

Disqualifications and Coupled Entries

What happens when part of an entry commits a foul? What happens to the other part of the entry? Does it get taken down, or does it stay up? That has been an ongoing debate in racing for decades. For the better part of 50 years it has been held in abeyance, but it is threatening to rear its ugly head again. The recent running of the Hambletonian where the trainer/driver Trond Smedshammer has received a 30 day suspension for clearing a path for his uncoupled entry mate is bringing this issue back into some prominence.¹

Currently, the rules in racing jurisdictions are similar but not identical. The innocent part of the entry does not get set back automatically, but the language on what procedure to follow is not the same in all jurisdictions.

In New York thoroughbred racing, the “balance of the entry shall also be disqualified if in the judgment of the stewards such violation prevented any other horse or horses from finishing ahead of the other part of the entry.”² In New York harness racing there is a similar prevention rule³ despite the fact that a coupled entry is defined as a “combination of two or more starters in the same race as a unit for wagering and disqualification.”⁴

The model ARCI rule on this subject applies to both coupled and uncoupled entries and simply gives general discretions to the stewards on whether to disqualify the innocent part of the entry. It states, “If a horse is disqualified for a foul, any horse or horses in the same race owned or trained by the same interests whether coupled or uncoupled may also be disqualified.”⁵

In California stewards are given the general discretion to determine the extent of disqualifications, but there are no explicit rules on when to disqualify coupled horses.

In Illinois harness racing the rule reads that “the other horse coupled as an entry shall also be disqualified if the stewards determine that it improved its finishing position as a direct result of the violation.”⁶ In Illinois thoroughbred racing, the rule states, “When a horse is disqualified under this rule every horse in the same race entered by the same

¹ Andrew Cohen, “Odd Couple? Or Odd Uncouple?,” [HarnessRacing.Com](http://www.harnessracing.com/wire_to_wire.php), September 13, 2006 at http://www.harnessracing.com/wire_to_wire.php

² 9 NYCRR Section 4035.2 (e). A similar rule applies for quarter horse racing. 9 NYCRR Section 4227.2

³ 9NYCRR Section 4117.11(a). The harness racing rules make it explicit that that the rules do not apply when horses are coupled as part of a field rather than through common ties such as ownership and training. Section 4117.11(b).

⁴ 9 NYCRR Section 4100.1(a)(7).

⁵ PMRMR- 010-35 E4(b) at

http://ag.arizona.edu/rtip/INDUSTRY/Model%20Rules%20PDFs/chapter_10.pdf

⁶ 11 Ill. Adm. Code 1318.30(a) (2006)

trainer, whether belonging to the same owner or not may also be disqualified at the discretion of the stewards.”⁷

In New Jersey thoroughbred racing, “If a horse is disqualified for a foul under these rules, any other horse in the race owned wholly or in part by the same interest, or coupled in the betting through a mutuality of interest, may also be disqualified.”⁸ In New Jersey harness racing, the rule reads differently and authorizes setting back the innocent part of an entry when a foul in the opinion of the judges “may have affected the finish of the race.”⁹

In Florida thoroughbred racing “when a horse is disqualified under the rules, the other horse or horses in the same race coupled as an entry shall be disqualified, unless the stewards determine that the offense committed by the horse or jockey did not assist the coupled horse or horses.”¹⁰ There are no rules on this topic involving harness racing in Florida.

History

Back before the 1950’s, when one part of an entry was disqualified, the other part of the entry was also disqualified. This resulted in a large number of angered bettors – which is what eventually lead to the demise of the automatic disqualification rule. For example, in the 1929 Fashion Stakes at Belmont, owner W. R. Coe sent out three fillies as part of an entry. Two of his fillies finished 1-2. The third, however, committed a foul which bothered “the other two Coe fillies as much as any others.”¹¹ All the Coe horses were placed last. Bryan Field writing for the New York Times commented, “The rules of racing provide that when one horse of an entry has offended the entire entry must suffer, which is no more than proper.”¹² This disqualifications was further complicated by the traditional Jockey Club rule that any disqualified horse had to be placed last.¹³

In the 1949, Leonard Richard Stakes at Delaware Park, Capot – who was later declared to be the nation’s top three- year old – finished first at odds of 1-10. He, however, was disqualified for interference committed by his stable mate, Wine List.¹⁴

Nonetheless, there were a number of uncertainties surrounding even what should have been an automatic rule, For one thing, the traditional Jockey Club rule only provided for an automatic disqualification where the other part of the entry was owned in

⁷ 11 Ill. Adm. Code 1416.5 (e) (2006). This begs the question of what happens when there is an entry where the owners of both horses re the same but the horses race for different trainers.

