

1 CHAIR JAMES: Can I ask Commissioners to please come
2 back in and take your seats? Before we move into our agenda,
3 there is one remaining piece of work left from yesterday. And
4 Dick's not here. Mr. Moratorium himself.

5 Dick, thank you for working on that issue last night
6 and getting it to Commissioners. I think everybody received it.
7 Dick, with that, I will turn to you to lead the discussion on
8 this.

9 COMMISSIONER LEONE: Well, this is a draft I feel quite
10 confident will please no one. It is an attempt to come up with
11 language that preserves -- remember this should be viewed in the
12 context of what paragraphs had come before it and to preserve
13 what again I think is a reasonable discussion. I have expanded
14 the discussion a little bit to be more explicit because I think,
15 I hope, this approach encourages more support, rather than less
16 support.

17 And I am just trying to find the full memo on the
18 overview. I've got a lot of paper. I wanted to get my marked-up
19 copy, but I'll just go with this for the time being.

20 So I'm on Page 6 of that memo. And there is a
21 paragraph that goes before this paragraph that says the one --
22 first of all, we talked about it may be that "This request is no
23 more than a democratic impulse" and then the paragraph that
24 begins "That, however, is not the view of this Commission," et
25 cetera.

26 The last sentence was originally "In many communities,
27 this means an explicit moratorium on further expansion until more
28 information is available about the effects, the costs and the
29 benefits, and other factors related to additional gambling
30 activity."

1 Now, for that one sentence, I'm proposing to substitute
2 the following paragraph, "The Commission through its research
3 agenda has added substantially to what is known about the impact
4 of gambling in the United States. We have also tried to survey
5 the universe of information available from other sources, but it
6 is clear that Americans need to know more. In this context, our
7 call for a pause should be taken as a challenge, a challenge to
8 intensify the effort to increase our understanding of the costs
9 and the benefits of gambling.

10 "Policy-makers and the public should seek a
11 comprehensive evaluation of gambling's impact so far and of the
12 implications of future decisions to expand gambling. In fact,
13 state and local versions of this Commission may be an appropriate
14 mechanism to oversee such research.

15 "If such groups are formed, they will find, as we did,
16 that the search for answers takes time. Therefore, some
17 jurisdictions may wish to impose an explicit moratorium on
18 gambling expansion while awaiting further research and
19 assessment."

20 I incorporated the suggestion made by one of the other
21 Commissioners of someone who wants to punish unsuspecting
22 citizens and state and local jurisdictions that they should be on
23 commissions like this one. There should be Little James
24 Commissions, like the Little Hoover Commission that used to exist
25 around the country --

26 COMMISSIONER DOBSON: I sure do.

27 COMMISSIONER LEONE: -- to make government more
28 efficient. And I tried to preserve the idea that in some
29 jurisdictions, they may want to take a timeout, they say. This
30 reference, by the way, to preschool and early elementary days is

1 in no way a reflection on the behavior of this Commission today
2 or any other day. They may want to have a timeout while some of
3 the research and they learn more.

4 I don't think this is actually an idea that is far
5 afield from the consensus of this Commission. Our most common
6 reaction is: Do we need to find out more?

7 I have said explicitly in another context and language
8 in the report I think in the current situation, private
9 businesses are doing what private businesses are expected to do
10 on the capitals. And they are pursuing opportunities as long as
11 they can get positive returns if they're higher than they would
12 get from the deployment of their capital somewhere else.

13 On the other hand, governments have a different
14 obligation to look at the costs and benefits somewhat
15 differently. What is most surprising is that governments are not
16 doing that. Governments are pursuing gambling opportunities, by
17 and large. And they have gained considerable political momentum,
18 by and large, even when confronted by the fact that nobody is
19 quite sure of whether we know enough about introduction of a new
20 lottery game or the legalization of some new activity and/or the
21 introduction of some gambling activity in a specific state or
22 community.

23 In that context, it seems to me we should explicitly
24 call on these jurisdictions, state and local governments and
25 tribal governments, to do more research, to look more at the
26 positive and negative consequences of gambling in a more
27 dispassionate and objective way, and that we think as a nation it
28 may be in the best interests of people in a great many places in
29 the country to take a timeout, pause, to have in some places a

1 moratorium if that's the appropriate ordinance or legislative
2 remedy. And it is in that context.

3 Now, I am more wedded to the idea than the language.
4 So I will leave it at that.

5 CHAIR JAMES: John?

6 COMMISSIONER WILHELM: I very much appreciate Richard's
7 efforts on this language, and I think that he has, as usual, done
8 an excellent job, both in wordsmithing, which he is good at, but,
9 more importantly, in trying to capture the ideas that are
10 important, both to himself and to other Commissioners.

11 When I got this faxed to my office last night, I
12 puzzled for quite some time as to what it was that was bothering
13 me about it. I concluded that, finally, this morning, actually,
14 what was bothering me about it was the same thing that bothers me
15 -- I'll try to make my remarks at this point relatively brief --
16 the same thing that bothers me -- and I'll expand more about this
17 when we get to the "People and Places" section. It isn't that I
18 disagree with it. In fact, I find all of the language here in
19 this proposal to make sense. It's that I believe there is
20 something missing.

21 Partly I think what is missing is some sort of balance
22 here. We say what some jurisdictions may wish to do. We don't
23 say a word about what other jurisdictions may wish to do.

24 Partly what's missing is an accurate reflection of our
25 record because we talk about why people might want to have a
26 moratorium, and I support that concept if it's balanced. I'm
27 talking about why some other jurisdiction might decide the
28 opposite.

1 One of the wonderful things about this country is that
2 people in different places can do different things according to
3 the perception of their needs.

