of Democratic and Republican Party organizations and political action committees, and employees of major polling organizations, as well as the immediate family members of any prohibited traders, among other categories.[15]

The district court then held:

> Kalshi's event contracts ask buyers to take a yes/no position on whether a chamber of Congress will be controlled by a specific party in a given term. That question involves…elections, politics, Congress, and party control; but nothing that any Party to this litigation has identified as illegal or unlawful activity. Nor does that question bear any relation to any game—played for stakes or otherwise. Accordingly, the Court concludes that Kalshi's congressional control contracts do not involve unlawful activity or gaming. And thus, the Court has no occasion to consider whether they are contrary to the public interest.[15]

Offering an event contract on an act of violence would likely be prohibited by the CFTC because the underlying activity is unlawful, but elections themselves are lawful and thus, based on this decision, the CFTC cannot prohibit event contracts that constitute wagers on election outcomes.

The prospect of millions or even billions being wagered on American elections would create a class of gamblers more interested in winning their bets than in electing candidates who are best for our country's future. Corruption seems inevitable if massive amounts were bet each election cycle on which side will win. Campaign contributions could then be based on trying to game the system rather than trying to do what is right. This could create new financial incentives to cheat in some way, undermining election integrity and motivating more fake news to scare voters away from a candidate.

The CFTC appealed this ruling against it, but then surprisingly dismissed its own appeal months after oral argument was held in this case. The intervening election of Trump as president and a perception that he would prefer to deregulate markets like this one may have contributed to the about-face by the CFTC.

Kalshi threatens regulatory structures by offering a product that bypasses state laws and restrictions. Kalshi could bypass the laws against betting on sporting events that exist in 11 states today, including our two largest states of California and Texas. Kalshi could establish a nationwide market for doing the equivalent of betting on nearly any event for which there is a willing bettor on the opposite side. This could include the outcome of individual elections, whether certain legislation will be enacted, and even the future decisions in Supreme Court cases. While the market could prohibit bets placed by participants in these events who might control or influence the outcome, it may be difficult or impossible to enforce such restrictions, and the leaking of inside information (as has already occurred at the Supreme Court) could corrupt these betting markets.

In March 2025 Kalshi began to offer its product in several states, including the very pro-gambling states of Nevada and New Jersey. The gaming regulators in both states told Kalshi to cease and desist because it was operating without approval by the state gaming regulatory body. Nevada pointed out that it has a state law prohibiting gambling on elections, and that Kalshi would not be allowed to broker such bets. But Kalshi went to court, and prevailed with its argument that federal law concerning event-based contracts preempts state law such that Kalshi need only comply with requirements imposed by the CFTC, which have been minimal.

<u>Nevada Lawsuit</u>

The federal chief district judge in Nevada ruled in favor of Kalshi and against the Nevada gaming regulators, in a stunning defeat of the hometown team in its own backyard. Judge Andrew Gordon found that the plain and unambiguous language of the Commodity Exchange Act conferred exclusive authority to the federal CFTC over Kalshi's event contracts, leaving no room for Nevada to prohibit what the federal government allows. Moreover, Judge Gordon ruled that "[t]o the extent I would move beyond the CEA's plain and unambiguous language, legislative history supports the conclusion that Congress intended to occupy the field and preempt state law from applying to CFTC-designated exchanges."[16] Quoting a 1974 congressional committee report, Judge Gordon declared that "[u]nder the exclusive grant of jurisdiction to the Commission, the authority in the Commodity Exchange Act (and the regulations issued by the Commission) would preempt the field insofar as futures regulation is concerned."[16] With the stroke of his pen, Judge Gordon removed any authority by Nevada to regulate Kalshi's sales of its own equivalent of gambling in Nevada.

Judge Gordon continued:

> In sum, if Kalshi were offering its contracts without

CFTC designation, then the defendants could regulate it. But because Kalshi is a CFTC-designated DCM [designated contract market], it is subject to the CFTC's exclusive jurisdiction and state law is field preempted. Nevada regulatory agencies thus have no jurisdiction to decide that Kalshi's conduct violates state law where, at least at present, those activities are legal under federal law. Because the CFTC has approved (or at least not yet disapproved) Kalshi's sports-related contracts, the defendants cannot pursue civil or criminal liability against Kalshi for offering those contracts. And because (1) the district court in *KalshiEX LLC* found in Kalshi's favor, (2) the D.C. Circuit denied the CFTC's request for a stay pending appeal, and (3) the D.C. Circuit has not overturned the district court's decision as of this date, Kalshi's election-based contracts are also currently legal under federal law.[16]

Judge Gordon concluded that "even if Kalshi's sports contracts involve 'gaming,' that would not subject Kalshi to state gaming laws. Rather, it would subject Kalshi to the special rule that allows the CFTC to conduct a public interest review. The CFTC at least so far has allowed Kalshi to offer its sports contracts."[16]

