

AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.

To: SLI Supporters
Date: November 2016
From: A. Eric Johnston
Re: An Advisory Council on Gaming?

On October 3, 2016, Governor Robert Bentley announced he was appointing an Advisory Council on Gaming. Among the reasons reported is that it was necessary to resolve ongoing disagreements over electronic bingo, to resolve disputes and controversy that have existed for years on gambling, to avoid selective enforcement of gambling laws, to settle a lack of consensus among the judiciary and determine best practices from other states. In the Governor's wisdom, all of this needs to be reviewed and then presented to the people for a vote. In other words, the Governor is now working for gambling interests in this state and he expects the Council to advise a repeal of that provision in the Alabama Constitution which prohibits games of chance. In the process, the Governor will discover a new source of income for the state - taxation of the poor.

For those of us who have been involved in the gambling issue, the Governor's approach is completely transparent. Possibly, he has been duped by the gamblers, but more than likely, he has chosen to work with them to legalize gambling on the pretext of resolving conflict in the state and increasing revenue.

The apparent genesis of this was the case of *State v. \$223, 405.86, et al.* The trial court found there was selective enforcement of gambling laws. The Governor said there is a "quilt work of local constitutional amendments around the state." He suggests this is the basis for the dispute which needs to be resolved.

As a matter of fact and law, the Alabama Supreme Court reversed the trial court case. It has ruled consistently in a number of cases in recent years that it is only the gamblers who are attempting to perpetrate illegal slot machine gambling in the name of bingo who dispute our laws. The cases are not inconsistent and there is no dispute among the judiciary. The law is absolutely clear. The Supreme Court ordered on March 31, 2016, that once and for all law enforcement and gamblers should realize there is no question in the law and the law must be enforced. The Governor has ignored this finding.

The problem is, however, on September 5, 2015, Governor Bentley issued Executive Order 13 which told the Attorney General, who had been prosecuting cases statewide, to desist and allow local law enforcement to proceed. As a consequence of that action, Milton McGregor reopened VictoryLand on September 13, 2016. The local DA and sheriff refused to follow the Supreme Court's instructions and have failed to investigate and prosecute clear criminal acts. It is a charade by the Governor to suggest that the operations in VictoryLand are questionable. In fact, he admitted they were illegal in a recent letter, joined in by the Attorney General, to VictoryLand.

The Supreme Court further ruled that Executive Order 13 has no effect on the Attorney General. It is his responsibility to enforce the laws. If local law enforcement refused to do so, it is incumbent on the Attorney General to do so. The only catch is that the Attorney General does not have the manpower, i.e., state troopers, to do the legwork necessary to enforce his investigation. The Governor has refused to provide that assistance to him.

So, you see, the Governor has found a way to thwart proper law enforcement of criminal activity in the state, while at the same time suggesting that a council is necessary to resolve these very difficult issues. It is complete fraud, deceit and subterfuge on behalf of the Governor. It works only to the benefit of the gamblers. We know from past legislative experience that the findings of this Council will result in the need to amend Alabama's Constitution and to repeal its criminal gambling laws, while at the same time passing new laws to legalize gambling in the State of Alabama.

Perhaps, Governor Bentley does not believe the people in the state understand this. His very special "Council" will lead the way to broad, sunlit uplands of understanding. Such demagoguery by the morally failed leader of this state will lead only to a dark valley of deceit and crime which will injure not only individuals and families, but the moral fabric of the state.

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