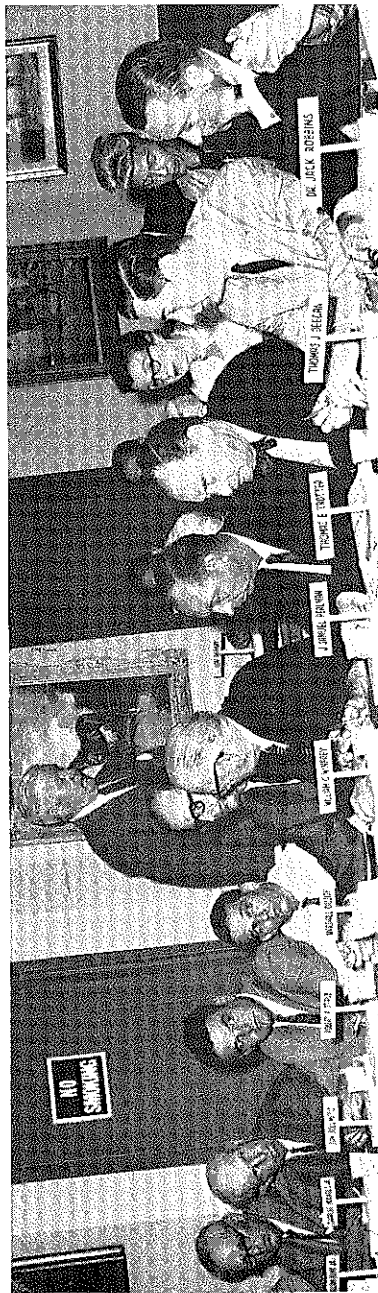


L. to R. Rex C. Ellsworth, George C. Hendrie, Haden Kirkpatrick, William S. Miller, Ogden Phipps, George D. Widener, James Cox Brady, Magistrate S. Tupper Bigelow, Dr. J. G. Catlett.



Panel—L. to R. Frank C. Rand, Jr., William C. Winfrey, Jr., Charles Nuckols, Jr., Sam Boulmetis, Robert P. Strub, Marshall Cassidy, William S. Evans, J. Gilman, Gimma, Green, Hancock, Jr., Hanes, Hatton, Hollingsworth.

ELEVENTH ANNUAL ROUND TABLE DISCUSSION
ON
MATTERS PERTAINING TO RACING
HELD BY
THE JOCKEY CLUB
IN THE
NATIONAL MUSEUM OF RACING
AT
SARATOGA SPRINGS, N. Y.
SUNDAY, AUGUST 11, 1963

PARTICIPANTS:

- William Almy, Jr., Steward
Magistrate S. Tupper Bigelow, Chairman of Ontario Racing Commission
Sam Boulmetis, President of Jockeys' Guild, Inc.
Alex Bower, Publisher, The Blood-Horse
*James Cox Brady, Secretary and Steward of The Jockey Club, Chairman of the Board of Trustees of The New York Racing Association
J. Elliott Burch, President, American Trainers Association
George B. Cassidy, Starter
Dr. J. G. Catlett, Assistant Supervisor of Racing (Horse), State of Florida
*Leslie Combs, II, Owner, Breeder
Myron D. Davis, Steward appointed by The New York Racing Association
Thomas J. Deegan, Jr., Chairman of the Executive Committee of the New York World's Fair
Edward T. Dickinson, President, The New York Racing Association
Lou Doherty, President, The Grayson Foundation
Walter H. Donovan, Executive Vice President and General Manager, Garden State Park; Vice President, Hialeah Race Course
Spencer J. Drayton, President, Thoroughbred Racing Protective Bureau; Executive Secretary, Thoroughbred Racing Associations
Francis P. Dunne, Steward appointed by The New York State Racing Commission
Rex C. Ellsworth, Owner, Breeder
William S. Evans, General Manager, Breeders' Sales Company
Bryan Field, Vice President & General Manager, Delaware Racing Association
James E. Fitzsimmons, Trainer
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Dr. Wilson Ford, Veterinarian, Ontario Racing Commission
Dr. M. A. Gilman, Examining Veterinarian, The New York Racing Association
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*A. B. Hancock, Jr., Owner, Breeder
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Hirsch Jacobs, Trainer
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 Frank C. Rand, Jr., Vice President of the New York Division of the Horsemen's Benevolent and Protective Association
 Dr. William O. Reed, Practicing Veterinarian
 Dr. Jack K. Robbins, President of the American Association of Equine Practitioners
 Saul D. Rosen, Managing Editor, The Morning Telegraph
 Sol Rutchick, Trainer
 Fred H. Ryan, Vice President and General Manager, Santa Anita Park
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 Tom Shehan, Editor and Publisher, the Horsemen's Journal
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 James D. Stewart, Vice President and General Manager, Hollywood Turf Club
 Robert P. Strub, President of the Thoroughbred Racing Associations; President of Santa Anita Park
 Carter Thornton, President, The Thoroughbred Club of America
 Whitney Tower, Turf Editor, Sports Illustrated
 Thomas E. Trotter, Racing Secretary and Handicapper, The New York Racing Association
 Joe Val, Turf Writer, New York World-Telegram & Sun
 *Alfred G. Vanderbilt, President, Thoroughbred Owners & Breeders Association
 *F. S. von Stade, Trustee of The New York Racing Association
 *George D. Widener, Chairman of The Jockey Club, Honorary Chairman of The New York Racing Association
 William C. Winfrey, Trainer

PANEL:

William Almy, Jr.—Steward
 Sam Boulmetis—Jockey
 Thomas J. Deegan, Jr.—Public Relations
 Charles Nuckols, Jr.—Breeder
 J. Samuel Perlman—Press
 Frank C. Rand, Jr.—Owner
 Robert P. Strub—Management
 Thomas E. Trotter—Racing Secretary
 William C. Winfrey—Trainer
 Moderator: Marshall Cassidy, Executive Secretary of The Jockey Club

GUESTS:

Lou De Fichy, Columnist, Newsday
 Ezequiel M. Fernandez Guerrico, Member of Jockey Club of Argentina
 Nick Jemas, Eastern Manager of the Jockeys' Guild, Inc.
 Jack Mann, Turf Writer, New York Herald-Tribune
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 Joseph Rosen
 H. Richard Schumacher, Attorney
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INDEX TO TOPICS

Applications for partnerships, leases, foal registration, etc.—to be in form of affidavits.....	16
Apprentice contracts—national registration.....	10
Arbitration in event of strikes.....	22
Assumed names—national registration; restricted to owners of breeding or training farms; suggested change to "Stable Name".....	17
Bleeders—treatment on day of race.....	28
Claiming rule—uniform	19
Distance timing poles—standardization of colors.....	8
Gratuities to jockeys.....	20
Hypodermic syringes—use on "farm level".....	35
Information clearing center—international matters.....	24
Investigational procedures following chemist's positive report.....	25
Jockey engagements—registered promptly; Stewards' approval required for cancellation	12
Licenses—national for all owners, trainers and jockeys with good records, subject to discretion of each Racing Commission	15
Lie-detectors	32
Mutuel pay-offs—coupled starters to be classified as single unit.....	7
Names of horses divulged to encourage entries.....	34
Racing colors—national registration.....	15
Racing Commissioners—as owners of race horses.....	30
Registration certificates—to have complete record of ownership.....	13
Rulings against stable employees—reported to NASRC.....	14
Stakes—excessive cost to owners for nomination, declaration and starting fees....	19
Stakes—uniform closings	24
Stalls—allotment for two-year-olds.....	27
Stalls—allotment on basis of qualities of horses.....	28
Starting—use of tongs.....	26
Stewards' decisions—reviewed by NASRC board when overruled by a Racing Commission	16
Tape recordings of hearings and appeals.....	16
Taxes on winnings of foreign horses.....	24
Track conditions—speed versus safety	33
Turf conference conclusions	8, 33
Virus abortions—equine viral rhinopneumonitis vaccine.....	32
Workouts—publication	35

INTRODUCTION BY

GEORGE D. WIDENER

Chairman of The Jockey Club

On behalf of the members of The Jockey Club I welcome you to our Eleventh Annual Round Table Discussion on matters pertaining to racing.

We are especially pleased that our conference is taking place during the Saratoga Centennial commemorating the anniversary of organized Thoroughbred racing in the State of New York.

The subjects to be covered today are quite varied and we are sure that each one present will find some of the topics of particular interest. I now turn the meeting over to our moderator, Marshall Cassidy.

1. IN THE EVENT OF TWO HORSES OF AN ENTRY, OR TWO FIELD HORSES, FINISHING IN THE MONEY, SHOULD THE SECONDARY FINISHER BE IGNORED IN THE MUTUEL PAY-OFFS BY ADVANCING THE FOURTH HORSE INTO THE PAY-OFFS?

MR. CASSIDY: With the question came a somewhat complete explanation which it might be well to read first.

"When an association sells mutuel tickets, it guarantees to cash six categories. One win ticket, two place tickets, three show tickets.

"Yet when both horses of an entry, or two field horses finish in the money, the number of cashable tickets is reduced. Because of an antiquated system, hitherto unchallenged, tracks present windfalls to sharpshooting entry bettors at the expense of the less knowledgeable fans. The system attracts big bets to show, helping the handle, but is it legal?

"Wise guys wait for days until a favored entry is running. They bet heavily to place and show in the hope both horses will be in the money. Frequently that happens. If one-two, the entire place pool is theirs. If one-three or two-three, they share in two-thirds of the show pool. By what right does the Mutuel Department give them such windfalls?

"The suggestion here urges dropping the secondary finisher of an entry from mutuel calculation. Move up the fourth horse to a show bet payoff and spread the pool just as if the race had no entry.

"At some tracks entries are discouraged (1) by the uncoupling of entries for betting where ownership is different. This is dangerous, subject to suspicion by the public; (2) some forbid entries in daily double events.

"Obviously there's an awareness of a problem. It seems, however, entries should be permitted to run for a piece of the purse, since some trainers condition same-category horses for different owners. But for payoffs, calculate only the primary finisher. You already give the bettor two shots at a return.

"In bookmaker days, some stables were so anxious to cement a bet they sent out even three-horse entries. But the bookies did not double the payoff. No sir. They paid what the pre-race ticket indicated."

MR. PERLMAN: I have thought about this and frankly I do not see any merit to it from a legal standpoint because the present system has been operating since the advent of mutuel betting in the United States. I doubt personally that it should be changed.

MR. BRADY: Marshall, is it illegal because they guarantee to pay three show positions?

MR. CASSIDY: It says that here, but I don't think that there is any distinct provision for that in the law. I think the law provides that bets shall be paid straight, place and show, whether a coupled entry gets both opportunities to participate or not.

MR. VAL: I feel pretty strongly about this. I think the casual, everyday bettor is victimized. The real heavy bettor, the sharpshooter, waits for a very short-priced entry and bets to show rather heavily. I don't see why he should be rewarded doubly, instead of getting a normal, let's say \$3 for show he might very well get \$4.00 simply because the entry runs one-two or two-three or one-three and eventually the casual bettor who bets \$2.00 across the board will realize that he is being victimized.

MR. PERLMAN: Of course there is another way of looking at it. You are only supposed to pay for horses finishing first, second and third. If you adopted an idea like that you would wind up paying for horses that finish fourth and fifth. Obviously the intent of the law and the reason why the system has operated in that way for so many years is that you don't pay for horses that finish fourth, fifth or sixth.

2. TOPIC: STANDARDIZATION OF COLORS ON POLES AT ALL RACE TRACKS. BY HAVING THE 16th POLE OR THE ¼ POLE, OR THE ½ POLE THE SAME COLOR AT ALL TRACKS OUR RACING PUBLIC COULD BECOME THAT MUCH MORE KNOWLEDGEABLE WHEN READING AN ACCOUNT OF THE RACE, OR WHEN LISTENING ON THE RADIO OR VIEWING IT ON TELEVISION. ANOTHER POINT OF CONFUSION, EVEN FOR VETERAN RACEGOERS, OCCURS WHEN THE SPORT MOVES FROM A ONE-MILE TRACK TO A MILE-AND-AN-EIGHTH TRACK, AND ONE MUST THEN REORIENTATE HIMSELF AND RELOCATE THE 16th POLE, THE ¼ POLE, ETC.

