

FIFTH ANNUAL ROUND TABLE DISCUSSION
ON
MATTERS PERTAINING TO RACING
HELD BY
THE JOCKEY CLUB
IN THE
NATIONAL MUSEUM OF RACING
AT SARATOGA SPRINGS, N. Y.
SUNDAY, AUGUST 18, 1957

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Moderator: Marshall Cassidy

GUESTS:

Edward P. Farrell, Service Bureau, The Greater New York Association Inc.
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INTRODUCTION BY
OGDEN PHIPPS

Vice-Chairman of The Jockey Club

Mr. Widener is unable to be here. Therefore, he has asked me to welcome you to The Jockey Club's Fifth Annual Round Table Conference and to thank you for giving your time. As most of you know, these discussions have in the past been most interesting, and I'm sure today's conference will prove beneficial to racing all over the country.

Mr. Hanes has invited all of you to be guests of The Greater New York Association at luncheon on the Club House Terrace.

The questions which were sent in are numerous and will, no doubt, take quite a bit of time to discuss so I shall ask Mr. Cassidy, our moderator, to take over.

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MR. CASSIDY: Because of the acoustics in this room, it is difficult to make a good recording; therefore, I ask that only one person speak at a time and that you speak loudly and clearly so that everything you say can be properly transcribed. It would also help if you would identify yourself when speaking. The questions as in the past will be drawn by lot, and since there are many of them, we may not be able to discuss them all because of the time limit. As several of the questions chiefly concern veterinarians and there are several veterinarians here who may wish to leave at lunch time, we shall start with those.

QUESTION NO. 1. "HAVE INOCULATIONS AGAINST SLEEPING SICKNESS BEEN NECESSARY ON A MANDATORY BASIS? WHAT HAVE BEEN THE EFFECTS?"

MR. CASSIDY: Dr. Gilman, can you give us some information on this subject?

DR. GILMAN: Everybody knows sleeping sickness is nothing new. We've had it for years. Some years you have a greater number of horses sick with the disease than other years. In 1955 and 1956 the disease reached its peak, not only here in the East, but all through the country. It's a disease that only hits us in the summer and fall months when the flies and mosquitoes are prevalent. It kills humans and most large animals. The latest information tells us that birds transmit it via blood-sucking insects more so than do animals; however, animals also transmit this disease the same way. Since birds travel widely from state to state it is very hard to set up an embargo for one particular area. Last winter we had some new information on this disease. We always thought it required a blood-sucking insect to transmit the disease from horse to horse, from horse to human and from human to horse, etc., but they did some experiments during the epidemic of 1956 in New Jersey which might change our ideas. They debeaked a certain group of pheasants, and found that the debeaked group had a much lower incidence of the disease than the control group which wasn't debeaked. Therefore, it might be possible to transmit it without the intermediate host. At any rate, the state officials thought it was a good idea to have all our horses in New York inoculated. In case of an epidemic this year, we won't have to worry about the disease.

MR. CASSIDY: A question that I think everyone will be interested in is, what is the toxic effect of inoculations?

DR. GILMAN: It is much better to inoculate your horse when he is not racing. It's not a good idea to give anything to a horse that's racing. If you inoculate the horses in the late winter or early spring, you won't have any troubles from the vaccination. There are some reactions, particularly from the second vaccination, but they are negligible and very temporary. They leave the horse exactly the way he was before the inoculation.

MR. CASSIDY: Dr. Reed, you have had some experience in inoculating. Will you tell us of any effects that you've noticed?

DR. REED: I don't think there were any ill effects with the exception of some localized swelling. Occasionally you'll find a horse that will run a slight temperature. We have overcome this to a certain extent by dividing and putting the injection in two sites rather than just one. I don't think it causes any harm or effect whatsoever. I think there has been some unfortunate publicity a couple of times, various people thinking it did cause some horses a set back. If they would go back on the case they

would see that other things caused the set back. I do not think we have ever had a case where a horse went back because of the vaccination.

MR. CASSIDY: If a horseman shipped to a state where there was a mandatory inoculation rule to run in a stake, found that his horse had to be inoculated and did it within a week or ten days before the stake, would it have any effect on him?

DR. REED: Well, I'll tell you of an experience we had this year at Belmont. We inoculated a horse three days before he ran in a stake, and he set a new track record.

MR. CASSIDY: Dr. Woodcock, have you anything you would like to contribute to this question?

DR. WOODCOCK: No. The only thing that I would like to do is to agree wholeheartedly with what Dr. Reed has said. I have had trainers come to me and complain that the inoculation was the cause of their animal's tapering off. I agreed with some of them in that after the second inoculation, usually on about the third day, there is a dullness in the horse, and if that horse happened to be scheduled for a work that day, I would agree that he probably wouldn't work as well on that particular day. In most instances, after talking to the trainer, the following work found the horse back in the same condition that he was prior to the inoculation. I believe that any reaction we get from an inoculation is purely and simply a temporary one that might occur from any injection of foreign material into the horse's body.

MR. CASSIDY: We have with us today Dr. Davis, who is the president of the American Association of Equine Practitioners, and Dr. Guard, who is the past president. They may have something they wish to say. Dr. Davis, do you have any opinions on the subject?

DR. DAVIS: I agree with both Dr. Reed and Dr. Woodcock. Any effects would have to be transitory in nature, and while in our area we have had little opportunity to vaccinate horses, I feel these gentlemen have given you, as far as the medical aspects are concerned, a rather careful analysis.

MR. CASSIDY: Dr. Guard?

DR. GUARD: I am not qualified in this field. I can only give you generalities and agree with what these men said.

MR. CASSIDY: Thank you. There isn't any question but that the mandatory order requiring horses to be inoculated has had some effect on racing in New York although we have had very good racing. But I think the matter should be resolved as it raises a great number of problems, such as the acceptance of yearlings on the track that haven't been inoculated. I think Mr. Finney made every effort he possibly could to see that the yearlings were inoculated before they came here. After they were sold they were returned to the stables or places in New York where, if it were possible to transmit the disease, they could have done so. The fact that practically every horse in New York has been inoculated will eliminate any great hazard. If fifty horses came in that had been infected there would be no danger of their transmitting the disease. Mr. Cole, I know the mandatory inoculation rule has been of value, but do you think it will be necessary beyond this present year?

MR. COLE: I wouldn't know, Mr. Cassidy. In the first place we undertook to make it mandatory on the recommendation of the highest state authority, Dr. Daniel L. Haley, Director of the Division of Animal Industry, Department of Agriculture and Markets of the State of New York. In March, Dr. Haley, at my request, wrote me two or three times discussing the situation. He finally gave a direct recommendation that we make it mandatory. I see no reason why it should be considered as permanent. I think we should take Dr. Haley's advice.

MR. CASSIDY: Do you think that if it were left to the horsemen to have their horses inoculated during the winter when they weren't in training, after we've warned them and made them fully cognizant of the dangers to their horses and to other horses, that the practice would become general?

MR. COLE: I think that's quite possible, Mr. Cassidy, but at the same time I would rather submit everybody's view and the views that were presented here this morning to Dr. Haley and follow his advice. The Commission is entirely agreed on the whole matter.

MR. CASSIDY: Yes, I know that. We were just seeking information. Mr. Phipps?

MR. PHIPPS: I feel it shouldn't be mandatory. Dr. Gilman said you shouldn't inoculate a horse while he is in training; it ought to be done in the winter or early spring. If you have a top 3-year-old now you usually run him at Hialeah or Santa Anita. There are big stakes there and you can't inoculate him. You, therefore, come up to the deadline of July. I know the effect on Bold Ruler was very serious. We waited until after the Belmont and then had it done. We didn't work him for a few weeks. Eddie, I think, worked him that day and he was a very distressed horse.

MR. ARCARO: Yes, he was distressed that morning, but I didn't know it was because of the inoculation.

MR. PHIPPS: That's right. I think there's been a good many other cases. I know George Strate had that trouble, Ed Christmas, didn't you, too?

MR. CHRISTMAS: No.

MR. PHIPPS: I know that if I had a good horse and was racing around Chicago, I never would bring him to New York and give him that inoculation.

MR. CASSIDY: Dr. Reed?

DR. REED: I can answer Mr. Phipps about his horse, though I did not vaccinate him. That wasn't the cause for the horse's distress. I have examined him subsequently on several occasions. I don't know whether you are familiar with it or not, but that was never the cause of any distress in Bold Ruler.

MR. PHIPPS: Well, what was the cause of his distress?

DR. REED: I think you wouldn't want the entire panel to know the true cause.

(Laughter)

MR. PHIPPS: Well, they did think it was his heart, you know.

DR. REED: That's right. It was not from the vaccination.

MR. PHIPPS: Well, it has had that same reaction on others.

DR. REED: I have never run across one, Mr. Phipps, in any horse that I vaccinated.

MR. PHIPPS: What about Nah Hiss, didn't he have the same trouble?

DR. REED: No, he did not.

MR. CASSIDY: Dr. Gilman?

DR. GILMAN: I think the vaccination got blamed for a lot of things this year. There are always cases where you have horses that tail off and have other things happen to them that a trainer can't actually put his finger on. The vaccination is a good excuse. I claim that the vaccination leaves a horse exactly the way it found him. Outside of a little local reaction that you might see and rarely a stiffness that may last a day or less, you won't see evidence of the vaccination.

MR. CASSIDY: Mr. Hancock, in Kentucky and where you were racing during the summer, did people object to inoculation so much that they didn't want to come to New York?

MR. HANCOCK: Yes, sir. I know one owner who was coming to Belmont and decided not to come because of the inoculation.

MR. CASSIDY: Did you have horses inoculated?

MR. HANCOCK: Yes, sir.

MR. CASSIDY: Have you found any ill effects?

MR. HANCOCK: The stable doctor, Dr. Reed, could answer that better than I could.

MR. CASSIDY: Well, he has already told us his feelings on the subject. Mr. Beard, have you any comments?

MR. BEARD: No, sir, none.

MR. CASSIDY: Dr. Davis?

DR. DAVIS: It might be interesting for you to know that none of the yearlings that came to the sales here or in Kentucky which were vaccinated had any ill effects whatsoever.

MR. CASSIDY: Mr. Hendrie, do you have any knowledge of it in Canada?

MR. HENDRIE: No, Mr. Cassidy. It's not mandatory there and I doubt that very many horses have been inoculated.

MR. CASSIDY: Of course, in Canada you probably wouldn't have the same mosquito.

MR. HENDRIE: Well, we were certainly very concerned in the epidemic of the late forties and also in the fifties and took the matter up with our Department of Agriculture in Ottawa. There were farm horses coming from the affected areas to our circuit. The Department of Agriculture had so little knowledge of the disease that they did not take action.

MR. CASSIDY: Does anyone else wish to comment on the subject? Mr. Finney?

MR. FINNEY: I suppose I've had more experience in this disease than most here because twenty-two years ago, when I was running the Labrot farm, we had a very violent epidemic. I had forty-four Thoroughbreds down with it in a period of two months. Of course, in those days we didn't know what we know now. There was no vaccine and we worked with the Army and with the Rockefeller Institute. Somebody came along with the idea of keeping all our horses up. When we did, we ceased getting new cases. The mosquitoes were in the salt marshes along the Chesapeake Bay, and the government people found that was the trouble. We had yearlings with it; we had foals who lived, while their mothers died alongside of them, and vice-versa. That year along the marsh areas from North Carolina clear up to Montreal the bug was rampant. In the time that I was associated with the Remount, we inoculated every horse the Army owned. I remember we went all around Florida vaccinating the horses. I've seen many vaccinated. Now, with respect to the yearlings, practically every yearling that was sold at Saratoga, except one consignment, was vaccinated. That consignor refused to cooperate on the grounds that last year when the ban was on in New Jersey and it was mandatory—you couldn't ship into Atlantic City without a certificate—his horses which had been racing and winning elsewhere were vaccinated and didn't do any good at Atlantic City or New York. It was the vaccination, in his opinion. I asked him: "You don't by any chance think it was the company they found themselves in, do you?" "Not at all," he answered. On that basis he wouldn't vaccinate his foals. Now Dr. Davis and the other veterinarians vaccinate a lot down in Kentucky, and I made it my business to check with the owners. I didn't have a single consignor who worried about it a bit. One or two of them said they had a little temporary reaction after the second shot for two or three days. As far as we're concerned, we would not tell a man that he had to do it, but I believe next year you will find that all will do it again. What can we lose? We've got everything to gain. It is our viewpoint that if we can tell people those horses can go anywhere, they are much more interested to buy.

MR. CASSIDY: Thank you. Mr. Gaver, you wanted to say something?

MR. GAVER: In how many states is vaccination mandatory?

MR. CASSIDY: That I couldn't answer. I know it is in New York. I think it is in other states. Mr. Donovan, is it mandatory in New Jersey?

MR. DONOVAN: No, Mr. Cassidy. Even though this discussion is primarily as to whether or not the vaccination should be made mandatory, I believe there is very little doubt but that vaccination is desirable. Personally, I feel that a mandatory rule

should be made us a last resort. I think that if the job can be done on a voluntary basis, it is better, especially since this is a continuing thing. Dr. Reed mentioned the stake horse that was shipped in and inoculated three days before the stake with no local effects. Was that the first or the second shot?

DR. REED: That was the second.

MR. DONOVAN: In Jersey we did, to more specifically answer your question, enter into a campaign of selling the horse men on voluntary inoculation, and in order to help, the three tracks agreed to supply the serum this year. Some of the veterinarians, who were at Garden State before the season began, volunteered to do the work to get things going. We inoculated about 200 or 250 before they moved to Monmouth. I believe every horse at Monmouth is inoculated, but there was no mandatory provision.

MR. CASSIDY: I think that it is a well-established fact that vaccination is valuable and worthwhile, but the question is, at present, whether it should be mandatory.

MR. PERLMAN: I wanted to clarify one point. Is inoculation permanent, or do you have to do it each year?

MR. CASSIDY: Each year. Mr. Gaver?

MR. GAVER: I've been asking this question and I find it difficult to get an answer: How many cases have actually been recorded around the race tracks?

MR. CASSIDY: That I couldn't tell you either.

MR. DRAYTON: Just one that I know of, Marshall.

MR. CASSIDY: In what state?

MR. DRAYTON: I think it was reported down in Kentucky. Then there was some doubt as to whether it was sleeping sickness or not. That's the only one I know of.

MR. HANCOCK: Mr. Cassidy, I think that was because we had an outbreak of sleeping sickness among humans in the neighborhood of the Churchill Downs Race Track, and they thought maybe the horses had something to do with it. I don't think it was ever the case of a horse. It wasn't reported was it, Dr. Davis?

DR. DAVIS: No, sir, there never has been a case reported.

MR. CASSIDY: Dr. Gilman?

DR. GILMAN: In the 1956 epidemic one horse died of sleeping sickness at Weymouth Fair which is only about ten miles south of Boston. From the fair these horses went back to big tracks and to other fairs. Also there was a case which died and was definitely diagnosed as sleeping sickness at Atlantic City Race Track last year. It was kept very quiet for many reasons. The horse belonged to Mr. Bonsal.

MR. CASSIDY: Do you know of any other case, Doctor, that has occurred with Thoroughbreds?

DR. GILMAN: No, but it's hard to get that information because it's kept very quiet for many apparent reasons when a case occurs at a track.

MR. CASSIDY: The reports from the various states were very inaccurate because the people failed to report the presence of them. Yes, Mr. Hanes?

MR. HANES: Have the trotters been subjected to the same rule as the Thoroughbreds?

MR. CASSIDY: Mr. Cole, have the trotters been subjected to the same rule as the Thoroughbreds?

MR. COLE: I haven't the slightest idea.

MR. CASSIDY: I haven't either, Mr. Hanes.

MR. HANES: I believe they have not, that's the reason I asked the question. I think that's a subject you ought to explore, and if this is a danger, the rule ought to extend to all horses in the area, shouldn't it?

MR. CASSIDY: I should think so. Of course, we have no jurisdiction over the

trotters, but we certainly could recommend that it presents a danger to Thoroughbred racing.

MR. GAVER: This rule is mandatory because of the rule made by Dr. Haley?

MR. CASSIDY: It was his recommendation. He did not make a ruling. He recommended to the Commission, didn't he, that a ruling be made?

MR. COLE: That's right.

MR. CASSIDY: I think if I remember correctly, John, that Dr. Haley wrote not only to Mr. Cole, but to quite a number of people involved in racing. He recommended that they put this rule into effect at the tracks. However, he wasn't prepared to make a ruling affecting the entire state at that time. They would have to set up an embargo for horses entering the state and determine which were and which were not inoculated. That would be difficult to enforce. I think they recommended to the Commission because it has the means of enforcing the rule where Thoroughbred racing is conducted.

