

SIXTH ANNUAL ROUND TABLE DISCUSSION  
ON  
MATTERS PERTAINING TO RACING  
HELD BY  
THE JOCKEY CLUB  
IN THE  
NATIONAL MUSEUM OF RACING  
AT SARATOGA SPRINGS, NEW YORK  
SUNDAY, AUGUST 17, 1958

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GUESTS:

Dr. Robert J. Clark, Marketing Economist  
 Edward P. Farrell, Service Bureau, The New York Racing Association  
 Ronald Mooney, attending The Jockey Club School for Officials  
 Gus Owens, Secretary, The Thoroughbred Club of America  
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INTRODUCTION BY  
GEORGE D. WIDENER

Chairman of The Jockey Club

It gives me great pleasure to welcome you again to another round table conference of The Jockey Club. It is more than gratifying to have so many acceptances. This year we are going to try something new which we hope will speed the discussion. Marshall will attempt to put a time limit on each question and in this way we hope to conclude the meeting by lunchtime. As you all know, when we adjourn we shall go over to the Club House for luncheon as the guests of The New York Racing Association. Marshall, please proceed.

1. WHEN SHOULD THE TITLE TO A CLAIMED HORSE PASS TO THE CLAIMANT? WHEN DOES A HORSE OFFICIALLY BECOME A STARTER IN A RACE?

MR. CASSIDY: The rule, I think, is more or less universal: a horse becomes a starter at closing time for claiming. A person who has the right to claim becomes the owner when the draw is over. There has always been some question as to who must take that risk in racing. Presently the claimant takes the horse even though it does not perform in his interests at the time the race is run. The claiming race was devised to equalize horses and when a person has a horse in a claiming race he should be willing to accept the loss of the horse if he is claimed. I would like to ask Ed Christmas what he thinks about this.

MR. CHRISTMAS: I really haven't given it too much thought, Mr. Cassidy, but I guess the old rule is all right.

MR. CASSIDY: You think the horse should become the property of the claimant at the time the claims are closed?

MR. NERUD: I don't exactly agree with that, because the claim stands if the horse is scratched on the way to the post. I don't think a horse should pass to a new owner until the bell rings and the horse leaves the starting gate. Until that time there is a possibility of his being scratched and I think that the original owner should take the responsibility of getting the horse to the post. After all, he's going to get the purse.

MR. CASSIDY: Do you think that the original owner should not lose his horse until after the horse has had a chance to run?

MR. NERUD: When the bell rings and the horse becomes a starter—he's not definitely a starter until the starting gate opens.

MR. CASSIDY: That is, until the start is effected.

MR. NERUD: That's right.

MR. GAVER: I would like to ask what is the definition of a starter? When does the horse actually become a starter?

MR. CASSIDY: There are two different classifications. One, he becomes a starter with respect to the liabilities for nomination and starting fees when his number is displayed and when he's in the paddock to start. The other classification is for betting. He is a starter when the stall doors have opened and he hasn't been prevented from starting because of their failure.

MR. GAVER: At one time wasn't the definition of a starter: a horse is a starter when he leaves the paddock and appears on the track?

MR. CASSIDY: Yes, that's true. But that does not seem to be a universal rule any more and I don't believe it is in use any place because of the betting equation. Mr. Donovan, do you have any comments?

MR. DONOVAN: I think Mr. Gaver asked a very good question: when does a horse become a starter? There are so many different and varied rules as to when a horse actually is a starter and your locations now of your saddling stalls are varied. Some are out front and some in the back. Personally, I think there should be a uniform time at which a horse is a starter. He should be a starter when the gate opens for all purposes.

MR. CASSIDY: You mean for claiming and all purposes?

MR. DONOVAN: For all purposes. We have the rule now for the pari-mutuels and I think it should be uniform—where a horse can be declared a starter at one time, for the purpose of claiming as well as the purpose of betting.

MR. CASSIDY: Well, suppose a horse is nominated to race in a stake. He's brought to the paddock and is saddled. On the way to the post he runs away. Should the nomination and starting fees be refunded? Isn't he considered a starter for that purpose at that time?

MR. DONOVAN: You mean excused. You mean he runs away and is excused by the Stewards—of course not. Naturally, if you say a horse couldn't be in a position to be a starter, he's excused from the race. I mean that other situation where he has been excused by the Stewards for various reasons or injured himself or something, he'd automatically be a non-starter then. But assuming that he is in a position to start, I think that the rule as to a starter for claiming should be the same as the rule is now for a starter as far as the mutuels are concerned.

MR. CASSIDY: Well, that's probably true in betting, but I was thinking of the responsibility and the liability of a nominator of a horse in a stake who has paid declaration and starting fees, whether those fees should be returned to him. That's one classification of being a starter and that doesn't quite fit the classification of claiming.

MR. GAVER: I would think that if you made a rule that a horse is a starter when the gates open, assuming that there is no mechanical difficulty in the gates opening, the money would not be refunded on the horse; but if a man put in a claim and changes his mind, then you could also say that his claim was void. Would that be true under one single rule?

MR. DONOVAN: Well, there would be no claim, automatically. In other words, if you declare that the horse is a starter, then if he isn't going to start there is no claim.

MR. CASSIDY: One of the Stewards might have some comment. Mr. Wendell Cassidy?

MR. W. CASSIDY: First of all I want to say that my question has already been answered, but there is a problem which comes up in the definition of a starter that the gates open simultaneously and the horses are released. Suppose that he comes out of there without a rider on him. Suppose the rider is hanging up in the rafters. Would he be considered a starter?

MR. CASSIDY: The starting gate opened?

MR. W. CASSIDY: The starting gate opened but the rider is hanging in the rafters.

MR. CASSIDY: Then he would be considered a starter. The only thing that would invalidate it would be the failure of the starting gate doors to open which is a failure of a function of the property of the race track. Suppose he stumbled in the gate and lost his rider there. It's the same thing.

MR. W. CASSIDY: Well, Marshall, what I meant by that is if he stumbles in the gate and then comes out of the gate with a rider on him he definitely is a starter. But suppose the gates open, the boy grabs the handlebar on the top of the gate and hangs on and the horse comes out without a jockey. Is that legally a starter?

MR. CASSIDY: We think so, or at least I do. Mr. Hanes, have you any comment on it?

MR. HANES: This is probably the most inexpert opinion in the room but it seems to me Johnny Nerud's definition makes more sense than any other to me and that is a horse is a starter when the gate opens regardless of what happens thereafter.

MR. PERLMAN: I would like to bring up one aspect of this in relation to the public. Our problem in relation to statistics is when a horse is not a starter and yet is claimed we have no way of showing in the past performances that the horse has been claimed. We've had a lot of complaints from people about that. They point out that the fact that a horse has been claimed is of importance to many people as it means he's going to have a new trainer. It seems to me that if a horse is not a starter for the purposes of betting he should not be eligible to be claimed.

MR. CASSIDY: Well, that's one of the reasons for this question.

MR. PERLMAN: I am just voicing that opinion actually from the standpoint of the public. We have no way of showing the public that a horse has been claimed in the past performances unless he's a starter. And if he's excused from being a starter then he should not be eligible to be claimed. The public desires that information and they are entitled to receive it.

MR. CASSIDY: I would think that you could make some provision. . . .

MR. PERLMAN: We have been trying to figure it out but there is no way of doing it unless we add a complete extra line. Possibly, I think you have a point there. We should possibly do that because it is important information.

2. WOULD IT NOT IMPROVE PUBLIC RELATIONS TO SPECIFY WHAT IS UNDER INVESTIGATION WHEN THE INQUIRY SIGN IS FLASHED? AS MATTERS STAND THE PUBLIC IS ORDINARILY INFORMED MERELY THAT AN OBJECTION HAS BEEN LODGED AND SUBSEQUENTLY THAT IT HAS OR HAS NOT BEEN UPHeld. SHOULD NOT THE PUBLIC BE TOLD WHO LODGED THE OBJECTION, WHAT HORSES ARE INVOLVED AND FOR WHAT REASON IT IS, OR IS NOT, UPHeld?

MR. CASSIDY: I would think that that is a universal rule. We have been doing it for some years in New York and I believe it is done in most places. We try to advise the public of what the claim is, where it occurred and who is involved.

MR. DAVIS: We advise the public the same as you people here in New York—who is involved in the claim, who claimed it and against whom, etc.

MR. CASSIDY: Is there any further comment on that question?

MR. ARCARO: Mr. Cassidy, do you have an inquiry sign and an objection sign?

MR. CASSIDY: No, we use the same sign for both purposes.

MR. ARCARO: Inquiry seems the right word for it.

MR. CASSIDY: I agree with you.

MR. ATKINSON: I would like to point out in this respect that the choice of words sometimes I think is very bad, particularly in the case where an objection doesn't stand up. The announcer makes a point of saying that "there was no evidence of a foul" and oftentimes the objection or the inquiry has been lodged by the Stewards themselves. It sounds a little silly to me to say that there was no evidence of a foul. Why couldn't it be pointed out that there was insufficient evidence for disqualification or something to that effect?

MR. CASSIDY: Well, I think that's a technicality, Ted. I think "there's no evidence of a foul" doesn't necessarily mean that the claim wasn't justified either by the Stewards or the jockey. Maybe you are correct that "there is no justification for disqualification" might be a better use of words.

MR. ATKINSON: I should think so.

MR. CASSIDY: Would anyone else like to comment on this?

MR. W. CASSIDY: I would like to put up a question relative to this. For instance, the inquiry is put up, there is a photo finish and there are no numbers placed on the board. In some places the policy is not to put the numbers on the board until the Stewards have determined whether or not a foul has occurred. In others, they put the numbers up and make the announcement that this is not the official order of finish. I'd like to hear some comments on which is the best method. Of course the one where you do not put the numbers up saves people from tearing up tickets that later may become winning tickets. I had that question come up in California on several occasions and not all the tracks in California handle it the same way.

MR. CASSIDY: Personally I would think the numbers should be hung up as

soon as the order of finish has been determined and that the loudspeaker advise the public of what the claim is and not to destroy their tickets until the foul or objection has been determined.

MR. GUSHEN: Getting back to the original question, Marshall, I've been to a lot of race tracks and so have many other people and unfortunately the same procedure is not followed in many of the race tracks as it is in New York. I've been to many race tracks where an objection sign has been flashed and the announcer says, "Attention, please, there has been an objection. Hold all your tickets until the Stewards review the motion pictures." And that is all. Nobody knows who lodged the objection, whom it is against, whether it is against the first horse, or the second horse or the third horse. On your original question, I think, definitely, that the public should be notified as to who is lodging the objection and whether it is against the first horse, the second horse or the third horse.

MR. CASSIDY: Mr. Gushen, there is something about that that goes a little further. If the Stewards announce the claim is against the first horse or the second horse, it is not unusual that in the review of the pictures and in the investigation it is determined that another horse is to blame. So you have to be very careful that you don't exonerate the other horse by naming the only horse who may be involved. I think, possibly, that's the reason they say, "Don't destroy your tickets" because any horse may be disqualified.

MR. GUSHEN: Marshall, by the same token, anytime a rider claims a foul there is nothing announced. The public doesn't know and I think riders claim fouls more than the Stewards do themselves. I think there is a greater proportion when the riders claim foul as against the Stewards putting up an inquiry sign. I think the public should be informed when a rider claims a foul and whom he claims it against.

MR. CASSIDY: That's announced here. I think that the Stewards in most places like to give the jockey the opportunity of claiming a foul without prejudging. They know that if a foul is claimed it changes the tone of it before it is reviewed. I think that's the reasoning.

MR. GUSHEN: I have no objection to that at all. I would just like to have the people informed whom the foul is against.

### 3. WOULD IT BE POSSIBLE TO MAKE PROTECTION FOR BACK-STRETCH EMPLOYEES NATIONAL?

MR. CASSIDY: This is something about which there has been a lot of activity. I think that the desire and efforts are pointed in that direction to provide some help for the backstretch. There is a need for benefits. Unfortunately, their employers, the owners of horses, are in many cases not able to stand additional costs. Insurance, normally, is not practical in any one area because of the transient situation where a stable moves from one track to another. They may be in one place only for ten days, maybe thirty days. It is hard to cover by insurance all over the country unless the employers directly insure their own men. Deductions from the purse, such as has been suggested by the H.B.P.A. for that purpose, that is, the overall purse distribution, without a winner's share particularly, is, I think a little more fair than it appears on the surface because it doesn't necessarily take the money from members of any one group but takes it from the overall structure; no individual is conscious of having paid it and still his men are protected. He may not even win a race but his men have some kind of protection. I think the proper system and one which is more workable is a foundation such as the Jockey Club Foundation whereby money is provided and held for the benefit of those that are unfortunate, ill, disabled or anything else. Mr. Gushen, you have some knowledge of it because of the activities of the H.B.P.A. Will you tell us briefly what you have found out?

MR. GUSHEN: Of course, this is one of our projects, something we have been working on for a long while and unfortunately we have not been successful in getting the approval of the racing associations. We feel that a national policy to protect the backstretch help would not only be cheaper but would be the only workable solution to the problem because on a divisional scale it would cost much more. One man may be insured in New York or in California and then when he goes somewhere else, probably the insurance would not carry. But we are thinking on a national scale—the same as we have our disaster insurance policy which we worked on for a long while. With the help of the T.R.A. it is in force and has been in force for several years now and has worked out remarkably well because we have been able to help all of those who have had their horses destroyed. Only recently we had a fire at Randall Park and all the small fellows got paid and were very happy about it. I think it can be worked out, there is no doubt about it, but of course in order for us to work it out we will have to have the help of all the racing associations in the country. I don't think that the cost would be too great because I think on a national policy we could get it so that each man would be protected to a certain extent with a small policy and other necessary protection. But it is impossible for us to do it on a national scale because we as an organization, as the H.B.P.A., do not have the funds to be able to do that without being able to get the funds from a place like New York or the same as we have just recently from California. I think Jim Stewart can answer that better than I can. We will never be able to get any funds from some of the smaller racing associations and of course, protecting a groom or an exercise boy in an area where they race for \$800 costs just as much as in an area like California or New York or New Jersey. Protecting a man in a small area costs just as much as it does anywhere else. So these people would not be able to stand the cost and naturally we would have to absorb that cost the same way that we have in the disaster policy; that the larger association would carry the brunt of the burden and help the smaller ones.

MR. CASSIDY: Mr. Stewart, would you care to say something about it?

