

Seeing red

Successful protests require cool heads and careful preparation. By Hugh Morrin

Most people dread the prospect of having to go into a protest room, and they're not quite sure how to handle the situation when they do. This fear is not unwarranted—in fact, protests should always be the last resort. However, there will be times when your differences with another competitor cannot be resolved by other means and you should go ahead with a protest.

The first thing to remember about protests is that you should never go into one unless you honestly believe you are in the right—to act otherwise is very poor sportsmanship. If while on the water you're not sure of the rules, read them when you get ashore, and retire if you realize you were in the wrong. If you follow this advice, then when you do decide to protest, you'll have the advantage of confidence at the hearing. More important, you won't earn the reputation of being someone who tries to win regattas in the protest room. It's a fact that you seldom win protests; if you're honest and lucky, however, you might not lose too many.

When in a confrontation on the water, fly a protest flag immediately if you have any intention of protesting. Life jackets and underwear may be red, but the protest committee doesn't have to accept them, so make sure you carry code flag "B" at all times. Yell "protest!" loudly and clearly—don't try to generate your own thermals with the use of profane language. Note the time of the incident and the sail number(s) of the boat(s) involved and look around for others who might have witnessed the incident. Go through what happened in your own mind so that it is clear to you and your crew. If you know you're in the wrong, do your circles or retire immediately. You'll earn a great deal of respect from your competitors if you do so. If you think you might be in the wrong, doing circles (when the 720 rule is in effect) will exonerate you but will not exclude

your right to protest.

Protest hearings are very formal proceedings, as they should be. There may be a lot at stake, so time and effort should be spent preparing for them. When you get off the water, drop everything and get your form in as soon as possible to ensure that you have enough time to prepare your case and, if there are many protests, you won't be at the bottom of the list of hearings. When filling out your form, be precise and neat. I prefer to use pencil so that I can erase mistakes. Look up the rules, and be specific when you quote them—e.g. "YRU Rule 42.3(a)(ii)." Once you've submitted the form you can't withdraw it or make any drastic changes. If possible, make a rough copy and keep it for yourself. If you are the one being protested, you are entitled to a copy of the protestor's form and time to read it.

At the hearing, there are a few general rules to follow. Never, under any circumstances, lie! It's important to understand that honest testimony can vary greatly, depending on the point of view. This is not to say that there are not those

who will lie in a protest. I have only once accused another competitor of outright lying, and that was when he denied that a collision had ever occurred. That protest cost the other competitor a first place at a world championship. Don't speak out of turn, and don't yell or lose your temper—it will not support your case. And remember, regardless of the outcome, people will remember how you behaved in the protest for a long time.

As mentioned earlier, protest hearings are very formal. The rule pertaining to protests is IYRU Rule 68; there should also be some mention of protests in the regatta sailing instructions. Protest committee procedure is outlined in appendix 6 of the rule book and should be followed. The protest committee should ask if you have any objection to any of the members of the committee on the grounds that they are interested parties. They should also establish that a flag was flown, a hail was made, that the form was filed within the time limit (usually one hour after the race committee boat has docked), and that all of the necessary particulars have been included. If the



A port-starboard incident may seem a straightforward rule infraction, but case preparation can have considerable bearing in the protest room.

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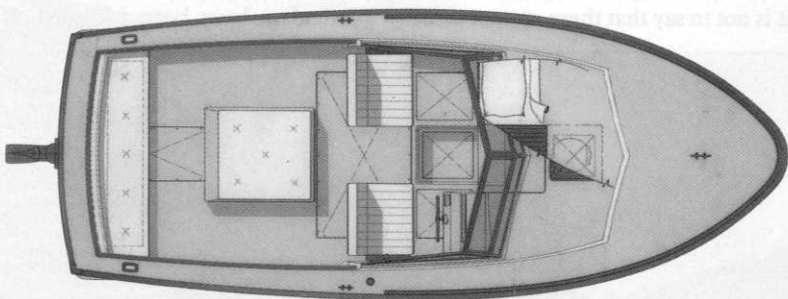


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protest is deficient in any of these areas, it should be disallowed. If the protest committee does not go over these points, you should bring them to its attention immediately.

Make sure you take a rule book, a pencil and paper, the sailing instructions (if applicable) and an appeals book (if you have one) into the hearing. Making notes throughout the hearing will enable you to make a much better case. Look for weaknesses and inconsistencies in the testimony of the other party and his witnesses. Has he got his facts straight (sail numbers, positions of other boats, whereabouts of incident)? Are his witnesses credible, or do they contradict his testimony? In his presentation, is the angle of the boats realistic and do they all move roughly the same distance in a given time interval?

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After all of the statements have been made and all of the cross-examining is done, you will be asked to make a final statement. This is probably the most important part of the hearing and you should prepare for it throughout the hearing. Don't reiterate what you have already said—mention key points for emphasis. This is the time to shoot down the other party's argument and point out all of the inconsistencies you have noted in his testimony. Point out how yours is a much more reasonable and logical scenario. Quote the specific rules and any appeals that you consider applicable. If you have a particularly relevant appeal, you may even wish to quote it in part or in full. The final statement should be your "ace-in-the-hole," so make it good!

One last point: there's only one way to learn your rules and that's by sitting down and reading a rule book. Use your knowledge of the rules to *avoid* protests, and never base your knowledge of the rules on hearsay or erroneous precedents set by incompetent committees. 

Hugh Morrin of Kingston, Ontario, has won five Canadian sailing championships, worked as a racing coach for several years, and chaired race committees and juries at the national and world level.