MR. GAVER: Well, it is my opinion that you will have more horses vaccinated and you will get more protection on a national basis if it is voluntary than you will if it is mandatory in one or two states.

MR. CASSIDY: I think you are right except for this, John, it has been nationally recommended. It has been publicized and they have asked people for their own good to inoculate. If it is necessary, I mean if it is something that is essential to the welfare of the Thoroughbred industry in any particular place, I would be for mandatory inoculation.

MR. GAVER: Don't you think the fact that there were no known cases in the last ten years, raises the question as to whether or not it should be mandatory?

MR. CASSIDY: I think that there are cases in Florida. It doesn't have to be Thoroughbreds; one kind of horse can be affected as well as another. There are a tremendous number of deaths among the horse population in Florida every year. Isn't that true, Dr. Gilman?

DR. GILMAN: They have sleeping sickness in Florida most every year because they have more insects there. Mr. Gaver talks about the last ten years—it has only been in the last two years that this disease has flared up. We don't know whether it will flare up this year or next year—no one can tell. I would like to say one thing along the lines of what Mr. Finney brought out. We have nothing to lose and everything to gain by vaccinating our horses. However, if we could get vaccine that would only require one injection rather than the two injections now required, it would be a simpler and cheaper procedure.

MR. DONOVAN: Mr. Cassidy, I think I heard that doctor who was down at the TRA meeting in Miami this winter make the statement that there was no case of transmission on record prior to May first or after October—in other words, only during the mosquito season. Am I correct in that?

MR. CASSIDY: I think it probably is so.

MR. DONOVAN: If that is the case the only areas that are directly affected are those that race in the mosquito season. One effect a mandatory provision has is that when one state does it, either through the Commission or the Bureau of Animal Husbandry, then another state follows suit. I understand that in Florida the Commission is considering very seriously a mandatory rule. Now, if it is a fact that this can't be communicated during the off-mosquito season, then it seems that they should not impose a mandatory provision at that time even though it might be helpful for the balance of the year but would not specifically apply during the winter season.

MR. CASSIDY: It's the horses that have been in that area and have moved into other areas that carry the disease and are the danger. The period of the mosquito epidemic is short, and as the inoculation lasts a year, a horse that has gone through

that area may have become contaminated and carry it somewhere else. Isn't it true, Dr. Gilman, that they can carry this disease?

DR. GILMAN: That's a hard thing to answer. This disease is a very old disease and they have gotten more information on it in the last year or two than they've ever had. They do know that birds can carry it, are able to transmit it, and still live. As far as horses are concerned, one type which affects the horse, the Eastern strain, is about 90 per cent fatal. Now, if it is 90 per cent fatal, nine out of 10 horses die from it. There's a chance of 10 per cent of them being cured, and some of these may be carriers.

MR. CASSIDY: Any other questions? Does anyone else want to say something on this subject? We'll move on to the next one.

QUESTION NO. 2. "WHAT CAN WE FIND OUT ABOUT THE NEW OPERATION FOR THE REPAIR OF BOWED TENDONS?"

MR. CASSIDY: There has been quite a little evidence of operations of such a nature with conflicting reports as to their success. I think that there is also some lack of understanding of how the bowed tendon is aided by such an operation. I imagine that some of the veterinarians here have performed the operation and may be able to help us gain some knowledge about it. Dr. Reed, have you performed any?

DR. REED: I've done twenty of them up until now.

MR. CASSIDY: Will you explain what it is so that everyone will have some idea of it?

DR. REED: I think I've learned more about bowed tendons in the last month, since we've done them, than I knew for fifteen years before. I was always under the impression that the tendon fibers themselves were damaged when a horse bowed, and I now find that the tendon sheath is the main thing damaged. Briefly, the operation consists of an incision on the posterior aspect of the leg. There we go in and sever the tendon sheath; then sever the annual ligament and a ring that spans around the deep flexor tendon. This ring is a portion of the superficial flexor tendon and it spans completely around. Now perhaps the best explanation of this would be to liken it to passing a wet rope through a pulley. We know that the tendon sheath itself is mainly affected in a bow and when it swells the ring restricts its movement. I do know this, that they get immediate relief from pain and the swelling recedes after the operation. You still have a thickened tendon, but you'll overcome the bowing almost immediately, within three or four days. Now I think it's too soon to evaluate this operation. We are watching with interest the results before reaching any conclusions. I do think it has some promise to work in cases of early-filled tendons. Now for the old chronic ones, when you see the tendon bowed right out there and you have a tendon sheath that might be a half-inch thick, I don't think you are going to do them any good. As long as you do aseptic surgery and as long as you are in a position where you can control any possible infections, you are not going to cause any trouble from this operation. There is one thing about it. A horse with a bowed tendon isn't anything to start with, and when he's through, I can assure you, he will not be any worse off than when he started. There have been horses that have been operated on, have won, are still racing, and are racing completely sound. The operation was originated by two men, McKeever of Houston, Texas, and Pitkin from Kansas City, Missouri. They are M.D.'s who reasoned that there must be some logical cause for the bowed tendon. In humans there is a similar condition whereby they sever a comparable ligament in the hand and the person gets immediate relief. That's about as much as I can tell you.

MR. CASSIDY: Just what is severed?

DR. REED: It is a band of tissue that we sever and it has a cartilaginous feel to it. In other words, it's inelastic and there's no possibility of stretching. We remove a section of it. I've done twenty of them twenty different ways with little variations. I don't mean to say with radical differences. We use different types of sutures and so on, but we take a section out of that ring which will enable the tendon to move freely through the ring.

MR. CASSIDY: Is it completely severed?

DR. REED: Yes, it's completely severed. I did the first one about a month ago. We have horses back in training, breezing, and I would say that two or three of them could be raced right now. So far they have been relatively sound. Before that they were very very unsound. Now again, I don't like to say that we are going to cure bowed tendons because maybe a year from now we may decide that this is not the proper procedure. We might want to change the procedure to fit with the existing condition. I think we'll do that. I think the technique might change, too.

MR. CASSIDY: You really think though that if a man had a very valuable horse, it would be worth the risk to perform the operation?

DR. REED: If there is no tendon involvement, I would say without hesitation, yes. It would certainly be worth the risk. Many of the so-called bows are chronic. In those cases I think it would be useless to attempt any surgery.

MR. CASSIDY: Dr. Gilman, I know you haven't performed operations of that nature. Probably you haven't any knowledge other than hearsay, is that true or not?

DR. GILMAN: I wouldn't want to comment on the operation at this time.

MR. CASSIDY: Dr. Woodcock?

DR. WOODCOCK: Mr. Cassidy, I think we should ask Dr. Guard, the Professor of Surgery at Ohio State University.

MR. CASSIDY: Dr. Guard?

DR. GUARD: Mr. Chairman, I would like to make myself clear. I haven't performed this operation. Personally I've been skeptical of it as it is a violation of basic principles in surgical procedures here. We know that nature builds a leg as strong as possible. It has to support weight under extreme circumstances when the horse is put to the extreme test of racing. If they are not to be subjected to the supreme test, they can stand a lot of weakening in these structures. But when we deliberately weaken the structure, as is done in this operation, and then try to race the animal, I question the advisability of it. I will wait to see what these other men, who have experimented in the country, find out in performing the operation. Dr. Reed made a statement that I am not fully in support of, that his idea of bowed tendons was all wrong up until now. I think we've got to consider that there are bows involving tendons and tendon sheaths separately, although there may be a combination of the two in many of these cases. We also have a chronic tendonitis in which there are ruptures of tendon fibers, just like when you put a rope to stretch, there are going to be some fibers in that rope that will break. The same thing happens in tendons. We have many bows which are large scarred tendons, and these tendons will hold until they are put to a test that is severe enough, and then the tendon will rebow. I'm not going out on a limb by approving or rejecting the operation.

MR. CASSIDY: Thank you, Doctor.

DR. DAVIS: It is too early to draw any conclusion, but a few things are pretty definite. A horse with a true bow is, as I think most of you know, not a very good racing prospect. Anything that will improve his chances of recovery, such as surgery, will be definitely fruitful. No question but that these horses do show a tremendous improvement in a very short time. The operation itself is logical. It is not an operation that could be termed radical. It doesn't subject the horse to undue pain; it doesn't endanger the horse's life; and in selected cases, particularly low bows, I think you are justified in giving the operation serious consideration.

MR. CASSIDY: Thank you. Is there anybody else who would either like to ask a question or comment on the subject?

QUESTION NO. 3. "SHOULD PRACTICING VETERINARIANS BE MADE TO REPORT THE ADMINISTRATION OF DRUGS (STIMULANTS AND DEPRESSANTS) TO HORSES IN TRAINING? TO WHOM SHOULD THIS REPORT BE MADE? HOW SHOULD THE REPORT BE MADE OUT ROUTINELY? WILL THIS PRACTICE ABSOLVE THE VETERINARIAN FROM ANY BLAME WHEN SUCH A HORSE SHOWS A POSITIVE SALIVA OR URINE TEST TO SUCH A DRUG? SHOULD VETERINARIANS TAKE ADDITIONAL STEPS TO PROTECT THEMSELVES FROM ANY BLAME WHEN A POSITIVE TEST SHOWS UP IN A HORSE THAT THEY EITHER ARE OR WERE TREATING SOMETIME IN THE PAST? SHOULD THERE BE A DISTINCTION MADE BETWEEN VETERINARIANS TREATING A HORSE AND TRAINERS TREATING A HORSE WITH MEDICATION THAT THEY SECURED FROM A VETERINARIAN IN THE CASE OF A POSITIVE TEST?"

MR. CASSIDY: There are quite a number of questions in the one, so beginning again, "Should practicing veterinarians be made to report the administration of drugs (stimulants and depressants) to horses in training?" Some time ago, possibly a year or maybe before that, the New York State Racing Commission discussed and reviewed the problem that is presented to racing by legal and proper administration of medication by the veterinarians and its possible effect on a stimulation case. The State Racing Commission wrote a rule, I am sorry I haven't a copy of it, but maybe Mr. Dunne remembers what the rule is. Do you, Francis?

MR. DUNNE: Do you mean the rule about depressants and stimulants? Yes, I can tell you. The rule requires that any veterinarian who gives a drug which in his opinion could be a stimulant or depressant must file a report with the Commission to that effect, giving the name of the horse and the date administered. They must also give a copy of it to the trainer. The veterinarian keeps one for himself. The Commission furnishes blank forms for this purpose, and we have had four or five of them during the year.

MR. CASSIDY: Francis, is it required to name the medication?

MR. DUNNE: No, the blank reads: "On such-and-such a date I have prescribed for the horse, so-and-so, a drug which, in my opinion, might be . . ." and so forth. The veterinarians are very reluctant to specify the drug for the simple reason that they compete with each other. They don't like other people to know what they are giving horses, so it was finally agreed that the name of the drug would not be mentioned. The response has not been terrific.

(Laughter)

MR. CASSIDY: It would seem to me when there is evidence that a drug or medication has been administered which might affect a horse's racing condition, it would be very difficult to analyze and find who is to blame if a veterinarian had given the horse some similar drug prior to a race. A veterinarian might have given a horse medication for colic with a stimulant in it thirty-six, forty-eight, or seventy-two hours before he ran. Now if a person wanted to stimulate a horse with the same medication and he augmented that administration later, it would be pretty hard to determine from the saliva and urine tests whether it was the veterinarian's administration or a supplementary dosage. Timing is one of the problems of the administration. The rule specifies the absence of drugs for forty-eight hours, but who is going to say whether you gave it to him forty-nine or forty-seven hours before or

take any action on it? Dr. Reed, do you think it is proper or improper for a veterinarian to report medication? Also is it proper or improper for a veterinarian to prescribe medication which may be subsequently given by the trainer or someone in his stable?

DR. REED: No, I don't think it's improper at all, Mr. Cassidy. We have changed our practice so that we make sure we do not use any stimulants or depressants. In our organization it's an absolute must. I just alter the practice to fit the rule rather than fit the rule to our practice, and I think it can be done. I think there are no handicaps to that at all. I don't resent telling anybody what I use, but you simply can't avoid using stimulants or depressants entirely. Occasionally we have to use a depressant like Demerol, but we know that the horse is not racing. We know that if a horse has colic, there is no chance for that horse to race.

MR. CASSIDY: If a horse had colic, how long would it take him to recover before he could race?

DR. REED: If I had a horse that had colic, I wouldn't want that horse to race for several days, depending on the severity of the colic, of course.

MR. CASSIDY: If a horse had a mild case of colic, recovered from it and was running the second day after the attack, would you be concerned?

DR. REED: I certainly would.

MR. CASSIDY: Would you check?

DR. REED: We not only check, we double check on that. I have forced people to scratch a horse. Of course, you're always subject to error and mistake. You might discover a horse some day in the entries, or the trainer might send the horse out of town to run. If a man is conscientious about it, there isn't any problem.

MR. CASSIDY: Would you prescribe medication for a horse in quantities which might be sufficient for use at another time?

DR. REED: No, sir, absolutely not. As a matter of fact, the colic preparations that we dispense are simply carminatives or something of that type, which are used as a temporary measure until a veterinarian can be reached.

MR. CASSIDY: Shouldn't horsemen have the privilege of having something on hand for use in an emergency?

DR. REED: You're on thin ice, I think. If you do that, you are subjecting yourself to an awful lot of trouble. Occasionally somebody will come to you and say, "I've got a good horse I am shipping back to stud," or "I am sending him back to the farm. Is there anything you can give me to send with him that's a depressant or even a narcotic in case he gets an attack of colic?" I always talk them out of that because I won't take that chance.

MR. CASSIDY: I am sure that any well-thinking veterinarian would probably do the same, but do you think it would require legislation to put teeth in the rule?

DR. REED: Mr. Cassidy, there has been quite a furor in the past out in California, as you well know, and Dr. Guard has by far the best information on that. I think he can give us more information on the subject.

MR. CASSIDY: Dr. Guard.

DR. GUARD: My knowledge of the situation was gained after I'd arrived in California and was given an audience before the N.A.S.R.C. I spent a number of days at the track and had one appointment with the Stewards and the track management in Hollywood, together with three representatives of the veterinarians out there. I also had one conference and spent a day in Mr. Murphy's court, The California Horse Racing Board. My whole objective was to try and find out the facts of this uproar, to see what the basis was for the action that was being taken, and what, if any, specific charges or complaints there might be that would justify the actions that were taken. I haven't got it all out yet as I came back without answers to some very pertinent questions. I have written Mr. Murphy and asked him to

please consult the record and give me specific answers to the questions. At the same time, I also told the Board that I didn't want to defend anybody that was guilty and that all we want is justice. We didn't want the honor and prestige of the veterinary profession to be at stake in these isolated cases that come up in the various parts of the country where publicity is given out by the people at race tracks. This is very damaging to the local practitioners and to both our national associations, the American Veterinary Medical Association, which has thousands of members, and the American Association of Equine Practitioners, in which there are about 160 members and which includes many members connected with Thoroughbred racing. To give you an idea of just what I am discouraged about, this was the publicity that was given out by one of the tracks when the chemist reported the finding of a stimulant. This came out May 29 and was given a lot of publicity. "For added protection for the public, the trainers and veterinarians, two new stable area procedures were authorized by Hollywood Park management. First, starting tomorrow, veterinarians visiting Hollywood Park to treat horses will be accompanied on their rounds by a member of the T.R.P.B. staff." There were some twelve of them that were being accompanied. "Second, also starting tomorrow, a red card will be placed over the stalls of all horses as soon as they become entered in the next day's racing program." Now I understand that many of those red cards were never put up forty-eight hours before the race. Someone didn't know these horses were entered. The next paragraph said that the procedures were decided upon jointly by representatives of the T.R.P.B. and the California Horse Racing Board. Mr. Murphy categorically denied that the Board had anything to do with this, yet Mrs. Douglas seemed to indicate to me previously that the Board had designated Mr. Holmes to attend this meeting and have authority to take action. Maybe Mr. Drayton knows whether or not he had authority from the Board. I was trying to find out why such radical rules should be taken against professional men, and whether any or all of them might be guilty. I wrote Mr. Murphy on July 29 and asked him specifically. I also wrote another letter requesting information regarding any knowledge they have of unethical conduct on the part of veterinarians in California who were practicing at the tracks, in order that we might consider it as the basis for membership in our association or other appropriate action. I have this reply, dated August 7, which says, "Referring to your letter of July 30 regarding information of the Racing Board relating to temporary or permanent suspensions from the track of any California veterinarian, please be advised the only record we have of a veterinarian being suspended is the recent case of Dr. R. K. Baker, who was suspended by the Board for the remainder of the 1957 year because he had violated Section 1865 of the California Horse Racing Board's Rules in treating a horse within the forty-eight-hour period without obtaining permission from the Stewards." Now this was not at one of those big tracks, it was at a quarter horse race track, I believe, in Southern California. "Aside from the above-mentioned case it appears we do not have any criticism of the ethical conduct of any veterinarian currently practicing at the tracks. We hope this information will meet with your request. The Racing Board wishes to thank you for your letter." As I understand it, they are still following that procedure at Del Mar. The veterinarians practicing at tracks are a neglected group. They have had no organization. They've been a minority group and they've received adverse publicity on several occasions. It reflects on both of our two national associations, and yet in the end there have been very few, if any, convictions. Now I am not standing up here and saying that our men are "holier than thou." I realize that we may have some guilty men, but I am sure that we will have a lot less when we have the proper organization—when we get behind a man and you realize that we are trying to work with you as well. We are trying to work with all national associations to avoid any such reflection on our

profession. We certainly can accomplish more if all veterinarians connected with racing are members of our Association. I think one thing that is bad about the California situation is that they are using a different set of rules out there than are used here. They have a forty-eight-hour rule and they are, as I understand it, for absolute employment of that rule with no exceptions.

