

Approved _____

Date

4-29-87

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m. ~~xxx~~ on March 30, 1987 in room 254-E of the Capitol.

All members were present except:

Senator Arasmith and Senator Daniels were excused.

Committee staff present:

Mary Galligan, Legislative Research
Emalene Correll, Legislative Research
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

Mr. Ronald R. Hein, Counsel for Kansas Greyhound Owners for Economic Development, Topeka
Mr. Jonathan Small, Kansans for Pari-Mutuel (KPM), Topeka
Mr. Steve Tasheff, Businessman, Wichita
Mr. Wendell Maddox, Jr., Regional Director, The Humane Society of the United States,
Kansas City

The Reverend Darrell D. Godfrey, Greenwood County Pastor
Mr. Jack Foster, President, Kansas Thoroughbred Association
Miss Audrey B. McCaig, Executive Director, Helping Hands Humane Society, Topeka

The Chairman welcomed all to the meeting for hearing testimony concerning
HB 2044, concerning the Kansas parimutual racing act.

The first conferee was Mr. Ron Hein, representing the Kansas Greyhound Owners
for Economic Development (KGOED). His prepared testimony sets out the thoughts
of the organization concerning various aspects of the legislation. (Attachment #1)

Mr. Jonathan Small appeared for the Kansans for Pari-Mutuel (KPM), and a
copy of his statement is attached. (Attachment #2) The organization supports
the fundamental design of the bill. It points out that pari-mutuel racing
requires the critical balancing of the public, the state treasury, organizations
operating the racing programs, and the animal owners.

The conferee who appeared next was Mr. Steve Tasheff, of Wichita. His statement
is attached. (Attachment #3) Mr. Tasheff voiced his support for pari-mutuel
racing in Kansas, but requested that HB 2044 contain language prohibiting the
use of any animal as a lure in the training of greyhounds. He also included the
written statement of Janet Goetz, of Wichita, (Attachment #4) as part of his
testimony. Ms. Goetz was unable to attend the meeting.

Mr. Wendell E. Maddox, Jr., Regional Director for the Midwest Regional Office of The
Humane Society of the United States appeared next. Mr. Maddox stated that
his organization (HSUS) is opposed to the legalization of pari-mutuel gambling on
horse and dog racing. (Attachment #5)

The Reverend Darrell D. Godfrey, a Pastor from Greenwood County spoke next.
The Reverend Godfrey's statement included seven proposed amendments to the
legislation (Attachment #6), as well as his explanations of the amendments.

The Kansas Thoroughbred Association was represented by Mr. Jack Foster, President,
who stated they believe that HB 2044 as amended is the most ivable form to have
a successful pari-mutuel racing program. (Attachment #7).

Miss Audrey B. McCaig of the Helping Hands Humane Society, Inc. appeared in
opposition to the use of live lures or drugs in racing. (Attachment #8)

The Minutes of March 26, 1987, were approved on a motion of Senator Morris,
seconded by Senator Bond. The motion carried.

The meeting was adjourned at noon.

Unless specifically noted, the individual remarks recorded herein have not
been transcribed verbatim. Individual remarks as reported herein have not
been submitted to the individuals appearing before the committee for
editing or corrections.

3/30/87
Attachment #1

LAW OFFICES
CARPENTER, HEIN, CARPENTER & WEIR, CHTD.
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TOPEKA, KANSAS 66604

EDWIN P. CARPENTER
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TELEPHONE
AREA CODE (913)
273-4170

TESTIMONY OF RONALD R. HEIN
To the Senate Federal and State Affairs Committee
March 27, 1987
Re: HB 2044

Mr. Chairman, Members of the Committee:

My name is Ron Hein and I am legislative counsel for Kansas Greyhound Owners for Economic Development. The KGOED is an association of registered greyhound dog breeders all of whom are located here in the state of Kansas.

The KGOED has been vitally concerned about the pari-mutuel racing issue. It has been a source of frustration to this group that the state of Kansas, which has one of the most successful greyhound breeding industries in the nation, has not been able to race greyhounds in this state under a pari-mutuel system. Kansas is the home of the National Greyhound Association, which is headquartered in Abilene. The Greyhound Hall of Fame is located in Abilene and I understand Dickinson County has more registered greyhounds than any other county in the United States. With this proud history of involvement in the greyhound industry, you can well understand the desire to see pari-mutuel wagering for greyhound racing succeed in the state of Kansas.

The KGOED has consistently been on record, and is still on record as supporting the maximum tax revenue to the state of Kansas possible to be derived from pari-mutuel wagering, provided that it can be done in a manner that is economically feasible to all segments. Therefore, when promoters came forward last year indicating the willingness to develop a greyhound racing track with a 3/18th's of take-out tax provision, the KGOED went on record as being supportive of that tax structure. When additional promoters indicated that a successful greyhound racing track could be developed with a 5/18th's of take-out benefit to the taxpayers of Kansas, the KGOED, consistent with their earlier position, endorsed the higher tax. *

Greyhound dog breeders in Kansas are not promoters, do not own an interest in the track, and are not the ones to determine whether or not it is economically feasible to build a track under various economic conditions. The dog breeders are totally dependent upon the business acumen and judgment of the available promoters. When promoters came forward who were

* - For ease of testifying, I will use percentages rather than 5/18th's and 3/18th's of take-out.

*Attachment #1
FSA 3/30/87 (11:00)*

Page 2
March 27, 1987

willing to invest significant sums of their own money to develop and construct quality dog racing facilities, and indicated that such could be done with a 5% of gross revenue benefit to the taxpayers of Kansas, the KGOED, consistent with their earlier position of maximizing revenues to the state, gave their approval to that tax rate.

As a result, the task force developed and proposed a bill that set the tax rate for horse racing at 3%, and for dog racing at 5%. It is my understanding that there were only 2 members of the task force that represented the dog racing industry, and the rest were horse racing representatives or members of the lay public. It is also my understanding that each and every member of the task force endorsed the tax recommendation of 3% for horses and 5% for dogs. First of all, I understand that it was a unanimous vote; secondly, I understand that then Gov. Carlin specifically polled each and every member of the commission individually, to ask if this is the proposal that they were endorsing, and that every member, including the representatives of the horse racing industry signed off on the tax proposal as worded in the proposed legislation.

Next, the Interim Committee endorsed the legislation in the same manner, and with the same tax provisions.

Although, representatives of the horse racing industry had consistently supported the constitutional amendment which provided for a tax rate of 3-6%, apparently it is not economically feasible to build a horse track with a 3% of gross tax rate. I do not know why the horse racing industry told the Legislature that it could be done when it was supporting the constitutional amendment, but we are now hearing that a lower tax rate would be necessary to make a horse racing track economically feasible. Nonetheless, subsequent to the task force recommendation and the Interim Committees recommendation, a new proposal ie. dual tracks has been proposed. The KGOED is not asking for a statutory prohibition of dual tracks. However, we know that they have not worked where they have been attempted in the past, and since one of our major interests is to insure that we have a successful pari-mutuel racing program in Kansas, we are admittedly leary of those who would suggest that a dual track is now magically going to work in the state of Kansas where it has not worked elsewhere. We become even more leary when those very promoters ask to reduce the tax rate from 5% to 3% on the dog racing portion of the dual track. The only conclusion that we can draw is that those promoters are suggesting that the taxpayers of Kansas give up 2% of gross revenues in order to help subsidize what will otherwise be a losing horse racing operation at the dual track.

If a promoter desires to build a dual track, we do not believe that the taxpayers of Kansas should be asked to subsidize that track. If a horse track can be built with a 3%

Page 3
March 27, 1987

rate, and a dog track can be built across the street with a 5% rate, we see no reason for the state of Kansas nor the taxpayers of Kansas giving up 2% of gross on the dog racing portion in order to have the facility commonly owned.

We do not understand why the House created an unlevel playing field.

The KGOED fears that the net result will be a mediocre dual race track facility which is not able to be economically viable nor to effectively compete with race tracks in Missouri, Nebraska, or elsewhere. And at the same time, the state of Kansas might pass up the opportunity to have a highly successful greyhound racing track that could be among the best in the nation, and which would generate significant tax revenues to the state of Kansas. I vividly remember my colleagues in the Senate promoting pari-mutuel racing and the lottery with the understanding that such was being done to provide tax revenues to the state. The economic development aspects and the entertainment aspects were important factors, but the original purpose of much of this legislation has always been to provide tax revenue to the state.

The KGOED does not understand the action of the House to amend a bill that was carefully worked out among all segments of the industry simply for the purpose of reducing the tax revenue to be gained by the state. We would urge that the House amendments with regards to providing a 3%/3% tax rate for dual race track facilities be deleted, and that the language be reinstated in the manner in which it was originally written by the task force and approved by the Interim Committee.

The KGOED is also concerned about the reduction in the number of years that the license will be effective. The task force had set the term at 25 years, and the House, after defeating an attempt to lower the term to 1 year, compromised at 10 years. We believe that this will have the effect of placing the facility at greater risk economically, and that the net effect will be that investors will risk less capital in developing and constructing the facility. As with any significant capital investment, the investors must be given an opportunity to recoup their investment and have an opportunity for profit. We do not feel that the 10 year term of the license will permit a sufficient return to attract quality investment capital.

The task force and the Interim Committee also spent significant time working out the issues of medication and the use of medications on the animals at the racing facilities. There was also significant veterinarian input into the issue. It is my understanding that all segments of the industry agreed with the language. Despite that, the House of Representatives chose to completely rewrite the language.

The net effect of the House language is, in the opinion of

Page 4
March 27, 1987

the KGOED, to open the door to more problems than it has solved, and to render the medication provisions totally unacceptable. As a diabetic, who is required to take 4 shots of insulin per day, I always carry syringes on my person, as I am doing today. Under the provisions of the House amendments, I would be guilty of a Class A misdemeanor to be within the confines of the race track facility with my syringes. I know that the House of Representatives will tell you that that was not their intent, but as a practicing lawyer, I can also tell you that the courts evaluate intent by what is written in the law, not what is in the minds of the legislators. The KGOED would respectfully request that the House amendments with regards to medications be deleted, and that the original language as proposed by the task force and as endorsed by the Interim Committee be reinstated.

The KGOED is also concerned about the provisions of the House amendments that provide for not less than 50% of race track contract kennels to be located in Kansas. First of all, there is some question as to what "located in Kansas" means. Beyond that, the philosophy of statutorily guaranteeing business to a select group of individuals based upon their geographical situs is anti-competitive, violative of the free enterprise system, and encourages similar parochialism in response thereto from other states. Kansas is a leading producer of greyhounds, and we certainly do not want to discourage an industry in our state by encouraging other states to lock off their borders to us. Such short-sightedness in the area of economic development, while seemingly positive superficially, will cause serious economic ramifications in the future. We would urge the Senate to delete new Section 32 of HB 2044.

