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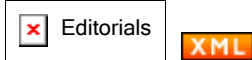
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Video gambling

Is it time for the state to start treating this vice the way it does other vices?



Indiana House Minority Leader B. Patrick Bauer, D-South Bend, has a curious take on the current video-gambling controversy. It's all the fault of Republican Gov. Mitch Daniels' administration, which has "pushed the issue" to the point where the legislature may have to decide soon whether to make the machines legal or not. By cracking down on the American Legion and VFW posts that have had the machines, Daniels "has created a crisis," so the governor has some "answering" to do.

Were you able to follow that reasoning? If Daniels had just left things alone – with Cherry Masters and

other video gambling devices illegal, but everybody in the state simply ignoring the law – things would have been perfectly OK. But, because Daniels insists that the law be changed or followed – State Excise Police confiscated 517 machines from 117 locations statewide from December 2005 to April – legislators might now actually have to take the law seriously, too.

Any rational examination of the situation has to credit Daniels for doing exactly the right thing. It is intolerable to have a law that is routinely ignored, and it is unconscionable for the legal community to look the other way and pretend nothing is happening. Such a situation breeds disrespect not just for a law but for the whole concept of law, and that's something no civilized society can tolerate. The law against video gambling must be repealed or enforced.

It's not an easy call to make, but the General Assembly should at least consider whether it's finally time to legalize the machines. That's the request of the Indiana Licensed Beverage Association, which is holding a series of meetings around the state to put pressure on legislators for legalization. They make a good point. Considering all the other ways in Indiana to gamble, from the lottery to pari-mutuel tracks to bingo to casinos, "It's silly to say those are all OK but not video gambling," is the way Brad Klopfenstein, executive director of the association, puts it.

The gambling culture is strong in Indiana, in other words. That might be deplorable, but it is a fact. That is why so many people are willing to ignore the law. If the law is too far ahead of people's sensibilities, it creates a climate of cynicism. What is the point, people reasonably ask, of letting casinos rake in millions in profits that go out of state and, at the same time, telling an American Legion or Moose Lodge it can't use gambling revenues to stay in operation?

The state has the additional problem that it long ago gave up the high ground on gambling, losing any moral authority to make pronouncements on the evils of that particular vice. It's called the state lottery, which had sales of \$739 million last year and has collected \$2.7 billion since it began in 1989. The state's efforts to curb other forms of gambling make it look little better than a bunch of gangsters trying to muscle other mobs out of its territory. In addition to making the state a predator that preys on human weakness, the lottery turns the budgeting process upside-down. Instead of carefully making plans and seeking voter approval through tax rates, the state now has a big pot of money it merely has to decide how to spend. How can government thus funded *not* stay too big and intrusive?

So, the additional money the state will receive from legalization – as much as \$300 million a year, according to one estimate – does not constitute an especially good argument for video gambling. But it is a good argument to note that legalization will also bring regulation, the ability to make sure that winners get a fair take and that the machines stay in those clubs full of consenting adults instead of ending up in convenience stores and other places where teenagers would have easy access. (That's assuming, of course, that the regulations are taken more seriously than the anti-gambling law itself was before Daniels came along.)

The best argument made against legalization is this: The fact that an evil already exists does not make it wise to add to that evil. It's akin to arguing that you might as well drive without a seat belt because a heart attack might get you anyway. "Just because you've sunk yourself to your waist," says Rep. James R. Buck, R-Kokomo, "doesn't mean you need to sink to your nose."

But the state long ago got in more than waist-deep, and legalizing the video games would be barely a drop more in that vast ocean of gambling. The state should consider the option of treating this vice like other vices, such as smoking and drinking. The state doesn't have to promote or encourage them, but it does recognize that they exist and taxes and regulates them accordingly.

By Leo Morris for the editorial board

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