

Op-Ed/Editorials - Will You Be Arrested For Playing Poker Online?

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Prof. I. Nelson Rose, J.D. Professor, Whittier Law School, Costa Mesa, CA
BASIS, editorial board member

I am often asked whether Internet poker is legal. The answer is probably not, but the chances of actually getting into trouble are very slim. How slim? You have a better chance of winning the final no-limit Texas Hold 'Em tournament at the World Series of Poker. After all, someone wins the WSOP each year. No one has ever been arrested, let alone convicted, for merely playing poker on the Internet. If you are arrested, it won't be by the feds. There is no federal statute making it a crime to make bets online. The federal government is only concerned with organized crime, so the laws are limited to people who are in the business of gambling. Half the states do have ancient, and not-so-ancient, laws on the books making it a crime, sometimes, to merely make a bet. The most scary is the statute that went into effect on June 7, 2006, potentially making it a felony to merely play poker online from the state of Washington. But the law was really designed to allow the state to go after operators. They don't have any interest in mere players.

Laws against making bets have been on the books for decades and are almost never used. California, for example, has a century-old statute that clearly makes it a misdemeanor to accept, record or even make a wager on a sporting event. Not only do millions of people openly violate this law every year, when a California team is in the World Series or SuperBowl, California governors publicly make bets with the governor of the opposing state.

The real legal dangers of playing poker online have nothing to do with the criminal law, at least not for any crime committed by players. There is obviously the danger of being cheated, or of not getting paid if you win. Playing with a reputable, licensed operator should reduce that risk to zero. However, when the

chief executive of BetOnSports was arrested changing planes in Dallas, the Department of Justice obtained a temporary restraining order, requiring the company to stop taking bets from the U.S. - which it did - and return all the money in accounts opened by Americans - which it did not. The company is blaming intermediaries, like Neteller, and the DOJ is threatening to seize all the money. I am fairly confident that patrons will get their money back, since they were not committing any federal crime in merely making wagers on sports events. The bigger danger comes from using computers for playing poker when you shouldn't. Some big employers, like the federal government itself, have made it clear that gambling in their buildings is grounds for being fired. How will they know? Employers own those computers and courts have ruled that companies have the right to know exactly how they are being used every minute of every day. The boss does have the right to keep track of every movement of your mouse, and since your terminal is part of a network, you never know when you are being spied upon. Students face a similar problem with using computers on campus. Most schools have written rules about what is not allowed. Gambling is often on the list. Of course, your chances of getting into this type of trouble are also very small. Although gambling may be prohibited by rule in the workplace or on campus, enforcement, when it comes at all, is directed against big operators who are running games or spending all of their time betting and not working.

What do you think? Comments on this article can be addressed to Prof. I. Nelson Rose.

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