

Cracking the Whip

Whether constructive or cruel, use of the whip remains a hard-hitting topic for racing

When Brad Irvine and Rev Hanover won the first race at Plainridge Racecourse on Oct. 27, 2008, the jubilant driver might have raised his whip in triumph. Except he didn't have a whip. Nor did any other driver in the race, for the event was scheduled by Plainridge as a showcase for "whipless" racing.

It may have been an extreme experiment, but it was only a small part of the movement sweeping through Standardbred and Thoroughbred racing to modify whipping rules and penalties so that horses are treated more humanely and, perhaps more importantly, so that the public perceives more humane treatment.

Although advocates of more limited whipping long have been around, their impact was negligible until the death of Eight Belles, who sustained irreparable injuries while finishing second in the 2008 Kentucky Derby. The gallant filly was euthanized on the track as a horrified international audience learned the grim news. Charges-never substantiated-that young jockey Gabriel Saez beat the horse needlessly helped make whipping the focal point of public indignation.

Many veterinarians will tell you that they seldom encounter serious racehorse injuries attributable to whipping.

"You'll occasionally see a welt or a horse cut," said Dr. Rick Arthur, medical director for the California Horse Racing Board. "If the whip is hitting the flanks, you may actually see the skin broken. These things are pretty minor as injuries go.

"The biggest problem comes when a jockey or exercise rider hits a horse in the face. Occasionally they do if a horse is bolting or trying to get out. They're using the whip only to manage the horse. But you seldom see it, because everybody gets mad when that happens. I have no objections to jockeys being fined for hitting horses around the face. That is dangerous."

More serious injuries-some inadvertent, some otherwise-can occur. In June 2008 at Delaware Park, Jeremy Rose, a Preakness- and Belmont Stakes-winning jockey, struck his mount, Appeal To The City, in the eye. The mare recovered following treatment at the New Bolton Center and suffered no permanent damage. But the Delaware stewards, perhaps sensitized by the ongoing whipping debate, lashed Rose with a hefty penalty-a six-month suspension, later cut in half by the state's racing commission.

Then there was the time in the summer of 2008 when officials at Pompano Park found a whip abandoned on the track. Closer inspection revealed that the snapper or popper-the short, business end of the whip which actually strikes the horse if the driver doesn't hit the shaft, saddle pad or wheel disc-had been replaced with a forked piece of hard plastic.

Pompano was unable to identify the perpetrator, but the incident helped propel the track into the vanguard of change.

Given that serious whipping injuries are uncommon, and that America's racing industries collectively continue to ship thousands of horses each year to our accommodating NAFTA neighbors for slaughter, one might argue that critics are pursuing the wrong abuse. Yet more significant than the physical consequences of whipping is the public perception that the practice is brutal and harmful.

"Everybody always wants to figure out how to find new fans, especially young fans," said Tom Charters, president and CEO of The Hambletonian Society/Breeders Crown, which proposed a new USTA rule that would require drivers to keep a line in each hand throughout every race. "One of the common anecdotes I hear is, 'I took some friends to racing, and they were appalled by the way horses appear to be whipped.'

"This is not necessarily an issue of cruelty or inhumane treatment; existing rules take care of that. From a perception standpoint, one-handed whipping-particularly vicious, repeated whipping or whipping past the wire-is a problem under existing rules. When you stand at the rail, and every driver hits his horse only once or twice, it appears pretty brutal."

Others contend, as well, that if potential new fans shun harness racing because they consider whipping inhumane, it won't make any difference that their perception is distorted.

"It doesn't matter if it's real or perceived," said John Campbell, one of the leading advocates among drivers for limiting use of the whip. "In our game, once it's perceived, it becomes real."

Moreover, should animal rights groups target harness racing because of whipping, the results could be disastrous. If you doubt it, just ask the greyhound industry in Massachusetts. A referendum to end greyhound racing in the state failed in 2000, but its backers persevered. In 2008, the public voted to ban the sport beginning in 2010, even though it will mean elimination of about 1,000 jobs.