⁸ N.J.A.C. 13:70-11.7

⁹ N.J.A.C. 13:71-20.8

¹⁰ 61D-13.004, F.A.C(7)

¹¹ Bryan Fields, “Coe Fillies Run 1-2 in Stake; Set Back,” New York Times, June 5, 1929 Pg. 31.

¹² Id.

¹³ New York did not change its rule giving stewards discretion in placing disqualified horses until April of 1956. See Annual Report of the New York State Racing Commission (1956) Pg. 18.

¹⁴ Associated Press, “Capot, 1-10 Sets Mark but Is Disqualified on Stable Mate’s Foul; Sun Bahram Victor,” New York Times, July 3, 1949 Pg. S1; Daily Racing Form, Champions, Pg. 91 (2000)

whole or in part by the same owner. Coupled with the other traditional rule – which is that the “stewards shall not entertain any disputes relating to bets,”¹⁵ this meant that when an entry had common trainers but not a common owner, and one part of the entry committed a foul, the other half was not penalized.

This happened in a number of races. For example in the 1936 Sanford Stakes, won by Maedic, Maedic’s entry mate, Third Count finished second. Third Count fouled a number of horses and clearly assisted Maedic. Since, however, Maedic and Third Count were owned by different individuals, there was no disqualification.¹⁶ A similar event occurred in the Daingerfield Handicap at Jamaica in 1949. The race was won by Flying Missel owned by King Ranch. Edward Lasker’s horse Natural finished third. Both horses were trained by Max Hirsch, and were part of an entry. The stewards decided that under the rules of racing, Flying Missel would not be set back. Steward Francis Dunne commented that he “couldn’t remember the last case of this kind in New York.”¹⁷

In a more embarrassing situation, the New York stewards erroneously disqualified an entire entry when there was lacking any common ownership among the parts of the entry. The stewards had disqualified the innocent part of a Hirsch Jacobs-trained entry from third place in a race at Belmont. Three days later, the Jockey Club reversed the stewards and awarded third place to the innocent horse.¹⁸

The rule establishing that the stewards do not recognize betting also lead to some instances of odd disqualifications. The horse Display was disqualified in the in the 1929 Eldorado Handicap for fouling his entry mate. Both horse were trained by Tom Healey but had separate ownership.¹⁹

Perhaps the strangest outcome involved the 1941 running of the Hopeful Stakes. The three part entry of Devil Diver, Shut Out, and Amphitheater finished 1-2-3 respectively. These horses were an entry since they were all trained by John Gaver. The first two finishers were owned by Greentree Stable, and Amphitheater was owned by Manhasset Stable. Manhasset was owned by the daughter of Mrs. Payne Whitney who owned Greentree Stable. In the course of the race Eddie Arcaro on Shut Out fouled Ramillies. Arcaro was given a suspension for his actions. Yet, the stewards took no action against Shut Out or any of the horses in the entry.²⁰

¹⁵ See 9 NYCRR § 4022.20.

¹⁶ Bryan Field, “Sanford Stakes Annexed by Maedic for Third Victory at Saratoga Meeting,” New York Times, August 14, 1936 Pg. 24.

¹⁷ James Roach, “Flying Missel Breaks World Record in Long race as New York Season Ends,” New York Times, November 16, 1949 Pg. 43.

¹⁸ “Verdict Reversed in Belmont Race,” New York Times, June 16, 1931 pg. 38. Bryan Field, “Oh, For a Right-Handed Race Horse!” New York Times, June 14, 1931 Pg. S2.

¹⁹ Bryan Field, “Priscilla Carter Wins Eldorado at Jamaica When Display First, Is Disqualified,” New York Times, October 8, 1929 Pg. 23. See also Bryan Field, “10 Named to Start in Great American,” New York Times, July 1, 1933 Pg. 11.

²⁰ Bryan Field, “Sweep By Entry,” New York Times, August 31, 1941 Pg. S1.

