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More Myths and Reality: Brad Butterworth *Seahorse* interview

In statement posted yesterday Team Alinghi cited an interview in this month's *Seahorse* magazine with Brad Butterworth as setting out their views on many of the key issues surrounding the next America's Cup. The following summary provides factual commentary on the points raised in that interview.

Brad Butterworth: "They bark on about a one-sided Protocol and unfair rules favouring the defender. I tell them once and for all that is not the case. And 12 challengers support this fact."

Fact: Seven teams said it was the worst protocol in the Cup's history. Emirates Team New Zealand and Mascalzone Latino have continued to publicly oppose the protocol as grossly one-sided. The defender has never explained why it was necessary to make such a significant departure from the rules of AC 32.

Brad Butterworth: "The race officials are picked from a list given to the challenger and defender"

Fact: While this was true for AC 32, under the AC 33 protocol introduced by Alinghi the defender gets to select all officials. This most recent claim by Brad is at odds with his own earlier statement about the selection of officials that: "Once people see who we've selected they will be happy with them."

Brad Butterworth: "The fact is the defender is the last to use the officials and so only rarely gets involved in picking them, as the challengers choose the best people through their elimination series"

Fact: Brad may be confusing the AC 32 protocol with AC 33. Under the AC 33 protocol Alinghi would also race in the challenger series and use the race officials at the same time as the challengers.

Under Alinghi's AC 33 protocol, the format and the schedule of all challenger racing is dictated by the defender for the first time in the history of the event. For the challengers in AC 33 it is therefore not "their" series any more as it was in all previous America's Cups.

Brad Butterworth: “We have acknowledged that we are not without fault regarding the Protocol.....but unlike our adversary, we have corrected these mistakes and have done that by working through the document with the challengers that have signed up”

Fact: At least three syndicates, ETNZ, Mascalzone Latino and BMWOR, do not share Brad’s view that the defender has worked through the document and corrected the protocol’s serious deficiencies.

The reality is that seven syndicates (Luna Rossa, Mascalzone Latino, Areva Challenge, United Internet Team Germany, Emirates Team New Zealand, BMW ORACLE Racing, Victory Challenge) all wrote calling it the worst protocol in the history of the event. Mascalzone Latino and Emirates Team New Zealand have continued to strongly and publicly oppose the protocol as one-sided. ETNZ is suing Alinghi for exercising anti-competitive control over the event.

Under the “new” protocol the following conditions still apply:

- The defender can change the protocol back at any time it wishes to the previous document
- Challengers gain no input on the appointment of neutral officials
- The defender and ACM are pointedly excluded from any binding obligation to act in a manner that complies with fair dealing, good sportsmanship or fair play
- The defender can still disqualify any competitor who disputes the protocol.

Brad Butterworth: “The defender racing in the challenger series: this was is due to wanting to curb costs.’

Fact: It is not clear that this would have saved costs. However under the new protocol the defender’s ability to sail in the challengers’ series gives it very considerable new advantages. As they are already guaranteed a place in the America’s Cup, the defender can eliminate a team or influence the outcome of the series at no risk to themselves.

Brad Butterworth: “A schedule of sailing: to curb costs.”

Fact: Under Alinghi’s protocol the defender gained the new power to organize the challengers’ practice race schedule. It would decide when challengers were allowed to race and who they could practice racing against. No other sport permits a defending champion to do this. The schedule should be set by an independent body.

Brad Butterworth: “We wanted to have a one-boat campaign, again to aid entries”

Fact: The protocol allowed all teams to build two boats, which Alinghi would almost certainly have done. But Alinghi rescinded the Common Declaration that required defender and challenger to name their race boat at the same time. This allowed the defender to wait until just prior to the America’s Cup match to choose their race boat while the challenger was required to race the boat it had qualified

in. This conferred a huge advantage in being able to select a boat suited to the short term weather forecast.

Brad Butterworth: “Throughout my career, the fairness of the regatta has increased, peaking in Valencia where we saw the closest modern event ever. It would be the same if we had a multi-challenger event now.

Fact: Why then was there a need to radically change the rules to an unfair event?

Brad Butterworth: “In May and the one on one DoG match seemed a clear possibility we sat down with them to try to agree a date for a fair regatta, giving us time to build our multihull, but they refused.”

Fact: Alinghi insisted that they be given the challenger’s right to set the race date. They wanted to delay the event to gain more time and an advantage outside the rules of the Cup.

Brad Butterworth: “However we are still open to discussion and very much welcome a resolution to this dispute”

Fact: Brad has never accepted any invitation to meet with BMWOR, and Alinghi have declined 10 offers of mediators. BMWOR have offered (and the offer still exists today) to return to an AC 32 protocol or the rules proposed by the challengers in November 2007.

Brad Butterworth: “To move things on we need to have a Challenger of Record firmly installed so that we can organize an event with the challengers and have a Cup similar to the one we had last time or even better”

Fact: Why then doesn’t the defender simply accept the reasonable proposal to return to rules like AC 32? It appears that instead the defender wishes to issue all rules on their terms to create an unprecedented level of control and advantage.

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