MR. CASSIDY: Thank you very much, Doctor.

MR. KELLEY: Mr. Cassidy, may I ask what the forty-eight-hour rule is—no medication of any kind for forty-eight-hours?

DR. GUARD: That was their original rule which was modified two years ago to the point where certain treatments could be given within the forty-eight hours, provided they reported it to the Stewards or the veterinarians. Some of these veterinarians perhaps have been treating without reporting, such as in the case referred to.

MR. CASSIDY: Mr. Cole?

MR. COLE: May I say first that in the thirteen seasons in which I have been Chairman, we have only had three instances, as I would call them, in which drugs prescribed by veterinarians have turned up as positives in the laboratory. That's a very small number. However, we did have a case which struck me as rather difficult, and perhaps unpleasant, about three years ago. At that time, we adopted the rule requiring that veterinarians should file with the Steward of the Commission copies of all prescriptions containing drugs which could stimulate a horse for a race or affect his racing ability. The veterinarians took exception to that, and I sat down with several of them on more than one occasion, and we finally adopted a rule whereby they were not required to specify the drugs but merely to give to the Steward a list of the horses that had received prescriptions which contained drugs that might affect their racing ability. That rule has been in effect throughout this present season. We are now well past the meridian, four and a half months or more, and up to date we have received about ten reports from all the veterinarians. It seems to me our rule is merely a dead letter. I think that the Commission will have to reconsider its position in the near future with respect to that rule. That's all I care to say. Thank you.

MR. CASSIDY: Does anybody else wish to comment?

DR. WOODCOCK: I think at this time clear understanding of that particular rule should be instituted at this meeting. Now the actual procedure here is that if a veterinarian treats a horse in the State of New York with a drug that he feels is a stimulant or a depressant, he is to report it to the Stewards on this form. Mr. Dunne receives that form. Then it goes to me and is filed. When the horse's name appears in the "overnights," I call the veterinarian that administered that particular drug to ask him if enough time has elapsed since he has given the drug so that there will be no question about the horse still having that particular drug in his system. Nobody asks what the drug is. It is just a matter that the veterinarian has the understanding that he had administered a drug which could stimulate or depress a horse if he were to race. I'd like to point out that I believe the reason that we have only gotten a few of these forms indicates the true efficiency of this rule, and I base this opinion on what Dr. Reed said. He has changed his practice to conform with the rule. He has attempted in his practice not to use these drugs that are definitely either stimulants or depressants and to substitute in his practice other drugs that do not have that particular type of effect but still will do the job that he wants them to do. I, for one, have practiced for years and don't have a narcotics license. I have a mania against the use of narcotics, and I have substituted in all my practice drugs that are not on the narcotics list. There are many new preparations that are being discovered and being used. They come out almost every week. It would be impossible to set up a list of drugs that we consider as stimulants or depressants, because each week it would be out-dated. I don't believe that the rule has been ineffective.

I think the rule has been very good. If something happens and it is definitely proved through the course of investigation that a veterinarian was involved in the actual administration of the drug which is shown to be the depressant or stimulant and he has not filed this particular notice with the Stewards, then he would be in a real bad position because of having violated the rule. I think the practicing veterinarians in New York realize that. I also think, as does Dr. Reed, that many of them have changed their prescriptions. Years ago we never cared if you had a lot of strychnine or caffeine in a preparation and left a gallon of it with the man. But these things that have happened recently have shown the veterinarian that he, too, has to be careful. I believe that the rule has been very effective in that regard.

MR. CASSIDY: Dr. Manning has been doing some work that is, I think, going to be related to the detection of drugs in either the saliva, urine or possibly blood tests. He thinks it may be possible after specific research to establish a system which might give you very prompt reports of the presence of anything of a prohibitive nature. Dr. Manning, would you like to say a few words regarding your research?

DR. MANNING: Mr. Chairman, members of the round table conference, testing and identifying drugs and narcotics from body fluids withdrawn from race horses is a broad and extensive subject and could not be covered briefly. Therefore, I wish only to make some suggestions with the thought that during the period between now and the next conference you might have an opportunity to evaluate them and perhaps launch some preliminary work in this field.

Over the past two years as technical consultant of the Pinkerton's National Detective Agency, Inc., I have had the opportunity to talk with Mr. Marshall Cassidy, Director of Racing of The Greater New York Association, and with Steward Francis Dunne and other officials of the New York State Racing Commission concerning a plan for achieving greater coverage in the detection of stimulants and depressants possibly present in Thoroughbreds. Briefly, the program calls for the employment of the latest micro testing techniques, such as the use of the infra-red spectrometer, the x-ray diffractometer and the vapor fractometer.

This method has already been proved scientifically, insofar as humans are concerned. It has been possible for a number of years to detect in the body fluids of humans, such as saliva, urine, sweat and blood, the presence of stimulants and depressants and to identify them by the micro testing techniques previously mentioned. While it might appear reasonable to assume that the same results can be achieved by subjecting body fluids of racing Thoroughbreds to the micro testing techniques, scientifically speaking this cannot be accepted as true until we conduct sufficient preliminary studies to establish that analogous results are obtainable in the field of Thoroughbred horses.

If a preliminary program is set up to test the value of my proposal, it will be necessary to secure approximately four horses for testing purposes. These horses would be required to simulate actual racing conditions, and selected ones would under a system of controls be administered stimulants or depressants. Samples of saliva, urine, blood and sweat would be withdrawn after the stimulant or depressant had been metabolized, assimilated, or eliminated. Samples would likewise be taken from the horse or horses not receiving any drugs in order to obtain other necessary control samples. A record of time intervals of administration of the drugs would be among other statistical data that would need to be obtained.

There is reason to believe that these micro testing techniques will not only improve greatly the present methods of detection of stimulants and depressants in racing Thoroughbreds but might eventually be refined to the point where they would be available for use in pre-race examinations. The advances in scientific testing methods and the increase of new drugs and pharmaceuticals on the market, such as

tranquilizers and narcotic substitutes, require periodic re-evaluation of existing procedures and techniques.

MR. CASSIDY: Thank you. Mr. Perlman?

MR. PERLMAN: I want to ask a related question. In New York you do not in cases of stimulation suspend a trainer until your investigation is finished. In most states I think it is compulsory to mete out a sentence to a trainer. Now when you investigate in New York, does the trainer have to prove his innocence, or do you have to prove that he did stimulate the horse?

MR. CASSIDY: Mr. Perlman, there are several other factors involved in a stimulation case. As far as the trainer is concerned, he's responsible for the protection and care of his horse, which may result in his punishment for that reason alone. An investigation is made to determine, if possible, the true facts. If the man who is normally held responsible, in most cases the trainer, has been found to have exercised every precaution that he possibly could to prevent a stimulation, has properly taken care of his stable and there is no evidence that he has profited in any way, or that he was even available at the time the horse must have been stimulated, he may not be suspended. But a great deal depends on the case. A complete analysis is made to determine in the minds of the Stewards if the man is guilty of complicity, conniving, or having knowledge of such an administration.

MR. PERLMAN: Actually I am not giving my own opinion. It has been discussed all over the country as you know. This is a point that's come to the test now. Just what should be done? Suppose a horse is stimulated and the trainer has no knowledge of it? There is no way of determining who did it. You cannot obtain any information. What do you do?

MR. CASSIDY: Action is taken according to the information the Stewards may have of the carelessness.

MR. PERLMAN: Many people object to the rule as it is administered in New York because you are leaving the door completely open for people who want to take advantage of the fact that if there's no evidence, there's a chance of getting off very lightly. Also I think many people are greatly disturbed by the stimulation cases in Los Angeles. Those at Hollywood were detrimental to the best interests of racing. It was, I think, quite significant that in California the stimulations took place where people had sixty, seventy or eighty horses. It is probably impossible for a trainer to properly supervise a stable of that size.

MR. CASSIDY: I think I answered that in telling you that the case is judged on whether he is able to and whether he does supervise the stable. I've had personal experience in that field, and I think it's terrible to suspend a trainer without having knowledge of his guilt. It's terrible to put a stain on his name for something that you can't prove he has been a party to or has knowledge of. I think it's a crime to expect him to run four horses a day and stay with each horse all the time to see that he's protected. I don't see how it's possible for a trainer to assume that responsibility, and I think any rule which makes it mandatory for a Steward to take action against that trainer is a very bad rule. Would you have the same feeling in the case of murder? If a man were dead and you were responsible to protect him and didn't, do you think you should be executed?

MR. PERLMAN: You don't operate racing on the basis of legal technicality. You operate racing on the basis that a person has to be responsible for his horses. I'm discussing this not from a personal standpoint but on the basis of my discussions with dozens and dozens of people around the country. They are tremendously disturbed by the fact that if you ever create a situation where the trainer is not responsible for the horses he's racing, you are going to run into serious trouble.

MR. CASSIDY: Mr. Perlman, did you ever figure the difference between the

conditions in California where it is open and here in New York? The number of stimulation cases that have been found here is not as great.

MR. PERLMAN: I agree with you and would go even further to say that it is quite possible the rule that prevails in New York fits in New York but may not fit anywhere else.

MR. CASSIDY: Of course, I disagree with you. I think the rule here fits every place. I can't see the justification in making a man guilty of stimulation for something that he cannot adequately take care of, unless it be for carelessness or neglect.

MR. PERLMAN: I respect your opinion tremendously on the basis of your experience but think there is a very, very strong case for people who think differently.

MR. CASSIDY: I have yet to be convinced, but I am open to convincing. I would like to hear Mr. Dunne's expression on that.

MR. DUNNE: I feel that I cannot go along with the idea that every time you have a positive saliva test you've got to have a head in the basket the next morning. I don't think that's fair. I think there should be some leeway. I was very doubtful about our rule when it was put in. I have lived to learn better. I think it's an excellent rule and I would like to see it all over the country. As it was pointed out, in California where they have this automatic suspension rule, they have a good many more positive saliva tests than we have. Mr. Perlman seems to think that it is so undesirable that the Stewards have to find a man responsible, that the rule book finds him responsible. You train a horse and you get a positive saliva test so you are responsible. What's the next case? I don't like that. It doesn't sound like the United States. It's a Fascist idea if I ever heard one. I don't like it.

(Laughter)

MR. CASSIDY: You've had experience, Mr. Donovan; if you had a case at stake, what would you do?

MR. DONOVAN: I'd go along with you. I think much time is wasted in discussing a situation that, in my opinion, is really non-existent. There were 87,000 samples taken last year throughout the country. The only means that we have of identifying stimulation is by the saliva and urine test. Until something else comes along and we all approve it, we have nothing else to rely on. I think that is a clear indication that we are dealing more in opinions than we are in facts; as to this thing being rampant, I don't think it is. I don't think that stimulation is a problem as serious as probably some other infractions we might have. I think other infractions in racing exist much more frequently, as the record will reveal. Every precaution must be taken and the technique of taking saliva and urine tests improved. I think that's being done. I, for one, feel that great progress has been made over the years when I see 87,000 cases and only 52 positives. In a situation like that I agree with Francis. I think that when one does come up some intelligent approach ought to be used in its solution, or the investigation of it, because it is not something that is happening every day at every track. The records will reveal that.

MR. CASSIDY: Mr. Drayton, you represent law enforcement and you are certainly not wilfully biased. Have you any opinion to express on the difference in the rules?

MR. DRAYTON: I think they are very close. I think it is all in the matter of the way it is interpreted and the way they are handled. If you suspend a trainer because you see there is some negligence, or something else involved, I think the rule is substantially treated as it is in California. I think that possibly what Mr. Perlman has in mind is that if some other state adopted this rule it would be interpreted less stringently and therefore, would be less adequate than it is in New York. Basically, I agree with what Walter said. I think you are making a mountain out of a mole hill. If it gets down to 52 cases, it isn't too serious.

MR. CASSIDY: The problem, I think, is that we have different rules in different

parts of the United States. The objections we have are to the rules in use elsewhere. We have changed our old rule which made it mandatory for the Stewards to immediately suspend a trainer if his horse was found to have been stimulated. I contend that's a bad rule. I think an investigation should be made, and if a trainer is found guilty of anything, he should be punished. We have fortunately been privileged to operate under the discretionary rule which we think is better, and I have found it tremendously superior to the old rule we had.

MR. DRAYTON: I agree whole-heartedly that a trainer should not be suspended until an investigation is conducted. In California they immediately suspended the trainer before an investigation was conducted. I think that is ridiculous. You should have an opportunity to establish the facts, the guilt if possible. The procedure has been changed in California in the last month. Now they do investigate before they suspend a trainer.

MR. CASSIDY: That's one of the pertinent facts. Even after the case has been investigated, if you can find nothing to incriminate the trainer, you must suspend him whether or not you actually charge him and prove his guilt. That, I think, is the important question—whether he should be suspended if you can't find him guilty of anything. If you can't find him guilty of anything, how can you punish him? How can you make him responsible for something when he cannot of his own action protect himself? He has to delegate the authority and may have to pay some penalty for delegating an improper person. I can't see it.

MR. DRAYTON: Marshall, we can argue all night and disagree about how thorough the investigation is and if there is any negligence involved. It is a bit difficult in my opinion to come up with a case of stimulation and say that the trainer is not negligent.

MR. DONOVAN: Marshall, let me say one more thing to support your rule. Years ago when it was the practice to investigate prior to suspending, I remember in Florida we had two convictions, not only suspensions on the part of the Commission, two convictions and jail sentences as a violation of the penal code. We investigated them for quite a while to try to track them, and we felt pretty good about some of the results we had of those investigations. I think it is an intelligent approach.

MR. CASSIDY: I cited such a case some time ago when I was up in Canada for a conference. It took place in New York when we had a mandatory rule. A trainer was suspended for stimulating a horse. The Stewards at that time were very reluctant and ashamed to take the action we did. We suspended him without any knowledge or indication of guilt of any kind. It hurt him. It hurt his name, and I don't think he ever got over it. About two years later we caught a fellow in Empire City, and after investigation and interrogation of the case we found that he had given the horse, I think, a carrot with heroin in it. He did it for somebody who had given him a stake. Mr. Hanes, maybe you can approach this with an entirely unbiased opinion. Have you something to say about it?

MR. HANES: While all this conversation has been going on I was thinking it is somewhat similar to the president of a bank. If his cashier absconds with the funds, you don't put the president of the bank in jail, do you? I think the same principle ought to hold here. To suspend a man without knowledge of his guilt seems to me to be very unfair. I agree with you that we have to have an investigation to find out if he has been negligent in his duty, and if he is found guilty then naturally he should be suspended. Otherwise, I think you are administering the rule right.

MR. CASSIDY: Mr. Cole?

MR. COLE: There has been no change in our rule in New York for about ten years. The rule was worked out very carefully over a long period of time. At that time The Jockey Club had the initiative in the framing of the Rules of Racing. The

counsel for The Jockey Club, myself, Mr. Cassidy, Mr. Dunne, Dr. Woodcock, and Dr. Morgan, our chief chemist, all sat down and gave the rule the best attention we could at that time. It was enforced rather harshly, perhaps, during the early years. At all times the rule provided that the action should start with the Stewards. The chemist of our laboratory reports to our Steward, our Steward takes the matter up with the Board of Stewards, and at the same time with the investigating agencies. The Stewards collect the evidence with respect to the matter, put it in shape and send it to the Racing Commission. Usually, they do not make any recommendation. I think I might have been responsible for asking them to make a recommendation. In the result, the Commission during the past three years has given greater weight to the Stewards' judgment of the evidence than it ever did before. I think it is a good system because the Stewards are in a position to know exactly what the facts are with all the associated circumstances. It would be unfair to hang a man until he was almost dead, then investigate the subject of his responsibility and if found not responsible, cut down what was left of him. I think our rule is fair to everyone. There have been no undue incidents of drugging or stimulation, or anything of that character in New York, since that happened. I think that we can proceed under the rule as now interpreted with justice to all. I may say this, Dwight Murphy, Chairman of the California Horse Racing Board, wrote me some few weeks ago at the time when there seemed to be a rash of these cases in California. He asked me to explain the operation of the New York rule to him. There was some interchange of letters and I was somewhat disappointed that Dwight didn't lean toward what I think is not only the more merciful but the more intelligent adaptation of the old rule.

