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“Put the Gangsters Out of Business”: Gambling Legalization and the War on Organized Crime

Abstract: From the 1950s through the 1970s, American policymakers engaged in an extensive campaign against illegal gambling in an effort to turn the tide in the government’s crusade against organized crime. At the grassroots, however, voters endorsed a different form of state expansion to beat back the mob menace. Between 1963 and 1977, fourteen northeastern and Rust Belt states enacted the first government-run lotteries in the twentieth-century United States on the belief that legalized gambling would undercut the mob’s gambling profits. While gambling opponents pointed to Las Vegas as proof that organized crime would flourish following legalization, supporters argued that illegal gambling was already pervasive, so the state may as well profit from this irrepressible activity. The history of gambling legalization challenges narratives on the popularity of law-and-order politics and offers a new perspective on crime policy in the post–World War II period.

Keywords: Gambling, Crime, Organized Crime, Law and Order, Las Vegas

In the mid-1960s and early 1970s, millions of Americans were ready to change tactics in their nation’s long, labored, and futile fight against organized crime. Senate investigations in the 1950s revealed the mob to be a

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powerful force in American society, one that was responsible for violent and nonviolent crimes, including racketeering, narcotics, prostitution, robbery, and murder. Though organized crime was involved in an array of illicit activities, government inquiries illustrated that the mob relied on a vast network of illegal gambling—primarily numbers games and sports betting—which provided crucial financial backing for its other ventures. Thanks to these operations as well as the concentration of organized crime in Las Vegas casinos, gambling was thoroughly associated with the mob. "Throughout this country," Nevada Supreme Court Justice Charles M. Merrill wrote in 1957, gambling has "surrounded itself with an aura of crime and corruption."¹

Because the mob depended on gambling revenue, politicians, including presidents John Kennedy, Lyndon Johnson, and Richard Nixon, saw stymying illegal betting as crucial to ridding the United States of its organized crime problem. Consequently, officials at the state and federal levels passed legislation empowering law enforcement in its war against the mob. As with other moments of conflict in American history—for instance, the subjugation of Native peoples, the crackdown on alcohol during Prohibition, both world wars, and the campaign against drugs and urban African American crime in the late twentieth century—the war on organized crime prompted a massive increase in state authority.² To tackle the mob, the government broadened its bureaucratic reach, expanded law-enforcement budgets, and granted a range of new powers to prosecutors.

However, at the grassroots, the public envisioned a far simpler means of combating organized crime. In northeastern and Rust Belt states in the second half of the 1960s and early 1970s, momentum grew among voters for a different form of state expansion to strike a blow against the mob menace. Voters argued that, rather than fight organized crime in the courts with subpoenas or on the streets with submachine guns, state governments should legalize gambling and keep the revenue for themselves. To complement the efforts of law enforcement, states could enter the gambling marketplace to compete for betting income. As one Dayton, Ohio, voter explained in 1970, if the state legalized gambling it could win the war against organized crime by "[putting] the gangsters out of business."³

The debates over the creation of the nation's first fourteen state lotteries between 1963 and 1977 illustrate how voters' desire to fight the mob with competition facilitated the proliferation of legalized gambling in the United States. The timing of this wave of gambling legalization may seem surprising, coming as it did after a decade of deepening public association

between gambling and organized crime and amid a governmental escalation of the war against the mob.

Yet, the enactment of the first state lotteries would not have been possible if voters had not viewed state-run betting as a way of combating organized crime. While repression rained down from Washington, many voters and legislators reasoned that gambling represented a ubiquitous, inevitable human pastime and that state governments, not organized crime, should reap the benefits. Political scientists have examined the economic and political factors associated with states' decisions to legalize gambling, but, because they have not examined the electoral grassroots, scholars have missed the role of organized crime in driving voters' opinion on legalization.⁴ This qualitative, exploratory article makes use of polling data and voter letters to examine a crucial part of this story. After tax-averse New Hampshire enacted the first government-run sweepstakes in 1963, the earliest state lotteries were established in northeastern and upper-midwestern states with large illegal gambling operations and a significant organized crime presence, for example, New York (second state lottery, enacted 1966), New Jersey (third, 1969), and Illinois (ninth, 1973).

Previous studies of lottery legalization frame the desire for revenue as the sole engine in driving support for state-run gambling. Certainly, the fact that gambling provides income without compulsory taxation played—and continues to play—an important role in voters' and legislators' decisions to legalize new forms of betting. However, at the dawn of the lottery era, arguments about the eradication of organized crime offered a crucial companion to promises of budgetary windfalls. Early state lotteries faltered, so projections of lottery riches were based primarily on results from lucrative numbers games. So too, supporters' case for legalization relied on law enforcement's apparent inability to combat mob-run betting. Government-run gambling would not create a new betting market but would tap into one that already existed and by doing so would cut off the most important source of mob revenue.

Gambling opponents envisioned a very different result from the enactment of state lotteries. Critics argued that, rather than wipe out organized crime, the legalization of gambling would offer the mob a foothold from which it could deepen its grip over American society. To prove that states would not be able to protect themselves against the criminal infiltration of legalized gambling, opponents pointed at Nevada—and Las Vegas in particular—arguing that the city's permissive approach to gambling had caused it to be overrun by the underworld. Sin City appeared to offer a

case study in the effects of legalized gambling, as any locality that permitted betting would be similarly beset by crime, corruption, and Mafia *capos*. Gambling supporters and opponents agreed that organized crime represented a powerful, pernicious force in American life and that it relied on revenue from illegal gambling. They disagreed, though, on how government should respond.

