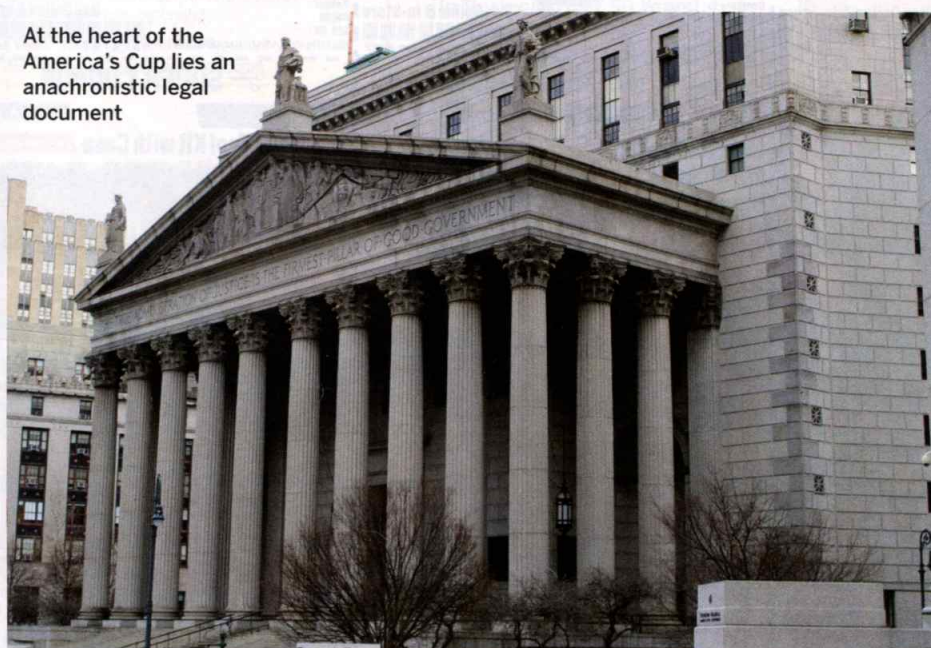


A Modest Proposal

How to permanently fix the America's Cup

I am writing this a few days before Christmas in the awful Plague Year of 2020 and am marveling at the great Double Alignment. Can it be mere coincidence that the two largest planets in our solar system came into their closest conjunction since 1623 in the very same week that our two greatest sailing events, the Vendée Globe and the America's Cup, likewise aligned, with the Vendée fleet streaming south of New Zealand just as the first races of the AC36 cycle were run in Auckland harbor?

At the heart of the America's Cup lies an anachronistic legal document



Slaughter the goats! Cast their entrails! Great things are happening! One nice and potentially great thing I noticed watching coverage of the AC's so-called Christmas Cup was that the New York Yacht Club seemed quite competitive. Perhaps by now (fingers crossed) they have risen to challenge Team New Zealand in the Cup final this month. This would be most auspicious, of course, as it was the New York YC that started this whole mess we call the America's Cup in the first place.

It is common for aficionados to urge that America's Cup racing "must return to its roots," by which they normally mean racing in generally similar, fairly slow monohulls like 12-Metres or IACC boats. But let's be honest. The true roots of Cup racing involve a bunch of really rich guys with big egos sailing around in super-expensive, often weird machines while madly arguing with each other.

This has made for some fine spectacle—on the racecourse, in the

press and occasionally in courtrooms. However, it also makes the event inherently unstable. Professional sailors have long bemoaned this, hoping instead to regularize things, so that Cup cycles can occur as predictably as planetary gyrations. One can argue about whether this is actually desirable, but if it is, there is, I submit, one way to solve the problem.

The Cup's fatal flaw is found—where else?—in the Deed of Gift. This establishes a trust wherein the Defender of the Cup serves as trustee and largely controls competition. You don't really have to go to law school to see the contradiction here. You can simply look up "trustee" in the dictionary: a person who holds and manages property in trust for the benefit of others. The notion of a trust wherein the trustee (the Defender) regularly competes with the trust's putative beneficiaries (the challengers and racing sailors generally) for the corpus of the trust (the Cup) is, on its face, a legal absurdity. I am amazed the several judges who have heard America's Cup litigation over the years have never remarked on this.

Little wonder then that much of the history of the Cup has consisted of defenders fixing the rules so as to favor themselves. The first and arguably worst offender was the New York Yacht Club itself. Its "longest winning streak in sports" certainly was not the product of 132 years of faultless sportsmanship. It would be very appropriate then, were the NYYC to win again, if it applied to the New York courts to have the Deed of Gift amended. Instead of defending the Cup, for example, the club might ask to be appointed as a permanent, truly impartial trustee, forever barred from competing, but charged with organizing and conducting future racing so as to adhere to the deed's original principles.