MR. PERLMAN: I am very anxious to get a cross section opinion, but it goes, I think, a lot deeper. As I said before, I really believe that rule suits New York and may not suit elsewhere. It may possibly suit California and the big tracks, but there are many areas of this country where the horsemen are not of the same caliber as you find in New York or at the other big tracks. How do you protect yourself against the trainer who is corrupt? The man who is corrupt can provide you with far more evidence in his favor than the person who is innocent, because he has participated in a stimulation case and will be prepared to prove that he is in the clear. He'll make sure that all the people who work for him will give evidence that he was nowhere near where the stimulation was committed. What do you do in a case like that?

MR. CASSIDY: It is true that you are going to have cases like that, but don't you think that with proper control you can continue?

MR. PERLMAN: Actually the rule is working all over the country. In fact the mandatory rule possibly stops a lot of people in other areas, whereas in New York it is not necessary. I do believe that rule is good for New York, but may not be good for other areas. I remember when corruption in racing was due almost entirely to stimulation and the sport's reputation suffered throughout the country. I think that the rejuvenation in racing and the growth of racing date practically from the time the saliva test was initiated.

MR. CASSIDY: Mr. Perlman, I served as an official in California for ten years, and I've been in most states of the Union as an official and had to deal with horsemen. I find that they are alike wherever you go. I think that if California has had more stimulation cases it doesn't speak well for their rule of mandatory suspension.

MR. PERLMAN: When I was in California the people who were most critical were the horsemen.

MR. CASSIDY: Mr. Hendrie, in Canada do you think that the arbitrary type rule is satisfactory?

MR. HENDRIE: At the conference some weeks ago, the consensus of opinion

was that the New York rule was by far preferable. The rule presently existing in Ontario calls for the mandatory suspension of the trainer and groom. The consensus was practically 100 per cent in favor of the New York rule. I think there was only one dissenting voice.

LUNCHEON BREAK

MR. CASSIDY: The next question was submitted by a man whose name I can disclose, I hope—Ted Atkinson.

QUESTION NO. 4. "WOULD IT BE POSSIBLE AND PRACTICAL TO CREDIT ALL FINES LEVIED ON JOCKEYS TO THE JOCKEYS' GUILD FOR BENEVOLENT PURPOSES?"

MR. CASSIDY: I don't know whether or not that would be possible legally in some states, but we want to see how people react to it. I'll ask Eddie Arcaro. I am sure he would be for it.

MR. ARCARO: I'll O. K. it quick.

(Laughter)

MR. PERLMAN: You mean that every time a jockey commits a foul he contributes fifty?

MR. DUNNE: Let him take it off his income tax.

MR. CASSIDY: Mr. Kelley?

MR. KELLEY: I think, Mr. Cassidy, it would be a good public relations move. I don't know where the money goes to now. Where does it go?

MR. CASSIDY: Different places. We don't fine in New York, but any fines could go to benevolent purposes. Does anybody have any comment they wish to make on it, favorably or unfavorably?

MR. ARCARO: Does anybody have any idea how much the fines amount to?

MR. ATKINSON: I do, Ed, I have been watching in the paper the last couple weeks and it's around \$100 a day.

MR. KELLEY: I didn't realize it was that much.

MR. ATKINSON: I didn't either. Jack O'Hara, an ex-jockey, brought it to my attention.

MR. GAVER: I haven't given it too much thought, but off hand it seems to me that it's wrong for the person who commits the atrocity to benefit his own organization. It would be about the same as fining a motorist for speeding and giving the money to the Automobile Club of America.

MR. DONOVAN: Don't practically all states by regulation or law exclude that?

MR. CASSIDY: Yes, it would be a state problem, I agree with you. The next question is one which has been a problem to racing for many years and personally I haven't any hope that it might be settled here.

QUESTION NO. 5. "IF THE GOOD HORSE IN AN ENTRY IS SCRATCHED ON THE WAY TO THE POST, WHAT SHOULD BE DONE?"

MR. CASSIDY: In this case the public loses the horse they probably meant to bet on, and their money is all on the bad horse. On the basis of pay or play they took that chance when they bet on whatever horses were in the entry. We have several suggestions as to how it may be changed to satisfy public objections. It has been suggested that there be a delay of say ten or fifteen minutes giving the

people who had bet on the entry a period of time to reclaim their money, and after that time the race would be run. This system might present a tremendous amount of problems to the race track. The pools would be affected. It would be hard to properly calculate them. The state would probably have something to say about it; the money having been bet through the mutuels is subject to tax. Also, there might be someone who didn't get his ticket reclaimed and his money back that would say he didn't hear the announcement, or didn't have the opportunity to do it and would want to sue.

Another plan which has been suggested is that an entire pool be opened, that the race be declared off and run at a later period in the afternoon, or fifteen or twenty minutes later. This doesn't seem to be very practical. Would anyone like to make a suggestion as to how this problem, which is national in scope and has been faced by people all over the country, can be solved?

MR. DUNNE: You could stop having that trouble by not having entries.

MR. CASSIDY: By not letting entries run as such. You mean by that, Francis, that a man could handle two horses, and each one run separately?

MR. PERLMAN: I think that's an excellent idea in stakes, Francis. If a man is willing to invest money in good races, he certainly shouldn't be stopped from starting two horses.

MR. DUNNE: Well, I am not sure I agree. I enter my six horses and run them against your one horse. I don't think that's very sportsmanlike. If I run one horse and you run one horse it is a much better way to decide which horse is the better, than if you run against a football team. It's just an idea—I threw it in to stir things up.

(Laughter)

MR. CASSIDY: Mr. Hendrie, have you had any problems like that in Canada?

MR. HENDRIE: Yes, we had a problem that affected Mr. Taylor quite substantially about two years ago this fall. One part of an entry was hurt at the gate and was scratched.

MR. TAYLOR: Mr. Cassidy, I think that in these stakes any horse that has made all the payments is entitled to run. Very often an owner or a trainer can't tell which is the better horse and having made all the payments I think they should be allowed to run. I don't think any money should be refunded either, if a mishap occurs and one horse is excused.

MR. CASSIDY: I agree with you, but then there are other people who disagree with you. Mr. Perlman?

MR. PERLMAN: I would say, this is not my thinking, but on the basis of the mail we received several years ago when an incident happened at Saratoga, the public is 100 per cent against it.

MR. CASSIDY: I am sure that they don't care for it, if the best horse is scratched. Isn't it true that they have to accept certain things? Take for example a thing that occurred some time ago—a horse stood in the air after the gate was opened and he fell and the track ordered monies refunded on this horse when the rules didn't permit it normally. The rule, I think, says that if a horse is prevented from starting by the failure of the starting gate to open, the money will be refunded but in no other eventuality. If a horse is left at the post, or he falls at the start, it is little different from falling in the middle of the turn. That satisfied the public because the money was returned, but I think it was a terrible thing. I don't mean to change the subject, but I think that it is relevant. Mr. Rosen?

MR. ROSEN: That took place at Monmouth, and I happened to be there with Mr. Perlman. I think there was justification for the return because as I saw it the horse got caught in the stall gate and it seemed the gate hadn't opened. Actually

that wasn't so, but to most of the people there it seemed that it was the fault of the stall gate, and therefore the money was refunded.

MR. CASSIDY: Yes, but isn't that catering to popularity rather than holding to the rule?

MR. ROSEN: Well, that tied up with public relations. Most people there who bet on the horse assumed that this was just a kind of mechanical failure.

MR. CASSIDY: Don't you think the public had to accept the facts as they exist?

MR. ROSEN: Yes, I would say so, Mr. Cassidy. But let's assume that you have Gallant Man coupled with another horse, and Gallant Man is 1 to 9 and the other horse looks like 99 to 1. Should something happen to Gallant Man and he be scratched would it be fair to the public to give them 1 to 9 on a 99 to 1 shot?

MR. CASSIDY: With that understanding when they bet, I would think so.

MR. ROSEN: No, I don't think so. I would say that the majority of the people bet on the entry because of Gallant Man.

MR. CASSIDY: I am sure of that.

MR. ROSEN: Well, why penalize them for it?

MR. CASSIDY: What would you do if they were both in the field?

MR. ROSEN: I would say that in the field the assumption would be that they were the lesser regarded members of the field—horses in the race who were not believed to be too good and therefore there wouldn't be much difference between three or four horses in the field or two of them.

MR. CASSIDY: Was the point of your thought that if one of the horses was so much better than the other you would take certain measures?

MR. ROSEN: I think that you wouldn't actually make a distinction there if you just gave the public the option to return tickets on an entry or field, and permitted the wagering to be opened for another five or ten minutes. You would have no problems.

MR. CASSIDY: Yes, Eddie?

MR. ARCARO: Mr. Cassidy, without an entry, if a horse gets hurt, you don't refund the money on him, do you?

MR. CASSIDY: You refund the money if he is scratched while going to the post.

MR. ARCARO: If he was scratched on the way to the post it would be because he was lame. That would be the reason why you should refund the money.

MR. CASSIDY: If he gets injured in the starting gate, or the starting gate doesn't open, then we refund—if he doesn't have a chance to race. If anything happens up to the time the start is executed and even at the time it is executed, if the doors fail to open and he can't start, there's a refund. If he's injured as he goes into the gate, the money is refunded.

MR. KELLEY: Mr. Cassidy, I think that we can use a very apt example—if Gallant Man ran here yesterday with another horse. You have here a track at which 95 per cent of the people who come racing here come once or twice a year, and they bet on Gallant Man. Suppose he had had another horse running with him and Gallant Man was scratched. They don't even know the name of the other horse. From a public relations standpoint it is my feeling that, if you want a specific recommendation, you offer to refund the money. You say that bets on No. 2 will be refunded at such and such a window within a period of time, not carrying over more betting.

MR. HANCOCK: Mr. Cassidy, I do not think they understand the meaning of the word pari-mutuel. All this seems to be about that money—the same amount of money goes to those that bet on the other horse. They just picked the longshot and got a lucky break. I bet on longshots myself.

MR. KELLEY: That's true, Bull, but your public doesn't realize that they bet with each other when they come to the track. They have a preconceived notion that

when they come to a track they bet against the track. It is very difficult to avoid that notion and they do not feel that they are contributing to someone that is betting against them. If a horse is scratched, then they believe the management has profited by that scratch.

MR. TAYLOR: Aren't we talking about something that is completely impractical? Say you have a 1-2 favorite in the entry, wouldn't it hold the program up too long a period of time? And some of them might still want to leave it on the other horse.

MR. CASSIDY: Mr. Taylor, a suggestion has been in the past that you hold up the race for a short period of time so that the public could avail themselves of the opportunity of cashing their tickets in.

MR. TAYLOR: Some of them would then say that they didn't hear the loudspeaker and I think you would be in a hopeless mess.

MR. CASSIDY: Mr. Green?

MR. GREEN: Sometimes you have two horses, the best is scratched, the other wins. We have a case in this year's Kentucky Derby with Iron Liege and General Duke. Lots of people were carrying bets and found when they got to the track that one horse was scratched and the other one was in there. They couldn't get in touch with the people for whom they were carrying money.

MR. PERLMAN: I just want to make an observation. I think what Bob Kelley brought up, regarding public relations, is of tremendous importance. I think the decision they made at Monmouth Park that day, not from the standpoint of whether I believe it to be true or not, was tremendously popular with the people. There were no boos. The applause was very considerable when they made the announcement and I think attention must be paid to what the public wants.

MR. CASSIDY: And what is your suggestion?

MR. PERLMAN: I haven't one. I do think this though, I think whenever possible that it's a great investment in public relations when you give the people their money back when they have no chance to win.

MR. KELLEY: My suggestion, and I don't know that it registered, was to refund the money all day and the next day, whenever you wanted you could get your \$2.00 back that you had on that horse.

MR. CASSIDY: Well, suppose the other horse won?

MR. KELLEY: Then you cash it.

(Laughter)

MR. KILROE: I prefer Mr. Hancock's suggestion. You are not refunding money out of the corporation, you are refunding money out of some other bettor's pockets, and how Mr. Kelley would arrange his forty-eight hour refunds on a pool that has to be paid off immediately.

MR. KELLEY: I have to confess I didn't think of it, Jimmy. I'm sorry.

MR. CASSIDY: Any other comments on that subject?

QUESTION NO. 6. "WOULD IT NOT BE BETTER TO BE MORE SPECIFIC IN CATALOGUES OF SALES: 1. ON THE CLASS OF RACE WHERE THE DAM IS A WINNER. 2. INCLUDE ALL FOALS OF THE 1ST AND 2ND DAMS?"

MR. CASSIDY: That has been proposed before and I don't think with much success.

MR. HANCOCK: The question was suggested to find what the general reaction was. We've talked about it with Doherty and Finney and others and I think a good many of us feel that it would be to the advantage of the purchaser and also in the

end to the advantage of the good consignor. The good consignors want it and the bad ones don't. If the buyers want it I think it should be done.

MR. CASSIDY: Mr. Gaver?

MR. GAVER: Is that done here at Saratoga by the Fasig-Tipton Company?

MR. BOWER: No. They don't account for all the foals or all the non-winners, Mr. Gaver.

MR. HANCOCK: Nor do they tell you whether the winner was in Dade Park in the last race or at Belmont Park in the secondary feature.

MR. GAVER: Well, the Kentucky Sales Company doesn't put anything in black type.

MR. HANCOCK: Well, you see what happens to us, we don't try to sell our product quite as hard.

(Laughter)

MR. CASSIDY: Mr. Doherty?

MR. DOHERTY: Last year Mr. Hancock appointed a committee of Les Combs, Joe Estes, and me to study this. Estes did all the work. In the Blood-Horse he compared identical pedigrees of the same mare, one showing all types of information, the other just as the pedigrees are compared now for the two sales companies. They were published side by side in the Blood-Horse. He asked for comments on the part of both buyers and sellers. And on a local radio station in Lexington during the evening when the racing results were given, this was mentioned every night for a week, and people who were listening were asked to please find page so-and-so in the Blood-Horse and comment if they were interested. Before I left Kentucky in July I asked Estes about it. He had not had one comment either pro or con from last September when that was printed. Combs had had none, nor did I.

MR. CASSIDY: Mr. Evans, do you want to say something?

MR. EVANS: We have deliberated whether or not we want to keep our present style. I do feel that there are certain things that can be improved, and think we should put in the catalogue the entire production record of the first dam, but the whole thing evolves itself into whether we are going to have a buyers' catalogue or a sellers' catalogue.

MR. CASSIDY: Mr. Green, have you anything to say on this?

MR. GREEN: No, sir. I think it's strictly up to the sales companies. It's just a matter of policy.

MR. BOWER: I think that at present the catalogue doesn't give the prospective buyers the information they should have. It's too much a sellers' catalogue. Too many things are omitted that are in many instances quite as important as the ones put in there.

MR. DOHERTY: Mr. Cassidy, I agree with the fact that we should have that all in the catalogue, but who is going to pay us to do it. It is going to cost us a great deal more money. If the customers are satisfied now, both buyers and sellers, why should we invest a considerable amount of money?

MR. BOWER: I don't know if the buyers are real satisfied.

MR. DOHERTY: Why don't they complain?

MR. BOWER: I think maybe they are not aware of how much is left out. The average person who buys a yearling hasn't any way to check up to find what has been left out.

MR. FINNEY: Mr. Cassidy, I bring part of my library up, stud books, The Blood-Horse's wonderful books, the English record. A buyer can find out anything he wants. The only people that used that library this week were the people that were trying to hustle broodmares and yearlings from England, coming in and using the records to check them. Frankly, I don't think the catalogue makes a bit of difference. We have good sales with no more than just a piece of paper like that if the

horse is there. My own idea is tell the truth. But we don't have to compile a research bureau and the answer is people don't bother about it. If the catalogue shows no class, it doesn't exist. If class doesn't show, and you are interested you can find out why. It's just that simple to me. It's a hard job to boil down the pertinent facts in a reasonable space and the research involved for the type of catalogue that Alex is talking about would be tremendous. It would be wonderful to have a complete fingerprinting of every animal that has been in the family for generations, but as a practical matter it is impossible.

MR. BOWER: All I am concerned with is that you give full information on the first dam. That would be helpful.

