

# Explaining the Enigma: Understanding the Failure of Further Legalized Gambling in Arkansas

By Chris Hathorn

Recent years have witnessed the proliferation of an already rapidly expanding gambling industry. The numbers are surprising. In the early 1990s, gambling revenues rose roughly two and a half times as fast as those in America's manufacturing industries.<sup>1</sup> By 1995, legalized gambling in the United States was generating over \$37 billion annually. That year, to promote their small manufacturing businesses, state governments spent a total of \$50 million nationally, which is just one-sixth of what they spent to promote their lotteries.<sup>2</sup> But states have not been the only big spenders. American citizens spent close to \$600 billion gambling in 1998—more than they spent for movies, theme parks, and sporting events combined.<sup>3</sup> In 2001, casinos and “racinos” alone generated \$27.2 billion in revenue; state lotteries that year produced another \$17.6 billion.<sup>4</sup> At present, there is little reason to believe that

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<sup>1</sup> Robert Goodman, *The Luck Business: The Devastating Consequences and Broken Promises of America's Gambling Explosion* (New York: Free Press, 1995), 2-3.

<sup>2</sup> Goodman, *The Luck Business*, 9.

<sup>3</sup> Nicholas Thompson, “Snake Eyes,” *Washington Monthly*, December 1999, 15.

<sup>4</sup> The figures cited come from Larry Copeland, “Money Woes Drive Some States to Gambling,” *USA Today*, March 5, 2003, sec. 4A. Combining elements from casinos and racetracks, the term “racinos” refers to racetracks that have slot machines or video gambling terminals on site. In an effort to boost slumping revenues, a number of tracks nationwide have added slots and various forms of video gaming to attract bettors.

the revenue-producing potential of the industry has done anything but increase.

Although southern states long resisted the lure of legalized gambling—not until 1988 did a southern state adopt either a lottery or legalize casinos—seven of the eleven states of the Old Confederacy now operate lotteries.<sup>5</sup> One of the few southern states that has continued to resist legalization is Arkansas. Even with the quickened pace of proliferation in the South (in 1994, a *U.S. News and World Report* article only half-jokingly renamed the Bible Belt the “Blackjack Belt”), Arkansas has consistently avoided legalizing both casinos and lotteries.<sup>6</sup> Both a regional and national anomaly, the state’s resistance becomes more and more intriguing as surrounding states adopt new gambling measures.

The reasons for Arkansas’s resistance are complex and largely intertwined. Conservative Christians, who oppose gambling for moral and religious reasons, have mobilized strong grassroots opposition to legalization proposals, and financial backing and opposition from the Mississippi casino industry who hopes to prevent competition in Arkansas has helped to stifle gambling proponents in the state. Because of the popular opposition to gambling measures, Arkansas political leaders have had little incentive to promote legalization, and those leaders who have expressed support have lacked the political acumen necessary to design effective and popular legislative proposals. Furthermore, constitutional and legal obstacles, such as a constitutional prohibition against lotteries, requirements for statewide popular approval of constitutional amendments, congressional term limits, and restrictions on the number of amendments that can be placed on a ballot, have made legalization even more difficult. In a state where citizens still hold on to traditional social, religious, and economic values, the odds that gambling will be legalized are indeed slim.

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<sup>5</sup> The following list shows year in which Southern states began operating lotteries: Florida (1988), Virginia (1988), Louisiana (1991), Texas (1992), Georgia (1993), South Carolina (2001), Tennessee (2004). Richard M. Pavalko, *Risky Business: America’s Fascination with Gambling* (Belmont, CA: Wadsworth/Thompson Learning, 1999), 42, as found in John Lyman Mason and Michael Nelson, *Governing Gambling* (New York: The Century Foundation Press, 2001), 10. Mississippi and Louisiana authorized commercial casinos in 1990 and 1991, respectively. Mason and Nelson, *Governing Gambling*, 38.

<sup>6</sup> James Popkin and Katia Hetter, “America’s Gambling Craze,” *U.S. News and World Report*, 14 March 1994, 42-43, 46.

## The Rise of Legalized Gambling in Late-Twentieth-Century America

The story behind legalized gambling's appearance on the national stage and its ascent to prominence is bound up with gambling's popularity and states' recurring revenue needs. The wave of lottery legalization is not one that has defied public opinion. On the contrary, voters have almost always approved of state lotteries, and once adopted, no state lottery has ever been repealed. Aside from considerations of popularity, the spread of legalized gambling has also been catalyzed by states' need for revenue. "The lottery is presented as an alternative to fiscal starvation or, worse yet, an increase in taxes," note economists Charles Clotfelter and Philip Cook.<sup>7</sup> Providing what many legislatures view as a fiscal panacea, the lottery has offered an easy way out for state governments stuck between a rock and a hard place.

Casino gambling has also been the subject of numerous legalization campaigns, and as with lotteries, the promise of economic development has been the factor most responsible for these campaigns' successes. Unlike lottery successes, however, the success of casino proposals has been more limited. One of the most likely explanations is that the gambling industry itself, not voters, has been the primary entity behind the push for most casino legalization.<sup>8</sup> Lacking a broad base of popular political support, the early casino boom of the 1990s was "the result of unprecedented, well-financed campaigns by the gambling industry, countered only by the underfunded, ad hoc efforts of opposition groups."<sup>9</sup> In instances where casino measures did pass, legalization was rarely achieved in a statewide ballot measure. More commonly, legalization resulted when state legislatures allowed local referenda conducted on a town, city, or county level. By concentrating its efforts on impoverished communities in dire need of jobs and tax revenues, the industry has been able to gain approval.<sup>10</sup>

That legislators and the gambling industry itself are almost entirely responsible for the push for more legalized gambling may be one of the most surprising elements of the national spread. Though lotteries are typically popular with a state's citizens, in

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<sup>7</sup> Charles T. Clotfelter and Philip J. Cook, *Selling Hope: State Lotteries in America* (Cambridge: Harvard University Press, 1989), 159.

<sup>8</sup> Goodman, *The Luck Business*, x.

<sup>9</sup> Goodman, *The Luck Business*, 6.

<sup>10</sup> Goodman, *The Luck Business*, 6.

1995 gambling scholar Robert Goodman pointed out that there is not one popularly-based, grassroots organization that promotes and lobbies for more gambling opportunities.<sup>11</sup> Though Goodman's assessment places a greater emphasis on casino gambling, to which constituents are more averse, the push for lotteries has also been initiated largely by the political elite. In many cases of casino adoption, widespread consideration of voter opinion has been conspicuously absent. The fact that voter input has been bypassed in so many legalization campaigns led to the development of "right to vote" campaigns in a number of states in 1995. Created in Pennsylvania, Florida, Illinois, Massachusetts, and Rhode Island, the campaigns demanded voter approval of any further expansion of gambling within those states.<sup>12</sup>

The recent national rise of gambling has been called the "third wave" of legalizations to sweep the country.<sup>13</sup> Beginning in 1964, New Hampshire became the first state in the twentieth century to create and own a lottery, and in 1967 New York quickly followed suit. By the early 1970s, lotteries had spread throughout the Northeast and into parts of the Midwest, and by 1975 thirteen states had legalized lotteries within their borders. Beginning with Arizona in 1981, the 1980s witnessed an explosion of lottery legalizations—or a second wave. In all, eighteen states and the District of Columbia joined the ranks of lottery states during the decade, bringing the total number of lottery states to thirty-one in just over twenty years. Today, forty states own and operate lotteries, with Tennessee being the most recent convert in June 2003.

Casino gambling, as noted earlier, has witnessed a less dramatic series of legalizations, but nonetheless, its expansion is worth noting. Until New Jersey legalized casinos in 1976, Nevada was the only state in the Union with this form of legalized gambling. A series of casino proposals followed in a number of states, but few passed, as opposition from businesses proved fierce and concerns over casino-

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<sup>11</sup> Goodman, *The Luck Business*, x, 58.

<sup>12</sup> Goodman, *The Luck Business*, 83.

<sup>13</sup> I. Nelson Rose, "The Legalization and Control of Casino Gambling," *Fordham Urban Law Journal* 8 (Winter 1980): 245.

spawned crime dominated discussions.<sup>14</sup> In what would prove a landmark instance of casino legalization, Iowa became the first state to legalize casino gambling on riverboats in 1989, effectively paving the way for rapid riverboat casino legalizations in the early 1990s. By 1992, Illinois, Mississippi, Louisiana, Missouri, Indiana, South Dakota, and Colorado had become casino states, though that year would mark the beginning of a long drought for successful casino legalization campaigns. Since 1992, only Michigan has opted to authorize casino gambling.<sup>15</sup>

### **A History of Opposition in Arkansas**

Arkansas's resistance to legalized gambling is surprising for a number of reasons. Until 1964, when Governor Orval Faubus closed down the state's casinos, the city of Hot Springs had enjoyed a long-standing and highly profitable illegal casino industry. Gambling policy scholars John Lyman Mason and Michael Nelson note that Hot Springs' history of gambling involvement is often bound up with romantic notions of bootleg casinos, "where flappers drank bathtub gin and Al Capone shot craps into the wee hours of the morning."<sup>16</sup> For the past fifty years, pari-mutual betting has been a legal gambling activity in Arkansas. Oaklawn Park, Hot Springs' horseracing track, and the dog track at Southland Greyhound Park in West Memphis have long been a part of Arkansas's cultural and economic landscape, and though recent years have saddled racetracks across the nation with losses, the fact that Arkansas has lived contentedly with one form of gambling for so long makes its outright refusal to live with another form all the more unusual.