The war on the mob offers a unique perspective on crime policy in the post-World War II period. As a reinvigorated wave of law-and-order politics swept the nation, northeastern voters understood the need for a solution other than enforcement to control illegal gambling. As explored in the conclusion, the parallel case of marijuana legalization offers a lesson in how voters and politicians could have treated gambling in this period. The specter of organized crime helps explain the particular course of the development of legalized gambling and its roots in the often-overlooked government campaign against the mob.

THE WAR ON ORGANIZED CRIME

Organized crime did not represent a new phenomenon in the mid-twentieth century, but public attention to the mob accelerated in the aftermath of World War II. In the late 1940s, a number of newspaper exposés and state-level investigations brought mob corruption to light, particularly in the area of illegal gambling. These local inquiries set the stage for a groundbreaking Senate investigation to examine the nationwide connection between gambling and organized crime. Instigated by Tennessee Democrat Estes Kefauver, the Senate Special Committee to Investigate Crime in Interstate Commerce (known as the Kefauver Committee) heard testimony from more than six hundred witnesses in fourteen cities. Many of the hearings were televised and, in the days of limited viewing options, attracted more viewers than the World Series. "Never before," *Life* magazine explained in 1951, "had the attention of the nation been so completely riveted on a single matter. The Senate investigation into interstate crime was almost the sole subject of national conversation."⁵

For many Americans, that conversation entailed the first discussions of a sinister, mysterious crime organization called "The Mafia." In the early 1950s, many Americans—including such notable figures as Federal Bureau of Investigation (FBI) director J. Edgar Hoover—were skeptical that such a syndicate existed. In *Crime in America* (1951), Kefauver wrote that the idea of a "shadowy, international criminal organization known as the Mafia" was

“so fantastic that most Americans find it hard to believe it really exists.”⁶ Kefauver introduced the public to the possibility not just of rogue, individual gangsters but a centralized criminal network that coordinated a range of illicit activities all over the country. The threat of the Mafia represented a new danger to American society and, according to the Kefauver Committee, that threat was rooted in illegal gambling. Kefauver alleged, “Gambling profits are the principal support of big-time racketeering and gangsterism. These profits provide the financial resources whereby ordinary criminals are converted into big-time racketeers, political bosses, pseudo businessmen, and alleged philanthropists.”⁷ Rather than one of the mob’s many illegal enterprises, gambling provided organized crime with the resources it needed to buy prestige and influence. Gambling was not only the result of organized crime’s power, it was also a *cause* of that power.

As a result, Kefauver recommended a series of bills to crack down on illegal wagering and to increase the federal government’s ability to fight organized crime. For instance, he supported the creation of a new National Crime Commission and he proposed numerous laws empowering the Department of Justice and the Bureau of Internal Revenue to investigate illegal gambling. However, partly due to Kefauver’s personal unpopularity in the Senate, the legislative result of his investigation was a simple wagering tax bill. While Kefauver parlayed his newfound fame into the 1956 Democratic vice-presidential nomination, the Senate committee raised public awareness regarding the prevalence of organized crime and its reliance on illegal gambling. In the early 1950s, “Little Kefauver Commissions” sprang up to investigate crime and gambling in a number of cities and states. As a result, historian David G. Schwartz notes, an ironic consequence of the Kefauver Committee was increased visitation of Las Vegas, an oasis of legalized gambling in a rising sea of repression.⁸

The Kefauver campaign proved to be the opening salvo in the federal government’s midcentury war on organized crime. In the late 1950s, Senator John McClellan (D-Ark.), assisted by chief counsel Robert Kennedy, shifted the focus of his eponymous investigative committee from labor corruption to organized crime and illegal gambling. The Kefauver and McClellan inquiries culminated in a series of laws passed in the 1960s that increased federal power in the arena of organized crime enforcement. As attorney general, Robert Kennedy planned a raid on Las Vegas casinos—ultimately not carried out—to expose the connections between the mob and the nation’s gambling mecca. Echoing Kefauver and McClellan, Kennedy told a congressional committee in 1961, “Organized crime is nourished by a number of activities, but the

primary source of its growth is illicit gambling. From huge gambling profits flow the funds to bankroll other illegal activities.”⁹ President John F. Kennedy signed five bills to combat organized crime, including three laws designed to suppress illegal gambling, two of which had originally been proposed by Kefauver. The Senate investigations revealed that organized crime was an interstate problem, so the new statutes regulated a range in interstate activities, for instance the use of any wire communication for illegal betting or the transportation of illegal gambling paraphernalia over state lines.¹⁰ For federal officials, stopping illegal gambling was synonymous with stopping organized crime, and the Kennedys were certain that the right legislative tools and vigorous enforcement of these new laws could bring down the mob.