MR. DEEGAN: I think it is an excellent idea, Marshall, particularly for television. It is just a matter of time before all of that will be in color and this will enable the general public in New York viewing a race being run in California to orient themselves.

MR. CASSIDY: I think the idea is that all ¼ poles should be, say, black and white, all ½ poles red and white and all 1/16 poles all white, or something of that nature.

MR. STRUB: I believe in uniformity in these kind of things, Marshall, and I think that this is certainly an excellent idea. I'll be frank with you, I did not realize that there were different poles at different tracks. Certainly this is something that should be done if possible and should be effective.

MR. ALMY: I agree with the two previous speakers. It would be highly advantageous at all race tracks.

MR. PERLMAN: I think it is an excellent idea. What can we do to implement it? What would be the procedure? Should it be acted upon through the National Association of State Racing Commissioners?

MR. CASSIDY: I would imagine either that they would take care of it or the tracks would after they had read the account of it and if they thought it advisable for the public's best interest, they would do it voluntarily.

MR. PERLMAN: But I don't think it would be implemented unless something is done to notify the tracks. The NASRC could make it a recommendation as a rule of racing.

MAGISTRATE BIGELOW: It seems to me that the proper organization to handle that to begin with would be the TRA. After all, the NASRC hasn't any jurisdiction over the race tracks. If the TRA tracks adopted it, all other tracks would follow along immediately.

MR. DONOVAN: I think it is a splendid idea and is long overdue. It would be a simple thing to do. We have too many things in racing now that lack uniformity. I agree with Sam that it may be disposed of effectively through the NASRC.

MR. FIELD: I would like to draw your attention to Question 28 in relation to this. It has happened before at these meetings that everybody was in agreement and then nothing happens. It seems to me that we shouldn't be invoking the TRA or NASRC or anybody or anything momentous. It seems to me that when there is a general unanimity, a letter or memo should come out of your office (The Jockey Club) notifying the race tracks that it was generally agreed that we should paint the poles with certain colors. It could serve as a reminder to all of us to pass a memo to our track superintendent and it would probably be done in a great many instances. I don't think we need official rulings or anything else like that. A reminder from you is sufficient when we feel unanimously to begin with. There have been a dozen of these points that have arisen over the years, and because of our devotion to The Jockey Club and the unanimity, we have implemented them in Delaware Park by applying them ourselves. But Question 28 and this one go together because

I do not think that anyone will disagree with the uniform painting of the poles being a good thing.

MR. CASSIDY: We will take that up with The Jockey Club as to what should be done.

MR. STRUB: I was going to volunteer that we will discuss it on the TRA level and see if we can't get support at least from our TRA tracks. I do think the NASRC has a broader jurisdiction although they don't have direct supervision over the tracks but certainly the various members have very definite supervision over the tracks, like California and New York, and they could advise and prescribe.

MR. CASSIDY: Mr. Miller, don't you think that the NASRC would consider matters such as this that are indicated as being good for racing?

MR. MILLER: I don't think there is any question about it. We have of course a Committee on Uniform Rules and Practices which in my opinion would embrace this and I certainly believe that the NASRC could make recommendations. I agree with my colleague, Tupper Bigelow, that they would not care to make a rule of this nature because we would be making multitudinous rules. But the tracks have always accepted our recommendations and I can see no reason why we shouldn't do that.

MR. HENDRIE: Is it the intention for all turf courses, dirt courses and steeplechase courses to have poles of all the same color?

MR. CASSIDY: There was no comment on that in the question when it was received. I don't think they could be the same as they are naturally at different positions. It would be confusing. You could have many poles of the same colors.

MR. HENDRIE: We would just carry the idea through the three different courses.

MR. DRAYTON: I would like to say a word here. I agree with Bryan Field. I think that I would like to go a step further, and I realize this is a little difficult. The moderator should reword all the questions in such a way that you could get an opinion from those assembled. You bring them in from all over the country and I guess they represent the most knowledgeable people in racing, the speaker excepted, and I think it would be well to get an answer on every question from all the people assembled—"yes" or "no," if you can, or "no opinion" and publish that when you give the results of this meeting.

MR. CASSIDY: Don't you think that might have the effect of provoking a feeling that a racing congress was being established?

MR. DRAYTON: You have got all these people here, Marshall, and they spend all Sunday here. They ought to express their opinions and they ought to be recorded. That's the way I feel. Whether it is a congress or U.N. or whatever, I don't think it makes any difference. I think the people throughout the country would like to know how this gathering feels on any subject.

MR. CASSIDY: But isn't their feeling reported by the press?

MR. DRAYTON: No, it isn't.

MR. CASSIDY: The book that we print doesn't have a consensus or a vote but it does give to the racing world the statements made by everyone.

MR. DRAYTON: But it only gives the statements of those who choose to speak on that subject. It doesn't give the attitude of everybody in this room in regard to any particular question. I just throw that out as a suggestion.

3. APPRENTICE CONTRACTS SHOULD BE REGISTERED NATIONALLY AND CONDITIONS CONFORM TO AN ACCEPTED STANDARD PROTECTING THE RIGHTS OF BOTH PARTIES. THE APPRENTICE RULE SHOULD BE MADE UNIFORM IN ALL STATES.

MR. ALMY: I believe in the first sentence. I believe it would be fine if they could be registered nationally. However, I think it is quite difficult to do so. With whom would you register them? Would you register them with The Jockey Club, the NASRC or whom? I am a little doubtful who would be best or where they should be registered.

MR. CASSIDY: I think that could be determined after we have decided it was a good idea.

MR. ALMY: From the point of view of an official who works in various states it certainly would be a fine and beneficial thing to have a central registration of all apprentice contracts. There is no question about that. Just before we go on to the next sentence I would like to ask Sam Boulmetis what he thinks about this from the point of view of the jockeys.

MR. BOULMETIS: I think it would be a good idea, but the only problem is, if a boy does not fulfill his obligations to the owner of the contract, whom will he go back to? The central registry?

MR. ALMY: My answer to that would be it would be under the jurisdiction wherever the disagreement took place. It would have to be ruled on by that body. The right of appeal would probably be the particular Commission in that jurisdiction.

MR. WINFREY: I believe uniformity of rules pertaining to racing throughout the states should be in effect as much as possible. I don't see why this couldn't be uniform throughout the country. Also, if I could digress a little bit from the apprentice rule, in respect to uniformity, I would like to see an improvement made. Mainly, I would like to see apprentice boys get 10 pounds for at least ten races and perhaps for the first twenty races, because we are not making riders and it is not enough incentive with 5 pounds over our top riders like Baeza, Ycaza and Shoemaker. Then the ones who didn't make riders would be exercise boys and we need them too. So I'd like to see the apprentice rule changed on that score.

MR. CASSIDY: I think one of the things that is difficult in this rule is the fact that a contract negotiated in one state may not be acceptable in another state. A boy may be under a contract where he receives \$75 a month with a stable which does not have adequate horses for training or anyone who is accomplished enough to give instruction. In Puerto Rico they do not have any contracts. A boy from Puerto Rico has an allowance until he has won a certain number of races and is not considered an apprentice. Under most contracts in the United States a boy should not have ridden professionally in a race to be eligible for an apprentice contract. In some states they are not very careful as to what kind of contract they approve. I think that for those reasons contracts should be registered nationally and the conditions should conform to accepted standards.

MR. PERLMAN: We now publish charts from Puerto Rico in the Monthly Chart Books when the records are available.

MR. ALMY: With regard to the second sentence, that apprentice rules should be made uniform in all states, I should like to bring out the fact that in four closely adjoining states we have three different apprentice rules. It does seem to me that the apprentice rule is one of the two most important rules which should be uniform. I agree with what Mr. Winfrey said in regard to uniformity. Here we have New York with one rule at the present time, we have Massachusetts with an entirely different rule, we have Rhode Island with still a third rule and we have New Hampshire with the same rule as Massachusetts. Now it is entirely conceivable with as

much interchange in racing as there is today that a trainer can enter a horse over the telephone from New York in any race in New England and he could claim an allowance for a boy which might get by. It shouldn't, but it might. And after the race has been run it might be conceivable that the boy had carried either 5 or even 7 pounds less than he should have carried because he was not entitled to an allowance which had been claimed in that New England state in which he rode. I think this applies to other states besides New England. Therefore it seems to me that the rules should certainly be uniform under all jurisdictions if possible. I know the NASRC is working on it, but it does seem awfully important. To me the two very important rules that should be uniform are 1. this apprentice rule and 2. the claiming rule. They are very important things that can lead to great trouble when they are not uniform.

MR. MILLER: First I should like to point out that Puerto Rico has expressed a willingness, now that their commission is associated with the NASRC, to embrace these rules that are approved and recommended by the NASRC. I believe that the apprentice rule contract aspect of that problem is removed. With respect to the uniformity of the apprentice rule, it should be emphasized that we have tried and are still trying to achieve uniformity. We were a long ways in that direction but New York suddenly departed. We need a better understanding, I believe, than we presently have. Last year we analyzed the results that have occurred in New York and we were surprised to find that in spite of the liberal allowance no appreciable number of apprentices have come forth. So you need to do some spade work in New York and in the East. I think we have done pretty well in the Middle West and in the West. We have considerable uniformity and Sam Boulmetis is aware of our working very closely with the Jockeys' Guild. Most of the states have the apprentice rule that the Jockeys' Guild has approved. Isn't that true, Mr. Boulmetis?

MR. BOULMETIS: I think so. We discussed that at length at our last round table and I think I went on record as saying that the Jockeys' Guild would like to see uniform rules and give the boy 5 free winners. In other words, the day he rides his fifth winner he commences his apprentice allowance with 5 pounds all the way through. But also you should give the man who makes this boy a little consideration. We want to give the man 3 pounds for the duration of the contract. The way it stands now a man that makes a boy only gets three pounds for the one year. We would like to see the man who puts in time and money and makes a rider get a little benefit out of it by giving him the three pounds for the duration of the contract.

MR. ALMY: Mr. Moderator, may I read the rule which the Guild, through Mr. Jemas, presented to the Massachusetts Racing Commission? I understand at their last meeting they passed it and this rule is going to go into effect on the 1st of January, 1964. I think they left off one very important thing and that is why I want to bring it before this meeting. The rule states, "5 pounds for one year from date of riding his fifth winner or thereafter until he has ridden 40 winners, provided, however, that such allowances shall not be permitted beyond the period of three years from the date of his fifth winner." They have left out the allowance for his contract employer after he loses his bug, which is granted now for one year.

MR. BOULMETIS: That's what we recommended here at the round table discussion last year. It is up to the racing commission if they would want to give that allowance to the original contract holder.

MR. ALMY: But in this rule that they are proposing they leave that out entirely.

MR. BOULMETIS: We had recommended that, Mr. Almy, but that is up to the commission.

4. WOULDNT IT BE ADVISABLE FOR ALL JOCKEY ENGAGEMENTS TO BE REGISTERED PROMPTLY WHEN MADE AND NOT BE CANCELLED WITHOUT THE APPROVAL OF THE STEWARDS?

MR. WINFREY: Some years ago in California they did this with stakes and evidently it didn't work too well because they don't do it anymore. I don't know how good it is, but it would certainly be worth a try. The existing system has room for improvement, there is no question about that. Whether or not this would work, we would have to try it. If it did work it should be adopted.

MR. CASSIDY: The person who wrote this question told me that what he was speaking about was the fact that if you had engaged, say, Boulmetis five or six days in advance and his agent was subsequently offered a mount on some great horse in the same race. He might come to the owner or trainer and ask if he would release the boy as it meant a great deal to him. You would be reluctant to let him go for your own best interests but you would also be reluctant to say "no" because you would feel you might incur his animosity. Whether that is true or not is immaterial, but that's what prompted the question.

