

A SHORT PRIMER ON RULE BENDING

By Bill Koch

Skipper of America³ and winner of the America's Cup

While the rules behind the America's Cup have become so complicated that it takes a lawyer to read and interpret them, I always likened it to the "Golden Rule Philosophy:" the team that has the gold rules. We can thank the New York Yacht Club for that. They are the group that constantly changed the rules in an effort to keep the cup. Every other yacht club has imitated them in some form or another. Just look at the facts:

1870: The New York Yacht Club selects 17 boats to defend against Cambria, the British challenger. The NYYC chooses "the inside course," off Staten Island, a course notorious for the high number of sand bars, but also one that favored the American's center board design. Many of the challengers ignored the starboard right of way rule and damaged Cambria.

1871: The NYYC used four boats to defend against the British boat, Livonia. After determining the wind conditions every morning, the NYYC would then select the boat best designed for that air. The club also refused to tell the challenger which way to round the top and bottom marks.

1881: NYYC attempted to make the rules more Democratic. They allow one defender yacht, forbid yacht clubs from challenging if they are not located near the ocean, require all challengers to sail from their point of origin to the race course and place a two-year time limit on when a defeated challenger can seek the Cup again. The rules clearly favor the NYYC.

1892: Lord Dunover complains that the NYYC started raced when the conditions favored the defender and cancelled them when the defender was losing.

1895: Lord Dunover's rematch ended just as dismally. He accused the NYYC of cheating on the measurement of the defender. After a collision during a race, Dunover filed a protest only to have it denied.

1962: NYYC created a rule banning challengers from using American equipment, tank testing facilities or products. Equipment, sails, design expertise and research facilities all had to emanate from the challenger's home country.

1970: Australia protests that the NYYC breached the rules by allowing Intrepid to use plastic fairings on either side of the rudder. In an effort to diminish the negative publicity, the NYYC finally agrees that it cannot fairly serve as a referee and defender of the Cup at the same time. They create an international jury to hear protests.

1980: Angered that an American had sailed for Australia in 1977, the NYYC now forbids anyone from a defending country to sail for a challenger and vice versa. The club changes its rules and no longer limits challengers from using equipment and facilities in their own country. The boats and design must, however, originate in the challenger's country.

1983: The NYYC allows Australia II to have one rating certificate, while giving Liberty multiple ratings. The ruling allows Liberty to juggle her ballast and sail area daily, thus adjusting for daily weather conditions. NYYC also surreptitiously attempts to purchase the designs for Australia's winged keel.

1988: The San Diego Yacht Club refuses to accept a proper challenge from New Zealand. The Kiwi's win in court, but are eliminated on the water when Dennis Conner shows up with a catamaran.

1992: Believing that “Stars and Stripes” would be the best defender, the San Diego Yacht Club tilts the race course to favor Dennis Conner’s boat. The race committee, controlled by the club, moves the starting marks at the start of races, adjusts the start times, and lays out a course that heavily favors the starboard side, where currents are lightest and most favorable to Conner’s boat.

1995: The San Diego Yacht Club allows Dennis Conner to select among three boats while the challenger must declare its boat two months in advance.

(Source: Keelhauled: The History of Unsportsmanlike Conduct And The America’s Cup by Doug Riggs; The History of the America’s Cup by Dennis Conner.)