MR. FINNEY: It would be better for all if every fact was laid on the table, but how many of us want our whole private life laid on the table?

MR. CASSIDY: Mr. Phipps, do you think it is very important?

MR. PHIPPS: I think the catalogue is adequate.

MR. BRADY: It seems to me the more information you have, the better, but this question of mechanics has finished it.

MR. CASSIDY: Mr. Hanes?

MR. HANES: I am on both sides of the fence.

(Laughter)

If anybody wants information they can get it. The trouble is that most of us are too lazy. If one is thinking about making an investment of substantial size, one doesn't rely exclusively on information one finds in the catalogue. I think the catalogue would be adequate if it gave the first dam and the sire.

MR. BOWER: Of all foals?

MR. HANES: Yes, all foals and give a two-generation pedigree.

MR. BOWER: But account for all foals?

MR. HANES: The buyer would have to get his own information, but of course that wouldn't be conducive to a good sale because a lot of people wouldn't want to do the work.

MR. CASSIDY: Are there any other comments on that question?

MR. PERLMAN: Marshall, I just wanted to make one comment. I don't know what can be done about this, but in New England they are running overnight handicaps that are not stakes with purses of \$10,000 and sometimes more. If you get a stake at a smaller track, it is a stake under the rules. I think it is something that should be considered. We can't consider it here, but I think that it makes invalid the publicity generally given sires and broodmares at yearling sales who won a \$2,500 race somewhere. An overnight allowance race at Saratoga or Belmont Park or Hollywood Park brings together fields that are far, far superior. Now I don't know what the answer to it is, but it is something that possibly could be considered by The Jockey Club and the Rules of Racing. Possibly the definition of a stakes race should be changed. Gulfstream Park decided last year to change their stakes to overnight races, and yet they are really stakes because they had purses as high as \$25,000.

MR. CASSIDY: Well, that's a problem.

MR. PERLMAN: Because a horse wins a \$25,000 race and he is not a stakes winner.

MR. CASSIDY: Yes, Miss Gallaher?

MISS GALLAHER: In regard to the sales catalogues, the same thing about foreign pedigrees which we seem to be overwhelmed with, the trainers and so many of the buyers don't understand those stakes over there. The Blood-Horse publishes a list, usually at the beginning of a year, but nobody seems to clip it out. If there was some way we could get a line on which stakes are important over there, that

would help both sales catalogues. I think that is one of the most mystifying things to buyers.

MR. CASSIDY: Of course the rate of exchange in foreign countries is so variable and so difficult to understand, it is hard to determine what would be a comparable stake anyway.

MISS GALLAHER: Well, I don't mean moneywise. I mean there is certainly a difference in a stake at Delaware Park and a stake at Dade Park in this country. You can tell that, but you have no idea about the English and French stakes.

MR. FINNEY: We supply that information whenever asked for and frequently have in the past week. Trainers have come and asked for it. It is a fact that there is no yardstick, but as far as our catalogue is concerned, no horse gets bold type unless the race he won comes under The Jockey Club Rules of Racing covering the definition of a stakes winner.

MR. HANCOCK: Mr. Finney, would you pay me \$5.00 if I can show you a mistake?

MR. FINNEY: Sir, it could be, it is not in our province to determine that. We don't set the Rules of Racing. We say under the Rules of Racing this is a stake. I thoroughly agree with Mr. Perlman. I remember a day making a pedigree up where it was a winner of such-and-such stakes at Bel Air, Maryland. But it is a fact, I mean, if it is at Dade Park or Delaware, it still goes in the same, and if you win an overnight race in New York it is probably better than a lot of the stake races in the hinterlands, but we can't control that.

MR. CASSIDY: Don't you think the definition of a stakes race is equally important to Bel Air as it is any place else?

MR. FINNEY: Certainly.

MR. CASSIDY: So that the definition would naturally embrace the races at Bel Air the same as it would elsewhere.

MR. FINNEY: Now where we find it is the winner of an allowance race in New York, that is put in.

MR. CASSIDY: Has anyone anything further to say?

QUESTION NO. 7. "HOW CAN OWNERS AND TRAINERS BE PERSUADED TO OWN AND TRAIN HORSES FOR RACING OVER A DISTANCE OF GROUND?"

MR. CASSIDY: That's something we've been trying to do for a long time, and the answer, of course, is to try and offer higher purses for distance races and special allowances for non-winners at a mile or over in distance races. If you accept smaller fields of good horses and if you give horses lesser weights, it would encourage horses to race over a distance. That has been done, too. The problem is that, if you have horses that are able to run, they have more opportunities to run over a short distance than they do over a long distance. Mr. Hendrie.

MR. HENDRIE: I'd like to hear someone comment on the success or failure made by Pimlico in the fall of the year for distance racing. I am not familiar with the schedule.

MR. CASSIDY: Jimmy?

MR. KILROE: They've had considerable success, George, largely I think because of the season of the year in which they race. We have a whole program of distance racing in New York which leads into it and a lot of people will do things with a horse at the end of the season that they wouldn't think of doing in July. They'll take a shot at a two-mile race, figuring they are going to lay the horse up anyway.

MR. CASSIDY: Were you speaking of distances of two miles and that category, or a mile and one-sixteenth up?

MR. HENDRIE: Well, I was thinking of a mile and a sixteenth, a mile and a half, a mile and three-quarters. I wasn't thinking of anything over two miles.

MR. CASSIDY: At one time, we had a progressive series of races where the purses increased every eighth of a mile or quarter of mile and for the same type horses. Jimmy, you've tried in many ways to encourage distance racing. Have you found any way that you think is more successful than any other?

MR. KILROE: I think what you have to have is more stakes at a distance of ground, and to do that, you have to have associations who grit their teeth and take a four- or five-horse field when it comes up. I think some people could take a secondary allowance horse and stretch him out when they see a chance to run away from the best horses. No one association can do that. I think we had last year about twelve stakes at a mile and one-half or over in the country and about eight of them were run in New York. You can't do business that way.

MR. CASSIDY: Mr. Dunne, have you any comments you would like to make?

MR. DUNNE: No.

MR. MANFUSO: A number of people will run a horse over a distance of ground if they know the race will go. There is no consideration given whatsoever to the training of a horse over a distance of ground. The result is that if you don't have a race that will go with four or five entries, it discourages a trainer from training his horse. He can train a horse for a sprint, blow him out three-eighths of a mile and let him run, but the tracks don't want either to specify what a filled race is, not in New York so much, they run five-horse races, but in other sections of the country. Some say as many as eight horses, or they won't let the race go. Now if distance racing was encouraged by track management by allowing races of four and five entries to run and that was set up over a period of time in educational matters so that horsemen can actually see that those horses do go, we'd have more distance racing, but in the policy that is followed now, a trainer can't train his horse for a distance of ground; if the race doesn't fill, he is discouraged. He knows that three-quarter races come up, and if one doesn't go, the other one will; and he can keep him short all the time, but you can't get them long and then shorten them up overnight. The problem is not so much from the horsemen's not wanting to develop distance racing, Pimlico gets plenty of distance races not only in the fall but also in the spring because horsemen know that those races are going to go if they possibly can. The problem is whether a five- or six-horse race will go, or even a four-horse race, if it is a well-matched field.

MR. CASSIDY: That's another question. Yes, Mr. Perlman.

MR. PERLMAN: I want to make this comment. I think that Jimmy put his finger on what is one of the greatest problems that faces racing in this country today, and that is the deterioration of distance racing which the public likes the best. As Jimmy said, nearly every race track gives away its biggest money for stakes that are usually up to a mile and a sixteenth or a mile and an eighth. Except for The Jockey Club Gold Cup, Belmont Stakes and the Lawrence Realization, there are practically no distance races in this country. The only way that that can be solved is for the racing secretaries at the important tracks of the T.R.A. to actually set up a program to promote it. In France, I noticed one day that there wasn't a single race under a mile, and races of a mile and a half or a mile and three-quarters are carded all the time for cheap horses and good horses. Actually that is one of our greatest problems. It influences the yearling sales, too. Sires that produce horses that can't go beyond a mile are popular. Yearlings go for fantastic prices because two-year-olds can earn so much money. That is something I am sure you are going to discuss.

These are some of the most important problems that face racing in this country today.

MR. CASSIDY: You can't compare France with America. You have no competition whatsoever.

MR. PERLMAN: That's right. It is the competition. Why should a man wait with a three-year-old for the Belmont Stakes? It is a tough thing to bring a horse up to a mile and a half race and then face the task of readying him for the Classic which is at one mile. I think the whole problem is right there. I don't know how to solve it but at the rate we are going now, we won't have anything beyond a mile or a mile and a sixteenth, and nothing is being done about it.

MR. CASSIDY: I think something is being done about it.

MR. HANES: Marshall, we tried it at Belmont last meeting. You will remember we had several meetings about it in which we sought by offering bigger purses as an inducement to try to get longer distance races to fill, and we just literally couldn't succeed.

MR. PERLMAN: Jimmy has a point in that one track cannot do it. A man isn't going to plan to race only in New York when he has a larger purse at a shorter distance somewhere else. They won't do it.

MR. CASSIDY: Sam, one of the things that I think is related to that is letting races go with small fields. If you say that is the way to encourage it, the tracks will do it besides running distance stakes. There are very few tracks that can afford to do that—let a race go with four horses in it.

MR. PERLMAN: I don't think that is the problem. I think actually we are under a misconception in this country that a sprint is easier on a horse than a distance race. I think it is the very opposite, only our program as such does not show it, and we have no opportunity to find it out. However, you cannot find out if only one race track has a program to promote it. If you have a coordination among the tracks in Maryland, New Jersey, New York and Delaware, the areas which provide the best racing on the Eastern seaboard, you could create a program. Of course, you have terrific competition. Why I've seen filly and mare races at a mile and a quarter, and a mile and an eighth followed the next week by a \$50,000 race at seven furlongs for the same kind of horses. It makes absolutely no sense.

MR. CASSIDY: Too much competition.

MR. PERLMAN: I don't know. I didn't say I had the answer, but you cannot solve it unless you get the various areas together. They would all benefit by getting together. The Jockey Club, with the T.R.A., should at least make an effort to have a meeting such as this of just the general managers and racing secretaries.

QUESTION NO. 8. "WHY DO SO MANY ALLOWANCE RACES FAIL TO FILL? WHAT CAN BE DONE TO GIVE HORSEMEN A CHANCE TO RUN THEIR BETTER HORSES?"

MR. CASSIDY: I don't have to tell anybody here that in New York, we do let races go with four or five horses. We have done it for a great many years. We've done it to give the better horses a chance to race if they are prepping for stakes or if they come to race with us. I know Canada does the same thing. In Ontario they have made a practice of doing it, and they have been very successful.

MR. PERLMAN: I think someone from Canada should explain how they do it because they solved that problem with Quinella.

MR. CASSIDY: They explained that last year at this conference, but I will ask Mr. Hendrie and Mr. Taylor in a moment. Quinella is a thing that can be done in some places, but you cannot always do it. If you could do it all over and we had

cooperation and could run it as one unit (New Jersey, Maryland and New York), that would be different. One area has to give in and the other tracks get the benefit of what they built up for them. Mr. Taylor.

MR. TAYLOR: I realize it has to be legalized in the area, but we attribute our improvement, which has averaged better than 10 per cent a year over the last few years, just about as much to the improvement of racing as we do to additional facilities in parking and all that sort of thing. We think that the introduction of the Quinella on one race a day has made a tremendous contribution. We think it has definitely improved the attendance and the handle, so much so that we are thinking now in terms of extending it to more races. We are certain that we take no financial loss by running these four- and five-horse fields for the better type of allowance horse. Of course, the stakes you have to run, but when you introduce Quinella in a stake with four horses, it does hold your handle up. We are very proud of the fact that this year we have had absolutely no extra races. In 103 days of racing, we have used no extra races. Now that doesn't mean that every one of the 824 races filled, but over 90 per cent of them did fill and we were able to split other races that were in the book. I think that is a very creditable record, and it certainly takes the pressure off the Racing Secretary, not to have hordes of people around his office asking for a race that suits their particular horse. Owners and trainers are delighted because they have the practical assurance that every race in the book is going to go, and especially when they are preparing a horse for a stake and they want to run in an allowance race. As you know, it is a terrible disappointment if your race doesn't go. It gives the better horses more opportunity to run. We think it brings better horses to our race tracks and we think it encourages more people to go into the business. The public loves these four- and five-horse fields, and if Mr. Perlman would do some research on his records, he would find that the amount bet on the races before and after the Quinella race, and the total amount bet on Quinella race is nearly the same. The Quinella falls very, very slightly below. Sometimes it is away above it, the preceding race and the race after it. So I don't think you have to assume that there is a financial loss to the race track. For instance, in a four-horse race you now have twelve ways you can bet it. Twelve more ways to bet that race are added with the Quinella. In a race where there is a heavy odds-on favorite, many people may say, "I will wait till the next race." But with the Quinella they go in and try and couple the good horse with another horse. In a five-horse race, instead of fifteen ways to bet, you have thirty-five ways. We are certain that it has maintained our handle. The thing we cannot measure is how many extra people come to the race course to see good horses run. The owners and trainers certainly like it, and the public likes it. We started it last year and compared our general handle is up some 10 per cent this year. The Quinella handle is up 28 per cent, and I do feel that if it is applied to some of these distance races that we are talking about for allowance horses that that might be the answer. If the trainer knew his horse was going to run with almost practical certainty, he would train him for that race, and he wouldn't have the disappointment. So we are whole-heartedly in favor of it, and we think it would be a great thing and an answer to a lot of questions. We are seriously thinking of asking our authority to let us add it to another race next year.

MR. CASSIDY: As you know in New York it is not legally possible now, and it would require changes in the law if we were to consider it.

MR. MOONEY: Our Quinella is not exactly the same as the Quinella most people know about. It's actually forecast betting, that is, you must pick the horse or horses in the order that they finish. It gives the people more ways to bet and it also serves the purpose of taking the place of a small show pool. We do continue

to operate the show pool, with four horses, but the Quinella adds to that show pool and to the place pool.

MR. CASSIDY: You don't have a show pool with a four-horse race?

MR. MOONEY: Yes, we do.

MR. TAYLOR: And we've lost only four or five hundred dollars this year.

MR. CASSIDY: You didn't have the Greek up there. *(Laughter)*. Would anyone else like to comment?

QUESTION NO. 9. "A 48-HOUR CLOSING IS A GREAT HELP TO A RACING SECRETARY INASMUCH AS HE HAS ADDITIONAL TIME TO FILL RACES AND DOES NOT HAVE TO WORRY ABOUT A DEADLINE FOR AFTERNOON PAPERS AND RACING PUBLICATIONS. IS A 48-HOUR CLOSING BENEFICIAL TO HORSEMEN?"

MR. CASSIDY: I had hoped Charlie McLennan would be here because I think he favors this and I would like to hear what he would say. I guess we should hear from horsemen before I say anything. Mr. Gaver.

MR. GAVER: Frankly, Marshall, I don't really know just how a 48-hour closing works. Perhaps Jimmy could explain that.

MR. CASSIDY: You enter 48 hours before the race. Jimmy, do you want to explain?

MR. KILROE: I have never been where they used the 48-hour rule, but I think Sam Perlman has a good close-up picture of it. I know they have used it in places in the West.

MR. PERLMAN: It is very simple. You simply take the entries a day earlier than you are taking them now, and if you are not able to close at ten o'clock in the morning, you keep the entries open in the afternoon as long as necessary. I know that Mr. Fitz is very strongly in favor of it because he feels it gives a trainer an opportunity to blow out his horse knowing that the race is going to go. Now if you are going to enter on Tuesday for Wednesday and the race doesn't fill you don't know where you are. It would be a greater help to the afternoon papers than it would be to us because we don't go to press until about 6:30 p.m. If your entries don't close until late, you miss the afternoon newspapers, which is not good from a publicity standpoint. I think Bob Kelley should know about that.

MR. KELLEY: At the moment it is my understanding that the afternoon papers are satisfied with the way we are closing now. We close in the morning and they get it in the afternoon edition before the Wall Street edition. We haven't had any complaints recently.

MR. PERLMAN: Well, I may say this. New York has been one of the best. We have had many instances this year in the Chicago area where entries were not closed until 4 p.m. New York time and at Detroit, as late as 5 p.m. We haven't once received the entries, for instance, from Wheeling, West Virginia, before 3:30 to 5 p.m., which means that in areas like Detroit and Chicago they completely miss the afternoon editions. In New York it has been very good, but as I said before it is a much more serious problem for the afternoon papers than it is for us.

