



Andrew Cohen, writer, chief legal correspondent for CBS News, and standardbred owner shares his thoughts on the state of harness racing in 2009 and **the work that must be done to save our sport.**



Former B.C. Standardbred Association executive David Aldred cut right to the bone recently with a precise and poignant analysis of harness racing's leadership deficit. "It appears to me," he wrote in a recent issue of *Trot Magazine*, "that horse racing here (in North America) has minimal political importance, interest or influence, governance roles and responsibilities are fragmented and confused, our leadership focus appears to be short term (and small picture) rather than long term (and big picture), and our key organizations have a level of responsibility that is incongruent with their level of authority."

Amen.

The gulf between authority and responsibility, manifested in "fragmented and confused" leadership on every level within harness racing, is the biggest structural hurdle in our industry. Greed, self-interest, old rivalries, new ones, cowardice, laziness — all of the natural forces in humankind which serve to thwart lasting solutions — are so prevalent now in the industry that it's hard to see the way out (and that was true before the nation's economic climate turned dramatically worse). We all know it. And yet we do next to nothing.

There was, for example, a great and long debate at United States Trotting Association's annual meeting in Las Vegas about a new whipping rule. It's a worthy

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topic. But even its most passionate debaters would concede that it is 'short term' and 'small picture' when compared with the giant issues of our time. And we just don't have the time to fiddle around the edges of things while the centre of our universe is crumbling apart. There will be no racehorses to whip in a few years, because there won't be any races, if we can't dramatically change the industry's direction and adapt it to meet modern challenges and opportunities.

Was there meaningful discussion in Vegas about the deteriorating economy and how harness stakeholders can better weather it? Sure, perhaps, during the Racing Congress. But is anyone doing anything about it? Were there meaningful discussions about the looming end of Freehold Raceway and perhaps the harness industry in New Jersey? How about the demise of Rosecroft Raceway in Maryland? Or the harness industry in Michigan? How about the demise of racing in Montreal and the it-would-be-funny-if-it-weren't-so-sad state of regulatory affairs in La Belle Province? How about the over-saturation of race dates in Ontario and New York? How about bold solutions to generate more interest in the sport? We talk and we talk and we talk and too few of us show a willingness to act, to lead, to decide, to choose, to sacrifice.

I get that harness racing is a conservative sport, populated by men and women who are generally conservative in nature. And I understand more than most that people in power, or in control, are rarely willing to relinquish it for the greater good. But how else is harness racing going to be able to survive if the decision-makers and power-brokers among us don't decide to agree upon dramatic new ways to lead by sharing some of the power they have so that it's concentrated and more effective? And when I say 'decision-makers' I really mean all of us, even those at the grassroots of our sport. We can lead from the ground up — but we don't. At least not nearly as often as we should.

Let me use a recent article in *Hoof Beats* as an example. In the February issue of the United States Trotting Association's flagship publication, the talented harness journalist Evan Pattak wrote an in-depth piece about the thorny but vital issue of exclusions in harness racing. Thousands of words long, it stretched over many pages with photos and charts; within it, I could find

only one explicit mention of horse doping. Writing at length about exclusions without focusing upon the use of illegal drugs on horses in our sport is like writing at length about the security detail surrounding Abraham Lincoln at Ford's Theatre without mentioning that Lincoln was assassinated there.

Tracks exclude horsemen for many reasons — but surely the most important reason is because horsemen too often give their horses illegal drugs. We can't deny it. We shouldn't cover it up. And we are too cute by half when, as Pattak and the USTA did, we allow the topic to linger in the ether, implied instead of expressed, in the pages of our industry publications. Harness executives looking for answers as to why existing bettors are betting less and why new gamblers are playing poker instead of ponies need look no further than the fact-aided perception that too many horses are doped.

But knowing this, what do we do? We whisper to one another about perceived transgressors (but no one wants to go on the record). We whine about a lack of funding for drug testing (but few are willing to sacrifice a bit of purse money). And we talk about the rights of accused cheaters as if they were being sent to death row instead of merely out of our sport. We are more interested in avoiding the sensitive toes of suspected offenders than we are in ruthlessly driving them from the industry.