MR. STEWART: Yes, Marshall, I would. In your question you used the word, "protection." Of course that can be a very broad word or it may cover just emergency aid for people who are completely without funds. In our operation in California which Irving mentioned we have the California Turf Foundation. The funds used by that Foundation are raised from the various racing associations in California. The assessments are based on the relative handle of those associations. The funds are administered by a board of directors and on that board of directors there are representatives of the grooms, the trainers, the owners, mutuel clerks and other groups that are affiliated with racing. We have found through the years because of health and welfare insurance protection for most other groups that the actual servicing of the cases is handled by a secretary who works with the representative of the H.B.P.A. in cases where the H.B.P.A. is involved because the individual is a groom or a trainer. We have found that actually meeting emergency situations and giving aid in a way that will keep this person off the public rolls and giving aid where it is really needed, has been a very effective procedure and it has been in operation since World War II. As for the broader basic protection in the way of a health and welfare insurance program, our feeling has always been of course that the program for the grooms is a matter for the employers to work out directly. All we can do is on an indirect basis through our Turf Foundation or through some benevolent arrangement to aid as we have been aiding through the years.

MR. CASSIDY: Mr. Hanes, would you like to say something about the backstretch?

MR. HANES: This question was put to us in December of last year and we passed it along to the T.R.A. with the hope that there would be a national policy es-

established which would serve to give help to the backstretch employees. We thought they were entitled to it. The difficulty from the tracks' standpoint is the one of paying benefits to the employees of another person. These persons as a rule are not employees of the track. There is no deduction, therefore, from your income tax for any monies spent on the employees of others unless it is an outright gift to charity. So that poses a nice tax question. The other is the normal difficulty of the people who move from one area to another and from one owner to another. Along with Jimmy Stewart when we were in California last year we agreed that the best policy from our standpoint and from the standpoint of the employees on our backstretch was to set up a foundation, somewhat akin to The Jockey Club Foundation and another fund which has been left to The New York Association for such charitable purposes as the trustees deem advisable. We have reached the conclusion that we can most effectively deal with this particular question through the agency of a foundation and with that thought in view, and in agreement with the T.R.A. as we thought when we were in California, we were going to follow the one they asked us to follow and we set up such a foundation. It is in the process of being approved now by the U. S. Bureau of Internal Revenue with an initial contribution by the Trustees of The New York Racing Association of \$150,000. Mr. Widener has agreed to serve as Chairman of that Foundation. It seems to us that eventually this fund ought to accumulate to the point where the foundation should have several million dollars and the income therefrom would be more than sufficient to take care of all the needs that we find in the backstretch. That's our policy up to the moment. Unless there is some good reason to change it, we are going to continue on the theory that we can most effectively deal with the vicissitudes of the employees on our backstretch by the foundation. The H.B.P.A. here in New York has agreed with us that that is a wise and sane decision.

MR. RAND: I was happy to hear Mr. Hanes's announcement of this plan because the H.B.P.A. has been working very closely, as you know, Mr. Cassidy, with management here on such a program. We have been working for about a year and a half and I am very happy to hear your announcement, Mr. Hanes.

MR. NERUD: I have nothing to add to what Mr. Rand said. We've spent about a year or a year and a half on this program and now we have the confirmation.

MR. GUSHEN: Of course, we are very happy with the situation as it exists in New York and we are very happy with the situation as it exists in California but we are speaking about a national situation. What about the other areas? There are grooms working in other areas who work just as hard and are entitled to just as much protection as those who work in New York and in California. We are always fearful that if they get certain benefits in New York and in California that they do not get elsewhere, there is going to be a lot of dissension among the grooms themselves and we may have trouble. Unfortunately we have other areas, large areas, that do not think like New York and California. Now it isn't only a small emergency that we are concerned with because we take care of those—we spent \$130,000 last year out of the H.B.P.A. to take care of those small emergencies and most of that money came from the pockets of the horsemen themselves. But what are we to do in certain areas, and large areas, I may say, where the racing associations would not contribute one single dollar to the H.B.P.A. and not only would they not contribute one single dollar themselves but they would not even allow us to take our own money off the top. Now how are we going to do our benevolent work and how can we protect those people who race in those areas as compared to those who race in New York and California? That's our problem and that is the reason I think something should be done on a national scale, where all personnel on the backstretch will be taken care of. Certainly a fine example has been set by New York and California but what about the others? That's what we're concerned with. We've got to take care of all grooms and all exercise boys.

MR. CASSIDY: I think that's a problem we will have to work out. Certainly a lot of difficulties could erupt at small tracks. But I think this has been a very good beginning.

4. THERE ARE STILL MANY RACE TRACKS THAT PAY 65% OF THE PURSE TO THE WINNER. CALIFORNIA PAYS 55% AND MANY OTHER RACE TRACKS 60%. 65% APPEARS TO BE MUCH TOO HIGH AND PREVENTS AN EQUITABLE DISTRIBUTION OF PURSE MONEY.

MR. CASSIDY: New York, as you all probably know, does divide its purses on the basis of 65% to the winner, and I think that has been continued on the theory that out of that 65% the winner is not required to but does pay the trainer approximately 10%, pays the jockey 10%, pays another 5% or 10% to the stable help in gratuities when he wins a race and he winds up with little more than the second horse gets. Plus the fact that after having won he picks up a weight penalty the next time he starts. The division which goes further back from the winner might easily extend not only to the fourth horse but to the fifth horse. There would be no end to how far you can go. It would become a subsidy if you ask people to start in a race and you assure them of getting some part of the purse no matter where he finishes. I know California does divide with 55% to the winner, don't they, Jim?

MR. F. E. KILROE: Yes, they do.

MR. CASSIDY: And there has been some action trying to persuade tracks in other parts of the country to use the same division. Jim Kilroe, what do you think of retaining the 65% to the winner?

MR. F. E. KILROE: You always have to consider your position nationally. I am almost certain that we are the only area left that has the 65%. In New Jersey—Walter Donovan will know better—but I think it is 60% at Garden State and 55% in California. Chicago is on a 60% basis. We have found that people who go to California to race are always delighted to find out that their expenses have been defrayed by horses that just finished in the money, which would not be the case under the 65% rule.

MR. CASSIDY: Would that possibly be because of the long ship to California that they need money to go out there and come back?

(Laughter)

MR. F. E. KILROE: I think the purpose is to get the money spread around more generally.

MR. CASSIDY: There's no question but what it spreads it thinner but it does spread it around more.

MR. F. E. KILROE: The winner has at least the pleasure of winning the race which the other people don't have.

MR. PERLMAN: I think one of the problems in relation to purse distribution is that no one has ever really made an analysis of what is sound and what is not sound in relation to purse distribution. I think that 65% started years ago when the purses were very small and possibly when The Jockey Club was formed and when the members themselves put up most of the money. Nothing has been changed since, despite the fact that racing itself has completely changed economically. It is as much a business as it is a sport and yet the rules were set up during the period when it was entirely a sport. It seems to me that it is very simple arithmetic that when you give two-thirds of the money to one horse who is 10% of the field you are only leaving one-third of the money to the other 90%. Now this idea that the owner has to pay 10% to the trainer and to the jockey is not a valid reason at all because even with a \$5,000 purse at 65%, less the 20% deductions, you still have \$2,600 left against \$1,000 for second money. But more than that, there are many, many trainers who get 10% no matter whether the horse finishes second, third or fourth. I think there

are many jockeys today—in fact most of the jockeys who ride in important stakes—who get 10% of second money when it is \$20,000. Not all of them, but many of them do. Now I can't see how racing can possibly be economically sound when one horse who is 10% of the field gets two-thirds of the money. Only recently have they come around to the idea of distributing the total gross purse among all the starters instead of giving all the added money to the winner. The previous method made absolutely no sense because there was no reason in the world why the money put up by the owners should not be distributed equitably. A horse wins by a nose and gets \$110,000, while the next horse gets \$15,000. It just doesn't make sense. If racing is going to be economically sound for owners you will have to have a more equitable distribution. I think that an analysis of what has happened in California should be made to find out whether it isn't more sound. Personally, I think it is. I believe the 55% return to the winner makes more sense than 65%, but 60% should be the absolute maximum if we are going to find some way of having an equitable distribution. I would like to bring up another point that is not entirely unrelated to this, and that is the splitting of races. If we are going to promote good racing and you can get 17, 18 or 20 top horses into a stake, a race like that should be divided and some way should be found to permit those horses to run in two divisions. This is all related to the idea of promoting good racing and having a more equitable distribution. I have given this some thought and I think that 65% is very, very wrong.

MR. ARCARO: I don't think I am qualified to answer that kind of a question. But Mr. Perlman said the jocks get 10% of the place and show in New York. They don't. Very few stables do that.

MR. PERLMAN: Well, I am wrong. I thought in big purses like the Garden State and some of the others. . . .

MR. ATKINSON: Yes, when you make an out of town trip. That is part of the agreement almost invariably.

MR. CASSIDY: Mr. Perlman, you stated a minute ago that the division of the money left a certain percent to the nine out of ten horses that ran. You wouldn't propose that each horse that started get a portion of the purse, would you?

MR. PERLMAN: I wouldn't propose that, but I do think that when you divide 45% of the money among the other three horses in the long run you have a more equitable distribution because a man has a 40% chance of being in the money.

MR. CASSIDY: It would be a wider distribution.

MR. ARCARO: In New York as I said very few stables give 10% to the jockey for place and show. But in California there probably isn't one percent that doesn't give you 10% of the place and show because the place and show money is bigger and you can get 10% from almost all stables in California. Around New York with all the horses they get, they hardly break even for place and show.

MR. GUSHEN: Without any personal comment I would just like to report that last Sunday the H.B.P.A. had a national Board of Directors meeting at which representatives of every racing area in the country were present and we went on record as suggesting to all the racing associations in the country that a minimum of 55% and a maximum of 60% be adopted as the rule.

MR. MOONEY: In Ontario in overnight races we pay 65%. In our stakes we pay 55% plus the added, plus the stakes.

MR. CASSIDY: I am curious to know why the difference.

MR. MOONEY: Well, this might be an argument against paying 65%, we felt that a winner in a stake getting 65% plus all the fees was getting too large a proportion of the money.

MR. CASSIDY: That's plus all the fees so you are going away from 65.

MR. MOONEY: We went down to 55% plus the fees.

MR. CASSIDY: Well, then you really give about 65%.

MR. MOONEY: That's right.

MR. GAVER: I'd like to ask the question if race tracks who divide the purse with 55% to the winner are actually doing it in the interest of distributing more money to the owners or if they are doing it in the interest of insuring themselves of a larger field of horses in a race.

MR. CASSIDY: I can't answer you that because we don't do it.

MR. TAYLOR: I am rather sorry that part of the entrance and stake payment money is going to the second, third and fourth horse. I think it probably takes away from the old traditional sporting idea that those payments should go to the first horse. I think—to make a small correction in John Mooney's statement—our division is 50, 25, 15 and 10, but we give all the fees to the first horse.

MR. NERUD: I think this is basically a question you should ask the owners how they feel about it. They are the ones paying the bills and dividing the money. Mr. Perlman said he doesn't think there's been a study made of it. I think there has. I've owned horses for twenty years and I've thought quite a lot about the distribution of money.

*(Laughter)*

MR. HANES: I'd like to ask Mr. Perlman has he got any specific bottom in mind when he said it ought not to be 65%. How low should we go, Mr. Perlman?

MR. PERLMAN: I personally prefer 55% which doesn't mean that it is right, but I don't think it should be any higher than 60.

MR. HANES: But how low?

MR. PERLMAN: 55 should be the lowest.

MR. HANES: I think it is important that we should put that on the table for discussion at a later date.

MR. PERLMAN: My reason for suggesting 55 is because it has been tried in California and I think it has proved very popular with the owners there.

MR. DONOVAN: I was interested in John Gaver's question. I would think altruism wouldn't enter into the thing at all with 55% because the tracks pay the same amount of money regardless of how they divide it and I imagine the idea of trying to encourage large fields isn't anything to be criticized. I think it is a worthy thing from that standpoint because it makes for better racing from the public's standpoint. I am interested in Canada's reason for having a lesser division in stakes and a higher in overnights. We do just the opposite and I'm not justifying it at all but we distribute 65% in stakes and 60% in overnights because prior to this time when we distributed all fees as you do and which we do too, the winner got all of it. So as a matter of fact he is getting less today by having a percentage apply to all fees. It just seems to me, we had this question last year too, that the 60% distribution is about right, a good fair average to hit at. I've always thought the 55 might be a bit low, 65 a bit high and 60 hit right about the middle of it. As far as the fifth purse is concerned, I agree with what's been said. That can go on and on. I mean you could give a piece of it to every horse in the race.

MR. GREEN: I was just thinking the same thing he was. If ten horses were in the race, according to what you said, Mr. Perlman, the money should be split ten to each but I wonder would that be economically sound.

MR. PERLMAN: I did not suggest that.

MR. CASSIDY: Mr. Bigelow, do you have any comments?

MR. BIGELOW: Well, it seems to me, Marshall, that it is purely a matter for the horsemen. Track management doesn't care. They spend X dollars and it should be left to the horsemen to decide how the money is to be apportioned. The trouble is, of course, that there are all kinds of horsemen but if the horsemen can come up with a reasonable degree of unanimity on the matter, then I think track management would be only too pleased to do what they suggest.

MR. CASSIDY: By horsemen you mean the owners.

MR. BIGELOW: Yes.



5. WOULD IT NOT BE ADVISABLE FOR THE COACHING CLUB STAKES TO BE RUN IN THE FALL? WITH THE DISTAFF BIG THREE, THE MONMOUTH OAKS AND OTHER FIXTURES FOLLOWING THE COACHING CLUB, IT MAKES IT VERY DIFFICULT FOR FILLIES TO BE TRAINED.

MR. F. E. KILROE: Personally I think it is a narrow question for a broad group like this to be discussing. After all it is something for The New York Racing Association itself to decide. It is of particular interest to the people who race in New York, not so much to the people who race in California. It could be argued that we should have a better race for three year old fillies in the fall and I know it has been suggested that we cut back the distance of the Coaching Club Oaks to a mile and one-quarter at least, closer to the distance of other three year old filly races, particularly as it comes now in the spring of the year. I would rather see it cut back to a mile and one-quarter and keep it where it is and have another race in the fall for three year old fillies.

MR. CASSIDY: I think it is of value to New York to listen to the comments of other people even though they may not be directly involved. I think it is something that represents a policy in racing and it is good to hear what they have to say.

MR. MOONEY: I would say that with the great amount of stakes that are around there is a need for racing management to get together and plan the races for the betterment of all concerned. Sometimes there are races which certainly make it difficult for the horsemen because of the distance or something at that particular time of the year and I think steps should be taken to improve this.