MR. CASSIDY: Of course, you are looking at it publicity-wise. There are several factors. One is your standpoint, another is the horsemen and trainers' viewpoint and the third is a very important proposition, the race tracks. We are now listening to the promotion or advocacy of five- and four-horse fields. Now if we close the race 48 hours before the time it is to be run with two or three five-horse fields, the race track is going to be crucified.

MR. PERLMAN: Actually there is one example that completely disproves that

theory. You have been taking entries 48 hours ahead for Monday for many years. Has your Monday program suffered?

MR. CASSIDY: That's right, yes. We don't let four- and five-horse races go as frequently on Monday.

MR. PERLMAN: We made an analysis some years ago—I think it was in New England—and the analysis showed that the entries at all tracks over a period of time were quite a bit heavier for Mondays than they were for other days and the 48 hours didn't seem to be a deterrent.

MR. CASSIDY: You have to make it as safe as possible for the track. As far as the horsemen are concerned, it does give you a chance if you want to blow your horse out in the morning and want to be sure that he will run. You will know a day in advance.

MR. GAVER: I want to ask a question. What about scratching due to injuries in a four-horse field?

MR. CASSIDY: There you are. That's one of the dangers from an association's standpoint.

MR. GAVER: If you blow a horse out tomorrow morning to run Tuesday, and he comes back sore or lame or doesn't blow out right, you won't enter him, but if you enter tomorrow for Wednesday's races, and he is already in, then what do you do? I really can't see where it is any advantage to horsemen.

MR. CASSIDY: Ed, how do you feel about it?

MR. CHRISTMAS: I don't see where it would be any benefit to race tracks and horsemen. I like the way it is.

MR. PERLMAN: I want to make one point clear, and that is, this question was not submitted by our newspapers, nor are we particularly concerned over it.

(Laughter)

MR. CASSIDY: Do you think it would be a good idea to compromise and take entries to 36 hours, with entries closing at 4 p.m. the second day before?

MR. DUNNE: I think that would complicate things at a lot of tracks, such as Wheeling, because the people who take the entries do something else in the afternoon, and closing the entries in the afternoon would run their expenses up quite a bit. They would have to get more help. I should think if you have trouble closing before four o'clock the day before, you might take to four o'clock two days before.

MR. CASSIDY: Would anyone else like to comment on the 48-hour rule?

QUESTION NO. 10. "IN SOME STATES HORSES WHICH WIN AN OPTIONAL CLAIMING RACE, WHETHER OR NOT THEY ARE ENTERED TO BE CLAIMED, ARE CONSIDERED TO HAVE WON A CLAIMING RACE. IN OTHER STATES, IF THEY RUN FOR A CLAIMING PRICE AND WIN, THEY ARE CONSIDERED WINNERS OF A CLAIMING RACE, BUT IF THEY ARE NOT ENTERED TO BE CLAIMED AND WIN, THEY ARE CONSIDERED TO HAVE WON AN ALLOWANCE RACE. WOULD IT NOT BE ADVISABLE TO HAVE AN UNIFORM RULE?"

MR. CASSIDY: I think by all means it would. I can't see how in the world you could say that a horse who was entered to be claimed in a race and won, did not win a claiming race. A man gambles to lose his horse. That's what a claiming race is. If a horse is entered not to be claimed and wins, as far as he's concerned he has won the equivalent of an allowance race. But they do have two interpretations of the rule, don't they, Jimmy?

MR. KILROE: In California, we consider every race that is restricted to horses that have started for a specified claiming price as a claiming race.

MR. CASSIDY: Even if he is not entered to be claimed?

MR. KILROE: The thinking is that when you put that clause, "claiming races not considered," on ordinary allowance races, you are trying to encourage a man with a cheaper horse to move him up and run him as an allowance horse. This helps those allowance races to fill.

MR. CASSIDY: Is it of much value to move a cheap horse up to an allowance race?

MR. KILROE: If you move a \$10,000 horse up or a \$7,500 horse up and if you say claiming races don't count, races which are restricted essentially to claiming horses shouldn't count either, if your idea of getting them to run in allowance races is to work.

MR. CASSIDY: Did they change the rule in California to permit that?

MR. KILROE: It is just a track rule. It is not a state rule.

MR. CASSIDY: A claiming race is, by the New York State rule, a race in which all the horses entered are subject to claim for a price. How would you classify a race in which the horses entered were not eligible to be claimed but had started in a claiming race before that. Would that not be a violation of the racing rule?

MR. KILROE: I would have to check the California rule.

MR. CASSIDY: Personally, I think this question should probably go up before the National Association of State Racing Commissioners, when it convenes, for their consideration.

QUESTION NO. 11. "THERE ARE TOO MANY CLOSING PAYMENT DATES FALLING IN EVERY MONTH OF THE YEAR. WOULD IT NOT BE BETTER TO ADJUST THOSE DATES TO FOUR TIMES A YEAR, FEBRUARY, MAY, AUGUST AND NOVEMBER? WOULD NOT A MAXIMUM OF TWO PAYMENTS SAVE THE TRACKS AND HORSE OWNERS A LOT OF BOOKKEEPING AND CERTAINLY SOME EXPENSE?"

MR. CASSIDY: Last year we changed a great many of our races to late-closing stakes, and our races that do close early, close on those dates so this is not aimed at New York. I think it was agreed at the last meeting it would be better. I imagine that states that do not have these closing dates are the ones that would have to be considered or talked about.

MR. DRAYTON: I think a lot of progress was made in the last year, and I think the few tracks that aren't doing it had some particular problem.

MR. CASSIDY: I think the T.R.A. has asked its tracks to do it.

MR. DRAYTON: Right.

MR. BEARD: Mr. Cassidy, The Thoroughbred Club started that, and of course, New York has done a wonderful job to get it over. Now I think the problem is simply: is it working well now and do the trainers and owners and breeders like that system? If they do, it will spread all over the country and will work that way. I think that is where it stands right now.

MR. CASSIDY: I think it is well at this point to ask if there is any dissatisfaction. Does anybody feel that it isn't proper to close the stakes on those four dates and to make it uniform? It seems that at this meeting it is mandatory. Incidentally, I think it might be of interest to those here that this year for the first time we have had a single entry for the Futurities of the three states, Kentucky, Maryland and New York, with one nomination fee. The same is true with the three filly races. We have over 1,000 entries in the Futurities and nine hundred odd in the filly races. Everyone seems to be very pleased. The nomination fee is very modest in both divisions, and

it makes eligible for all the Futurities and all the filly races a great number of horses.

QUESTION NO. 12. "DO YOU BELIEVE THAT UNIFORMITY OF RULES WOULD BE BENEFICIAL TO THE RACING INDUSTRY? WHAT BASIC UNIFORM RULES COULD BE ADOPTED BY THE VARIOUS RACING COMMISSIONS THROUGHOUT THE STATES CONDUCTING THOROUGHBRED RACING?"

MR. CASSIDY: I believe this question should go before the racing commissioners. Mr. Rinehart, the President of the N.A.S.R.C., couldn't make it, and Mr. Flanagan is here as his stand-in. Are you particularly interested in hearing any comment on that?

MR. FLANAGAN: I understand what Mr. Rinehart has in mind are rules like the apprentice rule, the claiming rules, the disqualification rules and those main rules which he feels should be similar.

MR. CASSIDY: I think almost everyone feels the same way. Is there anybody that differs with that? It always has been very difficult when going from one state to another and find that you couldn't start a horse for thirty days in one state and sixty days in the next state. It doesn't seem compatible with the best interests of racing.

MR. MANFUSO: Mr. Cassidy, I have talked to Mr. Rinehart about this and it would seem advisable for the racing commissioners throughout the country only to change their rules at the beginning of the racing year rather than during the racing season. That would be another means of maintaining uniformity. Mr. Rinehart has said that one of his goals is to get uniformity on as many rules as possible and also to eliminate the changing of rules during a racing season.

MR. CASSIDY: You can't make new rules during the racing season and not change the old ones.

MR. MANFUSO: There are some rules which, of course, can't be uniform, probably based on local conditions. There has been a question of changing the claiming rule to eliminate the certain abuses of claiming where claims are made, and of course, you have one rule in New York and another rule somewhere else. In some places individuals claim horses and then thirty days or forty-five days later they appear in different names. You have changes with the various commissions in the middle of the season in which they have endeavored to change their claiming rule.

MR. CASSIDY: That is one rule that you are going to find very hard to agree on because each locality has conditions which make it impractical to accept the rule that is in existence somewhere else. Any racing that is conducted in an area where the cost of shipping is high and there is no competition from other racing nearby almost indicates a closed claiming rule, otherwise a person could go out there in a box car or train and pick up somebody's stable. Whereas in an active area where there is a lot of racing going on, it is in the best interests of racing that horses be made easy to claim so that you keep them properly classified.

MR. MANFUSO: I agree with you, but I think, as a matter of fact, that the claiming rule is one of the Rules of Racing that is most abused.

MR. CASSIDY: It is, but it is abused in many ways that are very difficult to control. I do feel that they should be as uniform as possible. Do you think there is anything Mr. Rinehart wants outside of an expression like that?

MR. MANFUSO: I happened to talk to him last week on the matter of uni-

formity with regard to the claiming rule, and I think that's about what he wants. He wants the Commissions to give him as much cooperation as possible in meeting the uniformity as closely as possible or as widely as possible.

QUESTION NO. 13. "HOW MANY TWO-YEAR-OLD RACES SHOULD BE CARDED?"

MR. CASSIDY: It is essential that two year olds have an opportunity to run. It also is true that there are more two year olds in action or ready for action than any other single age of horses. They are the horses of tomorrow, and they have to be developed. With the high prices at yearling sales, it is somewhat necessary for people to get some return for their money in a reasonable time. They have to have races to develop so that they can compete in stakes. We have some very large two year old stakes. It's also true, I suppose, that a two year old is not entitled to any more than his percentage in comparison to the horses on the grounds. The number of two-year-old races probably should be in respect to the number of two year olds against older horses. In New York we have two two-year-old races a day, sometimes three, and at Belmont Park in using the Widener Chute, we are able to provide racing facilities and opportunities for twenty-eight horses in a race. It gives them quite a number of chances to run. I don't know how you should decide how many two-year-old races should be carded, unless you base it on the percentage on the grounds. Does anybody have any suggestions about the proportions of two-year-old races?

MR. PERLMAN: Marshall, I would like to hear an expression from trainers here as to what they think of winter two-year-old races. I have heard a lot of opinions on it and a lot of people think that having races at Tropical Park under two furlongs, short races, is both undesirable and uninteresting. It is during the period of the year when the race tracks are loaded with older horses who have very few opportunities to run. And yet this has been growing every year and many people think it is very detrimental to good racing and particularly detrimental to the future two year olds who have such incredible opportunities later in the year. I will list only a few of the opportunities. After June you have the Arlington Futurity, the Sapling, the Washington Futurity, the Hopeful, the Cowdin, the Futurity Stakes, the Champagne, the Garden State, the Remsen and the Pimlico Futurity and a number of others in which purses total over a million dollars. Yet, they will take two year olds out and run them under two furlongs. I would like to hear what trainers think of it from the standpoint of whether the horses should run in them.

MR. CASSIDY: We'll ask that question when we get through with this one.

MR. PERLMAN: Oh, this is not the same question?

MR. CASSIDY: It is, but the first part is how many races should be carded in the early part of the year.

MR. MANFUSO: I think the problem is only with early two-year-old racing. Actually, there would be plenty of two-year-old racing in the fall without any detriment to the program. If you check your statistics on betting volume, you will find that once a two year old shows some form, a two-year-old betting race will compare very favorably with an older race so that in the fall it would be possible to have just as many two-year-old races as you cared, or just as many two-year-old races as there are two year olds on the ground prepared to race.

MR. CASSIDY: What would a man do with his two year olds in the spring?

MR. MANFUSO: Of course, that is the problem from the track's point of view. The two year olds in the spring, the races don't produce the revenue. Frankly, I feel that the present arrangement is satisfactory, where you have about one or two a

day. In Maryland some days we have one and other days we have two. Perhaps two days a week we have two.

MR. CASSIDY: Is that in the spring or in the fall?

MR. MANFUSO: That's in the spring. In the fall we have to have two and sometimes three and they are good races. They improve the quality of the card and they are received very well by the public and the horses run well to form.

MR. CASSIDY: I think this question may have been directed at Saratoga. Are we having enough two-year-old races to satisfy the two year olds on the grounds? The owners, are they satisfied?

MR. MANFUSO: Certainly from my observation of New York, you have your share of two-year-old races. It is the tracks in other sections of the country that are a bit more commercial that restrict the use of two year olds, and I think some of this is due to the fact that they haven't checked their statistics and actually realized that a well-matched two-year-old race is an excellent race for their card.

MR. CASSIDY: I think both you and Mr. Perlman are correct in perceiving the difference in the spring. There might be a question as to whether two-year-old races at a quarter of a mile are worth anything as far as a race track's concerned or whether they are even desirable for the two year olds, but then the owners of these horses have to be considered.

MR. MANFUSO: It depends on the individual's outlook on racing. Personally, I wouldn't want to run my two year olds early.

MR. CASSIDY: It depends on the owner. Jim, what do you think?

MR. KILROE: It has to vary with the community, I would think. We have a preponderance of two year olds stabled here as you well know, and logically they should be given a bigger share in our program. Of course, a lot of tracks limit the number of two year olds.

MR. HANES: In answer to some of the requests on the part of the trainers for more two-year-old races here, we put on two and they both filled, one was overfilled.

MR. KILROE: We have been very fortunate. We were able to divide those big maiden races. I think everybody has had a shot now with everything but claiming races.

MR. HANES: We have had more demands for two-year-old races here at Saratoga. It varies with the conditions of each track. We have a surplus of two year olds here. We've got to give them some racing.

MR. CASSIDY: We actually do all year in New York.

MR. DUNNE: I believe that coming up to Saratoga they had something like nine hundred two year olds and only four hundred and fifty of them were even entered. So there's four hundred and fifty stalls that you might just as well not have had.

MR. GAVER: I would like to ask Mr. Dunne a question. Did you ever train a group of two year olds?

MR. DUNNE: No, sir. *(Laughter)*

MR. GAVER: We may have more two year olds, but two year olds are the big problem because of all the ailments that they have, bucked shins, coughing, skin disease, etc. Nobody can get 900 two year olds ready to run at the same time.

MR. DUNNE: What I am trying to say is why do they all have to be occupied in New York?

MR. GAVER: Because more people in New York own two year olds.

MR. HANCOCK: Mr. Cassidy, I agree with what everyone has said. I don't see how anyone is going to develop any horses and educate any two year olds. I think the time of the year when they start is entirely up to the owner, and I don't find any evidence to indicate that the early start is so injurious. I just jotted down a few

names here of horses that started at Hialeah who became champions: Alsab, Battlefield, Double Jay, Dark Star, Doubledogdare, Round Table.

MR. FINNEY: They even had Seabiscuit down there.

MR. PHIPPS: I don't think it hurts two year olds. After all, John Gaver runs his every year in the Aiken Trials for education, don't you, John?

MR. GAVER: Yes, those that are ready.

QUESTION NO. 14. "AN EDITORIAL APPEARED IN A PAPER RECENTLY ALMOST DEMANDING A CHANGE IN THE RULES BECAUSE THE WINNER OF A STAKE, A MEMBER OF AN INDIVIDUALLY-OWNED ENTRY, WAS DISQUALIFIED BECAUSE HIS STABLEMATE COMMITTED A FOUL. IS A CHANGE IN THE RULES JUSTIFIED?"

MR. CASSIDY: Mr. Arcaro was involved in a case such as this recently in which he was disqualified when his horse was out front and his stablemate fouled a horse. I was questioned about the rule, whether it was proper or not, and I stated then and I still think the rule is proper. Eddie asked me whether or not it was a mistake to combine the two in a disqualification, and I'd like to tell you my reasons for thinking it right to combine them. The new rule that has been suggested gives the Stewards the right of discretion. They have the right to disqualify both horses, or only one horse, basing their opinion on the facts of the case. Working as a Steward, I don't think anyone has any fear or reluctance in assuming the responsibility of using his discretion. You become accustomed to it after a very short time, and you make decisions as you see them to the best of your ability, and that's it. It has to be done as you see it. But I think it would be very unfortunate to make a rule variable to the extent that a Steward may disqualify part of an entry in one case and not in another. The man who runs two horses in a race can very well, I think, accept the liability that goes with it as far as disqualification is concerned. Leaving the gate one part of an entry may be in the middle of the field and the other part on the extreme outside. The horse on the outside could break clean and free and go on in front all the way, and the horse on the inside could bear over and pile up two or three horses along the rail, or swerve out and pile up two or three outside him going down the backstretch, and who could ever say whether he interfered with a horse that might have beaten the horse on the outside. In handicaps, every horse is handicapped according to the handicapper's idea to place them all equal. He assigns different pounds so that they are all equal—so any horse should have a chance or be considered as having a chance. What does a Steward do in a case like that? When you have one horse on the outside running clear all the way and another horse in the middle which bothered two or three horses—any one of them who might have won the race—it could be collusion, or it could be an accident. Is a Steward supposed to read the minds of people and find out if it is collusion or not and be able to justify his decision? How easy it is if the contender happens to be on the inside of the horse that hit him and the horse the entry feels can win is on the outside. The horse on the inside is conveniently interfered with whether by accident or design. How can a Steward tell that definitely? How can you break it down so that one week you disqualify the horse and the next week you don't. Eddie, you argued with me about it, and I think you had a good argument but I don't agree with you.

