

Enforcement of Gambling Laws Major Question

By WM. B. DICKINSON, JR.
Washington—The gambling passion, which Balzac said "lurks at the bottom of every heart," can be more easily gratified in the United States today than at any time since the heyday of the riverboat gamblers. Betting of certain kinds is approved by law in a growing number of states. In a number of communities where gambling is not legal, it nevertheless flourishes in one form or another with little or no police interference. Public tolerance of betting, legal and illegal, has brought expressions of concern from national and state legislators. Sen Estes Kefauver (D-Tenn.) complained recently that a good many people had "so far forgotten the lesson" of the hearings held a decade ago by his Special Senate Committee to Investigate Organized Crime that "they now propose legalization of gambling or the spread of legalized race betting to off-track locations where hoodlums will be even more difficult to control."

Whether rigorous enforcement of anti-gambling laws can break the power of gambling syndicates is a question that may be answered before long in New York. The state legislature recently enacted new laws intended to put a hard brake on the activities of professional gamblers. And on May 22 the bipartisan New York State Commission of Investigation, which has been holding public hearings on gambling, recommended additional state and federal regulatory and punitive legislation. The commission at the same time indicated that the ultimate solution of the problem lay with the public. It cautioned that "A \$2 bet with a bookie is a direct contribution to the underworld."

Some persons believe that anti-gambling legislation and pleas to the public to refrain from gambling are futile. A committee named by Mayor Robert F. Wagner of New York City to study legalization of off-track betting pointed out last year that "The history of restrictive gambling and liquor sale legislation demonstrates that it is impossible to effectively enforce the prohibition of activities for which there is a persistent public demand, particularly in the case of democratic countries where law enforcement requires public support."

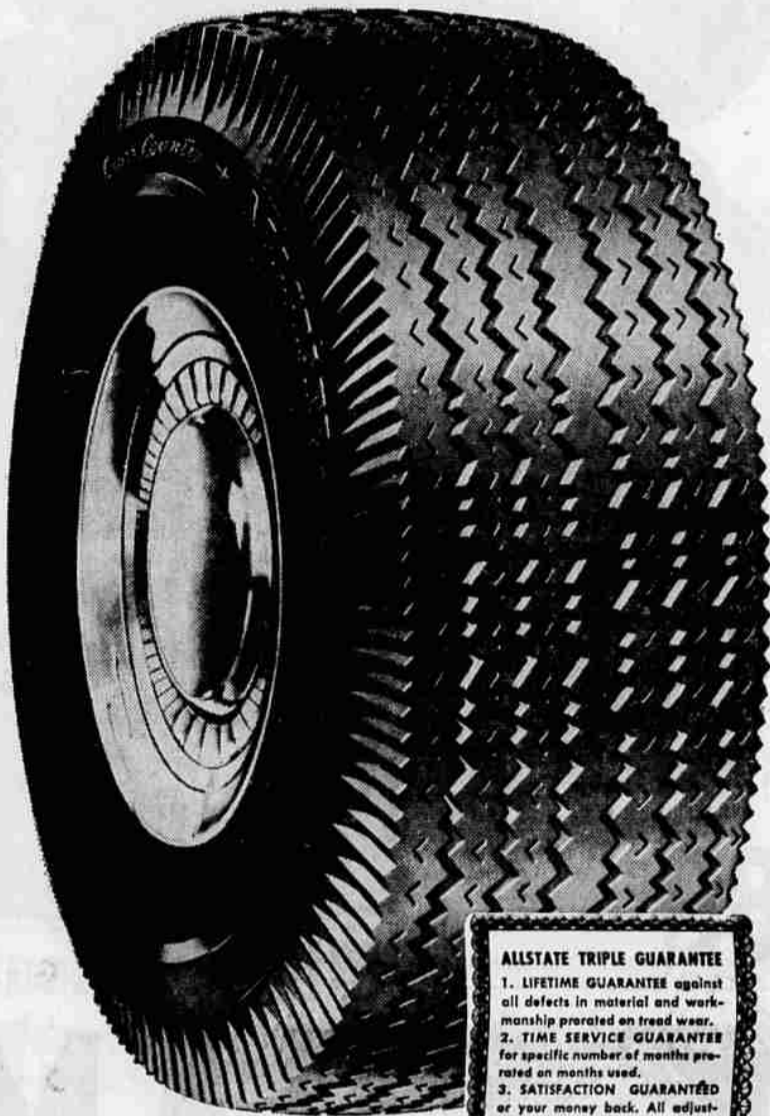
Subsequent efforts by Mayor Wagner to persuade the legislature to approve an off-track betting plan have been unsuccessful. But there are signs of some weakening in the face of ever-mounting costs of government. Off-track betting in New York City might yield annual revenue of as much as \$200 million which, under Wagner's proposal, would be equally divided between New York State and New York City. Enforcement of federal anti-gambling statutes has been impeded by narrow court interpretations of the laws and by a feeling that effective control depends almost entirely on local and state action. A special federal tax on gamblers, levied by Congress in 1951, had little effect in reducing their numbers. Eviders who came to the attention of federal prosecutors were, as often as not, small-time operators who had failed to make local protection pay-offs.

Another federal law approved in 1951, making it a crime to transport slot machines or their parts in interstate commerce, ran into enforcement difficulties when the Supreme Court ruled in 1953 that the Justice Department lacked authority to keep track of intrastate sales. This ruling made it impossible to trace the origin of the machines or to establish proof of law violations to the degree required in criminal cases. Correction legislation has made no headway in Congress.

The sums of money involved in gambling continue to mount. Around \$3.2 billion passed through pari-mutuel windows in 1959 in the 24 states where such race track betting has been legalized. Perhaps as many as a million persons can be counted at bingo tables on a given night in the 12 states where that game is regulated and in the others where bingo parties are staged in the name of charity but without legal authority. Seven million tourists gamble \$3 billion annually at Nevada's casinos. The numbers racket is said to gross a billion dollars a year in New York City alone. Billions more are lost to the virtually unbeatable "slots" and to professional bookies. The old Kefauver committee estimated "conservatively" in 1951 that \$20 billion changed hands annually in illegal betting. Everyone thinks the total is much larger today.

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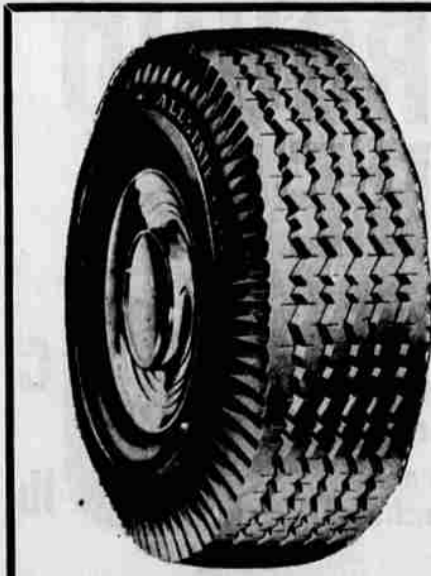
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