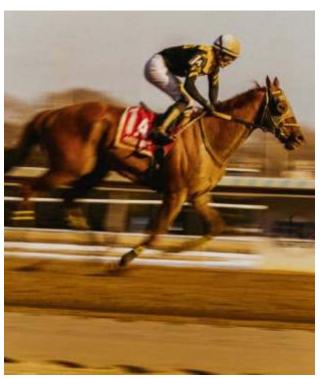
The New York Times

Dead Athletes. Empty Stands. Why Are We Paying Billions to Keep This Sport Alive?

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Justin Kaneps for The New York Times

By Noah Shachtman

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One by one, the horses trot up the ramp and onto the track, pulling single-seat chariots behind them. Their drivers, dressed in garish green and bright pink silks, hop into position. Together, they begin to build up speed as they head into the setting sun. The clip-clop of their hooves hitting the track rises to a cacophony. "And they're off," the announcer says. The gates swing forward, and the race begins.

Back in the day, when horse racing was the only legal form of gambling in New York State, 20,000 or more people would jam the

stands at Yonkers Raceway, cheering wildly as the horses ran their mile-long course. But

on this day, despite the beautiful July weather, just a few dozen spectators hang around, slumped into faded orange seats along a chain-link fence. Even with online betting, the racetrack takes in less than one-fortieth of what it would have at the sport's peak. So the horses take their two laps, head back down the runway and exit the track to something near silence.

It's a lonely time to be a racing fan. For those who own the horses, though, things aren't so bad. Payouts for winners — the purses — are tremendous, bringing in investors with "both fists full of money," said Joe Faraldo, the president of the Standardbred Owners Association of New York. Yonkers has purses that are among the largest of any racetrack of its kind, and it still has millions of dollars left over.

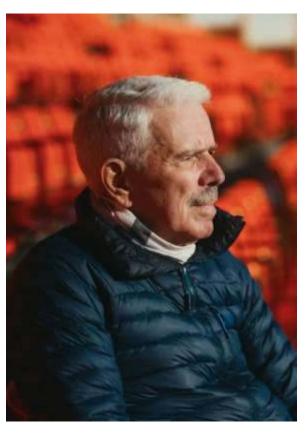
If that doesn't seem to add up, blame a strange and very lucrative arrangement crafted by interests in the horse racing industry (which includes harness racing and its higher-profile sister sport, thoroughbred racing). Back in 2001, when New York State agreed to hand out new

licenses to operate slot machines, the racing crowd won an agreement that a chunk of the proceeds would go to them.

At the Yonkers track, the adjacent casino was doing enough business to generate around \$600 million during the last fiscal year. About sixty million of it went to pay out those purses, fund the local breeders and dole out a few million for Faraldo's group. Multiply that by every year and every racetrack, and it's billions and billions of dollars.



The Empire City Casino, next to Yonkers Raceway. Justin Kaneps for The New York Times



Joe Faraldo, the president of the Standardbred Owners Association of New York. Justin Kaneps for The New York Times

The result is a bizarre inverted pyramid of vice: The state is using one particularly corrosive form of gambling to keep another marginalized form alive.

As misguided as that sounds, it is a surprisingly common arrangement. Maryland uses as much as \$91 million a year in slot machine revenue to prop up its horse racing industry. The state last year agreed to acquire the decrepit Pimlico track and invest up to an additional \$400 million to upgrade it. Pennsylvania has sunk over \$3.5 billion over the past two decades into its racehorse development fund. Even Kentucky, the storied home of American horse racing, relies on a similar machine. Without them, "we would have a few days of racing at Churchill Downs," Elisabeth Jensen, a former executive at the Kentucky Equine Education Project Foundation, said, "and that would be about it."

Racing proponents defend that approach, saying the money stimulates a multibillion-dollar equine economy, from the breeders to the trainers to the farmers who grow carrots and hay. Besides, lots of other sports get government subsidies.

It's true that football and basketball teams get tax incentives, but sports like those have hundreds of millions of fans. The audience for horse racing — except for high-profile events like the Kentucky Derby, which is booming — has plummeted, even as the rise of online gambling has made it easier than ever to place a bet.