MR. BOULMETIS: I rode here in New York where we have the jocks' books and I think they tried that system other places and it worked fair. In New Jersey they came up with the slip system, they were going to try that. But it seems like the agent and the trainer do not want to take the time to fill out the slips.

MR. CASSIDY: I don't think that quite answers the question as it was intended and that is how to protect the person who has the engagement so that he isn't influenced to give it up at the boy's request. How do you feel about that Johnny?

MR. SELLERS: I think it would be good. I think primarily it is intended for stake engagements.

MR. CASSIDY: No, I think this was intended for any situation where a man had made an engagement and thought he had the boy.

MR. SELLERS: Well, it works in reverse too. When a jockey has a call on a horse sometimes at the last minute he can be taken off the horse it had been announced he would ride. In this way we are not protected.

MR. CASSIDY: This would protect him too. He would stay on the horse.

MR. SELLERS: Well I would go along with that, but I think it would be good to start out on more important stakes. I believe it would cause too much confusion for just the everyday races.

DR. CATLETT: I've been at several places where I've seen this tried. I think it is as much the trainer's fault as it is the agent's problem, at least that is what they claim. Sometimes the trainer just won't sign it. They say, "I'm too busy" or "I'll just put my initials on it." That's the way it turns out. In Florida we had a large quantity of these slips printed especially for stake engagements and I think last winter there were just about four of them filled out and that's all. They were available, the horsemen knew about it, but they just don't want them.

MR. CASSIDY: We had that in New York and tried it in Florida when we were down there. As you say, the trainer won't accept it. But this is a different thing. This is the question of recording it. I think our system may still be used in Florida. An agent is supposed to give the Clerk of Scales an account of all engagements that he makes each day in advance of the race and they are recorded in the book. That is done in New York and I think it has been done in Florida.

DR. CATLETT: It isn't done in Florida.

MR. CASSIDY: I'm surprised. It seemed that it worked satisfactorily then.

MR. DUNNE: I don't think it is of much value really, Marshall, because what you are always going to have is a jockey who has a chance to ride a better horse. Just somebody filling out a blank is not going to change that. He is still going to want to ride the better horse and the question arises then, do you want a boy to ride

your horse who would sooner be riding some other horse? The only defense you have is not ride him anymore, which some people do. As far as filling out blanks is concerned, I don't think that makes any difference. People are always going to want to change their minds.

5. REGISTRATION CERTIFICATES WITH COMPLETE, CERTIFIED RECORDS OF OWNERSHIP SHOULD BE DEPOSITED AT THE TRACK BEFORE ACCEPTANCE OF AN ENTRY TO A RACE (STARTING AT ONCE, REQUIRING COMPLETE RECORD OF TRANSFER TO PRESENT OWNER, AND KEPT UP TO DATE THEREAFTER).

MR. CASSIDY: I think, Mr. Miller, that this was proposed by the NASRC.

MR. MILLER: Yes, it was, and I am happy to tell you that our national office is doing everything it can by way of reminders to encourage the various jurisdictions to insist upon records being kept up to date. We have made probably more progress in that regard this year than we have in a long time because the importance of it had not been emphasized until quite recently at our last convention. In this respect, however, I should like to call attention to two recent demands for invalidation of claim. One occurred in New Jersey and one in Illinois with respect to an alleged improper and inadequate description of the animal that was claimed. When it came up in Illinois it gave rise to certain curiosity on the part of our racing commission. We were rather astounded to find that there is no uniform interpretation or uniform use of nomenclature with respect to a cryptorchid, a monorchid or ridgeling. It seems that some states have one interpretation, others another and I would believe that these registration certificates should be kept up to date in respect to that very important aspect and that the track programs, the racing associations, Stewards and Racing Commissions should use the same nomenclature.

MR. CASSIDY: When the veterinarians examine the horse, changes should be noted and recorded, but it would be impossible to send all the certificates back for correction. I think that is the responsibility of the Commissions and the racing associations.

MR. MILLER: I certainly believe it is the joint responsibility of the respective Commissions and the racing associations. Of course, regretfully, there is a lack of understanding, a lack of knowledge here in a meeting like this of the inadequacies that exist in some of our racing operations. You have perhaps an ideal, at least I am willing to admit that you have an ideal set-up here in New York with adequacy in personnel in respect to veterinarians, and adequacy of personnel in the racing secretary's office that does not prevail in every association in the country—not because they don't want to conform but because the economics of the situation does not permit them to conform. And there isn't the adherence to pre-race examination that you may think prevails. It doesn't. I am sure we have some race tracks in our country that only have maybe an occasional veterinarian. Not every race track has an association veterinarian.

DR. CATLETT: This is the point I have been extremely interested in. Everyone agrees that these foal certificates should be transferred to the proper owner. There's no question about that. In a public sale or auction and in claiming races there is no problem because we handle that through the identification department. But what do we do with the private sales? How are we going to see that they are carried through? If somebody sells a horse to someone and doesn't transfer it, it may come to Florida from up north somewhere and it has not been transferred. The former owner is up here, the new owner down there, and the horse comes up for entry in a race.

MR. CASSIDY: Don't you think that everyone in racing should be informed that a thoroughbred may not race without a properly endorsed certificate? It should

be the same as with an automobile, you could not operate it unless it was properly registered. When a person buys a horse he should treat the certificate as a bill of sale, a certificate of ownership and have it properly transferred to him.

DR. CATLETT: I think it certainly could be done, but the trouble is they just don't do it.

MR. CASSIDY: It hasn't been enforced.

DR. CATLETT: How are we going to enforce it?

MR. CASSIDY: Just refuse the entry, that's all. They'll then attend to it.

MR. MEHRTENS: At Delaware Park we have a lot of horses that ship in and out and if we had to have every foal certificate or registration certificate deposited with the track before we took the entry we might have a hard time filling our races. They ship in and ship out and bring the certificates with them. We have to sometimes accept entries before we get the certificate of registration.

MR. CASSIDY: If an owner is reputable and guarantees delivery of the certificate it should be satisfactory and if they didn't bring it, why, . . .

MR. MEHRTENS: That's fine if we could get the guarantee.

MR. CASSIDY: There are ways to handle those things.

MR. ALMY: I believe a very large percentage of the foal certificates do not show certain owners, people who have been owners of those horses at various times. In other words, the horse changed hands, but there is always the missing link in there. It is difficult for officials all over the country. Also, many contingencies on horses are never noted. And finally a horse comes through three or four hands and the man who had it three parties before and whose name does not show at all on the foal certificate, calls up some Steward and says, "I'm owed \$1,000 out of the purse that was won, it's the first purse he has won in three years." It has become quite a problem all over the country.

MR. CASSIDY: Well that is a civil matter. It is his own fault if he doesn't have it properly recorded wherever the horse may race.

6. SHOULD NOT RECORDS OF DISCIPLINARY ACTION AGAINST ALL STABLE EMPLOYEES BY THEIR EMPLOYERS BE IMMEDIATELY REPORTED TO THE N.A.S.R.C. AS WELL AS RULINGS OF RACING AUTHORITIES?

MR. STRUB: I certainly have no objection to this procedure. However, I do know that it is a tremendous job and would be very, very expensive. The T.R.P.B. keeps records and tabs on criminal activities of the people in racing. I know the expense of the work to keep those records up to date. If the NASRC would tackle this, it would be a dandy service. As to the second part, "as well as rulings of racing authorities" I am not sure what you are referring to. Are you referring to racing boards' decisions?

MR. CASSIDY: The bulletins that are published by the NASRC.

MR. STRUB: I have no comment on that part of it.

MR. CASSIDY: But you think the first part would be satisfactory.

MR. STRUB: I think it would be fine but it would be very expensive.

MR. WINFREY: It says, "Disciplinary action against all stable employees by their employers"—which would be the trainers. What would disciplinary action mean? All we do is fire them or they quit, that's about as far as we go.

MR. CASSIDY: Suppose they got drunk or did not behave themselves properly, they would be discharged and the record sent to the NASRC to be included in their bulletins. Everybody would have that information.

MR. WINFREY: It would be fine, but if we started eliminating the drunks we are not going to have any grooms left.

(Laughter)

MR. PERLMAN: The NASRC could not possibly handle it. They have a staff I think of two people. There are thousands of persons who are discharged every year. That probably is something that should be recorded by the TRPB.

MR. STRUB: We do do it to a degree. If the employee gets to the point where he has to be disciplined because he has a syringe or something like that, why then we have that information. But if he just does something for which he needs a slap on the wrist, we don't keep that information.

MR. DRAYTON: I think it would be wonderful if we had that information available but I think it is a monumental task.

DR. ROBBINS: I think we are treading on some very thin ice. Here again who is going to say whether the decision has been fair for the employer or the employee? It can become a pretty complex situation if you are going to record these things.

MR. CASSIDY: The only thing that would be recorded is the action taken.

MR. DICKINSON: I would like to say I think that this is an extremely dangerous suggestion. It could be misunderstood, misinterpreted and certainly would be used in any organizational drive. The old black list technique has been outlawed by enlightened industry. I think it is a poor industrial relations device.

MR. KILROE: I think we are overlooking the customary procedures that are in effect at all tracks now anyway. A groom does something serious enough to require discipline, he is reported to the Stewards and they deal with it. That is carried in the records of their operations of the meeting. If it is a matter of disagreement between the groom and his employer, as Jack Robbins says, you can spend half your life trying to figure out who was right. We do have that information recorded when it is of serious enough nature to make a man dangerous as an employee.

MR. CASSIDY: I think there would only be rare occasions when an employer would take action without reporting it to the Stewards.

7. SHOULD NOT RACING COLORS BE CLEARED FOR ELIGIBILITY AND REGISTERED NATIONALLY?

MR. CASSIDY: This has been discussed before and I believe it is generally conceded they should be and maybe some day will be registered nationally.

MR. RAND: I think the procedure that is presently followed is quite satisfactory. I don't think there is any need for any further goal.

MR. CASSIDY: I think this means for people racing in various states, if they were registered nationally they wouldn't have to change their colors to conform to another state.

MR. RAND: That would be very desirable.

MR. CASSIDY: This has been discussed a number of times. Unless someone wants to comment on it particularly we will pass on to the next question.

8. SHOULD NOT OWNERS, TRAINERS AND JOCKEYS BE PRIVILEGED TO HOLD A NATIONAL LICENSE AS LONG AS THEIR RECORDS ARE CLEAR, AND IF NOT ELIGIBLE FOR A NATIONAL LICENSE, BE CONSIDERED FOR A STATE LICENSE AT THE DISCRETION OF THE INDIVIDUAL STATE RACING COMMISSIONS?

MR. WINFREY: I'm all for national rules where they are possible, and certainly here too. I don't know why it probably would not be O.K. to be considered

for a state license when not eligible for a national license. One sort of supersedes the other.

MR. CASSIDY: I think this means that if the record is clear and there are no rulings against an individual he would be automatically licensed nationally. If not, then the state could rule whether the offense is serious or not. That is my interpretation.

MR. PERLMAN: You could not do anything to enforce it, even if you could issue a national license because the law is very clear on this point. Even if you have a license from a racing commission, a race track can bar you. So it is meaningless. In the Martin case and the Michigan case recently the court has ruled that a race track has every right to bar a jockey, trainer or anyone else even though the racing commission has issued a license.

9. ALL APPLICATIONS FOR LICENSES ARE NOW MADE IN THE FORM OF AFFIDAVITS. SHOULD NOT APPLICATIONS TO REGISTER FOALS, PARTNERSHIPS, LEASES, ETC. ALSO BE SWORN TO AS TRUE STATEMENTS?

MR. CASSIDY: They are all signed and presumed to be right. I am not sure whether all of these forms have a notice on them that they are sworn statements.

MR. TROTTER: I agree with what you said, Mr. Cassidy. There is a place for a signature and I do not see where it is necessary to have an affidavit form.

