

Information Paper

SUBJECT: Gambling and Related On-Post Events (Bingo, Casino Nights, etc.)

Superior-Subordinate Gambling. Certain types of gambling arrangements are prohibited. The most obvious is gambling between officers and enlisted members (AR 600-20, para. 4-14). There is an exception in the regulation for normal team building associations that occur in the context of activities such as, “community organizations, religious activities, family gatherings, or unit-based social functions.” The Manual for Courts-Martial, Article 134 (Part IV, para. 84) makes it criminal for an NCO or petty officer to gamble with subordinates. The MCM lists no exceptions. DA Pam 600-35, para. 1-4 discusses fraternization, warning that, “familiarity breeds contempt.” AR 600-20 states that commanders should seek to prevent inappropriate or unprofessional relationships. Before a unit or garrison commander plans a “Monte Carlo Night,” they should consider both the relationships that the activity will likely encourage, as well as the second and third order effects of those relationships.

Prohibited Gambling on the Installation. AR 215-1, para. 8-31 lists certain unauthorized MWR activities. They include, lotteries or the sale of lottery tickets¹, pull-tab bingo, and “grey area gambling devices.” These types of devices are defined under 15 USC 1171. When money is wagered, the regulation gives guidance on whether a machine would qualify as an illegal device:

- (1) if a winner is determined by skill alone, the device is probably permissible,
- (2) if skill plays no part in determining a winner, the device is probably illegal,
- (3) in mixed cases, the predominance of skill versus luck is the determining factor², and
- (4) coin chutes, credit meters, reel strips, and payout capacity (cash or prizes) indicate an unlawful grey area gambling device.³

JER 2-302 also prohibits gambling on federally owned or leased property or while on official duty. For members of the military, the JER notes that official duty means the person is “present for duty.” Based on that, AR 600-29, states that CFC fund-raising activities must be designed to avoid gambling.⁴ The JER grants an exception to the gambling rule for organizations, “composed primarily of DoD employees or their dependents for the benefit of welfare funds for their own members or for the benefit of other DoD employees ... subject to the limitations of local law and ... when approved by the Head of the DoD Component or designee.”

3. Allowable Activities

¹ There is an exception to the prohibition on the sale of lottery tickets on-post in the Randolph-Sheppard Act. A blind vendor may sell lottery tickets. See 20 U.S.C. 107a(5). DoDI 1015.10, July 6, 2009, para. states that *DoD Components* shall not operate or engage in the sale of lottery tickets.

² Although not a gaming mechanism, this principle is an example of why an installation’s MWR golf scrambles and bowling tournaments are permissible. The winner is chosen, mainly, by skill.

³ The prohibition on slot machines and roulette wheels is applicable CONUS. For overseas, these machines are permitted if the host country has not outlawed them, objected to their presence, or there is no prohibition in an agreement with the host country. See DoDI 1015.10, para. 14.a.(1).

⁴ “gambling” is defined as a game where there is (1) the payment of money or something of value, (2) the game is a game of chance, and (3) the game offers a reward or prize. The regulation states that holding a drawing using CFC pledge cards is not gambling as long as it is clear that a contribution/pledge is not required to enter the drawing.

a. B-I-N-G-O! DoDI 1015.10 is the governing guidance on bingo. Paragraph thirteen states that pull-tab bingo is prohibited for DoD components. The next paragraph states that paper and electronic bingo may be played on installations within the US if (1) the installation is an exclusive federal enclave, or (2) where there is concurrent jurisdiction and bingo is allowed by state law. It may be played overseas if not prohibited by host-nation laws or by an international agreement. Contractor operated bingo is prohibited. *See* Memo from ASA (M&RA) to Cdr, USACFSC, subject: Bingo Activities n Army MWR Programs – Action Memorandum, dated Nov. 5, 1998.

b. Raffles: The same paragraph states that raffles will be allowed on CONUS and foreign installations in similar situations where bingo is allowed (either on an exclusive enclave or where the state, foreign, or international law allows raffles). Participation by host nation personnel in raffles is prohibited. All raffles will be structured to cover the cost of the raffle, at a minimum. Tickets will clearly state the maximum number of tickets offered for sale.⁵

c. Monte Carlo and/or Recreational Card Game Tournaments: Again, DoDI 1015.10 allows these events if: (1) no monetary gain is awarded to participants, although non-monetary prizes may be awarded, (2) if the activity does not take place on a CONUS installation with exclusive federal jurisdiction, the activity must conform to foreign, state or local law, and (3) no reimbursement can be made for unused game tokens (tickets, chips, play money, or chits). AR 215-1 notes that the chits can be used to buy food, beverage or other items sold at the event.⁶ Reputable contractors are allowed to conduct these events.

4. Limiting Instructions

a. The US Postal Service cannot be used to advertise any of the three events mentioned above. AR 215-1, para. 8-14(g).

b. Although, AR 25-1, para. 6-1(f) prohibits the use of Army communications systems for gambling, that prohibition should extend only to illegal or unauthorized gambling activities.

c. Employees of the sponsoring MWR program, their families, and volunteers assisting in the games may not take part in any game or accept any prize. AR 215-1, para. 8-14(c).

d. An MWR program may conduct up to four casino events per year. Overseas installations may be higher (check with the IMCOM region's limit). AR 215-1, para. 8-14(d).

e. Private organizations, when authorized under DoD 5500.7-R and AR 210-22, PO's may conduct one casino event per year. When a PO sponsors a casino event, it must repay the host MWR program for all expenses, retaining only earnings minus the amount to cover MWR expenses.

f. Participation is not open to the public and is limited to authorized patrons and guests.

g. The cost of prizes will not exceed 90 percent of ticket sales after operating expenses are deducted.

h. Other MWR events cannot be sponsored by firms involved with games of chance or gambling to include casinos and Indian tribe gaming. AR 215-1, para. 11-8(k).

⁵ The installation MWR's total prizes cannot exceed \$20,000. \$15,000 is the maximum value for any one prize. Exceptions can be granted by IMCOM regions.

⁶ In the words of my garage mechanic, "that's good chit!"