

## America's Cup Diary - January 2008

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The outcome of the hearing at the New York State Supreme Court appears to have done little to break the impasse and lack of action which has dogged the America's Cup these past months. Justice Cahn rejected the Club Náutico Español de Vela's claim as Challenger of Record, bestowing that title instead on the Golden Gate Yacht Club in San Francisco.

It was a victory for Larry Ellison, Russell Coutts and BMW Oracle Racing, and a shameful defeat for the Spanish yacht club and the Defender Alinghi. The American team could have gloated, but opted instead for a very measured and practical response from the team CEO Russell Coutts.

"We will immediately endeavour to meet with the other challengers to mutually agree a fair set of rules negotiated with all the other teams," Coutts said. "We will be very happy if we can put the last few months behind us and get on with sailing."

The newly installed Challenger of Record laid out a set of proposals that appeared too reasonable to refuse. The ball was now in Ernesto Bertarelli's court. The Alinghi boss said: "We are disappointed that a technicality made the CNEV invalid and we are now looking forward to discussions with the Golden Gate Yacht Club to keep the America's Cup functioning."

So, at last, game on again.

Er, well, not quite. A few days later, Coutts and his old mate - now new rival - Brad Butterworth were meant to sit down for a meeting to get things rolling. Word is, Butterworth didn't show. A week after Justice Cahn's ruling, and no word from Alinghi, according to the Golden Gate Yacht Club. Exasperated, the American team put out a 'Let's-get-on-with-it' press release.

A day later, Bertarelli broke his long silence with an Open Letter, which spoke far more about the long-term future of the Cup than addressing the short-term need to get the show back on the road.

Bertarelli observed: "At the same time as realising some of the fascinating aspects of the America's Cup I also became aware of its weaknesses. The uncertain format of the event meant that teams - and the entire America's Cup Community - had no future beyond the next Cup. This leads to teams only surviving one cycle and the whole event needing to recreate itself every three to five years. This results in a substantial increase in costs and difficulty in securing long term sponsors."

What Bertarelli wants is a wholesale reassessment of the Deed of Gift, the historic document which governs the management of the America's Cup. To his credit, he even went so far as to ask a question which cuts to the very heart of the Defender-owns-all nature of the event. "Should the Defender automatically be qualified for the final AC Match or should all teams start on equal footings?"

However, if this open letter was intended to cast Bertarelli in a better light, it didn't quite run to plan. Bob Fisher, eminent journalist, historian and member of the America's Cup Hall of Fame, sent his own open letter to Bertarelli a few days later. "I cannot agree that what you are proposing to do is for the benefit of the America's Cup other than turning it into a revenue source for Alinghi and ACM," Fisher said. "The America's Cup is not all about money."

The sub-text of Fisher's letter to Bertarelli was: "Shut up and just get on with it." Which is probably why Fisher's letter was so well received by the wider sailing community.

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