

## Arizona Judge Vows His Poker Games Are Legal

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The small town of Sierra Vista sits just outside the famed Wild West site of Tombstone in southern Arizona. What sets Sierra Vista apart from most other towns scattered across the deserts of Arizona, is a storefront sign advertising Judge Lee's Arizona Card Room & Social Club.

The card room is open every night, and is run by 64 year-old Harold Lee, a resident of Tombstone and former Maricopa County Justice of the Peace. Lee knows the law, and also knows he is risking arrest by operating his nightly poker game. This is a risk he is willing to take.

Lee has taken a firm stand against AZ state authorities and says his poker game is legal, and he is willing be arrested to prove his point. "If that's what it takes, let's get this thing in the courthouse," Lee said. "They'll lose because poker isn't (illegal) gambling. . . . I don't think they can get a jury to convict."

Lee states he has been operating poker rooms since 2005 in Cochise County. So far, he has been left alone to offer no-limit Hold'em games to eager poker players, even though AZ law bans businesses from making a profit from or promoting games of chance. Lee contends, "State gambling statutes are unconstitutional, evil, nefarious and anti-historical. Poker is part of our inherent and inalienable right to liberty in the pursuit of happiness." An avid supporter of poker, Lee may soon have the chance to play his hand in court.

Due to recent media coverage, Attorney General Terry Goddard, announced last week that his office is considering criminal charges against Lee. In a recent AZ Gaming Department report, undercover investigations were made of Arizona Card Room games in Sierra Vista and Bisbee during 2006-07. The conclusion was, both of the enterprises were found to be illegal. Felony charges were then sought against Lee and his ex-partner, a former legislator and former Cochise County supervisor, Michael D. Palmer. The partnership ended last year with Palmer bowing out of the poker room business.

Andrea Esquer, the Attorney General's spokeswoman said, "Prosecutors did not pursue the case at the time because of a lack of resources." That view has recently changed however, when the media disclosed the location of Harold Lee's website. After visiting the Website, Goddard said he is reconsidering prosecuting Lee because it looks like Lee is challenging state law. "It is a fine line . . . between what he's trying to do and a casino," Goddard stated.

On Lee's Website he states, "the card room operates with the acceptance" of the Attorney General, Arizona Gaming Department, Cochise County Attorney Ed Rheinheimer, and the state Department of Liquor License and Control.

Some of these "accepting" agencies disagree with Lee's statement.

County prosecutor Reinheimer stated he had met with Lee, but never agreed that the card club is legal. "We don't under any circumstance give advisory opinions to private citizens. I had never considered charges because nobody ever asked me to. It's not anything we would take action on unless somebody filed a complaint."

Boldly stating his case, Lee delivered letters to county and state authorities which said in part, "To begin, we want to thank the elected office holders in Cochise County for their courage, leadership and wisdom. We believe they have correctly interpreted social gambling exemptions contained in ARS Title 13. We also wish to thank the leadership in the Cities where we have obtained licenses to conduct business; Bisbee, Sierra Vista, and Tombstone. It appears that some law enforcement authorities do not agree on what constitutes social gambling. However, members of the Arizona Card League do, and we believe any jury of our peers would agree; a group of adults joining a private social club to play games; is social gambling. And, that our inherent and inalienable right to liberty, in the pursuit of happiness, would be violated by any prohibition. In fact, we feel so strongly that this is the case; that we are seeking support from voters, and friends of freedom everywhere, to join us in seeking a sane gaming policy for Arizona."

The statute to which Lee refers to is ARS 13-303 and 13-304, which he interprets as allowing social gambling, as long as there is no sale of alcohol or the house taking a rake.

When Lee retired to Cochise County in 2005, he had plans to start a gambling league. The first league tournaments were held at Tombstone motel and a Bisbee bed-and-breakfast, until the club found a home near the Fort Huachuca Army base. Lee incorporated the Arizona Card League, and started the Arizona Card Room as his business. He admits that because of filing failures, neither business is in good graces with the state Corporation Commission.