Aside from Arkansas's historical ties to gambling, other factors weigh in favor of further legalization efforts within the state. One of the most central is the general anti-tax attitude that permeates the state. While the same can be said of any number of states, the particular nature of Arkansas's tax system makes raising taxes both difficult and unpopular. As Diane Blair and Jay Barth note in their upcoming book *Arkansas Politics*

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<sup>14</sup> Mason and Nelson, *Governing Gambling*, 34-5.

<sup>15</sup> Mason and Nelson, *Governing Gambling*, 36-9.

<sup>16</sup> John Lyman Mason and Michael Nelson, "The Politics of Gambling in Arkansas and South Carolina," paper presented at the Annual Meeting of the American Political Science Association, 2001.

*and Government: Do the People Rule?*, “tax inequity in Arkansas remains in place with the sales tax the sole legitimate option for new tax revenues in an increasingly partisan political environment.”<sup>17</sup> Arkansas finds itself in the unenviable position of having to raise revenue to relieve fiscal pressures, and with few options on the table, a choice must now be made between increased taxes or a statewide lottery. When push has come to shove in previous fiscal crises, tax increases have ultimately won out. Nevertheless, few states possess a constituency as vehemently opposed to increased taxation as Arkansas’s.<sup>18</sup>

As stated earlier, lotteries provide a means of raising revenue that is both far more popular than tax hikes in most states and is voluntary in nature. In addition, one of the boons of legalizing gambling, proponents have argued, is that so instituting the practice reduces the instances of illegal gambling within the state.<sup>19</sup> The greatest reason why Arkansas might have been expected to legalize gambling activity, though, is that every other state around it has. In his article, “Winning Gambling Ballot Issues,” political consultant William Hamilton writes that “The *guaranteed proximity* of a gaming enterprise can sometimes switch voters based on the loss of revenue and control to put the pro-side over the top” (his emphasis).<sup>20</sup> Hamilton references, perhaps unwittingly, the process of policy

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<sup>17</sup> Diane D. Blair and Jay Barth, *Arkansas Politics and Government: Do the People Rule?* (Lincoln, Neb.: University of Nebraska Press, forthcoming 2004), 8.

<sup>18</sup> In an insightful look into the problems plaguing an extremely regressive Arkansas tax system, Barth and Blair note that even though Arkansas’s taxes across the board are “almost ridiculously” low, Arkansans feel “with astonishing incorrectness” that their taxes are as high or higher than those in other states. (Despite sales tax increases in recent years, Arkansas’s state and local per capita taxes still ranked 43<sup>rd</sup> lowest in the nation in 2000.) The result is that officials wishing to please their constituencies have traditionally voted against tax increases when at all possible. Blair and Barth, *Arkansas Politics and Government*, 6, 12.

<sup>19</sup> John L. Mikesell and C. Kurt Zorn, “State Lotteries as Fiscal Savior or Fiscal Fraud: A Look at the Evidence,” *Public Administration Review* 46 (August 1986): 311-320. Though proponents frequently argue that legalizing gambling does indeed reduce instances of illegal gaming activity, many scholars remain skeptical. Mikesell and Zorn note that though a legalized lottery “reduces participation in some forms of illegal gambling,” it may increase it in others and likely increases overall wagering volume. Robert Goodman echoes this idea, asserting that legalizing forms of gambling does not slow illegal activity but rather provides new players for such ventures. Because organized crime offers better odds and nontaxable payouts, he contends, illegal establishments maintain their own market niche despite legalization

<sup>20</sup> William R. Hamilton, “Winning Gambling Issues,” *Campaigns and Election*, December/January 1994, 53, as found in Goodman, *The Luck Business*, 73.

diffusion among the states, a process that has driven gambling's expansion throughout the third wave. Because one state's lottery or casinos attract bettors from across state lines, arguments against adoption in neighboring states are undercut. As former governor of Kansas John Carlin put it, "Not having one [a lottery] when your neighbor has one is like tying one hand behind your back."<sup>21</sup>

Arkansas's first attempt at legalizing gambling—in this instance, casinos—came on the heels of New Hampshire's lottery adoption and the closure of Hot Springs' casinos in 1964. Although governors and politicians had attempted for years to close the illegal Hot Springs casinos, efforts had always been stifled and had produced few lasting effects.<sup>22</sup> Upon his election as governor in 1954, Orval Faubus, the man who would dominate Arkansas politics for the next decade, vowed to end the casino presence in Hot Springs. Shortly after taking office, though, Faubus, noting the potential difficulty of the struggle, stated that gambling should be left up to the local governments. Faubus's political maneuvering, however, provided only a temporary escape from shouldering responsibility, and he soon came under extensive pressure from the state's Protestant religious groups to enforce the law and close the casinos. When the House of Representatives voted ninety-one to three that the governor intervene, Faubus was left with no choice. On March 27, 1964, he issued an order to close the casinos.<sup>23</sup>

The closures elicited a mixture of responses from groups across the state. In an immediate reaction, the Hot Springs Chamber of Commerce, noting that now

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<sup>21</sup> *Wall Street Journal*, 7 February 1986, as found in Clotfelter and Cook, *Selling Hope*, 150.

<sup>22</sup> Because corruption was so pervasive throughout the city during the 1940s-1950s and gambling became so highly intermixed with politics, gambling interests often bribed politicians to look the other way with regard to illegal gambling operations. Though organized efforts to oust those responsible for gambling's persistence did succeed, success was never permanent, as the power vacuum that resulted was frequently filled by those connected to organized crime elsewhere. Casinos represented a significant portion of the Hot Springs economy, but elected officials in 1964 took their cues from the city's constituents, the majority of whom wanted the illegal casinos shut down. It was not until Rockefeller literally destroyed the casinos' slots and other machinery in 1966 that efforts to permanently end gambling in Hot Springs prevailed. For a detailed discussion of events surrounding the Hot Springs casinos, see John Dombrink and William N. Thompson, *The Last Resort: Success and Failure in Campaigns for Casinos* (Reno: University of Nevada Press, 1990), 144-151.

<sup>23</sup> Dombrink and Thompson, *The Last Resort*, 144-5.

hundreds were unemployed and a major share of the local economy gone, gathered signatures to legalize up to ten casinos in Garland County, including Hot Springs, through the state's initiative process. The process, which provides one of the two permissible ways to amend the state constitution, requires petitioners to collect signatures equal to ten percent of the turnout of the most recent gubernatorial election. If achieved, the proposed amendment goes on the next biennial general election ballot and can be ratified by a majority of voters. (The alternative method of constitutional change is through the legislature, which may place, by majority vote of both houses, up to three proposed amendments on the ballot every two years.) Although the state's initiative process only required that the chamber gather 30,810 signatures in 1964, it collected nearly 75,000. Proponents argued that since illegal activity was inevitable and the casinos could not be effectively closed, they should be legalized, taxed, and closely regulated.<sup>24</sup>

But for all the support that such signatures indicate, opponents of the amendment outnumbered proponents. Significant was the opposition by state political leaders, including Faubus and his 1964 gubernatorial challenger, Winthrop Rockefeller. Opposition was also led by a group known as Churches United against Gambling (CUAG), which, in response to proponents' arguments, pledged to remain organized to keep casinos closed should the amendment fail. Newspapers also opposed the amendment, and as the election approached, the *Arkansas Gazette* ran daily excerpts from the book, *The Green Felt Jungle*, which painted a picture of crime-laden Las Vegas casinos.<sup>25</sup> In the end, the forces of opposition proved too strong, and the amendment failed decisively, 318,229 to 215,744. After the 1964 elections, Faubus allowed several casinos to reopen as private clubs within Hot Springs, but their reinstatement was short-lived. In 1967, after vetoing a bill to legalize gaming in the clubs, Faubus' successor, Winthrop Rockefeller, authorized the final raids. The state police shut down the private clubs and destroyed their slot machines. The casinos

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<sup>24</sup> Dombrink and Thompson, *The Last Resort*, 145-6.

<sup>25</sup> See Ed Reid and Ovid Demaris, *The Green Felt Jungle*, (New York: Trident Press, 1963).

