Prof. John Warren Kindt
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Prepared Statement
Before the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations
U.S. House of Representatives Committee on the Judiciary
Legislative Hearing on H.R. 707: The “Restoration of America’s Wire Act”
March 25, 2015
PREPARED STATEMENT OF PROF. JOHN WARREN KINDT

Mr. Chairman, Members of the Committee, participants and guests from the U.S. House of Representatives and the U.S. Senate, thank you for your kind invitation to testify before the Committee.

As a University of Illinois professor since 1978, I believe that a large majority of not only Illinois academic experts, but also other U.S. academics, would and should urge President Barack Obama and Obama Administration colleagues to support H.R. 707, the “Restoration of America’s Wire Act.”

Internet gambling is an issue of strategic financial stability and Wall Street regulation. It is not an issue of electronic poker, daily fantasy sports gambling, and other gambling methodologies—which are actually proposals to leverage gateways for legalizing various gambling activities throughout international cyberspace.


Reporting to Congress, the U.S. 1999 Gambling Commission concluded and strongly recommended that the Wire Act restrictions on Internet gambling should be strengthened and expanded. NAT’L GAMBLING IMPACT STUDY COMMISSION, FINAL REPORT, chap. 5 & recs. 5-1 to 5-4 (June 1999) [hereinafter NGISC FINAL REPORT], at http://govinfo.library.unt.edu/ngisc; see also, Wire Act, 18 U.S.C. § 1084 (sponsored by U.S. Att’y Gen. Robert F. Kennedy, 1961).

Upon the strong urging of 49 State Attorneys General [see Attached Nat’l Ass’n Att’ys Gen., Letter to Congress, Mar. 21, 2006], the Unlawful Internet Gambling Enforcement Act (UIEGA) was signed into law after passing the House with an over 80 percent bipartisan vote. UIGEA strengthened the Wire Act’s goals. Unlawful Internet Gambling Enforcement Act, 31

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Professor Kindt has taught at the University of Illinois from 1978-2014, and he has published over 80 academic articles in law reviews, public policy journals, and economics journals. Over 20 of these articles have dealt with gambling issues, and many of these articles are available in PDF format at the online archives of the University of Illinois Library at www.ideals.illinois.edu. The Committee has permission to reprint and distribute any and all Kindt publications relating to gambling. In this Congressional statement, cites to publications of Professor Kindt serve only as introductions to the hundreds of source materials cited in the footnotes. Professor Kindt is research active, and he is still teaching and publishing.

To avoid conflicts of interest, Professor Kindt and several academic colleagues do not accept consultant fees or honoraria for work in gambling research areas. This statement should be interpreted as representing only the individual views of the author. For historical continuity, portions of this statement mirror Internet Gambling Prohibition Act of 2006: Hearing Before the Subcomm. on Crime, Terrorism, and Homeland Security of the House Comm. on the Judiciary, 109th Cong., 2d Sess. 20-27 (2006) (prepared statement of Prof. John W. Kindt, Univ. Ill.). Beth Kindt, James Kindt and John Kindt Jr. provided editorial assistance.
U.S.C. §§ 5301, 5361 *et seq.* (2006). At the time, there was concern about a UIGEA fantasy sports loophole which has since been dangerously exploited by disreputable organizations and should be closed.

Internet gambling’s destabilization of Wall Street and international financial systems becomes apparent in the investigative news video, “The Bet That Blew Up Wall Street,” which Warren Buffett titled “Financial WMDs” and which is still available at the *60 Minutes* website.


Internet gambling places real-time gambling on every cell phone, at every school desk, at every work desk, and in every living room. With ease people can “click your phone, lose your home” or “click your mouse, lose your house.”

A. Internet Gambling Destabilizes U.S. National Security and the Strategic Economic Base


Containing numerous reprints of original academic studies and Congressional documents and including acknowledgments to legal and entrepreneurial icons such as U.S. Attorney General Robert F. Kennedy, U.S. Senator Richard Lugar, Howard Buffett, Warren Buffett, and Dr. John M. Templeton, Jr., the titles of some of the *United States International Gambling® Report* series (produced at the University of Illinois) speak directly to the dangers of Internet gambling.


The over 3,700 pages in these three volumes include reprints of 97 original Congressional documents detailing the dangers of Internet gambling via a decade of Congressional hearings *(see, e.g., Attachments to Prof. Kindt Statement).*
The titles of other volumes of the United States International Gambling® Report are self-explanatory.


As highlighted by 60 Minutes, the 2007-2008 Wall Street gambling debacle utilizing “credit default swaps” (a.k.a. “financial side bets”) as unregulated financials has not been adequately addressed by new regulations. U.S. banks and Wall Street again have ballooned to a crisis point via U.S.-linked unregulated derivatives gambling on market trends and increasing from $12.4 trillion in 1994 to $50 trillion after the 2008 Great Recession to over $700 trillion in unregulated derivatives today. U.S. Office of the Comptroller of the Currency, as reported in, Gambling on the Future, PERSPECTIVES, Spring 2014 (Bus. College, Univ. Ill.).