6. IS THE PRESENT RULE LEAVING THE PLACING OF HORSES IN THE HANDS OF THE STEWARDS RESPONSIBLE FOR THE EPIDEMIC OF FOUL CLAIMS THAT HAS ARISEN ALL OVER THE COUNTRY AS WELL AS HERE IN NEW YORK?

MR. CASSIDY: I don't think that the change in the rule has any effect on it. I think the jockeys are just as eager to improve their position if fouled no matter where their number is placed. I don't see how it would have any effect on the jockeys at all. The Stewards are normally very severe with jockeys who when fouled do not lodge a complaint. They want them to claim a foul if they have been fouled. I think that the so-called epidemic of frivolous foul claims is greatly exaggerated. It runs in cycles. It has over the 25 years that I served as a Steward. I know it has happened very frequently for a short period and then we would not have any foul claims for a long period. I think we have a tendency to exaggerate the fact when a number of foul claims are made close together. Mr. Arcaro, what do you think about that? Do you think that rule has any effect on claims?

MR. ARCARO: No, Mr. Cassidy. I ride in Santa Anita in the winter and in New York in the summertime, under two sets of thinking. At Santa Anita they discourage claims. In New York they encourage claims. At Santa Anita of course you are running on a daylight problem and Judge Tunney is right up in the stand at the finish. If a boy claims a foul through the stretch and Judge Tunney has seen it and in his own opinion doesn't believe that there has been a foul, he will discourage him from claiming a foul when he gets on the scale. We never have anything like that in New York. In fact, there is nobody with the power of any official position at that point, when a boy actually has been fouled, to discourage or encourage a claim. Speed up, I think that's why they do it in California. If something happens so they can't see it, of course, it is different.

MR. CASSIDY: You have, of course, raced in New York a long time and you

should be fairly familiar with the amount of what may be called frivolous claims of foul and you know the pattern that probably has been established here of discouraging it somewhat by ridicule on the morning-after, when the pictures are reviewed.

MR. ARCARO: That's right. I think that handles itself. Mr. Dunne made a comment at one of the pictures. He said that he had seen all the famous shows on Broadway but he wanted to see why Bailey claimed this certain foul.

*(Laughter)*

MR. CASSIDY: Well, don't you think that is the proper procedure?

MR. ARCARO: Yes sir, I do. I think it handles itself.

MR. CASSIDY: Do you think that frivolous or so-called frivolous foul claims should be punished by a fine or suspension or do you think that it should be done the next day by making jockeys justify any claims in front of the rest of the riders?

MR. ARCARO: I think that making them justify their claims in front of the other riders ridicules them enough to where they are more careful but I believe that most of the riders who claim fouls in their own minds think they have a foul coming. I don't think they'd make it except in that case.

MR. CASSIDY: Mr. Atkinson, what do you think about it?

MR. ATKINSON: I can only agree whole-heartedly with what you and Eddie have said. I think the movies have been a force for elimination of frivolous claims.

MR. CASSIDY: Anyone like to comment on that? How about Mr. Cassidy?

MR. W. CASSIDY: As an example this last meeting at Hollywood Park, we had two frivolous claims of foul. One of them was by Willie Shoemaker and the other was by Moreno, both veterans. After questioning them and examining the pictures in both cases neither one of these riders thought he was fouled but the trainer had insisted that he claim a foul. In both cases we had to fine them for being talked into claiming a foul by the trainer. I think that the trainers have a lot to do with influencing riders to make claims of foul.

MR. CASSIDY: We feel in New York that the trainer has a right to claim a foul through the jockey if he feels that his horse has been fouled. I think to punish a boy for what you might consider a frivolous claim discourages him from claiming it when he has a justifiable claim. He doesn't always know it is justifiable, until after the pictures have been reviewed or the evidence has been submitted to the Stewards.

MR. ATKINSON: I just wanted to ask Mr. Wendell Cassidy why they didn't fine the trainers in those cases.

MR. W. CASSIDY: I said to Willie Shoemaker, "Do you admit that you were not fouled," and he said, "Yes, I do. But Mish Tenney insisted that I claim foul." I said, "But he has the privilege of claiming a foul, a trainer can claim a foul and an owner can claim a foul." But if they talk a rider into claiming a foul and he does it just to appease a trainer, then I think the rider should be punished for being so easily influenced by a trainer.

MR. ATKINSON: That trainer has put up \$20 or his owner has for your services and before the official sign goes up you are working for him under his direction. If the boy lays his cards on the table to the extent that he is claiming this foul simply because the trainer insisted on it, I should think he would be relieved of the responsibility before claiming.

MR. ARCARO: I have done that. I have said, "I am not claiming the foul but the trainer has asked me to come in here and claim the foul." You have to do it if they ask you to do it.

MR. PERLMAN: I would like to make this comment. There are times when a trainer might see interference that a jockey doesn't see. I know that jockeys have reported time and again when they see the pictures the next day that things happened to them they were not aware of when they occurred.

MR. SHEHAN: There's another angle on this that I think should be a matter of consideration, and that is the effect an objection will have on your crowd. Not all

racing crowds today have complete knowledge of what constitutes a foul or interference, and the frivolous claim of foul—as in the cases that I have had experience with as a Steward—whipped up the crowd to a point of excitement that was dangerous to the welfare of racing in the particular community. As for riders coming up on claims of fouls suggested by trainers, it has been my experience to have several riders come up and tell us quite frankly they were only up there because the trainer had insisted that they claim it.

**7. CAN THE JOCKEY CLUB RULES BE CHANGED TO ALLOW THE ISSUANCE OF A DUPLICATE REGISTRATION CERTIFICATE TO THE NEW OWNER OF A REGISTERED ANIMAL THAT HAS BEEN ACQUIRED BY THE DUE PROCESS OF LAW? (LEGAL SEIZURE TO SETTLE A DEBT.)**

MR. CASSIDY: The Jockey Club does issue a duplicate certificate if a horse has been sold and the courts have adjudged someone to be the rightful owner of that horse even though the certificate is not available. But when there has been a controversy and the case is in court over the ownership of the horse, and the man sells the horse without the ownership having been determined, we do not issue a certificate until the court has decided. Then we try, of course, to make the person who lost the case provide the original certificate. The Jockey Club can't afford to have original and duplicate certificates out at the same time on a horse. Is there anyone here who wants to comment on this? I don't know who sent the question in.

MR. DOHERTY: I sent the question in. Henry Knight and I are in the process of trying to collect some money from a man. He has two mares in Kentucky. We can seize these mares and sell them at public auction. The man refuses to give us the two registration certificates. I wrote your office and was told that The Jockey Club could not grant a duplicate and probably would not grant a duplicate since the original was still in existence.

MR. CASSIDY: I guess that your case was one that I talked to Mrs. Brennan about. I asked her if we have any rule prohibiting the issuance of a duplicate certificate providing the sale had been consummated and had been attested to by the courts.

MR. WIDENER: Mr. Cassidy, let me say that I would be definitely opposed to issuing a duplicate certificate under those conditions.

MR. CASSIDY: Under those, yes. But if the horse had been sold and there is no contest on whether the bills have been paid or anything, then the certificate has been issued. We've had cases where people have tried to collect for stallion services and wouldn't provide the certificate until they had collected and had been paid, but there are many things that involve the right of The Jockey Club to issue a certificate. It varies of course with each case.

MR. FINNEY: We will sell no horse of racing age without a registration certificate and in the past where horses have been sold at court order, particularly at the time that I was in Maryland, I have had, I venture to say, twenty or thirty duplicate certificates for horses that we later sold by auction in our regular sale which had been sold at the courthouse door in Towson, Maryland. We received duplicate certificates for them by sending up certified copies of the sale from the court. Under the law you can get a new title to an automobile if you buy it. I don't know how you get a certificate from a man who has the original if it is in existence if he will not give it to you. I think people should know that it does them no good to replevy a horse for a back board bill because they can't get a title as long as the man who owns the horse won't turn loose the certificate. Has a definite policy ever been decided on?

I've got evidence of one side. I've received certificates over the years and Mr. Doherty has been refused one.

MR. CASSIDY: Well, I never heard the full facts of Mr. Doherty's case. I asked Mrs. Brennan about it and she told me just what I repeated to you.

MR. DOHERTY: We did not sue this man because we were told it was doubtful that we could get a duplicate certificate.

MR. PHIPPS: Why could not the court order them to deliver the certificate to you? If you did sue I should think that in your complaint you could request the court to order delivery of the certificate.

MR. DOHERTY: I don't know. My lawyer said that he doubted that the court would have the power to demand the registration of the horse.

MR. CASSIDY: Of course, in a sale where a horse has been sold specifically without registration and not as a race horse there would be a lot of trouble.

MR. DOHERTY: The only way we can get the value would be to sell the two animals in question on the courthouse steps and for us to buy them and then for Mr. Knight and me to do whatever we wished with them. But it would be useless for us to do that as we can't get the certificates and we couldn't resell that property without the certificates.

MR. PHIPPS: I don't see how The Jockey Club could take jurisdiction in settling this and give other certificates where the Kentucky court, according to your lawyer, probably would not be able to do it. I think it would put us in a very difficult spot.

MR. DOHERTY: I think the Kentucky court would order the man to give the certificate but if the man never goes to Kentucky he probably would ignore the Kentucky court.

MR. CASSIDY: Any other comments?

MR. ATKINSON: I'd like to ask if it would be possible in such a suit to not only sue for the horse but for the papers. One is no value without the other, actually.

MR. HENDRIE: Marshall, it seems to me only fair that in a case where a horse is sold under the innkeepers act to recover a board bill papers should go with the sale and as far as Canadians are concerned, if a horse is sold under the innkeepers act for a board bill, the department who handles the registration accepts the court order, issues duplicates, and cancels the original.

MR. CASSIDY: Wouldn't it be more proper for them to demand that the papers be provided by the person who formerly owned the horse?

MR. HENDRIE: Yes, it would be but there are people in this world who would refuse and cause the people concerned untold months of trouble in the courts to obtain them.

**8. COMPETITION AMONG RACE TRACKS HAS CREATED A PREPOSTEROUS SITUATION THAT MANY RACES WITH HUGE PURSES DO NOT PROVE ANYTHING AT ALL. WHY IS IT NOT POSSIBLE FOR THE T.R.A. TRACKS TO HOLD A CONVENTION OF RACING SECRETARIES IN ORDER TO DO SOMETHING TO ELIMINATE THIS SITUATION? ALSO, SHOULD THE NUMBER OF \$100,000 AND OVER RACES BE LIMITED IN THE FUTURE?**

MR. CASSIDY: There has been a tremendous amount of discussion about this through the years and it's going to be pretty hard to arrive at any conclusion on a group of race tracks that are not tied together or responsible to each other. It has become a question of competition. If one track gives \$100,000 of course a competitive track will give a hundred more or try to attract the better grade horses. There are not enough stake horses to go around so racing necessarily suffers because of the lack of fields for the better grade horses in the \$100,000 stakes.

MR. STEWART: It seems to me it is a matter of economics, Marshall. Each track is attempting to put on the best show and the best group of contests it can and each one is a matter of private enterprise competing with each other. The scheduling of the big stakes between the various tracks may come along on a somewhat informal basis because of the economic unfeasibility of having competing stakes at the same time. But beyond pure economics I don't think that the picture is going to change much.

MR. CASSIDY: Do you think that the T.R.A. could or would be interested in trying to equalize the situation some or not?

MR. STEWART: I think we would be interested in discussing the matter, but bear in mind that we are a trade organization with the tracks participating voluntarily and each track I think would sit down and discuss the matter. I would be rather dubious as to their actually deciding on any formula. I do know that the tracks that are competing usually like to informally at least look over their stakes programs and keep schedules away from each other as much as possible. That's common sense, because if you don't do that you don't have the attractions.

MR. CASSIDY: You lose horses if they compete too closely. Mr. Christmas, did you want to say anything?

MR. CHRISTMAS: Yes, regarding this question, we have a lot of \$100,000 races all over the country. I think we've got too many of them and we need more equitable distribution. I believe the question was taken up here the year before last and it was suggested it be carried to a committee of the T.R.A. to solve. I understand it didn't get very far. Now the history of this situation it seems to me is that they put on a \$100,000 race as it is necessary to get the name horse. Then they will weight him so that he'll be there and I think it makes it pretty tough on some states that don't do that. In other words, if you take horse A and go to Missouri or any other state and he's going to run for \$100,000 against bad horses with 128 pounds why then he's not going to come to another state and pack 135 and run for \$50,000, or run for the same purse. The associations are the ones who created this situation and I don't think the horsemen can do anything about it, unless they want to take advantage of the situation as created by the associations. Undoubtedly the associations are interested in getting the name horses there. I never saw any association which was prone to be throwing any money away in bigger purses. I think that makes a bad situation but the T.R.A. should decide it, the associations themselves, and I don't think they'll decide.

MR. CASSIDY: Would anyone like to comment?

MR. WIDENER: I would like to see all the associations limit their stakes to \$100,000 at the most.

MR. CASSIDY: You mean make that the maximum amount of added money?

MR. WIDENER: Yes, it would be sufficient.

MR. CASSIDY: I think if we keep going any higher we are going to get in trouble.

MR. WIDENER: That race in Chicago for \$165,000, I don't agree with that at all.