<sup>26</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina.," Dombrink and Thompson, *The Last Resort*, 146-147.

did not reopen again.<sup>26</sup>

The casino discussion reemerged in 1984 in much the same way it had twenty years earlier. Q. Byrum Hurst, Jr., whose father had written the 1964 proposal as a state senator, authored the new proposal. Along with a small group of businessmen with previous ties to the casino industry, Hurst gathered over 155,000 signatures, easily enough to meet the 10-percent initiative requirement. The proposal, which would have authorized seven small and ten large casinos in Garland County, was similar to the 1964 amendment proposal except that the 1984 amendment included no provision that gave Garland County residents a local option vote before casinos licenses were awarded.<sup>27</sup>

In lobbying for the amendment's passage, proponents stated that Arkansas had become more liberal since 1964. They also touted the economic benefits of casinos, arguing that they would provide jobs and boost the economy. Proponents' predictions for tax revenues were substantial (\$36 million in the first year), and they estimated that an immediate \$100 to \$400 million would be injected into the city's economy.<sup>28</sup> One poll claimed that 61% of Hot Springs's residents felt casinos were a way to boost the economy.<sup>29</sup>

The outcome, however, was the same. Like his father's proposal twenty years before, Hurst's amendment failed, but this time the margin was greater than two to one around the state, debunking the idea that Arkansans had indeed become more liberal on the issue of gambling. The CUAG again led the opposition and worked diligently to convince voters that proponents had grossly inflated their predictions for revenue increases and new jobs. Led by Sheffield Nelson, a prospective candidate for governor in 1986, the group drew support from law enforcement, business, church, and political leaders statewide, including Governor Bill Clinton and his wife Hillary. Hot Springs mayor Jim Randall also opposed the movement, noting that local citizens were concerned about Hot Springs forfeiting its "family-type" atmosphere for a "casino-type atmosphere that they feel would be unsafe and inconvenient and

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<sup>27</sup> Dombrink and Thompson, *The Last Resort*, 146-7.

<sup>28</sup> Dombrink and Thompson, *The Last Resort*, 147.

<sup>29</sup> *Arkansas Democrat*, 1 August 1984, as found in Dombrink and Thompson, *The Last Resort*, 147.

uncomfortable for them as family people.”<sup>30</sup> In the end, even proponents admitted that the people had spoken authoritatively. Commenting on the outcome, casino advocate Jack Files of Arkansans for a Better Arkansas said, “No question about it. . . . It’s dead and buried.”<sup>31</sup> As Arkansas’s history makes clear, though, age-old issues die a slow death. The casino debate would rise again, but not before Arkansans first debated a lottery.

The year 1984 also witnessed the state’s first real lottery discussion take place. Although the amendment’s sponsor, Representative Doug Wood, did not attain the required number of signatures to place an amendment on the ballot, polls showed that the majority of Arkansans favored a lottery. Despite its defeat, Wood’s proposal paved the way for future lottery discussions across the state.

Six years after Wood’s failed attempt to place a lottery amendment on the ballot, the Arkansas legislature considered the idea for the first time. The proposed amendment, which would have legalized charitable bingo and created a lottery with revenues earmarked for education, may have received consideration in part because of the more relaxed stance that Governor Clinton had since taken on the lottery issue. Clinton stated that although he “would hate to see the government in the gambling business,” he “would not oppose putting it on the ballot if the money went to education.”<sup>32</sup> However, soon after initial discussions, all plans fell apart when a legislative committee added a provision to repeal a civil rights-era amendment to the Arkansas Constitution that required public officials to uphold segregation. Placed in a compromising position where voting in favor of a lottery would have also required opposing the repeal measure—and effectively supporting segregation—the proposed amendment lost all support.<sup>33</sup> This instance marked the last



Courtesy of Old State House Museum Collection

In 1989, Arkansas Governor Bill Clinton expressed support for a state lottery, provided the proceeds benefited education.

<sup>30</sup> *Arkansas Gazette*, 3 August 1984, as found in Dombrink and Thompson, *The Last Resort*, 150.

<sup>31</sup> *Arkansas Democrat*, 8 November 1984, as found in Dombrink and Thompson, *The Last Resort*, 150.

<sup>32</sup> “He’d Favor Lottery Vote, Clinton Says,” *Arkansas Democrat-Gazette*, 25 April 1989, as found in Mason and Nelson, “The Politics of Gambling in Arkansas and South Carolina.”

<sup>33</sup> Mason and Nelson, “The Politics of Gambling in Arkansas and South Carolina.”

time the legislature seriously considered a lottery proposal.<sup>34</sup> All other proposals from 1990 onward, much to their detriment, would arise from the initiative process.

Following the failure of the legislature's amendment idea, Robert Walker, a research technician at University of Arkansas Medical Services, headed a petition campaign to place a lottery amendment on the ballot in 1990. Walker's group, Arkansas for a Legalized Lottery, succeeded in meeting the 10-percent signature requirement and took heart from polls that showed strong support for a lottery in Arkansas. The proliferation of lottery legalization campaigns in a number of surrounding states, including Texas, Louisiana, and Missouri, also increased the prospects for legalization.

Walker's proposal soon encountered obstacles. Led by W.H. Sutton, a Baptist layman and Little Rock attorney, opponents sued to declare the ballot's title invalid, noting that it gave no indication that a new state commission would be formed to run the lottery or that the proposed amendment had already designated most of the commissioners. Ultimately, though, Sutton's group may have provided a more devastating blow to the amendment's chances when they revealed the results of an investigation showing that many of the signatures for Walker's amendment petition had been forged. The charges ended Walker's campaign, and Walker announced that he would vote against his own amendment on Election Day. Neither he nor anyone else would get a chance to vote on the proposal in the end, though, because on October 26, 1990 the Arkansas Supreme Court ruled the ballot title misleading and struck the amendment proposal from the ballot.<sup>35</sup>

In 1994, three new amendment proposals commanded the attention of Arkansans. The first was a proposal aimed at lifting the constitutional ban on lotteries and creating casinos within the state. Driven by a growing concern over the thriving casino industry in Tunica, Mississippi, race tracks Oaklawn Park in Hot Springs and

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<sup>34</sup> Though talk of lottery legalization within the legislature did not completely die out after 1990, the legislature played little role in the next decade of proposals. Most recently in 2003, the legislature dismissed with little fanfare a proposal to create a state-run lottery. The legislature's lack of serious consideration of the issue has come to typify lottery discussions over the past decade.

<sup>35</sup> *Finn v. McCuen*, 303 Ark. 418 (1990).

Southland Greyhound Park in West Memphis joined forces to form the Arkansas First Committee, which began an effort to gather enough signatures to place an amendment on the November 1994 ballot. Chaired by Little Rock lawyer Craig Douglass, the committee proposed to legalize charitable bingo and to create a state-run lottery with revenues earmarked for education and law enforcement. Significant for Oaklawn and Southland, the proposal would also legalize casino gambling in the state, but only at the Oaklawn and Southland tracks.

A second amendment proposal came from Mike Wilson, mayor of the town of Wilson, Arkansas. Wilson's proposal, which gambling opponent Larry Page conceded was likely "the best casino proposal for Arkansas," provided for one casino in the state near West Memphis, but not at the Southland track.<sup>36</sup> It also stipulated that each county in the state would receive a percentage of the casino's tax revenues for law enforcement purposes. Wilson believed that the proposal, which included ideas for a vast resort complete with restaurants, golf courses, and hotels to accompany the casino, would benefit from the casino's location in West Memphis. Such strategic positioning, he hoped, would attract visitors from nearby Little Rock and, more importantly, from just across the border in Memphis, Tennessee. In an effort to gather signatures for the proposal and place the amendment on the ballot, Wilson established the Committee to Promote Arkansas and shrewdly formed a partnership with Michael Rose, chairman of Promus Corporation, the parent company of Harrah's. Wilson and Rose made arrangements for Promus to run the new resort should the amendment pass. With a stake in the amendment's success, Promus contributed over \$3.2 million to the campaign to pass Wilson's proposal.<sup>37</sup>

The third proposed amendment of 1994, unlike the other two, originated in the Arkansas legislature, which can propose as many as three constitutional amendments every two years. The proposal called for the legalization of charitable bingo and, significantly, for an explicit ban on both casinos and lotteries.<sup>38</sup>

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<sup>36</sup> Larry Page, interview by John Lyman Mason and Michael Nelson, 9 March 2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>37</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>38</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

Aware of the difficulties of gathering the required number of signatures to place their amendments on the ballot, both Wilson's Committee to Promote Arkansas and the Arkansas First Committee bolstered their efforts by using professional out-of-state signature gathering firms. Though both groups ultimately collected enough signatures, they faced staunch opposition from conservative Christians and Common Cause, a statewide, nonpartisan lobbying group dedicated to issues such as campaign finance reform and ethical conduct in governmental affairs. Led by Larry Page of the Christian Civic Action Committee and Common Cause's Scott Trotter, each group promised to vigorously fight both proposals throughout their campaigns. To add to proponents' obstacles, recent polls did not bode well for either amendment. According to one poll, 51% of Arkansans opposed the Oaklawn-Southland sponsored amendment and 55% opposed Mike Wilson's proposal. Only the legislature's amendment concerning charitable bingo had the support of a narrow plurality.<sup>39</sup>

As election day neared, however, it became apparent that none of the amendments would even make it to the ballot that November, as all three were stifled by litigation. Bill Walmsley, president of the Arkansas Thoroughbred Breeders and Horseman's Association, filed suit against the legislature's proposal, claiming that the secretary of state had failed to follow correct procedure for moving an initiative-based amendment to the ballot. Walmsley, who favored the creation of a casino at Oaklawn as specified by the Arkansas First Committee, realized the threat posed by the legislature's amendment, which would have imposed a constitutional ban on casinos and lotteries throughout the state. According to Arkansas's constitution, if more than one contradictory amendment passes, the one with the most votes takes effect. Walmsley and others in favor of the Oaklawn-Southland proposal feared that even if the amendment involving casinos at the racetracks passed, it would be trumped by the legislature's amendment, which would almost certainly receive more votes.<sup>40</sup>

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<sup>39</sup> Noel Oman, "Odds Against Casinos, Poll Shows But Charitable Bingo Looks Like Even Bet," *Arkansas Democrat-Gazette*, 14 October 1994, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>40</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