4 Again, I want to expand on this whole notion at more
5 length when we get to "People and Places," but for purposes of
6 this language, I would like to propose that we adopt this
7 language with an added sentence. I would propose that that
8 sentence read as follows, and it would be at the end of what is
9 there, "Other jurisdictions may wish to expand gambling
10 opportunities, hopefully informed by this Commission's report,
11 especially economically depressed communities, for which the
12 economic benefits of gaming are most clear."

13 CHAIR JAMES: What was after "communities," John?

14 COMMISSIONER WILHELM: "For which the economic benefits
15 of gaming are most clear."

16 CHAIR JAMES: Discussion?

17 COMMISSIONER BIBLE: Well, I have some concern with the
18 language as crafted by Richard that if you look at the record of
19 gaming in the United States -- and I believe we'll hear a report,
20 hopefully we'll hear a report -- from the Tribal Subcommittee.
21 The greatest component of growth currently is tribal.

22 This recommendation as crafted by Richard would
23 indicate some jurisdictions, which at least implies to me state
24 and local governments would be requested to impose a moratorium
25 while tribal gaming would be continued at the same pace that it
26 currently is and would not have particular applicability.

27 And so you, in effect, have taken one segment of gaming
28 and at least made a recommendation that it pause, it have a
29 moratorium in terms of its activities while another jurisdiction,
30 the tribal activities, would continue at the current rate.

1 CHAIR JAMES: Dick, did you intend that "jurisdictions"
2 apply to tribal governments as well?

3 COMMISSIONER LEONE: Yes. In fact, I thought that we
4 had agreed yesterday that when we talked about governments, we
5 would always mean tribal governments along with other governments
6 in the United States.

7 CHAIR JAMES: Is that a term of art jurisdiction that
8 would exclude them, Bill, that led you to that conclusion?

9 COMMISSIONER BIBLE: And I don't know. At least in
10 that context, I don't know if it's a call upon state governors
11 not to negotiate compacts, if it's a call upon the Secretary of
12 Interior not to approve compacts. You know, the language is not
13 very specific in terms of its application.

14 And I am still fundamentally concerned, as I was
15 yesterday, as to whether this is a call based upon what we don't
16 know or a call for a moratorium based upon what we do know.

17 Commissioner McCarthy indicated he was willing to
18 support it based upon the knowledge that we have before us that
19 was developed as we have gone about our work. Commissioner Leone
20 indicated that he felt there were gaps in that knowledge and it
21 was based more upon what we don't know.

22 COMMISSIONER LEONE: Well, the context of this, the
23 whole section, is about the fact that we have come very far very
24 fast and we haven't I thought. I thought we were in general
25 agreement that we need to know more about the impact of what we
26 have done and the implications of doing more.

27 I think Bill's point about the tribes is well-taken and
28 should maybe explicitly be mentioned in this. It might even be a
29 desirable thing.

1 CHAIR JAMES: Would you want to say "all government
2 entities, citizens, policy-makers," -- I don't know -- something
3 like that that would be inclusive? "Government entitles"? Would
4 that --

5 COMMISSIONER BIBLE: I think the concern gets
6 alleviated if you adopt John's recommended amendment, which talks
7 about other jurisdictions.

8 CHAIR JAMES: Well, let's first work on this to make
9 sure that we understand everything is included. Then we will
10 talk about whether or not we do that.

11 COMMISSIONER McCARTHY: Madam Chair, may I suggest to
12 Dick that he use the phrase "policy-makers" at every level?

13 COMMISSIONER LEONE: Good idea.

14 CHAIR JAMES: Okay. Having done that, now we need to
15 respond to John's suggestion that the language "Other
16 jurisdictions may wish to expand gambling" -- Jim?

17 COMMISSIONER DOBSON: I would like to add my own last
18 or our own last statement at the end, in tech same spirit as what
19 John just did, only I disagree with the way he stated it.

20 If I may read the last sentence again? "Therefore,
21 some jurisdictions may wish to impose an explicit moratorium on
22 gambling expansion while awaiting further research and
23 assessment; others are strongly urged to reexamine the
24 legalization of various forms of gambling in their jurisdictions
25 to determine whether the public interest would be better served
26 by limiting or eliminating one or more of those forms."

27 Should I read it again? "Others are strongly urged to
28 reexamine the legalization of various forms of gambling in their
29 jurisdictions to determine whether the public interest would be
30 better served by limiting or eliminating one or more of those

1 forms." Obviously this takes it in exactly the opposite
2 direction.

3 We were talking last time about the need to pause and
4 look at what already exists because some of the decisions that
5 were made that allowed those forms of gambling may have been done
6 under pressure or without proper forethought.

7 And especially, John, with regard to your statement, I
8 thought we have, at least some of us have, been in agreement that
9 we want to limit the outlets and the other gambling enterprises
10 where the poor are because it preys on the desperation of the
11 poor. Those are precisely the places where I would not want to
12 see gambling expanded.

13 CHAIR JAMES: John?

14 COMMISSIONER WILHELM: With respect to Jim's proposed
15 addition, it would appear to me that that concept is covered by
16 Richard's sentence in the middle, "Policy-makers and the public
17 should seek a comprehensive evaluation of gambling's impact so
18 far and of the implications of future decisions to expand
19 gambling." I thought Richard covered that very concept, which
20 you had brought up yesterday, Jim.

21 With respect to your comment on my proposed additional
22 sentence, I don't disagree with what you just said. The purpose
23 of saying that we hope that jurisdictions that are considering
24 expanding gambling will be informed by the Commission's report is
25 precisely to point out, for example, some of the things I believe
26 we have a consensus on with respect to lotteries and with respect
27 to convenience gaming and so on. So I would hope that they would
28 be informed by the Commission's report.