MR. STRUB: I certainly see no objection to the breeder swearing that he knows this mare was served by the stallion or vice versa. If you are willing to put your name down you should be willing to guarantee it, which is all an affidavit is.

MR. GREEN: I don't see where it is necessary.

MR. NUCKOLS: I think that a person who is willing to cheat will sign or swear to anything so I don't see what you are going to gain by it.

MR. STRUB: You have a better recourse.

10. SHOULD NOT TAPE RECORDINGS BE MADE OF ALL OBJECTIONS, HEARINGS AND APPEALS AND KEPT FOR AT LEAST FIVE YEARS?

MR. ALMY: I was just thinking this over and feel it would be a fine thing. In fact I can recall an occasion when I wish it had been done. If it can be done accurately as a record, I would certainly be in favor of it. We took a tape recording in Florida last year on a jockey case and when it was all through you could hardly understand what was said on the tape recording. Dr. Catlett was there at the time. Do you agree, Doctor?

DR. CATLETT: Yes, that's true.

11. SHOULD NOT ALL DECISIONS OF THE STEWARDS OVERRULED BY A RACING COMMISSION BE REVIEWED BY A BOARD SET UP BY THE N.A.S.R.C.?

MR. MILLER: It may be by indirection a possible indictment against the racing commission as such, but on the contrary it is entirely possible that a racing commission, being mortal and fallible and perhaps even inexperienced, could make an erroneous judgment in the matter. Any national board of course that could be set up by the NASRC would have no power except whatever benefits and advice might

derive from a review of an important matter. Personally, and I must emphasize that I speak for myself and not in behalf of the NASRC, I would have no objection to such a thing.

MR. PERLMAN: We return then, to the point that Mr. Miller made. It would have absolutely no value because every state is sovereign in racing and this board would have no authority whatsoever.

MR. DONOVAN: I agree with Sam on that. Furthermore, some years back at a National Association meeting in Florida, such a rule was introduced at the convention. It became quite a controversial matter and at the time it was turned down. I think it would serve no purpose whatsoever.

MR. SHEHAN: I think they have a similar operation of this nature in the trotting horse industry. The decisions are reviewed by the U. S. Trotting Association at the end of the year and a driver has a right to come before this group. The judges are there and they take testimony. I don't know exactly what the procedure is after the hearing.

MR. CASSIDY: Well that is within their own ranks. The U. S. Trotting Association licenses the drivers all over the country.

MR. KENNEDY: I think there should be some distinction made here. On questions of fact that are decided by the Stewards there should be no review by the racing commission. On questions of technicality and legality and things like that, there are routines through the courts and administrative procedures. I think when you have a board of stewards competent in making a decision on a question of fact it should not be subject to review.

MR. BRADY: I agree with that.

MR. CASSIDY: So do I.

MR. MILLER: In the State of Illinois regardless of whether or not the Stewards may have made a decision based on fact, the aggrieved licensee has the right under the law to appeal to the racing commission for a hearing, and if the racing commission is felt to be additionally in error, the aggrieved individual may appeal beyond to an appellate jurisprudence respecting the racing commission's decision. But it seems to me that an important point is overlooked here. Maybe I am wrong in my interpretation of it. It would seem to me that the Stewards are an able, competent group of men of integrity, and the only really true value, the only thing about their profession actually that is genuinely worthwhile from the standpoint of perpetuating their employment is their reputation. We as officials should be very sensitive to that. It is entirely possible, and I have no specific basis for this, let us say hypothetically that a racing commission is inexperienced, and let us say it might have been susceptible to the suggestions of outside influences; and let us say the racing commission made a decision, not on fact but at the suggestion and persuasion of somebody from the outside. I think those Stewards—not that the review would be anything more than a review by competent individuals—could do nothing more than quietly tell the racing commission that this decision was wrong. Again I say in my position as a racing commissioner I would have no objection.

12. WOULDN'T IT BE ADVISABLE FOR ASSUMED NAMES TO BE REGISTERED NATIONALLY AND PERHAPS ACCEPTED ONLY FOR OWNERS OF BREEDING OR TRAINING FARMS?

MR. ALMY: I guess we are all very familiar with the fact that the duplication of assumed names is increasing very much. Recently we had an application from a stable that had been racing in New England for some fifteen years but had been denied The Jockey Club registration as an assumed name because it was a duplication. That seems all wrong to me. When we get to Florida every fall, I sit on the

panel which passes upon licenses. Because I happen to be at the track that opens the season, we get a majority of the duplications there. Stables come from the far west and all parts of the country. We all try to honor The Jockey Club, there isn't any question about it. But the place we are, we sometimes don't have the Racing Calendar or sometimes the one we have isn't up to date. I am wondering if it would be feasible for all jurisdictions registering assumed names, to make a list of those assumed names and send them in to the office of the NASRC and have them go out in the bulletins. Then every official would be familiar with any registered names throughout the country. It is impossible to keep up with them now, and duplication is a very bad thing. We all know Greentree and Brookmeade and Maine Chance and what have you, but there are certain other names which are probably just as important to the people involved. There is no doubt there is duplication all over the country. Now I know that they did pass a resolution, I believe, Mr. Miller, at the last meeting of the NASRC, to advance the price of the assumed names to \$50 and I understand that in certain jurisdictions that has been done. I don't believe it is enough. The number of assumed names in various jurisdictions is almost unbelievable, and everybody seems to want to do it. There is another way I think would work pretty well, and that is to have the names of the owners published on the programs just underneath the assumed names as they do in Kentucky. But there seems to be a good deal of feeling against it.

MR. MILLER: Mr. Cassidy, we discussed this at considerable length at our last convention at Phoenix, and I believe I express the feeling of my colleagues when I say that the practice of assumed names has been terribly degraded. We feel that there was a purpose for an assumed name, when it was to perpetuate or preserve a cherished name of a farm, a name attached to a family, when there was never any intention to conceal the true identity of the owners of the horse in question, or the stable in question. I think that an assumed name is quite appropriate for that purpose. But when it is a name that has been assumed for the purpose of concealing identity, when it might be the Rose Bush Farm that consists of no more than perhaps desk space in some obscure office, when it is done for that purpose, it does nothing more than degrade the practice entirely. It was our feeling, I know that Mr. Curry and I and I believe a couple of others share the same view, that if The Jockey Club would assume this responsibility it would be a great service to racing. As Mr. Perlman pointed out, we have a limited personnel in our NASRC office and I see no prospects of enlarging it to a great extent. I feel it would be such a simple thing for us to pass a rule to do nothing more than say assumed names must be approved by The Jockey Club. We require a foal certificate from The Jockey Club, and this is such a simple thing.

MR. THORNTON: If The Jockey Club would assume that responsibility they could also assume the responsibility of making the colors good everywhere too.

MR. CASSIDY: Yes, that is true.

MR. THORNTON: It is all a matter of who we are going to let make those decisions—whether The Jockey Club would make them all or the NASRC make them all. It seems to me you would accomplish a lot of things if you discuss it and decide who is going to run it or make decisions.

MR. MILLER: The NASRC would also be pleased to have The Jockey Club take care of the colors.

MR. CASSIDY: I think there is a need for national clearance.

MR. PERLMAN: I think the crux of this great problem was brought out by Commissioner Miller, that assumed names in many cases are used in order to conceal the true identity of the owner. I would certainly suggest that the uniform rules committee of the NASRC discuss this and make it part of the uniform rules that every program list, following the assumed name, the name of the actual owner. This is done in Kentucky. I think we would find that after a period of time, the assumed

names would disappear. But I think that a person who goes to the race track, puts money on the horses, is certainly entitled to know who owns the horses.

MAGISTRATE BIGELOW: I would like while here, and not dealing with the question exactly, to make my semi-annual oblique objection to the term "assumed name." We all know that in other spheres of activity it has an unpleasant connotation and I don't see why racing should use a term that has that unpleasant connotation. I have been arguing for many years, as you know, Marshall, that a much preferable nomenclature is "stable name." "Assumed name" I don't like and never have. "Stable name" is just as good and I don't see any objection to it at all. My protest in the past, of course, has fallen on barren ground.

13. WHY IS IT NOT POSSIBLE TO HAVE A UNIFORM CLAIMING RULE PERTAINING TO TIME OF RE-ENTRY AFTER THE 30-DAY PERIOD IS UP? IN SOME STATES A HORSE IS ELIGIBLE TO ENTER ON THE 29th DAY AND RUN ON THE 30th DAY; IN OTHER STATES YOU CAN ENTER ON THE 30th DAY, WHILE STILL IN SOME OTHER STATES YOU CANNOT ENTER UNTIL THE 31st DAY. THIS IS ALL CONFUSING TO HORSEMEN AND RACING OFFICIALS AND THE REASON FOR THE DIFFERENT TYPES OF RULES HAS NEVER BEEN FULLY EXPLAINED BY RACING COMMISSIONS.

MR. WINFREY: I think uniformity of the rule would be a good thing, whether it is the 30th day, 31st or 29th. If it can be made national, we are making progress.

MR. CASSIDY: Don't you think it is a matter of English, the way it is written? It should specify the actual date when the horse is eligible.

MR. TROTTER: In some states, either through the state commission rule or the association rule, a horse must be eligible at time of entry and that makes it the 31st day.

MR. CASSIDY: I think they all intend the same thing, whether it is 30 days or 31 days. It is important to get the rule properly worded.

MR. RAND: Would this 30 day period refer to racing days or calendar days?

MR. CASSIDY: Normally it refers to calendar days.

14. WOULD IT BE WISE TO PUT A PERCENTAGE LIMIT OF THE ADDED MONEY ON THE AMOUNT PAID BY OWNERS? TOO MUCH OF THE TOTAL PURSE MONEY IN SOME STAKES IS PUT UP BY THE OWNERS AND THIS OF COURSE PARTICULARLY APPLIES TO THE FUTURITIES.

MR. NUCKOLS: I think the owners are putting up too much percentage. I don't know how much the tracks put up.

MR. VANDERBILT: I agree with this in principle. I hate to see in some places an inequitable amount of money put up by the owners and breeders. However, I don't think there is any way in which you can prevent this other than by persuasion. There is no body which is in a position to dictate to the race tracks or anybody else. This applies to about 80% of the questions we have been discussing. I don't know how to do this. This is certainly one of the things the TOBA would like to see done so that it would be a fair and reasonable thing—if, for instance, in the closing conditions of these races the association would say that in the event the subscription money totaled more than the added money, the association at that time would either add to the added money a sufficient sum to equalize it, or would rebate on a pro-rata basis to those people who had paid in, sufficient to bring their contribution

down to equalize the added money. While I am for this, there is no way of enforcing it.

MR. PERLMAN: You have a problem here that you cannot control because it depends on how popular the race is with owners and breeders. Many races are not affected because their entries are not sufficient to make the subscription fees and starting fees larger than the purse. Some stakes purses run that high because the owners and breeders nominate to them to a far greater extent than for other races. That's why the Garden State and some others have become so valuable. If race tracks had to put up more money because the horsemen put up more money, they would then be depleting the other purses because sums put up by the race tracks virtually everywhere in this country are based on a percentage of the handle. If you ever had a race like the Arlington Futurity where the horsemen put up \$300,000, and the track had to match that figure, the Association would have to cut all of its remaining purses in order to make it up. I think there is a very simple way to reduce these huge purses—if the owners and breeders do not nominate so heavily that will solve the problem. But why do that? The first race of that type was the Belmont Futurity, and that set the pace for all of them. Then the Garden State came along and because it was going to be worth about \$300,000 the owners just flooded the Association with nominations and subscription fees. There is no answer to this. It is the same as a sweepstakes with a million dollars in prizes—you will find people will buy ten million dollars worth of tickets.

MR. CASSIDY: I wonder if one of the answers to some of it is if you had more stakes with late closings.

DR. ROBBINS: I think another answer to this would be more liberal supplementary fees.

MR. CASSIDY: You mean a lower supplementary fee? There are arguments pro and con on supplementary fees.