In this context, the DOJ’s 2011 interpretation of the Wire Act will now allow the creation of vacuous gambling stocks. In 2006 the London Stock Exchange lost billions of dollars in a crash of Internet gambling stocks as investors recognized these stocks were predicated on illusory gambling activities. Fortunately for Wall Street, the U.S. ban on Internet gambling in place in 2006 meant that similar gambling stocks were prohibited—saving U.S. investors. The DOJ’s 2011 interpretation is now allowing a speculative bubble of gambling-based financial instruments which will emulate the Great Recession and will catalyze another destabilization of U.S. and international stock exchanges. See, e.g., John W. Kindt, Internet Gambling Will Cripple World’s Economic and Financial Systems, ROLL CALL, Jan. 7, 2013.

In 2006-2007, Russian President Vladimir Putin sanguinely noted the economic and crime costs of government-sanctioned gambling and he recriminalized 2,230 electronic gambling casinos—virtually wiping the economy clean. Associated leaders such as Chechen President Ramzan Kadyrov confirmed that “the gambling business is ... [a threat to] national security.” Itar-Tass, Moscow, Another 315 gambling places to continue to be closed in Moscow, Oct. 9, 2006, at http://www.itar-tass.com/eng/level2.html?NewsID=10869516&PageNum=0. What do Russian economists know that is still eluding Washington politicians?


B. Internet Gambling is Big Government Interstate Gambling Promoted and Abused by Big Government

1. Internet gambling destabilizes U.S. and international economies.
2. Internet gambling destabilizes and threatens the financial systems of the United States and the International Economic System.


3. Internet gambling destabilizes U.S. national security in the fight against terrorism.


4. Internet gambling destabilizes military readiness.


5. Internet gambling creates and facilitates new criminal activity.


6. Internet gambling fuels the fastest growing addiction among young people—gambling addiction.

7. Internet gambling creates enormous socio-economic costs of $3 for every $1 in benefits.

John W. Kindt, The Costs of Addicted Gamblers: Should the States Initiate Mega-Lawsuits Similar to the Tobacco Cases?, 22 MANAGERIAL & DECISION ECON. 17-63 (invited article).

8. Internet gambling creates and facilitates government corruption in the United States and throughout the world.


Daily sports gamblers exploiting the arguable UIGEA loophole may have totaled 30-100 million gamblers in 2014 according to sportscaster Bryant Gumbel, who queries whether these gamblers are “doing the same thing as a day trader, but in a different kind of stock market.” Real Sports with Bryant Gumbel, Home Box Office Network, Sept. 24, 2014 (original airdate). HBO investigative news commentator Carl Quintanilla concluded fantasy sports is a stock market. According to Carl Quintanilla, fantasy sports gamblers

    talk about athletes like commodities. They’re able to track past performance, see how … [the athletes] operate or perform in various patterns, and … [the sports gamblers] know if I want to sell … or buy …. That’s how you trade a stock. Id.

The trend is to “[i]nvest in a sort of hedge fund that trades fantasy sports.” Id.

Ignoring long-term profitability, as well as the long-term essential need to protect the integrity of sports and future generations, some professional sports teams are beginning to leverage themselves into daily fantasy sports. The perceived UIGEA loophole needs to be quickly closed.
D. Like Illinois, the U.S. Needs the “New Untouchables”

One of the first states to embrace the lottery, riverboat casinos, and neighborhood electronic gambling, Illinois has given away at least $35-$100 billion to gambling’s insiders since 1990. For example, the first 10 casino licenses worth a fair market value of at least $500 million each were granted to political insiders for $25,000 per license—including one insider convicted in the Governor Rod Blagojevich scandals. In 2015 dollars, these gambling licenses would be worth over $10 billion.

In this giveaway context, the 2015 Illinois budget had over $110 billion in unfunded liabilities, and the state was over 6 months behind in paying many of its bills.


Critics can argue that Illinois is the most philosophically and fiscally bankrupt state in the United States. Four of the last seven Illinois governors have gone to prison.


E. The Socio-Economic Impacts of Gambling Activities via the Internet, Cell Phones, Social Media, and Cyberspace Constitute “Immediate and Irreparable Harm”

Internet gambling causes “immediate harm” and “irreparable harm” to the entire U.S. public. For examples of sworn testimony by professors/academics documenting the “immediate and irreparable harm” caused by Internet gambling and the advertising of such activities, see Expert Opinions of Earl Grinols, John Warren Kindt, and Nancy Petry Cisneros v. Yahoo (Case No. 04433518, Calif. Superior Ct. San Fran., filed Aug. 3, 2004) [hereinafter Cisneros].


In one California example, a private attorney general action on behalf of the public was brought as a class action “against the major Internet search engine websites which advertise
illegal Internet gambling in California.” *Cisneros, infra*, Complaint, at 1. (The *Cisneros* case was settled 2006-07.)