MR. MANFUSO: Mr. Cassidy, in answer to two of those questions, specifically as to the Racing Secretaries Convention, there isn't any question in my mind that it would be useless since the dates of these stakes are set up by the track management and the racing secretaries generally have little if anything to say as to the date of a particular race of that type. I think the normal consideration by the tracks as indicated by Mr. Stewart seems to be the only logical approach to producing a sequence. Now as to the \$100,000 races, we feel that it should be considered from two points. It was originally introduced as an extravaganza, a promotional idea to a degree, leading to the summit, from the point of view of an attraction to the public, and as an indication of the best presentation of horse flesh available. From that point of

view it was an extravaganza. The objection to this seems to have lessened. The real objection to the \$100,000 race comes from the fact that it seems to have become commonplace now. It's losing its business appeal as an extravaganza but being a promotional effort it's felt that if you have two of them, why they'll do twice the job that one does. Now that brings on the problem of where that second hundred thousand dollar race interferes with the fundamental theory of better purses for better horses. And you have situations in certain parts of the country where the theory of better purses for better horses is not actually being lived up to. I know the argument of some that the minimum should be reduced. Maybe it should and maybe it shouldn't. If you look at the minimum from the point of view of economics, the value of the dollar, I don't think there is any question that the minimum is not out of line with the economic position of the dollar in relation to what the minimum was 10 or 15 years ago. But from the point of view of better purses for better horses this \$100,000 race interferes because it doesn't allow real payment to the better horse for his participation. He is restricted. The payments are restricted because the funds aren't available because they are needed to go into the \$100,000 extra race. Now it seems to me that if the \$100,000 race was judiciously employed to the point of being used just as the tracks could afford them and used once and the other big races brought down to a point where the daily attractions could be improved, where maybe the \$50,000, the \$40,000 or the \$30,000 races could be multiplied, the whole of racing would be benefited. I think sometimes that our cards during the weekdays, when we really need quality programs in the promotion of the business end of the sport, are sadly lacking the quality required to attract people, attract bettors. As you all know the professional bettor prefers to wager when the purse is high, when he is wagering on good horses, where he gets stability of performance, and feels he has assurance. We call them bankers in our territory where they bet on third, bet third money and bet a lot of it, and I certainly don't approve of that procedure. At the same time it is an indication that they have confidence in their wagering because of the nature of the race and the amount of money involved. The better overnight distribution to a degree is tied up by the amount of money that is actually allocated in these big races.

MR. CASSIDY: Would anyone else like to comment on the \$100,000 races?

DR. GILMAN: I think one of the reasons we have such a scarcity of good handicap horses is because there are too many \$100,000 races for three year olds. I think a lot of the three year olds are broken down or staled-off because they are running all over the country after all these \$100,000 races. This seems to be the reason for the scarcity of good handicap horses.

MR. PERLMAN: This is not directly associated with the problem, but is related to it. One of the great problems this year is that the three year old division is pretty weak, and personally I think that it's related to the early racing as two year olds. The opportunities for horses during the fall of the year as two year olds and then as three year olds in the winter and spring of the year are so great that it seems to me that we would be doing a favor to everyone if we actually had no two year old racing until possibly June of each year. I know how difficult that would be to accomplish but it certainly would be sound from the standpoint of the horsemen.

#### 9. SHOULD THE WEIGHT OF THE HELMET BE INCLUDED IN THE WEIGHT CARRIED BY THE HORSE?

MR. CASSIDY: This is something that was brought about by a desire to provide protection for the riders, requiring them to wear this new safety helmet. It appeared that for a boy to add an additional pound of weight to the weight he had to carry would make it very difficult for those who have reached the point where they can't

make light weights. The criticism of its not being weighed is that it has greater effect on the top weights. A horse who is carded to carry 130 pounds, if he carries another pound as a safety helmet, is winding up carrying 131 pounds. That makes considerably more difference than if a horse is scheduled to carry 110 and he carries one more, that one pound doesn't make as much difference. I know I probably shouldn't ask Eddie Arcaro to answer it, but I will.

MR. ARCARO: As the president of the Jockeys' Guild, all you are going to do is get me shot.

MR. CASSIDY: We'll carry you out.

MR. ARCARO: All right. I don't think that the pound helmet makes that much difference in the overall picture. In the Kentucky Derby this year they let all riders check in with the helmet. Their thinking was that all horses for the past nine years, carried 126 pounds since they put that weight on three year olds and they didn't want 127 on them this particular year. And that made sense I guess, but the only way that we got riders to wear the helmets was you gentlemen letting them check without the helmets. When you are in there reducing to take off a pound, that pound is a lot more off a jockey's body than it is on a horse's back.

*(Laughter)*

MR. CASSIDY: Well, don't you think there are very few jockeys that are actually concerned over it?

MR. ARCARO: About 70% of them are. The other helmet that we had weighed a half pound if you checked with it. Now you check without a helmet that weighs a pound so that actually there is a pound and a half spread in there.

MR. CASSIDY: Yes, but if you maintained the same policy you would only be a half a pound over.

MR. ARCARO: That's right.

MR. PHIPPS: Don't you think the handicapper takes that into consideration? He ought to know about it.

MR. ARCARO: They don't.

MR. CASSIDY: I don't know whether they do or not.

MR. F. E. KILROE: I think John Maluvius would agree with me and Francis too that when you are handicapping horses you handicap them against each other and not against any scale for the ages. You weigh them on their previous performance against each other. If you find that a horse carrying 130 on paper with 131 with the helmet and he beats the field of horses, he still has to go up another couple pounds the next time if you are going to make a contest against the same horses because one factor that come into that is the minimum weight of riders. Eddie will agree that it is very difficult to get a first class rider to do much less than 110 pounds. I think the whole thing is tied in with the minimum weight. The reason that we do not weigh the helmet is, as Eddie said, to make it easy on the big boys that have trouble making weight. They don't want to be too much overweight on the mounts they can get. It seems more sensible to start at the bottom and work up and raise the minimum weight that any horse can carry in the country to 105 pounds. It is recognized that the growth of the American boy has been considerable over the years and we have greater difficulty in getting kids to ride lighter.

MR. CASSIDY: If you remember some years ago the National Association of State Racing Commissioners tried to raise the weight and raise the minimum.

MR. F. E. KILROE: Nobody did it.

MR. CASSIDY: Only New York. Mr. Dunne, would you like to comment on that?

MR. DUNNE: I agree entirely with what Jimmy Kilroe said.

MR. MALUVIUS: I agree with Jimmy also. I think that the boy should check in with the helmet.

MR. ARCARO: Again, different parts of the country operate differently. At

Santa Anita nobody checks with an overgirth. When Mr. Kilroe puts 130 on a horse, he's got to understand that the horse gets the other two. The overgirth in California is optional. If you can stand the overgirth you put it on, that's another pound. In other words, when Mr. Kilroe puts 130 on a horse in California, he's actually got 132 on him. And that's just an understanding, I would think.

MR. CASSIDY: I think his statement that he puts weight on a horse as an evaluation between two horses solves the problem. They are all doing the same thing.

MR. ARCARO: Except that he's got to realize then that when he puts the weight on the horse he will have two pounds on him. Two pounds is a lot more on a horse with 130, it affects him more, than it does a horse with 112.

MR. CASSIDY: That's true. Mr. Atkinson, you wanted to say something a minute ago.

MR. ATKINSON: He thinks he might get shot and I will probably be drawn and quartered. I think the helmet should be weighed. I think so because it is jockey's equipment just as the saddle and overgirth are equipment. On the other hand I don't feel that any such thing as a breastplate or blinkers or number cloth which is horse's equipment should be weighed.

MR. WHITE: You may be interested to know that this is one of the real talked-out subjects at last year's convention of the National Association of State Racing Commissioners and the Committee on Uniform Rules recommended the adoption of the rule that the weight of the protective helmet shall not be included in the jockey's weight. At the convention the vote was: 16 yes, 4 no, and one passed. We have a membership of 26 and today I have received a letter from Kentucky when I arrived here. Fifteen of the states have adopted the rule—most all of our states—Arkansas, California, Colorado, Florida, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Oregon, South Dakota, Washington, West Virginia, Ontario, Canada. At the convention it was well thought of and evidently it is being carried out pretty well. In most of the leading states as you will note from the list the jockey's protective helmet shall not be included in the jockey's weight. I'd like to ask Eddie has the weight been dropped down to one pound now in the helmet. We were told it was a pound and one quarter.

MR. ARCARO: It will go over one pound. It's according to the newness of it actually because naturally the more you wear them they get sopped up with perspiration and they'll get up to a pound and one quarter.

MR. WHITE: That was one of the strong arguments.

MR. ARCARO: It will go over a pound actually.

MR. CASSIDY: Mr. White, don't you think the vote in favor of not wearing the helmet was prompted by a desire to make it a mandatory piece of equipment?

MR. WHITE: I think that had a lot to do with it, Mr. Cassidy, because it's mandatory in practically every state in the union.

MR. CASSIDY: Well, they could hardly make it mandatory unless that provision went into effect, but I think that Ted is right, that it be included in the weight. I am speaking as an individual and as a Steward. Mr. Dunne, what do you think about the weight of the helmet, it should be weighed or should not be?

MR. DUNNE: I think it is sort of an academic thing. Nobody is weighing it and it is going on all right. I don't see why we shouldn't go on the way we are doing it. Practically everybody is doing one thing. What's the sense of trying to get everybody to change.

MR. CASSIDY: Only if it's wrong.

MR. DUNNE: I don't think it's wrong. You don't weigh the bridle.

MR. NERUD: I am in the poor position right now of having a 130 horse and I believe that was why it was brought up. I didn't send in the question but I believe that is where the question originated. I don't have any special opinion on it other than they should weigh without the helmet. I think it would give the bulk of our

riders a little better chance in reducing. I didn't know that the overgirth was optional. Now I don't think that should be allowed because if Mr. Kilroe put 30 on my horse, and 10 on the horse below, he doesn't have to weigh with his overgirth; he is getting one pound the best of it right there. That should not be optional in my opinion. I think they should be allowed to weigh without the overgirth and without the helmet both, but I don't think it should be optional.

MR. F. E. KILROE: May I ask Mr. Nerud a question in reverse? He won a stake at Hollywood Park with 132 and according to Mr. Arcaro it was really 134, so should that be taken into consideration when we are weighting him back here in New York?

*(Laughter)*

MR. CASSIDY: Before he answers that, I would like to know if the overgirth weighs a half pound or a pound. I thought it weighed about a half pound.

MR. ARCARO: It will weigh almost a pound. It will be a light pound. Another thing that the handicapper doesn't take into consideration—we'll finally get the right weight on one of these horses—I rode Bold Ruler down at Monmouth Park and he went out with 36 on him and he actually had 139 on him. Now does the handicapper know that? You say you shouldn't check with a number cloth, but it's right in the middle of his back. If you want to be fair about what the horse actually carries, he carries three more pounds than the secretary or the handicapper puts on him.

MR. CASSIDY: Any other comment? Yes, Mr. Perlman.

MR. PERLMAN: I am interested in finding out what would be the objection to Johnny Nerud's suggestion that it be at the discretion of the rider or owner, whoever makes the decision, as to what is weighed and not weighed.

MR. CASSIDY: Are you speaking of the helmet?

MR. PERLMAN: Yes. Of course, I suppose then all the horses would not have the exact weights that were put on them.

MR. NERUD: It would have to be optional because then anyone looking for the riders that can do the weight is going to weigh it with him. I feel we should give them every break they can as long as it is not harmful because I've been in the spot myself and it's a pretty rough thing.

MR. MANFUSO: What difference does it make if it is mandatory?

MR. CASSIDY: It makes a difference in that he's carrying more weight than he would have to carry if the boy weighed with it.

MR. MANFUSO: But as far as the outcome of the handicap, if it is mandatory every one of them has the extra pound, every horse in it has the extra pound, so what difference does it make? If it is mandatory, it makes no difference. If you go on the theory that 130 pounds is a maximum that can be put on a horse, and certainly there is no research that indicates this, it might make some difference. But when I see the jumpers have 176 pounds on them I can't give much credence to this thinking. Frankly, I can't see where it would make any difference as long as it is mandatory. If they all must weigh it, every horse from the handicap point of view is one pound over what the handicapper put on him so the handicap is consistent.

MR. CASSIDY: Where a boy weighs 110 pounds and he can do 110 pounds without the helmet, if he has to have it weighed he has to be able to carry 111. But if he weighs 105 pounds and is carrying 110, he only carries 110, he doesn't carry 111. That's the difference.

MR. MANFUSO: I can see where it gives the boy with a light weight the advantage there of one pound.

MR. ARCARO: If you check without the helmet.

#### 10. SHOULD THE CALIENTE HELMETS BE COMPULSORY FOR ALL EXERCISE BOYS? SHOULD THE HELMETS BE FURNISHED BY THE EMPLOYERS?

MR. WIDENER: I would be against that, Marshall. I don't see any reason for it. It's entirely different—a boy exercising in the morning does not run the same risk as a boy riding in a race.

MR. CASSIDY: Yes, that's true.

MR. WIDENER: He's by himself and rarely has any interference on the track.

MR. CASSIDY: It is still considered somewhat hazardous and we have had exercise boys fatally hurt.

MR. ATKINSON: I think it would be a good thing to try to promote the use of our old helmets for exercise riders.

MR. CASSIDY: Then you think a helmet should be used by exercise riders?

MR. ATKINSON: I think a helmet of that type would be sufficient. In the first place this is a \$27.50 item. Many of the exercise boys are not going to be able to get that sum together on a moment's notice. It would be very difficult.

MR. WHITE: Mr. Cassidy, along the line of the exercise boys there is the question of policing. How well could you police exercise boys without having the Stewards or some official out there bright and early every morning to check on them?

MR. CASSIDY: That's true, except that with this Caliente helmet it is pretty obvious if you are wearing it or not.

MR. BIGELOW: In Ontario, we shortly propose to make the use of the Caliente safety helmets by exercise boys mandatory. In dealing with the problem at our meetings we finally came up with this idea. Helmets will be the property of the Commission. They will be issued to licensees of the Commission and returned, we hope, at the end of the season. Of course we will lose some naturally, but no licensee of the Commission will get a license the following year unless he is in possession of or has returned his safety helmet which was issued to him the year before.

MR. CASSIDY: Mr. Bigelow, is the Commission going to buy the helmets?

MR. BIGELOW: Yes.

MR. DUNNE: That's treason!

*(Laughter)*

MR. BIGELOW: As Mr. Atkinson said, they are only \$27 apiece and we would need about 80 or 90.

MR. CASSIDY: You have only 80 exercise boys?

MR. TAYLOR: I think it's more than that.

MR. BIGELOW: One hundred, do you think?

MR. TAYLOR: Two hundred.

MR. GAVER: Where did this idea for the exercise boys to have these helmets originate? The manufacturers?

MR. CASSIDY: That I can't answer.

MR. GAVER: I cannot recall in the years that I have been with Greentree Stable an exercise boy having suffered a severe head injury although we have a lot of them fall. There was a notice posted in the racing secretary's office at Belmont Park last spring, I think that it came from the T.R.A., recommending that all stables furnish their exercise boys with safety helmets. That notice was put up and five minutes later there was a salesman there trying to sell all stables safety helmets. I think it is the most ridiculous thing that I have ever heard of.

MR. NERUD: I agree with Mr. Gaver. I have never had a head injury with an exercise rider in my life.

