

Georgia Values Personal Freedoms

WANNA BET?

by David Lefkowitz

We have some serious financial problems

right now. The Federal Government doesn't have enough money, but they can print it or borrow it from the Chinese government; abracadabra, problem solved. States also are suffering from financial shortfalls, and most states, including Georgia, must have a balanced budget. If the money is not there, the money cannot be spent on services. If you poll 100 people, they will all have different opinions as to which services the government should provide with its limited resources. So, let's agree to disagree as to how our tax revenues should be spent, but we can all agree that the government -- local, state and federal -- simply does not have enough money these days.

There is a significant source of revenue available to the State of Georgia, but our legislators have refused to allow it, and they have refused to allow us to vote for it. This revenue source would create jobs, stimulate tourism and lead to improved infrastructure. This revenue source provided Florida with tax revenues of \$140.83 million in 2010 and provided Mississippi with tax revenues of \$296.34 million. This proposed industry

employed 24,707 people in Mississippi and 16,873 in Louisiana last year. Georgia couldn't use these funds or these jobs, could it?

The industry is casino gambling. Yes, there are objections to this industry and, for the benefit of those who want to see them in print or who demand to see both sides of the debate, they are as follows: Casinos calculate their odds so that they will always make a profit; gambling attracts people with little money who are desperate for a windfall (these are the people who can least afford to lose money, and they should be protected from the temptation to gamble); gambling is addictive; gambling addicts may turn to crime to feed their addiction; the problems associated with casinos (e.g. crime, gambling addiction) outweigh the economic benefits; theme parks are better; and finally, it is immoral for the state to raise money by exploiting people's stupidity and greed.

Those who have read my prior columns know that I am a supporter of the "Stupid Tax." I also am a supporter of personal autonomy, and I don't want the government telling me what to do (or not do) unless the laws support a true public interest. I happen to think that gambling is fun, albeit occasionally expensive, and a choice I

am entitled to make. Most states agree, as 38 states have legal casino gambling. Georgia is politically hypocritical on the issue; government sanctioned (and operated) gambling in the form of a lottery is legal. It's perfectly legal for the poorest citizens to buy hundreds of lottery tickets each week, but it's not legal for these same individuals, or any of the rest of us, to pull the lever on a slot machine here in Georgia.

Nationwide, support is very high in favor of our right to go to a casino and play a game of chance. According to a 2011 public opinion poll conducted by VP Communications and national pollster Peter D. Hart, 82 percent of Americans view casino gaming as acceptable for themselves or others. Of the 82 percent, 44 percent said casino gaming is acceptable for anyone, and 38 percent said it is acceptable for others, but not for them personally. Apparently, the other 18 percent are Georgia State legislators or lobbyists contributing to their campaign coffers.

In late 2008, State Rep. Roger Bruce (D-Atlanta) announced his intention to introduce a bill in the 2009 legislative session to allow voters to decide if they want gaming in Georgia. His bill would have allowed voters of each Georgia county to decide

whether or not they wanted gaming in their county. The proceeds from the taxes would have been divided between the counties that supported gambling, as well as the state. That bill went nowhere, even though it was supported by the Georgia Hotel and Lodging Association and many other business organizations. The people were denied the opportunity to vote on this issue.

It is not as if this is a conservative versus liberal issue; Texas has voted Republican in state and national elections for decades, but casino gambling is legal there. Kansas is as conservative a state as you will find; casino gambling is legal there. The same is true in Missouri. In fact, 38 states have legal casino gambling, including Indian tribal casinos. Our not-so-liberal neighbor Alabama is included in that figure.

So, what are the arguments that the Georgia Legislature is ignoring? The first is that we live in a free society. While we should have rules, individuals also should be free to use their hard-earned-income the way they please. If an evening at a casino is where you want to be, why should the Georgia legislature tell you that you cannot do it here in your home-state? There should be no ethical or moral prohibition against gambling. While some people may believe that gambling is a sin, no other "sin" is illegal when it does not cause physical harm or fraud to another person. Secondly, Georgia legislators have already decided that gambling is allowed

within the state, but it has to be in its lottery.

Incidentally, the proverbial dice are truly loaded against you when you purchase a lottery ticket in Georgia. The Georgia lottery returns only 62.9 percent of its lottery revenue to "players." (That is the term the Georgia lottery uses for folks who buy lottery tickets.) At the casino, the odds also are against you, but if you avoid the sucker bets, you will have significantly better odds at the craps table than with a Georgia lottery ticket. However, you cannot watch a football game on TV without seeing an advertisement which tries to induce you to make a sucker's bet on a lottery ticket. Georgia Lottery officials must hope that the funds which the lottery provides to education are not used for classes in math. That would be bad for business, but then again, a monopoly is the best way to ensure a profit, and Georgia has steadfastly refused to allow any competition in this area.

Lottery gambling has transferred \$12.7 billion to the state treasury since its inception in 1993, so, the State of Georgia has already been in the gaming business for 18 years and cannot claim, with a straight face, that it is anti-gambling. Casino gambling is simply another form of gambling. However, with casino gambling, the state would not have a monopoly on the business. Private enterprise could bring jobs, hotels and funds to the state. Studies show that during their ca-

sino visits last year, nearly three quarters (73 percent) of patrons ate at a fine dining restaurant, more than half (56 percent) saw a concert, show or other live entertainment, and almost half (47 percent) went shopping.

While there are certain groups within the population that object to legalized gambling, the statistics show that there is widespread support for casino gambling. The support is well-founded. Not only do most of us want the government out of our business, but according to the American Gaming Association, in 2010, U.S. Commercial Casinos employed 340,564 people, paid wages of \$13.3 billion, and contributed \$7.59 billion in gaming taxes. Doesn't Georgia want some of that prosperity?



David Lefkowitz is the founder of the Lefkowitz Firm, LLC, which has offices in Atlanta and Athens. The Lefkowitz

Firm, LLC, represents individuals and corporations in their claims for legal malpractice (legal negligence) and similar claims such as breach of fiduciary duty, trustee misconduct and executor misconduct. The firm also represents attorneys with regard to law firm management issues, including conflicts and bar discipline matters. Mr. Lefkowitz frequently is an invited speaker at continuing legal education seminars on the topics of legal malpractice, ethics and professionalism. For more information, visit the firm's website at: www.LefkowitzFirm.com.