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Bob Casey's illegal case of wine

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BY ANTONY DAVIES & JAMES R. HARRIGAN | Saturday, June 25, 2016, 9:00 p.m.

The Penguins' fourth Stanley Cup also was a victory for Sen. Bob Casey. The Pennsylvania Democrat bet Sen. Dianne Feinstein, D-Calif., a case of wine that the Pens would beat the Sharks. Feinstein paid up. Casey wants to share his wine with the team.

Not so fast, senator. As it turns out, you are running afoul of the regulatory state that you helped build. And like any American who wants to do something with his own property, you had better think twice. It turns out that Casey could be violating a number of laws.

First, even wagering among friends can be a violation of federal and multiple state laws, depending on where the people reside and whether they used a telephone in placing the wager. This isn't a harmless government-sponsored lottery after all; this is the dangerous kind of gambling. How dangerous? Consider Salvatore Culosi, an optometrist who lived in northern Virginia. A SWAT team killed him as he stood unarmed outside his home. Why? He was betting on football. Betting on hockey isn't all that different. But a U.S. senator is likely to get a benefit of the doubt not accorded common citizens.

It doesn't end there, however. Federal law requires that taxpayers report the fair market value of non-cash winnings to the IRS. But since it doesn't make sense to report income from an illegal activity, the senator's harmless bet becomes a violation of not one, but two laws. Casey is required to pay income tax on his winnings, both to the federal and Pennsylvania governments. But since one doesn't pay taxes on undeclared income, the senator will have violated at least four laws.

If that weren't trouble enough, sharing the wine with the Penguins plunges Casey into an entirely new circle of regulatory hell. Section 9011 of the Pennsylvania Malt Beverage Tax Code prohibits the importing of alcohol into the commonwealth until state alcohol taxes are paid on it. Section 9.91(a) prohibits anyone not holding a valid distributor license from importing wine into Pennsylvania. That puts Casey in violation of six laws. But wait, there's more.

Pennsylvanians may receive gifts of wine — provided that they submit proper paperwork and pay appropriate fees to the state Liquor Control Board. If the Penguins don't do this, they, too, will be in violation of at least two state laws. That's at least eight broken laws,

some of which could be felonies, for doing something that any reasonable person would consider harmless.

Yet what business is it of any government if citizens choose to wager? Let's be honest, Casey will not receive the benefit of the doubt. He will receive the benefit of every doubt. These laws are on the books for people who are not senators. The rest of us are buried in so many laws and regulations that we can scarcely move without violating them. This is not how free people live.

Casey should suffer a taste of the medicine he and his colleagues have given the rest of us. He should report his winnings, pay the tax and turn himself in for illegal gambling. Maybe all of this finally will motivate him to begin unwinding the regulatory hell he helped create.

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