29 I think it absurd of us to pretend as though there will
30 not be expansion of gambling in some jurisdictions. And I think

1 it ineffective of us to pretend as though because we don't allow
2 for that possibility, therefore, it won't exist.

3 I think we ought to urge those jurisdictions that do
4 conclude that they may want to expand gambling opportunities,
5 first and foremost, to hopefully be informed by what we have
6 found and by our recommendations.

7 And I do think that the record is clear. If you look
8 at NORC, if you look at the NRC report, if you look at the
9 extensive testimony before the Commission as a whole as well as
10 the Indian Gambling Subcommittee, particularly in economically
11 depressed communities, there is a sound economic argument for
12 gaming for those who wish to go that route.

13 I keep going back to the example only because I know it
14 so well having lived in Connecticut for 24 years, Bridgeport,
15 Connecticut. People of Bridgeport, Connecticut voted
16 overwhelmingly to have a casino. They were told by their wealthy
17 neighbors in Fairfield County through the legislature they
18 couldn't have a casino.

19 Nobody has given them any alternatives. And since
20 then, the social costs of unemployment and poverty and lack of
21 education and rotten schools and all of the other things that we
22 don't talk about here -- we talk about the social costs of
23 gambling, and we should, but we don't talk about the social costs
24 of unemployment.

25 We don't talk about the fact that when people are poor
26 and don't have a decent job, that there is a higher rate of
27 teenage pregnancy, that there is a higher rate of broken
28 families, that people growing up in this country today don't have
29 medical insurance. One-third of the children of California don't
30 have medical insurance.

1 We don't talk about any of that here. We only talk
2 about the social costs of gambling. I think we should talk about
3 the social costs of gambling, but I think we should be balanced
4 about it. We should not pretend that gambling exists in some
5 vacuum.

6 That's why I proposed, both in recognition of reality
7 and in recognition of the record of this Commission, that we
8 merely add a sentence that says that jurisdictions that may
9 conclude in the exercise of their sovereign rights to expand
10 gambling ought to be informed, we hope, by the Commission's
11 report and that, in particular, economically depressed
12 communities are the most likely to try to go that route. That
13 was the purpose of my additional sentence.

14 CHAIR JAMES: Dick?

15 COMMISSIONER LEONE: Yes. I have a -- by the way, I
16 endorse the rest of Commissioner Wilhelm's comments.

17 COMMISSIONER DOBSON: That side; right?

18 COMMISSIONER LEONE: That side. But I have an idea,
19 John, a couple of sentences, that may do what you want to do at
20 the end and --

21 COMMISSIONER WILHELM: I have no pride of authorship.

22 COMMISSIONER LEONE: -- preserve the flow a little bit.
23 Let me try them out. So that, instead of the "other
24 jurisdictions" line, we would say, "Just as gambling is not right
25 for every community, we recognize that a moratorium may not make
26 sense for everyone, but we hope that our report helps those who
27 pursue the economic benefits of gambling to understand as well
28 its costs."

29 COMMISSIONER WILHELM: I would accept that.

30 COMMISSIONER LANNI: Could you read that again?

1 COMMISSIONER LEONE: Well, are you going to actually be
2 writing it down? I didn't mean a lot of this stuff to be taken
3 seriously. "Therefore, some jurisdictions," et cetera, "Just as
4 gambling is not right for every community, we recognize that a
5 moratorium may not make sense for everyone, but we do hope that
6 our report helps those who pursue the economic benefits of
7 gambling understand as well its costs." I think it keeps the
8 tone a little more in line with what comes before while making
9 room for John's point.

10 I think this economically depressed thing, John, is a
11 can of worms. Clearly there is a justification. The Native
12 American is I always say the best for the economically
13 development side.

14 On the other hand, Jim's point is unassailable. You
15 can also say economically depressed. Well, let's put more
16 convenience gambling machines so that a 7-11 could make it in the
17 poorest neighborhood in town, and I don't see that as good public
18 policy.

19 COMMISSIONER WILHELM: I believe, Richard, as usual
20 that you're outstanding, both with respect to concepts and ideas
21 but also with respect to language. So I would accept that as a
22 substitute for the sentence I suggested.

23 COMMISSIONER LANNI: Could we have it repeated, please?
24 This would follow about "assessment," Richard?

25 COMMISSIONER LEONE: Yes.

26 COMMISSIONER LANNI: Maybe you should read it because
27 what you have written is what will actually get back.

28 CHAIR JAMES: Maybe.

29 COMMISSIONER LANNI: Helpful.

1 EXECUTIVE DIRECTOR KELLY: I'll ignore that. I'm
2 missing one phrase here, but "Just as gambling is not right for
3 every community, we recognize that a moratorium may not make
4 sense for everyone. But we do hope that those who" -- and was it
5 "pursue economic"?

6 COMMISSIONER LEONE: "We do hope that our report helps
7 those who pursue the economic benefits of gambling to understand
8 as well its costs."

9 COMMISSIONER LANNI: How about "appropriate," instead
10 of "right"?

11 COMMISSIONER LEONE: "Appropriate" is fine.
12 "Appropriate."

13 EXECUTIVE DIRECTOR KELLY: I'm sorry. Could you --

14 COMMISSIONER LEONE: I always pursue "right" whenever
15 possible.

16 COMMISSIONER DOBSON: Richard, that comes closer to
17 something that I could support, but the recommendation here that
18 people pause to look at what they have done and pause to consider
19 very carefully what they may do in the way of gambling expansion
20 in the future is a recommendation that I would not want to
21 qualify, as you have said, by saying it may not be right for
22 everybody.

