



Internet Gambling Ban to Apply to Guns?

With the [simultaneous reintroduction](#) of the Restoration of America's Wire Act (RAWA) in the Senate by Senators Lindsey Graham (R-S.C.) and Marco Rubio (R-Fla.) and in the House by Representative Jason Chaffetz (R-Utah), concerns about federal sanctions against Internet gambling are raising constitutional issues once again. If enacted, the bill would violate the 10th Amendment's guarantee that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, shall be reserved to the States respectively, or to the people." It could also be extended to violate the Second Amendment: If gambling online can be prohibited by the federal government, why couldn't the sale of guns and ammunition as well?



The RAWA would rewrite the Federal Wire Act of 1961 to cover online gambling and, in the process, override laws in three states (New Jersey, Nevada, and Delaware), which currently allow online gambling. Passage would also set the stage for banning the sale and purchase of firearms and ammunition, according to Michael Hammond, chief counsel for Gun Owners of America (GOA). In a radio show interview, Hammond said:

Some conservatives, such as Jason Chaffetz of Utah, say "Let's regulate online gambling on the internet." This legislation is being pushed by the bricks and mortar gambling people, led by Sheldon Adelson of Las Vegas, who don't want online gambling because they want people coming to their casinos.

It's just another move which compromises conservatives' ability to say "don't regulate the internet" because you have people [like Chaffetz] saying conservatives should regulate the internet for conservative purposes.

The bottom line is: don't regulate the internet. Don't regulate it for conservative purposes, don't regulate it for liberal purposes. It's just none of the government's business.

In 2012, Adelson spent \$150 million supporting Republican candidates, keeping the money flowing to those who seem willing to compromise both basic principles and guarantees in the Bill of Rights. As Dean Chambers, writing for Buzzpo, put it:

The importance of the Tenth Amendment restrictions on the authority of the federal government cannot be underestimated. A federal government that can ignore the Tenth Amendment to prohibit internet-based gambling can also interfere with state authority on a number of other issues, including the regulation of the sales of alcohol and tobacco, legislation on state lotteries ... including gambling and guns, and many other matters ... that are reserved to the states.



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Banning online freedom to trade in items or services deemed immoral or dangerous by federal bureaucrats has a long history. As far back as 1999, bills such as the Internet Gun Trafficking Act, proposed by anti-gun Senator Chuck Schumer, would have regulated the sale of weapons online and required websites offering them to be registered with the Bureau of Alcohol, Tobacco and Firearms (ATF).

The ATF pushed to ban “green tip” ammunition earlier this year, but was forced to back down in the face of overwhelmingly negative pushback from groups and individuals. The cudgel was picked up two months later by New Jersey’s anti-gun Representative Bonne Watson Coleman, who proposed the “Stop Online Ammunition Sales Act.”

Attorney Edward Woodson wrote that “the 10th Amendment affords states the ability to govern their own affairs. The Constitution provides that powers not specifically given to the federal government [by the Constitution] were reserved to the states. There are no exceptions or caveats to the rule.” He added:

States may pass laws with which you may not agree, but that doesn’t give the federal government the power to overturn [state] laws when politicians in Washington disagree.

Furthermore, the federal government can’t veto a [state] law just because they find a certain activity immoral — like gambling.

A few politicians are acting like statesmen, however. Liberal John Conyers (D-Mich.) spoke out against the proposed ban: “States should be allowed to decide this question for themselves, and we should not take any action that would overturn such state laws.” Representative Robert Goodlatte (R-Va.) personally is opposed to gambling on moral grounds but hasn’t let that override his understanding and support of the restrictions placed on the federal government by the Constitution. Goodlatte received a letter from a number of conservative organizations (Center for Freedom and Prosperity, Competitive Enterprise Institute, the American Conservative Union, Ron Paul’s Campaign for Liberty, among others) urging him not to give in to the pressure that he no doubt will be feeling from establishment Republicans more interested in Adelson’s campaign funds than in supporting the Constitution. It said:

You no doubt will be placed under enormous pressure by vested interests pushing RAWA. We also understand and respect your long-standing opposition to gambling. That said, politics and one’s personal views should not trump the ability of states to regulate their own affairs....

Proponents ... are seeking to roll back state laws and prohibit other states from exercising their constitutional authority....

We encourage you to continue to stand up for the Constitution, the Tenth Amendment, and the ability of the states to regulate their own affairs.

The chances are slim that Chaffetz’ and Graham/Rubio’s bills will see the light of day this year: It’s controversial; numerous and powerful conservative groups are opposed to it (state lottery directors by and large are opposed to the bill); other issues are more pressing for congressional attention; and time is running out. Nevertheless, eternal vigilance is required to keep pernicious bills threatening the Second and 10th Amendments from gaining traction.

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