The primary irremovable harm resulting from advertising gambling activities and the resulting gambling consists of pathological gambling, which is comparable to drug addiction. Pathological gambling is recognized as an addictive behavior, specifically an “impulse control disorder.” AM. PSYCHIATRIC ASS’N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, § 312.21, at 615-18 (4th ed. 1994) [hereinafter DSM IV]; see also, AM. PSYCHIATRIC ASS’N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (2013) [hereinafter DSM V]. Highlighting the academic debate with pro-gambling lobbyists during the 1990s, the American Psychiatric Association (APA) listed 10 diagnostic criteria for pathological gambling. By definition, a “pathological gambler” evidenced “[p]ersistent and recurrent maladaptive gambling behavior as indicated by five (or more)” of the 10 criteria. DSM IV, *infra*, at 618. By definition, a “problem gambler” evidenced up to four of the criteria.

During the 1995-1999 tenure of the U.S. National Gambling Impact Study Commission, pro-gambling lobbyists tried to manipulate the APA definitions and criteria for a “pathological (addicted) gambler” and for a “problem gambler.” If even partially successful, the definitional confusion surrounding extant and even definitive studies would be jeopardized by the lack of an “apples to apples” comparison. See, e.g., John W. Kindt, *The Gambling Industry vs. Academic Research: Have Gambling Monies Tainted the Research Environment?*, 13 UNIV. S. CALIF. INTERDISCIPLINARY L.J. 1-47 (2003) (lead article) (documenting threats against researchers).

Like drug addiction, the harms to the public (commonly referred to as “the ABCs” of legalized gambling’s socio-economic impacts) caused by gambling activities via cyberspace and particularly via the Internet include:

(a) new addicted gamblers,
(b) new bankruptcies, and
(c) new crime

For the most authoritative analysis of new crime costs (averaging 9 percent increases each year) linked to the accessibility and acceptability of gambling, see Earl L. Grinols & David Mustard, *The Curious Case of Casinos and Crime*, 88 REV. ECON. & STAT. 28-45 (2006). A table of the authoritative academic studies highlights that the socio-economic public costs of legalized gambling activities are at least $3 for every $1 in benefits. Earl L. Grinols & David B. Mustard, *Business Profitability versus Social Profitability: Evaluating Industries with Externalities, The Case of Casinos*, 22 MANAGERIAL & DEC. ECON. 143, 153 (2001) [hereinafter The Case of Casinos]. This 3:1 ratio has been the ratio for many years. See, e.g., *The National Impact of Casino Gambling Proliferation: Hearing before the House Comm. on Small Business*, 103d Cong., 2d Sess. 77-81 & nn. 9, 12 (1994).

For the definitive book in these issue areas, see EARL L. GRINOLS, GAMBLING IN AMERICA: COSTS AND BENEFITS (Cambridge Univ. Press 2004). For summaries and tables of the major studies of the socio-economic harms, see John W. Kindt, *The Costs of Addicted Gamblers: Should the States Initiate Mega-Lawsuits Similar to the Tobacco Cases?*, 22 MANAGERIAL & DEC. ECON. 17, 44-63, App. Tables A1-A14 (2001) [hereinafter Mega-Lawsuits]. See also, NGISC FINAL REPORT, *infra*, chap. 4. For a summary of the socio-economic costs of gambling activities as presented to Congress, see Testimony and Prepared Statement of Professor John

In the case of concentrated and multiple electronic gambling devices (EGDs), such as in casinos and racinos (i.e., EGDs at racetracks), the “accessibility” and new “acceptability” (i.e., legalization) to the public dictates that the new pathological (i.e., addicted) gamblers will double from approximately 1.0 percent of the public, increasing to 2 percent. Similarly, the new problem gamblers will double from approximately 2 percent of the public, increasing to 4 percent. When the category is specifically focused on teens and young adults, these rates are virtually doubled again to between 4 percent to 8 percent combined pathological and problem gamblers. See e.g., Durand F. Jacobs, *Illegal and Undocumented: A Review of Teenage Gambling and the Plight of Children of Problem Gamblers in America*, in *COMPULSIVE GAMBLING: THEORY, RESEARCH, AND PRACTICE* 249 (1989).


Gambling activities via cyberspace and particularly via the Internet eliminate the radial feeder markets around the casino EGDs and maximize the accessibility and acceptability factors for gambling (and concomitant social negatives) by placing EGDs on every cell phone, at every social media site, and at every school desk. Children, teens, and young adults conditioned by the Nintendo phenomenon are already demonstrating double the pathological and problem gambling rates of the older adult populations who matured without video games and without the accessible legalized gambling venues. Jacobs, *infra*.