Yet, by the second half of the 1960s, organized crime remained a major national issue, and President Lyndon Johnson made the fight against the mob a central component of his burgeoning war on crime. In a 1965 address to Congress, Johnson proposed the Law Enforcement Assistance Act, which increased the federal role in local crime control, and announced the establishment of the Commission on Law Enforcement and Administration of Justice. In addition to investigating crime more generally, the commission was specifically charged with investigating organized crime, as Johnson placed the fight against the mob first on a list of the federal government’s “special” law-enforcement responsibilities. The commission’s final report, *The Challenge of Crime in a Free Society* (1968), labeled organized crime “the most sinister kind of crime in America” and offered more recommendations pertaining to organized crime than drugs, alcohol abuse, and gun control combined.¹¹ The committee suggested reductions in standards of evidence for organized crime convictions, new prosecutorial privileges when dealing with racketeering, and an enhanced federal bureaucratic effort to monitor the mob. These proposals stemmed from Johnson’s reaffirmation that the mob’s power was tied to “illegal gambling,” which “channels enormous profits to other criminal arenas.” Johnson called on the Department of Justice, Treasury Department, and other government agencies to “enlarge their energetic effort against organized crime.”¹² As a result, the Department of Justice’s Organized Crime and Racketeering Section handed down 1,198 indictments in 1966, nearly twice the 1964 figure of 666 and an almost tenfold increase from the 121 indictments delivered by the Kennedy administration in 1961.¹³

The swelling wave of antimob legislation reached its crest in 1970 with the passage of the Organized Crime Control Act (OCCA). In April 1969, President Richard Nixon addressed Congress regarding the fight against organized crime, announcing yet again that “Gambling income is the lifeline

of organized crime.”¹⁴ He requested new tools to fight the mob, including a doubling of congressional funding for the organized crime effort. Nixon also asked for increased wiretapping privileges and the creation of field offices to investigate racketeering. These efforts were formalized under the McClellan-sponsored OCCA. The most important part of the law was the Racketeer Influenced and Corrupt Organizations (RICO) Act, which helped indict mob leaders for crimes committed by underlings and, criminologist Howard Abadinsky argues, turned the FBI into the primary agency in the fight against organized crime.¹⁵ Also in 1970, Nixon created the National Council on Organized Crime, illustrating that his commitment to law and order extended not merely to policing urban African American communities but also to the mob problem that had troubled American legislators for two decades. After signing the OCCA, Nixon turned to Attorney General John Mitchell and J. Edgar Hoover and stated simply, “I give you the tools. You do the job.”¹⁶ The federal government, he believed, was fully capable of stopping the mob; the only question was whether it had the right legal mechanisms to do so. With the OCCA, Nixon suggested, the federal government finally had all the tools it needed.

While Washington expanded its power to address illegal gambling and organized crime, states undertook similar efforts to deal with the mob. In Connecticut, for example, a gubernatorial committee formed to investigate illegal gambling recommended a range of new police powers as well as revised prosecutorial priorities and a special judicial session for gambling cases to stop defendants from striking plea deals to avoid jail time.¹⁷ In New York, Governor Nelson Rockefeller enacted a series of laws to increase penalties for illegal gambling, including mandatory minimum sentencing (ten days for second convictions and a minimum of thirty days for each subsequent conviction) and the elevation of the crime of operating a gambling syndicate to a felony. In 1965, the state enacted further statutes barring individuals from organizing or profiting from illegal gambling, and Delaware, Michigan, and New Jersey considered similar proposals to help their own crackdowns on the mob.¹⁸

Thus, the campaign against organized crime predated and enabled the spread of the war on crime. The antimob legislation of the 1960s facilitated the growth of mass incarceration and what historian Heather Anne Thompson calls the “criminalization of urban space.” A byproduct of the OCCA, for instance, was that drug and gambling offenses became federal rather than simply local crimes.¹⁹ Yet, notwithstanding its later application, organized crime legislation was not designed to curtail African American crime, nor

was it a response to the perceived rise in urban black crime. The bills were the product of a campaign that began with the Kefauver campaign of the 1950s and was designed to stop the mob by cutting off its gambling revenue. Over this twenty-year period, politicians and presidents exhibited an enduring belief that an empowered state could use law enforcement to stop illegal betting and win the war against organized crime.

THE CASE FOR LEGALIZATION

Amid the crackdown on organized crime and illegal gambling, grassroots momentum gradually swelled for a different form of state expansion to fight the mob. Many of the voters awakened to the organized crime problem by the Kefauver campaign envisioned the legalization of gambling as an alternative solution. Because of the popularity of illegal lottery playing, voters reasoned, if states offered their own lotteries, governments could capitalize on the gambling happening anyway and eradicate organized crime in the process.

The movement for state-run lotteries emerged in the context of the gradual proliferation of legalized gambling in the post-World War II period. New York and New Jersey authorized bingo for charitable purposes in the 1950s; multiple states legalized pari-mutuel horse-racing; and proposals for government-run lotteries—which had been introduced in state legislatures as early as the 1930s—began to gain traction for the first time. In 1963 and 1964 polls, approximately 50 percent of Americans expressed support for a government-run lottery in their state, with only 40 percent opposed.²⁰ Budget-conscious legislators had a clear incentive to legalize new forms of gambling. Gambling appeared to offer something for nothing, providing revenue that did not require an increase in traditional taxes. It is no coincidence, for example, that the first state lottery was enacted in New Hampshire, a state that did not level a sales or income tax and that found itself in desperate need of new funds to help pay for education.

Other than the promise of revenue, gambling supporters relied on a single, straightforward argument to advocate for legalization: gambling was already widespread, but the profits went to mobsters. Daniel Dinsmore Jr., an engineer from New London, Connecticut, endorsed the prevailing wisdom in a 1970 letter to his governor. Dinsmore wrote that he favored legalizing all forms of gambling, including “a state lottery, racetracks, and other similar forms of good income. . . . Crime and gambling are here now. Better the state should rake in the profits than a bunch of ‘bookies.’”²¹ State involvement would not introduce gambling into Connecticut but

supplant already-popular illegal operations. Even as state and federal governments escalated their fight against organized crime, voters like Dinsmore pointed in a new direction.