A new regime like this could easily address the many problems that have long plagued Cup racing, holding events on a regular schedule with much more certainty as to the types of vessels to be raced, while also preserving those same things that make the Cup unique and prestigious. Of course, the NYYC itself need not win the Cup for this to happen. Any winning club, or perhaps merely a collection of interested clubs, might petition to reform the deed and have a permanent trustee appointed. That said, I believe the NYYC, in the end, is the most appropriate body to fill that role, given the Cup's origins and history.

Could this ever really happen? Could the really rich guys with big egos who like to sail around in super-expensive boats and argue with each other ever agree to participate in such a rationally organized event? Or is this just a rhetorical question? Time will tell. **S**

Blown Away

Hold on, kids! Here comes another storm season

There is an ocean-sailing science fiction novel I've been writing in my head now for some time. It posits a future in which the world's climate has become so unsettled the sport of ocean sailing has been transformed. Sailing in the Vendée Globe has become so dangerous, due to all the furious weather roaming the planet, most competitors race robot boats from behind computer screens safe on shore. The action of the story revolves around the last two sailors crazy enough to sail the race themselves, who are, of course, bitter rivals. The denouement comes when they are shipwrecked together on a remote island in the southern Indian Ocean, where they are confronted by a horde of seemingly sapient penguins, who are in fact "transcended" tourists from an alien planet.

It says something about how the future is unfolding that this scenario now seems increasingly likely.

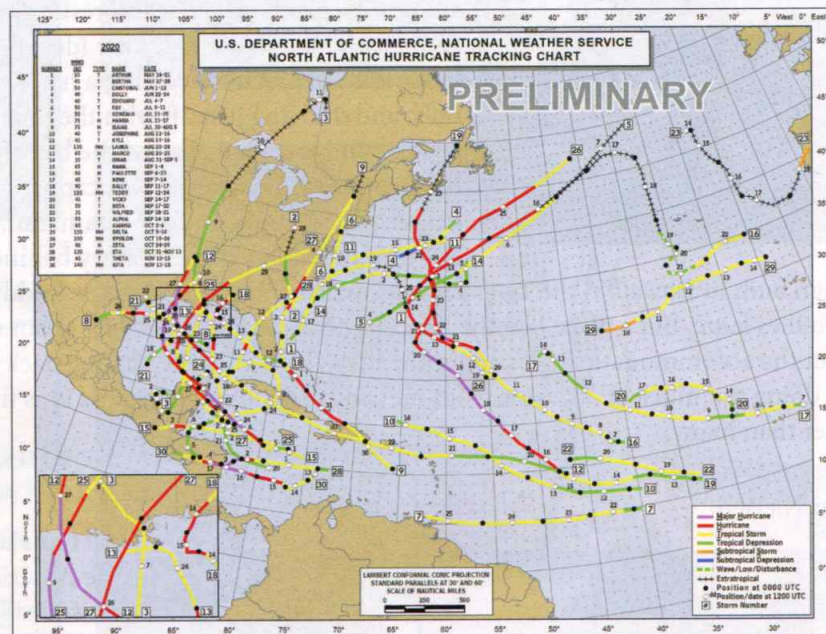
Take last year's hurricane season. It was phenomenally dynamic and shattered all sorts of norms. It broke the record for the most named storms in a single season (30), the most named storms to make landfall in the United States (12), the most storms to form in a single month (10 in September), and the most late-season major hurricanes (four in October and November). It also tied many other records, including one for the most storms to rapidly intensify (nine).

The 2020 season was so insanely active every single mile of the U.S. southern and eastern shoreline, from the Mexican border in Texas to the Canadian border in Maine, was at some point under a storm watch or warning. All but five coastal counties ultimately did experience tropical storm-force winds.

To my mind, the craziest thing about 2020 is where and when storms formed. Two storms, Dolly and Kyle, formed off the U.S. East Coast north of Cape Hatteras. Another storm, Alpha, formed about halfway between the Azores and Ireland and ultimately made landfall in Portugal. The first storm of the season arrived on May 16; the last, Iota, the latest Category 5 storm on record, didn't unravel until November 18. Three of the late-season Greek alphabet storms—Delta, Eta and Iota—strengthened into major Category 4 or 5 hurricanes with frightening speed, with wind speeds that increased by over 100 mph in just 36 hours.

I don't know about you, but none of this seems normal to me. If I were a marine insurance actuary trying to figure out how to hedge against the risks of ocean-sailing yachts being damaged or destroyed by tropical storms and hurricanes, I might be tempted to just throw up my hands and make the whole North Atlantic off limits from May to November. The awful fact is, just as climate scientists have predicted, storms everywhere, not just the tropical ones, are getting ever more frequent, more turbulent, are developing faster than ever and are more widespread.