Dope a horse in a pari-mutuel race? Breach the promise you've made to your licensing agency and (by extension) to your fellow competitors? Then go away, forever, and ply some other trade. "Get rid of their asses," leading thoroughbred owner Barry Irwin recently told *Blood-Horse Magazine* when asked about this issue. "Kick them out." I cannot count the number of honest drivers and trainers and other horsemen and horsewomen who have talked privately to me about the cheaters among them. So why don't those whispers turn into roars?

The 'blue wall of silence' employed by law enforcement officials, while unfortunate, makes some sense; one police officer never knows when another might have to save his or her life. But what explains the code of silence in harness racing? Why do honest trainers and drivers so consistently fail or refuse to rat out their dishonest colleagues, especially since the cheaters get more purse money when they cheat? I don't get it.

But even when horsemen nobly contact racing track operators and regulators with a lead or a tip, what is apt to happen? How about a lack of responsiveness, or even some resentment, on the part of people whose very job is to take these sorts of openings seriously? If you have written or called or emailed your local track, or state regulators, or even some harness journalists, you know precisely what I am talking about – that lackadaisical, defeatist, sullen attitude that sucks the hope right out of the issue. Not every regulator is this way. But even one is too much. This is not leadership; this is cashing a paycheck.

Meanwhile, breeders, who ultimately have the most to lose by integrity questions in harness racing, too often pretend that doping is a racing and not a breeding issue. Owners like me? Even as we capitalize the sport we display an appalling lack of leadership and courage to shy away from trainers and drivers and vets who seem (and sometimes are) too good to be true. Too many of us seek out trainers or vets who cheat or, more often, look the other way, take the money, and run. The Hambletonian Society and Racing Medication and Testing Consortium can do only so much without adequate funding while the only national associations, the USTA and Standardbred Canada, muddle along charging dues that are so cheap they beggar belief.

And then there are the leaders of the horsemen's associations. More and more these folks sound and act like baseball's union leaders — the ones who automatically appeal just about every suspension no matter how egregious the foul. These folks would have you believe that people have a right, instead of a license, to be in the business of harness racing; that 'due process' protects accused cheaters in our sport almost as fully as it does alleged murder suspects. Perhaps baseball can afford the luxuries of endless stays after suspensions and hapless testing policies and procedures. Harness racing cannot.

Now take the exclusion issue, with so many failures of our imagination and our courage and our selflessness on so many different levels, and multiply it by five or ten — tracking the number of other vital problems in harness racing. Only when you do this is it possible to get a feel for the scope of the challenge we all face. Pattak's column was never meant to identify or cure what ails the sport. Instead, it's just a symptom of a disease that is sure to strangle us all in the end.

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Everyone seems to be scurrying about trying to fill their canteens from a dwindling revenue stream instead of figuring out ways to make the water run deeper and stronger for all. Although these efforts are understandable, and in most cases even laudable, they represent precisely the sort of short-sight-



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ed approach beyond which we must move. I know I'll have pissed off a great many of you within the harness industry with this critical piece — I am quite sure I have burned some bridges as well. But now I am going to ask all of you to join me in sacrificing for the common good.

First, we need a centralized force within the North American harness community (America and Canada stand or fall together, I believe) that is authorized to do what the United States Trotting Association and Standardbred Canada cannot do and do not do. I suggested a Commissioner of Harness Racing several years ago. And it's gratifying to see more and more people embrace the idea. Richard Shapiro, former head of the California Horse Racing Commission, said it well in February at the Racing Congress in Las Vegas when he warned that our sport would "remain a fractionalized industry" without such centralization.

Meanwhile, Dennis Robinson, head of the New Jersey Sports and Exposition Authority, which runs the Meadowlands, compared harness racing with other industries that have centralized offices. The millionaires who run baseball and football, Robinson said, "cede significant power to a centralized office. Chaos would reign without this. That's the price of admission (to owning a team)." It's time to make such sacrifice within harness racing as the price of survival. If George Steinbrenner could agree to a set of rules that govern how his players are treated than so can the folks who run the biggest tracks and breeding sheds and training centers in harness racing.

We must convene within the next few months a true 'constitutional congress' of stakeholders to form and then support a Commissioner's Office. Representatives from all the various factions within the sport should participate. We must draft an agreement and a declaration that defines the contours of the Commissioner's power. And this will mean the sacrificing of private power and individual rights on the part of many of us. Fortunately, we do not have to invent any wheels to do so — the models exist all over the sports and entertainment world for such centralizing organizations.

