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# Law Blog: Internet Gaming Hearing, Was the Poker Community Heard?

November 3 2011, [Jennifer Newell](#)**SHARE - PRINT - EMAIL**

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Most advocacy groups and members of the gaming community registering an opinion of the October 25 hearing of the Congressional Subcommittee on Commerce, Manufacturing, and Trade considered it a success. According to advocacy groups in favor of online gaming, as well as many in the gaming community who listened to the two-and-a-half hours of discussion, [the “Internet Gaming: Is There a Safe Bet?” hearing](#) was a step forward in the attempt to license and regulate online poker on the federal level.

For some perspective, though, recognize that we have been down this path before, without a successful result. [Recall the House hearing chaired by Rep. Barney Frank in June 2010](#). The mostly-positive debate spurred high hopes, and promises of a bill moving forward to mark-up and a potential vote kept the spirit of online poker legislation alive. Congress eventually failed to take action on the bills, however, they were set aside, and they introduced new bills in 2011.

Even so, participants and interested parties of the October 25 hearing were eager to express optimism.

One of the primary members of the Committee and loudest voices at the hearing was Rep. Joe Barton (R-TX), sponsor of H.R.2366. When contacted for a reaction to the hearing, he responded, “It was helpful toward building the case that we need to pass my bill or something similar to it. I thought it was educational in that it showed how much support there is for open, transparent regulation of Internet poker. I also thought that there was a lot of support in the room - both at the witness table and up on the dais with other members of Congress. I am very hopeful that this will lead to further discussion and debate of H.R.2366 and ultimately a legislative hearing.”

When asked about the strong statements from Ernest Stevens of the National Indian Gaming Association representing concerns about currently pending legislation, Barton said, “I think the Indian tribes are just protecting their interests and I don’t blame them. However, I think with the proper interaction and discussion that they will support my bill.”

Poker Players Alliance (PPA) Chairman and former Senator Alfonse D’Amato, along with Executive Director John Pappas, represented the PPA at the hearing. D’Amato spoke out in favor of online gaming regulation. D’Amato has not responded to requests for an interview, but Pappas answered numerous questions.

As for the hearing overall, Pappas said, “Last week’s hearing was a success. For one of the first times in a Congressional setting, the discussion was focused on how and when to regulate Internet poker, rather than a debate about the merits of allowing adults this freedom. The hearing highlighted that strong consumer protections are necessary for any future regulated U.S. market.”

Pappas also commented on responses he received about the hearing. “All of the feedback has been positive. We connected with several lawmakers and they felt the hearing was very informative, and there is a strong interest to have a follow-up hearing. Further, the PPA is



preparing a memo to respond to some of the unanswered questions from the hearing and to better prepare the Committee for another hearing with new witnesses. On a side note, the Committee staff said that the webcast was the highest rated of any the Committee has made available. They also spoke very highly of the grassroots contacts they received in the days leading up to the hearing.”

Pappas, like Barton, reacted to Stevens’s testimony on behalf of Indian gaming. He noted, “All of the legislation currently introduced in Congress to license and regulate online poker contains provisions to respect the sovereignty of the Indian tribes while ensuring that American poker players have a robust, national online poker regime in which to play. NIGA and Mr. Stevens do have some legitimate concerns and we urge lawmakers to work with the Indian community to address those. However, they also have some concerns that are less legitimate, such as not being subject to taxation or external factors should a tribe decide to participate in Internet gaming.”

Other concerns discussed at the hearing included the advantage of skilled players, datamining, and bots. To those issues, Pappas responded, “There are a wide variety of programs available to online players so they can best judge their competition’s skill level, and we do not feel that it would be necessary to require player rankings on regulated sites.” He continued regarding datamining and bots by saying, “PPA believes that legislation can address those concerns. ... It is important to note that Mr. Barton’s bill does, for the first time, put in place legal restrictions on the marketing and sale of computer bots, which we believe will go a long way to discourage their use in online poker.”

The Safe and Secure Internet Gambling Initiative (SSIGI) released a statement after the hearing, including this encouragement for action by spokesperson Michael Waxman: “Members of Congress heard valuable testimony today on the ineffectiveness of existing laws that attempt to prohibit online gambling. As many as 10 million Americans, who continue to gamble online, are being left at risk. It’s time for Congress to take control of this already-thriving underground marketplace to protect consumers, create new jobs and stimulate our economy.”

FairPlayUSA was contacted for Parry Aftab’s reaction to the hearing, but she was out of the country and unable to respond for this column’s deadline. FairPlayUSA advisors Louis Freeh and Tom Ridge jointly wrote a column in *The Hill* publication at the time of the hearing, though, to speak of their interest in FairPlayUSA and support of a regulatory regime that would protect citizens by providing a safe environment for online gaming that also benefits the U.S. government with revenue.

The National District Attorneys Association also issued a statement in support of legal online poker. The organization mentioned encouragement from the efforts of Freeh and Ridge on behalf of FairPlayUSA.

Committee Chairwoman Mary Bono Mack (R-CA) did not respond to a request for comments about the reaction to the hearing.

By reading the statements and hearing the reactions of those involved, the public could easily assume that online gaming is on track to be licensed and regulated. On the other hand, the poker community has been hearing much of this optimism for several years. The new players in the game might be the key, though, along with the overall momentum of the movement.

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