23 It would not hurt considering the exponential growth of
24 gambling in this country. It would not hurt to make a statement
25 saying we really ought to at least take a deep breath and examine
26 what has occurred and its implications in local areas. I would
27 hate to weaken it by saying: Well, this may not really be
28 appropriate everywhere.

29 CHAIR JAMES: John?

1 COMMISSIONER WILHELM: I believe that Richard's
2 language is crystal clear, and I support it. It says, "Our call
3 for a pause should be taken as a challenge." Then it goes on to
4 say, "Policy-makers and the public should seek a comprehensive
5 evaluation of gambling's impact so far," which I believe is
6 exactly what you were saying, Jim, --

7 COMMISSIONER DOBSON: It's the next sentence that
8 bothers me.

9 COMMISSIONER WILHELM: -- "and of the implications of
10 future decisions to expand gambling." The truth is that not
11 every community is going to have a moratorium. That's the
12 reality. And I would hope that we would urge those communities
13 that decide to do something additional about gambling to do it
14 mindful of the things that we're saying and the cautions that
15 we're raising.

16 If they did, for example, on Richard's point a moment
17 ago, they would be less likely to put a bunch of slot machines in
18 a 7-11 in a poor neighborhood. They would be more likely to do
19 something different if, indeed, they want to expand gambling at
20 all.

21 COMMISSIONER DOBSON: The truth is that none of our
22 recommendations is going to be accepted by everybody. I mean,
23 the --

24 COMMISSIONER LANNI: Jim, I think I may have a
25 suggestion. I was just talking to Richard. Maybe we could do it
26 this way in the spirit of compromise, Jim. If you would take a
27 look at Line 5 and read that, beginning at the very end of Line
28 4, "A challenge to intensify the efforts to increase our
29 understanding of the costs and the benefits of gambling, and deal

1 with them accordingly." Then you give them an action suggestion,
2 period.

3 I'll read the whole sentence, "But it is clear that" --
4 I hate beginning sentences with "But," though, Richard. "But it
5 is clear that Americans need to know more."

6 COMMISSIONER LEONE: Ronald Reagan used to do it.
7 Whatever her name is used to write them into his speeches.

8 COMMISSIONER LANNI: "In this context, our call for a
9 pause should be taken as a challenge, a challenge to intensify
10 the effort to increase our understanding of the costs and the
11 benefits of gambling, and deal with them accordingly." That
12 gives them a suggestion for an action plan to deal with them as
13 they determine to be most logical.

14 CHAIR JAMES: With that, would you say, then, not
15 adding the other piece of --

16 COMMISSIONER LANNI: No, no, no. I'm saying to address
17 Jim's concern that it wasn't strong enough, the recommendation.

18 COMMISSIONER DOBSON: Well, what you just suggested
19 there is not a problem for me, but that sentence in Richard's
20 paragraph remains. The implications of that continue to bother
21 me.

22 COMMISSIONER LANNI: I agree with John. I think it is
23 clear, and I was merely trying to accommodate you with an
24 additional statement to give them some action.

25 So I would stand by Mr. Wilhelm's statement. I think
26 it is crystal clear. And with the additional sentence that
27 Richard added, I would propose that we adopt it.

28 CHAIR JAMES: Leo?

29 COMMISSIONER McCARTHY: During the course of the last
30 22 months, I have tried to stay away from being labeled either as

1 for gambling or clearly against gambling in all circumstances. I
2 don't think it is the role of this Commission to do either but,
3 rather, to point out the need for knowledge and what we have and
4 what more we need so that we could effect the public dialogue
5 ultimately.

6 My good friend Richard, I'm afraid your one phrase
7 there that gaming may not be right for everybody comes as close
8 during the course of this Commission's history to endorsing
9 gambling because the clear implication is gambling is right for
10 some. I don't want to do that.

11 Neither do I want to do gambling is not right. I don't
12 think that is our appropriate role here one way or the other.
13 There are places where we can raise the economic benefit issue.

14 This statement is intended to be -- let's remember
15 where it is -- in the introduction. It is supposed to be part of
16 the over-arching view of gambling. And, frankly, I think it was
17 --

18 COMMISSIONER LEONE: Would you accept that gambling may
19 not be --

20 COMMISSIONER McCARTHY: It was fine without --

21 COMMISSIONER LEONE: -- right for any given community?

22 COMMISSIONER McCARTHY: Sorry?

23 COMMISSIONER LEONE: Would you accept "Just as gambling
24 may or may not be right for any given community"? Let me grab
25 the floor here for a minute. Let me say what I'm about in an
26 explicit way to my fellow commissioners because if this fails, I
27 don't want people to be surprised when I am for other language
28 that I know several of you will find that you can't agree with.

29 It seems to me at the beginning of the report we have
30 two choices. We can develop five or more votes around the

1 strongest possible language that five or more people, wherever
2 they're coming from, agree upon. And that will be the majority
3 view of this Commission at the end of two years.

4 We can, alternatively, find that we have common ground
5 on an over-arching and important view of what the last 25 years
6 of developments in the past Commission have brought us.

7 This language I have always worked with over the last
8 four or five days with the intent of seeing if there was a
9 formulation that the nine of us could agree upon. I thought if
10 that were possible without people compromising their principles
11 or giving away too much that they might want to add later or put
12 in their own statements, that that would be an important and
13 compelling outcome of this Commission, that whatever else was
14 true that this group of nine Americans who, frankly, under almost
15 any other circumstances wouldn't have spent all of this time
16 together could come together and have something to say.