Another key distinction: Those other sports don't routinely kill their athletes. The antiracing <u>advocacy organization</u> Horseracing Wrongs has shown that 11,000 horses have been put to death at American racetracks since 2014. Driven in part by advocates and by <u>landmark investigations</u> by The New York Times, a new, federally monitored watchdog has already had a significant impact. Even so, hundreds and hundreds of thoroughbreds still perish

Justin Kaneps for The New York Times

each year. In one recent monthlong stretch, 10 thoroughbreds died in New York alone.

As for the jobs that the industry touts, despite recent workplace improvements, these workers, many of whom are brought in seasonally from Latin American countries, still in many cases labor seven days a week for minimum wage (when they get it) and sleep in dorms or are jammed into communal apartments. Several told me they had to ride long stretches in the back of a horse trailer with the animals. Over lunch at a Peruvian restaurant near the Belmont track, a halfdozen of these workers told me the racing industry treats its horses with more care than its people. "Mucho más, por cierto," one said. Much more, for certain. The current political climate is likely to make these workers' situation more precarious.

Few things are more inspiring than seeing a horse run, and the feelings that these animals evoke in humans can border on the mystic. But that's neither an economic nor a policy rationale for spending billions on an unpopular sport. So why do it? Why keep propping up a pastime that, despite many attempted overhauls, can't keep its fans and takes such a heavy toll on its athletes and workers? Our state and local governments struggle to pay teachers what they're worth, to build affordable housing, to put enough firefighters on a rig.

When the sport was at its peak, the toll it took on horses and workers was measured against the joy it gave millions of fans and the billions it put into states' coffers. As those fans disappear,

however, and the cost to taxpayers grows, that calculus shifts.

With sports betting exploding across the United States, it makes less sense than ever for the public to be coddling this sport like some sort of delicate foundling.

The obvious solution here is also the simplest: Just stop. Let the sport stand on its own and dwindle to whatever size its fan base supports. Instead, state legislatures keep funneling money to it. "The biggest fear that our industry has is that the states are going to stop subsidizing, using slot machines to subsidize the sport," said Jeff Gural, who owns three harness racing tracks. "Without that, there is no sport."

Shouldn't that tell you something?

One hundred and fifty miles due north of Yonkers and seemingly in another world altogether stands Saratoga Race Course. On opening day of the summer meet, you can see all that the sport sees in itself —

the sport sees in itself — excitement, prestige and community value. You can also see the kinds of cozy relationships between owners and elected officials that have, for decades running, accompanied such enormous public subsidies.

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Justin Kaneps for The New York Times

More than a million fans a year show up to see Saratoga's turreted roofs, covered verandas and old-timey jazz quintets. Many of the men are in linen suits; many of the women wear fancy little hats. The local restaurants are packed and hotels are sold out months in advance. "It's pastoral. It's historic," Marc Holliday, chairman of the board of directors for the New York Racing Association, told me that weekend, "and the enjoyment factor is unbelievable."

Gov. Kathy Hochul, whose husband is a former executive at a conglomerate that owns a New York horse racing track, visited Saratoga just four days into her term, attending the races and a fund-raiser that Mr. Holliday kindly threw on her behalf.



Justin Kaneps for The New York Times

The political connections don't end there. In the winner's circle on Opening Day, Terry Finley, the president and C.E.O. of West Point Thoroughbreds, pointed out to me Barbara Banke, a longtime Republican donor, and mentioned in the next breath that David McCormick, then the G.O.P. Senate candidate in Pennsylvania, would be up soon to raise money for his campaign.

Mr. Finley has helped to pioneer a financial arrangement whereby ownership of a thoroughbred can be divided up into shares as small as \$15,000. He calls it "the democratization of our business." One of the results is that while the sport's fans are dwindling, a new investor class is multiplying and, with it, a political constituency for racing's huge subsidies.