While not directly apart of the “automatic disqualification rule,” a side incident involved the controversial jockey Don Meade. Meade, riding Secretariat’s grand-dam, Imperatrice, shouted out to his stable mate to take care of another horse.²¹ This “collusion” garnered a lifetime suspension for Meade which as a practical matter kept him out of racing for 19 months.²² The difficulty here is that stable mates frequently act in collusion. The whole purpose of having a rabbit to set up a race for a closing horse is for them to act in tandem. This seems to set up a model where riders can and trainers can agree on strategy together, but if their strategy ends up in a foul, they face serious suspensions.²³

The Changes

The case which ended the automatic disqualification rule involved Alhambra in the 1957 Arlington Futurity. The Arlington Futurity was a major race with a purse of \$150,075. Alhambra had won the race by open lengths in a time that bettered the stakes record. Nonetheless, he was disqualified based on a foul committed by his stable mate which could not possibly have affected Alhambra’s victory. Racing commissions soon changed their rules so that the decision on whether to disqualify the innocent part of the entry was left to the stewards.²⁴

Even though, as could be seen previously, many of the alterations in the automatic disqualification rules have not been uniform throughout the nation, these changes have largely made the subject non-controversial. What has brought the subject some interest is the 2006 Hambletonian where trainer-driver Trond Smedshammer drove his tiring horse Here Comes Herbie off the rail at the Meadowlands to make room for part of his entry Blue Mac Lad. This has garnered Smedshammer a 30 day suspension, but no disqualifications were issued.²⁵

In thoroughbred racing in North America, the entry- disqualification issue has been raised a few times, but it generally has been disregarded. In the 1972 Woodward, owner Sigmund Sommer’s horse Autobiography was fouled in the stretch by second place finisher Summer Guest. Autobiography was moved up into second place, but the race was won by Summer Guest stable mate Key to the Mint. Sommer complained that Key to the Mint should also have been disqualified. It was not disqualified.

²¹ “Suspension Ends for Veteran Rider,” New York Times, May 25, 1944 Pg. 24.

²² “Bad Boy,” Time, December 18, 1950

²³ Perhaps the most well-known rabbit was Hedevar employed by Damascus’ trainer Frank Whiteley to battle Dr. Fager. More recently, Better Talk Now’s managers have used the horse Shake the Bank to assure an honest pace in some of his races. See Mike Farrell, “Better Talk Now Rallies to U.N. Victory,” Daily Racing Form, July 2, 2005.

²⁴ Annual Report of the New York State Racing Commission (1957) Pg. 21. “Rule 300(e) “was modified by permitting the Stewards to exercise their discretion as to the disqualification.”

²⁵ See note 1 supra.

Similarly, in 1997, the owner of Cryptocloser, who finished second in the Queen's Plate, filed an unsuccessful appeal against the winning horse, Awesome Again. Cryptocloser had been cut off by a stable mate of Awesome Again, and Cryptocloser's owner claimed that this foul kept him from winning the race. The appeal was not successful.²⁶

There have been a few instances where fouls have been called against parts of entries.²⁷ At Saratoga in 1992, Julie Krone, riding a horse trained by P.G.Johnson claimed foul against a horse owned and trained by P.G.Johnson that had won the race. The objection was dismissed.²⁸

There have been a few incidents in Europe where the innocent part of an entry has been disqualified,²⁹ but again the cases have been rare. Nonetheless, this is horse racing, where Murphy's Law is a regular occurrence. If something can go wrong on fouls by stable mates (and the absence of any uniformity in racing rules makes this problem more complicated) it will certainly happen in racing.

²⁶ Rob Longley, "Plate result Appeal-ing to Cryptoclosers' Owner," Toronto Sun, July 11, 1997 Pg. 12.

²⁷ Vinnie Perrone, "'Choice' Heads Field at Laurel," Washington Post, February 6, 1988 Pg. C3; Tom Slater, "Strapping Colt Gotitall to Face Six in Victoria," Toronto Star, June 5, 1987 Pg. D7.

²⁸ Joe Durso, "Notebook: Horse Racing," New York Times, August 6, 1992 Section B. Pg. 21.

²⁹ Nicholas Godfrey, "International Zone: Visindar Misses Eugene Adam after Setback," Racing Post, July 16, 2006