Dinsmore was right that illegal betting was a widespread pastime, both in Connecticut and nationwide. Beginning in the 1930s, millions of Americans bought tickets for the “Irish Sweepstakes,” a Dublin-based lottery that ostensibly raised money for Irish hospitals. Even more popular were numbers games, daily two-, three-, or four-digit lotteries that were ubiquitous in urban, African American communities, particularly in Chicago and New York City. Millions of Americans of all races gambled illegally, but because numbers players and numbers runners—the biggest target for antigambling police crackdowns—were predominately African American men, the standard image of an illegal gambler from this era was an urban black man. This stereotype persisted despite the fact that, following the end of Prohibition in 1933, Italian and Jewish mobsters shifted their attention from bootlegging to gambling and, by the 1940s, had taken financial control over many black numbers games.²² Organized crime’s management of urban lotteries reflected its continued involvement in various forms of illegal betting even after the Senate investigations of the 1950s and the legislative crackdowns of the 1960s.

Due to the secretive nature and unlawfulness of these operations, it proves difficult to account precisely for the scale of illegal gambling in the United States in this period. *The Challenge of Crime in a Free Society* estimated the total amount bet illegally per year as anywhere between \$7 billion—the figure posited by Robert Kennedy—and the astronomical, impossible sum of \$50 billion (equivalent to roughly \$16.7 trillion in 2018 dollars), though the report noted the more likely total of \$20 billion in combined horse-race, lottery, and sports wagering. After prizes and expenses, this amounted to approximately \$6 or \$7 billion in annual gambling profits for organized crime.²³

The pervasiveness of illegal gambling was central to proponents’ argument for state-run betting. Results from the first state lotteries in New Hampshire and New York were unimpressive as, after initial bursts, sales gradually declined. Nonetheless, gambling supporters pointed to illegal numbers games to argue that a lottery in their state could provide a budgetary windfall. Mae Semaskenich from West Paterson, New Jersey, wrote her governor in late 1970 to argue in favor of a lottery: “I’m not a gambler but people send [*sic*] money gambling,” she explained. “Look all the money the gangsters are making. I would rather have [New Jersey] use that money.”²⁴ Garden State congressman Cornelius Gallagher was even more enthusiastic about the potential income.

He argued that "if [illegal gambling] revenue could be channeled to the state through a legal lottery, we could abandon all taxation in New Jersey and increase every service in our state four times over."²⁵ As David Schwartz notes, an unintended side effect of the government investigations of the 1950s and 1960s was to expose how lucrative gambling was for organized crime.²⁶ In their attempts to reveal the mob's reliance on gambling revenue, Kefauver and McClellan inadvertently illustrated just how much money organized crime took in from gambling. Supporters of legalized gambling contended that these fantastic sums were available to the state and that illegal games—not already operational state-run lotteries—indicated how much money could be made.

Furthermore, proponents claimed that government-run gambling would not only make money for the state but would serve as a powerful weapon in the fight against organized crime. Many voters understood that, as Kefauver, McClellan, the Kennedy brothers, Johnson, and Nixon had all argued, illegal gambling represented a crucial source of funding for myriad mob activities. In a 1978 poll of residents of sixteen large cities, for example, 86 percent of respondents nationwide (including 90 percent of northeasters) said they agreed with the statement "profits from illegal gambling operations are often used to finance drug and loan-sharking operations."²⁷ A legal lottery would cut off this revenue stream. "The money now spent on gambling finances the gangsters in their other rackets and prostitution and narcotics," an Ogdensburg, New York, resident wrote to Governor Rockefeller in 1966. He argued that a lottery would take this revenue "out of gangster hands" and went so far as to claim that the only people who opposed a state lottery were the mobsters themselves.²⁸ Organized crime maintained a monopoly on gambling. If the state entered as competition, it would stamp out a host of other illicit activities. Josephine Jungermann of New York City explained to Rockefeller that she favored a state lottery because "it would help to get rid of the gangster elements who get rich on illegal gambling."²⁹ Supporters implied that legalization would not increase the number of gamblers or the amount of money bet. Instead, numbers players would instantly become legal lottery players, as legalization would simply siphon profits from organized crime into government coffers.

This argument rested on the assumption that gambling represented an inevitable, inexorable impulse. Rather than a cultural phenomenon learned through social behavior or an economic practice shaped by financial conditions, many supporters believed that gambling was an innate human activity. A Connecticut woman argued in 1971, "Since people will gamble legally or

illegally the state might just as well reap some of the profits,” implying that individuals would always seek out ways to bet.³⁰ Yet, despite these seemingly broad, universal statements about human nature, gambling supporters specifically believed betting to be inevitable among the poor and among African Americans. “How can you stop them?” Gladys Mason of Trenton explained to her local newspaper in 1969, “The poor play the numbers, so why not have a [state] lottery?”³¹ Mason did not want to legalize a lottery in order to purposefully increase the tax burden on poor or black people, as sociological interpretations of lotteries claim voters intended to do.³² Nor was she critical of individuals’ choice to gamble. Instead, in response to the common accusation that gambling was a regressive tax, supporters argued that gambling was *already* preying on the poor, that poor and black people spent large percentages of their income on gambling. A state lottery would allow the state to benefit from this betting.

