

1999 HOUSE JUDICIARY  
HB 1133

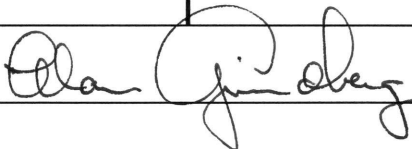
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1133

House Judiciary Committee

Conference Committee

Hearing Date January 19, 1999

| Tape Number  | Side A | Side B | Meter # |
|--|--------|--------|---------|
| 1  | X      |        | 18.9    |
|  |        |        |         |
|  |        |        |         |
| Committee Clerk Signature  |        |        |         |

Minutes:

REP. MARAGOS: This bill is an old friend. I have introduced it every session since 1991. It is my attempt to take some hypocrisy out of the law. I can see no distinction between paying an entry fee to a tournament and winning a prize and paying a fee and winning a prize for being best at picking a winning team in a sport.

JACK MCDONALD (NFL) Presented prepared testimony, a copy of which is attached.

CHRISTOPHER DOTSON (ND Catholic Conf.) Presented prepared testimony, which is attached.

WARREN DEKREY Appeared in opposition and presented material prepared by Dr. James Dobson, a copy of which is attached.

GOV. ART LINK (ND Cncl on Gaming Problems. Appeared in opposition. The council is against any extension of gambling. We started this very innocently with bingo and it has

Page 2

House Judiciary Committee

Bill/Resolution Number 1133

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mushroomed. Since 1990 the number of gaming sites has goon from 600 to 2000. We already have as much gaming in ND as we need, and, in my opinion, quite a bit more. Studies show that one in twenty gamblers become addicted.

COMMITTEE ACTION January 20, 1999

REP. MARAGOS moved to amend the bill to restrict its application to professional and to insert a sunset clause so it expires on July 1, 2001. Rep. Hawken seconded the motion which passed with 13 ayes and 1 nay and 11 absent.

REP HAWKEN moved that the committee recommend that the bill DO PASS. Rep. Delmore seconded the motion which passed on a roll call vote of 8 ayes, 6 nays and 1 absent. Rep. Hawken was assigned to carry the bill on the floor.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1133 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 1-18-99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

This bill would exclude, from the definition of "gambling," activity in which a person, among and against other persons, would make a wager in a contest. The wager would be based on the person's knowledge of the athletic ability of one or more competitors involved in amateur or professional sports games. The person who wagered on one or more competitors who had the best performance in a sports game or games (for example, scored the most number of points) would win a prize. This bill would change the classification of a "calcutta," from a "game of chance," to a lawful "contest." The negative fiscal effect relates to the loss of gaming tax on forecasted calcutta activity involving the charitable gaming industry.

- State fiscal effect in dollar amounts:

|               | 1997-1999<br>Biennium |                  | 1999-2001<br>Biennium |                  | 2001-2003<br>Biennium |                  |
|---------------|-----------------------|------------------|-----------------------|------------------|-----------------------|------------------|
|               | General<br>Fund       | Special<br>Funds | General<br>Fund       | Special<br>Funds | General<br>Fund       | Special<br>Funds |
| Revenues:     | -0-                   | -0-              | (\$2,000)             | -0-              | Unknown               | -0-              |
| Expenditures: | -0-                   | -0-              | -0-                   | -0-              | -0-                   | -0-              |

- What, if any, is the effect of this measure on the appropriation for your agency or department:

- For rest of 1997-1999 biennium: None
- For the 1999-2001 biennium: None
- For the 2001-2003 biennium: None

- County, City, and School District fiscal effect in dollar amounts:

| 1997-1999<br>Biennium |        |                     | 1999-2001<br>Biennium |        |                     | 2001-2003<br>Biennium |        |                     |
|-----------------------|--------|---------------------|-----------------------|--------|---------------------|-----------------------|--------|---------------------|
| Counties              | Cities | School<br>Districts | Counties              | Cities | School<br>Districts | Counties              | Cities | School<br>Districts |
| -0-                   | -0-    | -0-                 | -0-                   | -0-    | -0-                 | -0-                   | -0-    | -0-                 |

If additional space is needed, attach a supplemental sheet.