Other suits were also filed. In an effort to derail the Oaklawn-Southland proposal, the Christian Civic Action Committee and Common Cause filed a suit against the Arkansas First Committee's proposal, stating that the ballot title to the amendment was not adequately descriptive. The groups filed similar charges against Mike Wilson's proposal.<sup>41</sup>

Ultimately, the state supreme court removed all three amendments from the ballot. On October 14, 1994, it tossed out the legislature's charitable bingo amendment on grounds that the secretary of state had not published the full text of the amendment in statewide newspapers six months prior to the election, as required by the state constitution. It also removed the Oaklawn-Southland proposal because the ballot title had failed to mention anything about casinos at the racetracks. The final blow to Wilson's amendment came on October 20. Ruling the ballot title incomplete, the court postponed any prospects for legalized gambling in Arkansas until a future date.<sup>42</sup>

Two years later, three new amendment proposals came to the forefront of Arkansas's political scene. Motivated by the need to compete with surrounding states offering a multitude of gambling options, Oaklawn decided to try its hand at legalizing casinos in Hot Springs again. Arkansas's Future Committee, an Oaklawn-dominated organization, announced that it would attempt to place a gambling amendment on the November 1996 ballot. The amendment proposed to allow Oaklawn to open a casino in Hot Springs, given voter approval in a local referendum, and to legalize both charitable bingo and a state lottery, with lottery proceeds earmarked for education and law enforcement. Such stipulations, the committee hoped, would broaden the base of popular support for the amendment. The proposal would also allow two other casinos to open in Hot Springs with hopes of piquing the interest of national casino corporations.<sup>43</sup>

For Oaklawn, the failure of its 1994 proposal had invited economic hardship. Its daily handle in 1996 of \$1.4 million had fallen consistently since the mid-1980s,

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<sup>41</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>42</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>43</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

at which time it was closer to \$3 million. Since the early 1990s, both the horse and dog racing tracks had been involved in an effort to upgrade their gambling options in an attempt to compete with surrounding states. By 1996, Arkansans were traveling to Oklahoma for legalized bingo, to Texas and Missouri to purchase lottery tickets, and to Louisiana, Mississippi, and Missouri for casino gambling. Arkansas's Future Committee executive director Craig Douglass noted that the negative impact of surrounding states' gambling ventures on Arkansas's economy had never been as great as it had become in 1996.<sup>44</sup>

Like Oaklawn, Mike Wilson also revived his campaign for casino gambling in Arkansas in 1996. In an attempt to make his proposal more attractive, Wilson included stipulations to create a lottery and charitable bingo, as well as to allow for eight casinos instead of only one. Most of the revenue from the gambling ventures was to be used to fund a new program for college scholarships, a venture inspired by the success of the HOPE Scholarship Program in Georgia which provides financial assistance to qualified Georgia residents who plan to attend college in the state.<sup>45</sup>

A third amendment proposal came from an out-of-state company, Lottery Systems, Inc. Its proposal would have legalized charitable bingo, enabled the company to own and operate untaxed video gambling machines, and created a lottery with proceeds allocated for education, law enforcement, prescription drugs for senior citizens, and shelters for abused women and children.<sup>46</sup>

Strong opposition was again organized by conservative Christians. Led by Larry Page, the Christian Civic Action Committee stated that it would continue to fight all gambling legislation in the state. In an effort to "send a signal to Oaklawn," Page initiated a petition drive for a constitutional amendment to abolish pari-mutuel wagering in the state.<sup>47</sup> He also campaigned vigorously against the proposals on both

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<sup>44</sup> Michelle Hillier, *Arkansas Democrat-Gazette*, 24 January 1996, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>45</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina." See the Georgia Student Finance Commission's website, <http://www.gsfc.org/HOPE/index.cfm>.

<sup>46</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>47</sup> Larry Page, interview by John Lyman Mason and Michael Nelson, 9 March 2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

moral and economic grounds, thereby rallying conservative Christian voters as well as those of more moderate stance. In addition to the work of Page's organization, political leaders opposed the amendments. Both outgoing Governor Jim Tucker and incoming Governor Mike Huckabee publicly expressed their opposition. Much to proponents' chagrin, the Mississippi casino industry, who hoped to prevent competition and continue attracting Arkansans to casinos in its state, also became involved in the anti-gambling campaign. During the month before Election Day, anti-gambling commercials paid for by the Mississippi casino industry (under the name Arkansas Wins Committee) aired daily across the state.<sup>48</sup>

As in 1994, litigation played a major role in determining amendment outcomes. A number of lawsuits were filed, most citing problems with ballot titles and procedural issues in signature collections. By the end of October, the state supreme court had stricken all proposals from the ballot except Oaklawn's. Though the amendment trailed by only four percentage points in a mid-October poll, that margin would be the closest it would ever come to passing. On Election Day, Arkansans defeated the measure by 200,000 votes.<sup>49</sup> Noting the costs of waging an initiative campaign, Oaklawn general manager Eric Jackson stated that the racetrack would never again lead such an undertaking to legalize gambling in the state.<sup>50</sup>

Soon after the series of 1996 gambling legalization failures, two new faces established themselves as part of the Arkansas gambling campaign. Donald Nicholas of Walnut Ridge, Arkansas, and Jim Harris of Dallas, Texas, formed the Arkansas Casino Corporation (ACC) in 1997 and attempted to place an amendment to legalize casinos and create a lottery on the 1998 ballot. The amendment called for a state-run lottery and legalized status for charitable bingo, as well as for the exclusive right of the corporation to casinos in six counties: Boone in the northern part of the state, Miller to the south, Crittenden to the east, and Sebastian in west Arkansas. The other two counties, Pulaski and Garland, contained the cities of Little Rock and Hot Springs,

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<sup>48</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>49</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>50</sup> Eric Jackson, interview by John Lyman Mason and Michael Nelson, 8 March -2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

respectively, both of which Nicholas and Harris believed would serve as substantial feeder markets for the casinos. The casinos at each end of the state would also serve, in their estimation, to draw gamblers from the nearby states of Missouri, Tennessee, Louisiana, Mississippi, and Oklahoma. Additionally, the ACC strategically chose locales for their casinos where alcoholic beverages were legal, which made these places even more appealing to prospective gamblers.<sup>51</sup>

In an attempt to avoid encountering the same opposition as that found in previous legalization campaigns, Nicholas and Harris devised a plan to sell stock in the industry to Arkansans, who would then reap profits from the casinos. Assuring citizens that all profits would remain in the state was the key to waging a successful campaign, they surmised. Their proposition received little response, though, and the ACC failed to collect the minimum required number of signatures to place the amendment on the ballot in 1998.<sup>52</sup>

Seeking to remedy their shortcomings in 1998, Nicholas and Harris rebounded in 2000, contracting the National Voter Outreach signature-gathering firm to help them overcome the hurdle presented in placing the amendment on the ballot. Shortly thereafter, the ACC acquired an ample number of signatures to place the amendment on the ballot. Specifically, the amendment stipulated that the ACC would pay 15 percent of its net revenues as a gambling tax and that 45 percent of lottery revenues would cover the costs of eliminating the state sales on groceries and help establish a college scholarship program for Arkansas students similar to the one created in Georgia. Beyond this, however, the corporation was not to be regulated in any way by the legislature or Arkansas Gaming Commission.<sup>53</sup>

As in previous campaigns, though, problems soon arose. Word quickly spread that the proposal's primary sponsors were not even Arkansas residents. Both Jim Harris and Bob Buckholz, the campaign's largest financial contributor, were from Texas. Larry Page, now of the Arkansas Faith and Ethics Council (formerly the Christian Civic Action Committee), again played a prominent role in mobilizing resistance.

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<sup>51</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>52</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>53</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

Both Page and Common Cause executive director Scott Trotter campaigned against the unregulated monopoly that would be granted to the ACC. On occasions when Trotter would speak, he would hold up a stack of papers containing Mississippi's casino regulations, and then hold up a blank sheet of paper representing Arkansas's inability to regulate the ACC should the amendment pass.<sup>54</sup>

The death blow to the ACC's proposal came when the Arkansas Securities Commission filed criminal charges against both men in the final weeks before Election Day. Accused of selling unregistered stock without a license and falsifying information about their company to deceive voters, Harris and Buckholz capitulated in their efforts, and the ACC canceled the television ad campaign slated for the final weeks before the vote. Polls indicated that opposition, which had originally hovered around 51 percent, jumped to 60 percent soon after the scandal broke. The amendment failed at the ballot box, as 64 percent of voters opposed the measure.<sup>55</sup>

### **Recent History: Renewed Efforts, Similar Outcomes**

Since the 2000 campaign to legalize casinos and a lottery, no serious pro-gambling movements have developed in Arkansas to threaten any change in the status quo. While a few gambling proponents have come forth with gaming amendments that they have tried to place on the ballot through the initiative process, their efforts have been unorganized and have lacked popular support. In every case, proposals have failed to make it on the ballot.

