"And they're off!": The development of the horse racing industry in Florida

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"AND THEY'RE OFF!":
THE DEVELOPMENT OF THE HORSE RACING INDUSTRY IN FLORIDA

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tracks and the infiltration of organized crime. Miami and the racetracks had a hard battle to face in the 1930s.

CHAPTER VI

THE CONTROVERSY OVER PARI-MUTUEL BETTING, 1925-1931

The biggest boon to thoroughbred racing in Florida, as well as across the country, during the twentieth century occurred in the midst of the Great Depression. Legalization of pari-mutuel betting would provide much needed revenue for the state. The fight for and against pari-mutuels and racetracks in Florida pitted religious and business leaders, racetrack operators, bettors, legislators, and the governor against each other.

Throughout the long history of thoroughbred racing, the sport depended on the patronage of the wealthy. By the 1920s and 1930s continued success of racing meets increasingly relied on the support of the common man. The high overhead costs to keep tracks operating required large crowds who bet heavily. Opposition to betting jeopardized the continuance of the racetracks. In Florida, anti-racetrack and anti-gambling sentiment during this period threatened to close down the only viable track at Hialeah operated by the Miami Jockey Club.

When the track at Hialeah opened in 1925 a tolerant local community allowed pari-mutuel wagering despite its
illegality. The track used various betting systems: pari-mutuels from 1925-27, handbooks in 1929, and optional certificates in 1930. Optional certificates, or fake options, offered a better an option on the horse of his or her choice. If the horse won, the track purchased the option at the preset odds. The track did not operate in 1928 because of the Florida ban on mutuel betting. What came to a head with the 1928 closing started years earlier.

Agitation against racetrack gambling surfaced in the 1925 legislative session. Representative Charles M. Taylor of Plant City proposed a resolution to investigate "race track gambling and other immoral conditions in Miami." Dade County's sole representative, Norris McElva, and Senator James E. Calkins of Fernandina, quashed the investigation. However, the pressure did not let up. Private citizens as well as public officials vehemently expressed their opposition to racing and/or gambling.

After the State Supreme Court declared pari-mutuel wagering illegal in 1927, Governor Martin threatened to send the state militia to tracks unless the sheriffs enforced the gambling laws. The Miami Jockey Club attempted to circumvent the new ruling with an alternative betting system (brokerage speculation). W. T. Downing, holder of fifty-one shares in the track, filed an injunction to keep the track open and thus protect his investment should the new system prove illegal and the track close. Thirteen days later, on November 25, 1927, the Circuit Court dismissed the suit. On December 6 the track decided it was "useless to attempt to operate" their forty-five-day meet beginning January 19, 1928 because of the Supreme Court ruling. The management believed it their duty...to protect the horse owners and thousands of [their] loyal friends from the embarrassment, annoyance and financial losses which would be occasioned by...attempted prosecutions.... The directors do not now propose to have the Jockey Club's splendid record...blighted by prosecutions threatened because of the attitude and ideas of a few of our citizens.4

By July, 1928, Miami Jockey Club president Joseph M. Smoot announced they would operate a fifty-one day meet that winter utilizing an oral betting system which would not violate Florida laws. The laws did not specifically ban oral forms of betting. Smoot said he had had "many requests, not only from Mayor Sewell but from a great many others of the leading business men in Miami, to bring racing back to Miami...It is realized now that the absence of racing last Winter cost Miami a lot."5 Opponents of racing renewed efforts to close racetracks in 1929. When the publisher of the Tallahassee State News, Fred O. Eberhardt, applied for an injunction to prevent Keeney Park from opening in December 1929 he was attempting to shut down all race-
tracks in the state which allowed betting. St. John's County Sheriff E. E. Boyce served notice on Frank A. Keeney, president of the Florida Jockey Club which operated Keeney Park, that he would close the track if Keeney did not do it voluntarily. The jockey club decided to cancel the remainder of the meet to avoid the injunction, until "the fair-minded citizens of the State of Florida shall insist that their legislators pass laws legalizing the pari-mutuel system of betting." On December 21 Keeney complied. In the meantime, Governor Carlton received a letter from a New York visitor staying in Jacksonville, J. E. Bradley, who complained that "this hotel and all the other hotels is [sic] being filled up with gamblers, gangsters and gold diggers from Chicago." A frequent correspondent, a different man who signed his letters, "Bradley," observed three Catholic priests betting with a bookmaker. It appears that not all clergymen followed their church's dictates against gambling. "Bradley" wrote a four-page letter on December 17 describing the open betting at Keeney Park. The twenty-nine bookmakers paid $120 per day to operate their betting posts. He commented that "people here seem very optimistic about Eberhardt's injunction. They cannot understand his interest. He is in their opinion now the most unpopular man they can name." Eberhardt denied being a reformer or crusader but rather opposed violations of the law. He even supported legalizing racing under a State Racing Commission. But others steadfastly expressed their opposition to any form of gambling.