Signed Charles Keller

Typed Name Charles Keller

Date Prepared: 1/19/99

Department Office of Attorney General

Phone Number 328-4482



Date: 1/20  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1133

House JUDICIARY Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Hawken Seconded By Delmore

| Representatives  | Yes | No | Representatives | Yes | No |
|------------------|-----|----|-----------------|-----|----|
| REP. DEKREY      |     | ✓  | REP. SVEEN      | ✓   |    |
| REP. CLEARY      |     | ✓  |                 |     |    |
| REP. DELMORE     | ✓   |    |                 |     |    |
| REP. DISRUD      |     | ✓  |                 |     |    |
| ✓ REP. FAIRFIELD | ✓   |    |                 |     |    |
| REP. GORDER      |     | ✓  |                 |     |    |
| REP. GUNTER      |     |    |                 |     |    |
| REP. HAWKEN      | ✓   |    |                 |     |    |
| REP. KELSH       | ✓   |    |                 |     |    |
| REP. KLEMIN      |     | ✓  |                 |     |    |
| REP. KOPPELMAN   |     | ✓  |                 |     |    |
| REP. MAHONEY     | ✓   |    |                 |     |    |
| REP. MARAGOS     | ✓   |    |                 |     |    |
| REP. MEYER       | ✓   |    |                 |     |    |

Total (Yes) 8 No 6

Absent 1

Floor Assignment Hawken

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1133: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (008 YEAS, 006 NAYS, 001 ABSENT AND NOT VOTING). HB 1133 was placed on the Sixth order on the calendar.

Page 1, line 2, after "gambling" insert "; and to provide an expiration date"

Page 1, line 14, replace "others" with "professionals"

Page 1, after line 17, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2001, and after that date is ineffective."

Renumber accordingly

**1999 TESTIMONY**

**HB 1133**

January 19, 1999

HOUSE JUDICIARY COMMITTEE

HB 1133

**CHAIRMAN DEKREY AND COMMITTEE MEMBERS:**

My name is Jack McDonald. I'm appearing today on behalf of the National Football League. We **OPPOSE** this bill.

The National Football League opposes any increase in sports gaming. It is our position that Federal law (the Professional and Amateur Sports Protection Act/PASPA) prohibits such expansion (see law attached). Federal law prohibits states from extending legalized sports gambling beyond those schemes "authorized by a statute as in effect on October 2, 1991." **28 USCA 3704(a)(2)(A)**

The Attorney General, in a nonbinding letter and not an opinion, said that while similar 1995 legislation did not "on its face" violate PASPA, the bill could not authorize gambling prohibited by PASPA. This is exactly what this bill does by "decriminalizing" this type of gambling. The type of gaming sought in HB 1133 was clearly not allowed on Oct. 2, 1991, and is not allowed today. Otherwise, you would not have this legislation before you.

The sponsor says this bill will just legalize fantasy football types of pools, or office sports pools, or pick the winner sorts of contests. THIS IS WRONG. This bill does much, much more than that.

Under this legislation, anyone can form a "contest" on any activity they want, be it high school football, college football, the bridge tournament at the Senior Center, or the grade school cross country meet. Then, the entrants in this "contest" make judgments based on their knowledge of the speed, skill, endurance, etc. of the players. For example, how fast is the local high school's guard, or how well a high school swimmer does her turns in the 200 backstroke. Then the entrants make a "decision" by placing their bets, and if they win, they win more than they bet. This isn't gambling?

This brings Vegas odds-type, sports book betting to North Dakota in a big way. And, it brings it right to our local high schools and colleges. And, since this bill says this is not gambling, there will be no control by law enforcement officials, no rules and regulations by the Attorney General's office and no limits of what can be used to make bets on.

North Dakotans have voted down expanded gambling in a big way...they have soundly defeated expanded gambling measures in THREE statewide elections. They don't want any expansion of gaming, much less the wide open type created by this bill. The 1997 Legislature defeated this bill 20-75. Similar bills were defeated in the 1993 and 1995 Legislatures. We strongly, but respectfully urge that you keep this streak going by giving this bill a **DO NOT PASS**. I'll be happy to answer any questions. THANK YOU FOR YOUR TIME AND CONSIDERATION.

(OVER)

**ACTION PROCEDURE Part 6**

**TUTORY NOTES**

**Effective Dates**  
1990 Acts. Section to take effect 180 days after Nov. 29, 1990, except as otherwise provided, see section 3631 of Pub.L. 101-647, set out as a note under section 11 of this title.