11. DO WE NOT NEED A STANDARD TERMINOLOGY FOR ALL CONDITIONS OF THE TRACK? (FAST, SLOW, GOOD, MUDDY, SLOPPY, ETC.)

MR. CASSIDY: I think that we probably do. I know we can have a sloppy track that can be very fast. It can be faster than sometimes when it is dry. I think it gives the wrong information to the public when the track is posted as sloppy and the time is fast. And a muddy track can be heavy and holding or be good. I think that certain proper designations could be arrived at so that we'd give the proper information to the public on our board that we post in the centerfield and also in the racing papers. I'm not prepared to say just what they should be but I do think we should have standard terminology. Mr. Kelly, what do you think about it?

MR. KELLEY: I think it would be very helpful from the standpoint of newspaper coverage if there was one term used universally. It might possibly be that you could put down sloppy and fast.

MR. CASSIDY: Mr. Hatton, what do you think about the terminology of the condition of the track?

MR. HATTON: I think it would be a very involved thing to go from track to track and get standard designations. Belmont Park is quite different from Churchill Downs when it is wet. Perhaps it could be worked out where, as Bob says, you could say sloppy and fast.

MR. CASSIDY: Don't you think the time would determine whether it was fast or not even though it is sloppy and wet?

MR. HATTON: Of course that's a figure indication.

MR. CASSIDY: What do you think about that, Mr. Gaver?

MR. GAVER: I don't quite understand whether you mean terminology on a national basis or for a particular track.

MR. CASSIDY: On a track basis.

MR. GAVER: Belmont Park when muddy is faster than when it's dry. But Arlington Park when it's muddy, it's just what the name implies, it's muddy.

MR. CASSIDY: Well, I think that could be true of all tracks. I think the idea was, and I am guessing of course, to establish when a track is fast and then classify it according to its moisture content in addition to that.

MR. GAVER: I think it would be most confusing to the public.

MR. CASSIDY: I think it is also confusing to the public to see a sign up on the board that the track is sloppy and they run five and a half in 1:06.

MR. GAVER: If they are going out there to the track they should realize that track when wet is faster than when it is dry.

MR. CASSIDY: I don't think the public realizes until they see the time when it is over and they would have bet on a horse if they had known it was fast. But I'm not sponsoring this. What do you think, Mr. Kilroe?

MR. F. E. KILROE: This is a subject very dear to the heart of Phil Bieber. But as far as I can make out his point is that he quarrels with the use of the term "fast." He says it would be much better to call the track dry and do everything more or less in terms of the moisture content, which you suggest. When you call it fast and it is slower than when it is sloppy, then automatically that wouldn't be too good, whereas if you said it was dry, then you get the immediate picture of the footing. And that has a good deal to do with the performance of horses.

MR. PERLMAN: We have amongst our own editors and trackmen spent probably a hundred and fifty hours discussing this just this year alone. We have had numerous discussions at our conventions and we simply haven't been able to come up with anything to change what we are doing now. Now the fact that the track is faster when it is sloppy still doesn't take away from the fact that there's slop on the race track and the public has to judge. We have thought at times of calling the tracks dry and wet but then a wet track at Belmont Park and a wet track at other courses where

they run six furlongs in 1:20 is entirely different. A heavy track at places like Belmont is practically an unknown thing; mud at Belmont is almost non-existent. It goes from sloppy to fast because it dries out. Other tracks are at their worst after they are sloppy, because when they begin drying out they become sticky or gooey. At Belmont it doesn't happen that way. I have no suggestions. All of our trackmen and editors who have been around for years and years haven't been able to come up with anything.

MR. ATKINSON: I would just like to say why wouldn't the terms indicating moisture content do away with any need for interpreting the speed of a race track? Let the public form their own evaluations which they may over a short period at any track all over the country. Couldn't you describe it as moisture content and never mind speed?

MR. CASSIDY: I think it possibly comes from the thought that it may have some effect in the charts where the public might have never seen the track. They see a fast time on a muddy track and they think it may be a mistake.

MR. ROSEN: I think that if you try to break this thing down into various categories you will have to include the extent of the wind. Is the track dry because it is windy, or is it dry because the sun is shining? If a man is backing horses on form he should know enough, when studying the past performances, to recognize that certain tracks are faster when they are sloppy than when they are dry. I think that if you try to pinpoint how "off" a track was you are going to get awfully involved.

MR. CASSIDY: Eddie Arcaro has to play in a golf tournament for charity and would like to leave. There aren't any more questions which I think will involve him so I would like to excuse him if it is all right.

MR. ARCARO: Thank you.

12. SHOULD THE WORD "EXTERNALLY" BE OMITTED WHEN REFERRING TO THE DRUG RULE IN CERTAIN STATES WHICH READS, "NO MEDICATION, INTERNALLY OR EXTERNALLY, SHALL BE USED PRIOR TO A RACE." WHAT IS CONSIDERED PRIOR TO A RACE?

MR. CASSIDY: That's one of the questions that has been discussed over a great many years—what is "prior to a race," and whether there should be a prohibition against anything applied externally. I think in the first instance that terminology was used because of the fact that there is a possibility of absorption through the skin of certain drugs which would show up in the saliva or urine. I know that it is not only possible, but that it is a fact that drugs will show up because of contamination. It may have been applied to a horse's legs, he may have walked around in the straw prior to a race. A horse may be hunting for a grain of hay, he is hungry before a race, and the contact of his nose, his mouth or his tongue with the straw that has possibly been contaminated by a wet bandage would make it show in the saliva. I am not as qualified to comment on it as some of the veterinarians, and I would like Dr. Gilman to give us an explanation of whether a horse can be contaminated that way. I would like to say this, that the Stewards here in New York have made a rule which prohibits the use of medicated packs on the legs of a horse entering the paddock to race and they have warned the horsemen of the possibility of contamination and that they would be responsible if the evidence of a drug was found in the horse's saliva test. So will you go on, Dr. Gilman?

DR. GILMAN: I would first like to say that it is possible for certain drugs to be absorbed under certain conditions, and for them to get into the saliva or urine. I would also like to say that the 48-hour rule, that certain states have or the term "prior to a race" or "before a race," is very difficult to interpret. There are certain drugs that will stay in a horse's system for 50 or more hours and still show up in the

saliva or urine. Other drugs will get out of the system of a horse in a day. Trainers can't possibly know these answers for all drugs. For a Steward to know just because the saliva and urine may be positive to a drug how the drug entered the system and whether it affected the performance of the horse, is also very difficult. Every state has a different rule. What I would like to do is see whether we could define the terms we use in a rule so that the trainers and Stewards would have the same understanding of this rule. I would like to see a uniform drug rule throughout the country. Dr. Catlett and I think the following will be helpful. We headed it "Internal Medication" and we also have another rule for "External Medication." The internal medication rule states that "No medication shall be administered internally which may affect the performance of a horse in a race. Medication shall mean any drug, including hormones, which could be used to stimulate or depress a horse or which could act as a pain-killer or a local anesthetic." I think those are the things we are mostly concerned with—a stimulant or a depressant, a pain-killer or a local anesthetic. "Internally" shall mean, "The administration of any drug including hormones into the system of a horse, that is, orally, by injections, by the rectum or by absorption through the skin." As to external medication, in New York we have the rule that states no medicated packs will be permitted on horses coming into the paddock to race. If such packs are used in the stable area and the medication enters the system of the horse by absorption or contamination and shows in the saliva and/or urine the trainer may still be held responsible. This warning includes any prohibited drug which may be used externally. Medicated packs are bandages containing a freeze preparation or any other type of drug which could be used to desensitize the leg. A prohibited drug is any drug or hormone which may either stimulate or depress a horse or one that can lessen pain or act as a local anesthetic. Now this definitely states there are certain types of drugs that we don't want as they can change the performance of a horse. There are other drugs that could be used as they have no effect on the horse as far as his performance is concerned. Vitamins and minerals are examples of this latter class.

MR. CASSIDY: You have separated them into various categories. You haven't commented, and I don't expect you to, on the part of the question which has to do with the time limit—what prior to a race is. Prior to a race, of course, in the opinion of the Commission and the authorities in this area, is not established on an hour basis but on the basis of whether a drug was given at a time prior to a race when the evidence of it would be disclosed in the saliva or the urine, and that would be the question to be determined by the trainer who is giving that medication. In New York we have no time limit in hours. It doesn't say after 48 hours or any number of hours because of the fact that there is no way to determine at what time it may have been administered. There are delayed capsules, there are broken doses that may be given and remain in a horse for a considerable period of time and it has so far been impossible to determine the actual extent from the time standpoint. Quite a number of states have a 48 hour rule. I think the rule we have in New York is superior to any. Maybe it's because I am in New York, but we do have a provision which permits the Stewards to establish the extent of a violation if there is a violation or the extent of carelessness or anything that a man should be punished for. Mr. Dunne, would you like to add to that?

MR. DUNNE: I agree entirely with what you said. I think that we talked about that last year. I don't like this automatic suspension rule where whenever there is a positive saliva test somebody's head will be in the basket tomorrow morning.

MR. W. CASSIDY: In California we have the 48-hour rule—no medication whatsoever, internally or externally, may be given to a horse. Recently it has been changed to 24 hours. That was done by the California Racing Board just about a week before I came out here to New York. As to my personal opinion, I like the New York rule. I also like the New York rule in regard to the suspending of a trainer.

I've advocated that as much as I could to the California Horse Racing Board. The New York rule, which is a fair rule and an American rule, is that a man is not guilty until he is proven guilty. The objections that they have is that it works all right in New York because you have the same set of Stewards. In California we don't have. There are different Stewards at each track at the fairs. The California Horse Racing Board thinks that due to the fact we have so many different type Stewards, maybe they would not be in a position to judge fairly as to whether or not a man should be exonerated or to carry on the proper investigation. I personally believe that the New York rule is by far the best and more American.

MR. CASSIDY: Mr. Bigelow, you have discussed this up in Canada and I have been up there when it has been discussed. I don't know that I remember your expressing any opinion on it but you do have a different rule than we do.

MR. BIGELOW: We've adopted the New York rule for our use so far as not considering the trainer guilty until he is proved guilty. That much we have adopted. We do prohibit medication externally or internally 24 hours before a race unless permission to give medication to a horse is permitted by the Stewards within that time.

MR. CASSIDY: Wouldn't that be a little compromising if they gave permission to administer something?

MR. BIGELOW: They would have to know what it was, of course, and there would be a vet there to take care of that.

MR. CASSIDY: Mr. Taylor, do you have any comment on that?

MR. TAYLOR: I like the New York rule. It is very fair.

MR. CASSIDY: Mr. Gushen, what do you think, briefly?

MR. GUSHEN: I don't know why anytime you call on me you say "briefly."

(Laughter)

I'd like to ask Dr. Gilman a question. Would you say, doctor, that there are no drugs today that could be administered to a horse that will not show in the saliva or urine?

DR. GILMAN: I don't want to get into that.

MR. GUSHEN: You don't want to get into it. Well, I do want to get into it.

(Laughter)

And I will tell you why I want to get into it, and briefly.

(Laughter)

If you set no time limit, doctor, there are many drugs on the market today that you can give to a horse that will not show in the saliva test or in the urine and if you leave that door open, all I can say, again very briefly, is that I would like to have the concession for hypodermic needles because there are many drugs that will be given to horses if you set no time limit—an hour, two hours, four hours or eight hours before a race—that will definitely stimulate a horse and over which we will have no control. Personally of course I like the New York rule myself.

DR. WOODCOCK: The question itself is one that I believe there is no answer to. It is all very well to sit here and say no medication, internally or externally. Medication externally exists in the form of just putting a bandage on. That can be construed as being medication. What difference is there in freezing a horse's leg with ice from the use of any of these freezes that they put on under a cold water bandage? If you insist on no external medication then you must also insist on no icing because the only reason you insist on no external medication is not this business of absorption through the skin but it is a means of altering the racing conditions of a horse. I don't think there is any doubt about that. As far as absorption of these various things through the skin is concerned, I have been with the Commission for eighteen years in New York. I don't think that at any time any medication of any stimulating or depressing action has ever been absorbed sufficiently through the skin to alter the racing condition of a horse. I know that I am in pretty bad light right now being a

Commission veterinarian and making statements such as this but it seems to me that the way the rule is in New York and through the intensive investigations that are set up by the Stewards—now it is true that other tracks do have different sets of Stewards—but why wouldn't it be possible for those tracks to have the same kind of a judicial body set up to investigate these things thoroughly before a man or a horse or an owner is ruled off or disqualified from racing. And insofar as these many new drugs that Mr. Gushen is talking about, I think that's an over-rated thing too, not so far as the drugs are concerned but in respect to their actual ability to do things to a horse that will make a great deal of difference in that horse's racing ability. Now there is the place where we can spend a little money if we ever got it on experimental work.

MR. CASSIDY: I think that the evidence of the presence of a drug is what makes it necessary to legislate against it because you wouldn't be able to tell whether it was administered externally or internally if it shows in the saliva.

DR. WOODCOCK: I don't think that makes any difference. If it shows in the saliva what difference does it make how it was administered?

MR. CASSIDY: That's what I say. You say you don't think there was a case where a horse could be stimulated sufficiently through external application.

DR. WOODCOCK: No, because the drug that would do it would not be absorbed in sufficient quantities through the skin to affect his racing ability.

MR. CASSIDY: What you are saying then is that no drug could be administered externally which could stimulate a horse if it was administered internally.

DR. WOODCOCK: I couldn't see any reason for it being administered externally. In other words, I know of a case where the thing was decided on the fact where there was a particular preparation in a body brace and the excuse given was that a drop of this body brace had gotten into this horse's urine when it was collected and therefore the test was wrong. But the preparation happened to be benzedrine. Now what was benzedrine doing in the body brace to begin with? That's my point. Where would any medical indication be for benzedrine in a body brace absorbed through the skin? I can't see that.

MR. CASSIDY: What about cocaine?

DR. WOODCOCK: Cocaine is a different preparation entirely. I don't believe there would be enough cocaine in a body brace—what would it be doing in a body brace?

MR. CASSIDY: You would know more than I would about that.

*(Laughter)*

DR. WOODCOCK: It's a local anesthetic. It's a highly expensive preparation to begin with. Now if cocaine showed up and it could be proven that it was used on mucous membrane then I could understand it, but not through the skin.

MR. DUNNE: I would like to say that as far as I am aware, this incident to which Dr. Woodcock refers did not happen in this state.

*(Laughter)*

MR. CASSIDY: Would anyone else like to comment on that?