The House also took steps to prevent abuses in the training and track operations of the greyhound business for the protection of animals. The KGOED feels that the best way to address this issue is to allow the racing commission to police those under its jurisdiction. However, if the Legislature feels compelled to address this issue directly rather than leaving it up to the racing commission, the amendments passed by the House of Representatives seem appropriate. We therefore would concur in the House amendments if the Legislature wishes to act in this area. There have been suggestions made that additional actions be taken by the Senate. Basically, the position of the KGOED is that their industry should not be treated differently than any other industry which involves wild animals, whether it be a research industry, a hunting industry, another animal breeding industry, a fur trapping industry, a racing industry, a fishing industry, or any other operation. We do not believe that any justification has been presented for the Legislature taking steps to treat the greyhound racing industry any different than any of the other industries involved in the utilization of wild animals. We would simply urge the Legislature to carefully consider any amendments in this area

Page 5
March 27, 1987

so that any protections for wild animals will be regulated across the board regardless of the industry involved. We will work with and monitor the sub-committee in this area to see if there is any additional language that can help protect abuses, because the KGOED is equally interested in protecting some of the abuses that have been written about and talked about in the last few weeks. To the extent that such language can protect against those abuses, and can do so on an equal footing for all citizens of Kansas, the KGOED will be willing to support them.

Mr. Chairman, members of the committee, thank you very much for letting us present our views today, and we will be presenting at a later time to the various sub-committees and to your full committee, balloon versions of the bill setting out specific amendments, implementing the areas that I have discussed today. I will be happy to yield to any questions.

Respectfully Submitted,

CARPENTER, HEIN, CARPENTER & WEIR, CHTD.

Ronald R. Hein
Legislative Counsel
Kansas Grehound Owners for
Economic Development

RRH:lc

3/30/87
Attachment #2



March 30, 1987

TESTIMONY BEFORE THE SENATE FEDERAL
AND STATE AFFAIRS COMMITTEE

RE: 1987 House Bill 2044

I am Jonathan Small, registered lobbyist for Kansans for Pari-Mutuel (KPM). I appear today to support the fundamental design of 1987 House Bill 2044 as amended by the House Committee of the Whole. It substantially embodies the essential ingredients with which to build a clean and controllable racing program that if allowed to grow can become one of the best run programs in the country.

For the past eleven months KPM in conjunction with various members of the racing industry (listed below) have diligently researched and assisted first the Governor's task force, then the special interim committee, and the House Federal and State Affairs Committee in the formulation of House Bill 2044. The provisions of the bill represent the collective efforts of scores of people consuming literally thousands of manhours. It incorporates what we believe to be the best provisions of many states' racing statutes.

Further, we are persuaded that this bill if approved by the legislature will enable the pari-mutuel racing industry in Kansas to nurture and mature into a highly competitive, healthy and survivable recreational sport which can provide in time a significant contribution to the Kansas economy.

Pari-mutuel racing requires the critical balancing of four competing interests: the public, the state treasury, organizations operating the racing programs, and the animal owners. House Bill 2044 provides the racing commission the necessary tools with which to pursue that balance with a full panoply of regulatory measures designed to keep the program free from potential abuses. It is further designed to pursue incentives to encourage the development of excellent facilities and attract quality animals. Collectively these ingredients can enhance the possibilities for a developing Kansas industry.

Attachment #2
FSA 3/30/87 (11:00)

It is strongly felt that the Kansas public expects the development simultaneously of the horse and greyhound racing programs. It is our position that to do this we must in the early years create an attractive climate within which to encourage the development of both industries; permitting neither to take advantage of the other. To pursue this we carefully recommend that this Committee consider the present state tax configuration in Section 23. This in the early years will make available more funds with which to allow the non-profit organizations to develop adequate, attractive facilities and encourage the racing of quality horses and greyhounds. We appreciate that this suggestion will act to reduce initially somewhat the net gain to the state treasury, but on the other hand it can go a long way in helping to produce a stable, growing platform to broaden the taxing base for many years to come, as well as enhance the potential for growth in both industries.

It is recognized that to maximize the potential of both the horse and greyhound industries the Commission must be given the greatest array of regulatory tools to attract potential developers. This legislation allows the Commission three facility options by the tax structure: 3/18 on the straight horse facility, 3/18 on both horse and greyhound racing at the dual facility and 5/18 on the straight greyhound facility.

KPM believes the Commission's authority to examine the dual track is enhanced by the tax structure as presented in the bill. It is not unreasonable to suggest that if we do not pursue such incentives a major horse facility in the two metropolitan areas will never be built. In fact, KPM is strongly persuaded that without the dual facility, the horse program on the scale many believe possible will not be developed.

The industry representatives supporting this bill with the present provisions are as follows:

Kansans for Pari-Mutuel
Kansas Independent Greyhound Owners Association
Kansas Quarter Horse Racing Association
Kansas Racing Management, Inc.
Kansas Sunflower Racing, Inc.
Kansas Thoroughbred Association

It is our hope that you will favorably consider HB 2044 as amended by the House in substantially its present form with the recommended tax changes to the end that you can present the public with a timely, competitive and survivable recreational sport for all Kansans to enjoy and benefit from.

We believe HB 2044 keeps faith with those who brought pari-mutuel to this state: the Kansas voters.

JONATHAN P. SMALL
Attorney/Lobbyist
Kansans for Pari-Mutuel

3/30/87
Attachment #3

MR. CHAIRMAN; MEMBERS OF THE COMMITTEE:

My name is Steve Tasheff. I am an independent businessman from Wichita with interests in residential design and construction, and Oil & Gas.

I welcome the opportunity to voice my support for pari-mutuel racing here in Kansas. At a time in our history when future tax revenues to the state from several traditional sources appear suspect, it is refreshing to realize that House Bill 2044 may offer new income opportunities for government and for private enterprise as well. Like you, I'm pretty tired of hearing what's wrong with Kansas. . .of hearing Kansas compared unfavorably to other states. I'm no politician, but the legislation of 1986 and 87 is, obviously, pivotal to our future. How we write our legislation will determine whether Kansas will be compared unfavorably to other states, as in the past, or held up as an example.

As your constituent, I have but one request as to the writing of this critical legislation. Specifically, House Bill 2044 must contain language prohibiting the use of any animal as a lure in the training of greyhounds.

My wife and I, and a majority of Kansans, voted for pari-mutuel racing with the specific understanding that live lures were no longer used in our state. There was no misunderstanding of what Keith Dillon said before the election. There was no confusion as to what Mr. Shreck and Mr. Crooks were quoted as saying in October of '86. You and I were lied to.

(Read Letter)

This travesty must be corrected. You must not allow the perpetuation of these unnecessary and barbaric practices. You must not allow torture of any animal to generate profits and tax revenues.

Attachment #3
FSA 3/30/87 (11.00)

When confronted with this reality last week, one legislator stated (most generously, I thought) that he would never want to stand in the way of a fellow Kansan making a living.

In the industries with which I am involved, the legislatures and governing bodies have felt differently. It would certainly be more profitable to not have to comply with environmental regulations in the oil and gas industry, and far more builders could "make a living" if we were not subject to the Uniform Building Code which protects the quality of life. To exempt the racing industry from such concerns would be inconsistent and, in this case, unconscionable.

If it is indeed true that greyhounds can be successfully trained with mechanical lures, then the question is moot, as we were led to believe. . . before the election.

3-29-87

3/30/87
Attachment #4

While growing up I spent a great deal of time exposed to the greyhound business. I would like to share my experiences with the public. I would like them to understand how a dog comes to be at the track and what kind of training a good racing dog receives.

Hid from public view, down dirt roads, in secluded areas, the greyhound trainers have their private coursing and schooling tracks. Here the trainers use live lures (a euphemism for helpless animals such as jack rabbits, white rabbits, chickens, guinea pigs, kittens and cats) to bring out the natural hunting instincts in the dogs. At these tracks elimination begins. The trainers observe the dogs' speed and agility. If they prove to be swift runners they make it to the big time, where the public will make bets on which dog is the fastest. The dogs that are not quick and fast are not assets in this business. Why waste time and money on dogs that do not show potential. These dogs are killed. Greyhound trainers might tell the public that they find homes for these animals, but how many of you know people who have greyhounds for pets? Not many. These kind, gentle dogs are killed by greedy people who use them for their own material gain.

The coursing track is a big open field, several acres in size, enclosed by a fence. Here, a rabbit is turned loose to be chased by two greyhounds; the dog that catches the creature wins.

The schooling track is oval shaped, a small scale model of what a "real" race track is like. Here the live lure, in this case I will use a rabbit as an example, is attached to an automatic arm that goes around the track. The live rabbit's hind feet are bound and then the poor creature is hung upside down, dangling from the automatic arm. The dogs are put into starting boxes, at the sound of a voice

Attachment #4
FSA 3/30/87 (11.00)



Midwest Regional Office
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Kansas City, Missouri 64106
(816) 474-0888

3/30/87
Attachment #5

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TESTIMONY PREPARED FOR
THE KANSAS STATE SENATE
COMMITTEE ON FEDERAL AND STATE AFFAIRS

House Bill No. 2044

Pari-Mutuel
Horse and Dog Racing

The Humane Society of The United States

Wendell E. Maddox, Jr.
Regional Director
Midwest Regional Office

March 30, 1987
Topeka, Kansas

Attachment #5
FSA 3/30/87 (11:00)

National Headquarters:

The Humane Society
of the United States
2100 L Street, NW
Washington, DC 20037

My name is Wendell Maddox. I am the regional director for The Humane Society of the United States (HSUS), based in our regional office in Kansas City, Missouri. The HSUS is a national non-profit organization dedicated to the prevention and elimination of cruelty to animals. The HSUS is the largest national humane organization in the country with a constituency of more than 500,000 persons, including over 5,000 residents of Kansas.

The HSUS is opposed to the legalization of pari-mutuel gambling on horse and dog racing since such legalization will result in the unjustified exploitation and abuse of thousands of animals. If legislation, such as House Bill No. 2044, is passed by the Senate with no changes or amendments, and dog and horse racing comes to Kansas as currently proposed by the legislature, thousands of animals will be exploited and abused. In addition, thousands of other animals will be maimed and brutally killed in cruel training practices common to the dog racing industry.

The HSUS has extensively investigated horse and dog racing in the United States over the past ten years. Robert Baker, HSUS Field Investigator, involvement in this issue is extensive. He has owned thoroughbreds and standardbred racehorses and authored the book The Misuse of Drugs in Horse Racing, a compendium of scientific and medical evidence pertaining to drug abuse in racehorses as well as a study of the economic effects of drug abuse on the racing industry. This book was a result of 18 months of extensive research on the subject.

The most flagrant abuse of drugs on the race track at the present time is their utilization to enable sore, injured, or lame horses to compete in spite of their infirmities. The most commonly used drug for this purpose is the non-steroidal anti-inflammatory analgesic Butazolidin (generic name phenylbutazone) commonly known as "Bute". This kind of drug provides symptomatic relief only. It suppresses the heat and inflammation of an injury and reduces swelling and pain, but it does not cure the underlying pathological conditions. Thus these types of drugs should normally only be used in conjunction with rest.

Unfortunately, this pain-killing drug is permitted to be administered to horses at race time by the Kansas State Racing Commission. Such a permissive rule permits this drug to be used to mask a horse's pain, thus enabling a horse to run full out on an injured leg. This practice nearly always aggravates injuries and in many instances enhance the possibility that the injured leg will shatter under the stress of racing, causing dangerous spills in which horses are crippled and must be destroyed. According to a report by Dr. Caroline Gall, a veterinarian representing the West Virginia Racing Commission, the number of horses sustaining injuries serious enough to require their destruction at Waterford Park Race Track increased 114% when "Bute" was approved for use by the West Virginia State Racing Commission. Even less fortunate than the horses that are humanely destroyed are horses that are less severely injured and are forced through the use of drugs to continue their racing careers in spite of chronic and painful injuries.