The belief in the inevitability of gambling rested on skepticism at law enforcement’s ability to curtail illegal wagering. As the editors of a Bennington, Vermont, newspaper explained in 1961, “Even if every tenth man were made a plain clothes detective, gambling would be carried on. . . . Gambling evidently exercises a fascination on some citizens which is not to be discouraged by statute.”³³ The suppression of gambling was not a matter of manpower. It had little to do with the law and everything to do with human instinct. In the 1978 poll of urban America, 90 percent of northeasterners said they knew about an illegal bookmaking ring or a numbers game which they believed the police also knew about. When asked why gambling continued despite police enforcement, approximately 60 percent of northeastern voters (compared to 50 percent or fewer of voters nationwide) said that police authorities took bribes.³⁴ If bookmakers or numbers operators could simply pay off police officers, then intensified enforcement could never adequately put a stop to illicit operations.

Even members of law enforcement understood the folly of the campaign against illegal gambling. In testimony before a congressional committee, the heads of the International Brotherhood of Police Officers noted, the “only logical way to deprive organized crime of the fruits of gambling is to legalize and control it,” conceding that law enforcement could not cut off the flow of gambling revenue. “Laws that outlaw gambling do not stop gambling but rather force it underground,” they argued, implying that those interested in betting would always find a way to play.³⁵ Police union officials cared little about the tax bounty available to states, and many recognized the unpopularity of the gambling laws; in 1978, 76 percent of police officers agreed with

the statement "citizens do *not* care whether or not gambling laws are enforced."³⁶ Following decades of the increased prioritization of antigambling statutes, law-enforcement officials recognized the need for a different strategy, one that would have the ancillary benefit of freeing police officers to address other, more serious crimes rather than continue to fail at suppressing a seemingly irrepressible pastime.

To support their claim that laws against gambling were creating opportunity for organized crime, proponents equated the campaign against wagering with the government's unsuccessful attempt half a century earlier to ban alcohol. According to the general understanding of Prohibition, the government had tried to outlaw a popular, unavoidable activity but had failed because, like gambling, drinking would always persist, regardless of its legal status. One Chicago resident wrote in 1964 that, thirty years following the repeal of the Eighteenth Amendment, "America still has to learn that it is impossible to enforce laws that rub against the grain of human nature. Temperance could not dry up the flow of alcohol in the 1920s. Neither can the urge to woo Lady Luck be dispelled simply by outlawing gambling." Like the ban on alcohol, state gambling restrictions were "ineffective, unpopular, impractical, and impossible to enforce," a serious charge considering state and federal officials were in the midst of increasing their enforcement efforts.³⁷ These efforts were bound to fail, he suggested, as the government could not override the will to gamble.

Furthermore, gambling's illicitness fed into the hands of the criminal underworld, as organized crime could profit from this activity in ways they never could if gambling were legal. A Unitarian reverend from Trenton argued that, while most Christians opposed legalized gambling, keeping it illegal meant letting "syndicates of crime continue in their fortune making." "To outlaw gambling is like outlawing drinking," he concluded, acknowledging the shortcomings of the religious campaign that had attempted to squash another vice associated with the urban poor.³⁸ Howard Samuels, chairman of the New York Off-Track Betting Corporation, explained, "if we legalized the gambling going on, in five years we could do to organized crime's gambling business what the repeal of [P]rohibition did to bootleggers—put them out of business."³⁹ He envisioned that the repeal of antigambling statutes would bring an end to the reign of organized crime, though he ignored that the end of Prohibition had catalyzed the mob's embrace of gambling in the first place, and therefore the implication that the legalization of gambling would simply lead organized crime to a new source of income. Nonetheless, the repeal of Prohibition

appeared to present a model whereby the nation could eradicate organized crime through the legalization of a popular vice.

By connecting illegal gambling to alcohol in the 1920s and early 1930s, proponents did not deny the aura of crime and corruption that surrounded gambling. On the contrary, they embraced gambling's illicit reputation, promoting state lotteries as a profitable way to win the war against organized crime. Support for the legalization of gambling was not due, as some scholars have claimed, to changing ideas about gambling as a "victimless crime" that should not have been prohibited by the government. If gambling supporters had been motivated by libertarian beliefs about individuals' right to bet, polls and letters to newspapers and governors would have clamored for all forms of gambling to be fully legal, not for the state to take control of certain forms of betting. Proponents were motivated by the gambling they saw around them. They wanted government to change its strategy in the fight against organized crime and to capture new revenue in the process.

LEARNING FROM LAS VEGAS

Decades of opposition to legalized gambling did not collapse overnight. In the 1960s and 1970s, the prospect of government-run betting provoked disapproval, especially from conservative Protestants and Great Society liberals. A major reason for opponents' resistance to state lotteries was the connection between gambling and organized crime. In response to the argument that legalization would wipe out the mob, opponents charged that gambling was inherently corrupting and, as indicated by the experience of Nevada, that the enactment of state-run gambling would increase, rather than stymie, the spread of mob influence. The mob was involved in gambling not only because betting was popular, they argued, but because gambling was indelibly connected with crime.

The fear about the legalization of gambling was built on the association of gambling and organized crime that had been affirmed by the Senate investigations of the 1950s. Parker Carey of Meriden, Connecticut, wrote his governor in 1971 to warn against "any form of legalized gambling for the purpose of raising tax revenues here in Connecticut. We all know that organized crime flourishes wherever gambling is allowed. Please don't bring this agony to our state!"⁴⁰ As indicated by the word "wherever," voters like Carey believed that organized crime would materialize in any municipality that legalized gambling. Enterprising mobsters would follow the money and flood over state lines seeking a cut of the profits, and law enforcement would be incapable of

warding them off. Voters like Carey may have had other reasons to detest gambling, particularly its subversion of the traditional work ethic or its effects on the poor. But, in the 1960s and 1970s, many rooted their opposition not on these cultural grounds but on the political question of organized crime. These voters wanted the government to fight, rather than attempt to profit from, the nation's betting habit.