15. SHOULD GRATUITIES TO JOCKEYS BE TREATED AS STANDARD PROCEDURE OR SHOULD ALL AGREEMENTS FOR ADDITIONAL REMUNERATION BE IN CONTRACT FORM, PROPERLY EXECUTED AND FILED WITH THE AUTHORITIES?

MR. CASSIDY: I don't think there is any question that this was prompted by the comment that jockeys were going to demand 10% across the board in races.

MR. BOULMETIS: I hadn't heard where we were going to demand 10% across the board. Even now we don't demand 10%, it's something that has been given to us and I don't think we have to demand it anyway. I think in California most of the riders get 10% but I don't think they demand it.

MR. CASSIDY: It seems to me that there was a case recently where somebody refused to ride because he didn't get 10% or it might have been more than 10%. The statement was he had to pay his agent 25% of what he got.

MR. BOULMETIS: Well another thing in respect to our young riders coming up, our apprentices, their agents are trying to get 25%, but we try to discourage them and tell the riders 10% or 20% is sufficient. We tell most boys not to sign a contract with their agents, and I would say that 90% of the riders today do not have contracts with their agents and I would say 90% of them do not pay their agents 25%.

MR. WINFREY: I think we had a pretty good illustration yesterday of a boy getting 10% for other than winning. I could not see the race too well but from what I saw it looked like the horse should have won by about five lengths and I don't think the owner would be inclined to have to give the boy 10% for practically throwing the race away, and that is what is going to happen often. I think it is a bad threat to

racings. We had a case a few years ago where our horse finished second in a big stake. We were forced to give the jockey 10% which amounted to \$3,000 and I am sure it didn't help him much, but it would have bought a lot of hay and oats. We could have used it that year to break even or come close to breaking even and the big jocks are in a bracket where I don't believe it would benefit them a great deal. So few owners are breaking even, it seems to me the trend is entirely wrong.

MR. HANCOCK: If you are going to have to give these jockeys 10% of the purse, why I'll send it to court and sue them if they don't want to take what I give them.

MR. WIDENER: I think it is largely up to the owners whether they will permit this or not. I think we all agree we would not give 10% except for winning rides. Several times boys or their agents have asked me if they will get 10% for second or third. I don't think that should be permitted.

MR. JEMAS: I would like to say something on this. I guess we all know what is really meant by gratuities, but the thing is this. No rider has demanded 10% across the board for any overnight race. Three years ago the HBPA had a national convention in New Orleans and the national board of directors discussed this 10% mandatory fee. We all agreed that we had some riders on the west coast who had demanded it. The Jockeys' Guild agreed with the HBPA that we would leave it entirely as it is and it is just a customary procedure, because we know at small tracks there are a number of horsemen who just can't afford to give 10%. But when we are talking about big races, as Bill Winfrey said the jockey threw the race away, that is Mr. Winfrey's opinion. I would like to know what the jockey thinks of this. But the thing is this, you have a \$100,000 race and a jockey gets 10% of the winning purse, but the other riders are coming down there each fighting life and death to save the owner second place money which is \$20,000; if you don't save that \$20,000 the owner is going to get \$10,000. It is not fair when a boy wins a big race he gets \$8,000 and a boy who finishes second in a \$100,000 race gets \$40. I think that a boy that is finishing second is trying just as hard to get that \$20,000 place money or \$10,000 show money for that owner as he is trying to win a race. You take away a real incentive from a boy fighting in earnest. He wants to save that owner the extra money because he is going to get a percentage of it too. I don't think it is fair.

MR. MEHRTENS: I think 10% to the winner is perfectly all right but I think going all the way down is way out of line because how much can you take away from the owner? You can't just keep on going and going, keep taking more and more away from him. He has a hard enough time as it is. I think 10% of the win is fair enough.

MR. JACOBS: If owners are going to give 10% across the board, I don't know where they are going to get all the money from. Most of us lose money as it is. I know that one agent asked me about 10% across the board. I said if the jock puts up 10% of the starting fee I'll give him 10% across the board. It costs \$1,000 to start, but the jockeys don't put anything up.

MR. ELLSWORTH: That is the thing I was going to bring out. Take these nomination fees and then put up a starting fee. I don't think a jockey is entitled to 10% of second, third and fourth because the owners put up those enormous fees. I think the owner is entitled to keep it.

MR. JEMAS: May I add one more thing. The owners and trainers are talking about putting up a nomination fee to run their horses and the jockeys put up nothing. I think a jockey is sacrificing much more than that money. He is sacrificing his life. We have an awful lot of paraplegics around the race tracks and we have an awful lot of jockeys in hospitals right now who have broken ribs, and broken bones, fractured skulls. We have a boy right now still on the critical list. Their racing life span is about ten years, where a trainer could go on or an owner could go on and

race up to 80 years old. A jockey cannot do that and I think that a man who is endangering his life every day when he goes out there is entitled to a little extra money.

MR. CASSIDY: One more thing I would object to is that every boy loves to ride and probably would do it if he would ride for nothing, just to ride. Don't you think so?

MR. BOULMETIS: Yes, the ones that love it, Mr. Cassidy. But I think the way racing is today and the money the riders make a day, it is really not very much.

MR. JACOBS: I think it is up to the Stewards to watch some of these stakes and see where a boy eases a horse up and finishes fourth and fifth. It has been happening and the Stewards should deal with it, they have the pictures to run over.

MR. CASSIDY: I don't doubt that it has happened, but I am sure the Stewards are alert to it and watch a boy and if they are convinced that it was deliberate, they take action.

MR. VANDERBILT: As Mr. Widener said, this is something we can control as individual owners. I hate to feel that a rider is not going to ride his best effort for a dollar. I am sure that there is not a rider in the world who wouldn't rather be second in the Derby or any other race than third, whether he is getting a percentage out of it or not. When a rider gets, as they generally do, 10% of win money that amounts to roughly 10% of 60% which is the first money that is given, or 6% of all the money. A possible solution would be, I suppose, to give him a choice: 10% of first or 5% across the board, and let him decide. As far as what they said about the overnight races, that is the inevitable next step. If something is right in stakes it is right in overnight races. There should not be different practices, rules, or anything else. I can remember when I first came around we paid 10% of first money in stakes and it was not the usual thing in overnights. Now it is more, and there are going to be owners who will pay this and that is their privilege, but again I think as owners we should try to discourage this. I think the riders are well paid and happy and I am happy with them. I think that owners should not worry that a rider is going to do something because he is mad or wants to get even or anything else. I don't think they are vindictive. I think they are nice and fine. I think if a boy makes an engagement to ride a horse, as we have discussed earlier, for me or anybody else in a stake, and then wants off, and it is in the interest of the owner to keep him on, the owner can keep him on without feeling that that boy is going to hurt him.

MR. PERLMAN: I think Mr. Vanderbilt put his finger on it, but I think it goes further than that. The abuses, if they are abuses, that exist in relationship to 10% all the way were created by the owners in competition for the best jockeys. I know of many instances where boys with mounts here will fly to California and other places and get all their expenses paid, get money bet for them and receive 10% all the way. The situation was created by the owners and they are the only ones that can change it.

16. SHOULD ANY INDIVIDUAL OR ORGANIZATION IN RACING BE PERMITTED TO STRIKE, REFUSE TO SERVE OR "GO FISHING" IN VIOLATION OF ANY CONTRACT OR AGREEMENT WITHOUT FIRST SUBMITTING THE MATTER FOR ARBITRATION?

MR. CASSIDY: I don't know if any of this would be legal.

MR. STRUB: There are two words in this question that bother me. One is "permitted" and the other is "arbitration." I don't know who's going to permit anything, when you are dealing with unions. So I think it is rather academic in that respect. I think it is a nice idea for anybody that strikes to come in and maybe talk

to the Stewards or to management, but if they don't do it, there is nobody to require it. As far as arbitration is concerned, I guess arbitration is of many kinds. I think it is possible for any dispute to be settled, but the only possible excuse for arbitration is where you have a public agency, a railroad or electric company or something like that.

MR. ALMY: I think these things are difficult for the Stewards to settle. It is usually a matter between management and whoever has the grievance.

MR. WINFREY: I don't know too much about this, but it seems to me that by denying the right to strike it might create a worse situation than going ahead and letting them strike.

MR. PERLMAN: I don't understand the question. Who are the individuals and organizations we are discussing?

MR. CASSIDY: I don't quite understand it either.

MR. DONOVAN: Illinois has a very interesting law. Bill Miller might like to talk about it.

MR. MILLER: By my reciting the rule in Illinois I am reciting something that is the direct antithesis of what my good friend, Bob Strub, has just said. We have a rule that seems to have worked very well and it is this. That as a condition of license in the State of Illinois (and that applies to all segments of racing that are licensed) no strike would be permitted unless five days' notice is given to the party and during that cooling off period it is required that unless the contractual parties can arrive at an amicable agreement, it is then incumbent upon the racing commission to arbitrate. That rule is predicated on some important experiences in labor relations. Personally I feel that people need time to cool off. Of course we are all susceptible to being impetuous, we are all susceptible to being wrong. I think if the valets and management, for example, have a problem and they cannot resolve it, there should be no occasion for a strike. Unlike most any other industry, we can work overtime to make ice cream freezers in my factory if we lose a couple of days, but we cannot regain a lost day in racing. So from the standpoint of the state we are terribly interested in having no interruption. I can only say that it works and I want to repeat I am not speaking for the NASRC. That happens to be the rule in Illinois.

MR. RYAN: We have a rule in California which I think is even a little better than that. We have as a condition of license a fifteen day cooling off period. For example, any licensee or any organization whose members are licensed by the racing board and who have accepted employment under the conditions of a race meeting, and this includes all people who have licenses, cannot call a cessation of racing without giving 15 days' notice to the California Horse Racing Board. In effect it provides a cooling off period. There is no provision for arbitration. Every attempt is made at conciliation but arbitration in our experience is a very, very dangerous thing and we should stay as far away from it as possible.

MR. STRUB: I would also like to point out that what Mr. Ryan said does not apply to non-licensees. Therefore the racing board or the commission could make such a rule apply to the licensee but not to unions or organizations that are not licensed, at least that is how we apply the rule in California.

17. THE AIRPLANE HAS CONSIDERABLY SHRUNK DISTANCES AND BECAUSE OF THIS IT HAS ADDED INTEREST IN THE SHIPPING OF HORSES FROM ONE COUNTRY TO ANOTHER. THE TRACKS IN THE UNITED STATES, AS A WHOLE, OFFER THE LARGEST PURSES, WHICH WITHIN ITSELF IS A MAGNET TO DRAW FOREIGN HORSES BUT THE TAXES, IF A HORSE RUNS MORE THAN ONCE, ARE THE PRINCIPAL FACTORS OF KEEPING GOOD FOREIGN HORSES AWAY. HOW CAN THIS BE REMEDIED?

MR. CASSIDY: I think Mr. Drayton might be able to explain what has been attempted to remedy this better than anyone else.

MR. DRAYTON: I think we have one decision from the Treasury Department where if a horse is shipped in to this country for one race, it doesn't have to pay any tax; if he stays here and races more than once, a tax not to exceed 30% is taken out. It varies with those countries that we have a treaty agreement with. However, the Treasury Department has insisted that that is the law, that's the way it is going to be and until somebody could change the law, why that's it.

MR. CASSIDY: Spencer, is that an occupational or use tax?

MR. DRAYTON: No, this is a federal tax law. It provides that 30% be withheld, unless we have an agreement with a country such as Canada where it is less. The money is withheld and then the owner can go ahead and show that he had certain fixed expenses for this, that and the other thing, and why he should not be subjected to the 30% tax.

18. THERE ARE MANY QUESTIONS BEING ASKED BETWEEN PEOPLE INTERESTED IN RACING IN THE UNITED STATES AND PEOPLE RACING IN OTHER COUNTRIES. MANY OF THESE QUESTIONS ARE DIFFICULT TO ANSWER. WOULD IT BE POSSIBLE TO ESTABLISH A CENTRAL CLEARING HOUSE WHEREIN ONE COULD WRITE TO OBTAIN SPECIFIC INFORMATION?