New Jersey Lawsuit

Kalshi also sued in federal court in Camden, New Jersey, and obtained an injunction against New Jersey gaming officials who opposed Kalshi's offering of contracts (bets) there. Judge Edward Kiel reviewed the history of the Commodity Exchange Act, observing that in 1974 Congress established the Commodity Futures Trading Commission (CFTC) to oversee futures trading. Judge Kiel found that the 1974 amendments to the CEA were motivated in part by concerns that states might otherwise regulate futures markets in a conflicting manner. Judge Kiel was impressed by the statement in the legislative record that the CFTC's jurisdiction was "to be exclusive with regard to the trading of futures *on organized contract markets*."[17]

Kalshi obtained designation from the CFTC as a contract maker (DCM) in 2020, based on Kalshi's application that included information apparently sufficient to demonstrate compliance with various core principles of the CFTC. On January 24, 2025, Kalshi self-certified and began providing sports-related contracts such as those buying or selling positions on which team will advance in a given round of a college basketball tournament. The CFTC has declined to review or prohibit Kalshi's sports-related contracts despite having the authority to do so. The CFTC generally asserts exclusive jurisdiction over futures, options, and swaps traded on designated contract markets, based on 7 U.S.C. § 2(a)(1)(A), and the CFTC may determine that a futures contract is contrary to the public interest if it involves unlawful activity, terrorism, assassination, war, or gaming.

Apparently, the CFTC was fine with Kalshi offering contracts in New Jersey based on the outcomes in sporting events, as the CFTC did not object. New Jersey did object, but if the CFTC's authority over this is exclusive then New Jersey does not have any say-so. The irony is that New Jersey was the state that started this gambling pandemic with its successful appeal to the Supreme Court for the right to provide sports gambling. Now the shoe is on the other foot, with out-of-state Kalshi coming into New Jersey and potentially taking away that same gambling business for Kalshi's own benefit.

The federal judge in New Jersey held entirely in favor of Kalshi, and slapped New Jersey with an injunction preventing it from taking any enforcement action against Kalshi. Judge Kiel held that sporting events have "potential financial, economic, or commercial consequence" and thus Kalshi's contracts on the outcome of sporting events are under the exclusive jurisdiction of the CFTC, which is allowing them.[17] Under this holding neither New Jersey nor any other state can impede Kalshi's product, because federal law supersedes and preempts state law. Game over at this stage of the litigation, with Kalshi winning big so far.

Appeal to the Third Circuit

This case is on an expedited appeal to the U.S. Court of Appeals for the Third Circuit. Ironically, this is the same court (albeit a different judicial panel) that ruled against sports gambling nearly a decade ago but was reversed by the Supreme Court in the landmark *Murphy v. NCAA* decision in 2018 as discussed further below.

This time, the traditional authority of states to regulate gambling is in jeopardy, so any analysis that recognizes continuing states' rights will disfavor Kalshi's argument for federal preemption. The notion that a financial product offered under the exclusive authority of the CFTC to provide the equivalent of vast gambling on future events, from NFL games to election outcomes, is breathtakingly broad and if accepted would unleash an enormous nationwide expansion in gambling in America.

The Major Questions Doctrine

Perhaps "major questions doctrine" can ride to the rescue. No one appears to have raised this important conservative principle yet in any of this litigation, and no court has addressed it in the context of this attempt to expand gambling. Major questions doctrine is the legal rule that Congress should not be deemed as delegating extraordinary powers to expand the authority of a federal agency unless Congress makes its intent clear to do so. Under the major questions doctrine, courts "expect Congress to speak clearly if it wishes to assign to an agency decision of vast economic and political significance."[18] Stated another way in another U.S. Supreme Court decision that reined in an assertion of power by a federal agency, where an agency claims the "power to regulate a significant portion of the American economy" that has "vast economic and political significance," the federal agency must demonstrate that it has "clear congressional authorization."[19]

Just two years ago the Supreme Court again invoked major questions doctrine, with a commanding 6-3 margin, to strike down Biden's $400 billion loan forgiveness.[20] The three dissenting justices on the liberal wing of the Court, Justice Kagan as joined by Justices Sotomayor and Jackson, asserted that this doctrine is "made-up":

> The opinion ends by applying the Court's made-up major-questions doctrine to jettison the Secretary's loan forgiveness plan. Small wonder the majority invokes the doctrine. The majority's "normal" statutory interpretation cannot sustain its decision. The statute, read as written,

gives the Secretary broad authority to relieve a national emergency's effect on borrowers' ability to repay their student loans. The Secretary did no more than use that lawfully delegated authority. So the majority applies a rule specially crafted to kill significant regulatory action, by requiring Congress to delegate not just clearly but also microspecifically.[20]

The legal twist in the gambling cases is that the preemption by a federal agency (the CFTC) of state law is being asserted by Kalshi and federal courts, rather than by the CFTC itself. But the outcome is what major questions doctrine prohibits: allowing a federal agency to vastly expand its authority over a matter.