**REFERENCES**

Federal Civil Procedure § 72.1.

C.J.S. Federal Civil Procedure § 38.  
C.J.S. Federal Civil Procedure § 37.

**LEGAL RESEARCH**

[by number].  
Explanation pages of this volume.

**CHAPTER 178—PROFESSIONAL AND AMATEUR  
SPORTS PROTECTION**

- Sec.**  
3701. Definitions.  
3702. Unlawful sports gambling.  
3703. Injunctions.  
3704. Applicability.

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**§ 3701. Definitions**

For purposes of this chapter—

(1) the term "amateur sports organization" means—

(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

(B) a league or association of persons or governmental entities described in subparagraph (A),

(2) the term "governmental entity" means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including on lands described in section 4(4) of such Act (25 U.S.C. 2703(4)).

(3) the term "professional sports organization" means—

(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

(B) a league or association of persons or governmental entities described in subparagraph (A),

(4) the term "person" has the meaning given such term in section 1 of title 1, and

(5) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

(Added Pub.L. 102-559, § 2(a), Oct. 28, 1992, 106 Stat. 4227.)

#### HISTORICAL AND STATUTORY NOTES

|   |  |
|---|--|
| <p><b>Revision Notes and Legislative Reports</b><br/>1992 Acts. Senate Report No. 102-248, see 1992 U.S. Code Cong. and Adm. News, p. 3553.</p> | <p><b>Effective Dates</b><br/>1992 Acts. Section 3 of Pub.L. 102-559 provided that: "This Act [enacting this chapter and enacting provisions set out as a note under section 1 of this title] shall take effect on January 1, 1993."</p> |
|---|--|

#### LIBRARY REFERENCES

##### American Digest System

Elements of criminal gaming, see Gaming § 64.1 to 67.  
Nature of offense of gaming, see Gaming § 62.  
Regulation of athletic contests and activities in general, see Theaters and Shows § 3.60.

##### Encyclopedias

Definitions, distinctions, and general considerations; sports, athletic contests, and activities, see C.J.S. Entertainment and Amusements; Sports § 5.  
Gaming; definitions, descriptions, and distinctions, see C.J.S. Gaming § 1.  
Gaming; offenses and responsibility therefor, see C.J.S. Gaming § 80 et seq.

#### WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].  
Theaters and shows cases: 376k[add key number].  
See, also, WESTLAW guide following the Explanation pages of this volume.

### § 3702. Unlawful sports gambling

It shall be unlawful for—

- (1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or
- (2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which any four or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in sports.

#### HISTORICAL AND STATUTORY NOTES

|   |   |
|---|---|
| <p><b>Revision Notes and Legislative Reports</b><br/>1992 Acts. Senate Report No. 102-248, see 1992 U.S. Code Cong. and Adm. News, p. 3553.</p> | <p><b>Effective Dates</b><br/>1992 Acts. Section effective Jan. 1, 1993, see section 3 of Pub.L. 102-559, set out as a note under section 3701 of this title.</p> |
|---|---|

#### LIBRARY REFERENCES

##### American Digest System

Gaming offenses; playing or betting in general, see Gaming § 71.  
Regulation of athletic contests and activities in general, see Theaters and Shows § 3.60.

##### Encyclopedias

Gaming offenses and responsibility therefor; bet or wager, see C.J.S. Gaming § 88.  
Offenses incident to conduct of sports, see C.J.S. Entertainment and Amusement; Sports § 102.

#### WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].  
Theaters and shows cases: 376k[add key number].  
See, also, WESTLAW guide following the Explanation pages of this volume.

### § 3703. Injunctions

A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

(Added Pub.L. 102-559, § 2(a), Oct. 28, 1992, 106 Stat. 4228.)

#### HISTORICAL AND STATUTORY NOTES

|   |   |
|---|---|
| <p><b>Revision Notes and Legislative Reports</b><br/>1992 Acts. Senate Report No. 102-248, see 1992 U.S. Code Cong. and Adm. News, p. 3553.</p> | <p><b>Effective Dates</b><br/>1992 Acts. Section effective Jan. 1, 1993, see section 3 of Pub.L. 102-559, set out as a note under section 3701 of this title.</p> |
|---|---|

#### LIBRARY REFERENCES

##### American Digest System

Actions for injunction; venue, see Injunctions § 111.  
Illegal gaming; preliminary proceedings in prosecution, see Gaming § 83.