MR. ARCARO: I may not be right about it, but I know in this case in Chicago I'm right, and the Stewards, if they had the privilege, would not have taken that horse's number down. The rule that they have to go by made them disqualify the entry. They have no choice. If you are so strong on the ruling of stimulation against

the trainer, leaving that to the discretion of the Stewards, why can't the same go for disqualification?

MR. CASSIDY: I think you have got the problem a little bit reversed, Eddie. My point on the stimulation rule is evidence. When a man's not guilty, he isn't guilty.

MR. ARCARO: Well, with a foul you have the movies, three patrol judges and three Stewards in the stand.

MR. CASSIDY: Eddie, you have been in the room with me on countless occasions in which we reviewed pictures, and you have frequently disagreed with me in the beginning when we looked at them and later changed your opinion, or you may have disagreed with me and I have changed my viewpoint. But you know there are many times when you can't tell whether a boy's rein is tight, whether he is keeping a horse out or whether it is loose and the horse is able to go in. The same is true with a boy looking under his shoulder. You can't tell from the pictures exactly what he saw. I don't think the Stewards should be put in that position.

MR. ARCARO: The Stewards should be put in that position. You are the Stewards. You are the judges that decide the thing. You say that in one race today, nobody can tell whether the horse he fouled might have won the race. But reverse it around. Say the same thing happened as happened in the Alhambra case. The entry which finished first was one jump from the line before that horse was bothered. The Stewards said that if Alhambra had run a jump faster, they'd have let the number stay up. That makes no sense to me. The movies showed that the horse which was bothered was dropping back. He had been head-and-head with me and was dropping back, when my entry ducked out in front of him. Now the Stewards didn't think it was collusion or that it could be helped. I think it is unfair to the racing public for one, not thinking about the jockey at all because that is definitely the last person. I think the rule should be more flexible than it is. You have no choice in the matter the way things are now.

MR. CASSIDY: In the case that you cite, you started a very good argument and a good example. What happened with your entry happened practically at the same time your horse was crossing the wire?

MR. ARCARO: They say it was just a jump or two.

MR. CHRISTMAS: Is that a universal rule?

MR. CASSIDY: Almost every state has it.

MR. ARCARO: Maryland doesn't have it.

MR. CASSIDY: Is that right?

MR. FLANAGAN: We have discretionary powers.

MR. ARCARO: Chicago will change the rule after that disqualification. It was changed once and they adopted the New York rule.

MR. PERLMAN: We wrote an editorial on that.

MR. CASSIDY: I know you did.

MR. PERLMAN: We received over fifty letters because of the Alhambra case and not one opposed our viewpoint, which certainly indicates where the public stands. Now I have to agree with a point that Eddie makes. To me it is completely incompatible that you should be so strongly in favor of the Stewards showing discretion in relation to stimulation where it is so difficult to get evidence and where most of it is circumstantial, and yet you would not give the Stewards discretion where they have the film patrol, are able to see the race, and have everything right before them. I think that the main point here is that we always lose sight of the public. I came back on a plane with Moody Jolley, who trained the horse that was interfered with. He told Mr. Hancock "the best I could have been was fourth." The Stewards must be given discretion, it seems to me, in almost everything that goes on. The Stewards have discretion in many other instances where it is far more diffi-

cult to make a decision. And I think because of the Alhambra case, New Jersey is changing the rule, and that most other states are going to. I know there are two sides to it, and I think that the point you made is valid, but my belief is that the public should not suffer in instances similar to the Alhambra case.

MR. CASSIDY: I am going to be frank in saying I wasn't thinking of the public interest. I was thinking of the fairness and results as they affect racing.

MR. HANCOCK: Frankly, Mr. Cassidy, this is a pretty tight little society we have got racing horses. I benefited by that, and I don't think Jolley was correct in saying the best he could have been was fourth. I think he could have been third; he was not going to be second. Mr. Hooper's a friend of mine and I would rather have lost the \$12,500 than to jeopardize my friendship with him over the thing. I would have been as sore as hell if it had been me. I don't see why if we are going to give Stewards a lot of money, why they shouldn't assume the responsibility.

MR. CASSIDY: To me, the difference between stimulation and disqualification is this: in stimulation the guilt of an individual is determined by saliva and urine tests and a disqualification doesn't have to be guilt. A disqualification can be carelessness or lack of sharpness of mind. A horse may bolt or run another horse into the rail. If he does, it is a foul and he is disqualified.

MR. HANCOCK: I don't think that your analysis of a race where a stablemate interfered with horses at a start is correct. An incident such as that could have affected the outcome of the race. There was no chance of that in the race we are referring to.

MR. CASSIDY: I know this didn't happen.

MR. HANCOCK: I was trying to say that if the Stewards had the discretion, and if the foul did possibly affect the outcome of the race, I think the number should come down. If it didn't I don't see any reason in the world for disqualification.

MR. CASSIDY: You mean you can tell if it affected the outcome of the race?

MR. HANCOCK: This case was perfectly plain.

MR. CASSIDY: That was a very unusual case.

MR. ARCARO: It may not ever happen again, but the fact that it did happen shows that it can. I think that the present rule is outmoded.

MR. CASSIDY: The problem, of course, is the possibility of having made a decision and not disqualified your horse in a hairline case. How would you justify that to the public?

MR. ARCARO: Mr. Cassidy, every disqualification in racing is that way. I have been disqualified at times that I thought I should not have been, and then there were other times when I have gotten races where I thought I should have been disqualified. So it has to be true. You've got to trust the Stewards and hope they are smart enough to make the right decisions.

MR. CASSIDY: I am not concerned with their not making the right decision, I am concerned about being able to justify the decision when it is doubtful. John, you are a trainer, what do you think?

MR. GAVER: I would favor giving the Stewards the power of discretion.

MR. CASSIDY: Mr. Rainey, you are a Steward, what do you think?

MR. RAINEY: I favor disqualifying both parts of a jointly-owned entry, where either has interfered with another horse in a race, since it is far too difficult and perhaps impossible to say what effect the impediment may have had on the offended horse, or whether it was deliberate or unintentional. I surely feel that each owner is entitled to any portion of the purse he can get, no matter how small.

MR. ROBERTSON: When you have two horses going as an entry, they are teammates, and it's like football where a back might be crossing the line for a touchdown and 50 yards behind someone clipped, and they call it back. If you avail

yourself of having a team out there, you ought to be responsible for the whole team.

MR. CASSIDY: Mr. Christmas.

MR. CHRISTMAS: I think the rule should be changed. It should be up to the discretion of the Stewards. I know it is a very difficult thing to judge. One horse out in No. 12 and another one in the middle of the pack, and he might bother someone to his left or to his right—I think that on those kinds of things, you don't know whether it was intentional or not, but under those conditions I think you would have to take the number down. In the case where one horse is finishing and the others are so far back that the interference would not make any difference in the finish, whether it was a foul or not, it should be left to the discretion of the Stewards. I mean if the race is practically over, I think it would be reasonable for the Stewards to make a decision. Of course, naturally, if they have interference in some early part of the race, the number should come down, and I think the Stewards should decide.

MR. CASSIDY: The only condition which I have heard that I think would give justification for it is the race that has been referred to.

(General Discussion)

MR. PHIPPS: Capot won the race at Delaware just about as easily as this horse did.

MR. FLANAGAN: I think Mr. Phipps is mistaken about how easily Capot won that particular race.

MR. GAVER: Capot did not win the race easily, but let's not bring that up. In my opinion his disqualification was the biggest "boo-boo" ever pulled by Stewards at any race track.

(Laughter)

MR. DUNNE: Oh now, John. I've been sitting here in kind of a cold rage for several minutes, ever since Mr. Hancock made that remark about the Stewards getting a lot of money. *(Laughter)*. I'd like to see anybody getting rich by being a Steward. I can show you a lot of people that got rich selling yearlings. Mr. Hancock is one of them.

MR. CASSIDY: Mr. Donovan.

MR. DONOVAN: Mr. Cassidy, I would like to comment on this. I am in favor of the discretionary provision in the rule. I think that discretion is inherent in the Stewards supervising racing. I think the fewer rules of thumb they have to go by, the better supervision we are going to have in racing. I think a situation like this that happened in Chicago should be determined like all other matters are determined, that is, whether there was interference and what the facts might be. It might have been deliberate as far as that is concerned. In this particular instance suppose it was. The facts are that the horse was way out there in front and it had no bearing on his winning the race. Aside from that, I think the discretionary power, particularly in the general interest of the public, is absolutely inherent. I think the whole thing will be strengthened by the Stewards having discretionary power.

MR. CASSIDY: Mr. Green.

MR. GREEN: I do not believe that a change in this rule would be wise. The owner of an entry and the people who bet on an entry both win when a part of the entry comes in first because the entry runs as a team. When one horse as a part of an entry commits a foul, he is aiding the other part of the entry. It should stay as it is so that automatically all parts of the entry are responsible for any act by any member of the entry which would be detrimental to the other interests in the race.

MR. FINNEY: The fact that Stewards have discretion doesn't always result in the situation being any different than it was today. I remember when we ran three horses in a seven-horse field in the Maryland Futurity, and the word "may" was in there. Toolbox bounced off in front. No horse at any part of the race was within six lengths of him. Little Dinah was running third or fourth and swerved into another

horse and the whole entry was taken down. There was dissatisfaction among those that were associated with the race, but "may" was in the rule at that time. Before your day in the Stewards' stand, I am sure it would have to be.

(Laughter)

MR. ROSEN: This is not directly connected with the question, but what is the feeling with regard to track records set in the event of a disqualification? The Dedicate record was not considered official in New Jersey, yet the record in California following a disqualification was permitted to stand. What is the general view here in connection with it?

MR. CASSIDY: Well, let's find out.

MR. ARCARO: It wasn't an official win, that's for sure.

MR. ROSEN: It wasn't official in California either.

MR. ARCARO: Not an official record. There is no way in the world you can put it down as a record.

MR. CASSIDY: Mr. Phipps, what do you think of it?

MR. PHIPPS: I don't think you can make a record if you don't win a race.

MR. CASSIDY: Of course, the argument is that the horse did run the distance in the time and the time was posted on the board. It's hard to refute that he didn't run that distance in that time, but it is certainly logical to assume that he didn't win it officially, so therefore might not be entitled to the record.

MR. PERLMAN: Records are meant to determine what horse ran the fastest. Bumping another horse certainly didn't speed up Dedicate. I am sure he would have run at least as fast, if not faster, if he hadn't bumped that horse. I think to credit the track record at Atlantic City to a horse who ran the distance three seconds slower than Dedicate doesn't make any sense. And you had the situation once in New York, I think with Three Rings. He set a track record and was disqualified. It is the opinion of a lot of people that if a horse ran the distance faster than any other horse regardless of whether he was disqualified or not, it should be recognized as a record.

MR. CASSIDY: Of course, just running the distance doesn't justify it. You could work in record time.

MR. PERLMAN: He ran it faster than any other horse, and the interference didn't make him run faster.

MR. PHIPPS: Supposing the first two horses both broke the track record. The second horse had been fouled.

MR. ARCARO: That's the case.

MR. PHIPPS: Well, that's another point.

(General Discussion)

MR. DUNNE: If a horse went out there and did it, regardless of what you say, he did it. I agree 100 per cent with Sam for once.

(Laughter)

MR. HANCOCK: Mr. Cassidy, maybe it would put me in better graces if I say I agree too, but I agree for a different reason. The horse is going to stud.

(Laughter)

MR. CASSIDY: Mr. Brady, how do you feel?

MR. BRADY: I don't think it should be allowed to stand, Marshall; if it is unofficial, it's unofficial.

MR. CASSIDY: Mr. Hanes.

MR. HANES: I haven't any opinion on the question of records, Marshall, that is worth the time it takes to express it, but I do have an opinion on the Alhambra case. I agree with Eddie that the race should have gone to Mr. Hooper's horse. I think that an old rule is on the books that says arbitrarily that whether a horse won the race fairly or not, he should be disqualified. I think we ought to examine the

rule carefully and see if it should be changed. It is perfectly easy for the Stewards, as they did, to say to Eddie, "We would give you the race but we have an old rule on the books that prevents us from doing so." Therefore, I think it is wrong, and I think it ought to be changed.

MR. ARCARO: They certainly didn't want to disqualify the horse.

MR. CASSIDY: As you described the race, I can see why they wouldn't.

MR. HANES: I think that's more important than whether Dedicate's record stands. We should get the rules brought up to date. If they aren't right, let's try to change them.

MR. CASSIDY: That's for the Racing Commission.

MR. HANES: I think we should make a strong case to the Racing Commission to get the rules changed.

MR. CASSIDY: Mr. Flanagan, what do you think about the record?

MR. FLANAGAN: I feel that the record should not stand if the horse is disqualified.

MR. CASSIDY: Mr. Roebing.

MR. ROEBLING: I think the record should stand because the horse ran the race in that time. That has nothing to do with the allocation of the purse.

MR. CASSIDY: Mr. Rosen.

MR. ROSEN: Would it be possible to list it as an unofficial track record, rather than an official one, purely as a matter of information?

MR. CASSIDY: Mr. Taylor.

MR. TAYLOR: I don't think the record should stand, but I think the disqualification rule should be changed mainly in the interests of the public.

MR. CASSIDY: Yes, Mr. Hendrie.

MR. HENDRIE: I think the rule should be discretionary, Mr. Cassidy, for the same reasons as stated by Mr. Taylor. It seems to get right back to the business of a one-to-nine shot which is scratched going to the post. The public bet on the outstanding horse of the entry and the outstanding horse in the entry won the race and his entry caused his number to be taken down. I think it is a very bad thing for the general public.

MR. CASSIDY: I don't get your reasoning on this one-to-nine shot.

MR. HENDRIE: Earlier this morning we talked about the refund of monies on an entry.

MR. CASSIDY: Yes, but that isn't comparable to this.

MR. HENDRIE: I think it is.

MR. CASSIDY: We haven't arrived at any solution regarding the scratching of entries.

MR. HENDRIE: No, that's true, there is no solution, but something that is involved in that, might come into this.

MR. CASSIDY: Mr. Beard.

MR. BEARD: I think the Stewards should have discretionary power in the case of a disqualification of an entry. On the track record, I feel it is not official and should not be recognized. I think they will take care of Dedicate. Everybody will know about it better than if he won.

MR. CASSIDY: Mr. Combs.

MR. COMBS: I agree with Clark.

MR. CASSIDY: In both instances?

MR. COMBS: Yes.

MR. CASSIDY: Mr. Bower.

MR. BOWER: I favor discretionary power for the Stewards in such cases. Notwithstanding Mr. Dunne's eloquence, I don't believe an official track record should be allowed.

MR. CASSIDY: Mr. Fowler.

MR. FOWLER: I think that first the whole outcome of the race is dependent upon whether or not they let the disqualification ride, and I don't see why the horse should be entitled to any part of it and the record is part.

MR. CASSIDY: Ted.

MR. DONOVAN: He stepped out.

MR. CASSIDY: How about you, Mr. Donovan?

MR. DONOVAN: I think one thing is unfortunate. You had a similar situation in California, and they let it stand. We have it another week, and it didn't stand. I have to agree in the final analysis, as Francis and Sam said, the horse did run that fast and that's the only thing that you are saying in the record. I think it should stand.

MR. CASSIDY: Mr. Field.