The Florida Methodists at their annual conference in Jacksonville in 1924 noted "the determined effort to legalize prizefighting, race track and other forms of gambling. We strongly condemn this effort and urge that existing laws be enforced." The St. Johns River Conference of the Methodist Episcopal Church rallied against pari-mutuels and gambling at their annual meetings in 1925, 1927, and 1929, passing resolutions to send to state legislators. The 1925 resolution, by far their longest, expressed Methodist Episcopal belief that "the influences of horse racing, dog racing and Jai-Alai in conjunction with the pari-mutuel machine betting are not beneficial to Miami citizenship and Americanism and detrimental to the morals not only of our community but the entire State." They urged their members to write to their legislators supporting the proposal of state attorney general Rivers E. Buford banning pari-mutuels.

The Methodist Episcopal Church, South expressed equal revulsion to race track gambling in 1925, spending $3,000 to fight it, mostly in newspaper advertisements in the Tampa Tribune, Tampa Times, Jacksonville Journal, Tampa Observer, Florida Christian Advocate, and Baptist Witness. The Florida
Times-Union refused their advertisements. Their congregations sent "hundreds of telegrams and thousands of letters" and signed "monster petitions" delivered to Governor John W. Martin. They insisted that "race tracks are a menace to morals and business and have filled our State with highway robbers and murderers." From 1926 to 1930 the Methodist Episcopal Church, South fought race tracks, deploring in the failure of the Legislature to legalize gambling, and admonishing their followers that "only eternal vigilance can save us from this curse." By 1929 the St. John's River Methodist Episcopalians believed the "pari-mutuel and allied interests would sell Florida's soul for a mess of pottage." They again adopted a resolution to express to the Legislature, where there "seemed a determined effort to secure laws favorable to open gambling," their "unalterable convictions that any weakening of our present laws would be a great peril to the best moral interests of our people."

The Methodists did not explicitly link drinking and gambling together as cause and effect but they considered them vices along with prize fighting and immoral literature according to their Committee on Temperance, Prohibition and Public Morals and the Board of Temperance and Social Service. The Catholic Church, at least in Louisiana, opposed racetrack gambling. To the advocates of clean racing, the Archbishop of New Orleans, in 1914, replied, "You might as well talk of clean brothels as clean racing."

In addition to the clergy, lay church member groups expressed their opposition to legalized pari-mutuels. Mrs. Thomas B. Everhart, president of the Woman's Missionary Society of the Trinity Methodist Down-town Cosmopolitan Church in Miami pleaded with Senator A. M. Taylor not to pass any legislation seeking to legalize gambling, including race track legislation. Despite a lot of well financed propaganda to the contrary, a great majority of the home people of Miami, representing largely the church group of people, do not want an open town for legalized gambling but desire a decent, respectable, law abiding community, just as you do in your own home.

Taylor also received a letter from H. C. Shaffer, secretary of the Federation of Christian Laymen in Miami earnestly urging him to "vote against gambling of any kind in Florida."

Other opponents of pari-mutuel racing, besides religious organizations, expressed their feelings in letters to the governor. The owner and manager of the Hermitage Hotel in Miami, A. G. Holmes, wrote Governor Doyle E. Carlton in May 1929 opposing any change in the present racing laws. He felt the racetrack people broke laws indiscriminantly and "therefore have an evil influence on the community." While the racetrack people were organized and could push for legalizing pari-mutuel racing, he believed the common people, however
silent or unorganized, opposed racetrack gambling. In September, Miami attorney James M. Carson sent a letter to the editor of the Ocala Star newspaper criticizing Governor Carlton’s handling of illegal gambling at the Hialeah track. Carson, so anxious to crack down on betting that he collected evidence against the track and considered filing a lawsuit as a private citizen, wanted Governor Carlton to enforce the law firmly and thus discourage gamblers from operating.