MR. MANFUSO: We are primarily concerned with the handicap of the honest horseman in today being subject to the possibility of an unscrupulous veterinarian operating against him. It seems that the whole stimulation rule is involved. Originally this rule was promulgated to eliminate narcotics which was certainly a good purpose but if our detection methods for other types of stimulation are restricted to the point where they only control certain types of reaction and the sophisticate in medicine can utilize his position to prey on the honest man as currently he can do today, your rule is in a very bad way. The whole situation on stimulation is in a bad light, and I think the veterinarians present could advise us and they probably would advise us that this situation is true: that certain stimulations can be injected, certain

procedures can be followed, which the detection methods at the present time will not determine. If that is true certainly the honest horseman is at a severe disadvantage.

MR. CASSIDY: As you probably know there is quite a research contemplated and I think will be under way soon to improve those conditions.

MR. MANFUSO: Mr. Cassidy, there is a very severe problem involved as to whether it will be humanly possible to determine these things, whether it is scientifically possible. I think the veterinarians should really acquaint the country as a whole to that situation. It isn't a pleasant situation and it certainly is a situation that should not go unanswered for any long period of time.

13. SHOULD TWO HORSES OWNED BY SEPARATE INDIVIDUALS BUT TRAINED BY THE SAME TRAINER HAVE EQUAL RIGHTS FOR A DRAW IN A RACE IRRESPECTIVE OF THE NUMBER OF ENTRIES? WHEN A RACE IS SPLIT AND SUCH AN ENTRY IS MADE SHOULD THEY AUTOMATICALLY BE DRAWN IN SEPARATE ENDS?

MR. F. E. KILROE: I think it is a matter of conditions in the different parts of the country. In New York I think we have only three stables where the trainer has over thirty horses in his charge. In an area like California, where they have tremendous public stables of 70 or 80 horses, the feeling is to give the trainers an equal chance, which is a great problem there. One trainer, particularly in a claiming race, should be allowed to enter only one horse until the other trainers have gotten their horses in. He might have five different horses in the group of 70 he's training that would fit that particular claiming race. He could pretty near bottle up the race with that number of entries and have a substantial portion of the race running for him.

MR. CASSIDY: Isn't that contrary to the rule that an owner is a separate entity and should get all the rights of claim?

MR. F. E. KILROE: It is, but it's a local condition and I think the tracks out there—Mr. Cassidy or Mr. Maluvius—will tell you better about that.

MR. CASSIDY: This particular question didn't come from California interests. It came from New York interests.

MR. F. E. KILROE: I would say that in New York we have a different problem, we do not have that situation. In New York we draw two horses in any overnight race.

MR. CASSIDY: To the exclusion of any other? If a trainer enters two horses owned by two separate people and he enters in a race with 18 horses in the entries, does he get an equal draw for each one of those horses?

MR. F. E. KILROE: Up to two; not necessarily three.

MR. CASSIDY: And if a race is split and an entry is made of such a nature do you split the entry and put one in one end and one in the other?

MR. F. E. KILROE: That is the general practice around the country, I think.

MR. CASSIDY: Isn't that a house rule rather than an equitable rule? You get more units to bet on?

MR. F. E. KILROE: Yes.

MR. MALUVIUS: We have a problem on the coast where all the horses are in the care of three public trainers. This wouldn't be applicable in California because it would have a tendency to have more horses drift toward two or three people. Now we have a rule there that no public trainer can train a public stable and stable more than 40 horses on the grounds. So now we have six large outfits with 40 or less and I think that we had to set the rule in California or eventually about ten trainers would have all the horses on the grounds. Some get a lot of breaks, some don't.



MR. DUNNE: I think it is perfectly reasonable when you split a race and you've got an entry to put one in each end. What's the matter with the good old association getting something once in a while? I think, as Jimmy said, it is the custom almost everywhere.

MR. CASSIDY: I was speaking more specifically of the first part of it, Francis, and the number of horses.

MR. DUNNE: Oh, the rule we have where you can't put more than two horses in a race as Jim said works very well here. I don't think you can have a standard rule that is going to work everywhere. It's different in California. Why not let them have it the way it is there and we have it the way it is here.

MR. HENDRIE: Our feeling is that we agree that the trainer of a public stable should be allowed to enter two horses of different interests although that is not in effect in our circuit at the moment.

MR. DONOVAN: I agree with what you said on the other side.

MR. STEWART: I also agree that it is a local situation and the rule has to vary with the local problems.

MR. PERLMAN: One of the problems in racing I think is that very frequently you have a very large field in a stake race—such as 17, 18, or 20 horses. This does not apply in New York but it applies elsewhere, where the race tracks do not split the races because they will have to pay an extra purse. They have arrangements with the H.B.P.A. by which they pay a certain percentage in stakes and they cannot split or pay an extra purse because it would then exceed that percentage. However, Hirsch Jacobs has approached me with a suggestion that I think should be given consideration. His suggestion is that the race be split and that whatever is the maximum purse for overnight races at the track should be added to the purse and then split. For example, say at Monmouth Park, if the race is \$20,000 and the maximum overnight purse for a non-stake race is \$7,500, they should add the \$7,500. This would be charged to the overnight races and then the \$27,500 would be split. I think that is something that should be taken into consideration if you want to promote good racing. It is not a good thing to get 17, 18 or 19 horses in a race. I know this problem exists in many, many places and it is something I would like to hear discussed.

MR. CASSIDY: Let's finish this other one first. Is there anyone else who would like to comment on this split entry or number of entries?

MR. GAVER: I am quite certain at Keeneland that in several of their stakes they have a provision written in the stakes that if the number of entries exceeds so many, why the race will be split. And they specify how the purse will be divided.

MR. CASSIDY: Mr. Kilroe, will you tell them what our rule is?

MR. F. E. KILROE: We borrowed our rule from Keeneland. What we do with stakes now is to add half again the value of the stake and divide whatever sum that amounts to. I think it's inadequate just to add the value of an overnight, it isn't costing the association a cent and they are getting two good races, either one is better than an overnight.

MR. DONOVAN: Are there any conditions to a stake?

MR. F. E. KILROE: We have a condition that we can split a stake right in two.

MR. DONOVAN: That's right.

MR. F. E. KILROE: But then we put this extra half in with it.

14. SHOULD NOT HORSES OWNED BY SEPARATE OWNERS BUT TRAINED BY THE SAME TRAINER BE UNCOUPLED, THEREBY LETTING A HORSE RUN ON ITS OWN MERITS WITH NO REFERENCE TO THE INTEGRITY OF THE TRAINER? IN CALIFORNIA THERE IS A RULE THAT THE STEWARDS MAY UNCOUPLE SUCH ENTRIES IN STAKE RACES. IF IT IS PERMITTED IN STAKE RACES SHOULD IT NOT BE ALLOWED IN OVERNIGHT RACES?

MR. CASSIDY: I don't think there is any question, if it is allowed in one it should be allowed in all. I think to split entries of any nature, if the horses are trained by the same trainer or owned by the same interests, might indicate that there is some doubt as to the integrity of the trainer or owner. I think the overall good of racing would suffer more if two horses trained by the same trainer but owned by different people were to race and one of them was 20 to 1 and the other one was 1 to 2 and the 20 to 1 shot won, it would do racing a lot of harm by the fact that the public would think that it was directed. Maybe it is wrong to legislate against something like that when you are indicating someone might not be honest but in my opinion it is important to racing that we do nothing which might cause unfavorable reaction from the public.

MR. GUSHEN: Marshall, you talk about favorable reaction from the public. Do you think that our rule is fair that we have as far as an entry is concerned when one horse is 3 to 5 and the other one is probably 20 to 1; suppose the 3 to 5 horse is scratched, people have to take 3 to 5 on a horse that's 20 to 1.

MR. CASSIDY: No, you switched my question. That's another one. Mr. Widener, what do you think about uncoupling entries?

MR. WIDENER: I think we should continue as it is. They should be coupled.

MR. BRADY: I think they should be coupled.

MR. SMITH: Coupled.

MR. STEWART: I would like to report that we used the uncoupling procedure in California in stakes where the ownership is separate if it happens to be the same trainer. It appears to work very successfully. There has not been criticism. The public has not been alarmed and there have been situations where the high priced horse has won the race. And it has worked, as I say, very successfully.

MR. HENDRIE: I believe they should be coupled.

MR. DONOVAN: From their experience out in California, I think there is some merit to Jim's suggestion in this modern day in racing.

MR. CASSIDY: To be uncoupled in stakes?

MR. DONOVAN: Yes, as they do in California, at their discretion.

MR. CASSIDY: And not in overnights?

MR. DONOVAN: That's right.

MR. GAVER: Is this true in all stakes in California. You uncouple all entries?

MR. CASSIDY: I don't know. Is it at the discretion of the Stewards?

MR. DONOVAN: No, in all the races.

MR. GAVER: Is this the one that came up when they had those short fields out there with short-priced horses?

MR. CASSIDY: Yes.

MR. GAVER: I think everything would have to be at the discretion of the Stewards. I'm in favor of letting it stay as it is—coupled.

MR. MOONEY: I think they should be coupled.

MR. DAVIS: I think they should be coupled.

MR. W. CASSIDY: I don't see any reason why they should be coupled.

MR. DUNNE: I think they should be coupled.

MR. RAND: Coupled.

MR. GUSHEN: I think that the primary reason that this rule was instituted in

California was when they had short fields to get another betting interest. That's the only reason I can see. But I think they should be coupled.

MR. DOHERTY: In stakes they should be uncoupled. I doubt if cheaper horses should be uncoupled.

MR. CASSIDY: Stakes should be uncoupled? Why the difference?

MR. DOHERTY: If a man runs a cheap horse he's more liable to need money than a man who runs a good horse.

MR. CASSIDY: I can't see that.

MR. DOHERTY: If a man runs two horses uncoupled with one being a speed horse and it possibly the shorter priced horse, he could kill off the field by setting an extremely fast pace and win with the longer priced animal. I think you are asking for trouble with cheap horses.

MR. PERLMAN: I believe we should keep to the present rule because if you uncouple them and one horse is 3 to 1 and the other is 15 to 1 and the 15 to 1 horse wins, you immediately cast a suspicion in the minds of the public and it would probably be completely unjustified.

MR. BIGELOW: I think you should couple them.

MR. TAYLOR: I rather like the California rule.

MR. HUMPHREY: I think they ought to be coupled.

MR. HANES: Likewise.

MR. PHIPPS: Coupled.

MR. CASSIDY: I think I've covered the waterfront. Do you want to say something, Wendell?

MR. W. CASSIDY: Yes sir, I do. It looks like you are trying to cut my head off.  
(Laughter)

I definitely have got reasons to uncouple horses which I wanted to explain.

MR. CASSIDY: Go ahead.

MR. W. CASSIDY: For the life of me I can't see, particularly in a stake race where you are running for \$50,000 or more, if the horses are owned by two separate people, why the trainer can't give the proper instructions for each horse to run on its own merits. He gets a better price and he runs on his own merit. The coupling started years ago and it was done by bookmakers. They would give you a package deal.

MR. CASSIDY: It was done by bookmakers?

MR. W. CASSIDY: Years ago they would give you a package deal and couple certain horses together. The only other entries that they had then that were coupled together were those that were put in the field, which was due to the incapacity of the mutuels to carry over 12 horses. Then they would couple them, but I can't see why, with the equipment that the Stewards have and the ability that we have now of judging a race, any trainer could use one horse to hurry another and that's exactly what you are reflecting when you say you have to couple the horses. I want to answer this question in regard to the State of California. We uncouple no matter how many there are. I want to make it definite that it was done because of the principle that we believe that a man had the right to have his horse run on his own merit and not insinuate in any way that the trainer would use one horse of one man to help another horse.

MR. GAVER: Didn't Mr. Stewart tell me it was discretionary?

MR. W. CASSIDY: It is.

MR. GAVER: How can it be discretionary if you uncouple in all stakes?

MR. W. CASSIDY: The rule has just been changed. Prior to this year we uncoupled in all entries, in overnight races and in all races. There was quite a difference of opinion and somebody got the Horse Racing Board to change it so that it only applies now to stake races, and at the discretion of the Stewards. Well, the discretion of the Stewards at Hollywood Park has been based on the principle of un-

coupling in all stake races. As I said before, a horse can run on its own merit and there is no reflection on the integrity of the trainer.

MR. GAVER: The same trainer with different owners or the same trainer with the same owner?

MR. W. CASSIDY: Horses owned by separate owners and trained by the same trainer, they are the ones that we uncouple.

MR. PHIPPS: If the owners in question requested that they be coupled, would you still do it?

MR. W. CASSIDY: No, because it would break the principle down. In fact, Mr. C. V. Whitney came out there last year and, not knowing our rule, he came to me in the paddock and he told me that he had a horse in the stake that Saturday, and he said, "I request that I be uncoupled." And I said, "You don't have to make that request, Mr. Whitney."

MR. PHIPPS: My question was the reverse of that.

MR. W. CASSIDY: No, we wouldn't break the principle of that. Why would owners want to be coupled?

MR. PHIPPS: Poor public relations. I wouldn't want to run against Wheatley Stable. I'd run into some trouble.

MR. W. CASSIDY: I don't see where it would hurt you much.

MR. PHIPPS: If a long shot wins it looks bad.

MR. W. CASSIDY: We've had it in California and have had no objections to it. We've been doing it for about three or four years. I prophesy that in years to come they will all be uncoupled.

MR. NERUD: I can't see where coupling or uncoupling them is going to affect the performance of your horses. The only real advantage that I see to uncoupling is that it's helping you. It has absolutely no bearing whatever on the performance of any horse and if you are going to uncouple in stakes you must uncouple in claiming races. I've trained for people who had claiming horses and they are just as interested in their horses as you are in the stakes horses.

MR. MALUVIUS: Mr. Cassidy, contrary to what Mr. Gushen said, this thing was precipitated by two or three incidents where a 3 to 5 shot was scratched out of an entry and the public was left holding the bag with a 15 or 20 to 1 shot. It was not from the standpoint that we wanted another horse to fill the race but as protection to the public.

MR. CASSIDY: The part of the question that Mr. Gushen brought up about the scratching of a part of the entry where one of them is a definite choice and the other is a long price—that is something that has never been resolved.

MR. MALUVIUS: I wanted to state the fact that this was not instigated to create another betting in the race.

15. SHOULD WEIGHTS BE RELEASED FOR IMPORTANT HANDICAPS WELL IN ADVANCE? WEIGHTS FOR THE SANTA ANITA HANDICAP AND THE HOLLYWOOD GOLD CUP ARE RELEASED IN ADVANCE OF THE MEETING WHILE THE DELAWARE HANDICAP WEIGHTS ARE RELEASED THE MONDAY BEFORE THE RACE AND ARE INFLUENCED BY THE NEW CASTLE. WHICH METHOD IS BETTER?

