

# Is Battle Of Legal Titans Over Internet Gambling Destined For U.S. Supreme Court?

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“Victory or Death” is the motto of a Washington, D.C. law firm playing a central role in the case over the Wire Act that could determine the future of internet gambling in the United States.

All attorneys at the firm of Cooper & Kirk receive cufflinks decorated with the firm’s logo — a laurel and a sword — and some actually have been given real swords.

The firm’s founder is Charles “Chuck” J. Cooper, whose clients include the Coalition to Stop Internet Gambling (CSIG), a Washington, D.C. advocacy group founded by Las Vegas Sands chairman [Sheldon Adelson](#), a leading Republican Party donor.

The coalition is supporting the U.S. Department of Justice (DOJ), which is the defendant in a [lawsuit filed in February](#) by the New Hampshire Lottery Commission and its vendor NeoPollard Interactive.

U.S. District Judge Paul J. Barbadoro of Concord, New Hampshire, is expected to make a ruling on the lawsuit any day now.

Cooper’s opponent in the New Hampshire lawsuit is Ted Olson, a partner at Gibson Dunn representing NeoPollard who is perhaps the most renowned lawyer in America.

Cooper and Olson did not appear during [oral arguments in the lawsuit](#) on April 11.

However, if the case eventually is argued before the U.S. Supreme Court, as some are predicting, there is a chance Cooper and Olson will go nose-to-nose.

Whatever happens, the influence of Cooper and Olson on the final judgment will be undeniable.

The New Hampshire Lottery Commission wants to nullify the DOJ’s recent reinterpretation of the Wire Act of 1961.

The outcome could have profound ramifications for not only state lotteries but the entire gaming industry.

The dispute revolves around a [November 2, 2018 opinion](#) by the DOJ’s Office of Legal Counsel (OLC), which was posted on the DOJ’s website on January 14.

The new opinion reverses a 2011 OLC opinion, and says the Wire Act prohibits not only interstate sports bets but interstate transmissions for all forms of gambling.

If it stands, the new interpretation could dismantle the legalized and regulated internet gambling industry which was launched after the original OLC opinion in 2011.

Cooper, 65, is ranked as one of the ten best civil trial attorneys in Washington, D.C. by The National Law Journal.

Cooper prepared his friend and [fellow Alabamian Jeff Sessions](#) for his confirmations hearings to become U.S. Attorney General in January 2017.

Three months later, a top-ranking official at the DOJ received a memo from Darryl Nirenberg who is a lobbyist for the CSIG.

The memo outlined reasons for overturning the OLC’s 2011 opinion, and sources said it was written by Cooper.

The new OLC opinion closely tracks the memo delivered by Nirenberg, according to the Wall Street Journal.

A former U.S. Solicitor General, the 78-year-old Olson has argued cases before the U.S. Supreme Court more than 60 times.

One of those cases included the historic decision in 2000 that made George W. Bush, Olson’s client, the 43rd President of the United States.

The New Hampshire lawsuit is not Olson’s first rodeo when it comes to gambling cases.

In May 2018, he won the [landmark Supreme Court decision](#) overturning a federal ban on sports betting

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One of the ironies in the New Hampshire lawsuit is that Olson and Cooper are both former OLC directors.

Olson served as head of the OLC from 1981 to 1984 during President Reagan's first term, and Cooper succeeded him in 1985 during Reagan's second term.

Their views on the new OLC opinion on the Wire Act, however, are diametrically opposed.

"I think an interpretation of the statute the way it's written, it's very, very peculiar to come out the way the recent opinion is," [Olson told GamblingCompliance](#) in March.

Olson said the Wire Act is not a perfect statute, "but I think the better reading in context was the previous [2011] interpretation."

Cooper, 63, contends the 2018 OLC opinion "accurately describes the state of the law" and dismisses the notion that Adelson had any influence.

"I believe that OLC analyzed this question to the best of its neutral abilities, researched it thoroughly and came to the conclusion that they came to based upon the merits of the arguments in favor and against the question of the Wire Act's scope," [Cooper told GamblingCompliance](#) in an interview earlier this year.

Both Cooper and Olson are considered stalwart conservatives, although Olson's career has been more nuanced.

For example, Olson represented Jonathan Pollard, a former U.S. intelligence analyst who pleaded guilty in 1986 of spying for Israel.

Olson also defended a reporter in New York who first leaked the story about Anita Hill, the woman who accused U.S. Supreme Court Justice Clarence Thomas of sexual harassment during his confirmation hearings in 1991.

But the case which really raised eyebrows about Olson among conservatives was his opposition to a same-sex marriage ban in California in 2013.

Teaming up with David Boies, the prominent liberal attorney he defeated in the U.S. Supreme Court case on the 2000 presidential election, Olson prevailed over Cooper in the same-sex marriage litigation.

"Marriage is a conservative value," Olson told the American Bar Association after the Supreme Court decision upholding same-sex marriage.

"We should want people to come together in marriage," said Olson, who has been married four times.

Cooper represented advocates of the California ban on same-sex marriage, but he and Olson hugged before trial proceedings commenced every day.

Shortly after appearing before the Supreme Court in 2013 to defend California's ban on same-sex marriage, Cooper found himself helping his stepdaughter plan for her marriage to another woman.

Cooper has said his views on gay marriage are evolving.

A highly-regarded Washington power player for more than three decades, Cooper may have helped save the presidency of Ronald Reagan during the Iran-Contra scandal of 1985 to 1987.

While at OLC, he became part of a small group tasked with investigating the Iran-Contra scandal.

On the Thanksgiving weekend of 1986, two of Cooper's colleagues in the investigation joined him and U.S. Attorney General Ed Meese for lunch at the vintage Washington, D.C. restaurant Old Ebbitt Grill.

Cooper's colleagues told him and Meese they had discovered an incriminating document about an arms-for-hostages deal with Iran.

Led by Meese, the four men confronted Oliver North, the mastermind of the deal, before the weekend was over.

North was later convicted for his role in the illegal sale of arms to Iran in exchange for funds to support the Contras, a group of rebels fighting a leftist regime in Nicaragua.

The swift action taken by the group including Meese and Cooper has been credited by some with preventing Reagan's presidency from being ruined.

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