17 Now, if it gets sufficiently drained of meaning,
18 obviously then it is pointless. I have been listening. We have
19 all been listening. And I have had a sense that wherever we're
20 coming from and whoever might be depending on us to represent
21 them, that, in fact, as individuals, we have a good deal of
22 consensus about the fact that there is some need to reconsider
23 where we are and where we might be headed.

24 That is all that I am trying to do here with this
25 language and by offering other languages see if that is possible.
26 If it is not possible, I will pull out of my pocket quite a
27 different opening statement for the report. But I think we
28 should try to work towards that end.

1 CHAIR JAMES: I think it is possible. If we just stay
2 at it for a few more minutes, I think we may be able to get
3 there.

4 Leo?

5 COMMISSIONER McCARTHY: Let me just conclude the
6 statement that I was trying to make. I think what you did
7 overnight should serve the purpose of bringing this Commission
8 together unanimously plus the clarification that Bill Bible
9 suggested, which I think was entirely appropriate, about
10 policy-makers at all levels.

11 I, frankly, really didn't support John's amendment and
12 I don't support Jim's amendment because it's not what you were
13 trying to do in this over-arching statement at this early point
14 in the document.

15 There are many places later where we can assert what
16 Jim is trying to say and what John is trying to say. This was an
17 introductory statement. It was balanced. And I think you went
18 far enough in trying to accommodate the discussion that we had
19 yesterday.

20 In Sacramento, we would call this loving something to
21 death, all friendly amendments but loving a bill to death.

22 CHAIR JAMES: John?

23 COMMISSIONER McCARTHY: I was satisfied with where you
24 were.

25 COMMISSIONER WILHELM: I don't know if I, at least the
26 public, would cite the California legislature as a model myself,
27 but it ran better when you were the Speaker, Leo.

28 COMMISSIONER McCARTHY: Saving amendment. Thank you.

29 COMMISSIONER WILHELM: I will confess to be completely
30 befuddled by my friend Leo's last comment. Richard's overall

1 draft introduction taken as a whole I think is crystal clear. I
2 think it says we have expanded gambling at an exponential rate in
3 this country in the last 25 years, and we don't know what that
4 means. We have a strong suspicion that there are some
5 substantial problems with it. The record shows there are some
6 substantial problems with it. People ought to pause, take a deep
7 breath, and analyze this.

8 He has then added Jim's concept that people should even
9 think about rolling it back, let alone about not expanding it
10 until they understand what is going on.

11 I support all of that, but I also don't support an
12 introduction that completely ignores our record. Our record says
13 more than that. I don't think it's sufficient to say on Page 198
14 or 473 that, "Oh, by the way, our record also is replete with
15 detailed testimony, as is our contract research about economic
16 benefits."

17 And if you don't at least nod in the introduction in
18 the direction that our record does show that, including NORC,
19 including NRC, including testimony, why, with the exception --
20 and I may be missing somebody here, but with the exception of the
21 unique person known as Woody Jenkins, who Jim can keep along with
22 the rest of Louisiana, I don't think there's a single other
23 state, local, tribal official that I can recall who didn't talk
24 about the economic benefits of at least casino gambling, at least
25 destination resort casino gambling, for those communities.

26 Now, I'm not asking everybody to buy that because
27 people can reach conclusions they want, even when their record is
28 overwhelming. But neither do I think it is appropriate to simply
29 completely ignore it in the introduction. The introduction is
30 supposed to set a tone for what it is we found. An introduction

1 that doesn't even nod in the direction of a very substantial part
2 of our record strikes me as: A) peculiar; and B) very
3 misleading.

4 COMMISSIONER BIBLE: I think what we are trying to do
5 is we are trying to develop a conclusion to the study as part of
6 the overview before we put together the various components in the
7 chapters.

8 COMMISSIONER LANNI: Leo, if I may, I think the issue
9 is -- maybe you are reading it differently than I am. I don't
10 think we are saying that this is your opinion or my opinion that
11 it is appropriate for a community. Communities have determined
12 through votes or legislative action, what have you, that it's
13 appropriate.

14 I didn't read it that we as a Commission are endorsing
15 that it's appropriate or inappropriate for any particular
16 community. I read it as the community has determined it's
17 appropriate.

18 Now, they should take a look at it and see if it still
19 is based upon that. That's how I read his language. So I think
20 you may be reading it differently than I am.

21 COMMISSIONER McCARTHY: Well, right on with what you're
22 saying, if I may, Madam Chair, that's why I'm really not in favor
23 of what Jim was saying because Jim is, in effect, telling
24 communities that have already adopted gambling in some form:
25 Look back at it now because by implication, maybe you made an
26 incorrect judgment or the judgment should have taken a different
27 shape. I may agree with that in a number of communities, but I
28 don't think it has a place in here.

1 Similarly, I didn't want to say with any strong
2 implication that we endorse the fact that they made this
3 judgment. I don't see that as our business to do that.

4 COMMISSIONER LANNI: But I didn't read it as an
5 endorsement.

6 COMMISSIONER McCARTHY: Okay.

7 COMMISSIONER LANNI: But, again, that's just the way I
8 --

9 COMMISSIONER McCARTHY: I appreciate the --

10 COMMISSIONER LANNI: I didn't intend it to be an
11 endorsement.

12 CHAIR JAMES: Commissioner Moore?

13 COMMISSIONER MOORE: Like Mr. McCarthy, I'm not so sure
14 that anyone knows where I stand, and I'm not so sure I understand
15 myself. But that's my prerogative, and I can do that because I
16 didn't come here representing anyone.

17 I like this statement. I like this statement because
18 yesterday we were arguing about moratorium. We haven't mentioned
19 arguing about that today the way it is worded.

