

# State lottery a misguided answer to funding woes

The economic aspects of the lottery proposal are fiscally irresponsible.

I am compelled to take this opportunity to voice my disagreement with the recent editorial written in support of the proposed lottery in North Carolina. While the opinions and goals of the writers are noble, and ones with which I agree, the facts and reality of a lottery do not come near reaching those goals of improved education, especially when it comes to children

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from lower-income families. As the writers indicate, there are some opponents of the lottery who espouse the moral degradation that would be caused by the entrance of state-sponsored gambling into our state. While these concerns certainly have their legitimacy, my strong opposition to the lottery is based upon the economics of the proposal. The *Old Gold and Black* Editorial Board writers contend in their article that, "poor families stand to benefit the most." Looking at the facts of lotteries, that simply is not so. Two weeks ago, while many of us were cavorting on warm sandy beaches and enjoying spring break, liberals and conservatives gathered at Guilford Technical College for a forum on the proposed lottery. Despite the efforts of the organizers, who contacted, among others, the governor's office, the senator who introduced the lottery legislation and the lottery industry's lobbyists, pro-lottery forces refused to attend. The panel of speakers who addressed the audience that morning represented a wide range of political persuasions. Among the panel members were a professor of economics from Duke University, a representative from the conservative-leaning John Locke Foundation and a member of the liberal-leaning Common Sense Foundation. I would be surprised if some of these people have ever agreed on an issue before. However, both liberals and conservatives recognize the damage that would be done by a lottery in North Carolina.

What a lottery run by the state of North Carolina would amount to is a regressive tax, one which would disproportionately hurt lower-income residents of our state. The reason for this damage to the lower class is due to the fact that they are far more likely to be purchasing lottery tickets than are members of the middle and upper class. Is it realistic to think that those members of the top 1 percent of the richest Americans, about whom we hear frequently, go out buying lottery tickets in the unrealistic hopes of winning another couple million?

The facts of the lottery are that wealthy citizens do not play nearly as much as lower income residents do. Because low-income citizens are more likely to buy into the dream of winning millions, they are targeted by advertisers for the lottery. In fact, a billboard in one of Chicago's poorest neighborhoods reads that the lottery is

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"your ticket from Washington Street to Easy Street." With the odds of winning the lottery being as astronomical as they are, advertising it to such targets in this way is simply irresponsible. Governor Easley and the writers of the *Old Gold and Black* editorial argue that the lottery would contribute "\$300 million - all of which would be used to fund primary and secondary education and also fund a pre-kindergarten program for at risk children." As I stated before, these goals are noble and ones that I believe North Carolina should strive to reach. However, comparing their respective budgets will lead one to discover that the states with lotteries spend a smaller proportion of their budgets on education than do states without lotteries (Citizens for a Sound Economy: Issue Analysis). In addition, nationwide trends show that sales have declined from three and a half percent of states' revenues in 1989 to 1.9 percent of the revenue for those same states in 1997 (*N.C. Insight* October 2000). Should this trend continue, that \$300 million claimed by Governor Easley will fall over time, which makes me wonder how he plans to fund his programs with the decreased funds.

Finally, the impact of citizens purchasing lottery tickets will have a negative impact on both the state's tax revenue as well as the revenue generated by retailers. Customers purchasing lottery tickets instead of other items sold by the stores will cause significant losses to the stores. The losses in tax revenue are also not mentioned by the governor and supporters of the lottery. The North Carolina Budget and Tax Center has determined that sales of \$882 million (the amount necessary for the \$300 million revenue), the state would lose \$23.6 million in sales tax revenue and local governments would lose another \$12.7 million. How, I wonder, does the governor propose to make up for these losses?

The facts go on seemingly endlessly, but I must not. Opponents of the lottery come from all parts of the state and from across the spectrum of political beliefs. I can think of no other issue with the potential to unite the broad range of citizens and political figures that the lottery has.