A serious consequence of horses "breaking down" while racing, are the resulting spills which cause crippling and sometimes fatal injuries to jockeys. The tragic racing death of jockey Robert Pineda was caused when a horse named Easy Edith suffered a broken bone in her left foreleg at Pimlico Race Track in Maryland in 1978. Easy Edith had been treated for arthritic knees with "Bute" prior to racing that day. Although no one knows to what extent the Bute was responsible for Easy Edith's breakdown, an out-of-court settlement was reached in a civil suit by Pineda's heirs against Easy Edith's trainer and owner, three veterinarians and the operator of Pimlico Race Track. Not coincidentally, The Maryland State Racing Commission subsequently banned the use of phenylbutazone on the same day as the out-of court settlement.

The medical risk involved in racing an injured horse on anti-inflammatory analgesic drugs such as Butazolidin is well documented in veterinary-scientific literature. Equine Medicine and Surgery (2d ed; American Veterinary Publication, Inc., 1972), which is the principal textbook on equine medicine used by the veterinary schools of this country, states, "The horse should not be trained while being given anti-inflammatory drugs because it will not protect the leg as it would if pain were experienced normally." In Lameness in Horses (3d ed; Lea & Febiger, 1974), the principal textbook on equine orthopedic medicine, the author states in reference to Butazolidin that "in many cases it is used to alleviate symptoms of lameness without allowing sufficient rest for healing of the part. In this case, additional damage is done to the joint while the horse goes on with racing workouts. This

eventually leads to complete degeneration of the joint." This text further warns: "Too often, corticoid or phenylbutazone therapy allows the horse to be used, causing further injury before healing has taken place." The Merck Veterinary Manual (6th ed; Merck & Co., 1986), in a chapter titled "Lameness in Horses," states: "anti-inflammatory treatment combined with continued training and racing will accelerate the degenerative process within the joint." It continues, "anti-inflammatory medication, if used along with continued training or racing leads inevitably to the destruction of the joint surface." Equine Medicine & Surgery (3rd ed; American Veterinary Publications, Inc., 1982) in discussing the use of phenylbutazone reports, "The disadvantage is that allowing unsound horses to race through the use of phenylbutazone and similar drugs increases the likelihood of breakdowns and serious injury or death to both horse and jockey."

Bringing the point closer to home, if you sprained an ankle or twisted your knee and then were administered a pain-killer and proceeded to play a game of tennis or handball, you can imagine the condition of your leg the following morning. This is, in effect, what is occurring in many racehorses every time they compete. And while you can envision the detrimental consequences of this type of practice on a human, it is even more detrimental to a horse, since the horse must support a massive body structure plus the weight of a jockey on very thin and delicate legs. A horse at racing speed can generate several thousand foot pounds of force which is absorbed at one phase of the gallop on a single forelimb. You can well imagine the devastating consequences that

occur when a horse is forced to race full out on an injured limb. Dr. James R. Rooney, a world renowned equine pathologist and author of several equine veterinary textbooks, including Biomechanics of Lameness in Horses, writes: "It is true, however, that if one masks pain, the initial lesion or damage which caused the pain will progress and become worse. Pain is a protective feed-back device. It tells the horse that something is wrong, and that he should limp or in some other way protect the injured part. If we block that pain feedback before the damaged area has healed, the horse no longer is aware of the damage and returns to full use of the part. Such full use will often overload the damaged area and cause further damage, to the point where total disruption may occur." Dr. Arthur W. Patterson, Jr. of the United States Food and Drug Administration, who personally reviews and recommends approval of every new drug that goes on the market for horses, warns that, "if the horse has to be medicated right up to the race, then he isn't well enough to be run. We aren't serving the public by squeezing one last race out of him." According to a report published in the Journal of American Medical Veterinary Association (February 15, 1970), "because of the ability of phenylbutazone to reduce inflammation and alleviate pain, thoroughbreds otherwise unable to compete have remained in training and raced successfully. This has led to the indiscriminate use of the drug at many race tracks."

With all the medical evidence available documenting the dire consequences afflicting upon racehorses by allowing the misuse of drugs, one might ask why the Kansas State Legislature has adopted

permissive drug regulations. Many will say that the answer is complex, but actually it appears that economic factors have taken precedence over any consideration for the ~~wee~~^{well}-being of the horse.

Another drug which will be legalized by this legislation is Lasix (generic name furosemide). Apparently the legislature approved Lasix believing that the drug would prevent pulmonary hemorrhage in horses while racing. The stress of racing often causes horses to rupture blood vessels in their lungs, resulting in various degrees of bleeding. In the majority of cases, this bleeding is not serious. However, if the horse has a pre-existing pulmonary disease, or is not properly conditioned for racing, the rupture of blood vessels in the lungs can be severe and cause the horse to drown in its own blood. The logical treatment for horses suffering from severe pulmonary hemorrhage is rest from racing. Dr. W.R. Cook emphasizes this point in the Equine Veterinary Journal (April, 1974): "The 'breaking of blood vessels' can be prevented if the stress which produces the hemorrhage is removed i.e., if the horse is taken out of training. Trainers are often reluctant to follow this advice but a method of emphasizing the need for at least some rest from racing is to ask the trainer what advice he or she would give an athlete son who coughed up blood from the lungs after a 200 meter hurdle race."

Unfortunately, just as trainers attempt to keep their musculoskeletal cripples racing by the use of Butazolidin, they also strive to keep their pulmonary cripples racing through the use of Lasix. The practice is not only cruel but also appears to be based on clinical misconceptions and untenable economics. The

number of horses observed bleeding on the race tracks in California actually increased by 20% after lasix was permitted by the California State Racing Board. From the above statistics Lasix could hardly be considered a drug effective in the prevention of pulmonary hemorrhage, nor a drug necessary for the economic survival of horse racing.

While the United States Food and Drug Administration has approved Lasix as a diuretic, it has never approved Lasix for the purpose of treating horses hemorrhaging from the lungs. Furthermore, there has been no evidence to date that proves that Lasix significantly prevents the occurrence of pulmonary hemorrhage, nor is there one iota of evidence to substantiate that Lasix cures the pathological condition in the lungs which causes this hemorrhaging. A study conducted by the University of Pennsylvania School of Veterinary Medicine (Fifth International conference Control of Use of Drugs in Race Horses, 1986) disclosed that, Furosemide administered in different dosages and different time intervals prior to exercised did not stop the hemorrhage." These researchers concluded that, "the administration of Lasix was not statistically consistent in the prevention of EIPH {Exersize Induced Pulmonary Hemorrhage}." In fact, the Arizona Racing Commission reported that the number of horses that have suffered bleeding during a race has been reduced substantially since Lasix was banned in Arizona in April of 1981.

Perhaps, the real reason for using this drug on racehorses is not for any therapeutic effect that it might have on a horse that

bleeds, not for its ability to interfere with the detection of illegal stimulants, depressants, and narcotics which might appear in post-race urine test. According to a research report authored by directors of seven of the leading testing laboratories in the country, Lasix is a potent diuretic which increased urine output approximately 40 to 50 fold in the horse. The report states that this increased diuresis serves to dilute drugs and metabolites in similar amounts, thereby interfering with drug analysis. In a research study involving seven official racehorse drug-testing laboratories, the administration of Lasix interfered with analysis of drugs even when administered up to six hours prior to testing. According to Dr. Arthur W. Patterson, equine veterinary officer of the U.S. Food and Drug Administration, "There is no doubt some trainers are using Lasix to mask other (illicit) drugs that may be administered before a race. Whether Lasix actually prevents bleeding is iffy.....the real interest is in flushing and masking {illegal drugs}."

We are equally concerned about the potential for drug abuse in dog racing. Because of the close bunching of the dogs at the start of the race and the sharpness of the turns on the track, there are numerous instances of bumping around the first turn, resulting in spills which can cause a multitude of injuries to the dogs including fractured bones. Another common injury to racing dogs are fractured bones. Another common injury to racing dogs are fractured right hocks (tarsal joints). Since the dogs race counterclockwise, they exert a tremendous amount of pressure on their right hock which they push off on in negotiating turns.

Leg joints fractures are common due to the considerable amount of force generated by these dogs when racing at 30 to 40 mph, all of which is supported on extremely thin and fragile legs. Other common injuries are broken toes and pad abrasions from incessant racing on sand surfaces. According to the journal of Veterinary Medicine/Small Animal Clinician (August, 1983), "Racing greyhounds are prone to a plethora of injuries including skin lacerations, dropped and torn muscles, ruptured tendon sheaths, and fractures bones."

Due to the high percentage of dogs sustaining injuries during racing, there is always the threat of trainers resorting to drugs to enable them to keep their sore, injured, and lame dogs racing. One drug that is often used in dog racing as well as horse racing to keep injured animals racing is Domoso Solution (dimethyl sulfoxide) often referred to as DMSO. This drug is often used on dogs and horses prior to racing despite warnings from the manufacturer that "Domoso Solution Veterinary" may mask certain disease signs such as are seen in fractures, ect... Domoso should not be used directly prior to racing or other physical stress wherein the drug might mask existing pathology, such as a fracture."

Another concern of The HSUS is the cruel methods used to train racing dogs. Racing dogs are trained in an event known as "cour-sing," in which young greyhounds are released to chase down a live jackrabbit within a fenced enclosed field. Once caught, the quarry is usually mutilated by the dogs and left to die from its injuries. So that young dogs do not get discouraged, some trai-

ners will break one of the rabbit's legs so that it can more easily be caught. Some trainers, who have a dog which will not chase a rabbit by instinct during the coursing event, will confine the dog with a live rabbit and deprive the dog of food until the dog either kills the rabbit or faces starvation.

The next phase of training for many dogs is the "whirl-a-gig" which is a pole upon which a small live animal is suspended. this time the bait may be a domestic rabbit, guinea pig, chicken, or even a kitten. The pole moves around a small circular track. This teaches the dog to run in a circular path in chase of the dangling animal and somewhat simulates a racetrack situation. As an incentive for the dogs to chase the whirlagig, they are eventually allowed to "catch-up" and attack the live animal bait. If the lure is still alive after the dogs catch and maim it, the small animal will be used again on a new set of dogs.

The next major phase of training takes place at a schooling or training track which resembles a real racetrack. Again, the bait is a small live animal which dangles from a mechanical arm, which whirls around the track with the dogs in pursuit. Similar to the whirl-a-gig training, the dogs are allowed to catch and attack the live animal which is tied to the mechanical arm. This same live lure is often used repeatedly on different "sets" of dogs no matter how badly injured it might be from the previous mauling. These training methods result in approximately 100,000 animals per year suffering the trauma of being chased and eventually torn apart by the dogs.

Proponents of dog racing have claimed that such training practices are obsolete and that artificial training methods are now available. These proponents often point to a training film (promoting the use of the Jack-A-Lure, a mechanical bait) to encourage the discontinuation of jackrabbits and other animals being used for training purposes. Unfortunately, this film as well as other efforts, has not had any significant impact on changing the more traditional and more desired method of using live animals to train racing greyhounds, as practiced by 90 percent of greyhound trainers.

