

THE COMEBACK

When I learned that Oracle had been systematically fanning the wing of its AC72, I asked several rules experts if pumping was allowed under the Cup's version of Rule 42. They told me it was not. Given that Oracle's pumping was not done in response to shifts in the

direction of the wind, gusts or waves, they said repetitive pumping was a violation. However, when this book was originally published, the team's spokesman, Peter Rusch, argued otherwise. He said the fact that the word "pumping" was not included in the America's Cup version of Rule 42 meant it was permitted. In response to his assertion, I decided to do more research.

The men and women who determine whether rules have been violated in important sailing regattas are "International Judges," officials who are certified by World Sailing, the sport's international governing body. Once a race is completed, the Judges examine reports and evidence of possible rule breaking, and determine whether there were actual violations. The other officials who regulate races are umpires, who are positioned on the water to watch for potential infractions. There are about twenty International Judges in the United States, and I attempted to question each of them. In doing so, I pointed out the differences between the standard version of Rule 42 and the America's Cup version. Then I described Peter Rusch's rationale and asked for their reactions. Many declined to comment because binding determinations about the legality of what happened during the 34th America's Cup could only have been made during the event and by the officials who oversaw it.

But several Judges confirmed what I had been told before. They said Oracle's pumping was not allowed under the America's Cup version of Rule 42 even though the term was not specifically cited. They said that if the

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umpires had seen the pumping, Oracle would have been penalized and forced to stop using the technique. *Not one of the Judges accepted Peter Rusch's argument that pumping was permitted.*

There was only one way pumping might have been legal given Rule 42: the lead umpire for the 34th Cup, Mike Martin, could have altered the rule by issuing an "interpretation" of its meaning before or during the regatta. But for this to happen, he would have had to have consulted with the teams and posted an interpretation on a publicly available online notice board. There was no such notice.

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