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Online Gambling And Legislation

By Adel Awwad

With more than a trillion dollars changing hands around the world on online casinos alone, sooner

rather than later legislation will step in to exercise some form of control in the casino industry. Those measures to control casinos and gambling during the early years worked as the casino had a physical location. Today however casinos have moved online with no real physical location. The question arises how legal are these online casinos?

Gambling legislation has not changed much since Congress passed the Wire Act in 1961. The Wire Act states that "Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined under this title or imprisoned not more than two years, or both." This however only covered sports betting and not casinos. There was also no Internet or Internet casinos during that time.

During 1998 both MasterCard and Visa sued Cynthia Haines for money she lost while gambling on an online casino. She had lost more than US\$70,000 to an online casino and could not settle her account with the plaintiffs. She filed a counterclaim well within the state laws of California which prohibited credit card loans for gambling be it online casinos or bricks and mortar casinos. That case was settled out of court. Many states have now enacted their own legislation however casinos have moved their gambling operations off shore to casino friendly countries.

Gambling has increased drastically with the advent of the Internet and online casinos. With huge profits and vested interest in casinos there are also very strong lobbyists in government to keep gambling unimpeded. The Internet Gambling Prohibition Act which was defeated in 2000 shows how much vested interest there is in the casino and gaming industry. Cyberspace is the last frontier when it comes to laws governing casinos. Only time will tell how legislation will catch-up with online casinos and gambling websites.

Adel Awwad is the webmaster of Online Casinos – Copyright © 2005

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Washington State Outlaws Gambling And Speech

By Jason Martin

The state of Washington has a new law that makes gambling online a Class C Felony. Those who gamble online will now be charged with the same crime as someone who possesses child pornography. Live in Washington and like to play poker? Doing so is now a crime that will land you in jail for up to 5 years. You can also be fined \$10,000. Washington is setting a new precedence in the legal arena.

For years the federal government of the United States has tried to pass specific legislation to revise the Federal Wire Wagering Act. The most recent attempt is expected to pass the house, but it will most likely fail in the Senate. Washington State legislators decided to take matters into their own hands by passing this new law. Since there is no contradictory federal law, the Washington State law will face clear sailing.

The legislation does more than ban online gambling. It also bans talking about online gambling—quite the communist move by legislators. The legislation specifically outlaws the passing of any "gambling information." Furthermore, gambling information is defined as: "information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling." Technically, a blog that talks about a nationally televised sports game and mentions the "spread" would be in violation of the law and subject to penalty.

As expected, legislators are quick to point out that the law would not be used against individuals in this way. While that is all warm and fuzzy, the fact remains that the law is still on the books. Perhaps a better way to put it is that they don't currently plan to use it in this way—just wait until they need it. Also, if there was an ounce of truth to those statements, then how do you explain the official statement by Rick Day, the Executive Director for the Washington State Gambling Commission? When asked whether or not a site simply linking to an online gambling destination was in violation he said, "If the site also has a link to a gambling site, then to us that's no different." According to this statement, simply linking to a site can get you charged with a Class C Felony.

There is further cause for concern here, in regards to the way laws are written and the precedence they set. It's possible other states will look at Washington State's actions and decide to enact something similar. Even if you are against gambling, are you also against censorship? Today it is gambling; tomorrow it is something you care about even more.

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