Carlton wrote to Editor A. N. Dosh, later to be appointed to the first Racing Commission, in October defending his actions toward racetrack gambling the previous season. Opposed to gambling, the newly-elected governor felt thrown into the situation in the middle of the racing season "and it was difficult to get the necessary evidence because there was such general approval at the time." Carson claimed to already have the evidence but that it became useless after the method of accepting and paying wagers was changed following receipt of a telegram by Dade County Sheriff M. P. Lehman from the governor directing him to enforce the law.

Pro-racing advocates, many of whom were not connected with horse racing, also wrote to the governor. Fred P. Jeager, Secretary of Lilly Camp #16043 of the Modern Woodmen of America, said his group endorsed "enactment of legislation to encourage, foster, and promote horse racing, dog racing, boxing contests...to attract winter tourists." Another private citizen, C. B. Spence of Miami, wrote to the governor that he believed that "ninety-five percent of the people in Miami favor racing, as a sport, to help attract and entertain visitors. The five percent will probably do everything in their power to stop it. Ruin faces Miami, if this is done." W. A. Mann, the owner of Atlantic Furniture Company in Miami, thought Miami had the largest crowd of tourists, sober and well-behaved, because of the races. He felt that "100% of the merchants would hate to see them [the track] close." Most of Florida’s prosperity relied on the tourist trade during this period.

Aside from the occasional letters from constituents, Governor Carlton received reports and depositions from apparently self-appointed watchdogs who attended the races and relayed personal observations of the betting systems. Lawyer and State Senator Edgar W. Waybright of Jacksonville traveled to Miami in February 1929 to attend the horse races. He noted that "the gambling at the race meet of the Miami Jockey Club is quite plain and open," and went on to describe the envelope system of betting employed by the bookmakers. Bradley reported in January 1930 that his bookmaker informant, Mendoza, at the Miami Jockey Club, now paying the club $150 a day to operate at the track, still used the envelope
system. Mendoza claimed the system would be changed "but to what form he has not yet been told." Bradley commented that Carlton's popularity was high with the local people because he had not made any statements about horse racing. C. R. Grannis, in his February 6, 1930 sworn deposition, reported that Robert S. McLellan told him the bookmakers he knew paid the Miami Jockey Club $25 for each race for the privilege of making book. Grannis also described the envelope system in detail.

The inferences to organized crime began to appear in the correspondence at this time. Grannis counted sixty bookmakers at Hialeah, one among them being George McManus, "recently acquitted on the charge of killing Arnold Rothstein in New York." While H. J. Thomas of New Orleans noted the certificate system of betting was used at St. John's Park in Jacksonville, he also warned Governor Carlton that "Dwyer, the new owner of St. John's Park is a man in Al Capone's line, and his gang will be no asset to the State of Florida." Bootlegger William "Big Bill" Dwyer and his partner Bill Gallagher were closely associated with Owney and Marty Madden who owned Rockingham Park racetrack in New Hampshire. Owney Madden, another bootlegger, also operated the Cotton Club in Harlem, New York. Dwyer would later appear as a co-owner of Tropical Park after the Legislature passed the Racing Bill in 1931.

When Florida found itself in the midst of the Depression, newly-elected Governor Carlton, inaugurated in January 1929, attempted to cut taxes and the state budget while still providing necessary services. He opposed legalized betting on horse races as a way to raise revenue. Between 1929 and 1931 as other states turned to legalized pari-mutuel wagering as a painless form of taxation ("those who could afford to go to the track could afford to pay more taxes"), Carlton continued to oppose it on moral grounds, offering just about everything else as an alternative. The moral issue presented a paradox. Clerk of the House Allen Morris observed that legislators "opposed to wagering on moral and economic grounds voted to legalize track betting because they knew it was going on anyway and felt it would be better to regulate and tax it." The 1931 Legislature approved a racing bill to legalize pari-mutuel betting. Carlton, citing moral reasons, vetoed it. The Senate, by a single switched vote, passed the bill over the governor's veto. Influence on the Legislature to pass the bill is credited to the $50,000 spent by Miami Jockey Club's new owner, Joseph E. Widener.