MR. CASSIDY: I would say from the requests and letters that we get, everybody thinks The Jockey Club is a clearing house for international inquiries.

MR. PERLMAN: I would say that it is logical. The Jockey Club has the relationship with practically all The Jockey Clubs in the world. I don't believe anyone else has it.

MAGISTRATE BIGELOW: I never had a racing problem that I hadn't been able to get the answer to in about five or ten minutes. It is very simple. I just call up Marshall Cassidy and get the answer right away.

MR. CASSIDY: And I get it from the Stewards of The Jockey Club.

19. WOULD IT BE POSSIBLE TO HAVE ALL T.R.A. TRACKS HAVE A UNIFORM SYSTEM OF STAKE CLOSING DATES (OTHER THAN FUTURITIES)?

MR. CASSIDY: Unless I am mistaken, I think we have had that for a long time—closings on the 1st and 15th every two weeks.

MR. STRUB: I checked on that after I talked to you about the question, Marshall, and I find that that is not necessarily true. I talked to Spencer Drayton about it and we probed the question and thought it could be worked out where closing dates could come due on the 1st or 15th of any month. I believe we could recommend it to our TRA tracks. It would take some further discussion with our Board

before we do that and also with our membership but it looks like something that could possibly be accomplished at TRA tracks.

MR. CASSIDY: This has been done in New York for a number of years, hasn't it, Mr. Brady?

MR. BRADY: Yes, it has.

MR. CASSIDY: It has proved very satisfactory here.

20. WHAT IMPROVED INVESTIGATIONAL PROCEDURES CAN BE RECOMMENDED FOLLOWING A CHEMIST'S POSITIVE REPORT AND PRIOR TO PUBLIC DISCLOSURE OF SAME?

MR. CASSIDY: I don't know whether this means from a supervisory basis or not.

MR. ALMY: I was looking for information on this myself. To tell you the truth, it does seem to me that according to the rules all over the country, speaking from the point of view of the Stewards, there is only one thing that Stewards can do and that is immediately they get a positive report from the chemist, the purse shall be re-distributed. The Stewards must do it.

MR. CASSIDY: Yes, I wondered if that just refers to the purse or whether that refers to the action against the trainer.

MR. ALMY: I don't know, sir.

MR. CASSIDY: I assumed that it was action against the trainer because I know that it is the policy here to attempt to make your investigation and your questioning complete before anything is announced. A man is not guilty until all the information is in, otherwise everybody is alerted to the fact that something is wrong.

MR. DRAYTON: As to your premise, I don't think it is entirely true, Marshall. While it is true in New York, there are many sections in the country where the Stewards call in the trainer long before any investigation is conducted. If they did follow the procedure of conducting the investigation, if most of them would make a check of the stable in regard to all its employees, that would be fine, but that is not universal, unfortunately.

DR. GILMAN: My opinion is that nobody should know anything about a positive when one is found for the simple reason that when a trainer is called in and you go down to the barn to shake it down, everybody around knows about the problem. It gets to the press much too quickly before the proper investigation is completed and you don't usually find anything anyway. My idea is to say nothing, and put the stable under surveillance. If they get away with using something once and it worked they will try it again with another horse and at that time you will catch them doing it. Then you will be able to have all the evidence. As far as redistributing the purse is concerned, what difference does it make when you redistribute it? You can do it a month later.

MR. CASSIDY: I think you might have some trouble on that, Doctor.

MR. DUNNE: Isn't that what they are doing in England now? They are still investigating a positive test in the Derby last May. I don't see any sense to that.

MR. CASSIDY: No, I think that if the chemist's report shows that the urine or saliva contains medication, you can't ignore it. I think some investigation would certainly have to be made. I don't think that publicity should come into it because it would destroy the value of the investigation until you completed it.

MR. DRAYTON: I think on the basis of experience that in 50% of the cases we find contraband material in the barns when we check them. Maybe the people in New York are a little more wise to the ways of the world, but throughout the country we find them in 50% of the cases. So I think the shake-down of the barn is a very necessary adjunct to any investigation.

MR. PETERSON: In three cases that were reported recently by the New York Laboratory, one was confirmed by investigation and the other two were not. We average somewhat less than 50% corroboration as a result of various investigative measures taken by the Stewards and other investigating organizations.

MR. JACOBS: I always found in the investigations that they only investigate the trainer. They never investigate the urine men or any others that are working for the racing commission.

(Laughter)

Most states have wings on their seals and they think as soon as a man goes to work for them the wings are transposed on the men they hire.

MR. DUNNE: I think that is a completely unfair statement to make.

MR. JACOBS: There was a fellow taking a urine test in Florida and I was responsible for him getting ruled off 30 years ago. He took the urine of one of my horses down there, a horse by the name of Will to Live. Suppose he wanted to do something?

MR. DUNNE: What did he do?

MR. JACOBS: He didn't do anything, but it leaves it open for one of them that can do something.

MR. DUNNE: That's a very "iffy" statement.

MR. JACOBS: It's not "iffy." I told that to Kenny Noe who was Secretary of the Florida Racing Commission, "Well," he said, "that was a long time ago, but I think he is honest now."

(Laughter)

The rule was changed in New York. I was the one that checked with you about it to change the rule in New York about suspending people.

MR. DUNNE: I remember when the rule was changed but I don't remember that you changed it.

MR. JACOBS: I didn't change it, but I talked to Marshall Cassidy about it. I pointed one man out and said, "There is a man taking urine tests who I claimed horses from when he was training horses. What's to stop him from saying, 'Well, I'm going to get even with him?'"

MR. DUNNE: That's childish.

MR. JACOBS: If you had a trainer's license you wouldn't think it was so childish.

MR. DUNNE: I had a trainer's license in 1920 and I can prove it.

MR. JACOBS: When the rule first came out, they all kept saying to me, "Nothing has ever happened to you." Certainly it didn't happen, but you never know when it can happen. It's the easiest thing where anyone can be framed anytime, anyplace.

MR. DUNNE: When has anybody been framed.

MR. JACOBS: You don't know of it, except when it is in the papers, or in the courts. It's always thrown out.

MR. DUNNE: Why should the courts be fixed too.

MR. CASSIDY: This is getting out of line a little bit. Let's go on to the next question.

21. WOULD IT NOT BE IN ORDER TO BAN THE USE OF TONGS BY ASSISTANT STARTERS AT THE STARTING GATE? IF IT IS INADVISABLE TO BAN THEM ON ALL ANIMALS, SHOULD IT NOT BE FORBIDDEN TO USE THEM ON TWO-YEAR-OLDS?

MR. CASSIDY: George Cassidy is here to comment on this question.

MR. GEORGE CASSIDY: I think the name of "tongs" should be changed to

"tranquilizers." I think the words "pinchers" or "tongs" seem to make people think you are using a vicious tool and I think they should be changed to "tranquilizers." We do use them, but if a trainer requests us not to, we don't. Actually I think every starter in the country is only interested in getting a good start and I have to say the tongs do help. I can't explain it as well as maybe Mr. Jacobs can.

MR. JACOBS: Well, I think if a trainer requests it, they should be used.

MR. CASSIDY: That's basically the rule that is followed here.

MR. BRADY: That is the rule, they are not allowed to use them unless the trainer acquiesces.

MAGISTRATE BIGELOW: I think it is absolutely essential in some cases to use these tongs, or whatever they are called. I think Mr. Cassidy has a point about the nomenclature of it, but we have checked in our jurisdiction with the SPCA and they have o.k.'d the practice so there cannot be any objection to it from the point of view of cruelty to animals. In some cases there would be real cruelty to animals if they were not used.

MR. CASSIDY: I think they are maligned somewhat. They are not as harmful as some people think they are.

MR. DEEGAN: I don't know whether George is serious about the word tranquilizer. That has a connotation of drugs, and certainly that is the wrong word.

MR. VANDERBILT: How about pacifiers?

22. WHAT IS THE REASON, IF ANY, WHY RACE TRACKS WILL NOT GIVE STALLS FOR TWO-YEAR-OLDS? SOME TRACKS DEMAND THREE OLDER HORSES FOR ONE TWO-YEAR-OLD AND THIS HURTS THE OWNER AND THE BREEDER.

MR. CASSIDY: I don't know of any tracks where they won't give stalls for two-year-olds, but I guess there are. Maybe they just don't have two-year-old races.

MR. STRUB: I think the question is a pretty general one. It depends a good deal on what time of the year you are racing. Santa Anita starts off the first of the year, and I agree with Mr. Vanderbilt, I don't think there should be two-year-old racing that early. But we tried to stop it a few years ago and found that we could not because the horsemen demanded it. So we pacified them, or rather, "tranquilized" them. For instance, at this Saratoga meeting the two-year-old races are extremely important. Why some tracks don't give stalls for two-year-olds is a question that is pretty hard to answer. I think it should be done at the right time of year, the two-year-olds should have a chance.

MR. THORNTON: When I get home I will mail you a blank from Atlantic City. It says right across the top, "3 older horses for 1 two-year-old."

MR. CASSIDY: I noticed that in practice at some tracks.

MR. TROTTER: I think probably the reason for the tracks doing this is because of the lack of mutuel handle. At other tracks, for races of this kind the handle is usually low. Here in New York the two-year-old races are in many cases our best betting races. But if you are not going to provide races for two-year-olds you are not going to have any good racing stock around.

MR. DUNNE: I always felt it ought to be the other way around. You ought to have at least two two-year-olds for every three older horses. It's like apartments that do not take any children. If all the apartments did that, what's going to happen?

MR. JACOBS: If we didn't take two-year-olds around New York we would probably get to be like New England where you have all the \$2,000 top and bottom races. That's what would happen around New York. You see very few two-year-old races in New England outside of Rockingham where they run a whole day's racing

of two-year-olds. A lot of people won't buy a two-year-old because they can't get stalls for them.

MR. STEWART: We try to reasonably budget our stall assignments to follow pretty much the pattern of the races we offer. In fact, at Hollywood Park this year we had around 550 two-year-olds out of a total stable population of 1450, and as you know, our two-year-old racing program runs about two to three a day out of a nine race card. Obviously you can't have half two-year-olds or you don't fill your other races. We try to budget it based on the need for the experience, the stall capacity we have and the races that we plan to run.

MR. DOHERTY: I think Mr. Jacobs has an important point here. At the Fasig Tipton sale ten years ago we had a large number of buyers from New England. They were seeking the cheaper yearling. Today those people are not here at all.

MR. DONOVAN: From what has been said, you would have to consider the season of the year. For instance, at Hialeah where we are running in the early spring and at the time of year when probably your two-year-olds—there are a lot of differences of opinion on this—shouldn't be racing much anyway, you get into a very, very practical situation. I do think that some consideration has to be given to the season of the year your track is operating. If you are operating in January, February or March you have an entirely different situation. You have a tougher policy than at Garden State. We have as you know in the fall great emphasis on two-year-olds. We have at least two races a day.

23. SHOULD NOT RACE TRACKS CONSIDER ALLOTING STALLS ON A PERCENTAGE BASIS OF THE VARIOUS QUALITIES OF HORSES?

MR. TROTTER: I have seen this take place at some tracks where I have worked and where they tried to put this rule into effect. You are probably going to get better racing, but when you get an off track and are looking for some cheaper horses, they just are not there, you've thinned out your field.