##### Encyclopedias

Applications and suits for injunctions; venue, see C.J.S. Injunctions § 179.

## WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].

Injunction cases: 212k[add key number].

See, also, WESTLAW guide following the Explanation pages of this volume.

## \* § 3704. Applicability

(a) Section 3702 shall not apply to—

(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme was conducted by that State or other governmental entity at any time during the period beginning January 1, 1976, and ending August 31, 1990;

(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

(A) such scheme was authorized by a statute as in effect on October 2, 1991; and

(B) a scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or other governmental entity at any time during the period beginning September 1, 1989, and ending October 2, 1991, pursuant to the law of that State or other governmental entity;

(3) a betting, gambling, or wagering scheme, other than a lottery described in paragraph (1), conducted exclusively in casinos located in a municipality, but only to the extent that—

(A) such scheme or a similar scheme was authorized, not later than one year after the effective date of this chapter, to be operated in that municipality; and

(B) any commercial casino gaming scheme was in operation in such municipality throughout the 10-year period ending on such effective date pursuant to a comprehensive system of State regulation authorized by that State's constitution and applicable solely to such municipality; or

(4) parimutuel animal racing or jai-alai games.

(b) Except as provided in subsection (a), section 3702 shall apply on [redacted] described in section 4(4) of the Indian Gaming Regulation Act [redacted] S.C. 2703(4)).

## HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports  
1992 Acts. Senate Report No. 102-248,  
see 1992 U.S. Code Cong. and Adm.  
News, p. 3553.

## References in Text

The effective date of this chapter, referred to in subsec. (a)(3)(A), is Jan. 1, 1993, see section 3 of Pub.L. 102-559, set

out as an Effective Dates note under section 3701 of this title.

## Effective Dates

1992 Acts. Section effective Jan. 1, 1993, see section 3 of Pub.L. 102-559, set out as a note under section 3701 of this title.

## LIBRARY REFERENCES

## American Digest System

Gaming offenses; construction of statutory provisions, see Gaming § 63(3).

## Encyclopedias

Gaming offenses and responsibility therefor; games, etc., within statutes, see C.J.S. gaming § 86.

## WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].

See, also, WESTLAW guide following the Explanation pages of this volume.



Representing the Diocese of Fargo  
and the Diocese of Bismarck

Christopher T. Dodson  
Executive Director

**To:** Members of the House Judiciary Committee  
**From:** Christopher T. Dodson, Executive Director  
**Subject:** House Bill 1133 (Definition of Gambling)  
**Date:** January 18, 1999

Mr. Chairman, members of the committee, I am Christopher Dodson, the executive director of the North Dakota Catholic Conference. The North Dakota Catholic Conference has long opposed the expansion of gambling in North Dakota, recognizing that widespread availability of gambling threatens the common good. We urge a Do Not Pass recommendation.

House Bill 1133 appears to merely legalize various forms of sports pools. It is important to realize that betting on sporting events is already legal in North Dakota, so long as the total amount wagered by an individual does not exceed twenty-five dollars. (See N.D.C.C. § 12.1-28-02.) House Bill 1133, however, by removing such wagering from the definition of gambling, would legalize any such wagering, no matter where it is conducted, and no matter what the amount of wager. The bill would, therefore, significantly expand -- and remove any restrictions from -- an entire form of gambling.

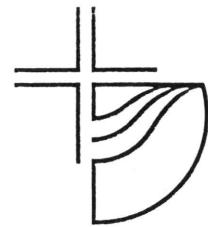
Some may argue that this type of gambling already occurs with great frequency. That may or may not be true. The alleged frequency, however, does not justify its legalization. Doing so would pervert the very nature of law. Laws provide a standard for behavior, shape habits, and protect and promote the common good. They are not mere reflections of what people may or may not feel is right at a particular time. Such a positivistic approach to law eventually promotes a race to the lawlessness.

