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BREED?**

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80 New Scotland Avenue
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**Bennett Liebman, Esq.
Coordinator/Staff Attorney
Racing and Gaming Law Program**

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Why is Funny Cide a New York bred? How did the product of a Kentucky mating of Distorted Humor, a Kentucky bred stallion, standing at a Kentucky horse farm which is owned by Texans and Bell's Good Cide, an Oklahoma bred mare get to be born in Saratoga Springs, New York? Is there one person responsible for making this horse a worldwide hero and repopularize the sport of horse racing?

The answer is that there such a person, but the man responsible for making Funny Cide a New York bred remains largely unknown to the racing world. He's not even that well known outside the corridors of the Capitol in Albany, New York. In fact, a Nexis search shows no articles mentioning him in the past two years. The man to blame for Funny Cide is Patrick Brown, a lawyer-lobbyist in Albany. He's the man responsible for resurrecting racing.

How did he do it? He almost single-handedly changed the breeding laws in New York to make it easier for horses to become New York bred. Prior to 1994, there were only two ways to be a New York-bred. A foal could be: (a) the product of a mating between a New York stallion and a mare domiciled in New York State, or (b) the product of a mare domiciled in New York State which mare has been serviced back exclusively by a New York stallion in the year of foaling. Part (b) was the breed-back rule which required that a New York mare could be bred to an out-of-state stallion so long as the mare was immediately bred back to a New York State stallion.

By 1994, many larger, commercial breeders became convinced that the breed-back rule was no longer working for New York State. The number of breeding farms had decreased from 500 to 350 from 1987 to 1994, and the number of stallions had decreased over that period of time from 200 to less than 150. The owners of quality of broodmares were threatening to move their mares outside the state. It was their position that there was no reason for them to continue to breed to New York stallions. They supported a bill that would make the foals of all mares domiciled in New York State New York bred.

The leadership of the New York Thoroughbred Breeders Inc. [NYTB] changed entering the 1994 legislative year. They switched lobbyists, and developed a program to end the breed-back rule and put actual breeders in charge of the State's Thoroughbred Breeding and Development Fund. They sold then-Governor Mario Cuomo on the need for the change. (It should be noted that 1994 was an election year, and no politician ever looked at a major breeder without seeing images of dollar signs.) It fell to Patrick Brown – then a deputy commissioner in the Department of Economic Development and the Governor's point person on racing from 1990 –1994 - to get the job done.

It seemed like a near-impossible task. The odds supporting the status quo in Albany always start at 3-5. In this case, the odds against change were even steeper. The bill was opposed by the Genesee Valley Breeders Association – which represented most of the breeders in Western New York - who saw the bill as a giveaway to the larger commercial breeders and who perceived a conflict of interest in the breeders running the Breeding and Development Fund. It was opposed by many small breeders who saw the bill as potentially bringing in better horses into New York State, thereby making it harder

for the smaller breeders to compete. It was opposed by the owners of most of the state's better stallions since the breed-back rule nearly obligated owners of quality mares to breed to their stallions. It was opposed by the existing leadership of the Thoroughbred Breeding and Development Fund which would see its authority diminished by the proposed changes in administering the Fund.

Nobody in the legislature looked at this legislation with any significant interest. At best, some legislators and staff were indifferent. At worst, they were actively opposed.

Perhaps most damning was the fact that the legislation was supported by the NYTB. They were not a potent political force. It does not diminish the good work and intentions of many of the breeders to note that the NYTB was regarded in 1994 as the ultimate dysfunctional family. It was perceived as a "Ready, Fire, Aim" group more concerned with settling its own internal scores than in achieving legislative victories. The NYTB would rather curse the darkness than light a candle.

This legislation was certain to be dead on arrival. That's where Pat Brown stepped in.

He made the deals that were necessary to move the legislation. He got the legislative leaders representation on the reconstituted Breeding and Development Fund. He made the end of the breed-back rule a four year experiment, rather than make it permanent. He traded off support of the changes in the Breeding Law with changes in the larger racing bill that passed in 1994. He helped place provisions in the main racing bill that year which were of benefit to all the state's breeders. He kept the NYTB leaders in line so that they did little to harm the bill's chances.

Brown more than succeeded in his goals. While many of the state's breeders may not have been happy, he successfully removed almost all organized opposition to the changes in the breed-back rule. By the time the legislation passed overwhelmingly in both houses of the legislature, the only group formally opposing the bill was the Genesee Valley Breeders Association. He got the job done.

With the defeat of Mario Cuomo, Brown was out of state government after 1994. It is unlikely that the breed-back rule could have been altered after Brown's tenure. In 1995, the NYTB reverted to its old ways and managed to antagonize Senator Majority Leader Joseph Bruno. Without Senator Bruno's support, there was little way that the law could have been changed to benefit the NYTB. By 1996, the leadership of the NYTB changed once again.

1994 was the only year that the breed-back rule could have been ended, and only Patrick Brown was able to cut the deals to end the breed-back rule. If not for Patrick Brown, there would be no New York-bred named Funny Cide.