Accordingly, the 1999 U.S. National Gambling Impact Study Commission recommended that there be no legalization of Internet gambling and that the U.S. laws criminalizing gambling over the wires be strengthened (see 18 U.S.C. § 1084, the “Wire Act”). The Commission also de facto recommended that the laws criminalizing Internet gambling be redrafted to eliminate any ambiguities and to establish a virtual ban on gambling in cyberspace. NGISC FINAL REPORT, *infra*, recs. 5.1-5.4. The U.S. 1999 Gambling Commission also highlighted that EGDs were commonly referenced by the psychological community as the crack cocaine of creating new addicted gamblers. See, e.g., NGISC FINAL REPORT, *infra*, at 5-5; V. Novak, *They Call it Video Crack*, TIME, June 1, 1998, at 58. The Commission reported testimony that Internet gambling magnifies gambling addiction.

Irreparable harm as a result of advertising Internet gambling devolves from the phenomenon that there are large increases in the numbers of pathological and problem gamblers once EGD gambling becomes accessible and acceptable. The legalization of new gambling venues since 1990 and the addictive nature of gambling have led to substantial increases in the numbers of Gamblers Anonymous groups, which are modeled after Alcoholics Anonymous groups.

Gambling industry spokespersons have frequently referred to Internet gambling as the “killer application” (a.k.a. “killer app”) of Internet technology because Internet gambling is crack
cocaine to addicting new gamblers and because the feeder market is every living room, work station, and school desk. For a summary table showing the various studies reporting the disproportionate revenues which various types of legalized gambling take from pathological and problem gamblers, see Mega-Lawsuits, infra, at 25, Table 1 (compiled by Professor Henry Lesieur).

Increasing numbers of experts and clinicians studying pathological gambling have reported that when a new person is “once hooked” they are “hooked for life.” See, e.g., Mindsort, Colorado Lottery 1996. The salient points are that: (1) these are new pathological gamblers, and (2) these gamblers may be addicted for life (although in remission in many cases). A fortiori, gambling via cyberspace and particularly via the Internet intensifies these problems—a substantial number of which will be irreparable, especially when interfaced with children, teens, and young adults. See, e.g., David P. Phillips, et al., Elevated Suicide Levels Associated with Legalized Gambling, 27 SUICIDE & LIFE-THREATENING BEHAV. 373, 376-77, & Table 3 (1997).

F. Big Government Gambling Cheats Consumers: Are Electronic Games and Slots “Fair”?  

1. Issues have arisen involving how “electronic gambling machines” (e.g., electronic slots) are programmed and whether the astronomical odds are “fair” to patrons.


2. Coupled with pandemic regulatory failures, these issues of “fairness” are increasingly problematic for the public’s perceptions of gambling.

See, e.g., The Failure to Regulate Gambling, infra; Follow the Money, infra.

G. The Feeder Market Impacts of Internet Gambling Are Substantial

The Final Report of the Congressional 1999 National Gambling Impact Study Commission called for a moratorium on the expansion of any type of gambling anywhere in the United States. Although tactfully worded, the National Gambling Commission also called for the continued prohibition of Internet gambling and the re-criminalization of various types of gambling, particularly slot machines convenient to the public.

Some of the negative impacts of casinos, electronic slot machines, and Internet gambling are detailed in the appendix to the article, Diminishing Or Negating The Multiplier Effect: The

In his classic book entitled ECONOMICS, Nobel-Prize laureate Paul Samuelson summarized the economics involved in gambling activities as follows:

There is ... a substantial economic case to be made against gambling. First, it involves simply sterile transfers of money or goods between individuals, creating no new money or goods. Although it creates no output, gambling does nevertheless absorb time and resources. When pursued beyond the limits of recreation, where the main purpose is after all to "kill" time, gambling subtracts from the national income. PAUL SAMUELSON, ECONOMICS 425 (10th ed. 1976) (emphasis original). See also, id., subsequent editions, et seq.

The second economic disadvantage of gambling is the fact that it tends to promote inequality and instability of incomes." Id. at 425 (emphasis original). Furthermore, Professor Samuelson observed that "[j]ust as Malthus saw the law of diminishing returns as underlying his theory of population, so is the 'law of diminishing marginal utility' used by many economists to condemn professional gambling." Id. at 425.

H. Strategic Solution to Eliminate Internet Gambling Problems and Other Gambling Problems: Transform Gambling Facilities into Educational and Practical Technology Facilities: Stabilizing International Financial Institutions

Instead of legalizing a casino-slot machine establishment at a failing racetrack in 1997, the Nebraska legislature bulldozed the racetrack and made it into an extension of the University of Nebraska at Omaha (UNO) and a high-tech office park. Ironically, the proposed casino site is now the home of the new UNO College of Business and has attracted close to $5 billion in commercial developments. See, e.g., John W. Kindt, Would Re-Criminalizing U.S. Gambling Pump-Prime the Economy and Could U.S. Gambling Facilities Be Transformed into Educational and High-Tech Facilities? Will the Legal Discovery of Gambling Companies' Secrets Confirm Research Issues? 8 STANFORD J.L., BUS. & FIN. 169-212 (2003) (lead article).