As for this year's hurricane season—which technically starts this month, but which by now may already be well underway—the prognosticators have been issuing extended-range forecasts since as far back as December. As of this writing, the good news is that though this year's season is expected to be slightly more active than average, it should be much less active than last year, with "only" 16 named storms and seven hurricanes, three of which will be major ones. The bad news is the trend of strong rapidly developing storms seems destined to continue. The landfall hotspots in the United States this year are predicted to be the entire Gulf Coast from Houston around to Miami, plus the coast of North Carolina.



The 2020 hurricane season was an especially active one

One other thing that will be different this year is the World Meteorological Organization (WMO) won't be using the Greek alphabet to name storms when it runs out of normal letters. Last year it got so deep into the Greek letters people just got confused. So now, if need be, the WMO will just reset to the letter A and start a new list of names.

Does all this scary storm news mean we should all just stop sailing? Of course not! I'm sure that you, like me, have no intention of becoming one of those robot sailor geeks. Personally, I'm looking forward to doing battle with storms and alien tourists masquerading as penguins—whether I have insurance or not. **S**



The author's happy client makes a phone call from aboard her new purchase

Secret Agent Man

Enabling a low-budget boat flipper

It was a simple craigslist ad that started all the rumpus. A guy named Milo in Belfast, Maine, listed a well-worn 1969 Tripp 29 sloop for sale for \$6,000. A young acquaintance of mine, Emily Greenberg, who maintains an intriguing sailing blog at dinghydreams.com and sometimes writes for [REDACTED], was on it like a dog on a squirrel. Grabbing it by the neck and shaking for all she was worth.

First, she sent Milo several e-mails, to which he didn't respond. Then she called me up and ordered me to send Milo an e-mail saying I wanted to buy the boat. Her thinking was that maybe he'd respond to me, since I'm a rich-and-famous whatever it is I am.

Sure enough, he did. He explained he was overwhelmed with responses to his ad and hadn't had time to separate "the wheat from the chaff," but since he'd recently read my book ([REDACTED]) I automatically rated as wheat.

When I told Emily this, she said that meant Milo must be an old guy like me, since obviously no young people would ever read my book. The following day I drove up to Belfast with a checkbook in my pocket and was pleased to find Milo was, in fact, still pretty young. *Ka-ching!* Score

one for the geezers.

Emily, who was on a boat she already owned in Florida at the time, insisted she wanted to buy this one sight-unseen and urged me to hand Milo a check ASAP before some other opportunist swooped in and tried to grab it (as, indeed, another aspirant already had, preemptively offering \$7,000 and making this the new asking price). Being the traditionalist that I am, though, I insisted on inspecting the boat and asking Milo some questions about it first.

It was actually a pretty cool boat, with a solid, hand-laid glass deck and hull, so no soggy-core worries anywhere. The standing rigging and chainplates had recently been replaced, and there was a fresh roller-furling unit on the headstay, a fully functional wind-vane on the transom and bronze hardware everywhere. Most intriguingly, a custom 48-volt electric motor had taken the place of the old Atomic 4. The only downside was the boat was downright filthy. Having already received over two-dozen answers to his ad in less than 48 hours, I assumed Milo had decided he needn't clean the boat up to show it.

After answering my questions, Milo had a question of his own: why the heck was I interested in his boat? Busted! I came clean and admitted I was, in fact, acting as an agent for a friend, who Milo immediately guessed must be Emily. He still took a check from me, though, and handed back a handwritten receipt. That same night Emily reimbursed me via Paypal. The deal was done.

The thing is, this is the fourth cruising sailboat Emily has purchased in five years. Her previous yachts were a Bristol 24, a Pearson Ariel 26 and a Great Dane 28, all of which she has lived and cruised on full-time. It may seem crazy, but this latest transaction, exchanging the Great Dane for the Tripp 29, actually made good sense economically. Emily had purchased the Great Dane for \$4,000, sold off its engine and wanted to upgrade it with a windvane and roller-furling. It was much cheaper, though, to buy the Tripp, which already had those things, than it was to install them in her existing boat.

I have to say, the volatility of the super-low-budget cruising boat market has surprised me. I noted with interest, for example, when finalizing our paperwork, that Milo had made a tidy profit of \$2,000, even though he'd owned the boat for only a year. Emily also had no trouble getting what she paid for her Great Dane, plus \$200, even though it now has no engine. In part, I am sure this has something to do with the Covid-19 pandemic, which has sent people everywhere searching for escape vehicles. I also think, though, there is a growing market of young folk looking to go cruising in ultra-affordable boats, an encouraging trend. As for Emily, I reckon she'll eventually flip her way up to a superyacht. If she wants me to represent her in that sort of a deal, though, I'm asking for a commission. **S**