

For the Record: Fred Meyer

Société Nautique de Genève vice-commodore, Fred Meyer, comments on GGYC's latest tirade:

"The latest flurry of legal documents and public statements from Larry Ellison's Golden Gate Yacht Club further demonstrates his overriding ambition of winning the America's Cup without racing for it on the water. Not only is BMW Oracle pursuing its ninth attempt to disqualify the Swiss Defender through a New York court with a skewed interpretation of the Deed of Gift, but they have also intensified their legal campaign on another front.

BMW Oracle is determined to angle the America's Cup competition in its favour, this time through a four-point redress to the International America's Cup Jury on rules set out in the Notice of Race and the Sailing Instructions issued by SNG for the 33rd America's Cup. The challenger has still not comprehended that what it has forced is a "Deed of Gift Match". There is no Mutual Consent – even the New York Supreme Court has told them that the rules are those of the defending yacht club, a fact stated very clearly in the Deed of Gift itself.

To address Tom Ehman's attacks on the legality of Alinghi's sails: history and facts support SNG's interpretation of the Deed of Gift's '*constructed in country*' requirements as recently declared by American historian, John Rousmaniere: "*Unlike hulls, sails were not regarded as subject to nationality restrictions – not by sailors, not by sailmakers, and not by the donors and the trustee New York Yacht Club.*"

We have been clear: if BMW Oracle succeeds in disqualifying the Defender's sails then there will be no Match, Russell Coutts will have won the America's Cup for Larry Ellison without sailing. An irony unto itself given Russell's use of 3DL sails on every AC team he has raced with since 1995; New Zealand, Switzerland and now the USA.

As further example of their double standards, BMW Oracle are attempting to circumvent the 'Trash Disposal and Environmental Protection' rule in the Sailing Instructions to continue to freely pollute the waters of Valencia by discharging a cocktail of chemicals under their hulls to make their boat go faster. SNG insists that both competitors respect Spanish waters as they do their home waters.

And while we are setting the record straight, their claim of a 'Singapore Agreement' is pure fabrication. The signatures that Tom Ehman has been flaunting were on an early draft that was discarded and subsequently developed on before BMW Oracle aborted the meeting by suing our club for a ninth time.

SNG remains determined that the winner of the America's Cup will be decided on the race course and not ashore. We will see you on the start line on the 8 February."