Judging from the public response to recent proposals to expand gambling, the vast majority of people in North Dakota oppose expanding gambling. I have also had the opportunity to share this proposal with representatives from other religious organizations. As a result of those conversations, the Western North Dakota Synod of the Evangelical Lutheran Church in America, the Northern Plains District of the Church of the Brethren, the Northern Plains Conference of the United Church of Christ, the Methodist Church, the Presbytery of the Northern Plains (Presbyterian USA), the Episcopal Diocese of North Dakota, and the Northern Province of the Moravian Church have asked me to share their opposition to this bill. Copies of some of their letters are attached.

W. Broadway, Suite 2  
Bismarck, ND 58501  
(701) 223-2519  
Fax # (701) 223-6075



Northern Plains District Church of the Brethren  
P.O. Box 493  
Ankeny, Iowa 50021-0493  
(515) 964-4816



Church of the Brethren

January 4, 1999

To North Dakota House of Representatives considering House Bill No 1133 and House Concurrent Resolution No. 3008

The Northern Plains District of the Church of the Brethren, of which I am the judicatory executive, includes congregations in **North Dakota**, Montana, Minnesota, and Iowa. I write to voice Church of the Brethren opposition to expansion of gambling in North Dakota. I join other judicatory executives, bishops, and other religious leaders in voicing opposition to House Bill No. 1133 and House Concurrent Resolution No. 3008.

The Church of the Brethren has historically been opposed to gambling and continues to oppose expansion of gambling in its various forms, including sports pools and multistate lotteries. We believe that gambling is morally wrong and that it causes much destruction and poverty for individuals and families. Gambling creates many problems that both the churches and the government will have to address. As I understand it, the proposed legislation would allow or expand those types of gambling. I hope that you would consider the voice of the faith community as you deliberate these items.

Sincerely,

A handwritten signature in cursive script that reads "Connie R. Burkholder".

Rev. Connie R. Burkholder  
District Executive



*Western North Dakota Synod*

*EVANGELICAL LUTHERAN CHURCH IN AMERICA*

1614 Capitol Way • Post Office Box 370  
Bismarck, North Dakota 58502  
Phone: (701) 223-5312

January 4, 1999

Christopher Dodson  
Executive Director, NDCC  
227 W. Broadway, Suite 2  
Bismarck, ND 58501

SUBJECT: Gambling

Dear Mr. Dodson,

Thank you for your letter informing me that there will be new attempts to expand gambling in North Dakota brought before the 1999 ND State Legislative session. The voting members from congregations of the Western North Dakota Synod of the Evangelical Lutheran Church in America, in assembly action, have twice voted to approve resolutions calling into serious question the wisdom of using legalized gambling as a revenue source.

As Bishop of the WND Synod, I, too, register my objection to gambling in our society. There are so many links between gambling and the problems left for society to face in terms of children, marriages, homelessness, bankruptcies, and addiction, that any short-term gain in revenue is clearly offset by the long term decay to society. I believe that as people become increasingly aware of the destructive faces inherent in the gambling industry, they will resist any attempt to have government promote gambling simply as an easy way to raise revenue. I encourage the citizens of North Dakota to be willing to pay taxes in the amount necessary for the state of North Dakota to meet its responsibilities to the people. The legislature is encouraged to work for fair and equitable systems of taxation that can provide for good government. Gambling, specifically, should not be viewed by the legislature as a source of revenue for government or non-profit charities.

Sincerely,

Duane Danielson  
Bishop

# The Northern Plains Conference

## United Church of Christ

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*The Rev. Dr. Jack J. Seville, Jr.*  
*Conference Minister*

*Rose Mary Hertz*  
*Administrative Assistant*

January 7, 1999

Christopher T. Dodson  
Executive Director  
North Dakota Catholic Conference  
227 W. Broadway, Suite 2  
Bismarck, ND 58501

Dear Chris:

Greetings from the Northern Plains Conference of the United Church of Christ!

Thank you very much for the alert on the two items that will come before the state legislature regarding gambling this session. Please know that I stand where I have always stood on this issue. I am opposed to any introduction of gambling in the State of North Dakota. The United Church of Christ, as a denomination, has taken numerous steps at General Synods in the past to speak out against the proliferation of gambling in our country. Unfortunately, I do not think that our denomination has gone far enough in that it has not taken a stand regarding casino gambling on Indian reservations. However, please know that you have the support of the Northern Plains Conference of the United Church of Christ in any effort to oppose the introduction of more gambling into the state of North Dakota.

"May the Peace of the Lord Jesus Christ be with you."

