

Assembly Takes Up Gambling

By VINCENT THOMAS
Assemblyman, 68th District
Open gambling once more looms on the horizon as a threat to law and order in California. Complaints by some of the smaller cities in Los Angeles County have been addressed to the Legislature, stating that games operated by professionals have opened within their city limits, and are being run because of the "twilight zone" of uncertainty which now exists about municipal ordinances prohibiting gambling of any kind.

The subcommittee on gambling of the Assembly Committee on Governmental Efficiency and Economy recently held the first of a number of hearings on the problem. Present were legal, law enforcement and other officials from Los Angeles and several other cities. Also in attendance were representatives of several club organizations in whose premises games have been operated.

To illustrate the problem for the subcommittee, the efforts of the City of Long Beach were reviewed. In December, 1963, the city police determined that members and guests of a certain club were playing a card game called panguingue for money, and that employees of the club were conducting the game. Late in January, 1964, the police told the club management that any member or employee playing or conducting the game for money would be subject to arrest under the municipal ordinance.

THE CLUB management promptly filed an action in Superior Court, asking for relief and an injunction stopping city action, on the ground that the ordinance is invalid because the state has "pre-empted" the field of gambling by enacting a law controlling gambling, that the phrase, "game of chance," is illegally vague, and that in any case, panguingue is a "game of skill." Before the case was heard six employees of the club were arrested, and promptly released on a writ of habeas corpus. A temporary court order was issued, restraining the police from arrests of club members or employees pending the hearing on the injunction.

Subsequently, the Superior Court denied the preliminary injunction, and held the ordinance to be valid, but ruled that the question as to whether panguingue is a game of skill must be tried. An appeal to the Appellate Court was turned down. Another division of Superior Court ruled panguingue a game of chance, not skill. A petition was filed with the State Supreme Court, asking that the city ordinance be held unconstitutional, and that a permanent injunction prohibiting the city police from arresting club members or employees be issued. This case is still before the Court, thus creating at least a temporary twilight zone.

MANAGEMENTS of the clubs did not testify, in two cases on the grounds that it might incriminate them. Members of the subcommittee tried to determine whether, because of similarity in operations of the clubs, "syndicate" gambling or racketeering might be said to exist, but no specific answers were developed.

One police official with long experience in vice control told the subcommittee that the root of the present difficulty lies in the state law on gambling. It prohibits twelve games of chance by name, and also banking or percentage games where the house either banks the game or takes a percentage of the wagers, but does not directly ban all forms of gambling. As a result, many games not specifically named, such as draw poker, are permitted and licensed in many counties. He suggested either that the law be broadened, or completely repealed, so the cities and counties can enact and enforce sound gambling laws.

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