

# United States Senate

WASHINGTON, DC 20510

November 21, 2017

The Honorable Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Mr. Rosenstein:

More than three years ago, we wrote the Department of Justice expressing our concern over the 2011 legal opinion issued by the Office of Legal Counsel (OLC) that reversed 50 years of interpreting the Wire Act to prohibit all gambling online. We warned that the DOJ opinion “could usher in the most fundamental change in gambling in our lifetimes by turning every smart phone, tablet, and personal computer in our country into a casino available 24 hours a day, 7 days a week.”

The DOJ opinion had the practical effect of repealing legislation Congress carefully and thoughtfully enacted in 2006 to ban internet gambling – legislation developed over seven years and crafted based on assurances from DOJ at that time that internet gambling was barred by the Wire Act and other federal criminal laws.

Internet gambling takes gambling too far. It preys on children and society’s most vulnerable. The FBI has concluded that “[o]nline casinos are vulnerable to a wide array of criminal schemes,” including money laundering and ventures by transnational organized crime groups. Of particular concern to us, as senior members of the Senate Judiciary Committee, is whether the FBI has the resources to effectively oversee a robust internet gambling industry to assure online casinos are not being used for criminal activities, and to protect the interests of states that prohibit internet gambling.

Pennsylvania has recently enacted legislation authorizing internet gambling, and other states are lined up to follow suit. Online casinos are already operating across state lines pursuant to compacts, and states are contemplating opening up their online casinos to foreign markets. We fear that unless DOJ promptly revisits its 2011 opinion, our prediction that online casinos could sweep across our country could come to pass.

Concerns about the proliferation of internet gambling are bipartisan and span the political spectrum. The 2011 DOJ opinion needs to be revisited and withdrawn, with the question of whether online casinos should be permitted in the United States properly returned to Congress to determine.

Sincerely,



Lindsey O. Graham  
United States Senator



Dianne Feinstein  
United States Senator