Recently, there have also been attempts within the Arkansas legislature to lift the constitutional ban on lotteries and to allow expanded video gambling at Oaklawn and Southland's racetracks. Early in 2003, Democratic State Representative Barbara King of Helena sponsored a constitutional amendment to allow the legislature to create a state lottery with proceeds going to education. Convinced that the key to a lottery's success at the ballot box lies in voters considering it as a stand-alone item, King attached no other forms of gambling to her proposal, which would have placed half of lottery revenues into an education trust fund of up to \$100 million

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<sup>54</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>55</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

and half into a lottery proceeds trust fund.<sup>56</sup> Money from the latter trust fund would have been appropriated by the legislature to finance education and gambling addiction prevention and treatment programs. Given the state's tight budget and the particular need for revenues to reform Arkansas's educational system, many legislators believed that King's proposal would garner more serious consideration than past gambling amendments.<sup>57</sup>

King's proposal, however, did not get far, and on March 11, 2003, a House committee voted it down. In addressing the failure of her amendment, King stated that those individuals whom representatives heard from the most about the lottery proposal were aligned with the religious community, which "has always been against gambling."<sup>58</sup> She also noted that legislators needed to reserve at least one amendment to address education concerns, further reducing the proposal's chances of making it on the ballot. Nevertheless, both King and others remain optimistic about the future of a stand-alone lottery proposal in the state. "I think if we ever got it out [of the committee], there would be a fair debate and it would probably pass [in the legislature]," she said.<sup>59</sup> Arkansas policy expert Jay Barth offers a similar assessment, noting that a legislative lottery proposal that does not have casinos attached could see a real sale in the near future. "It would be a close race," he says.<sup>60</sup>

Others, though, like Larry Page, dismiss the idea that religious opposition alone or a restriction on the number of amendment proposals that can reach the ballot provides the reason that King's proposal never gained traction. "In my mind, there was no serious attention paid to the lottery. I think they [the legislators] were convinced it wouldn't pass. I think they were convinced people didn't like it."<sup>61</sup> Like

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<sup>56</sup> Kelly Wiese, "Let people decide on lottery, legislator urges," *The Associated Press State and Local Wire*, 20 February 2003.

<sup>57</sup> The Associated Press, "Arkansas Lottery Could Get Serious Look In Hard Times," *The Commercial Appeal*, 2 March 2003, B4. Early in 2003, the Arkansas Supreme Court issued a mandate declaring the state's school-funding formula unconstitutional. The legislature now has one year to create an "adequate" and "equitable" school system, for which it is in dire need of funds.

<sup>58</sup> The Associated Press, "Gambling initiatives seem unlikely to pass," *The Associated Press State and Local Wire*, 31 March 2003.

<sup>59</sup> The Associated Press, "Gambling initiatives seem unlikely to pass," *The Associated Press State and Local Wire*, 31 March 2003.

<sup>60</sup> Jay Barth, interview by author, 30 June 2003.

<sup>61</sup> Larry Page, interview by author, 30 June 2003.

Page, Democratic Representative Jodie Mahony of El Dorado notes that there seems to be little popular support for the measure. “I don’t see anybody championing it,” he asserts.<sup>62</sup>

Arkansas’s two racetracks have also figured prominently in recent gambling legislation. In another attempt to expand legalized gambling within the state, Democratic Representative Steve Jones of Marion proposed a bill in March 2003 that would have allowed expanded video gambling at both the Oaklawn and Southland racetracks. For both tracks, particularly for Southland, the success of new legislation becomes more critical by the day.

At a time when dog and horse tracks around the country have been victimized by dives in attendance and plunging revenues, Oaklawn presents a success story that is paralleled by few. In its 2002 season, the track saw gains in both attendance and its daily handle, which increased by an astounding 11.3 percent.<sup>63</sup> In addition to revenues earned from the track itself, Oaklawn has profited substantially from both simulcasting and its relatively new “Instant Racing” machines. Simulcasting, which the Arkansas legislature allowed both Oaklawn and Southland to pioneer in the early 1990s, allows for the tracks to televise their races to individuals across the nation, enabling bettors to wager on the races without having to travel to the state. Oaklawn currently broadcasts its races at over 500 simulcast facilities nationwide. Struggling to remain profitable, most other tracks nationwide have begun to do the same.

More recently, the key to the track’s success has been its “Instant Racing” machines. The machines, which resemble slots but are a pari-mutuel betting game based on horse racing, allow bettors to wager on thousands of stored video replays of old horse races using limited knowledge about the horse’s past performance or the jockey’s record.<sup>64</sup> First offered to bettors in January of 2000, Oaklawn’s 150 Instant Racing machines generate about \$3 million in handle per month and produced \$30

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<sup>62</sup> The Associated Press, “Arkansas Lottery Could Get Serious Look in Hard Times,” *The Commercial Appeal*, 2 March 2003, B4.

<sup>63</sup> John Klein, “Oaklawn Scores Unique Daily Double with Revenue, Fans,” *Tulsa World*, 2 February 2003. The term “handle” refers to the amount of money wagered at the track.

<sup>64</sup> Because the machines are considered a form of pari-mutuel betting, no constitutional amendment was required to allow for their use. Only forms of gambling considered games of “chance” are prohibited by the Arkansas constitution.

million for the track last year. Although at this point relatively few in the gambling industry have discovered Instant Racing (Oaklawn's directors helped create the game only three years ago), its popularity will almost certainly grow. "We've introduced thousands of people to racing that would otherwise not be here," notes Oaklawn director Bobby Geiger.<sup>65</sup> In April of 2003, the Oregon Racing Commission agreed to allow Oregon to become the second state to allow the new pari-mutuel games.

In contrast with Oaklawn's success, the outlook for Southland Greyhound Park appears less favorable. Although it is equipped with both simulcasting and the Instant Racing machines found at Oaklawn, Southland has watched attendance and revenues dwindle for a number of years. The \$7.7 million wagered in June 2003 when the track had both simulcasting and Instant Racing equaled just over half of incoming revenues from June 1991, at which time the track had neither.<sup>66</sup> While tracks around the country have been saved from bankruptcy by emerging as "racinos" with slot machines, the introduction of slots to Southland would require the unlikely amending of the Arkansas constitution. A more realistic and only slightly less enticing potential addition to the track, "electronic games of skill," constitutes Southland's hope for a fiscal rebound. Executives believe that the games, which offer everything from video poker to electronic Jeopardy, could have a large enough impact on the track's revenues that broaching the issue of the constitutional change required by slot machines might be unnecessary.<sup>67</sup>

In an effort to bring electronic games of skill to both Oaklawn and Southland, Democratic Representative Steve Jones of Marion sponsored a bill in March that would have legalized the games at the tracks. Aided by supporters who argued that the bill would boost tourism, provide revenue to the state, and allow the tracks to better compete with casinos, Jones' bill cleared a House committee and moved to the House floor for debate in early April. Despite the bill's promise of money for

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<sup>65</sup> Janie Har, "Machines Add New Set of Odds at the Racetracks," *The Oregonian*, 24 April 2003.

<sup>66</sup> David Flaum, "Southland Needs Slot Machines to Reinvigorate Betting at Track," *The Commercial Appeal*, 20 July 2003.

<sup>67</sup> David Flaum, "Southland Needs Slot Machines to Reinvigorate Betting at Track," *The Commercial Appeal*, 20 July 2003.

Medicaid programs and college scholarships, the House rejected the proposal by a margin of 57 to 37 in a vote on April 3. Though Jones proposed a similar bill in a special legislative session in May, the bill died with the session's end. Jones says he will try again to pass the bill as early as September. "If there are people in Arkansas and tourists who enjoy these games, we should take a serious look at offering them at a place where gambling is already legal," he stated.<sup>68</sup> Though much debate has ensued over the issue of whether or not video gambling constitutes a game of chance (if so, it would require a constitutional amendment to pass), Jones' bill has not had to legally confront the issue thus far.<sup>69</sup>

Perhaps the most noteworthy element of all of these proposals is their timing. Each comes at a time when Arkansas is sorely in need of new sources of revenue, particularly for education.<sup>70</sup> In light of a recent state supreme court decision that ruled Arkansas's school-funding formula unconstitutional and gave the state just over one year to create an "adequate" and "equitable" state school system, many supporters of legalized gambling feel that now may be a better time than ever to give gaming a serious look.<sup>71</sup> Jay Barth and Diane Blair note that the vast majority of Arkansans (71 percent) seem to concur with the court's decision, agreeing that public education in the state is grossly underfunded.<sup>72</sup> With Arkansans demanding a remedy to the state's fiscal woes, the lingering question of where the money will come from remains. If history is any indicator, it will not come from gambling.

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<sup>68</sup> David Flaum, "Southland Needs Slot Machines to Reinvigorate Betting at Track," *The Commercial Appeal*, 20 July 2003.

<sup>69</sup> In Minnesota and several other states, games that would be allowed under the proposal have been defined as games of chance, which the Arkansas constitution prohibits.

<sup>70</sup> Part of the reason Arkansas now encounters a fiscal crisis in raising money for education is that the state constitution prohibits deficit spending. Arkansas has operated with a balanced budget since 1934, when an amendment was passed that effectively prohibited debt. In response to the school funding crisis, some have called for the repeal of the amendment.

<sup>71</sup> Blair and Barth, *Arkansas Politics and Government*, 41.

<sup>72</sup> Blair and Barth, *Arkansas Politics and Government*, 43.