As pro-gambling interests have courted Nebraska they have been repeatedly rebuffed by the academic community, which was exemplified in one instance by 40 economists publicly rejecting new gambling proposals that would "cannibalize" the consumer economy. Robert Dorr, 40 Economists Side Against More Gambling, Signers: Costs Likely Higher than Benefits, OMaha WORLD-HERALD, Sept. 22, 1996, at B1.

In 2000-2001 the efforts of S.C. Governor David Beasley resulted in the de facto re-criminalization of electronic slot machines throughout South Carolina. This re-criminalization produced a noticeable decrease in crime and social problems—as well as an upswing in the consumer economy and the economic multiplier effect.

On October 27, 2005, the Illinois House of Representatives voted 67 to 42 (with 7 voting "present") for the Senator Paul Simon memorial bill (as it is popularly referenced) to re-criminalize the Illinois casinos via H.B. 1920, sponsored by Representative John Bradley.
However, the companion Senate bill was procedurally killed by Governor Rod Blagojevich (who is currently in prison for corruption).

Similarly, suggestions have been made to re-criminalize gambling facilities in other states and transform the gambling facilities into educational and high-tech assets—instead of giving the gambling owners tax breaks. On December 6, 2005, Pennsylvania Representative Paul Clymer (with 32 cosponsors) introduced H.B. 2298 to re-criminalize the Pennsylvania casinos.

In another example during February 2015, the Idaho Senate voted to recriminalize instant electronic racing machines.

Casinos and gambling parlors would generally be compatible with transformations into educational and high-tech resources. For example, the hotels and dining facilities could be natural dormitory facilities. Historically, facilities built for short-term events, such as various World’s Fair Expositions, the 1996 Olympic Village (converted to facilities for the Georgia University system), and other public events have been transformed into educational and research facilities.

Socio-economic history demonstrates that the eventual strategic solution to U.S. and international gambling problems is to re-criminalize gambling for economic security and to transform gambling facilities into educational and practical technology facilities.

I. Conclusion: The U.S. Should Reinstates the Ban on Internet Gambling and Encourage Other Countries to Emulate the U.S. Ban

The immediate strategic solution to eliminate or curtail many of the problems caused by gambling activities is a total U.S. ban on Internet gambling activities.

Internet gambling shrinks the consumer economy and destroys consumer confidence by promoting a ubiquitous gambling philosophy.

If the U.S. permits Internet gambling to expand, dubious parties will tout the U.S. imprimatur—empowering those parties to create a queue of speculative bubbles that could collapse already fragile financial systems and destabilize essential international economic security.

Governments cannot gamble their way to prosperity. However, via financial instruments predicated on vacuous gambling activities, governments can destabilize and depress their economies and budgets.
Prof. John Warren Kindt
University of Illinois

Attachments
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U.S. House of Representatives, Committee on the Judiciary
Legislative Hearing on H.R. 707: The “Restoration of America’s Wire Act”
March 25, 2015
John W. Kindt is a Professor of Business and Legal Policy at the University of Illinois. After receiving a B.A. in business from the College of William and Mary in 1972, Professor Kindt earned several graduate degrees in law and business, specifically, J.D. 1976, and MBA 1977, from the University of Georgia; LL.M. 1978, and SJD 1981, from the University of Virginia.

Professor Kindt’s research has resulted in more than 70 academic articles and studies in the areas of antitrust law, commercial law, and environmental law. For 20 years his research has been focused on the societal, business, and economic impacts of decriminalizing gambling activities, particularly gambling’s destabilization of international financial institutions and criminal justice systems.

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Brother of John Fitzgerald Kennedy and Edward Moore Kennedy, grandson of John Francis Fitzgerald, uncle of Patrick J. Kennedy, and father of Joseph Patrick Kennedy II; a Senator from New York; born in Boston, Suffolk County, Mass., November 20, 1925; graduated from Milton Academy (MA); served in the United States Navy Reserve 1944–1946; graduated from Harvard University in 1948 and from the University of Virginia Law School in 1951; admitted to the Massachusetts bar in 1951; attorney, Criminal Division Department of Justice 1951–1952; campaign manager for John F. Kennedy’s election to the United States Senate in 1952; assistant counsel, Senate Permanent Subcommittee on Investigations 1953; assistant counsel, Hoover Commission 1953; chief counsel to the minority, Senate Permanent Subcommittee on Investigations 1954, and chief counsel and staff director 1955; chief counsel of Senate Select Committee on Improper Activities in the Labor or Management Field 1957–1960; campaign manager for John F. Kennedy’s election to the presidency in 1960; Attorney General of the United States from January 1961 until his resignation September 3, 1964, to be a candidate for the United States Senate; elected as a Democrat from New York to the United States Senate and served from January 3, 1965, until his death; died from the effects of an assassin’s bullet at Los Angeles, California, June 6, 1968, while campaigning for the Democratic presidential nomination; interment in Arlington National Cemetery, Arlington, Virginia.