20 I think that this does send a word to the people, to
21 the leaders or whoever they might be. The gaming here has gone
22 very fast. Maybe you made a wrong decision. Maybe you want to
23 think about it. Maybe you don't need another gaming casino on
24 the Mississippi Gulf Coast or maybe you'd want to put one in
25 Tupelo, Mississippi.

26 I believe that this does say something, and I would be
27 wholeheartedly in favor of this. I would hate to see too much
28 more added to it because I think that would add more discussion.
29 And the first thing you know, we are going to lose this. So I

1 would like to have it as is and for this Commission to agree on
2 it.

3 CHAIR JAMES: When I read this statement, -- and I want
4 to thank you, Dick, for taking the time last night to put it
5 together -- I did not see it as a value-laden statement either in
6 favor of or against gambling.

7 One of the things that I thought was particularly
8 helpful is that, Dick, in there, you said that we need to
9 increase our understanding of both the cost and the benefits. So
10 the implication there is that there are both.

11 But what we are saying is that there is not enough
12 information, that we need more research, we need more data. And
13 whatever direction you are going to go, a pause is indeed a
14 prudent course at this particular point in time and asking that
15 any jurisdiction -- you know, I don't think that by asking for a
16 pause, that the implication is that you should not expand because
17 I think, in reality, we're saying there are some benefits and you
18 may want to look at that, weigh both the benefits and the costs
19 and make up your mind.

20 I think we are asking policy-makers at federal, state,
21 local, tribal levels to all recognize what we know, what we don't
22 know, take a comprehensive look at the benefits and the costs.
23 Who could not agree with that?

24 We are not saying a moratorium for five years, ten
25 years. We are not even saying two days. We're just saying take
26 a timeout. It may be a couple of hours to review the data and
27 the literature before you make a decision.

28 But it certainly is with the body of information, with
29 the gravity of the issue well worth the time of any policy-maker

1 to take a pause, to take a moratorium, to take a break before
2 making that decision, be it positive or negative.

3 I did not imply from that that some community that has
4 rejected gaming may want to take a moratorium, look at it, study
5 the benefits, and make a decision in the other direction. I
6 mean, I don't think it implies that that is not the case. It is
7 simply a matter of saying that this is an overwhelming public
8 policy issue, it deserves our deliberate thought.

9 And we as reasonable policy-makers should not take the
10 time to do that. I really did not see this as a value-laden
11 statement going in any direction.

12 Jim?

13 COMMISSIONER DOBSON: Madam Chair, I agree with what
14 you just said. And based on that, I would like to move that we
15 accept the statement as Richard wrote it, as he brought it in
16 this morning, without my amendment and without John's and even
17 without Richard's addition.

18 COMMISSIONER LOESCHER: Madam Chair, the motion is not
19 clear. He should say what it is he is moving without
20 qualification.

21 COMMISSIONER DOBSON: What I am moving is that we adopt
22 the statement as printed.

23 CHAIR JAMES: With one change, --

24 COMMISSIONER DOBSON: With the one change.

25 CHAIR JAMES: -- which is "policy-makers" to be clear
26 that it applies to everyone, deleting the word "jurisdiction,"
27 inserting the words "policy-makers at every level."

28 That was a motion. Do I hear a second?

29 COMMISSIONER McCARTHY: Second.

30 COMMISSIONER LOESCHER: Madam Chairman?

1 CHAIR JAMES: Discussion?

2 COMMISSIONER LOESCHER: I would like to move that after
3 the line on 6, the words "of gambling," I would like to move the
4 words "and deal with them accordingly," period. I would like to
5 make that as a motion.

6 CHAIR JAMES: That would have to be an amendment to the
7 motion.

8 COMMISSIONER LOESCHER: Amendment, yes.

9 CHAIR JAMES: We would have to ask the maker of the
10 motion if he would accept that as a friendly amendment.

11 COMMISSIONER McCARTHY: Repeat it again, please.

12 COMMISSIONER LOESCHER: Point of order, Madam Chair.
13 If I can't get a second on the amendment, it would fail.

14 COMMISSIONER WILHELM: Second.

15 CHAIR JAMES: Okay. We have a second.

16 COMMISSIONER McCARTHY: Would you repeat it, please?

17 COMMISSIONER LOESCHER: On Line 6, after the word "of
18 gambling," delete the period and add the words "and deal with
19 them accordingly."

20 COMMISSIONER McCARTHY: Line 7?

21 COMMISSIONER LOESCHER: Six.

22 COMMISSIONER McCARTHY: Oh, I'm sorry. Yes, your
23 words?

24 COMMISSIONER LOESCHER: "And deal with them
25 accordingly," period.

26 COMMISSIONER LANNI: I'll second that motion.

27 COMMISSIONER DOBSON: That is satisfactory to the maker
28 of the motion.

29 CHAIR JAMES: It has been moved and seconded.

1 COMMISSIONER WILHELM: I'd like to move to amend the
2 motion by adding the last formulation that Richard had --

3 COMMISSIONER LOESCHER: Point of order, Madam Chairman.

4 COMMISSIONER WILHELM: I'm sorry.

5 COMMISSIONER LOESCHER: I need a vote on my amendment.

6 COMMISSIONER WILHELM: I thought if he accepted it it
7 was --

8 COMMISSIONER LOESCHER: No. You've got to call for the
9 question. You can say, "Without objection," and that would be
10 the vote. If not, if there's an objection, then --

11 COMMISSIONER McCARTHY: The second accepts the proposed
12 amendment as well.

13 CHAIR JAMES: Is that satisfactory to you, Commissioner
14 Loescher?

15 COMMISSIONER LOESCHER: No, Madam Chairman. You can
16 call --

17 CHAIR JAMES: Then we will have a point of order, and
18 we will call for the vote as it stands. All in favor?

19 COMMISSIONER BIBLE: Wait. What are we voting on? On
20 the amendment?

21 COMMISSIONER LOESCHER: On the amendment to add the
22 clause --

23 CHAIR JAMES: You are voting --

24 COMMISSIONER BIBLE: Just any amendment?

25 CHAIR JAMES: -- on the amendment, the language "and
26 deal with them accordingly," on that alone. All in favor?

27 (Whereupon, there was a chorus of

28 (Ayes.")

