

Daniel Jeremy Silver Collection Digitization Project

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Gambling and Government, 1985.

Gambling and Government Daniel Jeremy Silver March 17, 1985

Leon de Modena was acknowledged in his generation as the most brilliant and talented Talmudic scholar of the day, the day we wew call the late Renaissance. Leon was a child prodigy. At the age of twelve he translated the first canto of Ania the involved philosophic poem, Orlando Furioso, by Ariosto into Hebrew. A year later, at the age of thirteen, he published a stailer pamphlet, On Games of Chance, in which he excoriated those Italian Jews who had taken up the latest craze - card who Extorialol The thirteen year old was a hot angel at those who gambled at cards were quilty of every sin imaginable. He was sure they would suffer accordingly. And suffer he did because. When this brilliant thirteen-year old grew up and grew into his many talents, he also developed a passion for the very card THE ALUIT AR MCLOUR years been not only games he had so early, and so readily, condemned. Over the gambled away almost all his earnings and a small inheritance, but adm charity VIRTUE comos bosily To monies which had been left with him for safekeeping. he those als love months some that he was right when, at thirteen, he wrote that those who gamble wiels of the Ten Commandments.

I readily confess that games of chance have never had any particular attraction to me. I've never been to Las Vegas. I remember Atlantic City as a series of rather stodgy hotels where the Zionist Organization of America and the Central Conference of American Rabbis used to meet. Some years ago, when Sarah was much younger, she came home from a birthday party where she had learned a new card trick, about to show it to us and we discovered that we did not have a deck of cards in the house.

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I have take ricks. But I also know that gambling can become an

addiction. I have talked with men and women who could not control their gambling

and who had impoverished themselves and exposed their families to insecurity.

Hopkins University. Those who work there deal with gambling as an addiction in much the same way psychologists and Alcoholics Anonymous deal with drunkenness.

Those who specialize in this work estimate that there are over one million gambling addicts in the United States, one million men and women who cannot stay away from the gaming tables Anonymous tables Anonymous deal with drunkenness.

excavating the camp of a Roman Legion in the Middle East he found a pair of loaded dice, among other possessions, left behind by the soldiers. It's human nature to hope for the miracle of sudden wealth and to give God a push in that direction by fiddling with the odds. The human being is a greedy creature and a crafty one who

Our tradition made no attempt to declare gambling an absolute sin. You will not find, "thou shalt not gamble," in the Bible or the halacha. Quite the the contrary. The rabbis tended to define 'joy' on the holidays as a drop of schnapps and a game of cards.

-I suspect they encouraged gambling in order to discourage it. They knew the dangers and cost of pathological gambling and they tried to restrain addiction by keeping gambling within the limits of a harmless game. The dreidle, which every child in every religious school in the land receives at Hanukah time, is a case in point. The dreidle is nothing more or less than the common medieval gambling We tell our children that the letters on the four sides of the dreidle stand for nes, gadol, ha'ya, sham - "a great miracle occurred there." Actually, the 'n', 'g,' 'h' and 's' begin as the German words, Nicht; nothing happens on this spin; 'Gamze take in the whole pot; Halb, take half the pot; and Shtell, you lose, put modeen! The gambling to became the dreidle as part in a sum equal to the entire kitty. Lesignes To Thrastein A reduce of a strategy to-take it to a child's pastime. No one can bankrupt himself losing nuts or hard candy.

160,105 The rabbis tried as best they could to show gambling to be the tawdry, VJUSAN venal enterprise that it, in fact, is. Gamblers try to surround themselves with an aura of sophistication. Casinos are built to look like palaces. Croupiers and other professionals are dressed in formal clothes. The gambler wants people to for Dam found. believe that this is where high society and status are legie to the contract wanted to show the professional gambler to be the tawdry, underworld character he really is, and so the Talmud legislat lates that one who is a professional gambler is not to be treated in court matters as a reliable witness. He is to be considered 12 jeaple ato noo, not to be muston Along with as if he were a thief or a robber. Maimonides in the Mishnah Torah explains that a professional gambler who has no other source of income contributes nothing to the welfare of the community, and whether his gambling be with dog or pigeon races studies of Acco, Nicho Al or with dice, he is a thief and a robber who should be seen by decemb perple for what he is, an underworld character. Their purpose was to deprive gambling of that aura of sophistication and respectability which gamblers try to weave around themselves so that they and their enterprise would be seen as the tawdry activity that is.

The rabbis, of course, were no more successful than the concerned in every formation. Humans are human, not angels. I was once shown a beautiful 17th century Siddur which had been published in Farrara. Someone had written on the fly leaf in a beautiful Italiante hand a long oath swearing, 'never again.' I rather doubted he had been able to live up to his promise. Those who are caused in the excitement, the compulsive gamblers, are addicts. Gambling is a disease like any other addiction which can't be broken by promises mumbled in a contrite mood.