During joint legislative committee hearings in Tallahassee in May 1931, Widener spoke in support of the pari-mutuel bill introduced by Senator John W. Watson (District
13, Miami) providing for legalized gambling under the supervision of a state racing commission in counties that vote for tracks by referendum. The state's share of the money bet would be divided equally among all sixty-seven counties. Opposed to the bill were the Committee of 100 who spoke against it "as a menace to the morals of the youth of the state and denounced racetracks as 'magnets attracting the riff raff of the nation.'" George W. Bassett, mayor of St. Augustine, and Dade County Representative Walter Kehoe of Miami spoke in support of the bill. Representative John T. Lowe of Plant City voted against the bill based on the belief that "no solid business can be built on the foundations of gambling." Orange County representative, Mrs. Edna G. Fuller, offered an "impassioned plea for defeat of the bill as a threat against the morals of Florida childhood." Senator W. D. Bell of Arcadia, normally disagreed with Governor Carlton but in this instance he voted against the racing bill because he strongly opposed gambling. He said he "would welcome any money that might come to the state from a legitimate source, but the state's proceeds from this enterprise... would be greasy money because it would be its share of a gambling pot...." Sumter County representative N. J. Wicker blamed Miami for the racing legislation and believed "if hell was for rent, and carried a promise of remuneration, Miami would be the first to offer to lease the place." But the House passed the bill with the feeling that the State might as well legalize race meets which have been held since the beginning of the boom and gain some much-needed revenue in the process. The Senate concurred when both houses of the legislature overrode Carlton's veto.

The legalization of pari-mutuel betting did not dissipate the opposition. Even before the legislature passed the law, a house committee began investigating alleged racetrack lobbying for passage of the bill. The final report cleared charges that $50,000 was paid to Florida national democratic committeeman John T. G. "Tom" Crawford by racetrack officials to pass the pari-mutuel legislation. However, Crawford did write a $1,000 check to Representatives S. P. Robineau, who did not cash it, and to J. Walter Kehoe, who accepted it to defray expenses in working for the bill. Miami resident Ben Shepard also cashed a $2,500 check from Crawford. Pro-racing lobbyists were not the only ones active in Tallahassee. Senator J. B. Stewart of Fernandina charged that racing interests in Havana, Cuba, and Kentucky lobbied against the bill to protect their own investments.

Even after passage of the racing bill, anti-gambling groups continued to oppose pari-mutuel racing. The Methodist Episcopal Church, South published their official protest against the racing bill in their December 1931 Journal of the
Florida Annual Conference:

We protest the Racing bill passed by the last legislature, as being wicked in principle, passed at the behest of men who care nothing for the moral character of the State, and was probably passed because of the sum of large amount of bribe money. That such money was spent no one can deny. The most condemning statements were made on the floor of the House as to bribery attempts but absolutely nothing came of it. Church members evaded their responsibility, or betrayed their church by voting for the wicked bill. Hundreds of thousands of dollars will be filched from the pockets of the unthinking and pass out of the State. A raft of undesirable people will be brought into the State to further corrupt our social units and spread lawlessness amongst us. No man or woman can maintain his or her Christian character and support any form of gambling. Vote against it, work against it and give it no sanction whatever.49

Individuals also commented on horseracing in private correspondence. In an April 29, 1929 letter to Susan Bradford Eppes, James L. Rodger of Miami confided his love of beautiful horses and "in my day rode many many miles on horseback. I am however against greedy commercialized materialized horse racing." Despite the opposition, the smaller counties "became enamored over the equal division to all counties of net proceeds...That 'free money' really became a boon to many of our poorest counties in days before there were other state dollars available." Former Governor LeRoy Collins recalled, "I think it was Senator Lewis of Jackson (Marianna) County who was quoted as saying in a Senate speech in which the race track money was referred to as 'tainted': The only thing 'tainted' about it is that it 'taint' enough."

The controversy did not end. In 1966 former Governor Carlton revealed for the first time that he was approached by an "emissary for the gambling interests" who attempted to bribe him for $100,000 to allow the racing bill to pass. Carlton claimed that "if the bill had been passed without purchase and in a straight, honorable way, I might have let it pass without my signature."