The Supreme Court Decision That Started It All

The U.S. Supreme Court has no one to blame but itself, because it opened the floodgates to gambling on sports by a 7-2 majority in its 2018 decision captioned *Murphy v. NCAA*.[21] Phil Murphy was and still is the governor of New Jersey, and of course the NCAA is the National Collegiate Athletic Association that was trying to keep gambling out of college sports at that time. Murphy's predecessor as governor, Chris Christie, had sued the NCAA to allow gambling in New Jersey on sporting events, and disastrously the Supreme Court agreed with that in this decision.

It has been predictably catastrophic ever since. One group of researchers estimates that "total monthly wagers have climbed from an average of $1.1 billion per month in 2019 to $14 billion in January 2024."[22] Billions are wagered now in 39 states plus the District of Columbia and Puerto Rico.

In an opinion written by Justice Sam Alito, who has been excellent on other issues, he declared an Act of Congress entitled the Professional and Amateur Sports Protection Act (PASPA) to be unconstitutional based on a legal theory that it improperly commandeered states by requiring them to ban sports wagering. This anti-commandeering doctrine is rarely invoked, and unfortunately this landmark ruling has had a devastating impact as Justice Alito himself appeared to be aware:

> The legalization of sports gambling is a controversial subject. Supporters argue that legalization will produce revenue for the States and critically weaken illegal sports betting operations, which are often run by organized crime. Opponents contend that legalizing sports gambling will hook the young on gambling, encourage people of modest means to squander their savings and earnings, and corrupt professional and college sports.
>
> The legalization of sports gambling requires an important policy choice, but the choice is not ours to make. Congress can regulate sports gambling directly, but if it elects not to do so, each State is free to act on its own. Our job is to interpret the law Congress has enacted and decide whether it is consistent with the Constitution. PASPA is not. PASPA regulates state governments' regulation of their citizens. The Constitution gives Congress no such power.[21]

The irony is that this Supreme Court ruling unleashed sports gambling on our country, and now courts are doing the opposite of what the Supreme Court intended: now courts are holding that Congress, through the Commodity Exchange Act, has preempted state laws that restrict gambling within their territories. So, first gambling was allowed under Justice Alito's theory of states' rights above, and now gambling is being expanded further under a theory that federal law preempts state law. The "house" does indeed always win!

A 'Free Market'?

Louis Pasteur, perhaps the greatest scientist in history, famously observed that "chance favors only the prepared mind."[23] Games of chance entrap the minds and bodies of those who are ill-prepared for the addictive harm they cause. Companies that exploit the gambling predilections of unprepared minds are taking billions of dollars.

"Caveat emptor," one might say, while chalking this up to the nature of the free market. The shiny hotels and glitzy shows in Las Vegas would not exist in that desert without prolific gambling there to prop them up. The same was also said about Atlantic City, New Jersey, until its gambling industry collapsed due to competition from Pennsylvania. The 47-floor Revel Hotel and Casino was built at an expense of $2.4 billion as the second tallest building in New Jersey, and three years later was sold in its bankruptcy proceeding for only $82 million.[24] One alleged design defect was that the escalator ride was too long from its lobby to the casino itself.[24]

A trip to Las Vegas or Atlantic City, or an escalator ride once there, is no longer necessary to get an adrenalin surge from daily placing wagers, and the smartphone brings the equivalent of a casino to everyone's pocket. Ubiquitous ads today for sports gambling prey on everyone who is a sports fan, a majority of Americans, and betting on elections could rope in nearly everyone else. The prospect of repackaging gambling as event contracts traded nationwide under a federal law designed for commodity futures puts us on the brink of becoming a nation of gambling addicts constantly checking our phones to check our latest losses.

In the movie classic *Casablanca* (1942), the charming Police Chief Claude Rains closes Humphrey Bogart's casino with the pretextual excuse that Rains is "shocked—shocked—to find that gambling is going on here!" Next a waiter hands Rains a fistful of cash with the statement, "Your winnings, sir!" Police Chief Rains replies, "Oh, thank you." Let's hope this famous scene is not prophetic about the future of gambling in America.

Conclusion

Gambling causes real medical harm, in addition to inflicting financial losses. Combining gambling with sporting events has amplified the detrimental impact. The prospect of allowing betting on elections nationwide would take this pandemic of gambling from bad to worse. Major questions doctrine is one legal principle that could stop this madness.

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