Regarding his Arizona Card League, Lee says, "We want to be what the PGA is to golf. We want to find the best poker players in the area. We're real serious about building a league. We have to have people stop pushing poker into garages and acting like there's something nefarious about it."

"The biggest problem we have, is people think they're going to be arrested if they come here," Lee said. "But we see it as a competitive sporting event and we go out of our way to be in compliance with the statute."

Fear of arrest has been calmed by the presence of regular players like retired policeman Mike Rose, who loves to shove in his stack and proclaim "all-in" as he chews on the stub of a cigar. Rose says he has studied Arizona gaming statutes and is convinced the poker club is legal. "I have a little experience with the law, if they decide to book me, I'll just plead not guilty and demand a trial." Rose's opinion is shared by other members of the club, which include border patrol agents, soldiers, peace officers, deputy prosecutors and even a mayor.

It seems Lee looks forward to the chance to fight the system, especially concerning Indian gaming. He condemns state gambling statutes as unconstitutional, evil, nefarious and anti-historical. He says, "Poker is part of our inherent and inalienable right to liberty in the pursuit of happiness." He is especially outspoken about the state compact that gives Indian tribes the exclusive right to operate casinos and says, "It is a monopolistic rip-off for Arizona taxpayers."

"We need the light of day shined on this disastrous public policy. We have had our true heritage stolen from us. We have had powers and authorities illegally usurped from our charter." Lee says of the current laws banning poker rooms. "I would walk into a cell in the morning if I could drag along the amoral Arizona State Indian Gaming monopoly," he wrote in a letter to the citizens of Tombstone. "If sending an old man to the slammer will help bring

down that reprehensible monopoly, great!"

Lee says the Indian compact "Violates the Constitution's equal-protection clause and was adopted as an irrational salve for White man's guilt after centuries of mistreating Native Americans." He believes the state Indian gaming compact authorizes a "wicked, base and evil" monopoly that has enriched "foreign nations," the tribes, by \$2 billion yearly at the expense of Arizona residents

He is firm in his opinions that, "The regulation of gambling should be conducted only by local government." To get his point across, he says, "Towns like Tombstone were founded as gaming centers and would thrive again with poker parlors." He then cites an 1881 ordinance as historical evidence and boasts that brothers Wyatt and Virgil Earp frequently enjoyed gambling in the Birdcage Saloon.

With all recent attention and threats of legal action, is Lee worried about a raid on his poker club? He says no, and would take "sole and full responsibility" if a raid does occur. "This is adults playing games, and it really isn't something the state should or can control," he added.

Although Lee claims the card room is a non-profit social club where members compete in games of skill, gaming investigators found that the Arizona Card Room collects from \$200 to \$400 nightly from players. According to Lee, there is a \$20 annual membership fee, and players donate a dollar or two every few hands to pay expenses and rent. Also Lee states that in accordance with the law, liquor is not sold, though players are allowed to bring their own.

Investigators also charge that Lee played in the games using house money, and dealers played both on and off shift. Lee contends that the dealers are all volunteers, and receive only tips as pay. Therefore, they are free to play when they want.

While serving 12 years as a Justice of the Peace in Phoenix, Lee was known as the "Rock n' Roll" judge. The moniker reflected not only his taste in music, but his unusual legal rulings as well. He was well known for rallying against laws that targeted what he believed to be victimless crimes, such as prostitution, marijuana possession and of course, gambling. It was common for Lee to sentence these offenders to community services, such as picking up trash in public areas or donating blood.

What the future holds for Lee is uncertain, but he has hopes to start up tourist excursions to poker rooms in Tombstone and of setting up operations in Maricopa County. He says, "Social gambling is good for communities, and I have held benefit tournaments in support of historical buildings and youth football." While his only income is Social Security, Lee says, "I hope the poker enterprise will eventually generate a profit, but the goal is to make a point rather than money."

"I'm a philosopher or something," he added. "I hate business. But I enjoy kicking the (stuffing) out of the state."