\(^1\) Edited from: Robert F. Kennedy, U.S. Congress, Biography (2013) [hereinafter Robert F. Kennedy Biography], at www.bioguide.congress.gov. Persons in dedications should not necessarily be construed as agreeing with any or all of the comments and/or recommendations contained in this collection of materials.
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U.S. International Gambling Report

Misdirection Legislative Proposals


Congressional Record


Doc. No. 5.52 Prohibition on Funding of Unlawful Internet Gambling, 152 CONG. REC. S1912–13 (daily ed. Mar. 8, 2006) (statement of U.S. Sen. Jon L. Kyl (R-AZ)) [hereinafter Prohi-
Gambling Threat to World Public Order and Stability: Internet Gambling

...
U.S. International Gambling Report

2006 Safe Port Act with Unlawful Internet Gambling Enforcement Act], at www.gpoaccess.gov


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Historical Commentary*

On March 21, 2006, 49 State Attorneys General wrote to the leadership of the U.S. Congress expressing their support for Federal “legislation seeking to combat illegal Internet gambling in the United States.”1 In the letter, the National Association of Attorneys General (NAAG) recognized that, “the potential problems associated with the availability of gambling activities on the Internet are exacerbated because [of] the inability of technology to reliably guard against many of the same hazards that led to the policy considerations used by jurisdictions to construct their gambling regulations.”2 The 49 Attorneys General concluded the letter by stating that “[w]e encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling.”3

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*REDD on Gambling & Matthew Dowd.
2 Id.
3 Id.
March 21, 2006

Vis Facsimile

The Honorable J. Dennis Hastert, Speaker
United States House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Nancy Pelosi, Minority Leader
United States House of Representatives
H-204, The Capitol
Washington, D.C. 20515

The Honorable Bill Frist, Majority Leader
United States Senate
S-230, The Capitol
Washington, DC 20510

The Honorable Harry Reid, Minority Leader
United States Senate
S-321, The Capitol
Washington, DC 20510

We, the undersigned Attorneys General, wish to express our strong support for the efforts of the 109th Congress to pass legislation seeking to combat illegal Internet gambling in the United States. While we do not support federal preemption of our state laws related to the control of gambling, Internet gambling transcends state and jurisdictional boundaries and requires that all segments of the law enforcement community (state, federal and local) work together to combat its spread.

NAAG has historically supported federal efforts to clarify federal prohibitions on Internet gambling. As we stated in a similar letter in 1999, gambling laws and regulations have more state-to-state variety than almost any other area of law. For example, gambling policies range from the absolute prohibition of any gambling, as found in the States of Utah and Hawaii, to full casino gaming as allowed in Nevada and Atlantic City, New Jersey. The myriad of regulatory schemes related to gambling is constructed within the framework of each jurisdiction’s moral, law enforcement, consumer protection and revenue concerns. Most jurisdictions believe that they have established the most appropriate combination of law and policy to address their own population’s needs and desires.

Internet gambling is a threat to this carefully crafted system. Moreover, the potential problems associated with the availability of gambling activities on the Internet are exacerbated because the inability of technology to reliably guard against many of the same hazards that led to the policy considerations used by jurisdictions to construct their
gambling regulations. These policy considerations include moral attitudes towards gambling, issues of game integrity, effective consumer dispute resolution procedures, access to gambling by minors, cash controls to hinder money laundering and other criminal activity, as well as efforts to recognize and treat problem gamblers.

We encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains where it has traditionally been most effective: at the state level.

Sincerely,

John Suthers
Attorney General of Colorado

Troy King
Attorney General of Alabama

Terry Goddard
Attorney General of Arizona

Bill Lockyer
Attorney General of California

Carl Danberg
Attorney General of Delaware

David Márquez
Attorney General of Alaska

Mike Beebe
Attorney General of Arkansas

Richard Blumenthal
Attorney General of Connecticut

Charlie Crist
Attorney General of Florida
Mike McGrath  
Attorney General of Montana

Kelly Ayotte  
Attorney General of New Hampshire

Patricia Madrid  
Attorney General of New Mexico

Roy Cooper  
Attorney General of North Carolina

Jim Petro  
Attorney General of Ohio

Hardy Myers  
Attorney General of Oregon

Patrick Lynch  
Attorney General of Rhode Island

Lawrence Long  
Attorney General of South Dakota

Jon Bruning  
Attorney General of Nebraska

Zulima V. Farber  
Attorney General of New Jersey

Eliot Spitzer  
Attorney General of New York

Wayne Stenehjem  
Attorney General of North Dakota

W. A. Drew Edmondson  
Attorney General of Oklahoma

Tom Corbett  
Attorney General of Pennsylvania

Henry McMaster  
Attorney General of South Carolina

Paul G. Summers  
Attorney General of Tennessee
Greg Abbott  
Attorney General of Texas

William H. Sorrell  
Attorney General of Vermont

Rob McKenna  
Attorney General of Washington

Peg Lautenschlager  
Attorney General of Wisconsin

Mark Shurtleff  
Attorney General of Utah

Robert McDonnell  
Attorney General of Virginia

Darrell McGraw, Jr.  
Attorney General of West Virginia

Pat Crank  
Attorney General of Wyoming
40 Economists Side Against More Gambling

Signers: Costs Likely Higher Than Benefits

By ROBERT DORR

Lincoln — Forty Nebraska economists say they oppose the expansion of gambling in Nebraska because the economic costs “are likely to far outweigh the benefits.”