The current practice of using live animals as bait in the training of racing greyhounds has been verified by state racing officials, industry leaders, industry participants, and countless media exposes, including ABC's 20/20. In addition, I cite the following evidence:

a. A "Senate Staff Analysis and Economic Impact Statement" of the State of Florida issued April 29, 1980 reported, "A spokesman for the Florida Greyhound Association said that 100% of the Florida Trainers used live bait for training."

b. Mr. Troy Stiles, a member of the executive committee of the National Greyhound Association (NGA) confirmed this practice in an interview with the Charleston Daily Mail, Charleston, West Virginia on June 29, 1983:

"An official with the National Greyhound Association acknowledged that the majority of dogs used for racing are trained with live animal lures . . . Troy Stiles, vice-president of the National Greyhound Association, says his organization is encouraging trainers to switch to artificial lures. But he estimates that only 7 or 8% use the mechanical device exclusively."

c. Mr. Art Tiggett, Supervisor of Greyhound Racing for the State of Florida's Division of Pari-Mutuel Wagering informed an HSUS investigator during a visit with him at his office in Miami July 7, 1983 that all the greyhounds trained in Florida are on live lures, specifically rabbits, chickens and also guinea pigs. Mr. Tiggett stated that he and investigators from the Florida Division of Pari-Mutuel Wagering have visited several training tracks in Florida and discovered evidence that they're using live lures.

d. On May 17, 1984, The St. Petersburg Evening Independent reported that dogs which had already been trained and were actively raced at Florida tracks were being taken off the track and re-trained on live lures a practice called "shaking up." According to the Evening Independent, Robert Corder, former chief investigator for Florida's Division of PariMutuel Wagering and several investigators documented numerous incidents of trainers taking dogs from Sanford Orlando Kennel Club racetrack to Ryans unlicensed training track five miles away . . . Corder said he confronted one of the trainers who admitted shaking up his dogs. He said Ryan then came to the racetrack and admitted "shaking up" dogs.

e. The greatest evidence that live lures are still being used in great quantities is the fact that whenever legislation is introduced to prohibit the use of live lures in states where greyhound training is prevalent (such as

Texas, Kansas, and Florida) and even at the federal level, greyhound trainers vigorously oppose and lobby against such legislation. A bill which would specifically prohibit the use of live lures in the training of greyhounds has been introduced in Florida every year from 1974 through 1981. Each year the bill was strongly opposed by Florida greyhound organization. The bill was finally passed in 1981 despite the opposition of Florida's trainers. The St. Petersburg Evening Independent (5/17/84) reports, "Over the objection of trainers, Florida's legislature in 1981 passed an animal cruelty law that limits the use of rabbits in training greyhounds." This bill passed, however, only after the humane societies compromised by giving the trainers three years to adapt to different training methods. Due to this compromise the bill did not become law until July 1, 1984.

f. On July 13, 1984, 40 greyhound trainers protested a proposed rule of the Florida Game & Fresh Water Fish Commission which would ban the importation of jackrabbits into the State of Florida. The greyhound trainers argued that jackrabbits were necessary to train their greyhounds and were "crucial to their livelihood." The Florida Game & Fresh Water Fish Commission subsequently postponed adoption of its proposed rule. In addition, the fact that the National Greyhound Track Operators Association refused to support legislation to specifically prohibit the use of live lures in training (especially in states where training is prevalent) is further evidence that this practice is still common.

g. In the February 1985 issue of Turnout (a prominent greyhound industry publication), the editor, in response to accusations by The HSUS that greyhound racing -- due to its use of live lures -- is a blood sport, states, "Alas, if only what they've been saying wasn't true."

From the above evidence, it is obvious that dog racing as it exists today is nothing other than a "blood sport" since greyhounds in training are allowed to attack and viciously kill other animals. The major difference between greyhound racing and dog- and cockfighting is that this "blooding" is behind the scenes in dog racing. I do not understand how the Missouri Legislature can make a distinction between two chickens tearing each other apart, and a greyhound mauling a rabbit or a chicken, and occasionally even a kitten. Dogfighting and cockfighting are criminal offenses in Kansas and I don't feel the State of Kansas should condone, much less endorse, a similar bloodsport such as dog racing. Even in the greyhound industry itself, there are a few who admit to this fact. In a column appearing in The Greyhound Review (November 1981) Greg Farley writes:

"No one is buying the 'Goody Two Shoes' image we have been trying to sell to the public. We are fooling no one with our phony propaganda about how well we treat our animals, and we would do well to stop trying. Nobody likes a hypocrite. The fact is that greyhound racing is considered a dirty word by the general public ranked just behind bullfighting and cockfighting, right where it belongs. It's a miracle that humane societies all over the country aren't picketing our tracks every night of the week. But that day may yet be coming."

These training activities will be impossible to regulate unless strict training guidelines and a prohibition on the use of live

animals is written into law. However, it will still be difficult if not impossible to control dogs brought into the state for racing purposes.

The animals used as live lures are not the only victims of dog racing. Equally as disturbing is the unconscionable high percentage of greyhounds that are killed when they fail to be economically productive. The majority of greyhound dogs produced for racing don't prove to be fast enough and thus are destroyed before they ever see a pari-mutuel racetrack.

Even those dogs which reach the pari-mutuel tracks are constantly being "graded out" and very few are successful enough to still be racing at the age of four. Estimates derived from interviews with track veterinarians, state veterinarians, racing officials, industry leaders, and a review of statistics at several tracks are destroyed by the age of four. The survival of any racing greyhound is predicated upon money--the greater a dog's earnings during its career, then the greater likelihood that the dog will be allowed to live and will be used for breeding. But since few dogs are needed for breeding - greyhound bitches throw large litters of up to ten pups twice a year - only a select few are saved for breeding. As long as the culling process continues and the demand for winners is the primary motivation for breeding and raising greyhounds, it is obvious that killing thousands and thousands of greyhounds every year is an inherent part of dog racing. The HSUS estimates this number to be somewhere between 30,000 and 50,000 dogs annually.

Another tragedy which accompanies this mass destruction of

animals, is the manner in which the greyhounds are destroyed. At the breeding farms and training tracks the dogs are usually shot to death, since it is cheaper than paying a veterinarian to humanely inject a lethal dose of a barbituate. According to the Pittsburgh Press (5/13/83), "Some unscrupulous trainers have been known to set them (failing greyhounds) loose on Western prairies where coyotes prey on the dogs and migrant farm workers kill them for food."

It is difficult, if not impossible, to know exactly how many racing greyhounds there are in any one state at any one time. However, a modern greyhound track running evening "cards" and matiness with 12 & 14 runs on each "card" would have to have access to 700 to 1,000 greyhounds that were on a active first-string roster. It is estimated that there are now at least 40,000 "active" greyhounds racing in the United States. If we take the percentage of 25 percent put forth by the "industry" as accurately reflecting the number of dogs lost from the active list each year due to injury, sickness, and old age, then about 10,000 new greyhounds must reach the track each year. The actual figure is probably a bit higher. Nonetheless, those 10,000 greyhounds are only those that actually made the track and constitute the 20 to 40 percent survival rate generally acknowledged for those actually reaching the track. Thus, somewhere between 30,000 - 50,000 greyhounds a year must be bred to produce the roughly 10,000 who will eventually make the track. The other 20,000 to 40,000 of these will be killed, plus approximately 10,000 annually who have outlived their racing

usefulness as well as those that are killed or die because of injuries or sickness during their racing years.

One indication of the number of dogs which are destroyed, even after reaching the track is evident from the records kept by the track veterinarian at Plainfield Greyhound Park. The track veterinarian's records reflect that one kennel operator in the twelve month period (August 1, 1982 - July 31, 1983) brought 94 dogs to him for destruction. This kennel operator is only one of 18 kennel operators at this particular track and one of the few that brings all his dogs to the track vet for euthanasia. If you multiply these 94 dogs by 18, the number of kennel operators at the track, and take into consideration that there are normally 1000-1200 dogs housed at Plainfield at any one time, it becomes quite evident that there is a large turnover of racing stock and there exists a mass killing of greyhounds - and these were the dogs fast enough to at least "make it" to the racetrack.

Unfortunately, this wholesale and often inhumane destruction of dogs is foisted upon the public by the dog racing industry as being acceptable behavior. According to humanitarian Hugh Geoghegan:

"By virtue of having become linked to dog racing, the greyhound has assumed the same social status and public regard as those people who make up the world of dog racing. Despite centuries of association with royalty as companion and hunting dog, the greyhound in America is publicly regarded as a 'racing dog'. . . Worst of all, in regard to ethical and legal/humane standing, the greyhound as a breed has become the jurisdictional property of the racing world. The least questioning of acts and practices that would be regarded as criminal and outrageous, were they inflicted on any other breed of dog, is quickly and angrily repulsed by track owners and dogmen alike, who insist that what is done to

greyhounds is both appropriate and normal . . . the greyhound racing world has falsely propagated the view that the greyhound is 'not like other dogs' and that his breed's present position as a ploy for the gambling world is his rightful one. Were countless thousands of golden retrievers, for example, to be systematically killed each year by the gambling world, there would be a huge public outcry."

No doubt, proponents of dog racing will tell you about programs designed to place into good homes greyhounds which are no longer able to race. While an adoption program might sound good on surface, such a program would not solve this problem. First, it would do nothing to find homes for the dogs that are destroyed before they even reach the racetrack. Over 50 percent of all greyhounds bred for racing don't make it to the racetrack since slow ones are "culled out" during training. Secondly, the adoption program could not begin to handle the number of dogs that would be eliminated from racing each year at the track. Based on statistics from existing tracks, this amounts to almost 10,000 dogs a year nationwide. And in its entire history, REGAP, a national greyhound adoption program, has to date, only placed a little over 1,000 greyhounds nationwide.

While such adoption program might provide good public relations value for the proponents of dog racing, such a plan could only place relatively few of the dogs available for adoption. Animal shelters throughout the United States, for example, are unable to find homes for approximately 80 percent of the animals in their care despite tremendous effort to attract potential adoptors. There simply aren't enough good homes available for the millions of excess non-racing dogs born every year.

Approximately 30,000 to 50,000 greyhounds are destroyed annually. Yet REGAP only provided homes for 1,000 dogs - a minute percentage of excess greyhounds. An article in January, 1985 Turnout (a greyhound industry publication) admits, "We know that far too many greyhounds are being put down in proportion to the number that are being placed" and that too many owners are under the "mistaken impression that ...REGAP can find homes for all their greyhounds."

Another disturbing aspect of this sport is the fact that racing greyhounds live virtually their entire lives in small crates. Some are even kept constantly muzzled except for the few moments when they are fed. The dogs are usually caged at approximately 6-8 months of age when they begin their formal training and spend the rest of their lives in close confinement. They are seldom taken away from the track for a few months each year and "turned-out" as is done with racehorses. Instead, racing greyhounds are raced all year round for their entire career and spend the majority of their existence in small crates. The back thighs of a large number of racing dogs are worn bare and a few even develop sores on their thighs from lying in these cages for such extended periods of time.

Because of the animal cruelty and abuse inherent in horse and dog racing with no economic or social benefits resulting to the state, The HSUS strongly recommends against the passage of House Bill No.2044 and the legalization of parimutuel gambling on dog racing in the state of Kansas.

I thank you for granting our organization the opportunity to testify here today and for giving this important humane matter your thoughtful consideration.



BREAKDOWN!

When a horse suffers a sudden, disabling injury during a race that causes it to pull up or fall, it's called a *breakdown*.

Thousands of these horses die right on the track or are destroyed. More are hauled off on a sled to wait, possibly for days, to be taken to a slaughterhouse.