## Explaining the Enigma

Any attempt to understand the dynamic behind Arkansas's long history of resistance to legalized gambling must begin with the force that has made its resistance so noteworthy: the impact of surrounding states. As Larry Page notes, "Gambling in Mississippi and other states has driven the whole process of gambling proposals here in Arkansas."<sup>73</sup> Political scientists agree. Many scholars, including Jack Walker, Virginia Gray, Frances Stokes Berry, and William Berry, contend that programs or certain issues are likely to gain more support if other states, especially surrounding ones, have already enacted the policy.<sup>74</sup> This process of "policy diffusion" is far and away the dominant factor compelling proponents to wage the gambling battle for so many years. The diffusion of new gambling policies to states bordering Arkansas has also caused the diffusion of the Arkansas dollar to those states as well. Arguments for keeping Arkansas's revenue within Arkansas have been prevalent in almost every pro-gambling campaign thus far. Lobbying for gambling legalization in 1993, candidate for lieutenant governor

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<sup>73</sup> Larry Page, interview by John Lyman Mason and Michael Nelson, 9 March 2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>74</sup> In a 1969 study of policy diffusion, Jack Walker concluded that "the likelihood of a state adopting a new program is higher if other states have already adopted the idea," especially if "the innovation has been adopted by a state viewed by key decision makers as a point of legitimate comparison." Jack L. Walker, "The Diffusion of Innovation Among the American States," *American Political Science Review* 63 (September 1969): 880-899, 897. While agreeing with many of Walker's ideas, Virginia Gray argued that the spread of innovations among the states proceeds along a somewhat different line. According to Gray, "innovativeness" can best be explained by a state's internal characteristics, namely high per capita income and substantial party competition. Furthermore, innovativeness "does not occur as a general timeless phenomenon" but is rather "issue-specific," implying that innovativeness is not a quality of certain states but occurs in specific instances. Virginia Gray, "Innovation in the States: A Diffusion Study," *American Political Science Review* 67 (December 1973): 1174-1185, 1182, 1184. In 1990, the work of political scientists Frances Stokes Berry and William Berry bridged part of the gap between Walker and Gray's findings. Arguing that "the regional diffusion and internal determinants models can be unified theoretically without doing violence to either explanation," Berry and Berry found that a state government was most likely to adopt a lottery in a year when its fiscal health was poor, its citizens had a high per capita income, neighboring states already had adopted a lottery, the percentage of religious fundamentalists was low, and a gubernatorial election was taking place. They also concluded that the predictive power of such factors was greatest when they appeared in combination. Frances Stokes Berry and William D. Berry, "State Lottery Adoptions as Policy Innovation: An Event History Analysis," *American Political Science Review* 84 (June 1990): 395-415, 396.

Nate Coulter stated, “Our neighbors are doing it. If it’s going to happen, I think we ought not to let our citizens give their dollars to other states.”<sup>75</sup>

Explaining how and why policy diffusion has prompted a wave of legalization campaigns, though, does not explain how and why Arkansas has resisted the influences of such diffusion. One reason Arkansas has remained free of legalized gambling for so long is the staunch religious opposition that the issue has spawned within the state, a factor consistent with other theories that suggest that religious opposition is a stronger determinant of resistance to certain issues than economic considerations.<sup>76</sup> For years, Southern Baptists, who have always viewed any forms of gambling as a vice, have remained dominant among mainline denominations in Arkansas, outnumbering more gambling-tolerant Catholics by seven to one as of 1989.<sup>77</sup> In addition, Arkansas’s Methodist constituency, which also opposes gambling, is twice as large as any other denomination besides Southern Baptists.<sup>78</sup> As historian Michael Dougan notes, the prevalence of Arkansas’s conservative Christian base has often led to “the state’s flirtation

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<sup>75</sup> Joan Duffy, “Huckabee Opposes Arkansas-Run Lottery; Coulter Replies Issue Worth Vote,” *The Commercial Appeal*, 15 July 1993.

<sup>76</sup> Political scientist David Fairbanks argues that religious strength has an “independent impact” on state policy adoptions and that the relationship between the two is not due to their “common dependence on other social and economic factors.” Moreover, Fairbanks contends that where Protestant pressure is strong in one direction, economic and political forces to the contrary have little impact. “At least in the regulation of moral behavior, the values of the prevailing religious culture appear quite resistant to any sudden modification from changing economic conditions,” he writes. David Fairbanks, “Religious Forces and ‘Morality’ Policies in the American States,” *The Western Political Quarterly* 30, no. 3 (September 1977): 411-417, 414, 417. A 1973 study by John Hutcheson and George Taylor supports Fairbanks’s conclusion. They claim that the role of religious groups, specifically fundamentalist sects, is particularly significant in state policy decisions, and their research suggests that religious fundamentalism frequently trumps personal income in importance as a factor determining policy outcomes. John D. Hutcheson, Jr. and George A Taylor, “Religious Variables, Political System Characteristics, and Policy Outputs in the American States,” *American Journal of Political Science* 17, no. 2 (May 1973): 414-421, 418-420.

<sup>77</sup> Michael Dougan, *Arkansas Odyssey: The Saga of Arkansas from Prehistoric Times to Present* (Little Rock: Rose, 1994), 611. At the end of 1988, Southern Baptists totaled 483,483, Methodists followed with 160,525, and Catholics totaled 67,608.

<sup>78</sup> Though Methodists are not typically categorized as fundamentalists in their beliefs, their attitudes regarding gambling mirror those of traditionally fundamentalist denominations, such as Southern Baptists. Thus, in attempting to categorize them with respect to Hutcheson and Taylor’s research, they should be considered a fundamentalist denomination.

with state-established religion” and an attempt by conservatives to “impose their moral values on the entire community.”<sup>79</sup> The failure of further gambling legalization reflects the role of conservative Christian opposition.

Rallying conservative Christians in the battle against gambling expansion have been groups like the Christian Civic Action Committee and Arkansas Faith and Ethics Council (AFEC), led by Larry Page. Although groups like Page’s have voiced their opposition to gambling measures in other Southern states, Page notes that several important differences have allowed his group to succeed where others in nearby states have failed. One of the most critical involves voter motivation through grassroots campaigning. “The reason we’ve won thus far is that our voters are more motivated to go vote [than other Arkansas voters]. They’ll go stand in the rain in line for hours to vote against this stuff,” Page claims.<sup>80</sup> He notes that lottery opponents in Tennessee’s recent anti-lottery campaign seemed to lack that type of motivation. “The reason Tennessee lost,” Page claims, “is that they [opposition groups] never got their numbers motivated. I really don’t think they ever lit a fire under their people. They went through the motions over there, and I didn’t see a lot of passion or a sense of urgency.”<sup>81</sup>

Page also cites Arkansans’ experience with gambling battles and their education about the issues in explaining AFEC’s success. “The reason I think we’re holding at least to now as well as we are in Arkansas is because the people know what gambling is. You’re going to have a lot of people that fit into our constituency who, unlike those in Tennessee, really know how bad it is and don’t want it.”<sup>82</sup> In addition to campaigning on religious grounds, AFEC has also touted the economic and social consequences of gambling, which has helped the group broaden its attack and appeal. To that end, it has consistently cited empirical literature from academic studies to support its claims against gambling, which Page notes has made his organization more difficult to dismiss as a church group. Combined with an “energized and comprehensive” base of grassroots support, such efforts have helped AFEC play a substantial role in ensuring

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<sup>79</sup> Dougan, *Arkansas Odyssey*, 611, 614.

<sup>80</sup> Larry Page, interview by author, 30 June 2003.

<sup>81</sup> Larry Page, interview by author, 30 June 2003.

<sup>82</sup> Larry Page, interview by author, 30 June 2003.

victory for opposition forces in Arkansas.<sup>83</sup> Conservative Christians' success in derailing gambling proposals affirms much of the theory explaining the significant influence of fundamentalist religious forces in policy matters.

Although religious opposition has made enormous contributions to the Arkansas opposition effort, gambling legalization in other states attests that religious groups, no matter how effectively organized, can rarely stave off legalization efforts alone.<sup>84</sup> Significant in bolstering the effectiveness of groups like AFEC are monetary contributions to opposition efforts from surrounding states. In an effort to prevent Oaklawn and Southland from placing electronic games of skill at their tracks, Southern Research Group, a Mississippi political consulting firm, donated all but \$1,375 of the nearly \$600,000 in contributions to Arkansans for the 21<sup>st</sup> Century, the organization that worked to defeat the recent legislation in 2003. "It seems like I filed that bill on a Thursday and they had radio ads running on Friday," stated Democratic Senator Terry Smith, who sponsored a bill that was similar to but received less attention than a bill sponsored by Democratic Representative Steve Jones.<sup>85</sup>

The contributions provide an example of a new concept within diffusion theory, for which Mason and Nelson coin the term "anti-diffusion." Defined as "instances when actors in one state or political jurisdiction try to forestall adverse consequences for themselves by preventing another state or jurisdiction from enacting a policy," anti-diffusion provides one explanation for why Mississippi casino interests have continually funneled money into Arkansas's opposition campaigns.<sup>86</sup> Eric Jackson recalls that "1996 showed us how hard it is to get casinos in a state next to a state that already has casinos and will fight to keep out any competition. . . .Mississippi killed us."<sup>87</sup> Southland general manager Barry Baldwin agrees. "The biggest reason you'll

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<sup>83</sup> Larry Page, interview by author, 30 June 2003.