"That's kind of what prompted us," said Steve O'Toole, general manager of the Bay State's Plainridge Racecourse. "When you're trying to lure a younger crowd and women to the track, one of the first things they ask is, 'Why are the horses being hit so hard?' We didn't want to have to deal with what the dog tracks are going through."

Thus, racing is barreling down multiple paths to modify its whipping policies and practices. Here are some of the approaches.

Enforce Existing Rules

Most jurisdictions have rules that address excessive whipping, including striking below the sulky shaft, beating a horse after the wire or using the whip in an unconventional manner. Some horsemen feel these regulations would be adequate to control whip abuse-if only judges would enforce them.

"Our grandfathers who molded this sport created rules to keep horses from being treated badly," said Ontario-based driver Luc Ouellette. "At many tracks, they do a good job enforcing those rules. But smaller tracks, particularly half-mile tracks where fans are really close to the rail, have to do a better job enforcing whipping rules."

Dave Palone, the sport's third leading driver by lifetime wins, agreed it is an issue that should be addressed by the judges.

"If a horse is slashed, I'm for dinging the driver and dinging him good," he said. "Get him in the pocketbook. Where judges see a guy beating a horse that's out of contention or hitting below the shaft, they should throw the book at the guy. I see the point of animal rights advocates, but I think it should be more of a judges' decision."

The USTA board of directors agrees. At their annual February meeting, the board rejected three rule proposals regarding keeping a line in each hand, but passed a rule meting out huge fines for excessive whipping, up to USTA license revocation for a fourth offense (see page 94).

At some tracks, judges have placed entire drivers' colonies on notice that whipping rules would be enforced with renewed vigor.

Cammie Haughton, presiding judge at Yonkers Raceway, said he met with the track's entire driving colony and told them, "Back off, every one of you, because they're taking a look all over the place." Haughton said when he sees aggressive young drivers trying to make their mark and getting out of hand with the whip, it's the judges' responsibility to call them in and get them to calm down.

"If they do it again, it's a fine, and then it becomes a repetitive offense," said Haughton. "If a guy's clearly in second, and has no chance of winning or losing second, yet he's driving and jiving with the whip, he's getting a phone call. It's the judges' job to slow that down."

Statistics suggest that drivers are getting the message. Whipping violations have been trending downward since the turn of the century. In 2001, a driver was penalized for a whipping infraction every 81.5 races. In 2008, judges flagged a whipping violation every 192.1 races.

These figures, of course, are less than definitive, since the decline could just as logically be attributed to relaxed enforcement of whipping rules. Beyond that, there's another major problem with reliance on existing regulations: they vary so widely among jurisdictions that drivers have every right to be confused.

"One state has one rule, one state has another," observed Hall of Fame driver Ron Pierce. "It gets to be ridiculous. How can you expect us to remember each and every rule from every state?"

"Most of the time when you arrive at a track, they don't tell you their rules. You race your horse like you normally would and find out you got fined. They give you the line, 'You're in our jurisdiction, you're supposed to know our rules, you're fined.' We can't focus on getting the most out of our horses if we're worried about getting fined or suspended for licking on them. One universal rule would hit the spot."

Change the Rules

For advocates of change, existing whipping rules no longer suffice.

"If you whip horses in the barn area as you appear to whip them in deep stretch," Charters said, "you'd be arrested for animal cruelty."

Under the modified USTA rule proposed by The Hambletonian Society, drivers still could whip, but because they could reach back only so far while holding a line in each hand, the blows would be softer. Charters notes that European harness venues have implemented whipping rules that are similar to, or even more restrictive than, his proposed approach.

"You can be aggressive with a horse without beating a horse," he said. "I've seen it work in Europe, and you know what? Relative to our racing, they have a vibrant fan base. All fans want is a fair shake for their money. They don't want you to beat a horse."

The USTA rejected the proposal, although its impact thereafter is uncertain. In most jurisdictions, USTA regulations may function as models or suggestions, but they're trumped by the rules of state commissions; a number of those bodies already have taken whip in hand, so to speak.

In fall 2008, Pompano implemented a rule that requires drivers to keep a line in each hand throughout the race, and it also forbids them from drawing their whips past their hips or heads. Further, the track stiffened excessive whipping penalties, which now range to \$1,000 plus suspension for multiple offenses.