Gambling has a better reputation than it deserves because the economic benefits — mainly jobs at casinos — are easy to see, said Loren Fairchild, economics professor at Nebraska Wesleyan University in Lincoln.

“The economic costs are hidden,” said Dr. Fairchild, the main drafter of a statement released Saturday.

The statement opposes gambling only on the basis of its economic costs related to economic benefits.

The signers, mostly economics teachers at Nebraska colleges and universities, might or might not have moral reasons for opposing the expansion of gambling in Nebraska, Dr. Fairchild said.

Two expanded-gambling petition issues have fallen short of the 93,399 valid signatures needed to put those measures on the Nov. 5 ballot in Nebraska. A federal judge has given the leaders of both efforts until Oct. 8 to come up with evidence that too many signatures were invalidated by local election officials.

One issue, supported by Nebraska racetracks and horse owners, would permit opening casinos at or near the state's tracks. The second issue, backed by some keno pari-mutuel owners, would allow local voters to authorize slot machines and other electronic gambling at keno parlors.

The statement signed by the 40 economists reads: “We, the undersigned Nebraska economists, are opposed to the expansion of gambling in Nebraska because the additional direct and indirect costs are likely to far outweigh the additional direct and indirect benefits for the state as a whole.”

Dr. Fairchild said studies on gambling have indicated that casinos that draw most of their customers from the local area and the surrounding region “siphon consumer dollars away from other local businesses.”

“Regional casinos simply recycle dollars that already exist, bringing little or no new money to the local economy,” said Dr. Fairchild, who has a doctorate in economics from Cornell University.

Dr. Fairchild said many people believe that all the money from gambling stays in the state. “That's a myth,” he said. “It depends on the ownership structure. Many of the casinos are owned by a few large Las Vegas or East Coast-based corporations.”

In calculating economic benefits, Dr. Fairchild said, economists include new jobs, profits to in-state owners, additional tax revenues and savings by consumers in traveling to a nearby casino compared with going to one further away.

Costs include the loss of revenue and job reductions at other retail businesses, sales-tax revenue losses, profit going to out-of-state owners, revenue lost by existing forms of gambling, costs of regulating gambling and costs to businesses because of increased absenteeism and lower productivity.

Other economic costs result from an increase in people with gambling addictions, she said. Those costs include increased crime leading to more police calls and courts; costs to businesses of embezzlement, forgeries and thefts; and costs of treating addicted gamblers.

In assessing other gambling studies and drafting the statement, Dr. Fairchild worked with Charles Lamphere, director of the Bureau of Business Research at the University of Nebraska-Lincoln, and John Anderson, professor of economics at UNL.

The economists signed as individuals. The statement did not list their employers. The signers in addition to the three coordinators:

- UNL economics professors or associate professors: Craig MacMee, David Rosenbaum, Ann Mary May, Roger Reifrey, Jerry Perd and Benjamin Kim.
- UNL economics professor emeritus: Wallace C. Peterson.
- Creighton University economics professors or associate professors: Joseph Phillips, Gerard Stoch, Thomas Nitschke, James Kindseth, N.R. Vasudeva Murthy and Edward Fitzsimmons.
- Bellevue University: Jedd W. Patton, associate professor of economics, and James R. Moore, instructor in economics.
- Nebraska Department of Economic Development: James Knoeck, economist, and Kim Newell, recruiting economic development advocate.
- Dordt College, Ciocca: Les Mumm, assistant professor of finance and economics, and Mary Sue Carter, associate economics professor.
- Nebraska Wesleyan University: Joyce Gleason, professor, and Clayton D. Farr, retired economics teacher.

Others: Ron Knoeck, associate professor of management and marketing, University of Nebraska at Kearney; Sol M. Affat, Chadron State College business department; William Snyder, associate professor of business, Peru State College; Menahasha Daul, economist at Wayne State College; Donna Dady, business division head, College of St. Mary, Omaha; and Clifton A. Sexton Jr., Lincoln, and Joe Watkins, Grand Island, whose affiliations could not be determined.
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<td>Crime</td>
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<td>Apprehension and increased police costs</td>
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<td>1234</td>
<td>71</td>
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<td>Adjudication (criminal and civil justice costs)</td>
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<td>15221</td>
<td>738</td>
<td>889</td>
<td>382</td>
<td>690</td>
<td>451</td>
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<td>Incarceration and supervision costs</td>
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<td>Business and employment costs</td>
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<td>Lost productivity on job</td>
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<td>Lost time and unemployment</td>
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<td>Divorce, separation</td>
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<td>Abused dollars</td>
<td>14 354</td>
<td>3802</td>
<td>9519</td>
<td>240</td>
<td>3175</td>
<td>7436</td>
<td>3834</td>
<td>13 586</td>
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TABLE 18  Net Economic Impact of Indian Casino Gambling in the Rest of Wisconsin