The Commissioner's Office must be funded by every stakeholder in the sport. Owners must be willing to take less — say 85 percent instead of 90 percent — in purse money. Breeders must be willing to pay into the fund for each registered yearling. Tracks must transfer a small percentage of their handle — or allocate money into the new organization per race (or per horse). Trainers and drivers must be willing to pay significantly more to get the licenses that give them the privilege to earn their keep. The USTA and SC must do their part and charge significantly more in dues. If men and women in 2009 cannot afford to pay a few hundred dollars per year to be a part of harness racing then perhaps a life in harness racing is not for them.

The money must be used wisely but boldly. We must be able to get more money into improved drug testing and other integrity issues — think the Racing and Medication Testing Consortium and its Canadian counterparts could do something productive with all that extra USTA and SC money? So do I. We must be able to generate a centralized harness racing website, which shows live racing every day, and which becomes the meeting place for fans of our sport all over the world. We missed the boat entirely on the television generation but it's still not too late to get on board for the online revolution.

We must use the money to implement a private form of binding arbitration that settles all suspensions of drivers and trainers and owners of tracks. We must be able to go to regulators and say: "we are serious and committed to your regulatory goals and we want to help. If you recognize our authority, and help us, we will allow you to decrease your administrative law dockets so that resolution, good or bad, can come more quickly to defendants." We must be prepared to litigate for this and also to lobby within the corridors of power to ensure political support.

We must have integrity rules which better reward honest players within our game and more severely and quickly punish dishonest ones. Horsemen's associations must sacrifice, too. No longer can they pretend that it is best interest of the sport for suspended trainers to effectively choose the dates upon which

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they are to be suspended, or for trainers and owners to willy-nilly transfer horses out of suspected barns, or for vets to proclaim that they are not subject to the same rules as the rest of us. Our integrity system must be first-rate. Today, it is barely more than a joke.

We must have within our constituency experts on betting and its relationship to horses. We must be willing to financially back creative marketing efforts, large and small, in a way the USTA has been unable for so many years to do. We can't just meet in committees and chat about marketing — we have to do it. Quickly and effectively. If the government of the United States could within one month pass a series of measures to help stem the economic downturn than surely the marketing arm of the Commissioner's Office in harness racing can within a

month or so implement a few good ideas to get more people interested in our game.


I cite these as imprecise examples and not as gospel. But the idea is clear. All of us are going to have to take a hit to make this work. And that hit, I realize, comes at a nervous time for many of us. But there is no going back. And we all are seeing the price our industry has paid for staying still. To move forward, we've got to take a different direction. We've got to pool our resources, define our goals, focus our talent, and achieve our objectives. We don't just owe that to the current stakeholders among us; we owe it to our children, too.

I'm prepared to personally make the sacrifice. Not only would I embrace a 'tax' on purse money as I described above, but I would volunteer my time and energy in helping create a Commissioner's Office. And if it is created I would volunteer to be the Commissioner, or to help the Commissioner, in any way I can. I'd be one of those private arbitrators I mentioned. I would be one of the marketing directors. I would do publicity for the Office of the Commissioner of Harness Racing. I would do just about anything except clean the washrooms.

But of course I cannot do it alone and there are plenty of other progressive people within the sport whose voices must be heard and who must also be willing to lead, even if it means breaking with old habits and testing old friendships. You folks all know who you are. Dozens and dozens of you have emailed me over the past few years decrying the lack of leadership in harness racing. You have asked me to show courage in writing this piece. You love harness racing as much as me, as much as anyone else in the sport. Put your money and your experience and your prestige and your devotion where your mouth is.



If not now, when? After the next horrible yearling-sales season? After Freehold Raceway withers up and blows away? After harness racing is erased from the memory of Quebecers who helped establish the sport? After another hundred or more fans turn away from betting on the sport because they perceive it to be fixed? After the casino owners suddenly decide that they can have slots without racing? After cash-starved states and provinces decide to end a subsidy to an industry that doesn't appear capable of saving itself?

There. I have said all I can. I have pledged my support. I have offered solutions. I have jeopardized friendships. But my conscience is clear. How about yours? **T**



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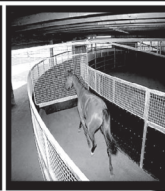
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