<sup>84</sup> For instance, Georgia clergy led a particularly strong opposition campaign against Gov. ~~ernor~~ Zell Miller during his push to legalize a lottery in the state. Though the clergy were both organized and highly motivated, they were vastly outspent. The lottery passed.

<sup>85</sup> Laura Kellams, "Casino-linked firm put up cash for anti-gambling push in state," *Arkansas Democrat-Gazette*, 1 August 2003, 13.

<sup>86</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>87</sup> Eric Jackson, interview by John Lyman Mason and Michael Nelson, 9 March 2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

never see any gaming in Arkansas is because of the impact that the Tunica casinos will have against Arkansas giving them any competition,” he claims.<sup>88</sup>

However, others, like Larry Page, who insists that his organization receives no financial assistance from casino interests, downplay the influence of Mississippi’s contributions. “In 2000, we went to the ballot in a statewide initiative, and it was not a good proposal, but we won [by a margin of] 64 to 36. Mississippi didn’t spend a dime in Arkansas.”<sup>89</sup> While there are undoubtedly campaign instances where money has proven a non-factor or where proponents have outspent opponents by gross amounts and still come up short in their efforts to legalize, few disregard the significance of the casino finances in Arkansas.<sup>90</sup> “They [church groups] were the face, and these people [Southern Research Group] were the financiers. It’s true that politics makes strange bedfellows,” bill-sponsor Steve Jones noted.<sup>91</sup>

In comparison with external groups working against legalization, groups within Arkansas promoting legalization have fared poorly. In an article on how proponents of legalization can win gambling referenda, William Hamilton states that opponents will prove victorious unless proponents can develop effective campaign communication strategies or “alter voter turnout on election day.”<sup>92</sup> With organizations like Page’s at work, proponents certainly have done little to alter voter turnout, and in most cases, they have failed to create an effective public relations campaign to promote their ideas.

Proponents in Arkansas have suffered from a lack of political backing, and what political support they have garnered has been from politicians lacking the persistence, courage, and charisma to push through an amendment requiring all such qualities. In Georgia’s push for a state lottery, Democratic gubernatorial candidate Zell Miller made the issue central to his 1990 campaign, almost single-handedly rallying support

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<sup>88</sup> Barry Baldwin, interview by author, 2 July 2003.

<sup>89</sup> Larry Page, interview by author, 30 June 2003.

<sup>90</sup> In 1974 New Jersey casino proponents outspent opponents twenty-five to one in an unsuccessful effort.

<sup>91</sup> Laura Kellams, “Casino-linked firm put up cash for anti-gambling push in state,” *Arkansas Democrat-Gazette*, 1 August 2003, 13.

<sup>92</sup> Goodman, *The Luck Business*, 64; Hamilton, “Winning Gambling Ballot,” as found in Goodman, *The Luck Business*, 64.

for the measure in a state that had long possessed reservations about gambling. Senator Steve Cohen, a Democrat, has recently achieved a similar feat in Tennessee. After campaigning for a state lottery for almost twenty years, Cohen finally saw his efforts pay off this past November when the Tennessee General Assembly approved a lottery. Arkansas's movement for legalized gambling, however, has sorely missed someone with Cohen or Miller's persistent determination. "I've never seen it happen anywhere where the political party was ambivalent because who's going to work and raise the money and roll up their sleeves" to get a gambling amendment passed, notes Oaklawn's Eric Jackson.<sup>93</sup> "We just have not had the leadership or political courage to want to do that," Jackson said.<sup>94</sup> Barry Baldwin, general manager of Southland Greyhound Park, cites term limits among legislators as one possible explanation for why Arkansas "has never had a Steve Cohen."<sup>95</sup> Under Arkansas law, since 1998 no individual can serve for more than three terms (six years) in the House of Representatives or for more than two terms (eight years) in the Senate.<sup>96</sup> Such limitations restrict legislators' ability to gain status and lobby for amendments over long periods of time.

It is also worth noting that the governor's support has been absent from every Arkansas legalization campaign over the last forty years. The most support that proponents have received has been from governors such as Republican Mike Huckabee, who have essentially taken a position of neutrality on the gambling issue, publicly condemning it but avoiding a leadership role in the debate. Significantly, Jay Barth argues that with a legislature weakened by term limits, "the tipping of power to the executive branch" places a greater ability to influence policy change in the governor's hands.<sup>97</sup> Such a situation does not bode well for advocates, and as long as such a trend continues, proponents of legalization will face a tough uphill climb in any future campaigns. Arkansas's failed attempts at legalization evidence the importance of policy entrepreneurs to the success of policy adoption. Additionally,

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<sup>93</sup> Eric Jackson, interview by author, 2 July 2003.

<sup>94</sup> Eric Jackson, interview by author, 2 July 2003.

<sup>95</sup> Barry Baldwin, interview by author, 2 July 2003.

<sup>96</sup> [http://www.termlimits.org/Current\\_Info/State\\_TL/](http://www.termlimits.org/Current_Info/State_TL/).

<sup>97</sup> Blair and Barth, *Arkansas Politics and Government*, 44.

gaming proponents' antagonistic relationship with Mississippi gambling interests ensures that little in the way of policy networking will facilitate the diffusion of gambling legalization to the state.

Arkansas's constitution has also presented a consistent obstacle to passing any new gambling legislation. Specifically, the constitution prohibits lotteries, a fact both Page and Baldwin claim is significant since the prohibition requires that people, not just the legislature, vote to remove it.<sup>98</sup> "The legislature is 135 people. It's a lot easier to influence half that number than it is several hundred thousand people," states Page.<sup>99</sup> While the legislature must first refer any legislative amendment proposals to the ballot, voters have the final vote of approval or rejection. In most campaigns, though, the issue has never even reached the voters, as proposals have been rejected in committee. Although Arkansas's initiative method makes it somewhat easier to amend the constitution, a history of failed petitions shows that placing an amendment on the ballot through the initiative process can be an arduous task as well. In the event that one does manage to collect enough signatures to merit a vote on a gambling proposal, the real difficulty of passing the proposed amendment looms large.

A consistent theme of almost every initiative-based gambling campaign in Arkansas's history has been the recurrence of self-interested and poorly devised proposals. As John Lyman Mason and Michael Nelson note, "Politically flawed proposals typically have been matched with politically flawed advocates."<sup>100</sup> On the legislature's part, a lack of clear thinking has also been evident. In the 1990 attempt to legalize a lottery, a provision to repeal a constitutional amendment upholding segregation was attached to the proposal, alienating all support and sealing the amendment's fate. Arkansas history seems to suggest that passing any type of gambling legislation takes both a well-devised plan and someone to champion it. Unfortunately for proponents, Arkansas has never produced either.

One notable facet of almost all the proposed amendments for further legalization is that, because they have involved lotteries, they have required a statewide vote for

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<sup>98</sup> Constitution of the State of Arkansas, Article 19, Sec. 14.

<sup>99</sup> Larry Page, interview by author, 30 June 2003.

<sup>100</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

approval. Only the 1964 proposal contained a provision for the “local option,” which effectively restricts voter input to counties where casinos will be located. One example of the local option’s effectiveness in passing gambling legislation can be found in Mississippi, a state whose casinos never received a statewide vote. Charlie Williams, a former Mississippi Representative and the current chief of staff to Mississippi Governor Haley Barbour, noted in 1997 that had the vote in Mississippi been statewide, the casino measures never would have passed.<sup>101</sup> The fact that lotteries require a statewide vote is, for advocates, a particularly damaging proposition in Arkansas, which is a state of stark ideological contrasts and one in which the desire for lottery legalization is in some areas very strong.

Along with poor proposal presentation and the need for a statewide vote, the inclusion of provisions in amendment proposals that would legalize casinos has effectively doomed lottery proposals from the outset. In their study of casino failures, John Dombrink and William Thompson note that voters are typically more averse to casino legalization, citing casinos’ historical ties to organized crime, propensity to attract drugs and prostitution rings, and “astronomical” start-up costs as unique obstacles to legalization.<sup>102</sup> Their theory that casino legalization can best be explained by a veto model, which suggests that casino measures will fail if any one of four factors is unfavorable to passage, has received the acceptance of many scholars.<sup>103</sup> The fact that casinos have been attached to every Arkansas gambling proposal in the third wave has severely reduced each one’s already slim odds of passage.

Given that voters have rejected casino-inclusive gambling legislation for so long, the most obvious question becomes why there has never been a vote on a stand-alone lottery proposal. As Barry Baldwin points out, such a proposal would have to come from the Arkansas legislature, since there is little incentive for individuals to wage a costly initiative campaign to create a state-run lottery. “Who would spend all that money to form a statewide lottery and receive nothing in return?” he asks.<sup>104</sup> Though

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<sup>101</sup> John Branston, “Against All Odds,” *Memphis Magazine*, September 1997, 34.

<sup>102</sup> Dombrink and Thompson, *The Last Resort*, 188.

<sup>103</sup> In a critique of the veto model, Mason and Nelson note that Dombrink and Thompson fail to consider the influence of regional diffusion in their model of casino legalization.

<sup>104</sup> Barry Baldwin, interview by author, 2 July 2003.

Barbara King attempted to raise the issue in the most recent legislative session, her proposal received little real attention.