James Featherstonhaugh is a constituency unto himself. One of the hardest-nosed lobbyists in Albany (where he's known as "Feathers"), he owns several horses as well as a

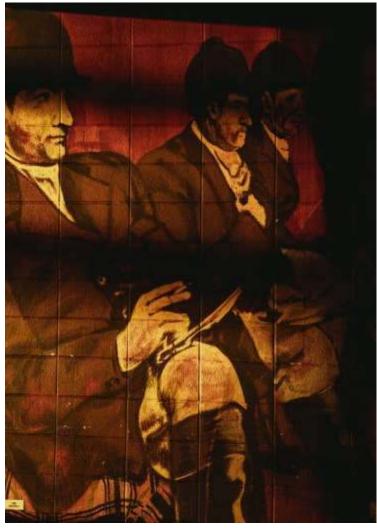
chunk of a local harness track. When I mention our location, he launches into song: "They're off, they're off, they're off at Saratoga. You'll see the finest racing anywhere right there!"

The song is a jingle from the 1950s, he told me, around the time that racing at New York's tracks generated the equivalent of \$133 billion in annual proceeds. Back then, attendance was huge at thoroughbred tracks (where jockeys ride horses bred for pure speed) and at harness racing tracks

(where the sturdier, slower standardbreds pull drivers and their "sulkies," or sit-down chariots). But as other kinds of legalized gambling proliferated, the money and the crowds began to shrink. Attempts to build Off-Track Betting parlors succeeded in concentrating cigarette butts and human misery but little else. So Mr. Featherstonhaugh, along with prominent horse owners like Mr. Gural, pitched Albany on "video lottery terminals."

This was a complete reversal of racing's previous relationship with the state, as <u>critics have repeatedly noted</u> in the years since. Instead of creating public revenue, it was now asking for the public's aid. But after 9/11, with the state in need of cash, New York finally agreed to install slots by its horse tracks.

Slot machines are a particularly toxic form of gambling, notoriously <u>attractive to people with gambling addictions</u>, with a deplorable record of extracting money from the <u>people who can least</u>



Justin Kaneps for The New York Times

afford to lose it. But Pennsylvania struck a similar deal in 2004. Kentucky did the same in 2010.

The horsemen (yes, that's what they still <u>call themselves</u>) insist these aren't just political favors. They say that a relatively small amount of casino money is the flywheel that helps generate an enormous amount of economic, cultural and agricultural activity.

Think about how important the Kentucky Derby is to Louisville or the many thousands of horse farms are to rural America. The racing industry is "not on welfare," Mr. Faraldo told me. It's supporting "the farming industry, agricultural industry and all the people that work in this sport." Reliable estimates are hard to pin down, but it's certainly in the thousands of workers and billions of dollars, and that's just in New York.

Yes, that matters. But here's the thing: Even with that infusion of taxpayer money, racing still struggles. Mr. Gural tried every kind of stunt to attract more customers to his tracks — from upgrading the food to staging pro wrestling matches next door. He sued to allow people who play the ponies to wager on team sports, too. (He lost, though the case led to the nationwide

legalization of sports betting.) "I thought that if I made it cool and I did good marketing, that I would be successful. But I was wrong," he told me. Racing is a minute or two of speed and a lot of waiting in between. "For young people," he said, "it's too slow. Horse racing is just too slow."

Yet state governments continue to offer all sorts of benefits to the industry — even for buying and selling the animals. Traditionally, racehorses were treated like yachts with saddles, a way for rich people to lose money with style. Today, an odd game within the racing industry has evolved, one that treats the animals like trading cards that people can buy, race and flip every few days. "Where can you get \$10,000 on a \$40,000 investment in one week?" Al Sperling, who buys and sells horses regularly at Yonkers Raceway, asks incredulously. At the famed Fasig-Tipton auction house in Saratoga, breeders often sell thoroughbreds for \$1 million or more each. Thanks to a loophole, no one has to pay state sales tax on any of it.

