

Editorial: Who will stand up to the cheaters?

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The First District Court of Appeals last week handed down a potentially devastating ruling for the gambling industry in Florida, but it may not be enough to stop the rapacious evil of Las Vegas slot machines from starting-up in Broward County this fall—unless Gov. Jeb Bush and Attorney General Charlie Crist act very soon.



Remember Amendment 4 from the 2004 general election ballot? The constitutional amendment asked Floridians to permit Broward and Miami-Dade counties to hold local referendums on whether pari-mutuel facilities in those counties could install slot machines under the guise that tax revenues generated would underwrite public education funding throughout Florida. Unfortunately, Florida voters took the bait and switch and the amendment was narrowly—51-49 percent—adopted.

Subsequently, in the spring of 2005 while Miami-Dade citizens rejected its referendum, Broward voters approved a similar referendum. Later, the Legislature adopted legislation establishing the rules of operation of the new "racinos"—combination of dog/horse racing facilities with mini-casinos of Las Vegas-style slot machines.

However, before voters ever cast the first ballot on Amendment 4, Floridians Against Expanded Gambling (FAEG) filed a lawsuit in September 2004 attempting to have the initiative stricken from the ballot after it found evidence of "massive fraud," including the use of signatures of dead and "phantom" voters while collecting the necessary petitions to put the matter on the ballot.

Investigating just the petitions gathered in slots-friendly Broward County, FAEG found a whopping 68 percent of supposed petition signers interviewed "stated unequivocally that they did not sign any petition in support of the Slots Initiative," the lawsuit maintained. Further, one-third of all persons who had petitions filed in their name told FAEG they did not sign such a petition, and 57 percent of the petitions contained the names of fictitious persons or forged signatures of actual voters.

The smell of fraud is all over the fact that the gambling industry obtained approximately 20 percent of the nearly 500,000 petitions necessary to put the initiative on the ballot from Broward County alone—one of the two counties which stood to "benefit" from Amendment 4.

Incredibly, the trial judge, Nikki Clark in Leon County, acknowledged the charges were serious, but refused to rule before the November election. Later, she dismissed the lawsuit, ruling that whatever potential fraud may have existed in the petition-gathering process was "cured" by the fact that voters approved the constitutional amendment. Not so fast, said Florida's First District Court of Appeals last week.

In a 2-1 August 8 ruling, the First DCA overturned Clark's decision and ordered the case back to her for a trial to determine the validity of the fraud charges, finding that the success of the initiative at the ballot box was not "cured" if the vote took place in the first place because of fraudulent activities. If the trial court determines there was fraud, the initiative should be declared invalid.

Of course, the gambling industry has announced that it will appeal the ruling and request the full panel of judges in the First DCA to rehear the case—further kicking the ball down the field and giving time for the pari-mutuels to get up and running in Broward County.

The stakes in this race to run the slots could not be higher.

According to various media reports, Mardi Gras Racetrack & Gaming Center—formerly Hollywood Dog Track—has put up \$25 million in new construction and hired 300 of a projected 500 new employees to run their slots beginning in late September, while Pompano Park Harness Track has already spent \$60 million with a projected start date in early 2007.

"We're into this big time. We're going ahead," Pompano Park's Steve Wolf told *The Miami Herald* after the First DCA ruling.

In spite of evidence of fraud conducted by backers of slot machines in South Florida, the cheaters in the gambling industry are on the brink of cashing in on their apparently ill-gotten "win" in getting Amendment 4 on the ballot.

"Even though we have a good chance of winning this case, it might be too late," said Carey Theil, executive director of GREY2K USA, a greyhound dog protection organization and one of the organizations joining FAEG in the slots fraud lawsuit. "By the time the court decides this matter, the state will already be addicted to slot machine [tax] revenue."

That tax revenue, supposedly to benefit schools, was a major selling point of the gambling industry in their slick TV ads for Amendment 4, claiming slots would generate hundreds of millions of dollars in new taxes. Once politicians have that kind of money within their control, it will be very difficult to turn back slots. Politicians will become as addicted to the new tax money as gamblers are to the lure of slots.

That's why Gov. Bush and Attorney General Crist, who say they oppose expansion of gambling in Florida, must act now.

Gov. Bush told me in an interview during his 2002 re-election campaign, "Yes, sir," when I asked him if he would oppose "any further expansion of gambling that would be attempted in the future." And, Bush, for the most part, has aggressively lived up to that pledge. Unlike Crist, he and other politicians campaigned against Amendment 4, and then lent his influence to opposing the South Florida local county referendums. Bush, most observers agree, was responsible for the slots defeat in Miami-Dade.

Nevertheless, Bush spokesman Russell Schweiss said after the ruling, "Until there is a definitive ruling, the Department of Business and Professional Regulation will continue implementing [slot machines] in the direction the Legislature gave them," according to the *South Florida Sun-Sentinel*.

In an interview with me the day before the First DCA's ruling, candidate for governor Charlie Crist told me he opposes gambling expansion in the state. (The full interview, along with interviews with other gubernatorial and U.S. Senate candidates will appear in next week's *Witness*.)

It's time for the governor and attorney general to step in and use their authority to implement a moratorium on slots until this case has its day in court and we have a definitive ruling on whether fraud was responsible for allowing voters to approve slots in the first place.

Gov. Bush and Attorney General Crist, now is the time to demonstrate your opposition to the expansion of gambling by using whatever authority invested in your offices to not allow the cheaters to cash-in on their apparent fraud.

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