Former Republican Gov. Jim Martin, former Democratic Gov. Bob Scott and former Democratic State Treasurer Harlan Boyles have all publicly opposed the lottery. I was also very pleased to see our own university's president, Thomas K. Hearn Jr., voice his opposition to the proposal. I hope that President Hearn and the others who have joined the anti-lottery coalition will continue to make their voices heard and ensure that the facts of the lottery reach the public. Anyone who would like to learn more about the lottery proposal or join the movement to stop the lottery bill, please contact me.



# Conservative actions will ruin rights of disabled

The recent ruling by the Supreme Court shows the start of a dangerous trend.

Recently the conservative justices of the United States Supreme Court issued a decision that pushed American jurisprudence further to the right wing of the political spectrum. Last February, a majority of the Supreme Court decided the case of *Board of Trustees v. Garrett*, and limited the rights of citizens to bring suit against their own states under the Americans with Disabilities Act. Their decision effectively altered the meaning

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of the Eleventh Amendment. As if this wasn't enough of a rightward move, President George W. Bush last week removed the American Bar Association (ABA) from the process of vetting proposed federal judicial candidates. His action initiated rumors within the conservative establishment that a right wing legal group would replace the ABA. Both the actions of the Rehnquist Court and the Bush administration have set into motion a movement to limit, and in some cases revoke, the rights and privileges enjoyed by American citizens.

It is without question that within the judicial branch of government, political conservatives may effect significant changes to society. In the June 6, 1999 issue of the *New York Times*, Cass Sunstein, a professor in the law school and department of political science of the University of Chicago, opined that radical conservative judicial thought is being "led by judges who believe that they have access to what the Framers 'really' meant" and who "are quite willing to strike down laws that depart from their view of the Constitution" even if that would result in the Supreme Court usurping the legislative powers of Congress and rewriting the Constitution.

Sunstein's fears were manifested in the case of *Board of Trustees v. Garrett*. In *Garrett*, the same conservative justices that gave the presidential election to George W. Bush rewrote the Eleventh Amendment to prevent state employees from bringing suit against their own states for damages under the ADA. Chief Justice William Rehnquist, recognizing that this act of judicial activism could harm the "strict constructionist" credentials of himself and his conservative colleagues, attempted to downplay the seriousness of this issue. In his opinion for the majority, Rehnquist admits "although by its terms the amendment applies only to suits against a state by citizens of another state, our cases have extended the amendment's applicability to suits by citizens against their own states."

For the record, the Eleventh Amendment to the Constitution states that "the Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens

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or Subjects of any Foreign State." A strict constructionist would note that nowhere in the above quote is there any language barring citizens from bringing suits against their own states. Rehnquist's opinion for the majority overturns the legislative intent of Congress in enacting the ADA, which was to protect the rights of disabled Americans and ensure access for the disabled to businesses and other public places. Congress never specifically excluded suits by states' employees against their own state governments.

Without a doubt, the conservative majority on the Supreme Court engaged in the same judicial activism they so often criticized during the Warren court years. The danger of conservative judicial thought, masked by the guise of "strict constitutional construction," is nothing more than judicial activism that reduces citizens' rights and access to the courts. In *Garrett*, the conservative justices molded the law to fit their conservative judicial philosophy, rather than engage in strict construction of the Constitution.

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The conservative judicial activism applauded by Bush and exemplified by the Rehnquist court has long been a danger to society. Early strict constructionists upheld slavery in *Dred Scott v. Sandford*, overturned minimum wage and workplace safety laws in the early 20th century and voided much of FDR's New Deal legislation during the Great Depression. Sunstein has argued throughout American history, conservative activism has been "both far more likely and hence far more dangerous to democracy" than liberal judicial activism, which was "a brief quirk of history, limited to a short time in the middle of the 20th century." You can see his point, when five justices of the United States Supreme Court overturn Congress's attempt to protect the rights of disabled people.