Despite the anti-gambling sentiment and lobbying, Florida legalized pari-mutuel wagering in 1931. Some observers thought betting would be confined to no more than two counties, if not just Dade, because the law required local voter approval to allow racing. The Board of Directors of the Miami Chamber of Commerce shied away from outright support of the pari-mutuel bill, fearing the controversy "might be construed as political by the public." Instead they passed the resolution:

The Chamber of Commerce regrets that the action of vetoing the pari-mutuel bill will deny to the voters of Dade County and Florida the privilege of expressing their attitude by a referendum towards this measure.52

Part-time Miami Beach residents Ludwig I. and Stella M. Grote of Ventnor, New Jersey requested the Dade County Commissioners send them absentee ballots to "express an opinion by mail in the coming vote on the Race Track
question." Deputy Clerk W. E. Norton responded that there was no provision for absentee balloting. The racetracks bore the cost of the local option referendum election. Norton estimated the election cost approximately $9,900 and requested the horse and dog tracks to pay $150 in addition to the $1,500 already paid; any surplus collected would be returned.

Although no widespread groundswell rose to engulf the state in racetracks, considerable interest in building and operating tracks appeared not only in Dade, but in Hillsborough, Palm Beach, St. Johns, Broward, and Volusia counties. With betting legalized, the lucrative lure of horseracing kept the State Racing Commission busy reviewing applications for permits to build horse and dog tracks. After the initial scramble for permits, Hialeah and Tropical Park in Dade County emerged as the two competitors, not only for patrons but, more importantly, for the choicest racing dates, the January to March tourist season. This fight for dates would continue, and heighten with the introduction of a third track, Gulfstream Park, in 1944, into the 1990s. The Tampa track, far away on the west coast, avoided the battle.

CHAPTER VII

THE FLORIDA STATE RACING COMMISSION

The Florida State Racing Commission, created as part of the bill authorizing pari-mutuel betting by the state legislature in 1931 over the governor's veto, initially consisted of five persons, including one from each of the then-four Congressional Districts, appointed by the Governor and approved by the Senate. Each commissioner had to be a qualified elector more than twenty-five years old and a resident of Florida for five years preceding appointment to a two-year term. No one connected to or employed by any Florida racetrack in the previous three years could serve on the commission. Their salaries would be paid from occupational license fees, admission taxes, and commissions on pari-mutuel sales at the racetracks. The commission's duties were

to promulgate and enforce rules and regulations governing applicants, permittees, and licensees, and the holding, conducting and operating race tracks, race meets and/or races held in Florida. To collect occupational licenses, fees, and tax on pari-mutuel pools. To grant permits for the operation of race tracks. To fix and set dates for racing. To supervise and check the making of pari-mutuel pools and the distribution therefrom. To issue annual licenses and revoke them for cause. To issue annual occupational licenses to employees.
CHAPTER VI


8. J. E. Bradley to Gov. Carlton, 14 December 1929, Carlton Records, FSA.


13. Journal of the Florida Annual Conference of the Methodist Episcopal Church, South, held at Orlando, Florida, December 10-17, 1925, p. 78.


15. Official Minutes of the St. John's River Conference of the Methodist Episcopal Church, 43rd Annual Session, held in the First Methodist Episcopal Church, Lake Worth, Florida, April 17-21, 1929, pp. 42 and 51.


20. A. G. Holmes to Honorable Doyle E. Carlton, 28 May 1929, Carlton Records, FSA.

21. James M. Carson to Editor of the Ocala Star, 21 September 1929, Carlton Records, FSA.

22. D. E. Carlton to R.N. Dosh, 7 October 1929, Carlton Records, FSA.

23. Carson to Editor of the Ocala Star.


25. C. B. Spence to Gov. Carlton, 17 January 1929, Carlton Records, FSA.

26. W. A. Mann to Gov. Carlton, 5 February 1929, Carlton Records, FSA.

27. Edgar W. Waybright to Gov. Carlton, 11 February 1929, Carlton Records, FSA.

29. C. R. Grannis sworn deposition before Charles D. Dimmock, Notary Public, 6 February 1930, Carlton Records, FSA.

30. Ibid.


34. Allen Morris Papers, Special Collections, Strozier Library, Florida State University, Tallahassee, Florida.


37. Tampa Evening Tribune, 2 May 1931.

38. Ibid., 21 May 1931.

39. Ibid.

40. Ibid., 3 June 1931.

41. Ibid., 5 June 1931.

42. Ibid., 21 May 1931.

43. Tampa Sunday Times, 10 May 1931.

44. Ibid., 23 May 1931.

45. Ibid., 3 June 1931.

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47. Mrs. Nicholas Ware Eppes Papers, 1847-1933, #245, Southern Historical Collection, University of North Carolina.


49. Ibid.


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52. Miami Chamber of Commerce, Board of Director's Meeting Minutes, 5 June 1931, p. 2.

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