The difference between the torrent of money coming from casinos and the relatively paltry trickle coming from horse racing bets has warped the sport's priorities to such a degree that racing can resemble at its worst moments a shell industry — a desiccated husk of a pastime, with Potemkin tracks running races as a pretext for the real business next door.

Investors and lobbyists convince state legislatures to underwrite the endeavor, on the promise that it will create jobs. The tracks stay open, as an excuse to keep those people employed and rake in the piles of money that the slot machines generate.

But even that is not enough to stave off horse racing's decline, so they ask for more government help. And the cycle starts all over again. Back when I covered the military, they called this kind of arrangement a self-licking ice cream cone.

In exchange for the slot machine money, many tracks must agree to run race after race, regardless of whether anyone's betting or watching. At Yonkers Raceway there are eight to 12 races per evening, 240 nights per year, seven or more horses to a race — utter indifference on infinite repeat.

One result is a marked deterioration of the tracks themselves. The gambling giant MGM Resorts, which owns the bedraggled Yonkers track and the cash-gushing casino next door, loses up to \$25,000 on every racing day. That's table stakes for the real prize: a chance to open a full-blown casino in the New York City area, which could be worth billions per year. It's a good gamble for MGM but not for racing fans. Mr. Faraldo likened the neglected raceways to "a party where there's all ugly girls," before thinking better of the metaphor.

The New York Racing Association, however, has plans to turn Belmont Park, just east of New York City, into an updated version of Saratoga: verdant, upscale and ready for television and online betting.



Construction at Belmont Park in Elmont, N.Y., just outside of Queens. Justin Kaneps for The New York Times

For decades, the association was local shorthand for malfeasance and incompetence, the subject of major state and federal investigations and a bankruptcy. With the help of a state bailout, some restructuring and new oversight, it has become one of the industry's few (relative) success stories: trading the ownership of the land under the tracks for slot machine cash, building a betting app and signing a broadcast deal with Fox Sports. As for the Belmont plan, the state shelled out half a billion dollars — a loan, at the sweetheart rate of 1.2 percent interest.

"Why are we bailing out gambling again?" Liz Kreuger, who chairs the State Senate's finance committee, asked me. But to Mr. Holliday, the racing association board chair, it makes perfect sense. "Why shouldn't New York have the best racing venue in the world?" he asked. And "there's thousands and thousands of jobs."

Talk to the folks who actually do the work, however, and the industry's argument starts to unravel.

I spoke to more than four dozen people at every level of this industry, from track owners to top breeders to the people shoveling manure. The hardest connections to make were with the barn workers, the men and women responsible for the horses' care and feeding. On top of the language barrier — they tended to be native Spanish speakers, and Duolingo ranks my proficiency as only intermediate — most were afraid to talk openly. Track executives tried to keep interactions as short as possible and only with workers they had already vetted. Eventually,

on my visits to Belmont and Saratoga, I caught up with about half a dozen. After speaking with outside lawyers and activists, I connected with many more.

Though these people performed a range of jobs for a range of trainers, they painted a consistent picture — one in which staying above the poverty line is a struggle and a single wrong move can mean unemployment. If the horse racing industry generates billions in economic activity, as its boosters claim, almost none of it goes to them.

On the far side of the Saratoga track this past summer, at the barns, I met Carlos Melendez. Originally from San Juan, P.R., he is 66 years old — "I look good, right?" he joked — and wears a brace on his right knee, for an on-the-job injury in late 2023. Until then, he made \$1,300 per week as a groom. But when he got hurt, he had to take a lesser job, for \$700 a week. He has been working in the industry for 39 years.



Carlos Melendez, a former groom, was injured on the job. Damon Winter/The New York Times

In New York, Mr. Melendez works seven days a week, but he is eligible for a small pension funded by the state. The Racing Association also built the dormitory he stays in; he's not complaining, but photographs I reviewed of the facilities show cramped and filthy rooms. (The new dorms are reputedly nicer, though my request to see them was denied.)

When his employer, a big-name trainer, moves the operation down to Florida every winter, Mr. Melendez said, his pay drops from about \$17 per hour to \$13, and the lodging gets worse. "The dorm is nasty," he said. "Very nasty. The water stunk. Don't drink that water."

