Op-Ed/Editorials - Who Won The 2000 Election?

June 20, 2001 Professor I. Nelson Rose, Whittier Law School, Costa Mesa, CA.

While the media focused on the close race between Al Gore and George W. Bush for President, little attention was given to other contests in the November 2000 election. Legal gambling was directly and indirectly involved in some very close races, including ones which also required recounts.

The National Coalition Against Legalized Gambling sends out a self-congratulatory (and fund-raising) newsletter to its followers after nearly every election. The Rev. Tom Grey, Executive Director, portrayed the results of the Nov. 7, 2000 races across the United States as a victory for anti-gambling forces: "Make no mistake about it, we see the results of this election as a body blow to legalized gambling."

Grey, as a political agitator, can be forgiven a little literary license. But, with this election, the "anti's" seem to have crossed over into self-delusion.

"November 7th was a good day for us! By their votes at the polls Americans proved that they are waking up to the threat facing our country and have soundly rejected legalized gambling in Arkansas, Maine, West Virginia, New Mexico and Wisconsin."

Not exactly.

Arkansas certainly was an election defeat. But the proposal was so bizarre that it was not a fair test of the voters' feelings toward legal gambling.

The state's voters rejected amending their constitution to include a hodge-podge of gambling-related provisions: to set up a state-run lottery, allow charity bingo, set limits on how lottery revenue could be spent and establish a casino monopoly.

West Virginia's election was even stranger. It was not a statewide election. Only voters in rural Greenbrier County cast ballots. The defeat sounds impressive: The

casino plan was voted down 58 percent to 42 percent.

But this victory balloon collapses when we look at the actual ballots: There were only 7,065 "No" votes and 5,109 "Yes" votes – a total turnout of 12,174.

More than 12,174 patrons enter a large casino on an average day. And the West Virginia plan was far from a referendum on large casinos.

The voters of Greenbrier County turned down an idea for a casino that was the most unique ever proposed in this country. The Greenbrier resort planned to put the casino into a converted bomb shelter, designed during the Cold War to be a top secret refuge for members of Congress in case of a nuclear war. The casino-cum-fallout shelter would be open only at night and limited to registered guests of the Greenbrier Hotel.

Legally, the defeat in tiny Greenbrier County does not kill the idea. The law passed by the West Virginia Legislature is still on the books and can be used by any and all "historic resort hotels" in the state, if local county voters approve.

The other victories cited by the Rev. Grey are equally unspectacular. The proposal in Maine was to allow a single racetrack to have video gaming; and the idea of bringing slots to tracks is far from dead in New England. The elections in New Mexico and Wisconsin were small local, limited opinion polls. The Rev. Grey conveniently ignores another referendum in Wisconsin, in which Beloit voters approved a nonbinding measure to create a tribal casino 61 percent to 39 percent.

In other statewide elections held on Nov. 7th, legal gambling won big. South Dakotans voted to keep their video lottery terminals and to raise the maximum betting limits in casinos in Deadwood from \$5 to \$100, which will have the effect of raising the limits to \$100 in all of the state's tribal casinos. South Carolinians voted to establish a state lottery. Voters in Colorado approved joining multi-state lotteries, and those in Massachusetts voted to keep their greyhound racing.

The best the Rev. Grey could say about these smashing state-wide defeats of the anti-gambling movements was, "In those states where gambling was defeated, it was by a much higher margin than in those states where gambling initiatives passed."

Losing by a small percentage is still losing.

The margins of victory could be significant if they were part of a national trend. But history has demonstrated that the trend is exactly the opposite of what the anti's want. Fifty years ago every one of these pro-gambling proposals would have been defeated at the polls, and by margins of two- or three-to-one. The fact that any of them made the ballot, let alone won, shows that voters have come to accept legal gambling as merely another part of everyday life.

One of the most interesting results of the Fall 2000 election only indirectly involved legal gaming, but shows how political power has shifted in the last decade.

In the U.S. Senate race in the state of Washington, Democrat Maria Cantwell beat the most powerful politician in the Pacific Northwest, incumbent Republican Sen. Slade Gorton, by less than one-tenth of one percent.

Cantwell is a dot.com millionaire, who spent \$10 million of her own money. She asked special interest groups to refrain from buying ads during the race.

Two groups ignored her requests: the Sierra Club and Indian tribes throughout the nation.

Sen. Gorton had angered tribes by attacking their right to be sovereigns over their own people and land. With newfound wealth from legal gaming, tribes spent \$1 million educating the voters of Washington about Gorton's position on Indian rights.

It is safe to say that without legal gaming, tribes would not have had that \$1 million to spend. And without that \$1 million, Gorton would not have lost by 2,229 votes of the 2.46 million cast.