24. SHOULD BLEEDERS BE ALLOWABLY TREATED ON THE DAY OF THE RACE AND, IF SO, UNDER WHAT CONTROLLABLE STANDARDS?

DR. GILMAN: My personal feeling on treating a bleeder on the day of the race is that I don't think it should be allowed. I don't believe in permissive medication the day of the race for any horse for any purpose. In New York we had over 18,000 starters in 1962. We had a total of 23 bleeders and that is 1/10th of one percent of the horses that ran. Out of the 23 bleeders only two of them bled the second time. We called these chronic bleeders and they were barred for the year. All the rest of them did not bleed again and raced. In 1963 so far we have had nine bleeders and none of them bled the second time. One of them won a stake at this meeting. When we find a bleeder in a race we put him on the vet's list for a minimum of two and one-half weeks. We think that it takes that long a time to heal the blood vessel properly and to clear the blood out of his lungs. A horse only breathes through his nose and when he bleeds, he inhales the blood and some goes into his lungs. That takes time to clear up. His own veterinarian should go over the horse and run various tests. If he can find the cause of the bleeding he treats the horse. Otherwise it is just time that's needed. At the end of two and one-half weeks if the trainer wants to run the horse back he contacts us and he works the horse 5/8ths of a mile in our pres-

ence. If the horse doesn't bleed we allow him to run again. That's the way we have been handling this problem in New York.

The reason I don't believe in treating a horse on the day of the race is, first of all, there is no treatment that will stop all horses from bleeding. The treatment will only help prevent bleeding in certain cases. Secondly, a bleeder is potentially a dangerous horse. We have seen cases where a horse bled and fell in a race. They get dizzy and fall and may cause other accidents. We have seen cases where horses went back to their barns following bleeding and died from other internal hemorrhages. A bleeder is a very bad risk for a bettor. A sore horse has a chance of winning a race but when a horse bleeds he has to be pulled up in the race and there is no chance of winning. One of the reasons I don't like anybody to treat a horse and give an injection the day of the race is because there are some drugs on the market that can change the performance of a horse in a race and will not show in the saliva or urine. Just to give you an example, butazolidin was used all over the country before a test was discovered. At that time it became prohibited. And there will be more in the future. Now any drug that will change the performance of a horse in a race will have its best action if it is given the day of the race, and if it is given the day of the race it can be given twenty minutes before the horse goes over to the paddock. If you allow a bleeder to be injected in his own barn where nobody sees him, you must allow the same thing in the receiving barn. At Aqueduct we have about 200 people around who can see a veterinarian give an injection to a horse. This starts a lot of touting and talk over at the front side even before the horse gets there, which I think we wouldn't like. That generally is my objection to treating a bleeder the day of the race.

DR. ROBBINS: I agree with Dr. Gilman that this question involves many of the complexities of permissive medication. However, I submitted this question and I would like to clarify my own mind. The AAEP approach involves the treatment of bleeders on the day of the race and I would like to hear from the owners and trainers relative to the economic status of not being able to treat a bleeder. I was surprised to hear from Dr. Gilman that the incidence of bleeding in New York State is as small as it is, involving as he said 23 bleeders out of 18,000 starters. I am certain this is not true in other states. So if we can kick this around for a few minutes relative to the trainers and owners and the economic basis of it I would appreciate it.

MR. PHIPPS: I think Dr. Gilman was referring to the horses that bled during the race and not an hour afterwards. I think there is a big difference in the quantity on that. I am sure there are many more bleeders if you count those that bleed about an hour afterwards.

DR. GILMAN: Yes sir. Only a horse that bleeds in a race is what I am talking about.

MR. WINFREY: This is one of our smaller problems, although it is a big problem if it happens to a decent horse, or any horse, but you must consider that for every bleeder we have 50 unsound ones. So far as medication on the day of the race, why I imagine I would have to go along with what Dr. Gilman says. It might certainly lead to a lot of talk and there's enough talk about horses now without adding to it.

DR. FORD: In Ontario we have been permitting the treatment of bleeders for about ten years although we realize this is a break in the medication rule, but there never has been any comment about a horse being allowed treatment before the race. Only known bleeders are allowed to be treated. The veterinarian who does the stable work reports to me and the Stewards that a certain horse will be treated. There never has been any actual trouble about it in ten years, although you cannot hope to help all the horses that have been treated either. Some of them I know

have performed adequately when we have allowed them to be treated, while other bleeders were not helped by the administration of coagulant drugs.

DR. GILMAN: I would like to ask Dr. Ford what is the percentage of bleeders in Ontario where you allow them to be treated on the day of the race.

DR. FORD: We have about 14,000 starters a year and I haven't the percentage, but it is a little bit higher than yours, I would guess.

DR. ROBBINS: I would like to ask if there is any trainer, owner or breeder here who would object if the rule stated that a bleeder was not able to be treated on the day of the race because such a rule would impose an economic problem to the owner or trainer. If there are some who want to treat the horse the day of the race I would like to hear from them.

MR. PERLMAN: Isn't that against regulations to treat a horse when he runs?

MR. CASSIDY: It depends on what he is treated with.

MR. ELLSWORTH: I think as far as the economic part of it is concerned, treating a horse the day of the race isn't going to do you any good. If you give it anything powerful enough to stop it from bleeding you are going to have after-effects which in the long run are not going to do the horse any good. Certainly if I felt my horse was going to bleed during the race I wouldn't let him go in the race with medication or not. With anything strong enough to stop the horse from bleeding you are going to run into trouble afterwards.

MR. JACOBS: I don't think any horse should be treated the day of the race.

25. SHOULD RACING COMMISSIONERS BE PERMITTED TO RACE HORSES?

MR. MILLER: By coincidence I race horses. Again I should like to say that I speak as a member of the State of Illinois Racing Commission and not for and in behalf of the NASRC. We have an awareness that what we do in Illinois legislative-wise is not always in conformity with what other states do. But we are from the prairie, if you please, and we have some cherished notion for example about the subject of ethics. Maybe some will call it morality. We don't believe that you can by rule or by law or by code create a standard of ethics in general, and that applies to not just the racing commission but basically to all commissions in the State of Illinois. I might digress for a moment and say that I could explain our attitude more readily by taking a specific example of the trend of government in the past 30 years. Not too long ago a very distinguished citizen of our country was asked by the President of the United States to head up an important department of our government known as National Defense and I am sure that in the selection of this gentleman, who is now deceased, every crevice of his life was examined and investigated. With all of the qualities of a competent gentleman he became the head of one of the nation's and the world's greatest corporations. Yet he faced the most remarkable and we think outrageous requirement. He had to sell his stock in the corporation he was head of. Now our question is, if he sold his stock in that corporation, would that make the man pure? Would it be necessary to wait until the later days of his life to make him pure? As Mr. Nuckols says, "If you are a cheat, you can cheat." You can find all kinds of ways to do that. We feel that racing commissioners should construct their own standard of ethics and if they cannot do that they aren't worthy of being racing commissioners. We would dislike to think that our Stewards were not courageous enough or competent enough to impose any rule against us as racing commissioners that they would impose on anyone else. That's our feeling about racing commissioners racing horses.

MAGISTRATE BIGELOW: I won't say yes or no to the question. Whatever any individual racing commissioner wants to do it seems to me is entirely his own

business. The only thing that I can say is that in our jurisdiction we have an unwritten agreement that we must not do two things. One is own horses and the other is bet in our own jurisdiction. There would be nothing against any one of us owning horses and racing them in other jurisdictions and nothing wrong either with any of us betting in other jurisdictions. We just have that unwritten rule and I won't say whether it is right or whether it is wrong. Bill Miller's idea on the matter is just as good as mine.

MR. ELLSWORTH: I would like to see on every racing commission at least one of them own horses. They could step out if their horse came in question.

MR. EVANS: Mr. Miller, anytime you want to come see one of our \$45,000 yearlings we will welcome you.

MR. HANCOCK: The rule on the Kentucky Racing Commission is at least three members must be owners and breeders. There is a total of five members.

MR. JACOBS: I think we have been all the better for racing in New York by having members of The Jockey Club serve as Stewards all the years. We had people who knew something about horses.

MR. VANDERBILT: I think the question goes a little deeper than what Mr. Miller said. I don't think it is a question of wrongdoing or anything like that. I think the question is one of how it looks to the eye of the skeptic in the public relations point of view of racing. I think in the world today 90% of the people are suspicious of 99% of the others and when you have almost every day in the papers stories in which people are being either accused of wrongdoing or it is suggested that wrongdoing occurred because of holdings or connections that they have, I don't think from the point of view of racing it is sound for a body, which is the highest body in its field and which is responsible to the state and the people, to be in a position where they are concerning themselves with the other side of it. I think it is a marvelous thing that we have commissioners who are owners of race horses. But I doubt that they should race in the state in which they have jurisdiction.

MR. GIMMA: In New York State by law we cannot own horses. With reference to the series of articles appearing in the Tribune, I certainly feel that from a public relations point of view it is a very difficult thing to justify. You hear people complain that you are influenced because of owning horses. I see one of our top legislators being accused, or it is inferred that he was influenced in voting for a certain bill because he had 3,000 shares of a certain corporation. I don't think he was. I think he was perfectly honest and I am sure that all racing commissioners that would own horses and run horses even in their own jurisdiction would be perfectly honest. But in the eyes of the public and the skeptics, as Mr. Vanderbilt says, I just wonder what damage or what good it would do them.

MR. DEEGAN: I think that where the public interest is concerned, whether it is the Secretary of Defense or whether it is the Speaker of the Assembly, or the Majority Leader of the New York State Senate, the burden is on the public office holder appointed or elected to live in an ivory tower completely beyond question. Especially in these times, and perhaps these times will go on and get worse, we are living in an atmosphere of questioning. Conflict of interests has become a daily part of our conversation, and since all Thoroughbred racing is predicated upon integrity, thanks to all the gentlemen at this table, I think it is of primary importance to preserve it.

MR. MILLER: I would like to make this final comment. It is a great joy and gratification to me to be able to tell you, and don't forget what I told you in the beginning that we are a little peculiar out in the prairie, that the people of our state seem to respond quite well to our set-up, if we can measure it by attendance and mutuel handle. Maybe that isn't important, but it is to the State of Illinois. Our attendance continues to go up and our mutuel handle continues to go up, so it evidently is not generally repugnant to our citizens.

26. HAS THE USE OF POLYGRAPHS (LIE-DETECTOR INSTRUMENTS) BEEN FULLY EXPLORED FOR PURPOSES OF PROVING OR DISPROVING ACCUSATIONS RELATIVE TO RACE TRACK CONDUCT?

MR. CASSIDY: We tried the lie-detectors some years ago and had the highest authorities analyze the results but they weren't impressed with them. Mr. Drayton, do you have any comments on this question?

MR. DRAYTON: I can answer the question—yes. If you want me to elaborate I will. Under federal procedure the results of the polygraph tests are not admissible. The same thing is generally true throughout the United States in regard to the state law. They do have considerable value as far as providing an investigator with leads and also in connection with some individuals they have a tremendous psychological effect. But the answer is yes, they have been very fully explored.

27. IS EQUINE VIRAL RHINOPNEUMONITIS VACCINE AN EFFECTIVE METHOD AGAINST VIRUS ABORTIONS?

DR. ROBBINS: I am not trying to dodge the answer, but fortunately California has not been posed with the problem. I imagine the person who asked the question is probably outside the States in Canada and wants to know the benefits or lack of benefits of vaccinating under this type of program. I think if Dr. McGee were here or one of the other veterinarians who are more familiar with it they would be able to answer it.

MR. JACOBS: How about Lou Doherty? I think he has had some experience with it.

MR. DOHERTY: The simple answer is yes. It is not my question, and a good answer is contained in the lectures of the Stud Managers Course which was given last fall at the University of Kentucky. I would like to read two paragraphs. This thing has implications on the race track in that it is directly allied to a certain type of cough. Quoting Dr. Doll, who is head of Animal Pathology at the University of Kentucky:

"As many of you know, the Grayson Foundation has been actively supporting research on equine diseases for some 16 years. Their effort has been rewarding, in that the research which they supported has developed an abundance of information of theoretical and practical value as well as effective procedures for controlling some diseases of horses. The unknowns involved in viral abortion have been resolved and an effective immunizing procedure developed. This effort took about 10 years of basic development and 3 years of practical testing."

That says "yes." Now here are the figures. On page 168, continuing with Dr. Doll:

"The planned infection program has been tested under practical conditions for 4 years. During this period there were 21,425 inoculations for broodmares, 7,316 for sucklings, 5,736 for weanlings, 2,421 for miscellaneous horses (that would be stallions and teasers), 2,855 for horses in training.