MR. FIELD: Well, let's take this in reverse a minute. Suppose a horse did not set a track record at all. When a horse is disqualified from a winning position, there isn't any time for that race at all. This brings up what I had in my right ear. Royal Beacon was second which meant he ran equally fast. There should be some provision for him. I don't know. I leave that to the Stewards. But on the Alhambra thing, I would like to tell you the whole story which might amuse some of the younger men. Now there was an entry trained by Tom Healy many years ago. The entry was African, owned by Vincent T. Wilson, and Display, owned by Walter J. Salmon. I hate to date myself by telling this story but that's back there when they didn't have a starting gate; and Display, as many will remember, was a bad-tempered horse, and he wheeled at the break and banged into African and he upset Pete Moss. This entry was 2-5 and when this happened in full view of the grandstand—the start at Jamaica was in front of the stands—a groan went up that was really heard over in the next county. So away went the field, African was a loose horse and Display recovered himself and started after the field, the remaining hope of those who had made the entry 2-5. So down the backstretch they went, seven or eight horses in a bunch, a sixteenth of a mile back—Display. You remember Display was always a strong finisher and he came around the top of the stretch gaining and gaining and at last there was only one horse in front of him about the eighth pole. It was Upset Lad, the son of the horse Upset, and Display coming up on the outside swept past him, collared him, won by a neck. Well, the congratulations that went around—the entry had rescued itself and the public rejoiced and shouts and huzzas went up. The red board did not go up. And after some delay Walter Vosburgh, your predecessor in those days as the hard-boiled, competent Steward in the stand, took down Display's number. First there was a deafening silence and then they tried to tear down the grandstand. So I, being a reporter trying to break in with some accuracy at that time, had in my back pocket a Jockey Club Rule Book. I went down to the Stewards' stand and I interviewed Mr. Walter Vosburgh. He was very abrupt and he said under Rule No. so-and-so, 276 or whatever, Chapter 8, Volume 4, he disqualified Display. Of course, he reckoned without my having the rule book in my back pocket. So I took it out and I read the rule to him, and I said, "Mr. Vosburgh, I am only trying to get this straight. How does this rule apply to this disqualification?" And he said Mr. Salmon's horse, having interfered with the winning chance of Mr. Wilson's horse, left us no choice but to disqualify him. I said, "Mr. Vosburgh, what happens to the public?" Of course, they were just yapping their heads off. They weren't throwing stones. It wasn't done in those days. They did that later on. So he then said Rule so-and-so. I turned to that rule, and it was the famous rule you know, Marshall, which is now hidden, but the rule he quoted the second time was The Jockey Club does not recognize bets (*Laughter*) and that was the end of the story and the disqualification stood. It is the same point with

Alhambra. I think you were searching around for another case where there was a manifest injustice and where the Stewards might have wanted to have discretionary powers, but didn't have them. I just told you that story out of ancient history.

MR. PERLMAN: Marshall, I want to ask you one question.

MR. CASSIDY: Just a minute. I want to comment on his statement. You made a very good point on the acceptance of time as official and it is the first time that I thought about it in that light, that a horse that is disqualified in an ordinary race where the time is not a record, the time remains constant for that race. That is, taken as the official time of the race.

MR. FIELD: Well, actually, when there is no track record set, you do suspend the time, but when there is a track record set, you don't suspend it.

MR. PERLMAN: That was what my question was. That even in this Dedicate race, the official time of the race is Dedicate's, not that of the other horse.

MR. CASSIDY: You are looking at it from a different angle. He's got another angle.

MR. PERLMAN: No, I am looking at it from the standpoint of our charts.

MR. CASSIDY: Yes, I know.

MR. PERLMAN: From the standpoint of the past performances. The time, the official time of the race, was Dedicate's time. How can the official time fail to be the track record? I think that is the real problem.

MR. DUNNE: We've got them now.

(*Laughter*)

MR. PERLMAN: We've got them.

MR. CASSIDY: The next question I believe should be brought up at our Kentucky meeting, that is, the question of raising registration fees to reduce the number of "borderline" foals. It is our normal breaking up time unless someone wants something further. I would like to say before we break up that I have a letter from Mr. Widener in which he requests that his gratitude be expressed, particularly to those that came from long distances to be here, for giving up your time to make this meeting a success. I'd also like to tell you that if you ever have a chance to go up and see Mr. Taylor's track in Toronto, you will see a very beautiful track and one that is modern and far in advance of the conditions in Canada.

MR. HANES: Marshall, may I say a word before you close?

MR. CASSIDY: Yes.

MR. HANES: I have been reading over the history of these Round Table Conferences and as far as I know, they just end up as another conference. If I have judged correctly the consensus of this meeting on the question that has just been discussed is that something concrete should be done. About the arbitrary handling of the Alhambra case. It isn't our wish to criticize what other people do at other tracks. It is our objective, however, to pay attention to what horsemen and those interested in New York racing think and try to do something about it. If we put the question to a vote, it is my opinion that we would find it almost unanimous that we suggest to the Racing Commissions that they give the Stewards some discretion in questions of this kind. Is that a correct assumption?

MR. CASSIDY: I think you are correct.

MR. HANES: Then I would like to formalize this situation and have at least one concrete result of the meeting. Since we have spent the better part of the day talking, I'd like to make a motion that we do take the proper steps in New York to go to the Commission with the request that the Stewards be granted some discretion in matters where an injustice of this kind might be avoided. Is that a fair motion? If so I would make that motion.

MR. ARCARO: And I'll second it.

(*Laughter*)

MR. CASSIDY: It hasn't been customary at these meetings to arrive at conclusions with any specific recommendations as to their adoption, however I think in this case you are perfectly right that it is the consensus of opinion, and I think if anyone feels that way, they should propose it and know that they have the support of the people here to have it changed.

MR. PERLMAN: Marshall, may I make this comment. I don't think the expressions at this meeting are confined to New York. There are representatives here from all over the country. Actually, the expressions at this meeting are intended to influence racing throughout the whole country.

MR. HANES: That is exactly my point, Mr. Perlman, that if this body has any leadership at all, maybe the rest of the country will follow, if we adopt such a rule in New York.

MR. CASSIDY: Mr. Hanes, the reporting of this meeting is done by the racing papers, and they present to the racing world the results of the conference here, which goes all over the country. It will be reported as it has been discussed at this meeting. If you would like to have a special recommendation be presented, why I think that could be done.

MR. HANES: If these conferences don't accomplish any more than giving everybody a good time and having a talk-fest, I think they are a complete waste of time. Now these people here are representing racing in the United States, and if they haven't some influence over racing, then we are in pretty bad shape.

MR. PERLMAN: I think it should be in the form of a resolution.

MR. HANES: That would be my impression. It would be appropriate for this group if it is not a formal body, to constitute itself a formal body and for five minutes debate the question. I would like a show of hands to see how many agree that we should do something about it.

MR. PERLMAN: Is the resolution relative to the disqualification rule?

MR. HANES: Yes, as a result of the Alhambra case, which I think was resented all over the country. They resented the decision, and yet understood that the Stewards were powerless.

MR. ARCARO: The Stewards apologized to the public by having the rule read over the public address system. I think they did that to keep from having a riot.

(Laughter)

MR. HANCOCK: I feel we ought to represent ourselves to all Racing Commissions where that rule is in effect. Mr. Combs, you can do something about it in Kentucky.

MR. COMBS: We are working on that now.

(Laughter)

MR. CHRISTMAS: Mr. Cassidy, now we are establishing a precedent when you start voting on this rule regarding the disqualification of horses.

MR. CASSIDY: That's right.

MR. CHRISTMAS: Does that mean now that any topic which is brought up will be brought up in the form of a resolution? If we are entitled to vote on this one, we are entitled to vote on all the rest of them, is that right?

MR. CASSIDY: Yes, I think so. That's why I mentioned it, but I think also our discussion on it has been predominantly one-sided.

MR. CHRISTMAS: I think it is fine to vote on this particular thing, but I think in the future everything that is brought up will be brought up in the form of a resolution to vote on, and I think you should vote on it singly.

MR. CASSIDY: Let's see how it comes up later. Mr. Hanes, there are many things that have been accomplished at these conferences that have made them very well worthwhile. I think that from the conferences held here, perhaps more good has been done for racing in this country than through any other media. I think that

the fact that all departments of racing are represented, and they have come from all over the country proves that this conference is truly a cross-section of racing, even better than the N.A.S.R.C. who are limited a good deal to their own members who are not familiar with racing. These people are professional in racing. I think the T.R.A. even, although they do some wonderful things, are hindered since they do everything as representatives of race tracks. But this group represents every phase of racing. It was planned in the beginning that we have no power but that we discuss the matters that we think are important to racing and that they be recorded and the results of the conferences be reported in the trade papers and newspapers. That is the way it has been. I don't find fault with your idea of a resolution. Whenever anything is as unanimous as that is, it certainly justifies a recommendation from this floor.

MR. HANES: That's all I had in mind. I don't agree with what Mr. Christmas said. So many questions have been brought up here with a wide divergence of opinion and there is no possibility of unanimity at this particular meeting.

At this time by a showing of hands, it was unanimously agreed that the Stewards should have the power of discretion regarding the disqualification of all or part of an entry.

QUESTION NO. 15. "IS IT FAIR TO OMIT WEIGHING WITH THE JOCKEY SUCH EQUIPMENT AS PROTECTIVE HELMETS?"

MR. CASSIDY: The objection would be that the top weights, particularly in handicaps, suffer the most. If a horse has 130 pounds on him, he is carrying, if you don't weigh the helmet, approximately 133 pounds altogether with equipment that is not weighed. So a horse carrying 133 should only be carrying 130.

MR. PHIPPS: Wouldn't a handicapper take that into consideration, though? You'd tell him.

MR. CASSIDY: I'll ask the handicapper. Would you take that into consideration?

MR. KILROE: I think what we are doing is throwing our game out of line with past performances on which the whole thing is based when in one year you arbitrarily add two pounds to the weight that every horse carries and don't say anything about it.

MR. CASSIDY: I think that could be overcome.

MR. KILROE: It should be on the record. If a horse carries that much weight, a man who's a serious figure man will be confused considerably.

MR. CASSIDY: I think you could show on the records that the weight he is carrying today is so much in excess of the previous day.

(General Discussion)

MR. BRADY: What was the question again?

MR. CASSIDY: The question was whether the safety helmets worn by the jockeys should be included in their weight, when they pass the scale.

MR. BRADY: What do they weigh?

MR. ARCARO: A pound and one-quarter. The other skull cap weighed almost one pound didn't it, Mr. Rainey?

MR. RAINEY: Less than three-quarters—a half pound at the most.

MR. ARCARO: You had a light skull cap; I never had one that light. I just want to tell you how serious the difference is in a pound and you will all agree with me that it would be worth it to let the riders check without it. Since we've made this thing mandatory, we haven't had one skull accident which is over a period of seven

months. Prior to that there were twenty-eight deaths since Lloyds of London insured us. Now how long has that been.

MR. CASSIDY: Fourteen or fifteen years.

MR. ARCARO: It has twenty-eight on here, and I know there are more that aren't on here. George Woolf was one. I think if they give that much protection, racing should let the riders check without the skull cap. I really believe that if Atkinson didn't have that skull cap on out at Belmont Park, he wouldn't be riding today.

MR. CASSIDY: I think so, too.

MR. ARCARO: It is a very serious problem and racing commissions all over the country are talking about this added weight. But what they have to understand is that the horses always carry approximately two pounds more than reported. They have been carrying about two pounds more and now it will be three or three and one-quarter. The only difference is that now you are bringing it to light, where before this nobody ever knew about it.

MR. CASSIDY: That's right.

MR. ARCARO: Anytime a horse carries 30, as you say, he has actually 33 on him. Before he had probably 31½ or 32 anyway. I heard Mr. Jacobs say over at Belmont Park that he wouldn't run Searching because Mr. Kilroe put 29 on her and that would make her carry 32.

MR. KILROE: Take it easy, it was only 125.

(Laughter)

MR. ARCARO: But he was making an announcement of the added weight that she had to carry and he thought that you should have taken that into consideration, knowing about it.

MR. CASSIDY: I think your good point is in claiming that they have been carrying two-thirds of the excess weight they are presently carrying without any public knowledge of it. As a matter of fact, we all know it, but never considered it being a problem because it grew on us. I don't see the difference or the value of making a hullabaloo about adding a pound and one-quarter when you consider the fates of the riders up against it. Let's have some expressions. Mr. Brady.

MR. BRADY: I'm not sure I have it straight, Marshall. You do or you don't weigh them with it now?

MR. CASSIDY: You don't.

MR. ARCARO: There are too many riders that unless we let them weigh without them, can't ride. An added pound makes your rig a little heavier. Right now from stripped a rider weighs about five pounds without it; it makes it six and one-half. Myself, I generally weigh around 107 or 108 stripped. Well, rigging six, I can do 113 or 114 pounds. Put that added pound and one-half on me and you've got me up where you will have me in that steam box. I don't want it; *(Laughter)* just about 75 per cent of the riders in the United States are reducing overtime anyway. They are taking off weight with steam or using some form or method, and that pound and one-half, as small as it sounds, is a big problem.

MR. DONOVAN: Marshall, it seems to me that this is an important question because in California this spring at the Commissioners meeting this thing was discussed. The Committee reported on it and they came to no conclusion. It was finally left up to the Jockeys' Guild to come in with some recommendation because there was such a conflict of opinion whether it should be included in the weight or whether it shouldn't. Maybe I am a bit confused on this, but it seems to me a simple thing inasmuch as practically all states make it mandatory now. Don't they, Eddie?

MR. ARCARO: We ask them to use it on a trial basis. We want to see how much protection it will give us.

MR. DONOVAN: If it hasn't been made mandatory, it soon will. It is going in that direction now. If a boy weighs in without a skull cap, it seems to be a simple matter to include it on the program. Each race and every jockey and every boy riding in that race—the whole thing is public information anyway—that's the purpose behind it, that every boy riding in a race is riding with a protective helmet which weighs a pound and one-quarter or whatever it weighs. It could very well be in a matter of a few years some other material could come up and be developed that is of the same strength but is lighter.

MR. ARCARO: We are working on that right now.

MR. DONOVAN: I think that an expression following Mr. Hanes's suggestion from this group in view of the confusion in the minds of the Commissioners in California this year, will be of some assistance because I know they, the Commissioners, haven't resolved what the rule should be.

MR. CASSIDY: Are there any objections to the proposal that they not be included in the weight as they go through the scales either before or after the race?

MR. MANFUSO: Mr. Cassidy, if the helmet is mandatory, it doesn't make any difference in my opinion, but if it isn't mandatory, it would make a difference.

MR. CASSIDY: Then you haven't any objection?

MR. MANFUSO: As Eddie says, it is voluntary mandatory now, isn't it?

MR. ARCARO: Yes, it is running on a trial basis, but it's mandatory in most states. New York's ruling let's you duck around it, but Mr. Cassidy and Mr. Rainey asked the riders to wear it on a trial basis to see if it did have the safety factor that we think it has.

MR. CASSIDY: They are all wearing them.

MR. ARCARO: Yes, but only because you asked us to. Now if it was mandatory for these riders to check with the helmet, they have the preference under the New York rule to wear just a skull cap. New York doesn't say that you have to wear the safety helmet.

MR. MANFUSO: But what if I want a boy on my horse to ride without a helmet?

MR. ARCARO: You can't do it in Maryland. They made it mandatory there.

MR. MANFUSO: I mean in New York.

MR. CASSIDY: No, Mr. Manfuso. They are wearing it in New York by consent, but it is mandatory that they wear a safety helmet.

MR. PERLMAN: Is it your intention in New York to make it mandatory after you have had a trial?

MR. CASSIDY: That's up to the Commission.

MR. PERLMAN: Oh, I see. I think Mr. Manfuso's point is a good one because right now here in New York if you decide not to use one you would have an advantage.

MR. ARCARO: The advantage is pretty slight. It's only the difference between a half pound and a pound and one-quarter, and I don't think Mr. Kilroe could get horses that close together. I think that they should when weighting a top-weighted horse, take into consideration that extra pound and one-half.

MR. MANFUSO: Mr. Cassidy, my thinking is that it should be mandatory, or it shouldn't be allowed. If it is mandatory and the weight of the helmet isn't counted, why then you are in the clear. Whereas, if it is not mandatory, you certainly are opened up on handicaps over a distance of ground. It can make a considerable difference, but helmets should be mandatory. They are not superfluous and have helped racing to eradicate one of its criticisms, lack of protection for the jocks.

MR. CASSIDY: I think this is important enough and I think it would have an influence throughout the country; since we have passed a resolution regarding disqualification of an entry, I think we should find out whether it is the consensus of opinion of this group that the wearing of helmets be made mandatory. I think it is

worth our time. Those who are in favor of making it mandatory to wear the helmet and not consider it as part of the weight, please raise their hands.

At this point there was a showing of hands and all seemed in favor of this resolution.

MR. CASSIDY: I would say it's unanimous.

MR. HANES: One further recommendation which Walter Donovan made. I think it is a point well-taken—that this information be included in the programs. We certainly ought to do that.

MR. CASSIDY: I don't think we need a resolution for that, Mr. Hanes, because I think that's something that should be done. Gentlemen, unless there is anything else to be brought up, this meeting is adjourned. Wait just a moment. Mr. Perlman.

MR. PERLMAN: One more resolution. I vote thanks to Mr. Cassidy for the manner in which he handled this conference.

(Applause)