Breakdowns are twice as likely in states that allow *pre-race drugging* of horses.

Drugs such as phenylbutazone ("bute"), Lasix, and corticosteroids help the horse's performance on the track but can hurt its health and raise the chances of its breaking down later.

Some drugs *mask* the pain of an injury, allowing an unsound horse to race and risk further injury. Other drugs that seem to be "quick cures" can have crippling long term side effects.

The use of these drugs on racing horses makes injury and death the surest bet at the track. Please voice your opposition at every opportunity to the pre-race use of drugs on horses.



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F A C T S H E E T



HORSE RACING

1. WHY WOULD ANYONE OBJECT TO ORGANIZED HORSE RACING?

Under ideal conditions horse racing could be a wonderful sport both for horse and human. Unfortunately pari-mutuel (legalized gambling) horse racing as currently conducted in this country is a cruel and inhumane sport which exploits horses to benefit horse owners, trainers, track veterinarians and racetrack operators; not to mention the states which condone this abuse to add to the states' treasuries. This exploitation results in the tragic death of thousands of racehorses every year and the abuse of tens of thousands of other horses which are forced to participate in this sport.

2. WHAT TYPES OF ABUSES OCCUR TO THE HORSES?

(1) Two-Year-Old Racing - Most horses begin their racing careers at two years of age before they are mature and before their musculo-skeletal system is fully developed to withstand the punishment of racing, thus resulting in many needless injuries. No one would think of placing a twelve-year-old boy in a professional football game, but racehorse owners who desperately want to make as much money on their investment in as short a time as possible think nothing of placing a young immature horse in competition for which it is not physically prepared. The American Association of Equine Practitioners lists two-year-old racing as one of the major causes of injuries to racehorses.

(2) Excessive Racing - Horses are raced as frequently as possible in order to earn purses for their owners and trainers, regardless of the physical condition of the animals and the cruelty involved in racing a fatigued animal.

(3) Faulty Race Track Surfaces - Many track surfaces are kept intentionally hard to provide fast race times. However, these hard surfaces result in extreme concussion to the horses' limbs, causing lameness problems for many horses.

(4) Abuse of Drugs - Painkilling drugs are often used to mask a horse's pain, thus enabling the horse to run full out on an injured leg. This practice nearly always aggravates injuries, and often an injured leg shatters under the stress of racing, causing dangerous spills in which horses are crippled and must be destroyed. Even less fortunate than the horses that are humanely destroyed are the horses that are less severely injured and are forced through the use of drugs to continue their racing careers in spite of chronic and painful injuries.

(5) Other Abuses - Racehorses are frequently forced to race in inclement weather and in the extremes of heat and cold since cancellation of race dates in the dead of winter or on blistering summer days results in loss of revenue.

As a result of these abuses, veterinarians caring for racehorses estimate that 60-90% of their charges are significantly lame and a 1983 report states that "80% of racehorses have some kind of injury: joint damage and joint disease are common."

3. HOW MANY STATES ALLOW HORSE RACING?

Thirty-six states currently allow horse racing--although six states do not actually conduct racing at this time. Instead, some allow betting on horse racing which takes place in other states.

4. ARE YOU SURE THERE IS A PROBLEM WITH DRUGS IN RACING?

Yes. In fact, legislation addressing this problem have been pending before the U.S. Congress since 1980 and several hearings have been held. The television show "60 Minutes" reported on the widespread problems in 1979 and UPI released a series of articles describing the many problems in 1981. And as recently as May, 1984, NBC "Nightly News" exposed the scandalous and pervasive abuse of drugs inflicted upon racehorses. Mr. Joseph Kellman, a member of the Illinois Racing Board announced his resignation last year because of his frustration over the Board's inability to end drug abuse on the racetrack.

5. ISN'T RACING A GOOD FORM OF ENTERTAINMENT FOR PEOPLE WHO LIKE TO BET?

One of the reasons that Congress is so concerned about drugging of racehorses is because the outcome of the races can be so easily

"fixed." In other words, the average citizen betting on a race can be cheated. This is unfair to the people who bet their hard-earned money on horses expecting to have a fair race run.

6. ISN'T THE REVENUE RAISED FROM RACING ENOUGH TO JUSTIFY ANY CRUELTY?

The amount of money generated by horse racing towards the general state tax fund might appear substantial on surface, but compared to the states' total budget, this amount is infinitesimal. The average amount of racing revenue reported by the states is less than three-tenths of one percent of the states' total budget. In addition, it is a regressive form of taxation and is merely a redistribution of a state's income, since money not spent at the track would probably be spent on consumable goods upon which there is a state sales tax. The money spent on other consumable goods or services would also generate jobs and thus pari-mutuel racing contributes little to the economic And, of course, no amount of money is ever sufficient justification for cruelty to animals.

7. DON'T STATE RACING COMMISSIONS GUARD AGAINST PROBLEMS?

States have only legalized racing in order to reap financial gains. Therefore, their only goal is to make money. The states share with the race tracks and the horsemen in a percentage of all money wagered at the race tracks. This causes a conflict of interest since the states are partners in a business which they are supposed to regulate. As a result, racing commissions are more concerned about money than the integrity of the sport or the welfare of the horses and it is not uncommon for racing commissions to sacrifice the horses' welfare to benefit the state's coffers.

8. COULD HORSE RACING EVER BE HUMANE?

Ideally, horse racing could be humane if conducted properly. However, as long as horse racing is a business and not a "sport," money will take precedence over the welfare of the horse. Because of the large amounts of money wagered at race tracks and the resulting potential for huge profits, it does not appear likely that pari-mutuel horse racing will ever become a humane sport. Gambling, quick profits, or tax shelters are the main incentives attracting participants into horse racing. Consequently, the horse is viewed not as a living feeling creature, but merely as a tool for making money.

9. HORSES ARE VALUABLE ANIMALS. WOULD THEIR OWNERS ALLOW THEM TO BE MISTREATED?

Horses are only valuable to their owners if they are racing and earning purse money. If a horse is tired, ill, or injured, owners are reluctant to rest the animal, since a horse "out to pasture" is not making money. In addition, trainers are generally entrusted with the care of a horse for only a short period of time and believe it is economically advantageous to keep a horse racing, no matter what the long-term physical cost to the animal. Contrary to popular belief, most racehorses are not extremely valuable animals. For every multi-million dollar race horse, like Secretariat, who makes an enormous amount of money for its owner and is, often, royally treated for the rest of its life, there are thousands of "cheaper" horses that endure a miserable existence--and even die on the race track--in order to try to live up to the hopes of their owners and trainers.

10. WON'T HORSE RACING EXIST REGARDLESS OF WHETHER WAGERING IS PERMITTED ON THE RACES?

Yes, there will always be some type of horse racing such as that held at county fairs or at the small "bush" tracks around the state. However, if pari-mutuel horse racing is legalized, horse racing will expand tremendously because of the huge incentives created by the gambling money. Pari-mutuel wagering does not eliminate the "bush" tracks, but only serves to dramatically increase the total number of horses that are raced in a particular state which results in more horses being abused. Also, because of the monetary incentives in pari-mutuel racing, the abuses are intensified.

F A C T S H E E T



DOG RACING

1. WHY WOULD ANYONE OBJECT TO ORGANIZED DOG RACING?

Because dog racing results in the unjustified exploitation and subsequent abuse of thousands of animals every year. The animals abused are not only the dogs which are treated merely as "racing machines," but also the untold number of innocent animals used as training bait for the racing greyhounds.

2. WHAT KIND OF ABUSES DO THE RACING DOGS ENCOUNTER?

One of the most serious abuses is the countless number of dogs that are produced only to be destroyed. The majority of the greyhounds raised for racing each year do not exhibit enough racing potential to be successful at the race track and over 50% are killed before they even reach the tracks. Very few live to the age of four since even dogs that race successfully are destroyed to save feed costs when they stop earning money. In effect, the dogs literally "run for their lives."

Because so many dogs have to be killed (approximately 30,000-50,000 per year), unprofessional and often inhumane methods are used to dispense of the dogs to save costs, such as having them shot, abandoned, or sent to be used in research. In addition, racing greyhounds are subject to a plethora of painful racing injuries which they must endure during their entire career.

3. ARE DOGS THE ONLY ANIMALS ABUSED?

No. In order to encourage the dogs to race after mechanical lures used on the racetrack, most dogs are trained by having them chase "live" lures. The dogs are allowed to catch up with the live bait and rip the small animals to pieces in order to develop a lust for blood. Over 90% of greyhound trainers believe the use of live lures is necessary to teach their dogs to chase the mechanical lure during a race. Rabbits are the most commonly used "live" bait, but investigators have discovered that chickens, guinea pigs, and even kittens have been used on occasion. This training method results in approximately 100,000 animals per year suffering the trauma of being chased and caught by the dogs. They are often used repeatedly until ripped apart by the dogs or else tossed onto a pile to die.

4. WHY WOULD A STATE LEGALIZE SUCH CRUELTY?

Because many perceive organized racing as a way to raise needed revenue, they are turning toward racing during this time of budgetary crisis, initially unaware of the cruelty involved.

5. COULD DOG RACING EVER BE HUMANE?

Ideally, it is possible to minimize the cruelties in dog racing with the first step towards this goal being the training of dogs with artificial lures instead of live animals. Unfortunately, from a practical standpoint, this change in training method seems unlikely since greyhound trainers believe it is imperative for racing dogs to develop a lust for blood to be successful racers. They adamantly refuse to use artificial lures even though it has been proven that dogs trained with artificial lures race just as well as dogs trained with live bait.

Dogs that have to be killed because they are no longer useful for racing could be euthanized humanely by qualified personnel if the owners were willing to spend the money for such service. However, the sport will always require that dogs be bred in large quantities in the hopes of producing a few good runners. And since few dogs

can find good homes after a racing career, their lives will be short and usually unpleasant due to their exploitation by owners and trainers in order to make a "buck." This hardly justifies the sport's existence.

6. WHO OVERSEES THE RACING INDUSTRY?

Racing commissions exist in each state to regulate the industry. However, the main duty and function of state racing commissions is to generate revenue for the state. Therefore, if a conflict of interest exists between revenues and the welfare of animals, the animals are always the losers since the state has a vested interest in making sure the industry not only survives but prospers, regardless of animal suffering.

7. IS IT POSSIBLE FOR LEGISLATION THAT SEEKS TO LEGALIZE DOG RACING TO BE WRITTEN IN SUCH A WAY AS TO ELIMINATE THE CRUELTY INVOLVED IN THE SPORT?

No. While one state attempted to do so, it failed in its objective because the majority of greyhound racing dogs are trained outside of the states in which they race. It serves little purpose to prohibit the use of live lures by state law if the dogs are trained in other states, such as Texas or Kansas, and then brought into your state to race. Similarly, any laws requiring humane euthanasia for racing greyhounds at the racetrack are of no help to the majority of dogs that don't make it to the track and are disposed of in the state where they were bred and trained. Even the dogs at the racetrack are usually removed from the track grounds for destruction purposes and thus avoid any regulations pertaining to euthanasia established by state racing commissions.