Pompano phased in the rules, giving warnings only for several weeks.

That transitional tool was effective, as Pompano's judges found it necessary to impose only eight first-offense whipping penalties in the initial three months following implementation. One driver became a second-time offender-and had his wallet lightened by \$250.

"If you're capable of flicking your wrist properly, you can get something out of your horse," said Steve Wolf, Pompano's senior director of racing operations. "That's all the horse needs. You don't need bodily abuse."

The Kentucky Horse Racing Commission, spearheaded by the leadership of Alan Leavitt of Walnut Hall Ltd., and with the support of the Kentucky Harness Horsemen's Association, adopted a rule that a driver must keep a line in each hand from the start of the race until the top of the homestretch.

In March, the Indiana Horse Racing Commission voted unanimously to require handholds to be taut with the elbows in front of the chest while limiting whipping to wrist action only -- minimizing elbow and/or shoulder movement. The rule, proposed by presiding judge Tim Schmitz, went into effect with the opening of Hoosier Park on March 24.

In Pennsylvania, The Meadows last fall introduced a two-month trial of a rule that allows drivers to whip one-handed only after the seven-eighths pole. Palone found himself warming to the rule as he gained experience with it.

"It brings strategy back to the race," he said.

The Ontario Racing Commission has undertaken perhaps the most comprehensive review of current rules and proposed changes. In September 2008, ORC invited commentary on whipping-and got an earful. Dozens of submissions to the commission reflect both the passions and positions of the current debate. Racetracks line up almost uniformly behind stricter rules while horsemen represent a greater variety of views. Some worry that drivers, forced to keep a line in each hand, would "loose line" it, slide their handholds up to get more power into their whipping-and less control of their horses.

The ORC has not announced a timetable for its exercise, although it continues to meet with horsemen-represented by drivers Luc Ouellette, Jody Jamieson and Paul MacDonell-to keep them current.

Meanwhile, Ontario judges have tightened the screws. Ouellette was nailed at Woodbine when he whipped a horse in a vain attempt to preserve a minor check. The judges cited him for whipping a horse that was no longer going forward, and striking below the shaft to boot. How, one might ask, does one know the horse won't go forward until one tries the whip? Ouellette would have the opportunity to pose that question as he faced a hearing and possible 15-day suspension.

"In my defense, it was muddy; your whip gets muddy, rocks get attached to it, you could leave a mark when you whip," Ouellette said. "But if I get that suspension, it will remind me not to hit low."

Opponents of whipping limitations frequently cite the potential adverse reaction of longtime heavy gamblers who, correctly or not, associate whipping with honest effort. If these "whales" believe horses are being decked, this theory goes, we could lose them and their heavy play.

"Let's not lose track of the business side of our sport," wrote Hall of Fame trainer Bob McIntosh in his ORC submission. "Our business is fueled by gambling dollars generated by the competitiveness of our product. Gamblers are our most important customers. When they place their bets, they want to see the

maximum effort from the drivers."

Judges can be particularly sensitive to this dilemma.

"If you're on a half-mile track, and someone second-over on the backstretch pulls three deep and uses his whip to get around horses before the turn, what should I do-tell him he can't?" asked Haughton. "What about the guy who's holding a \$50 ticket on that horse? You can bet he'll call me and complain that his horse was stiffed and that he'll never bet this track again. If a driver uses his whip to go three deep and get around horses to win the race for the bettors who supported him, I'm letting him do it."

A number of horsemen opposed to radical whipping rule changes have banded together to lobby for a different approach. Trainer George "Buzzy" Sholty said the initiative began with a casual conversation in Lexington but gathered momentum at a more formal meeting in New Jersey. There, the drivers agreed on a proposed "2-8" rule: Whipping would be limited to two one-handed strikes before the stretch, eight one-handed strikes in the stretch.

Sholty and driver Jeff Gregory were working on documenting the proposal, which also would stiffen fines and suspensions, for submission to The Meadowlands and Yonkers.

"We're saying, 'It's okay to police us. If we did something wrong, tell us that,'" Sholty said. "Drivers realize they'll pay more in fines and may end up with days. If it stops anyone who's abusive with the whip, then it's worth it."