Sincerely,



The Rev. Dr. Jack J. Seville, Jr.  
Conference Minister



January 1999

Dear Friends,

Did you know that Americans gamble more money each year than they spend on groceries?<sup>1</sup> Or that more than \$600 billion is wagered legally in the United States annually?<sup>2</sup> Or that nearly 1 in 5 homeless people admit that gambling contributed to their poverty, and yet 37 percent said that they continue to gamble?<sup>3</sup> Or that 5 to 8 percent of American adolescents are already addicted to gambling?<sup>4</sup> Or that 75 percent of pathological gamblers admitted that they had committed at least one felony to support their habit?<sup>5</sup> Or that more money is spent on gambling in the state of Mississippi than on all retail sales combined?<sup>6</sup> Or that a decade ago, only New Jersey and Nevada permitted casinos, but now 48 states have legalized some form of gambling?<sup>7</sup> Or that more than 30,000 video poker machines, which are called the "crack cocaine of gambling,"<sup>8</sup> are scattered through South Carolina, and that the governor who opposed them (David Beasley) was voted out in November?<sup>9</sup> Or that children as young as four years of age can put money in those poker machines legally in South Carolina as long as they don't accept their earnings?<sup>10</sup> Or that the massive Las Vegas casino called "New York, New York" was completed in 1996, at a cost of \$460 million,<sup>11</sup> and *more than half* of it was paid for in a period of only one year!<sup>12</sup>

Clearly, "gambling fever" has engulfed the nation and has penetrated every age group from the very young to the very old. It now threatens the work ethic and the very foundation of the family. Thirty years ago, gambling was widely understood in the culture to be addictive, progressive and dangerous. Parents taught their children about its evils, and some families, including my own, would not even permit playing cards in the home. More recently, however, betting has been given a face-lift by the industry—even changing the name from gambling to "gaming." The effect of this relentless propaganda has been dramatic. Most Americans now think of gambling not as a vice or unsavory habit, but as harmless entertainment.

In inner-city areas, gambling is seen as a "ticket out of poverty" and a last chance for riches. As such, it preys on the desperation of the poor and its promises are based on lies. When state lotteries are proposed, for example, the public is assured that enormous funds will be generated for education, despite studies showing that after states legalize lotteries they actually *reduce* spending for education.<sup>13</sup> The promised "money for schools" has been a scam, just like so much that is associated with the gambling industry.

It was these concerns and the sudden obsession with gambling that attracted the attention of several members of Congress in 1994. Rep. Frank Wolf (R-Va) led an effort to evaluate the impact of this industry on the economy, on families, and on those who become addicted to it. Largely through his leadership, a bill was finally passed in 1996 that created the National Gambling Impact Study Commission.<sup>14</sup> It was charged with the responsibility of evaluating legalized gambling in all of its forms. The panel was given two years to investigate everything from casinos to lotteries, from dog and horse racing to video poker, from Indian gambling to sports betting, and finally, Internet gambling, the most unregulated, pervasive and potentially destructive form of all.

Congress specified that nine members be appointed to the Commission, three to be selected by the President, three by the House, and three by the Senate. Kay Coles James (dean of Regent University School of Government and a member of the Focus on the Family board of directors) was designated as Commission chair. She has done a wonderful job with this controversial and difficult assignment. I was