8. ISN'T THE REVENUE RAISED FOR THE STATE SUFFICIENT JUSTIFICATION FOR THE CRUELTY?

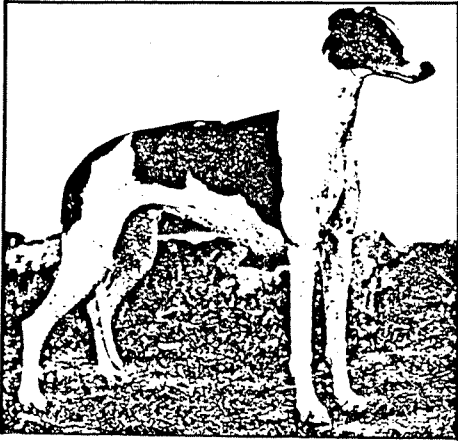
The amount of money generated by greyhound racing towards the general state tax fund might appear substantial on surface, but compared to the states' total budget, this amount is infinitesimal. The average amount of greyhound racing revenue reported by the states is less than three-tenths of one percent of the states' budget. The state of Florida, which has 17 of the 45 pari-mutuel greyhound racing tracks in the country, generates only .7% of its revenue from dog racing. It should also be emphasized that pari-mutuel tax revenue is a regressive form of taxation and is merely a redistribution of the sources of a state's income, since money not spent at the track would probably be spent on consumable goods upon which there is a state sales tax. The money spent on other consumable goods or services would also generate jobs; thus, pari-mutuel racing contributes little to the economic welfare of a community. And, of course, no amount of money is ever sufficient justification for cruelty to animals.

9. SHOULD ALL DOG RACING BE ABOLISHED?

At the present time, all dog racing has inherent cruelties which should not be condoned. Dog racing as it exists today is nothing other than a "blood sport" since greyhounds in training are allowed to attack and viciously kill other animals. For these reasons, dog racing should not be tolerated in a civilized society.

15 STATES WHERE DOG RACING IS ALREADY LEGAL:

Alabama	Florida	Oregon
Arizona	Iowa	Rhode Island
Arkansas	Massachusetts	South Dakota
Colorado	Nevada	Vermont
Connecticut	New Hampshire	West Virginia



—John L. Ashbey

The American greyhound, part of that species called "man's best friend," may endure exploitation as a racing animal and a laboratory subject during its short lifetime.

Why We Oppose Greyhound Racing

"There is a revulsion against the wholesale destruction of animals... used as...an economic commodity...."

Last summer, HSUS President John Hoyt addressed the executive session of the American Greyhound Track Operators Association, delivering a no-holds-barred condemnation of greyhound racing as practiced in this country. Here are excerpts from that speech.

As many of you already know, a series of meetings was held, composed of representatives from the American Greyhound Track Operators Association (AGTOA), the National Greyhound Association (NGA), and The Humane Society of the United States, in 1982 and 1983. During those sessions, which were initiated by the AGTOA and the NGA, members of my staff and I raised some of the same concerns and objections I shall discuss now, the use of live animals for training being one of them. And, partly as a consequence of those meetings, a training film promoting the use of the Jack-A-Lure, a mechanical bait developed by Keith Dillon, was produced to assist in and, one would hope, encourage the discontinuation of jack rabbits and other animals being used for training purposes. Unfortunately, it does not appear that this film and, presumably, other efforts, have had any significant im-

act on changing the more traditional and, apparently, more desired method of "jacking" using live animals. As late as June 29, 1983, Troy Stiles was quoted by *The Daily Mail* of Charleston, West Virginia, as estimating that "only seven or eight percent of trainers use the mechanical device exclusively," while Keith Dillon said in a NGA seminar held in October 1983 that he still uses live lures on ten percent of his greyhounds.

The HSUS contends that, in spite of efforts currently being made in some limited quarters to promote the use of artificial lures, at least ninety percent of greyhound trainers contend that the use of live animals is necessary to teach their dogs to chase the mechanical lure during a race. Mr. Art Tiggert, supervisor of greyhound racing for the state of Florida's Division of Pari-Mutuel

Wagering, said in a personal visit with one of our staff members on July 7, 1984, that all the greyhounds trained in Florida are trained on live lures, specifically rabbits, chickens, and guinea pigs.

The HSUS concludes, therefore, that a conservative estimate places the number of animals suffering the trauma, injury, and sometimes death of being chased and caught by greyhounds during training, at 100,000 animals, the majority of which are rabbits.

Let me now turn to the issue of the excessive breeding of greyhounds. Racing greyhounds are presently being bred in all states where racing is legal and in others, such as New York State, where it is not. According to statistics published in the July 1984 issue of *The Greyhound Review*, official publication of the NGA, 25,287 greyhounds were registered with NGA in 1983. This is greater than the number registered in 1982 (24,741). This is significant since it was stated in our meeting with representatives of the NGA and AGTOA to which I referred earlier that breeders are raising fewer dogs and, thus, there will not be such a severe problem with the mass destruction of sur-

by humane societies and concerned individuals. One of the most serious concerns is the high percentage of dogs sustaining injuries during racing.

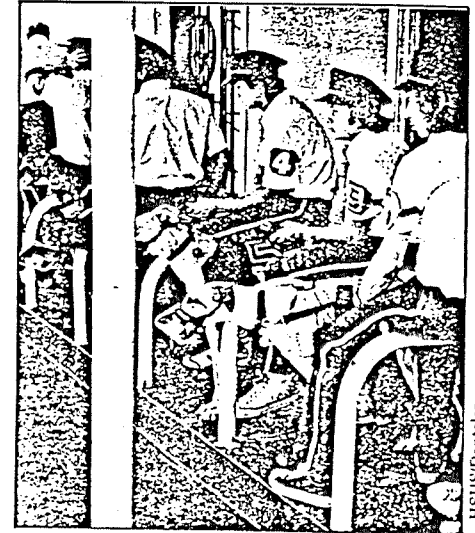
According to *Veterinary Medicine/Small Animal Clinician* (August 1983), "Racing greyhounds are prone to a plethora of injuries including skin lacerations, 'dropped' and torn muscles, ruptured tendon sheaths, and fractured bones."

Estimates derived from statistics kept by the track veterinarian at Plainfield Greyhound Park indicated that approximately 160 dogs had to be destroyed due to the severity of their racing injuries during a twelve-month period (August 1, 1982—July 31, 1983) at one racetrack.

Dogs with less severe injuries are even less fortunate since they are forced to continue racing despite painful ailments. An unfortunate fate also awaits the permanently crip-

pled dogs that are kept alive, despite painful ailments, for breeding purposes.

Few, if any, persons associated with the humane movement are of the opinion that dog racing in the United States is on its way out in the foreseeable future. But neither do we expect to see it spread to other states or expand to any significant degree in states where it is already approved so long as the abuses and suffering I have addressed today remain. Only as these conditions are changed and improved will humane societies focus their energies and efforts on other, more serious issues and concerns. But under no circumstance, no matter how significant the changes and improvements made, will greyhound racing as now practiced be approved or endorsed by those within the animal-welfare/rights movement. For even if the apparent abuses be removed and the suffering and stress eliminated, there is a developing ethical consciousness within our society and culture that views the exploitation



Handlers wait to parade their charges to the post at a greyhound racetrack.

of animals for any nonessential purpose as wholly inappropriate. Even so, it would appear to be sometime in the very distant future before even the most obvious of cruelties and abuses are mitigated.

ALICE MORGAN WRIGHT—EDITH GOODE FUND TESTAMENTARY TRUST

December 31, 1983

Statement of Assets and Liabilities

Assets	\$1,267,364
Trust Corpus 12/31/82	139,342
1983 Income from Investments—Net	\$1,406,706
	(116,342)
Less: Distribution of 1982 Income	\$1,290,364
Represented by	
Cash	\$ 235
Accrued Interest Receivable	28,168
Investments—Securities at Book Value	1,261,961
Balance 12/31/83	\$1,290,364

Statement of Receipts and Disbursements

Receipts	
1983 Income from Investments—Net	\$139,342
Disbursements	
Grants of 1983 Income to Organizations at Right	\$139,342

Organizations Receiving Aid From Alice Morgan Wright—Edith Goode Fund 1983 Trust Income

Actors and Others for Animals, Hollywood, California
 American Fondouk Maintenance Committee, Fez, Morocco
 Animal Legal Defense Fund, New York, New York
 Animal Protective League, Milwaukee, Wisconsin
 Animal Rights Network, Westport, Connecticut
 Animals' Crusaders, Inc., Everett, Washington
 Association for the Prevention of Cruelty in Public Spectacles, Barcelona, Spain
 Association for the Protection of Furbearing Animals, Vancouver, Canada
 Association Uruguaya De Proteccion A Los Animales, Montevideo, Uruguay
 Brooke Hospital for Animals (Old Warhorse Memorial Hospital), London, England
 Bund Gegen Den Missbrauch Der Tiere e.V., Munich, Germany
 Council for Livestock Protection, New York, New York
 Dublin Society for the Prevention of Cruelty to Animals, Dublin, Ireland
 Ferne Animal Sanctuary, London, England
 Fund for the Replacement of Animals in Medical Experiments (FRAME), Nottingham, England
 Hardy Jones/Julia Whitty Productions, Sausalito, California
 Hellenic Animal Welfare Society, Athens, Greece
 Irish Society for the Prevention of Cruelty to Animals, Dublin, Ireland
 Leigh County Humane Society, Allentown, Pennsylvania
 Missouri Anti-Vivisection Society, St. Louis, Missouri
 Morristown-Hamblen Humane Society, Morristown, Tennessee
 National Equine Defense League, Carlisle, England
 Nilgiri Animal Welfare Society (Nilgiri Animal Sanctuary), Tamilnadu, South India
 Nordic Society Against Painful Experiments on Animals (Nordiska Samfundet), Stockholm, Sweden
 Peoples' Dispensary for Sick Animals, Surrey, England
 Performing and Captive Animals' Defense League, London, England
 Performing Animal Welfare Society (PAWS), Pacifica, California
 St. Huberts Giralda Shelter and Education Center, Madison, New Jersey
 Scottish Society for the Prevention of Vivisection, Edinburgh, Scotland
 Society for Animal Rights, Inc., (National Catholic Society for Animal Welfare), Clarks Summit, Pennsylvania
 Society for the Protection of Animals in North Africa, London, England
 South African Federation of SPCA's and Affiliated Societies, Claremont, Republic of South Africa
 The Dight Fund, Ruhengiri, Rwanda, Africa
 Tierschutzverein Fur Berlin Und Umgebung Corp., Berlin, West Germany
 World Society for the Protection of Animals, Zurich, Switzerland

PARI-MUTUEL GAMBLING & SOCIOECONOMIC FACTORS

Below are quotes from various officials, recognized authorities, and research studies concerning legalized gambling and its attendant socioeconomic problems.

1. Final Report of the Commission on The Review of The National Policy Toward Gambling (Washington, DC, 1976)

"Legislators have sometimes seen legalized gambling with its attendant revenue to State treasuries as a painless, voluntary form of taxation that takes the place of increases in income taxes or sales taxes. In fact, legal gambling is a regressive form of taxation--that is, the poor pay out a greater proportion of their income for it than the rich--while income taxes, at least, are progressive. It is also true that it is cheaper to collect income and sales taxes than it is to collect income from legal gambling games."

2. Charles Morin, former chairman of the Congressional Commission on the Review of the National Policy Toward Gambling (Fifth Annual Gaming Conference, 1983, Philadelphia, Laventhol & Horwath).

"Does legalized gaming offer a major source of government funding? We concluded that it is not significant in relation to the budget in almost any state. I think we would conclude the same today."