29 CHAIR JAMES: Any opposed?

30 (No response.)

1 CHAIR JAMES: Okay. Now that that's done, we can go
2 back. If you want to offer an amendment to that, is --

3 COMMISSIONER WILHELM: Yes. I would like to move to
4 amend the motion by adding the last formulation that Richard put
5 forward.

6 COMMISSIONER LANNI: I can read that if you'd like,
7 John.

8 COMMISSIONER WILHELM: I would like. Thank you.

9 COMMISSIONER LANNI: "Just as gambling is not
10 appropriate for every community, we recognize that a moratorium
11 may not make sense for everyone, but we do hope that our report
12 helps those who pursue the economic benefits of gambling
13 understand the costs as well."

14 COMMISSIONER LOESCHER: I second the motion.

15 CHAIR JAMES: Well, if that would be an amendment to
16 the motion that is already on the floor, then they would have to
17 accept that as a friendly amendment.

18 COMMISSIONER LANNI: No, no. Or we could vote on it.

19 CHAIR JAMES: Or you can vote on this. That's correct.

20 COMMISSIONER LANNI: Absolutely. Absolutely.

21 CHAIR JAMES: That's correct.

22 COMMISSIONER LANNI: They won't accept it. So we --

23 COMMISSIONER DOBSON: My motion specifically
24 contradicts that.

25 CHAIR JAMES: Correct.

26 COMMISSIONER DOBSON: I'm moving to amend it.

27 COMMISSIONER LOESCHER: I second the motion.

28 CHAIR JAMES: That has been moved. And now I suspect
29 we may have a roll call vote on that particular amendment to the
30 motion that's on the floor.

1 COMMISSIONER DOBSON: Madam Chair, I'm confused. If
2 this were accepted and then my motion did not pass, where are we?

3 COMMISSIONER LANNI: We are nowhere.

4 COMMISSIONER WILHELM: It is always appropriate to
5 amend a motion.

6 COMMISSIONER LANNI: We are nowhere if that happens.

7 COMMISSIONER DOBSON: We are nowhere if that occurs.

8 COMMISSIONER McCARTHY: Then you vote on the entire
9 motion.

10 CHAIR JAMES: Then you vote on the entire motion.

11 COMMISSIONER McCARTHY: As amended, if the amendment
12 were adopted.

13 COMMISSIONER LANNI: That's correct.

14 COMMISSIONER WILHELM: Then you probably won't know at
15 that point.

16 CHAIR JAMES: Yes, he will. We'll stop and have a
17 motion to adjourn.

18 COMMISSIONER WILHELM: But we won't reach that point.

19 CHAIR JAMES: We are now at the point where we are
20 going to vote on the amendment as just read by Commissioner
21 Lanni.

22 COMMISSIONER LANNI: And made by Mr. Wilhelm and
23 seconded by Commissioner Loescher.

24 COMMISSIONER DOBSON: And written by Commissioner
25 Leone.

26 (Laughter.)

27 COMMISSIONER WILHELM: And opposed by Commissioner
28 Dobson.

29 CHAIR JAMES: I suspect we will -- well, we'll try it.
30 All in favor of the motion?

1 COMMISSIONER McCARTHY: Wait a minute.

2 CHAIR JAMES: The amendment. I'm sorry.

3 COMMISSIONER McCARTHY: I thought you were going to do
4 a roll call.

5 COMMISSIONER LANNI: She said she would try it the
6 other way and then --

7 CHAIR JAMES: Well, we will do a roll call.

8 COMMISSIONER McCARTHY: Not as long as you hear my
9 voice loudly.

10 CHAIR JAMES: I will hear your voice. Commissioner, we
11 will do a roll call just for clarity. Commissioner McCarthy?

12 COMMISSIONER McCARTHY: No.

13 CHAIR JAMES: Commissioner Dobson?

14 COMMISSIONER DOBSON: No.

15 CHAIR JAMES: Commissioner Wilhelm?

16 COMMISSIONER WILHELM: Yes.

17 CHAIR JAMES: Commissioner Moore?

18 COMMISSIONER MOORE: No.

19 CHAIR JAMES: Commissioner Lanni?

20 COMMISSIONER LANNI: Yes.

21 CHAIR JAMES: Commissioner Leone?

22 COMMISSIONER LEONE: No.

23 CHAIR JAMES: Commissioner Bible?

24 COMMISSIONER BIBLE: Yes.

25 CHAIR JAMES: Commissioner Loescher?

26 COMMISSIONER LOESCHER: Yes.

27 CHAIR JAMES: Commissioner James votes no. Somebody
28 count.

29 COMMISSIONER McCARTHY: Five.

30 CHAIR JAMES: Okay.

1 COMMISSIONER LOESCHER: Madam Chair?

2 CHAIR JAMES: Having done that -- yes?

3 COMMISSIONER LOESCHER: What is the vote?

4 CHAIR JAMES: The vote is five no, four yes.

5 COMMISSIONER LOESCHER: Madam Chair, I would like to
6 move to table the motion as amended.

7 CHAIR JAMES: To table the motion? Where is George
8 Terwilliger when you need him?

9 COMMISSIONER LEONE: A motion to table is in order any
10 time. He is tabling the motion that --

11 COMMISSIONER LANNI: I'll second the motion.

12 COMMISSIONER LEONE: It wasn't amended.

13 COMMISSIONER LANNI: I'll second the motion.

14 COMMISSIONER LEONE: So you vote immediately.

15 CHAIR JAMES: So you want to table the motion.

16 COMMISSIONER LEONE: Table whoever is Jim's --

17 COMMISSIONER McCARTHY: Five votes tables the emotion.
18 The motion.

19 CHAIR JAMES: The motion. One would only hope so,
20 Commissioner.

21 COMMISSIONER McCARTHY: Four votes the motion fails?

22 CHAIR JAMES: That is correct. So now we are taking a
23 vote on whether to table the motion. Are we clear, Commissioner
24 McCarthy?