## ENDNOTES

- <sup>1</sup> U.S. Bureau of the Census, *Statistical Abstract of the United States: 1997*, (117th edition,) Washington D.C., 1997, p. 769; Eugene Martin Christiansen, "A New Entitlement," *International Gaming and Wagering Business*, August 1998, p. 3
- <sup>2</sup> Christiansen, op. cit
- <sup>3</sup> Tim Poor, "1 in 5 of Homeless in Survey Blame Gambling," *St. Louis Post-Dispatch*, March 15, 1998, p. A9
- <sup>4</sup> Andrew Quinn, "Studies Find Many Teens Hooked on Gambling," *Philadelphia Inquirer*, August 16, 1998
- <sup>5</sup> Arnold Wexler, "Statistical Information on Compulsive Gamblers," Council on Compulsive Gambling of New Jersey, Inc., p. 2
- <sup>6</sup> Joe Rutherford, "Resist Expansion of Casino Gambling," *Northeast Mississippi Daily Journal*, September 30, 1995, p. 6A
- <sup>7</sup> Patricia McQueen, "North American Gaming at a Glance," *International Gaming and Wagering Business*, September 1998, p. 21
- <sup>8</sup> Viveca Novak, "They Call it Video Crack," *Time*, June 1, 1998, p. 58
- <sup>9</sup> Edward Walsh, "Gambling's Election Win," *The Washington Post*, November 6, 1998, p. A1
- <sup>10</sup> Testimony of Dr. Frank Quinn, Carolina Psychiatric Services, Columbia, S.C., before the National Gambling Impact Study Commission, Las Vegas, Nevada, November 10, 1998
- <sup>11</sup> Carol Bidwell, "Welcome to Boomtown: New York-New York is Just One of Many Megaresorts Rising from the Desert," *Ft. Worth Star-Telegram*, March 2, 1997, Travel Section, p. 2
- <sup>12</sup> "MGM Grand, Inc., Reports Ninth Consecutive Increase in Quarterly Net Income and Record Annual Earnings," *PR Newswire*, January 29, 1998
- <sup>13</sup> Peter Keating, "Lotto Fever: We All Lose!" *Money*, May 1996, pp. 144, 147; Donald E. Miller and Patrick A. Pierce, "Lotteries for Education: Windfall or Hoax?" *State and Local Government Review*, Winter 1997, pp. 40-41
- <sup>14</sup> "Clinton Signs Gambling Study Bill," *United Press International*, August 3, 1996
- <sup>15</sup> Geoff Dorman, "Nevada's Gambling Industry Turns 50," *United Press International*, March 20, 1981
- <sup>16</sup> Ed Vogel, "702 Fight May Split Nevada," *Las Vegas Review-Journal*, January 13, 1998, p. 1A
- <sup>17</sup> Henry Lesieur, "Measuring the Costs of Pathological Gambling," Revision of the presentation to the Tenth International Conference on Gambling and Risk Taking, Montreal, Quebec, June 1997; E.J. Grinols and J.D. Omorov, "Development or Dreamfield Delusions?" *Assessing Casino Gambling's Costs and Benefits, The Journal of Law and Commerce*, University of Pittsburgh School of Law, Fall 1996, pp. 58-60
- <sup>18</sup> Illinois Gaming Board, "Patron Survey," April 1998, p. 2
- <sup>19</sup> Jean Sonmor, "High Rollers . . . and Big Losers," *Toronto Sun*, May 11, 1997, p. 12
- <sup>20</sup> Mike Dupree, "Are Slots Too Big a Gamble?," *Cedar Rapids Gazette*, March 9, 1998
- <sup>21</sup> U.S. Bureau of the Census, *Statistical Abstract of the United States 1997*, 117th edition, p. 99
- <sup>22</sup> *Ibid.*, p. 108
- <sup>23</sup> *Ibid.*, p. 161
- <sup>24</sup> Sue Glick, "Number of Females Murdered by Males in Single Victim/Single Offender Homicides and Rates by States, 1996, Ranked by Rate," Violence Policy Center, Washington D.C., September 1998
- <sup>25</sup> Rob Bhatt, "Assigning Responsibility for Responsible Gambling," *Las Vegas Business Press*, June 22, 1998, p.8; "Gaming Industry 'Amazed' Over Neighborhood Slots Debate," *Las Vegas Sun*, February 20, 1998; Rex Buntain, "There's a Problem in the House," *International Gaming and Wagering Business*, July 1996, p. 40; Paul Pringle, "Dealing with Addiction: Las Vegas' Gaming Industry a Backdrop for High Rate of Compulsive Gamblers," *Dallas Morning News*, May 30, 1997, p. 1A.
- <sup>26</sup> Source: Mana Zarinejad, Public Affairs Coordinator, American Bankruptcy Institute
- <sup>27</sup> U.S. Bureau of the Census, op. cit., p. 87
- <sup>28</sup> *Ibid.*, p. 202
- <sup>29</sup> *Ibid.*, p. 79
- <sup>30</sup> "County Alcohol Problem Indicators 1986-1990," *U.S. Alcohol Epidemiologic Data Reference Manual*, Volume 3, National Institute on Alcohol Abuse and Alcoholism, July 1994
- <sup>31</sup> U.S. Bureau of the Census, op. cit., p. 202