Consequently, no amount of legal protections could prevent organized crime's infiltration of legalized gambling. In fact, state sanction would allow for the entrenchment of criminal power and the expansion of mob influence. Rufus King—legislative counsel to the Kefauver Commission and consultant for the organized crime task force of the Commission on Law Enforcement and Administration of Justice—wrote in 1969 that while he did not consider gambling a "social evil," organized gambling on a large scale was "viciously corrupting." "If brought out into the open and given the sanctions of legality, [gambling] still corrupts, and it appears simply to bring underworld leaders, underworld tactics, and underworld morality upwards into higher social and political strata."⁴¹ Legalization would not cleanse gambling, nor would it cut off gambling as a source of revenue for the mob. King argued that legalized gambling would continue to fund organized crime while also offering a new beachhead for the infiltration of the public and private sectors.

The fear of mob subversion rested on a relatively recent shift in conceptions of organized crime. As historian Michael Woodiwiss illustrates, in the early twentieth century, Americans understood organized crime to be composed of people from their neighborhoods, from within civil society. In the 1950s and 1960s, however, this understanding changed into a view of organized crime as an outsider force, a "criminal army" that "subverted the decency and integrity of a free society."⁴² By this logic, the mob was detached from American institutions but would seek any available entry point to wield its corrupting influences. With the fear of spectral mob forces haunting the fringes of American society, gambling opponents cautioned that lottery legalization would swing the door wide open.

For King and others, the primary evidence that the legalization of gambling would not eradicate organized crime came from Nevada and, more specifically, Las Vegas. Gambling opponents charged that the aptly nicknamed Sin City offered proof that wherever legalized gambling went, the mob was sure to follow. The Kefauver Committee had taken the city as paradigmatic of the results of gambling legalization. Senator Charles Tobey of New Hampshire, for instance, charged that Las Vegas represented a "cancer spot in the body politic." Kefauver himself concluded in the committee's final report that,

“as a case history of legalized gambling, Nevada speaks eloquently in the negative,” implicitly recognizing that other locales may seek to replicate Las Vegas’s unique revenue model, but that the Silver State paid a high cost for its gambling income.⁴³

Though Las Vegas officials had worked tirelessly since the 1940s to craft an image of their city as an entertainment hub and a western getaway, the belief that Las Vegas was a capital for organized crime only grew in the postwar period. As historian Larry Gragg demonstrates, in the wake of the murder of mobster Benjamin “Bugsy” Siegel in Las Vegas in 1947, journalists, filmmakers, and novelists endowed him—and mob elements more broadly—with a mythical, though not entirely warranted, status in the founding of modern Las Vegas.⁴⁴ This image was also attributable to a number of exposés that harped on this aspect of the city’s reputation, most prominently *The Green Felt Jungle* (1963) by Ed Reid and Ovid Demaris, two veteran reporters with long histories of covering gambling and organized crime. The book—which was dedicated to Kefauver—had the same goals as the early 1950s Senate investigation: expose the connections between gambling and the mob.⁴⁵

Unlike Kefauver, however, the authors focused specifically on legal gambling in Sin City, and they sought to shatter any veneer of propriety that promoters of Las Vegas had rebuilt for their city in the aftermath of the Senate hearings. Reid and Demaris wrote, “The Nevada hoodlum is admired . . . by the millions of tourists who look upon him as a jovial innkeeper and sportsman, a charming rogue in the tradition of the old Mississippi gambler.”⁴⁶ The book sought to expose the city’s dark underbelly, to illustrate that a facade of glitzy entertainment covered up an infestation of crime, murder, suicide, violence, drug abuse, and illicit sex. Though many of Reid and Demaris’s stories were based on unverified rumor and hearsay, their overall conclusions about the connection between the mob and Sin City struck home. One reviewer wrote, “if any naiveté . . . remains among Vegas aficionados” regarding the possible link between gambling and organized crime, then “the book eliminates any doubts.”⁴⁷ The American public proved eager to learn about the mobsters behind the nation’s gambling mecca. *Green Felt Jungle* sat on the *New York Times* bestseller list for twenty-three weeks and was the sixth-best-selling nonfiction book of 1964.⁴⁸

The case against Sin City held national implications. For Reid and Demaris, as for other muckraking authors in the 1960s, Las Vegas was not simply an isolated city that had been overrun with criminal elements but represented the source of much of the violence, corruption, and illicit gambling

that plagued law enforcement all over the country. In his 1965 book *Gamblers' Money*, Wallace Turner wrote that Las Vegas "is the strangest city in America. It is also the origin of an infectious immorality that rides out of the desert on a golden flood of gambling wealth to spread its peculiar brand of ethics across the nation." Through political figures such as Nevada Senator Pat McCarran, who served four terms as chairman of the Senate Judiciary Committee, the Silver State protected itself from external assault and entrenched its representatives in the highest seats of government power. Criminal figures "have a bridgehead in Nevada," Turner wrote, "and from there they are working their changes on the patterns of American life."⁴⁹

For northeastern voters, Las Vegas provided evidence that the legalization of gambling would not magically exterminate organized crime. Rather, the Nevada experience indicated that the mob would be attracted by the growth of the gambling market, not put out of business by the competition. In 1971, a Massachusetts minister requested that his governor veto a lottery bill on the grounds that "lotteries in the past have eventually become involved with fraud and crime," referring to lotteries of the nineteenth century that had caused Congress to enact a series of lottery prohibitions. Rather than examine the operational lotteries in New Hampshire, New York, and New Jersey—which to that point had been free of scandal—his evidence concerning the effects of legalized gambling came from "Navada [*sic*] which has wide-open gambling and prostitution, [and] is the center now for the crime syndicate."⁵⁰ A city designed around its unique approach to gambling was interpreted not as exceptional but as representative of the effects of legalized gambling.