"The field testing program included 65 farms with 6,680 mares having confirmed pregnancies at the time of their second inoculation in October. Of these 6,680 mares, 59 (or .88 per cent) aborted from virus. During the same period 47 non-participating farms that had abortions had a total of 789 pregnant mares, of which 109 or 13.4 per cent aborted."

The comment here points out that sucklings, weanlings and horses in training were also inoculated and I mentioned stallions. People want to know what this had

to do with viral abortion. This virus is one of the same things which causes the cough on the race track, and when you inoculate the mares on the farm you must inoculate all livestock on that farm or you have not fully protected the mares that are in foal. If you inoculate with the present live vaccine which last year they were testing and licensing so that it can be shipped outside the state, it is assumed that you will have no more than 1% of your mares abort.

MR. GREEN: We've used that live vaccine at Greentree and I guess during the last three years we have had two mares abort due to the vaccine itself. I do think it probably is effective but I would like to ask Lou one question. What are the statistics on mares that aborted on farms that did not use this? There are an awful lot of horses in the country and what farms were picked out that did not use this? What section of the country?

MR. DOHERTY: This was in Kentucky, Bob, and the only way they had of knowing what they were doing, they said that during this period 47 other farms had abortions. These 47 farms did not vaccinate and had a total of 789 mares on them. 109 of those 789 mares did abort.

MR. GREEN: I think there might be a distortion there although there is no attempt to distort because the only statement is on farms that did have abortions. There might have been a lot of farms that did not have abortions.

MR. DOHERTY: That's correct. We have no figures on that at all, and no way of getting them.

28. TURF CONFERENCES ARE HELD TO DISCUSS TOPICS OF IMPORTANCE TO ALL IN RACING. WHEN THE DELEGATES ARE UNANIMOUS IN THEIR OPINIONS IS SOMETHING DONE TO ADJUST OUR PROCEDURES TO AGREE WITH THE CONCLUSIONS?

MR. CASSIDY: We have already discussed that.

29. WHY HASN'T MORE ATTENTION BEEN PAID TO IMPROVING THE CONDITIONS OF TRACKS RATHER THAN TO ESTABLISHING NEW TRACK RECORDS?

MR. FIELD: I think the question has the wrong premise. There is much more attention paid to caring for race tracks than is paid to establishing new track records.

MR. RYAN: I agree with Bryan Field. I don't know of any track that doesn't spend a lot of time and a lot of money in order to correct track conditions. We went through that at Santa Anita and right now we have a wonderful track. But we spend a lot of time and a tremendous amount of money to get it that way. We are not the least bit interested in having horses come off with world records. We want them to come back sound.

DR. ROBBINS: I would like to ask Mr. Ryan and perhaps Mr. Stewart whether they negotiate their track surfaces in such a manner that the speeds vary from early in the week until Saturday.

MR. RYAN: There is no intention to do that. In fact the more uniform racing we have the more public confidence there is displayed toward us, and the horse-men too. We don't want to change track conditions, or have track conditions change. As a matter of fact we have that problem at Santa Anita in the wintertime. That is one of the problems with our race track. Unexpected weather would come

up, dump a lot of water on the track and we try our best to get the track back to a fast condition, not for speed but for safety.

DR. ROBBINS: I would like to ask Mr. Stewart about the speed variances at Hollywood Park, if the surface will vary from early in the week until the stake day on Saturday.

MR. STEWART: We try to keep the time uniform. However there is an actual condition that I think all race track managements are confronted with. If you are going to cut the cushion, which we find it necessary to do once a week, it has to be done on Sunday after the training period. That is the only period of time when you can actually do the work and have the equipment there. That means the track might be a little slower on Monday and it becomes a little tighter as you go through the week plus the fact that with us in summertime we have to put a great deal of water on the track between races. On Saturdays the races are spaced two or three minutes further apart, and as you go into the end of Saturday you are apt to get a little drier base than you are during the week. We insist on the cushion remaining the same depth—2½ inches—and we try desperately to keep the same amount of moisture. We check twice a day with scientific tests as to the depth of the cushion, the hardness of the base and the amount of moisture in both the cushion and the base.

MR. JACOBS: I think most track managements would like to keep the track good and safe but some track superintendents don't remember history, or what happens the same time each year. Take our track in New York, Aqueduct. In the early part of the year it is as good as any track you will find anywhere, but then as we get the hot weather, the ground gets hard and they keep packing the cushion down. If they put light harrows on, the track just kept packing down. Finally at the end it gets so darn hard horses would get sore and stiff. And I kept telling them, you don't remember your history, what happens at that time of the year. The same condition existed for years at other tracks in New York during that part of the year.

30. SHOULD THE RACING SECRETARY'S OFFICE DIVULGE THE NAMES OF HORSES ENTERED IN A RACE IN ORDER TO GET MORE HORSES FOR THAT RACE?

MR. CASSIDY: I didn't know this was done.

MR. TROTTER: In the last two months I've had probably as much experience in this as anyone and I am sure NYRA's telephone bill has been doubled. The practice is in trying to get a race together, and we must get nine every day for 220 days. When we have a trainer on the phone trying to get a card together and say we are short of one horse, the question we usually have from the trainer is, "Well, is the race tough?" And we'll come back with the answer, "There may be one tough horse—either go in or out." So if we don't succeed there we go on to the next trainer trying to get the field together. As far as divulging the names, no, we don't do that.

MR. WINFREY: There is a practice which I don't believe has been adopted here yet. When a race fails to fill I believe the horses that went in should be posted on the bulletin board.

MR. TROTTER: I disagree. There may be some tough horse in the race, and if the names are posted on the bulletin board—say we have five horses in it and you saw a horse perhaps like Candy Spots in the race, I am sure if the race was in the condition book the following week you wouldn't be back in there.

MR. WINFREY: I think they do it at some tracks for a race that failed to fill.

MR. TROTTER: The practice was followed at one time in Chicago, I don't

know how many years ago, it was at the request of the HBPA, but they soon found out it was actually working against them.

MR. MILLER: We amended that practice, Tommy, to permit the president of the HBPA, if he had a complaint, to discuss the subject with the secretary, but we do not post the names.

MR. ROSEN: Tommy, in connection with this situation where the races do not fill. Let's assume one race doesn't fill and the other races are filled and closed. Why is it impossible at most tracks to get the entries for the other eight races released to the newspapers?

MR. TROTTER: There should not be any problem there at all. We try to cooperate 100% with the press in trying to get the entries out as soon as possible.

MR. ROSEN: We have situations in New England in particular where we don't get entries sometimes until five o'clock. Most of the races are closed, but we don't get them.

MR. TROTTER: What we have done here is release every race we possibly can that has filled.

MR. ROSEN: We have no problem in New York at all, I'm talking about other places.

31. WHILE IT IS QUITE OBVIOUS THAT A VETERINARIAN WOULD BE FELONIOUS DISPENSING HYPODERMIC SYRINGES AND INJECTABLE MEDICANTS WITHIN THE CONFINES OF A STABLE AREA DURING A RACE MEETING, WOULD IT BE CONSIDERED AN UNETHICAL MISDEMEANOR TO CONDUCT SUCH PRACTICES ON THE "FARM LEVEL"?

MR. CASSIDY: I don't see what authority there would be on the farm level. However, whether it is ethical or not, I don't know. Who would like to comment on that?

MR. DOHERTY: I don't really understand the question. There isn't a man who owns a breeding farm who hasn't in his lifetime bought hundreds of syringes and needles. We use them. That's the way we treat our horses. There are many times that a veterinarian will say to give a horse such and such that requires a syringe. Tetanus for instance. We use a disposable syringe, but it is a syringe.

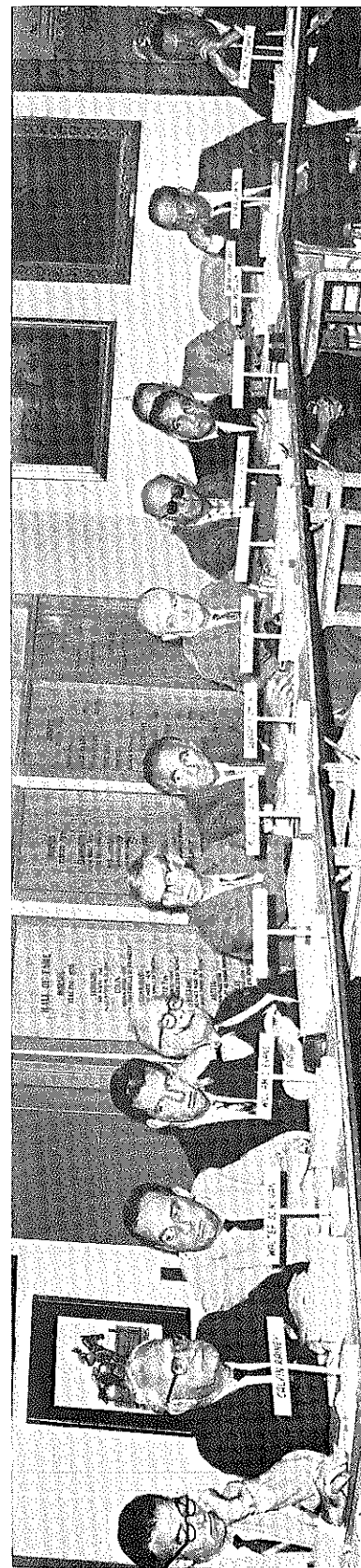
32. WHAT IMPROVEMENTS MIGHT BE RECOMMENDED RELATIVE TO PUBLISHING MORNING WORK-OUTS?

MR. PERLMAN: Santa Anita and Hollywood Park quite a few years ago initiated the practice of identifying horses before they came out on the race track for a workout. In some places they also state the distances they were working, which I think is too difficult because the trainer does not always know what he wants to do with a horse. But if that were done it would improve workouts probably 100%. We tried to do that in New Jersey and—I think it was last year—the horsemen raised the roof. Why they object to it I don't know. One reason I guess is that they don't want them. They would like to see the workouts eliminated. I think it is very important that workouts be very accurate and that they be published. I also think that possibly the clockers should be licensed by the Stewards so that there is some supervision over them which it would be possible for us to exercise. If this were done, and it is now being done at a number of tracks, particularly on the Pacific Coast and in Chicago, it would be a great improvement. I think the horsemen are

unwise if they do not cooperate because anything that improves or enhances the integrity of racing is to their benefit. We tried it, and there was a lot of opposition, but I think it is to the interest of the racing associations and the horsemen to cooperate and work it out, otherwise there is no way to improve it.

MR. HENDRIE: Mr. Perlman, when you speak of morning workouts in the future, would you please add Ontario to your list?

MR. WIDENER: I wish to thank all of you for your interest in our program, your contributions to the discussions and your kindness in giving us your time, particularly those who have come from such great distances. Now, on behalf of The New York Racing Association, I invite you all to luncheon in the Club House.



L. to R. Calvin Rainey, Walter H. Donovan, William S. Evans, J. Elliott Burch, Charles Hatton, Gerard S. Smith, Joseph A. Ginnia, John F. Kennedy, Arthur B. Hancock, Jr., Harry Peterson, Dr. William O. Reed, Dr. M. A. Gilman, Whitney Tower.



L. to R. Saul D. Rosen, H. A. Jenkins, Warren Mehtens, George B. Cassidy, John Sellers, Alex Bower, Fred H. Ryan, F. S. von Stade.



L. to R. Sol Rutchick, Bryan Field, John W. Hanes, Spencer J. Drayton, Joe Val, Frank E. Kitroe, Leslie Combs II, Dr. Alexander Kaye, Tom Sheftan.



L. to R. Myron D. Davis, Brigadier C. S. McKee, Edward T. McLean, Louis Lee Haggin II, Hirsch Jacobs, Robert L. Green, Dr. Wilson Ford, Alfred G. Vanderbilt, Carter Thornton.