<table>
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<tr>
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<th>$ Millions</th>
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<tr>
<td>Total Positive Economic Impact</td>
<td>339.56</td>
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<td>Total Negative Economic Impact</td>
<td>-563.50</td>
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<td><em>Net Economic Impact Before Social and Infrastructure Costs</em></td>
<td>-223.94</td>
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<tr>
<td>Low-Estimate Social Costs</td>
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<tr>
<td>Median-Estimate Social Costs</td>
<td>189.35</td>
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<tr>
<td>High-Estimate Social Costs</td>
<td>269.45</td>
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**NET ECONOMIC IMPACT WITH LOW SOCIAL COSTS**  
-318.61

**NET ECONOMIC IMPACT WITH MEDIAN SOCIAL COSTS**  
-413.29

**NET ECONOMIC IMPACT WITH HIGH SOCIAL COSTS**  
-493.39

**SOCIAL BENEFITS AND COSTS**

Thus far in our analysis, we have limited our consideration to direct and indirect economic impacts, both positive and negative. These impacts are susceptible to precise measurements, given that the factual data are accurate. Of course, because of limited access to such factual data, we have had to use estimates based on the best reasonable assumptions we have available to us. Nonetheless, we can use the precision of specific-dollar figures for these impacts. When we attempt to assess the economic impact of social benefits and social costs that necessarily attend the introduction of the gambling enterprise into any economy, we delve into a world of imprecision. However, the fact that much doubt surrounds the financial dollars that should be attached to these costs and benefits should in no way be used to deny their existence and importance. We must address social benefits and costs and suggest how they may fit into the overall economic impact analysis that we are conducting.

Social benefits include the creation of a new work ethic among previously unemployed persons, a spirit of self-sufficiency among previously dependent peoples, a variety of new programs supported by revitalized tribal governments. These programs include housing, health, welfare, education, and economic development. On the negative side, the analysis must take note of criminal activity that may be generated by the presence of casinos and also the costs of gambling addictions that result from the existence of the casinos. Our analysis of most of these areas ends with a textual description of activities and problems. Because there have been many studies of problem gambling, we have attempted to assign dollar figures to this problem area (high, medium, and low range), and we believe that these figures should be juxtaposed with the economic-impact figures we have calculated because they reflect a real cost to society.

1. **The benefits of investment and self-sufficiency**

The greatest value that gaming provides may be found in the degree of independence it allows tribal governments to have. Economic-development programs instituted through government policies have inevitably required tribes to have all their financial decisions certified and ratified by Bureau of Indian Affairs personnel. These approvals denied opportunities for risk-taking and also for gaining expertise that comes with exercising financial responsibility. Gaming funds are more directly controlled by the tribes. A selective listing of many of the projects that have been funded with gaming revenues illustrates a marked growth in that expertise and the responsibility that will become a foundation for tribal self-sufficiency well into the future.

Since 1990, Professor Kindt has probably been best known as one of the most well-published academics in issues relating to gambling. He has served as a senior editor, contributing author, and intermittent co-author of the *United States International Gambling Report* and *United States International Gaming Report* (i.e., *U.S. Int'l Gambling Report*). Professor Kindt’s academic research and publications contributed to the enactment of the 1996 U.S. National Gambling Impact Study Commission, the U.S. Unlawful Internet Gambling Enforcement Act of 2006, and various other Federal and state statutes.

After receiving a B.A. in Business from William and Mary in 1972, Professor Kindt earned four graduate degrees in Law and Business; specifically, J.D. 1976, MBA 1977, from the University of Georgia; LL.M. 1978, SJD 1981, from the University of Virginia. During the 1970s, Professor Kindt was employed in several state and Federal government positions. He also served as a Senior Fellow at the London School of Economics.

Professor Kindt’s research has resulted in over 70 academic articles in the areas of legalized gambling economic impacts, antitrust law, tax law, commercial law, environmental law, and public and private international law. He is also known for his multi-volume book, *Marine Pollution and the Law of the Sea*. Professor Kindt’s teaching has been cited several times as being outstanding.
John W. Kindt is a Professor of Business and Legal Policy at the University of Illinois. After receiving a B.A. in business from the College of William and Mary in 1972, Professor Kindt earned several graduate degrees in law and business, specifically, J.D. 1976, and MBA 1977, from the University of Georgia; LL.M. 1978, and SJD 1981, from the University of Virginia.

Professor Kindt’s research has resulted in more than 70 academic articles and studies in the areas of antitrust law, commercial law, and environmental law. For 20 years his research has been focused on the societal, business, and economic impacts of decriminalizing gambling activities, particularly gambling’s destabilization of international financial institutions and criminal justice systems.

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