THE MORALITY OF GAMBLING

In suggesting a treatment of the morality of gambling, the Committee on Current Problems recommended application of the general principles in concrete cases, rather than a mere statement of those general principles. In order to adhere to the recommendation of the Committee, the discussion, therefore, was guided along the lines of the civil laws enacted in respect to gambling.

The opening question posed for discussion of the theologians in attendance regarded the right of the State to pass laws in restriction of gaming and gambling. It was generally agreed that the State has this right, that American jurisprudence argues well in its contention that the police power of the State may be exercised to preserve and protect public morals and since gambling can be injurious to the morals and welfare of the people, it has the power to restrict gambling, in fact the duty to do so. In entertaining this question it was acknowledged that the history of gambling and of gambling legislation in the United States of America disproves the idea that our laws curtailing the same are the results of an incorrect moral notion that there is an inherent wrong in gambling. It was rather recognized that such laws have been the result of experience with the evil effects of gambling on the common good, when gaming and gambling were wide open in our country.

The discussion proceeded to consideration of different civil laws. The first type of law considered was that prohibiting in some degree casual or private wagering, betting and gambling. Such laws are found among the statutes of the penal codes of various states. There is no Federal law in regulation of private gambling except the Federal Tax Law which makes gambling profits taxable, but losses nondeductible even when they exceed winnings. A strict view held that even these most stringent statutes, making private betting or gambling illegal and a misdemeanor would bind in conscience although only under penalty of venial sin. It was the general conclusion, however, that these laws might not be considered as binding under the penalty of sin for various reasons—the interpretation of American jurisprudence that our laws are in curtailment of common gambling or gambling as a business and not in regulation of private morals;

the fact that these laws are not enforced and could be considered as having fallen into desuetude even though they still appear in the penal codes of various jurisdictions; that since they are impossible of enforcement and perhaps unreasonable they may even be considered invalid. Even the strict view holding to a conscience obligation under penalty of sin seemed to indicate a willingness in concrete cases to treat the penitent benignly for various reasons.

The second type of law considered was that prohibiting organized gambling or gambling as a business. This would include book-making, operating a gambling house, pool-selling and the operation of policy or numbers games. The Federal law prohibits only the operation of gambling ships in waters under the jurisdiction of the United States Government, and the interstate transportation of slot-machines into a State where they are illegal. But outside of the gambling, usually through pari-mutuel machines, allowed at horse race tracks in some twenty States, book-making, pool-selling, keeping a betting or gaming establishment and maintaining apparatus and devices for gambling are generally prohibited in all States with only a few exceptions. The State of Nevada allows all forms of gambling games and gambling houses by license. Idaho has allowed municipalities to license slot-machines, and Montana has licensed slot-machines and punch boards to a certain extent. These are the principal exceptions.

There was general agreement in the discussion which followed that, laws prohibiting or restricting common or organized gambling as a business are just and valid. The opinion was expressed that these must be considered preceptive laws, binding in conscience under pain of sin, but allowing for light matter. While some expressed reluctance to decide quickly that these laws bind in conscience under pain of sin, it was generally agreed that, because of the *de facto* tie-up of organized gambling with organized crime, they should be considered preceptive laws. The statement on betting recently submitted on behalf of the Catholic Church in England and Wales to the Royal Commission on Betting, Lotteries and Gaming and the subsequent report of the Royal Commission were discussed. It was noted that they seem to favor legalized organized betting and gambling under certain restrictions, contending that such did not

commonly cause poverty in Britain and could not be considered an important cause of crime and delinquency. It was recognized, however, that the Special Committee to Investigate Organized Crime in Interstate Commerce, commonly known as the Kefauver Committee, did consider the report of the Royal Commission in its own Third Interim Report. The Kefauver Committee concluded that whatever the reasonableness of the Royal Commission's recommendations may be in terms of the situation existing in the British Isles today, there is no argument by analogy from their recommendations to the legalization of a $20,000,000,000 empire built on corruption in the United States.

The particular question of the co-operation by an individual bettor was next considered. The opinion was expressed that the betting or gambling by an individual with organized gambling would be an unjustifiable material co-operation in the moral evils of corruption and crime support. Since the co-operation, however, would be material, its morality would have to be judged in individual cases according to the well known principles of co-operation. There was general agreement that the individual must weigh very carefully the morality of his action in betting with a bookie or patronizing a gambling establishment. In considering the question of the individual's co-operation, when he bets or gambles, in the violation by the bookie or the gambling operator of laws prohibiting organized gambling, the opinion was voiced that such would be formal, a part of the deed itself, in fact, a direct scandal in inducing another to violate the law.

Time did not allow complete discussion but only proposal for later consideration of the following: church bazaars under laws prohibiting gambling houses and the possession and operation of gambling apparatus; church raffles under the laws forbidding lotteries; church bingo and "parish clubs" under laws forbidding lotteries.

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