MR. F. KILROE: The handicappers as a group, I am sure, would always prefer to wait as close to the running as they can to take advantage of all possible performances but I know there has been some criticism of The Delaware since it is such a tremendous purse for fillies. There has also been criticism of the Santa Anita Handicap and the Hollywood Gold Cup which do come out early so that you are freezing the horses in a set of weights which may not apply by the time you get to the race. I think we do it in California for promotional purposes as much as anything

and because it has been a tradition of that particular race. The weights always have come out early.

MR. CASSIDY: I think it also helps an owner to determine whether he is going to go that great distance if he knows what weight he's going to have.

MR. STEWART: I just want to point out an inaccuracy in that question. The weights for the Hollywood Gold Cup do not come out until after our California is run, during the first part of our meeting. And just one word on that uncoupling again. They do uncouple for betting purposes in England and have for years.

MR. TAYLOR: From the standpoint of an owner I think these short periods of four or five days are very unfortunate. You want to get your horse to the track where you are going to run as far in advance of the race as possible and some of these long trips are hard on a horse. I think you should have eight or ten days.

MR. CASSIDY: I think this question has to do with longer periods. Eight or ten days are what you call a late closing.

MR. TAYLOR: In the East here eight or ten days would be better than four or five. Four or five causes trouble if we have to make up our minds in a moment, very often our horses won't run.

MR. CASSIDY: We would prefer you made up your mind to ship and race regardless of the weight. Would anyone like to comment on this?

MR. PERLMAN: I have heard many persons say that the weights for the Delaware Handicap should be made before the New Castle is run, because otherwise there is a lot of gossip—there is no foundation to it but it exists—to the effect that some of the owners are not going to go all out because the penalties for a race worth six times as much would be very considerable.

MR. MALUVIUS: It is a local problem, Marshall. From Delaware to New England, within a 600 mile radius, you probably have 10,000 horses of which there are a number of stake horses. In our state we open up with 1,500 head and a representative number of stake horses. One year I tried weighting the Gold Cup a week before the race with the result that all our stars practically stayed in the barn all summer. This way both at Santa Anita and Hollywood Park we get our horses during the season and get some use out of them.

MR. CASSIDY: Do you have a penalty for winning after those dates?

MR. MALUVIUS: No, neither race.

## 16. WHAT CONSTITUTES A STAKES RACE?

MR. CASSIDY: Under The Jockey Club Rules the definition of a sweepstakes is, "A sweepstakes is a race in which stakes are to be made by the owners of the horses engaged, and it is still a sweepstakes when money or other prize is added, but, within the meaning of this rule, no overnight race, whatever its conditions, shall be considered to be a sweepstakes." The question is, should or should not stakes be limited as to value of added money.

MR. WIDENER: I don't think we should consider stake races on a monetary value. That shouldn't be allowed. Just because it is a \$7,000 race, it should not be a stake race. What was the other part of the question?

MR. CASSIDY: The question is whether there should be a limit—whether a race should be called a stake when it is only for, say, \$2,500.

MR. WIDENER: There are many stakes races for \$7,500 at small tracks like Charles Town and places like that.

MR. CASSIDY: Should we have a category of classics separate from actual stake races?

MR. WIDENER: That would take in a good many, wouldn't it, all over the country?

MR. CASSIDY: It would if you were to base it on money. But if you were to base it on history like in England, it wouldn't.

MR. WIDENER: I think it might be a good thing to do—classify certain races as classics.

MR. PERLMAN: Marshall, may I make a suggestion? This isn't anything that can be resolved here. I propose that The Jockey Club appoint a committee to discuss it because this is a much more important problem than it might seem. You have people in the breeding journals who gather statistics entirely on the basis of stakes winners. A horse will win a \$2,500 stake at one track which isn't one tenth as important as an overnight race in New York which may have a purse of \$7,500. Gulfstream Park has had races that were valued at \$25,000 but they were overnights. Rockingham Park has purses of \$10,000 and over which are all on an overnight basis but none of these races is credited as a stakes. I think that the suggestion that it might be based on the value of the purse certainly has more merit than the current practice. I suggest that The Jockey Club appoint a committee to study this and come up with a recommendation which would permit all the rules throughout the country to be changed, because what we have now is ridiculous. We are crediting certain horses with being stakes winners that are meeting other horses who win very important races—\$10,000, \$12,000 or even \$25,000 at Gulfstream Park—and are not recognized as stakes winners. It simply doesn't make sense.

MR. CASSIDY: We should have a standard.

MR. BRADY: What are we worrying about? I think everybody knows the difference between a stake at Rockingham and one at Belmont, so what's the problem?

MR. CASSIDY: The problem is that a person may win a race that is listed as a stake for which there are nomination fees, even though the purse may only be a nominal sum. Whether it is proper or isn't proper is the question.

MR. HUMPHREY: Marshall, I'd like to say just a word about this. I think that from the point of view of the breeder, for instance, the winning of a stake is a certain indication of superior racing class. That goes into the records. It's in the records for years to come. The price of yearlings is based on it to a certain extent. I realize that what you should do of course when a horse is listed as a stakes winner, is to go back and look up to see exactly what stakes he won, but that is seldom done. In determining matings that you are going to make you look at the term "stakes winner" as a badge of racing class, superior to the ordinary horse. Now if you can get that badge of superiority by winning a very cheap race at some little track, it's a misleading thing and an undesirable thing. There ought to be some way of distinguishing that badge of superiority so that it means something. I think Mr. Perlman's suggestion is a very good suggestion.

MR. FINNEY: This is a matter that affects us in the sales business very much and certainly we don't want to mislead anybody. We in our catalogs publish all stakes winners in bold type. We do so in the full knowledge that a horse that may be a stakes winner at Bel Air, Maryland, is a far different proposition from a horse that wins an allowance race in New York. Now I think that Mr. Perlman has a very good suggestion and I think that we constantly are in trouble about stakes races abroad. If the races qualify under The Jockey Club rules as stakes, we have to carry the horse as a stakes winner. I think to answer Mr. Humphrey's point, and it is a most important point, it could be possible for a committee to work out and grade the stakes, A, B and C. Then we would present to our buyers a clearer, more honest picture than we do now. But as it is now, why should we deprive the breeder of the right of being able to say his mare is the dam of a stakes winner if she qualifies?

MR. CASSIDY: That's true. I didn't realize that. Any other comment?

MR. PERLMAN: Will you do it, Marshall?

MR. WIDENER: I think we will, yes. I think it is a very difficult question.

17. SHOULD ALLOWANCES FOR APPRENTICE RIDERS BE INCREASED UNTIL THEY HAVE RIDDEN A CERTAIN NUMBER OF RACES, SAY 20? IT IS FELT THAT FIVE POUNDS IS NOT ENOUGH IN THE EARLY PART OF THEIR APPRENTICESHIP AND THAT A LARGER ALLOWANCE WOULD INCREASE THE NUMBER OF APPRENTICES. WHAT CAN BE DONE ABOUT DEVELOPING MORE RIDERS? DOES THE APPRENTICE RULE NEED RECONSIDERATION?

MR. CASSIDY: After these questions were sent out I had a letter suggesting certain things. One of them was that an apprentice rider be given 10 pounds for his first 10 races, seven pounds for the next 10 races, until he had won 20, and then five pounds thereafter until he had completed the year or the maximum number of races allowed, and to have the same additional three-pound allowance after completing that phase for his contract employer for an additional year. There are many arguments pro and con about the apprentice rule. I would say almost my entire lifetime the powers-that-be have studied ways and means to develop riders and to not discourage the boy who has spent the good portion of his life in wanting to ride. They have tried many types of rules. We have had the rule that I just mentioned—practically a similar rule has been in use and has been abandoned. We have had a rule that we gave up to 100 winners which I thought at the time was the best rule that I had thought of and that was turned down very abruptly by the tracks throughout the country, particularly in the West, and we went back to our present rule. I am going to ask Ted Atkinson to give his reactions and I realize when asking him that he is in a position of one who has completed an apprenticeship, of course a long time ago. He and a number of our better riders are not concerned with the competition of apprentice riders. He is concerned with the development of boys because he has dedicated his life to this.

MR. ATKINSON: Well, sir, as I believe you pointed out, this proposed rule has been tried and abandoned. For what reason, I don't know, except perhaps that it created too much of a competition amongst the trainers for these 10-pound allowances. As I recall a few such races, they were pretty messed-up affairs. The only boys who could take advantage of the 10-pound allowance were thirteen or fourteen year olds who had got by the licensing board some way and were nine times out of ten hopelessly incompetent. When we tried the 100-winner rule it seemed to me that it would be the most whole-heartedly accepted of any possible rule that we had because of the fact that the figures showed that 92% of the apprentice jockeys in any given year fail to ride as many as a hundred winners and there are only eight that ride that many and only three or four that ride any greater number. We felt this hundred-winners, regardless if it took one, two or three years, would definitely develop more boys but the trainers who develop jockeys apparently each and every one felt that they were depriving the boy of riding two or three hundred winners with the bug. That must have been the feeling because they just failed to develop riders from the time we managed to get the rule accepted in a number of states. That is the main reason I believe that so many states abandoned it after such a short time. There just weren't any apprentices being made because each trainer felt that he wasn't going to get the break with his boy that he expected to get notwithstanding the fact that the figures showed that only eight out of a hundred ever would. So to return to the present rule which I think had been in effect eight or ten years beforehand, it seems to have been fairly effective in developing riders and I just see no reason to change it. I think that it is acceptable to the horsemen and I think this business of the lack of riders just isn't so. There are plenty of riders.

MR. CASSIDY: Of course, locality has a lot to do with it, and isn't it true that New York stables seldom make a rider whereas they make a lot of riders out west?

MR. ATKINSON: Very often New York stables that start riders will send them away from New York for developing and seasoning.

MR. WHITE: Mr. Cassidy, this is one of the questions which bothered the Uniform Rules Committee of the National Association in April and we found that the new apprentice rule that Ted speaks about which was adopted in 1956 by the National Association as a body has been accepted as it was by seven states. One state, Ohio, has gone along with the 100 winners but I understand now that Ohio has dropped the 100 winners and is coming in line with our old rule. So this year we promptly brought the rule up again and made two changes in it. We said that any male between the ages of 16 and 25 years who had never previously been licensed as a jockey "in any country," where prior to that time it only applied to those that hadn't been licensed in the United States. Also we provided that after the completion of conditions of bug for one year he may claim three pounds when riding horses owned or trained by his original contract employer provided his contract has not been permanently transferred or sold since he rode his first winner. We inserted the word, "permanently" on the question of the transfer and it is interesting to note that at the time of our meeting in April there were 18 who adopted the 1956 40-winner rule, seven still went to the old 40-winner rule and one the 100. Now since that time, six of the seven who had the old rule have adopted the new rule, so that the new rule as far as the records I have from headquarters has been adopted by all states except one and we have word that Ohio has changed over. So that right today we evidently have an apprentice rule which is satisfactory to all the states and I might say that the Jockeys' Guild representative down in Miami last spring went along with it and we are having no complaints. There are a few modifications. For instance, the State of Oregon cannot say "16 to 25" which is the age because they have a working law out there that won't let the Racing Commission do it. There have been some changes. My good friend here on my left has a bit of a combination—he allows ten pounds for ten races. Also, in New Jersey they have added the clause, "seven pounds until he has ridden 20 winners." Florida we expect will accept this new one at their meeting this fall.

MR. CASSIDY: A rule was proposed up in Canada that I think has merit. It is to give a moratorium for the period in which racing is not conducted in Canada, providing the boy does not go outside of Canada and ride during that time. They have a comparatively short season compared to what we do in this country so that local conditions would have some effect there.

MR. DUNNE: Mr. Cole had to leave here and he asked me to read this to you. He is unhappy about the fact that the number of jockeys that are licensed in New York seems to diminish every year. For instance, in 1951 there were 209 and in 1958 there are 138. Of the 138, only 20 of them are apprentices. He has some figures here where last year 35 jockeys won more than six races and they were 32% of the total number of jockeys but they rode 97% of the horses and won 96% of the purses. I don't share his alarm because I feel this is, well, it sounds silly to say it, but it is sort of a big league thing. If I was a jockey I could find softer games than running against our friend here and Arcaro. I'd have to think I was pretty good before I'd try it against either one of them.

MR. ATKINSON: Indicative of the number of apprentices being developed, I would say that throughout the country, and especially in New York, it runs around 125 a year, which is about 10% of the total number of jockeys in the country at any given time, maybe slightly over 10%. I would just like to know what trade union takes in 10% new members every year. I just don't believe there is any.

MR. CASSIDY: I think one of the reasons we have so few riders here is—maybe I am patting ourselves on the back a little bit—but I think the riders have improved tremendously over the years, particularly where they have had the opportunity of studying through the film patrol pictures the faults and errors of other riders and

because they have developed so well I think there is little need for new riders to come in. I may be wrong, what do you think?

MR. ATKINSON: I agree with that.

MR. KELLEY: He better agree with him.

*(Laughter)*

MR. CHRISTMAS: I think you've got to do something to get more boys. This is not a case of getting riders, it is a case of how we are going to get one decent rider in 25 boys. In New York they discredit the occupations of some boys that are not good enough to be race riders. I think they should have more allowances. The reason why—I think a lot more boys would be brought out. It is a pretty tough situation now with apprentice boys. They should have more allowances when they first start to encourage boys to ride. Then a man will be able to find out whether a boy can ride or not, and another thing is that you take a boy, and I guess everybody has had it happen to him, you put a lot of time into him. You spend a lot of time teaching that boy how to gallop horses and how to ride and he gets up where he rides a couple races and he looks like he is going to be all right, and then the outside influence comes in. An owner or agent tells that boy, "That guy isn't going to let you ride any horses. You come over with me and I will give you a chance." Well, the boy will invariably, when he has been induced, coerced by outside sources, become dissatisfied and you run him away from the barn. I did that and the boy was a pretty good rider, too. I don't believe I would do it again. But here's the whole thing. John Doe develops a rider and Richard Roe comes in and says, "You come on and move in with me and I'll give you a chance to ride. That fellow you've got is not going to give you any chance." Well, a boy of 13 becomes dissatisfied and wants to come to work late and do this and do that, that will make you run him away. Now if you keep him there you are going to be kind of disgusted with him, but here's where his owner should come in and whether he works out or not, the thing to do is to keep him and then it's up to the officials to punish any outside source that coerced and persuaded the boy to be dissatisfied. If you have enough evidence to prove that Richard Roe tried to get John Doe's boy to work for him, he should be subject to a penalty. That's when the officials should come in.

