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RESPONSIBILITY RULE**

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# **THE ORIGINS OF THE TRAINER RESPONSIBILITY**

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## The Origins of the Trainer Responsibility Rule

If you ask people in racing about the history of trainer responsibility for drugs found in horses, you would certainly get the impression that trainer responsibility has always been with us. Many people think that the trainer responsibility rule was issued as a codicil to the Ten Commandments. There was Commandment 10 ½ . “Thou shalt find the trainer responsible for all positive drug tests.” Some others might believe it came down with chariot races in Ben Hur. (Certainly, Stephen Boyd/ Masala’s horses would have tested positive for drugs.) Yet, the fact is that the trainer responsibility rule has a much more recent and prosaic vintage in America. It celebrates its 70<sup>th</sup> birthday this year.

The trainer responsibility rule dates from 1934. At the time, Harry Anslinger was the head of the Federal Bureau of Narcotics. While Anslinger may be largely forgotten today, he served as the head of the narcotics bureau for over 30 years. He functioned as a mini-version of J. Edgar Hoover focusing on drugs, and in his day, he wielded considerable authority. (One book calls him the “quintessential moral entrepreneur.” Craig Reinerman and Harry Gene Levine, Crack in America: Demon Drugs and Social Justice) He is chiefly remembered today for his support of legislation criminalizing marijuana. One of Anslinger’s early crusades in the 1930’s. was against horse racing. He decried horse racing for the prevalence of stimulants and called on racing’s leaders to take action against drug use in horse racing. Anslinger’s troops even raided racetracks across the country arresting a series of people found stimulating horses. Racing’s leadership was forced to take action to respond to Anslinger.. France had started in the early 1930’s to utilize a saliva test to find drugs, and the saliva test was brought over from France to be used in America.

The American saliva test was first utilized in America in Florida during Hialeah’s winter meeting of 1934. As part of instituting the saliva test, the Florida Racing Commission instituted a rule making the trainer responsible for positive drug tests. The Commission, as part of its enforcement efforts, hired guards who were to guard the horses and who were assigned to the stables one hour before the horses were sent to the paddock. While the horsemen were not satisfied with the procedure, (They claimed the guard were incompetent and the Racing Commission lacked any expertise on racing.) their complaints started to increase near the conclusion of the Hialeah meeting.

In the second week of March, there were two drug positives that particularly riled the trainers. On March 9, 1934, trainer John Partridge noted that his horse was acting peculiarly, withdrew him from the race, and requested a saliva test. The horse tested positive for caffeine.

On March 13, 1934, trainer H.C. Trotter after a race, reported his belief that his horse had been stimulated. He too requested a saliva test, and his horse, too, tested positive for caffeine.

These cases were to go to the Racing Commission on Friday March 16 – which was the next to the last day of the Hialeah meeting. The last day of the meeting was Hialeah’s big day – the Florida Derby.

On the morning of the Racing Commission meeting, the horsemen met and pledged to make no entries until the Racing Commission cooperated with them on the enforcement of the trainer responsibility rule. The horsemen demanded that the Commission more thoroughly guard the horses against stimulation. Assuming that the horses were properly guarded by the Commission, any penalties for stimulation should be imposed against the guards, and the trainers should be held harmless.

100 horsemen then attended the Racing Commission meeting to press their argument against the trainer responsibility rule. The commissioners disagreed with the horsemen. They found no reason to change the trainer responsibility rule or to change existing procedures on guarding the horses. While the Commission found trainer Partridge blameless, it did suspend trainer Trotter for the remainder of the Florida season. According to the Racing Commission, Trotter should have reported his suspicions about stimulation before the race. While the Trotter penalty was less than the typical penalty of the era – banishment from racing – it still was a lengthy penalty.

The angry horsemen vowed to strike against the racetrack and not enter Saturday’s races. The horsemen met with Hialeah president Joseph E. Widener to try to resolve the matter. They told Widener they wanted the Commission to guard the horses more thoroughly and absolve the trainers from responsibility unless it could be proved that the trainer was the guilty party.

Widener then met with the Racing Commission, but the Racing Commission refused to change its procedures. Widener asked the horsemen not to strike on Florida Derby Day, but the horsemen continued their boycott. The races were kept open for entries until 7:00 PM on Friday evening, but other than the two stakes races, the five other races on the card did not fill. Widener, however, vowed to race even if there was only one horse entered in each race.

On Saturday morning, both the racetrack and the Racing Commission took action to end the “strike.” The Racing Commission ruled the four leaders of the strike off the track for inciting disorder at the race course. Track management at Hialeah ruled the same four individuals off the track. Once these people (One press account marks these people as “outside agitators.”) were removed from the racetrack, the strike was easily broken. The races filled quickly on Saturday morning, and a total of 66 horses was assembled for the seven race card.

The Blood-Horse correspondent found that the Derby Day crowd “probably was the largest attendance ever assembled at Hialeah Park for racing.” He also found, “Never have I seen a greater outpouring of the true sporting spirit, nor such a tribute to the probity of good Turf management.”

The races filled similarly well for the opening crowd at Tropical Park on March 19, and all organized opposition to the trainer responsibility rule evaporated.

Instead the Hialeah strike incident implanted the trainer responsibility rule firmly in American racing. The Florida Racing Commission and Joseph Widener were widely hailed for their actions in standing up to the horsemen. Algernon Daingerfield, the Assistant Secretary of the Jockey Club wired, "Am very surprised and disappointed at the action of horsemen in doing anything to hurt Hialeah Park which has contributed so much to the. My compliments and all good wished to Mr. Widener and his associates." The Miami Daily News wrote "This campaign, in a few years, will have raised the standard of racing 100 per cent in America."

Perhaps most importantly, Harry Anslinger wrote the chairman of the Florida Racing Commission, "Have wired Governor Sholtz supporting you and Mr. Donovan in your campaign to suppress the abuse of drugs at racetracks."

The overall weakness of the horsemen at Hialeah in 1934 in mounting a feeble attack against the trainer responsibility rule has helped to insure the existence of the rule for the past 70 years.

Sources used in writing this article include the Daily Racing Form of March 17 and 19, 1934, the Blood-Horse of March 24 and 31, 1934, the Thoroughbred Times of March 24, 1934, John C. McWilliams, The Protectors: Harry J. Anslinger and the Federal Bureau of Narcotics, and Jerome L. Himmelstein, The Strange Career of Marihuana : Politics and Ideology of Drug Control in America.