There are likely several reasons why the legislature has given little serious consideration to a lottery amendment. Given the nature of constitutional reform in Arkansas, which stipulates that the legislature may place for voter consideration only three amendments on the ballot every two years, legislators are often forced to make difficult choices about which amendments to support. Little Rock attorney Scott Trotter notes that in most years “there are pressing needs that require amendments such as school funding or property tax reform.”<sup>105</sup> Tellingly, Barbara King pointed out in the most recent legislative session that the consensus among legislators was that at least one amendment should be reserved to address the state’s school funding crisis. Quite often, there simply has not been room for a legislative lottery proposal on the ballot.

In their 1988 study of state lottery adoption patterns, economists John Filer, Donald Moak, and Barry Uze developed a model of “rational legislator behavior” in an attempt to discover why some states adopted lotteries and others did not.<sup>106</sup> The premise under which they worked—“that it is not economic efficiency that motivates particular state lawmakers considering the adoption of a state lottery but rather the political welfare (and often survival) of the legislators themselves”—finds interesting application in Arkansas.<sup>107</sup> If their assumption about legislative behavior is correct (and their findings suggest it is), few Arkansas legislators with interest in their “political welfare” should opt to propose gambling legislation. As Barth notes, even a “limited, well-drafted proposal on gambling” is “sure to enrage thousands of any legislative sponsor’s constituents.”<sup>108</sup> For many legislators, an analysis of the pros and cons of lobbying for lottery legalization may suggest that they are better off leaving such a controversial issue untouched.

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<sup>105</sup> Scott Trotter, interview by John Lyman Mason and Michael Nelson, 8 March 2001, as found in Mason and Nelson, “The Politics of Gambling in Arkansas and South Carolina.”

<sup>106</sup> John E. Filer, Donald L. Moak and Barry Uze, “Why Some States Adopt Lotteries and Others Don’t,” *Public Finance Quarterly* 16 (1988): 259-283.

<sup>107</sup> Filer, Moak and Uze, “Why Some States Adopt Lotteries and Others Don’t,” 260.

<sup>108</sup> Blair and Barth, *Arkansas Politics and Government*, 15.

In light of the 2003 legislative session, there is reason to believe that some legislators may also feel that a lottery proposal is destined to fail at the ballot box. After years of watching voters reject amendment after amendment, many legislators seem convinced that gambling proposals cannot pass and hence do not want to waste an amendment on a proposal that has little hope for success. Robert Goodman notes that statewide rejection of gambling legislation not only dooms any current proposals but also may “establish a negative precedent for future ones.”<sup>109</sup> In Arkansas, such a precedent has long been established.

The presence of the initiative method of amending the constitution may provide another reason that the legislature has not earnestly entertained a lottery proposal. Although it would seem that the initiative method would make the passage of gambling legislation more likely, it may do the opposite. Because their constituents have so frequently brought gambling proposals to the table, it is likely that the legislature feels little responsibility or sees little reason to write a proposal of its own. Barth notes that the legislature, having seen a plethora of initiative proposals fail, has little reason to believe that people have any desire for legalized gambling.<sup>110</sup> The truth, though, may simply be that voters have not been asked in an effective way whether or not they want gaming, specifically a lottery. “I think if Arkansas didn’t have the initiative, we probably would have had a straight up or down vote on one like Tennessee that was put together by the legislature,” Barth contends.<sup>111</sup>

The nature of Arkansas’s Democratic Party, which Barth describes as “more progressive than in other [southern] states,” may provide another reason for the state’s widespread resistance to legalized gambling and the legislature’s lack of attention to the issue.<sup>112</sup> With a legislature dominated by a progressive Democratic party, Barth argues, gambling proposals are less likely to emerge from outside the initiative process. “You have legislators who are the leaders of the party who want to spend more money and have more state services, but they are opposed [to using legalized gambling to

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<sup>109</sup> Goodman, *The Luck Business*, 64.

<sup>110</sup> Jay Barth, interview by author, 30 June 2003.

<sup>111</sup> Jay Barth, interview by author, 30 June 2003.

<sup>112</sup> Jay Barth, interview by author, 30 June 2003.

do so] because of the sense that it's a regressive way of raising money," he asserts.<sup>113</sup> Although it appears that few legislators wish to raise revenue through a lottery, with an already regressive tax system, any method the state chooses to satisfy its revenue needs will likely be regressive. Given the situation, lottery proposals like King's may begin to surface more frequently in future legislative sessions.

In their forthcoming book, *Arkansas Politics and Government: Do the People Rule?*, Diane Blair and Jay Barth state that "even the most carefully drafted and focus group-tested [gambling] amendment would still face a tough electoral battle in the first years of the twenty-first century."<sup>114</sup> Among a host of other reasons why this might be true, Blair and Barth cite the state's culture and a general clash between modernizing and traditionalist forces that continues to remain a part of the Arkansas landscape. Although other studies, specifically Mason and Nelson's, provide an in-depth analysis of Arkansas's resistance to legalized gambling, Blair and Barth note that they "likely underestimate the role of Arkansas's traditionalistic political culture (with its resistance to any change in the social order) as an obstacle to legalized gambling."<sup>115</sup> Such a culture can best be understood in a geographical context.

Long a state in search of its identity, Arkansas is divided almost evenly between highlands and lowlands, between the mountains and the delta. The interests of these two areas often clash, and the regions are "distinct in types of population, in scenery, and in culture."<sup>116</sup> Arkansas historian John Gould Fletcher observes that in spite of the similarity of climate, "the mountain region and the plantation region of this state might well belong to two different continents, to two different worlds."<sup>117</sup> In what historian Michael Dougan describes as "a tug of war between two polar opposites," Arkansas's population has fractioned into two sides: traditionalists and modernizers, the traditionalists inhabiting the Delta region of the state and

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<sup>113</sup> Jay Barth, interview by author, 30 June 2003.

<sup>114</sup> Blair and Barth, *Arkansas Politics and Government*, 14.

<sup>115</sup> Blair and Barth, *Arkansas Politics and Government*, 14.

<sup>116</sup> John Gould Fletcher, *Arkansas* (Chapel Hill, N.C.: University of North Carolina Press, 1947), 3, as found in Calvin Ledbetter, Jr., *Politics in Arkansas: The Constitutional Experience*, (Little Rock, Ark.: Academic Press of Arkansas, 1972), 18.

<sup>117</sup> Fletcher, *Arkansas*, 9, as found in Ledbetter, *Politics in Arkansas*, 18.

modernists the mountain.<sup>118</sup> Remarkably, the state's geography serves as an accurate indicator of both cultural and political ties, to the extent that Dougan divides the state politically between "Mountain Republicans" and "Delta Democrats."<sup>119</sup> Such a division is significant in that a greater percentage of Arkansas's population inhabits the traditionalistic Delta region of the state, strongly aligning the state with the Democratic tradition. Currently, Democrats outnumber Republicans in the legislature well over two to one.<sup>120</sup>

One of the most important reasons why gambling legislation has consistently failed within the state, though, may be that Arkansas has proved a state where modernization, in economy, religion, culture, and attitude, has taken "far longer than in comparable states."<sup>121</sup> Eric Jackson explains that there has been continued resistance to current trends in a number of Arkansas's counties, some of which continue to resist practices acceptable almost everywhere else. "You have to remind yourself that in over half our counties you cannot buy alcohol and in some counties you cannot dance. They're probably not going to go for blackjack, either," says Jackson.<sup>122</sup> Indeed, this traditionalism and the strong religious opposition to legalized gambling from conservative Christians are inextricably linked.

Explanations of Arkansas's culturally ingrained traditionalism, along with other elements presented in this analysis, aim to provide a foundation for explaining a phenomenon of resistance that, to the frustration of many, has defied explanation. Dougan notes that Arkansas today provides a picture of a people attempting to embrace progress but still trailing behind. "Incomplete modernization ultimately is reflected in a time lag between Arkansas and the rest of the nation, so that Arkansas represents America's yesterdays," he argues.<sup>123</sup> Whether the success of gambling legislation constitutes a positive modernizing step is a debate this study has not

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<sup>118</sup> Dougan, *Arkansas Odyssey*, 7.

<sup>119</sup> Dougan, *Arkansas Odyssey*. idem.

<sup>120</sup> For information on the state's population, see <http://quickfacts.census.gov/qfd/states/05000.html>. On the makeup of the Arkansas legislature, see <http://www.arkleg.state.ar.us/scripts/ABLR/members/rep.asp?Mtype=A>.

<sup>121</sup> Dougan, *Arkansas Odyssey*, 7.

<sup>122</sup> Eric Jackson, interview by author, 2 July 2003.

<sup>123</sup> Dougan, *Arkansas Odyssey*, 621.

entertained, but legalization would certainly constitute change. For some Arkansans, this may be reason enough for resistance. For others, it appears the diverse array of obstacles to further gambling legalization in the state will ensure that Arkansans continue to gamble elsewhere. More now than ever, though, the state finds itself in a fiscal crunch with no easy remedy, and how much longer Arkansans can defy what has become popular culture is questionable. For now, though, they have succeeded. Opponents know that more attempts to legalize will emerge, but they also know that history is on their side, and though the war may not be over, the battles have been many in their favor. Legalization may ultimately be inevitable, but in the short term, anyway, further legalized gambling in Arkansas is a long shot.