"Is taxation of gaming particularly regressive? We found that it is, primarily because the survey showed that most gaming was done by the lower and lower-middle classes and that the taxation of those proceeds, if any, was regressive in nature."

"Would legalization of gaming lead to a substantial increase in the number of compulsive gamblers? According to the evidence presented in the survey, the answer was a resounding yes."

3. Gerald T. Fulcher, director/counselor, Delaware Council on Gambling Problems (Testimony before Texas Legislature, 1983).

"Increases in instances of compulsive gambling have been directly linked to legalized gambling undertakings...10% of 'regular' gamblers are likely to become compulsive gamblers."

"Compulsive gambling costs states additional monies:

1. treatment
2. 86% of compulsive gamblers commit felony crimes
3. more than 17% of wife abuse cases, and more than 13% of child abuse cases are directly related to compulsive gamblers
4. compulsive gamblers steal an average of \$44,000 during the time of their behavioral disorder."

4. Survey of American Gambling Attitudes And Behavior by Survey Research Center, Institute for Social Research, The University of Michigan, Ann Arbor, Michigan, 1976)

"The disposition of low-income families to spend a greater fraction of income on gambling makes gambling a regressive expenditure and, where used as a source of revenue, government receipts from gambling become a regressive tax."

5. Gambling In Connecticut, a research report by Department of Sociology, University of Connecticut, Storrs, CT., Nov., 1977.

Disclosed more betting on welfare days at pari-mutuel gambling facilities and, "Wherever betting is occurring there will be some pathetic vignettes of people who become distraught and desperate as they continue to lose. What is noteworthy is the marked increase of such occurrences on Friday nights that correspond with 'welfare Fridays'."

6. "Capitol Commentary" by M. Lee Smith, Nashville, Tennessee, March 20, 1985.

"Revenue from racetrack gambling is one of the most regressive and unfair forms of taxation, falling disproportionately on those least able to afford it."

"And that has a ricochet effect throughout society--exemplified by the fact that in Memphis the number of fathers defaulting on child support increases when the dog racing season starts in West Memphis."

7. Vince Santopietro, deputy executive director, California Horse Racing Board (U.S. News & World Report, May 30, 1983).

"Historically, people are more willing to gamble when times are hard."

8. "Boom for County is Bust for Poor, "Rural America Magazine, February, 1980.

"A good portion of the county's new found millions is being paid out by those whom the money is intended to benefit--the poor and the jobless who are gambling away welfare and unemployment checks in hopes of striking it rich overnight."

9. "Racetracks Thriving in Industrial Areas Because of--Not Despite--Unemployment, "Wall Street Journal, July 16, 1980.

"Many tracks in the U.S. and Canada are reporting dismal attendance due to the recession. But tracks in industrial areas hardest hit by the economic slowdown are generally holding their own or showing big attendance gains."

"Unemployment appears to be the main reason for the higher attendance. Being out of work seems to spur some people to take big risks despite their precarious financial condition."

10. Gambling In Connecticut, a research report by Department of Sociology, University of Connecticut, Storrs, CT., Nov. 1977.

Interviews with tellers who worked at a pari-mutuel dog racing track revealed that, "Dealing with people, day after day, who they believed could not afford to be betting so heavily, took a psychological toll on many of the tellers. Some described the dog track's operation as 'legal, but immoral...a majority of them viewed most patrons as betting over their heads--depriving their families, betting borrowed money, stealing to bet, etc.'"

Below are quotes from various officials knowledgeable about legalized gambling and its relationship with organized crime:

1. William Webster, Director, Federal Bureau of Investigation
(The American Legion Magazine, January, 1985, pp. 10-12.)

Q: How do you feel about legalized gambling. Is that a factor in encouraging crime?

A: Well, in my position, I hesitate to take moral positions on legislative issues. But I pointed out at the time that Atlantic City was going into casinos that we knew of no situation in which legalized gambling was in place where we did not eventually have organized crime. Crime doesn't always show up in the same way. In Atlantic City organized crime influence is coming through the control of goods and services. It's different from the "skimming" we've seen in Las Vegas. We're also seeing evidence of corruption as organized crime tries to reach the gaming commission through other state officials.

So I really don't see how one can expect to run legalized gambling anywhere without serious problems-- fraudulent tickets, counterfeit lottery processes. Any time organized crime sees an opportunity to put a fix on something, to get an edge on something, it'll be there. And gambling is still the largest source of revenue for organized crime.

2. Austin McGuigan, Chief State's Attorney, State of Connecticut. (Information presented by Mr. McGuigan during a conference in Washington, D.C., September, 1984 and a conference in Fort Worth, Texas, March, 1985)

In many places in the Northeast, organized crime has quit accepting bets on pari-mutuel racing. So much race fixing was going on that organized crime became leary of handling racing action. Organized crime instead is involved in fixing the races, ownership of tracks and peripheral industries, horse ownership and other parts of the industry.

The State of Connecticut should put a disclaimer on every pari-mutuel facility in bold letters saying, "These games are in all probability fixed. Bet at your own risk."

There is no major bookmaking operation in the United States which operates without organized crime. Organized crime connections are needed to handle betting "layoffs" and to insure collection of losses incurred by bettors.

3. Sean McWeeney, chief of the organized crime section, criminal investigative division, Federal Bureau of Investigation (Interview with Larry Braidfoot, Christian Life Commission, Nashville, Tennessee, January, 1984).

"Legalized gambling does not reduce illegal gambling, but instead increases it. The major problem is credit. Legal gambling creates new gamblers who switch over to illegal gambling when their money is exhausted."

"Those who go overboard in their betting are likely to wind up getting involved with loan sharks. Only then, when they are unable to pay the exorbitant fees, do they run into the violent aspect of organized crime."

4. Colonel Justin Dintino, Chief of Intelligence, New Jersey State Police (Testimony before U.S. Senate Judiciary Committee, February 16, 1983, concerning Committee's investigation of organized crime).

SENATOR THURMOND: "In other words, you are saying that when you legalize gambling, it has increased other gambling. Is that right?"

COL. DINTINO: "Yes, in other words, when you introduce gambling to an area where they never had gambling before, you now develop a new group of individuals who start to gamble. Now, as a result of that, they may initially start out with legal gambling, but some of those people turn to illegal gambling because they are being offered higher payments and there are no taxes that have to be paid."

5. Charles Morin, former chairman of the Commission on the Review of the National Policy Toward Gambling (Fifth Annual Gaming Conference, 1983, Philadelphia, Laventhol & Horwath, p. 53.)

"Does legalization encourage or discourage illegal gambling? The conclusion was that where gambling was legal, it did increase the incidence of illegal gambling."

6. James B. Adams, Director, Texas Department of Public Safety. (Letter to The Honorable John Leedom, State Senator in Texas, February 12, 1985)

"Secondly, legal betting cannot compete with illegal betting because of certain advantages to the illicit bettor. Availability of credit, better odds which are often available, and obvious tax advantages (bookies do not report customers winnings) combine to make illegal gambling much more attractive. Legalized pari-mutuel betting would lead to a marked increase in illegal gambling activity as the ranks of bettors increase."

"The connection between gambling and organized crime is another factor which we cannot ignore. This relationship is obvious when you list the states where major organized crime families and activities have located---New York, New Jersey, Pennsylvania, Illinois, Nevada, California, and Louisiana. All of these states have legalized gambling activities. Legalizing pari-mutuel betting in this state would provide organized crime with a substantial profit-making opportunity that would be hard to ignore."

7. Survey Of American Gambling Attitudes And Behavior, Survey Research Center, Institute for Social Research, The University of Michigan, Ann Arbor, Michigan, 1976.

"Participation in legal gambling activity is associated with higher illegal gambling participation...38 percent of those who went to dog tracks, bet illegally which compares to 11 percent in the total population."

TESTIMONY

Darrell D. Godfrey, Greenwood County Pastor

3/30/87

Attachment #6

Senate Federal and State Affairs Committee
H.B. 2044 - March 30, 1987
11:00 A.M.

PROPOSED AMENDMENTS TO HOUSE BILL No. 2044

I.

That Sub-section (c) of New Section 3 of House Bill No. 2044 include a new Paragraph (3) reading as follows: "No member of the Commission shall ever have been directly associated with either the horse racing, race horse breeding, grayhound racing or greyhound breeding industries."

II.

That Sub-section (d) of New Section 6 be deleted from the bill As Amended by the House Committee.

III.

That Paragraphs (12) and (14) of Sub-section (g) of New Section 10 be deleted from the bill As Amended by the House Committee, and that a new Paragraph (12) be added to read as follows: "use any animals or fowl in the training of racing greyhounds for racing on any Kansas racetrack facility;"

IV.

That Sub-section (b) of Section 13 be amended to add paragraphs reading as follows: (4) "That no pari-mutuel racetrack facility used for racing as defined in this statute be located within 2500 feet of any existing church, school, hospital, nursing home, or cemetery. The distance to be measured from the property line of the racetrack facility to the property line of the church, school, hospital, nursing home, or cemetery." Paragraph (5) "Nor shall any such racetrack facility used for racing as defined in this statute and already constructed and in use and which is closer than 2500 feet to any existing church, school, hospital, nursing home, or cemetery be changed, expanded, modified or renovated in any manner not in full compliance with this section. The distance to be measured from the property line of the racetrack facility to the property line of the church, school, hospital, nursing home, or cemetery."

Attachment #6
FSA 3/30/87 (11:00)

V.

That Sub-section (h) of New Section 13 be amended by deleting the words "other than a county fair association".

VI.

That Sub-section (a) of New Section 15 be amended to add paragraphs reading as follows: Paragraph (1) "All meetings of the stockholders and/or the governing body of any Non-profit Corporation licensed as a facility owner be subject to the provisions of the Kansas Open Meetings law." Paragraph (2) "The minutes and other pertinent records and all financial records of such Non-profit Corporations shall be open to public inspection." Paragraph (3) "Provisions of this Sub-section shall apply specifically to the Greenwood County Fair Association, The Anthony Fair Association, and The National Greyhound Association of Abilene, Kansas should any of these Non-profit Corporations be granted facility owner licenses."

VII.

That Sub-section (b) of Section 25 be amended to add Paragraph (3) which reads as follows: "No County, City, or other governing body which authorizes the issuance of Industrial Revenue Bonds to finance, wholly or in part, the construction, renovation, improvement or operation of any licensed facility shall forego, for any reason, the collection of the general property tax on such facility." Paragraph (4) "Furthermore, no tax concessions for personal property shall be granted any of these Non-profit racetracks for construction, equipping, reconstruction, repairing, expanding, modifying, or renovating of facilities."

WRITTEN TESTIMONY

Chairman Reilly, members of the Senate Federal and State Affairs Committee, and Mrs. Windsheffel:

My name is Darrell D. Godfrey. I am a pastor in Greenwood County Kansas. The church I serve is the Neal Evangelical Free Church of Neal, Kansas. I represent the interest of many Greenwood County citizens and, in particular, my fellow concerned pastors, whose names are included in the list on page 6 of this testimony.

I wish to first of all address Proposed Amendment I, on page 1.