The issue that intrigues me today is how to protect people from themselves, the growing ties between gambling and government. I'm thinking of the State Lottery. Lotteries are not a modern invention. Indeed, the rabbis faced the issue of during the Middle Ages; but the issue they found was somewhat different from ours.

I once came across a responsa by an early 19th century European rabbi who had been

The acts 100 125 17 asked whether it was permissible for a man to hold a lottery in order to sell a Sefer Torah which he owned. I wondered that the rabbi had even bothered to answer such an obviously impossible request until I reminded myself that in the shoul, in the poor communities of eastern Europe, there were few people who could afford to buy an expensive item. In this case, a responsible citizen had fallen on The one possession he had of any value was a Sefer Torah. Sifrei adout is a cal If he had had to cell his Torak scroll he probably could not Torah are expensive. have found a buyer who could offer a fair price found. In the pre-modern world, where money was scarce, private lotteries were an accepted way of disposing of p costly item. The rabbi allowed this sale of a Torch He ruled such a lottery did not demean the Torah and allowed a good Jew to discharge his responsibilities to his wife and children If you've over been to Mount Vernon, you have walked across acres that George Washington won in a lottery.

Washington had a neighbor, William Byrd III, who, like the Jew who owned the Sefer Torah, felt that no single buyer could purchase his acres at a fair price and so put them up in a lottery. Apparently George Washington bought a lot of tickets and he won acreage which he added to Mount Verner.

The issue of a state lottery is really the same issue as a synagogue lottery. The question whether a synagogue may hold a lottery does not come up until the late 19th century. Before then synagogues were generally supported by communal rather than membership dues. Inevitably, when synagogues began to have to support themselves, a number began to feel that financial strains might be relieved by a lottery, a raffle, or by helding bingo games. These could not be ruled out of hand since these activities are not specifically prohibited under Jewish law and, since greed is always the mother of ingenius rationalization, the argument was quickly advanced that it was far better for gambling money to be used for a

nagogues turned to such games, though to have been in part a reflex of the national mood. The late 19th and early 20th centuries remains a period in the history of the United States when the holding of lotteries was frowned on as somewhat immoral.

It had not always been so. Lotteries were common in colonial times. American early puritanism did not prevent the spread of the colonial times. Lotteries were held regularly by churches. Harvard, Yale and Princeton held annual lotteries to support their budgets. In 1777the Continental Congress created a national lottery to raise monies for the American Revolution.

stores where lottery tickets could be purchased and that one could buy tickets in over 400 different lotteries. That same year the citizens of Rhode Island spent one million 1824 dollars on lottery tickets. A flow of dollars of such magnitude inevitably but ds corruption. It was at long to the colerks began to walk away with the prize money prawings were rigged and lickets never entered. Deple were being to be and magnitude that all the states of the United States, with the exception of Louisiana, had abolished lotteries. Even Louisiana went follow suit fifteen years later. Most of us were raised in an America where state lotteries were unknown. As a child I remember visiting Paris and being shocked by the sight of people peddling lottery tickets on the street. In my childish chauvinism I took this as proof of the decadence of European morals.

There were no official lotteries in the United States for seventy years.

Then, in 1963 the State of New Hampshire passed legislation, creating the first state lottery. Since 1963 seventeen other states have followed suit and twenty-seven more states are actually considering getting into the act. There have even been some rumblings in the Congress about the possibility of a national lottery.

Those who seek explanations for this change offer a number of items. Some point to the moral permissiveness of the late 20th century. Lotteries are associated with Prohibition, Sunday Blue Laws and Victorianism, ideas which seem out of place in the open and individualistic society of the late 20th control of the lottery with the rapid increase in the cost of government. A lottery seems a relatively easy way in which to raise money. No one has to buy a lottery ticket. Legislators do not have to vote a tax increase. I would add that I believe one of the real reason is lotteries provide politicians a significant new source of patronage at a time when Civil Service and the unionization of government employees narrowly limit this passice.

It is estimated that between ten and fifteen percent of the gross sales of a state lottery must be spent for administration - read patronage. Last year our on a lottery raised a quarter of a billion dollars for Ohio. To raise that 250 million dollars, the lottery had to sell 550 million dollars' worth of lottery tickets.

Ten percent of that, and the actual administration costs were probably higher, was spent for publicity, public relations, a State Lottery Commission, the people who built the ticket machine and sold the tickets, the people who devise the games and all of that is patronage money. In 1984 fifty-five or sixty million dollars was available in the State of Ohio for patronage.