At least Mr. Melendez still had a job. Months after talking with him, I sat down with a group of workers outside Belmont. Because their employment status is so fragile — and their immigration status and their housing are often tied to their employment — these people asked me not to use their real names. But I've confirmed their identities and verified their claims with documentary evidence and outside experts.

One worker has been in a walking boot since last summer, she told me, when a horse pinned her to the side of the barn. "Every stable has a phone number where if I hit my horse, they can report me," she told me in Spanish. "But if a horse hits me, my boss doesn't call an ambulance to take me to the hospital." When she got herself to the hospital and explained her injury, she said, she was fired

The woman, who had been grooming horses in New York for 21 years, texted the trainer's deputy to ask for a few dollars to cover expenses. She showed me the man's reply: He insulted her and threatened to send her and her family back to Guatemala.

There are plenty of trainers who treat their crews with respect. But stories like this one are anything but unique, said Olivia Post Rich, an attorney who has represented several workers in labor disputes. Experiences like theirs are fueling the International Brotherhood of Electrical Workers' effort to unionize New York's horse racing industry.

Jobs that start out as tending to four or five horses can quickly balloon to tending to seven or eight. Workers often ride in the trailers with the animals — no seatbelts, not even seats. Cameras are everywhere in the stables. Pay is docked for tiny infractions, and checks bounce. Bonuses never materialize.

Several of the industry's biggest trainers have been hit with six-figure fines for wage theft violations. Last June, a U.S. District Court in Kentucky ordered the celebrated thoroughbred trainer Steve Asmussen to pay nearly half a million dollars for wage theft violations — his company's third federal labor violation since 2021. (In December, the 6th Circuit Court of Appeals agreed that Asmussen's firm had indeed underpaid its workers, but questioned whether it did so "wilfully." The court ordered a trial on the matter.)

You'll find conditions like these in all kinds of workplaces across America, unfortunately. But the difference is that here it's not some greedy corporation paying the bills (or failing to). It is, essentially, the government. It's you and me.

The public is underwriting the sport. The least the beneficiaries could do is treat their workers right and pay them what they're due.

On Aug. 26, 2023, the 3-year-old colt New York Thunder was ahead in the ninth race at Saratoga. "This horse hasn't said no once," his trainer, Jorge Delgado, told The Thoroughbred

Daily News. "I believe in the horse. I believe in his heart." New York Thunder seemed headed for his biggest victory yet.

Everyone needed a win that afternoon. Two and half hours earlier, just after the end of the fifth race, an Irish-bred colt fractured its left front leg and <u>had to be euthanized</u> right there on the track. He was the 11th horse to die at Saratoga that summer.

Coming out of the final turn, New York Thunder looked tremendous — chocolate brown coat, white reins, hooves seemingly unbothered by a track softened by a week of on-again, off-again rain. And then suddenly, the cannon bone in the horse's front left leg snapped. The leg flew forward at a horrifying angle. Momentum carried him two more steps, and he tumbled headfirst into the dirt. He popped up and began ambling down the track, the bottom of the leg flopping with every step. Soon, track officials approached. Screens went up to shield the crowd from what had to happen next.



New York Thunder falling to the ground after breaking his leg in a race at Saratoga.PETA

"We all have PTSD" from that season, Dr. Sarah Hinchliffe, the veterinary department director for the New York Racing Association, who was there that day, told me. "What did we miss? How could we have changed the outcome?"

<u>Veterinary records</u> reviewed by the Times and a pair of post-mortem reviews later conducted by the <u>Horseracing Integrity and Safety Authority</u>, the New York Racing Association and the <u>New York State Gaming Commission</u> revealed more than a few clues. And already that year, New York Thunder had been scratched — withdrawn from a race — four times, at least two of which were for medical concerns.

The race New York Thunder was running had a \$500,000 purse. As the financial rewards of racing get bigger, so do the incentives to keep running the animals. But breeding practices that favor <u>speed</u> over durability have caused successive generations to grow <u>genetically</u> <u>homogeneous</u> and vulnerable to injury. These days, multiple veterinarians tell me, nearly every thoroughbred is running wounded.