EXPLANATION OF PROPOSED AMENDMENT I:

I am pleased that the House Federal and State Affairs Committee dropped the mandate in New Section 3 which required that, "one member is experienced in the horse racing and horse breeding industries; and one member is experienced in the greyhound racing and greyhound breeding industries." However, I still maintain that unless representatives from these industries are prohibited from serving on the Kansas Racing Commission we are in danger of fostering a conflict of interest. Our legislators showed wisdom in the past by prohibiting bootleggers from serving on the Alcoholic Beverage Control Board. And just think of the utility companies that would scream "foul" if the president of KG&E were allowed to serve on the Kansas Corporation Commission! We must not only accept the withdrawn mandate, we must carry through with a complete prohibition of these industry representatives serving on the racing commission.

EXPLANATION OF PROPOSED AMENDMENT II:

It would appear that those who have promoted pari-mutuel in this state by promising to "keep it clean" are now trying to renege. Sub-section (d) of New Section 6 is a grim reminder of the power the racing industry's lobbyist have. We must delete this obvious infringement of public trust from House Bill 2044. The argument has been given by Mr. George Smith, executive director of the Kansas Thoroughbred Association that the use of drugs is "strictly an economic proposition". However, the use of drugs would rarely help the animal or the patron, but could certainly help the racehorse owner! Mr. Jack Foster, president of the Kansas Thoroughbred Association has been quoted as saying, "If Kansas were to ban bute and Lasix many breeders who administer those drugs to their race horses would not bring them to Kansas to race." Isn't this exactly what we want? Second and third class race stock should be restricted to states who want to allow anything with four legs, in any condition, to run on their racetracks. If the State of Kansas really plans on allowing stimulants, diuretics, and steroids, in addition to painkillers such as Butazolidin (bute) to be administered on Kansas tracks, why don't we just have the organization licensee print in every racing program: "We do drug the animals on this Kansas racetrack. We aren't trying to fix races or cripple the animals. Really! Trust us." Without this change the door is opened wide to a variety of potential abuses to the horses and dogs and fraud on the patrons of the tracks. If the racetracks licensed under the provisions of this act are not of sufficient quality to attract first-category racing stock, neither the patrons of these tracks nor the citizens of Kansas will be well-served by legislation that condones questionable practices and lowers the physical standards of the racing stock.

EXPLANATION OF PROPOSED AMENDMENT III:

Another example of the chicanery used by the racing industry is seen by the push to use live lures for training racing greyhounds. Last year, before the House approved H.B. 2044, officials from at least two major greyhound organizations said that live lures were not necessary to train productive winners. Now suddenly we have in the amended bill before us legislation which would permit the destruction, through a slow painful process, of an estimated 10,000 rabbits! We should permanently bar from racing on any Kansas track any greyhound that has been trained by any method that uses live animals or fowl as lures. Anything less specific than this ban will leave loopholes for an industry which already has a questionable reputation.

EXPLANATION OF PROPOSED AMENDMENT IV:

Since the promoters of pari-mutuel have gone to great lengths to assure us that we are dealing with an industry and not a morally decadent swindle (which is what we used to call gambling), it would seem only logical that there should be a restriction on how closely these tracks could be situated in regards to churches, schools, nursing homes, etc. The "racing industry" assumes that there will be a heavy flow of traffic as patrons pour into their facilities. This increase in noise, heavy traffic, and nuisance to local neighborhoods will destroy the quality of life for those living in close proximity. Churches are traditionally located in residential areas, as are schools and hospitals. Truly the elderly have enough problems without having to deal with the type of environment racetracks produce. As for the cemetery restriction, how would you like it if your loved one's graveside services were interrupted by the grandstands loudspeaker blaring out that the race had just ended in a dead heat? Not very comforting.

(A Personal Note) I am well aware that inclusion of Paragraph (5) of this proposed amendment would effectively cripple Eureka Downs and the Hutchinson Fair Grounds racetracks. Since my intent is not to be vindictive, but rather to protect the interest of as many Kansans as possible, I would willingly concede Paragraph (5) if that would ensure others the opportunity to forego the misery which the two churches, two schools, and cemetery located by Eureka Downs might have to endure. However, I would encourage the committee to carefully examine the explanation for proposed amendments V, VI, and VII before pledging commitment to a facility simply because it is already in existence.

EXPLANATION OF PROPOSED AMENDMENTS V, VI, and VII:

I wish to share one final thought in relationship to the proximity amendment and in direct connection with the following statements. Even though local zoning regulations should afford ample protection, Zoning Boards and local governing bodies are very vulnerable to pressure groups and all too often make decisions not in the best interest of the community as a whole.

I have grouped the final three proposed amendments into one argument because they are closely related to the situation we deal with in Greenwood County.

First of all it must be understood that the county fair association must be as accountable as any other non-profit organization licensee. I wish to take you back to an April 15, 1984 article in the Wichita Eagle-Beacon entitled, "Eureka Patrons Nickel and Dime It", written by Suzan Campbell. In that article Rocky Chambers, president of the Greenwood County Fair Association, Jim Saunders, mayor of Eureka, and Charlie Samuels, Greenwood County sheriff all admitted to knowing about, and doing nothing about, the illegal gambling activities that were going on at Eureka Downs. No arrest had been made for some ten years because no one had filed a formal complaint. Without the prodding of former Attorney General Vern Miller no arrest would have probably been made then either. NOTE: All three of these men still hold those positions of leadership. It is apparent that even though big-time organized crime may not be interested in these small-time operations, the special privileges afforded by H.B. 2044 leaves the door wide open for any small-time chiseler to move in and clean up at the expense of both patrons and tax payers. Truly Eureka Downs has existed only because of the scofflaw attitudes of their operators and the permissiveness of local law enforcement agencies.

The Governor has stated that he wants this pari-mutuel bill to be "squeaky clean". I would agree that the legislation is "squeaky", because I can still smell several "rats" in the bill. However, I request that the Senate, and this committee in particular, clean up the bill with these suggested amendments so the citizens of Kansas will be protected from those who would take advantage of the danger areas herein mentioned. (It should also be noted that rabbits release a shrill squeaking noise when excited or in pain. I don't think this is exactly what Governor Hayden had in mind either!)

Respectfully,

Darrell D. Godfrey

Darrell D. Godfrey, Pastor
Neal Evangelical Free Church

NEAL EVANGELICAL FREE CHURCH

Darrell D. Godfrey
Pastor

(316) 637-2323

P.O. Box 37
Neal, KS 66863

**These Greenwood County Pastors
Are Urging You to Vote "NO"
on November 4, on These Proposed
Constitutional Amendments:**

NO Liquor-by-the-Drink in Public Places

NO State Owned Lottery

NO Parimutuel Betting

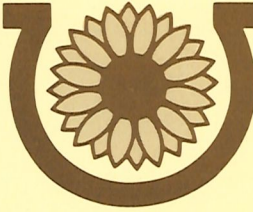


Sam Anliker - Apostolic Christian Church, Lamont
Howard K. Busby - The Wesleyan Church, Lamont
John Cook - Virgil Baptist Chapel, Virgil
Albert Eubanks - First Baptist Church, Madison
Phyllis J. Garrett - First United Methodist Church, Eureka
Darrell D. Godfrey - Neal Evangelical Free Church, Neal
Michael L. Guthrie - Central Christian Church, Madison
Alan Hunter - Jefferson Street Baptist Church, Eureka
David Jennings - Church Of The Nazarene, Eureka
Tom Minter - New Life Assembly Of God, Eureka
Tony Pameticky - Severy Southern Baptist Church, Severy
Gene Pratt - Church Of Christ, Eureka
Phillip Ratliff - United Methodist Churches, Climax and Piedmont
Joe Riggins - Hamilton Baptist Church, Hamilton
Bob Robison - First Christian Church, Madison
Gary Roellchen - United Methodist Churches, Hamilton, Virgil, Neal
Harry Sharp - Seventh-Day Adventist Church, Eureka
Greg Sorensen - First Baptist Church, Eureka
Roy Smith - Eureka Christian Center, Eureka
Lloyd Stewart - Bible Baptist Church, Eureka
Donald Stice - First Church Of God, Eureka
William H. Winter - United Methodist Churches, Madison, and Ebenezer
Keith Morrow (Madison) - New Covenant Fellowship, Gridley

(Pol. Ad Paid For By Concerned Pastors, Darrell Godfrey Coordinator)

3/30/87
Attachment #7

KANSAS THOROUGHBRED ASSOCIATION



March 30, 1987

Chairman Ed Reilly and Members
Senate Federal and State Affairs Committee

The officers, Board of Directors, and members of the Kansas Thoroughbred Association urge you to support and approve the pari-mutuel HB 2044 as amended by the House of Representatives and submitted to the Senate for your consideration.

We strongly believe that HB 2044 as amended is in the most viable form to have a successful first class pari-mutuel racing program. A format in which all segments of the racing industry will be treated in a way so that each has the opportunity for sustained growth.

Further, we endorse and support the proposal of the construction of combination facilities in the major metropolitan areas of Wichita, and Kansas City. We feel that feasibility studies justifies that a combination racing facility in the metropolitan areas is the most economically sound proposal. It gives Kansas the opportunity to have and maintain, first class facilities with a quality pari-mutuel racing program which is within the intent of the Kansas voters.

We also believe that by issuing a license to one developer that serious problems in the allocation of racing dates can be avoided so that all segments of the racing industry can, and will, receive equal and fair opportunity. This is vitally important for the pari-mutuel programs success in the major metropolitan areas.

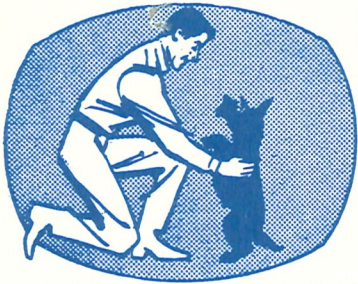
Thank you for your consideration of our position.

Sincerely,

Jack Foster
Jack Foster, President
Kansas Thoroughbred Association
P.O. Box 263
Bonner Springs, Kansas 66012
913-723-3534

Attachment #7
FSA 3/30/87 (11:00)

3/30/87
Attachment #8



Helping Hands Humane Society, Inc.

OFFICE AND ANIMAL SHELTER
2625 Rochester Road
Topeka, Kansas 66617
Telephone 233-7325

Attitional Testimony by: Miss Audrey B. McCaig, Executive Director,
Helping Hands Humane Society

Re: H.B. 2044

Committee: Senate Federal and State Affairs

Date: March 30, 1987

Mr. Chairman and Members of the Committee:

I submitted testimony on Friday, March 27, 1987, but never got to speak. Therefore, I wish to state to this Committee that the Humane Organizations are not willing to compromise on the issue of live animals used as lures, nor are we willing to compromise on the use of drugs in either dogs or horses. If we would compromise now, then down the road they would come back and say they just couldn't stop using live lures or drugs and we would be right back where we started. Let's settle it once and for all and everyone start out equal!

Mr. Chairman and Members of this Committee, you are in the position to correct a grave error made by the House of Representatives -- you are in a position to clean up this Pari-mutuel bill and show that the State of Kansas can have Pari-mutuel without inhumane treatment of animals. We have a bad enough reputation as it is on the puppy mills we have in Kansas and we don't need

Attachment #8
FSA 3/30/87 (11:00)

Senate Federal and State Affairs Committee
Re: H.B. 2044, March 30, 1987

Page 2

another black eye. Most importantly, there are many, many Kansans waiting for you to take this action. If not, then the responsibility must rest squarely on your shoulders.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Audrey B. McCaig". The signature is written in dark ink and is positioned above the typed name.

Miss Audrey B. McCaig,
Executive Director