

## April 24, 2017; Repeal Carnival Gambling Exemption

There are few legal matters that get me scratching my head in confusion more than does the subject of gambling on Guam. Over the past 40 years I, along with the majority of voters, have voted several times to ban gambling. Despite this fact, gambling still seems to be alive and well on the island.

My strong dislike for gambling activities stems from my background as a divorce lawyer and also as the friend or relative of people who have lost their homes, destroyed their marriages, undermined their families, and derailed their careers as a result of a gambling addiction. Those of us who are old-timers remember what happened when Guam allowed widespread casino-type gambling. Dozens of cars would be parked in front of the casinos late into the night. Frequently, small children were left unattended in the cars as their parents gambled the family's finances away. It was truly a deplorable and sickening situation.

As a community, we took definitive action and overwhelmingly voted in favor of a referendum to ban casino gambling. Yet, despite our vote, organized gambling continues. Over the years, game rooms have cropped up around the island and today are quite abundant. I am by no means an expert on gambling laws, but I can't figure out how these parlors are allowed to stay in operation.

Several months ago, as I drove by Barrigada Heights in the evening, I noticed numerous cars parked in front of the old gambling house situated on the Liberation Carnival grounds. This went on for weeks, and then months. I kept wondering what was happening. After all, the carnival had ended long before. Eventually, news reports revealed that a loophole in the law permitting gambling during the carnival had somehow been manipulated to permit mayor-sanctioned gambling to continue unabated.

Guam's gambling law is found in chapter 64 of 9 Guam Code Annotated. Basically, the law provides that a misdemeanor is committed when a person does any of the following:

- Makes or accepts a wager involving money or anything of monetary value upon the result of any game or contest;
- Holds any money or anything of monetary value which he knows has been wagered in violation of provision 1; or
- Sets up or promotes any lottery or sells or buys any lottery tickets. A lottery is defined as "a plan whereby prizes are distributed by chance among persons who have paid or promised to pay anything of monetary value for a chance to win a prize."

Over the years, the Legislature has carved out exceptions to the law. These include social gambling at private homes, licensed cockfights, gambling activities

sponsored by certain non-profit organizations, and gambling concessions operated at fairs and carnivals.

Mayors defend the need to extend the carnival exception to help fund their activities. Although I understand the need for appropriate funding, I remind our mayors that you don't cure one ill by introducing another one. And, from years of observation, I can assure you that gambling leads to many ills. Unfortunately, we all witnessed a deadly example just a few days ago.

Let's put a stop to this nonsense, and encourage our senators to support Bill 50-34, that, if passed, will repeal the carnival exception once and for all.