MR. NERUD: Mr. Cassidy, I think he has hit on, to a certain extent, the answer to apprentice boys' developing. I've developed quite a few of them and have had a lot of bad luck with them and a lot of good luck. But the trouble with it today is if you build up a boy and the owner doesn't want to ride him in open competition as he doesn't know quite how to handle a horse, I believe that we should write a race a week or something to that effect where it is limited to maiden riders. It would give that boy a race and he wouldn't get disgusted and leave. You'd be surprised how many good riders we lost by their getting tired of waiting for the opportunity to ride.

MR. CASSIDY: I think there is a definite argument against strictly maiden jock races. I think they are hazardous. You get a lot of green boys in a race and no one protects anybody. I think a boy can learn better in competition with good riders.

MR. CHRISTMAS: How about giving them allowances, something like ten pounds up to 20 and seven pounds up to the next 20 or five pounds from then on up to 100. Nobody is going to ride a boy for five pounds when he has just started in riding against some old rider.

#### 18. HOW CAN WE BEST HANDLE THE HELP PROBLEMS ON RACE-TRACKS AND IMPROVE ON THE CALIBER OF HELP AVAILABLE AS GROOMS?

MR. CASSIDY: Since this question came in I've thought of something that I think would help. Maybe I am wrong, but I think if we had a registration bureau

for grooms, possibly in our case the Pinkerton's National Detective Agency which screens them, that every person who is looking for work register with them. The Pinkertons have the employees' records of rulings, their history and whom they have worked for. A trainer who wanted a groom would go to them and find out who was available and select the man. Then he would also notify them when he fired a man and we would have better grooms. We frequently find that people have let grooms go for smoking in the stable or drinking or something like that and fail to report it. But I think that a register of that kind could be of tremendous help with cleaning out the roughage and having better grooms. Would you like to speak on that, Mr. Gaver?

MR. GAVER: I think you are going to improve the help problem when the trainers take more interest in their help. I think the big difficulty today with grooms and exercise boys is due entirely to the trainer. They have no interest in the help and they don't try to teach them anything. They will take anyone who comes along, will permit the man to come late, skip days, work when he's drunk, and it is getting worse and worse. The labor problem to me is taking practically all the pleasure out of training horses.

MR. CASSIDY: I don't think there is any question about that.

MR. GUSHEN: I think there are two very important reasons why the help situation is such as it is. Number one, of course, I think in order for us to get better help on the backstretch we've got to get behind the people that try to get into this game to become grooms. One of the most important reasons we have always felt is that in order to get a better type of help you have to give them better accommodations on the backstretch. You cannot expect people to live on the backstretch with the accommodations such as we have at very many race tracks. I know that I spoke before the State Racing Commissioner's Convention last year and something came up about a lot of drunks and I said at that time, I think it bears repetition, I said how can you expect people to work as grooms in an area during the month of March where it is cold, bitter cold, and no heat in the tack rooms and no sanitation facilities; how do you expect to rule off a person when he gets drunk because only a drunk would work under these conditions. It's the only method he has of keeping himself warm. How do you expect to get new blood, how do you expect young people to take it up as a trade if they have to work under these miserable conditions. You clean up the backstretch and give them good sanitary conditions and give them a good place where they can sleep, and give them heat when it's cold and give them a good kitchen where they can buy food that's decent. Some of the food in the kitchens at the smaller race tracks isn't fit for human consumption. And we know that to be a fact. The trouble is that we just don't want to face realities, but it is a fact and everybody around this table and most of the people know it. I don't think we'll ever get a better class of people as grooms and exercise boys until such time as we give them some decent living conditions.

#### 19. SHOULD EXERCISE BOYS BE PERMITTED TO WORK AS INDEPENDENT CONTRACTORS?

MR. CASSIDY: They charge \$3 a mount to gallop, can get on 10 or 15 horses a day and can make \$30 or \$45 a day. What effect does this have on racing stables in employing exercise boys and keeping them. If we permit independent contractors to come around and work independently for anybody they can gallop a horse for, we are going to have more trouble with exercise boys than we know what to do with. In addition to that, it is the policy of exercise boys, who only have to work in the morning, to work at some other job around race tracks, such as parking cars. They are earning more money, the ones who are fortunate enough to do that, and that's good. They have families. But it also takes them away from the stables at a time that

they may need them because they have to go to park cars. I don't know whether we can do anything about it, but that's a question that was brought up.

MR. GAVER: In regard to the boys working for the Olympic Parking in the afternoon, I think if it continues it is bound to create a very serious problem here in New York, because the boy will then be making enough money where, if his stable moves to another locality, he can afford to refuse to go with the stable. I don't see why a boy should have the two jobs if he is properly paid as an exercise boy. I know what we pay our boys, but I don't know of course what others pay theirs. It has not affected us.

MR. CASSIDY: What do you think about the independent contractor, the exercise boy?

MR. GAVER: I couldn't express an opinion on that. I have had no experience along those lines.

MR. ATKINSON: I would just like to point out, Mr. Cassidy, that any boy that will take those two jobs isn't the type that would be apt to knock off and take it easy just because races move to the next town. They're hustling kids and they want that extra money. As far as keeping them in peonage, I have never been in accord with that. They work on a schedule, you'll find out.

#### 20. WOULD THE RAISING OF THE REGISTRATION FEE TO PERHAPS \$100 POSSIBLY REDUCE THE NUMBER OF OFF-BRED FOALS REGISTERED?

MR. CASSIDY: This was brought up at our last conference and I don't think we should do it again.

#### 21. WOULD IT BE POSSIBLE TO ESTABLISH SEVERAL STAKES FOR TWO-YEAR OLD GELDINGS?

MR. CASSIDY: I don't see any need for it or that there would be enough geldings to fill it. Has anyone any comment on the gelding two-year-old stakes?

*(No reply)*

#### 22. WHAT CAN BE DONE TO IMPROVE THE QUALITY OF ASSISTANT STARTERS?

MR. G. CASSIDY: I can't answer it. We've got the best. I think that assistant starters actually are very important cogs in the wheel and I think when they are paid a fair salary they are willing to stay with you. I know in my case I think we've lost several men because of the fact that they weren't earning enough money.

MR. CASSIDY: Do you think that's the whole problem—the salary?

MR. G. CASSIDY: I think it is because being an assistant starter you are limited as to your age. A fellow is always going to try to find something better, which you can't blame him for.

MR. CASSIDY: Has anyone any comments on that?

MR. PERLMAN: This is, to me at least, a far more important question than it seems because I think the assistant starters play a tremendously important part in the result of the race. I've seen many races where an inexperienced starter has handled a horse improperly, being unable to release the horse fast enough, not because of any lack of integrity but due to lack of experience. This has played a very important part in the result. I think that an assistant starter should be paid enough of

a salary to keep him happy. I think he is important enough to get as much money as is paid men in other jobs. Then they will not attempt to get jobs as starters at smaller tracks or other positions that they would consider a promotion. I think it is something that should be given serious consideration because it is a more important problem than it seems.

MR. CASSIDY: Maybe you might be interested to know that the assistant starters in New York have just recently had their salary increased quite a lot so that they should have no temptation.

MR. DONOVAN: What do they get, Marshall?

MR. CASSIDY: \$32 and \$38.

MR. PERLMAN: What does a patrol judge make?

MR. CASSIDY: \$45 and \$50. They all have the opportunity to go on.

MR. GAVER: I'd like to say that I agree absolutely with Mr. Perlman. I think that the quality of assistant starters will be improved all over the country when the racing associations realize just how important they are. I believe that assistant starters have been taken for granted. I don't know whether you feel that way or not. Being an assistant starter certainly requires an awful lot of skill. A man has to be physically fit and must have certain qualifications that you don't find in everyone walking down the street. I agree entirely with Mr. Perlman and I think the quality of the assistant starters will be improved when the race tracks realize their importance and stop taking them for granted.

MR. CASSIDY: You are talking to an ex-assistant starter who used to get \$2.50 a day once.

MR. GAVER: I think you were overpaid.

*(Laughter)*

#### 23. WHAT CAN BE DONE IN THE WAY OF RESEARCH IN DISEASES OF THE HORSE FROM THE FOLLOWING VIEWPOINTS—ITS RELATIVE IMPORTANCE TO THE RACING INDUSTRY, THE FEASIBILITY OF TRYING TO PROMOTE SUCH RESEARCH TO RACETRACKS AND OTHERS WHO BENEFIT FINANCIALLY FROM RACING?

MR. CASSIDY: I want to call your attention to the fact that I changed the subject real quickly. There is a very good organization that is interested in research and disease and that's the Grayson Foundation. I think they have done a wonderful job and I think that if they had better support throughout the country we would have a great deal more benefit.

MR. BEARD: Mr. Cassidy, I might say something just a minute on that.

MR. CASSIDY: You're the new president, aren't you?

MR. BEARD: Yes. I didn't put that question in but I'd like to make a very brief statement of just what we are trying to do. It's a very wide field and there is a lot to be done in research in horses as we all know. It is very costly and time-consuming. Those are the two things we can't get away from. Now we in Grayson are trying to use the advice of the practicing veterinarians, the people who have the problems, on the areas of research. One of the other problems is to get the proper personnel to do this work. Research men are in great demand and you need a man with the ability and an idea to back him in a place where he can do the work. To set this up we are working now on trying to develop a center where we are doing our present work on viruses as they affect broodmares and the cough on the race tracks, to develop the advantages of efficiency in a central location—where we could use animals for two different types of work and where we use the equipment for two different projects at the same time. As to the cost, being as costly as it is, if we can persuade the interested groups—breeders, owners, trainers and race tracks—to contribute annually

on a broad basis it will cut down the cost for each one and we can get the job done. To the race tracks themselves sometimes this seems like a rather far-fetched thing but if we can improve the health and welfare of horses on the whole, we can bring great benefit to the race tracks as they are interested in better horses running. I am sure of that. It seems to me that we have a very large investment in horses and the facilities for them. It would follow that we are spending very little money from a research point of view on their health and welfare. I think it is feasible with a centrally located base of operation, with the contributions on a continuing scale in amounts that are reasonable, year to year, to get the job done. Thank you.

MR. CASSIDY: Are there any other comments on the matter? Does anybody know of any other field that has services being conducted?

DR. CHURCHILL: I would like to speak on behalf of the practicing veterinarians as regards this question. In almost every field of livestock in this country there are huge amounts spent for research. We probably know a hundred times as much about chickens as we do about race horses and it has only been because of continuous research that such knowledge has been possible. In the past I have been acquainted with a few research projects that have been set up for diseases of the horse and they were well-intended, but the project would be set up with a given amount of money, to be conducted at a given place, and before the project could be followed through the money would run out and the project be dropped. That has been the case time after time. The average practitioner is woefully lacking in technical knowledge as regards diseases of the horse and in his ability to treat them. When you are looking at a horse that is worth a great amount of money there shouldn't be any question, actually, in your professional knowledge about what should be done. The fact is that we just don't know. We have no scientific basis upon which to express opinions to trainers and owners about what should be done with this horse or how this condition can be corrected for sure. When you consider the amount of money the racing industry is worth, I think it's pathetic that some of these questions cannot be answered. As far as the Grayson Foundation is concerned, I do think that they should be supported but I don't think that the support of research on horses should be limited to the Grayson Foundation. I think we need ten times that much and there are facilities available at various universities where the facilities are perpetual and where the staff is perpetual and where a project can be carried on a year-after-year basis until its final and ultimate conclusion. The problem is getting the money and I think that race tracks and everyone who benefits financially from racing should commit themselves to a certain amount annually, not to be voted upon annually, but as a considered expense to go into such a thing so that we can obtain information.

DR. REED: I agree with Dr. Churchill's comments and would like to possibly add a little bit. Racing is the stage on which all the actors come up to a culmination, and unfortunately there is very little money ever spent on anything that pertains to actual racing. Now we find that a vast and tremendous amount of money is spent on things pertaining to breeders—well and good. A man who buys yearlings comes into this business and he comes out to the barn some morning; his trainer says to him, "Well, your horses are all coughing," and he turns to us and says, "What are you all going to do about it?" And maybe in that same day more coughing breaks out and you've got fifty trainers saying the same thing to you. It's a rather exasperating situation. Now there are certain race tracks that have contributed money to the James Donn Foundation in Miami, Florida. It is supported by Gulfstream and the University of Miami and I think that if we can spread the thing out as much as possible, we may accomplish something. It is certainly true that while there were probably a thousand different workers on the polio vaccine, Salk was the guy that happened to hit on to it. We are going to have to spread this thing out as much as possible in order to hit. You can vaccinate a dog and he won't get distemper, it's true.

But it's hard for us to give an explanation why we can't stop a cough in a horse. It has serious economic consequences—we have horses incapacitated that can't run.

24. WHEN A HORSE IS GELDED WOULD IT NOT BE A GOOD IDEA FOR ENTRIES TO SHOW THE CHANGE THE FIRST TIME THE HORSE STARTS AFTER BEING GELDED?

MR. CASSIDY: I see no objection to that.

MR. WIDENER: Isn't it done?

MR. CASSIDY: No, it shows that he is a gelding but not that he has just been gelded. I would think that might be information that would be important to people. Any comment?

(No reply)

25. WHY DOES NOT THE PROGRAM CARRY THE NAME OF THE OWNER OF A STABLE NAME?

MR. PERLMAN: This is something about which we have had a considerable number of letters in our office. To the best of my knowledge the only program in the United States to show the owner of a stable name is Churchill Downs. For instance, when they show Calmet Farm, they put (Mrs. Gene Markey) I don't see why every program in the United States does not do that. I think the public is entitled to know who owns a stable and I don't see why that information should not be made known.

MR. CASSIDY: That is against the rules so far.

MR. PERLMAN: Against the rules?

MR. CASSIDY: To disclose the owner of an assumed name.

MR. PERLMAN: Yes, but I think the public is entitled to know it. They are entitled to know who owns the horse.

MR. CASSIDY: It is still against the rules to disclose the name.

26. SHOULD NOT BROODMARES AND STALLIONS BE BRANDED IN ORDER THAT IDENTIFICATION MAY BE DETERMINED WHEN MATING?

MR. WIDENER: That was a question brought up last night and I think it would be wiser if we discussed that with the breeders separately rather than bring it up now.

I want to thank everybody for coming here today. I hope that something worthwhile will come out of all the good advice we have heard. We were very happy to have you and I hope you have enjoyed it.