Change the Whip

Limiting the force of whipping and the number of strikes is one answer to the problem. Another is modifying the whip itself to make blows less likely to cause pain or harm.

During its trial, The Meadows imposed a 25-percent reduction in the maximum length of snappers-they could be no longer than six inches and could not be knotted. On the Thoroughbred front, Kentucky moved to require extra padding at the whip's business end.

During Keeneland's meeting, jockeys used a softer whip, a commercially available model called ProCush, in several races each day. John Veitch, chief steward for the Kentucky Horse Racing Commission, notes that the ProCush whip has been adopted throughout steeplechase racing.

"During the transitional stage in steeplechasing, some jockeys didn't think they were getting the results they did with the old whips, but they've come around and accepted them," Veitch said. "I think the same thing will happen with our flat riders."

"For some of our veteran riders, any change is difficult. We sat down with them at Keeneland and said, 'This is something that will come. We're looking at a different world now. People's understanding of whipping gives our sport a bad image. We need to do everything we can to be as humane to our horses yet get the most out of them for fans who are wagering on them.'"

The commission also intends to drop the word "whip" from its official Thoroughbred lexicon. Henceforth, the instruments will be described more genteelly as "riding crops."

Eliminate Whips

According to O'Toole, whipless races at Plainridge, which already had banned one-handed whipping, came off without a hitch.

"I didn't see a big change in the performance of horses," he said. "In most cases, they'll give you their all. When they're done, they're done."

Nor did Plainridge experience adverse reaction from its hard-core bettors, although O'Toole indicated those stalwarts did have one suggestion.

"They asked us to include a 'whipless' notification in the horses' past performance lines," he said. "We're working on that with the USTA."

Indiana Downs also staged a whipless race but modified the conditions after consultation with the Indiana Standardbred Association.

"We took the stance that whips are basically a safety device," said Jack Holton, association president. "We also feel like there are times when you have an issue of competing to the best of that particular horse's ability, and some horses need urging. It's a delicate compromise between having your horse finish who does require some prodding, and the abuse of the whip. Our position is, we don't want anybody hurt out there because of lack of control."

As a result, in the event on Oct. 18, 2008, horsemen were permitted to carry whips in a tucked position but could use them only if safety issues arose. Looselipssinkships won the race in 1:52, the fastest mile of the card.

"It wasn't like a race where they all sat single file and never moved," reports Scott Peine, Indiana Downs race secretary. "It was contested like a normal race."

In addition, the race generated the second-highest handle of the 10 races on the card that weren't exported to California. For this high-profile event, at least, bettors had no problem diving in.

While whipless races appear to have been successful, neither Plainridge nor Indiana Downs has immediate plans to continue or expand the experiment. In fact, advocates of change and the status quo agree that whips can be valuable safety tools for horses and drivers alike.

"I'm not in favor of taking whips completely out of drivers' hands," said O'Toole, formerly a leading driver on the New England circuit. "I like the whip as a tool. You can rest it on horses' flanks so they know you're still there. If they're rough-gaited, it helps you get them out of the way."

Charters has much the same opinion.

"There's a certain advantage to having a tool when you have animals performing," he said. "They don't have to be abused, but they have to be controlled."

If no one favors eliminating whips, why are tracks showcasing whipless races? Some observers believe the success of whipless events provides tracks with key leverage in any negotiations that may take place with horsemen's groups on stricter rules; should horsemen resist, the threat of going whipless might persuade them that limited whipping is better than no whipping.

Curiously, although public perception triggered the movement to tighten whipping rules, none of the jurisdictions that has done so has built a public awareness component into its plans. Plainridge described its whipless events in its race program, Kentucky has issued press releases, but no entity has developed, say, a pamphlet or video to explain whipping and the new rules to fans, who will continue to labor under

misperceptions unless they're brought into the loop.

"We have to portray to the public that there's a change in rules," Campbell said. "If we ever could get over the hump and start letting the public know our rules and how they're applied, that would help tremendously. It goes back to the education of the fan. Historically, we've done a terrible job on that."