In addition, Las Vegas held the dubious distinction as holding one of the highest crime rates in the nation, and critics charged that this was a direct result of the city's gambling habit. In the 1960s and 1970s, *Uniform Crime Reports*, the FBI's annual survey of national crime that focused particularly on urban crime, consistently showed a high rate of burglaries and other reported offenses in the Las Vegas metropolitan area relative to the national average.⁵¹ City boosters attributed the crime rate to the city's numerous short-term residents but, for voters on the other side of the country considering legalizing gambling, results from the Silver State cautioned against the liberalization of gambling laws. Harping on the crime issue as well as Las Vegas's unfortunate standing as the city with the nation's highest suicide rate, the chairman of the Christian Relations Committee of Rochester, New York, wrote in 1964, "Nevada is exhibit 'A' for those of us who believe that gambling is a social vice of amazingly evil consequences."⁵² If Rochester permitted

casinos—or any form of gambling—he argued, the city would be beset by crime and suicide.

The use of Las Vegas as a case study rested on the belief that gambling was associated with organized crime not only because it was profitable but because gambling itself was an inherently corrupting enterprise. *Green Felt Jungle* explained the connection between gambling and crime, as the authors noted that Las Vegas “fosters crime as a stone thrown into water creates concentric ripples.”⁵³ This metaphor implied that a large concentration of crime, for instance embezzlement, corruption, and mob violence, was directly related to gambling (the ripples immediately surrounding the stone). Meanwhile, lesser illicit activities—such as petty-theft and drug abuse—that did not appear to be the result of gambling were, in fact, a byproduct of a society that permitted betting. Crime, Ovid and Demaris concluded, was the inevitable result of gambling, and more gambling would lead to more crime.

These warnings about the connections between gambling and crime were premised on the belief that gambling was not simply a new form of revenue but a way of raising funds that would have dramatic effects statewide. Fears about Las Vegas embodied broader concerns about gambling and organized crime, the possibility that anywhere that permitted any form of betting was opening itself up to crime and corruption. Las Vegas was a crucial source of funding for the mob syndicate but was also crucial to the arguments of gambling opponents who pointed to the city as proof that legalization would not be enough to fight organized crime. Though they were often not explicit about this dimension of their argument, critics implied that law enforcement should continue to fight organized crime as well as illegal gambling. Rather than an irresistible human impulse, gambling opponents viewed betting as an activity that was popular because of greedy gangsters. If the state could put a stop to organized crime, it would also put a stop to gambling.

THE LIMITS OF LAW AND ORDER

Ultimately, the possibility of combating organized crime proved more enticing than the threat that government-run betting would make states susceptible to mob rule. Gambling opponents failed to account for the prevalence of illegal gambling and the apparent inability of law enforcement to stamp out illicit betting. Many voters understood that the northeastern United States was already home to the crime and gambling but that, unlike Nevada, states did not derive any economic benefit from this ubiquitous activity.

Thus, between 1963 and 1977, fourteen states enacted lotteries with the hope of raising revenue and siphoning gambling profits away from organized crime. All of the states that passed lotteries in this first wave of legalization were in the northeast or Rust Belt (Table 1) and, compared to the nation at large, were disproportionately affected by the nation's organized crime problem. Of the 17 states *The Challenge of Crime in a Free Society* identified as states where organized crime members lived and operated, eight enacted lotteries in the initial wave of legalization while four others (California, Arizona, Colorado, and Missouri) passed lotteries in the first half of the 1980s. With the exception of Florida (which enacted a lottery in 1986) and Wisconsin (1988), every state east of the Mississippi River tabbed as a home for organized crime enacted a lottery in the first wave of legalization. Forty-seven percent of "mob" states were early lottery adopters compared to just 15 percent of nonmob states, meaning states identified as homes of organized crime were over three times more likely than other states to adopt a lottery.⁵⁴ Similarly, in states that placed lottery referenda before voters, municipalities with a notable mob presence offered more support for gambling legalization. For example, Hudson County in northern New Jersey, where both Hoboken and Jersey City are located, served as the longtime center of organized crime

Table 1. The first wave of lottery legalization, 1963–1977

State	Year lottery enacted
New Hampshire	1963
New York	1966*
New Jersey	1969*
Connecticut	1971
Pennsylvania	1971*
Massachusetts	1971*
Michigan	1972*
Maryland	1972
Illinois	1973*
Ohio	1973*
Rhode Island	1973*
Maine	1973
Delaware	1974
Vermont	1977

*Indicates a state identified by *The Challenge of Crime in a Free Society* as a center of organized crime operations.

operations in New Jersey. In November 1969, it was one of just two New Jersey counties where over 90 percent of voters approved the state lottery referendum.⁵⁵

Lotteries ultimately registered disappointing results in the fight against organized crime. In most states, illegal gambling—particularly numbers games—persisted following the enactment of a state lottery. In 1975, the Commissioner of the Pennsylvania State Police estimated that 53 percent of all gambling—legal and illegal—in the Northeast was still controlled by organized crime.⁵⁶ Illegal games endured because of the types of gambling states opted to offer. Rather than operate daily games with tickets costing as little as a few pennies, the first state lottery commissions opened with biannual or monthly drawings with expensive tickets that were designed to maintain the appearance of respectability and protect against accusations of mob interference. New Jersey broke the mold with a 50¢ ticket for weekly drawings in 1970, but state-run games had a number of disadvantages: retailers were not as ubiquitous as numbers runners in urban, high-gambling communities; players could not play on credit; and states assessed taxes on large jackpots. In their argument about the inevitability of gambling, many lottery supporters overlooked the nuances that made certain games popular in certain communities. They wrongly assumed all types of betting to be the same and that bettors' appetites would attract them to any available game.