25 COMMISSIONER McCARTHY: No.

26 CHAIR JAMES: Commissioner Dobson?

27 COMMISSIONER DOBSON: No.

28 CHAIR JAMES: Commissioner Wilhelm?

29 COMMISSIONER WILHELM: No.

30 CHAIR JAMES: Okay. Commissioner Moore?

1 COMMISSIONER MOORE: No.

2 CHAIR JAMES: Commissioner Lanni?

3 COMMISSIONER LANNI: Yes.

4 CHAIR JAMES: Commissioner Leone?

5 COMMISSIONER LEONE: No.

6 CHAIR JAMES: Commissioner Bible?

7 COMMISSIONER BIBLE: Yes.

8 CHAIR JAMES: Commissioner Loescher?

9 COMMISSIONER LOESCHER: Yes.

10 CHAIR JAMES: Commissioner James votes no. The vote is
11 six no, three yes.

12 COMMISSIONER LOESCHER: Madam Chairman?

13 CHAIR JAMES: Commissioner Loescher?

14 COMMISSIONER LOESCHER: Madam Chairman, I have a
15 problem with the resolution or the motion as it now stands with
16 the Division on Commission, it is unhealthy to have this kind of
17 a statement right in the main recommendation of our report. I
18 don't think it does justice to leave it as it is.

19 I am at a loss to anything that would be helpful. It
20 might give a little more time for thought. I have a problem with
21 the notion that we are going to stop the world or pause or create
22 a moratorium for the business of research. That is not a
23 compelling and persuasive reason.

24 I believe that we should advance to the American public
25 for this kind of a recommendation. If there are other persuasive
26 reasons why we should do that and they were explicit in this
27 finding, this conclusion of our overview, I think it would be
28 more persuasive.

29 Yesterday I spoke of reasons of dealing with problems
30 related to gaming on the community, looking at alternative

1 economies, giving reasons why you should pause or create a
2 moratorium, rather than the business of pausing to create a
3 moratorium for the sole purpose of research.

4 As a business person and a community leader where I
5 come from, I am forced many times to make decisions based upon
6 the best information I have at hand. Life is that way.

7 Certainly people at the local level and the state
8 capitols and tribal government areas are forced to do the same
9 thing. So I bring that to your attention.

10 I don't feel very comfortable being forced into this
11 situation because I honestly don't believe that a good reason to
12 do this is just for research. I think there are other more
13 compelling reasons that are not stated. So this is not
14 persuasive.

15 COMMISSIONER McCARTHY: Madam Chair?

16 CHAIR JAMES: Thank you. I really would like not to --

17 COMMISSIONER McCARTHY: I call for the question.

18 CHAIR JAMES: There is no question before us.

19 COMMISSIONER DOBSON: Yes, there is.

20 CHAIR JAMES: Oh, there still is this one? Okay.
21 You're absolutely correct. I apologize. We will call for the
22 question. Now that we have voted on that, we will vote on the
23 primary motion that was before us, which was Dr. Dobson's.

24 And with that, Commissioner -- let me get my names --
25 McCarthy?

26 COMMISSIONER McCARTHY: Yes.

27 CHAIR JAMES: Dobson?

28 COMMISSIONER DOBSON: Yes.

29 CHAIR JAMES: Wilhelm?

30 COMMISSIONER WILHELM: No.

1 CHAIR JAMES: Moore?

2 COMMISSIONER MOORE: Yes.

3 CHAIR JAMES: Lanni?

4 COMMISSIONER LANNI: No.

5 CHAIR JAMES: Leone?

6 COMMISSIONER LEONE: Yes.

7 CHAIR JAMES: Bible?

8 COMMISSIONER BIBLE: No.

9 CHAIR JAMES: Loescher?

10 COMMISSIONER LOESCHER: No.

11 CHAIR JAMES: Commissioner James votes yes. And the
12 final vote is five yes, four no.

13 COMMISSIONER LANNI: Madam Chair?

14 CHAIR JAMES: Commissioner Lanni?

15 COMMISSIONER LANNI: I would like to notify the Chair
16 and the Commission that I will be writing a minority report at
17 least on this particular chapter.

18 CHAIR JAMES: Thank you. Now, what --

19 COMMISSIONER LOESCHER: Madam Chair?

20 CHAIR JAMES: Yes, Commissioner Loescher?

21 COMMISSIONER LOESCHER: I think you might consider in
22 the drafting of this that this statement did not have any
23 unanimity, that there was a split division on the Commission. In
24 fairness, I think it can't be represented as the position of the
25 full Commission and should somehow be qualified in the writing of
26 the report.

27 CHAIR JAMES: I think we can show that the majority of
28 the commissioners said whatever and then follow with that
29 statement, and that would be entirely appropriate.

1 With that, I would like to take a break. Let's take a
2 five-minute break and come back together and start with
3 "Technology and the Future."