The rationalization for state lotteries was that it offered a way to eradicate the illegal private lotteries. The numbers game was looked upon as a blight was one to the control of the numbers member was a parasite who fed off the poor. Unfortunately, no study confirms that a legal state lottery eliminates the numbers racket.

I am told that you can find someone with whom to play the numbers on any street corner downtown. There are many reasons for this. The numbers game is part of certain urban cultures. Street-wise people know that your chances are better in most numbers games than in the state lottery. Moreover, winnings in the numbers game are unknown to the Internal Revenue Service.

Sad to say, the state lottery only adds to the monito taken from the poor.

As a way of raising income the lottery is one of the most regressive forms of taxation that could be devised. In order to raise 250 million dollars, presumably for educational purposes, the State of Ohio must take 550 million dollars out of circulation. Now part of that, some forty percent, will be paid back to a few in prizes, but most of that will not go for food, clothing and shelter and, again, unfortunately, an excessive proportion of the money which is raised is raised from the poorest portion of the population.

One in two in the state, at one point or another, buy a lettery tiever, but yeth have found that the higher the level of your income, the less percentage of your income you spend on the lottery. There are obvious reasons for this.

The lottery seems the ultimate, perhaps the only, way out of poverty for those who have few skills, few contacts and little education. It's the pot of gold at the end of the rainbow. Far from freeing the poor from those who feast on them, state lotteries have simply de the state another of the parasites who feast on the poor.

To raise the lottery's take, they inevitably whet the appetite, prey on their dreams, No one limits how much food money is spent on the lottery. At least when people spent more than they could afford with the familiar numbers man on the corner, he knew when you spent too much and cut off your credit. For his own selfish reasons, he was kinder.

of one percent, it would raise the 250 million dollars which the betters supposedly add to the education kitty and do so without any increase in the cost, of administration. The extra 300 million dollars would not be taken out of circulation and those most able to pay would bear the burden rather than those on the bottom rungs of the society.

Almost all of the rationalizations which have been developed to explain the reintroduction of the lottery do not hold water. Lotteries do not significantly

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add to the quality of state educational support. State budget directors simply move monies around and, in any case, only about ten percent of the state's education budget is represented by lottery income. The sad paradox is that we claim to be supporting the state's educational system which, presumably, exists to train character as well as to train the mind by stimulating an appetite which weakens character. We want to teach people the skills and mindset which will help them make their way, not to exist on the hope that a miracle will redeem their illiteracy, their lack of initiative and their lack of skills.

Another problem centers on the existence of a great slush fund of 250 million dollars. We have been reading about the Savings and Loans bank holiday. The lottery had nothing to do with the failure of the Home Savings Bank in Cincinnati or with the greed that had led 70 of our savings and loan institutions to refuse Federal supervision and to delude their customers that a self-insurance plan was in fact adequate insurance. My point is that when the State faced this banking crisis such a find may have been necessary, but when politicians have monies of this order in a slush fund which can be moved about as readily as this suggests, one has to be extremely concerned about the possibility of less admirable appropriations.

The lottery only sells tickets to those who want to buy, but stimulates demand. Because the state's costs constantly rise, the need for more and more monies from the lottery is ever present. Each year the lotteries are given higher quotas and must find more exciting ways to get more money, largely from those lease able to pay.

will be raised each year. It began with simple instant numbers; now have million dollar pots, and all the motivational devices created by those who know how to manipulate human greed and human need. The balls are bounced each night on

the television screen. The papers are full of pictures of happy women screaming their pleasure at winning a prize. You never see the disconsolate poor tearing up the tickets which might have bought them a decent meal.

One of the sad truths about government in the late twentieth century is that government increasingly as living off of human weakness. A hundred and eighty-five million dollars are earned by the State of Ohio every year from cigarette taxes. A hundred and fifty million dollars each year come from various liquor taxes. Two hundred and fifty million dollars last year came from the lottery.

And if you wonder why it is that state governments have dragged their heels as far as promoting ways to really teach children the medical hazards of smoking, there is a simple reason. If the states succeed in the campaign which the Surgeon General has told us should be waged, they will lose hundreds of millions of dollars in income. Smoking is not restricted to a warning on the package because of Senator Jesse Helms. It is so restricted because the fifty states of the Union earn a good bit of their income from the taxes cigarettes generate.

I sometimes have a nightmare. I am driving down the road and I come across a billboard which shows a classroom filled with students. There is a teacher's desk but no teacher. The sign reads: "Unless you want this to happen, play the State of Ohio Lottery."

Cigarette Tax, \$183,995,000

Liquor Galloneage \$28,570,000

Other liquor

\$ 75,500,000

Beer and wine

42,846,000

Lottery

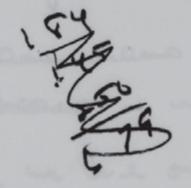
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