Spurred in part by these kinds of deaths — and by horrific videos of them, exposed by the People for the Ethical Treatment of Animals — the horse racing authority began fully enforcing a nationalized drug-testing program and inspecting tracks across the country. It mandated that designated veterinarians inspect thoroughbreds before every race and that private vets hand over their horses' medical records. PET scans are uploaded to a national database; at some tracks they've begun using computer vision software to screen injured horses, along with Palantir's machine-learning software, to flag horses who might be prone to injury.

Racing deaths at tracks monitored by HISA are down about 27 percent compared to last year, to less than one per 1,000 starts. Saratoga Race Course had only five deaths in the summer of 2024. But the progress is uneven. California's numbers have risen again.

Several states — backed by industry interests — have fought these reforms every step of the way, even persuading a conservative U.S. District Court to declare the horse racing authority's enforcement powers unconstitutional.

As for harness racing, it refused that oversight entirely, on the grounds that its horses are sturdier than thoroughbreds and their trots less punishing. Even so, harness racing horses are routinely

given a prerace medicine to prevent their lungs from hemorrhaging.

Even with online betting, the Yonkers racetrack takes in less than 1/40th of what it would have at the sport's peak. Justin Kaneps for The New York Times

The truth is, horse racing — of any kind — will always be dangerous. "This is a high-octane sport," David O'Rourke, the New York Racing Association president and chief executive, told me, one built around animals with no sense of their own mortality, running as fast as their bodies can take them. "There's a common adage," Dr. Hinchliffe said. "Horses are either homicidal or suicidal."

The overwhelming majority of the horse racing insiders I spoke with insisted that the sport is getting safer and more humane. "Our business was really backwards," Mr. Finley, of West Point Thoroughbreds, said, "and now has a structure — a very effective structure, not perfect — that is really pushing safety and integrity. And the results have been over-



the-top good."

Several insiders strongly implied that the negative attention the sport has received was the result of coastal snobbery. One of those insiders suggested I was trying to impose blue-state, urban values on what is essentially a red-state, rural enterprise. Of course they love horses, they say — they wouldn't be in this business if they didn't — but death is a natural part of the equine life cycle.

There was a time when this line of thinking was considered acceptable by all but the most strident of animal rights activists. But horse racing is at a pivot point, insider after insider told me. A few more wrong or slow moves could kill the public's will to subsidize the industry, which could take down the entire thing. Several brought up dog racing, which half a century ago had tracks in 18 states; today, only West Virginia is left.

Mr. Delgado, New York Thunder's trainer, was back racing at Saratoga last year, despite an <u>industry report</u> that his horses have died at an unusually high rate. The best-known trainer of all, Bob Baffert, was penalized at Churchill Downs for doping. Over two decades, at least <u>74 of the horses he oversaw died, from a variety of causes</u>. He's back, too. Steve Asmussen, the trainer who was forced to pay almost half a million dollars for shortchanging his workers, has already passed \$2 million in earnings in 2025 alone.

This is an industry that loves its colorful history, including more than its fair share of scalawags and cheats. Maybe that explains some of the reluctance to move too aggressively against people accused of wrongdoing. Maybe it's the fact that there's no national governing body of horse racing, no equivalent of an N.B.A. commissioner to punish bad behavior. Maybe it's the fact that, in this community, there are no wins without a whole lot more losses and no careers without all kinds of bad days. Maybe that breeds a need for forgiveness.

Any of those rationales might've held up, back when horse racing was a thriving industry that could stand on its own — and generate millions of dollars in tax revenue for states to use as they saw fit. But now, it relies on billions of dollars worth of our good will to get by. The owners and trainers run races on tracks we own. They pay their workers — well, let's hope they're paying their workers — with our money. Every dollar they get to skip in taxes is one that, at least in theory, has to be made up elsewhere. The sport belongs to us. It's time to think about whether we actually want it.