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Cherry Master showdown

Legislature should legalize them or be serious about cracking down; status quo won't do.



After having created a culture in which gambling has become a state obsession, Indiana legislators are awfully squeamish about Cherry Masters – or at least want to seem to be. Rep. Win Moses, D-Fort Wayne, is backing off from his push to legalize the video-gambling machines and will now recommend the issue go to a study committee because it is “too complex” to solve with immediate legislation. That’s a polite way of saying “big mess.” But the mess, mostly a creation of state government, will still be there whenever legislators get around to addressing it.

Moses is bowing to the political reality that he can’t get a consensus right now on legalizing, regulating and taxing the machines. Legislators have put themselves in a no-win situation. If they legalize the machines, they will be adding even more betting opportunities in a gambling-saturated state. The video poker machines “would be virtually everywhere, on every city block” is the way House Speaker Pat Bauer, D-South Bend, puts it. But the machines, illegal though they be, are growing in number anyway. “They’re proliferating like cockroaches,” says Senate President Pro-Tem David Long, R-Fort Wayne. To leave the situation as it is would be to legitimize the blatant disrespect of the law represented by Cherry Master operators.

Cherry Masters have always been illegal but tolerated by officials who chose to look the other way, mostly because the machines were in private clubs such as VFW halls, with a constituency most county prosecutors don’t want to alienate. But the state finally decided to crack down, sending excise police out on a series of well-publicized raids.

Excise police, however, have jurisdiction only in places where alcohol is served. So the operators of the machines simply moved them to alcohol-free sites, in gas stations and convenience stores and even empty storefronts. Moses has estimated that there may be as many as 30,000 of the illegal machines in operation. Prosecutors in many counties (Allen isn’t one of them) are as reluctant as ever to spend the time, effort and goodwill it would take to fight the machines.

Such growth of an illegal activity, such persistence by the operators, such dedication by the gamblers – aren’t those all signs that people want to gamble that way so much that anti-gambling officials are fighting a losing battle? Isn’t the criminalization of an activity so many consider normal also a way to create disrespect for the law?

Yes, on both counts, and whose fault is that?

Gambling is seen as a natural activity in Indiana because state officials have *made* it a natural activity. How can a state that spends millions on advertising to implore Hoosiers to waste their hard-earned dollars on the lottery tell people they shouldn’t throw them away on Cherry Masters? How can a state that reaps millions in taxes from casinos and lets even more millions go to out-of-state owners tell VFWs they don’t have the right to earn gambling money and the state doesn’t want those particular tax dollars? How can a state that subsidizes the horse-racing industry and might consider propping it up even more with additional gambling suddenly find video poker offensive?

Sen. Long has it exactly right. The status quo is unacceptable, and it needs to be changed, one way or the other, this year. “I don’t think we should wink at illegal gambling any longer. Let’s decide what to do with them once and for all.”

Our first instinct is to keep the ban on the things *and* finally be serious about enforcing the law. More gambling may be inevitable, but someone, sometime has to draw a line. It might be too much to hope for that the state wind things down a little, but at least it could say, “People might want gambling, and it might provide revenue for the state, but it carries social costs, and we already have quite enough of it.”

But if that’s not the legislators’ will, the other option is the one Moses favors. Legalize the things. Regulate them in such a way that those under 21 have no access. Collect the

more than \$200 million in tax revenue. (That is close to the amount the state would lose in the elimination of the gas sales tax that Bauer favors. Wonder how long it will be before he connects those dots?)

Moses supposedly can't get a consensus because legislators are so divided over the details. How many machines should there be – 15,000, 20,000? At what rate should the tax be set? Which establishments should get Cherry Masters and which should not? Who should oversee the rules and regulations?

That's silly. All proposed legislation requires the answers to such tricky questions.

What the legislators are really doing is searching for a moral high ground they abandoned a long time ago. They need to give up that quest and just pick one of Long's two options, whichever a bare majority can agree to.

By Leo Morris for the editorial board



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