Initially, then, the anticipated flood of illegal gamblers seeking out legalized betting did not occur. As the superintendent of the New Jersey State Police noted in 1972: "There is no indication that [the New Jersey Lottery] has had a significant effect on the illegal daily numbers play. The average daily numbers player is not satisfied with a weekly lottery plan and demands daily action to satisfy his gambling desire."⁵⁷ Thus, in 1972, New Jersey introduced the first state-run numbers game to compete directly with illegal operations. Following New Jersey's model, lottery commissions began introducing their own numbers games, though it was not until the 1980s that gamblers, attracted by the better odds and more reliable payouts, finally shifted their allegiance to state-run lotteries. Yet, by this time, the federal government had added a range of new tools to its antimob legislative arsenal. In addition, by the 1980s state lotteries had greatly expanded their operations by adding instant, scratch games and rollover jackpots (both introduced in Massachusetts in 1974 and 1978, respectively), designed to appeal to a wide swath of players, not merely those who had patronized illegal operations.

The debates over organized crime and gambling legalization offer a more diverse picture of the war on crime in the post-World War II United States.

While studies of the campaigns against drugs and African American crime have dominated scholarship on crime and incarceration, the fight against mob-run illegal gambling sat at the forefront of national crime policy as well as grassroots understandings of the national crime problem. Previous scholarship on the war on crime frames the American public—especially the middle-class, both white and black—as rabid for repression, eager for law enforcement to escalate its campaign to institute law and order.

However, gambling reveals a path not taken for crime policy more broadly in the 1960s and 1970s. In particular, the history of gambling offers a necessary comparison for the fate of marijuana, another vice associated with urban African Americans, which in intellectual circles had begun to be considered a “victimless crime” in the 1960s. While a dozen states experimented with pot decriminalization in the 1970s, marijuana and gambling were different in their financial potential. Politicians were never sure how to legalize and tax marijuana, which, like gambling, proved profitable for organized crime. Furthermore, pot’s association with the 1960s counterculture, the stigma of drug use (regardless of the differences between particular drugs), and the federal government’s ranking of marijuana as a Schedule I narcotic burdened the fight for marijuana legalization with seemingly insurmountable obstacles.⁵⁸ Added to these obstacles was the fact that few were willing to consider legal marijuana as a form of state revenue. Gambling, meanwhile, offered an obvious method of raising finances and was already profitable for organized crime. So too, gambling had been repressed for decades, whereas the marijuana problem appeared fairly recent. Yet, rather than apply the lessons from gambling, voters and legislators began to treat drugs the same way they had treated illegal gambling in previous decades.

Thus, the public was willing to consider alternatives to repression, though only in cases that offered new, tax-free sources of state revenue. Law-and-order politics did not extend to those vices that could raise money for the state. Because they envisioned gambling as an irreducible human impulse, voters contended that the state should fight illegal gambling by seizing the revenue for itself. If revenue concerns had been the sole driver of gambling legalization, many more states would have created lotteries in the 1970s and states would have enacted many other forms of gambling. Until the 1980s, legalized gambling remained disproportionately concentrated in states with a significant mob presence, as it represented a unique tactic in the nation’s overlooked fight against organized crime.

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NOTES

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12. Lyndon B. Johnson, "Special Message to the Congress on Law Enforcement and the Administration of Justice," 8 March 1965, *American Presidency Project*, <https://www.presidency.ucsb.edu/node/242223>.
13. Testimony of Fredrick M. Vinson Jr., *The Federal Effort Against Organized Crime: Hearings Before a Subcommittee of the Committee on Government Operations, House of Representatives*, 90th Cong., 1st sess., pt. I (Washington, D.C., 1967), 11.
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15. Howard Abadinsky, *Organized Crime* (Chicago, 1994 [1980]), 453.
16. *New York Times*, "Nixon Signs Bill to Combat Crime," 16 October 1970, 18.

17. Governor's Committee on Gambling, *Final Report* (n.p., n.d.), Box A-256, John Dempsey Gubernatorial Papers, Connecticut State Archives, Hartford (hereafter "CSA"), 14, 18.

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23. President's Commission on Law Enforcement, *Challenge of Crime in a Free Society*, 189; Statement of Robert Kennedy before House Committee on the Judiciary, 13. The \$50 billion figure—repeated by Nixon in his 1970 organized crime address to Congress—appears to derive from the 1961 testimony of John Scarne, a self-proclaimed "gambling expert," before the Senate Committee on Government Operations; Scarne testified that, based on his research, \$16.50 was bet illegally for every dollar wagered legally at the racetrack; with \$3.5 billion in legal horserace betting in 1960, he placed the total handle at the unfeasible sum of \$50 billion; Testimony of John Scarne, *Hearings Before the Permanent Subcommittee on Investigation of the Committee on Government Operations, United States Senate, 87th Cong., 1st sess., pt. I* (Washington, D.C., 1961), 83.

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