

STILL THE ONLY ZINE TO RANK IN THE TOP FIVE IN BOTH THE 1978 AND 1979 LEEDER POLL IS:

DIPLOMACY DIGEST

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The 1975CM Affair

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Please notice the new sub rates above --- up 5¢ per issue. I dislike having to do this --- I don't want the price of DD to be a bar to anyone's subbing. But I have to be realistic. Even when the present rates were set (March 1978), 25¢ did not even cover the printing and postage costs alone, not to mention incidentals. However, I was able to rationalize this by recovering part of the loss with double issues, which do not have double the postage cost. However, recently, I'm even losing money on those, so some change was needed. Even at these new rates, the zine will not be in the black, but the loss is more reasonable. I have a print run of 200, which I need to get the lower rates, and I gamble that I can sell the rest as back issues. Actually, I don't know why I'm being so apologetic. The 25¢ full size zine (10+ pages) is a thing of the past, and even at 30¢ I'm a rare exception --- not trading helps. A few subs will have to be recalculated, because the owners bought more than a single sub; the excess over 10 will be recalculated, unless you are Scott Marley, because you won your free issues.

Actually, the real reason that prices were upped was to divert you from the lateness of this issue.

This is certainly one of the most specialized issues I've ever put out --- probably the most. It deals exclusively with one dispute, Kelly vs Gladstein & Brenner in 1975CM. I personally found it quite interesting. It deals with accusations of GMing malfeasance and coverup, and player=GM collusion, which is somewhat in the news these days, what with all the "Oaklyn" business. Also noteworthy is the way that this relatively complicated matter was handled. The JudCom, a committee that assists the IDA Ombudsman (John Leeder) no longer exists, and hasn't for some time. But its use here gives us a chance to see how different people view the same sets of alleged acts and how they put different interpretations on the same written material. Actually, the GMs themselves are not really that relevant here --- neither one of them is in the hobby anymore. But the issues of how to best deal with the consequences of a GMing error that is not easy to reverse, of how to resolve disputes, of change of GMs, and of GM-player friendship are themes that will be with us as long as the game is played postally, so I hope you find this resurrection of an old dispute to your liking.

Some one has put out a superb fake issue of Volkerwaderung #5, which arrived here the same day as the real one! There was no real attempt made to pass the thing off as a genuine article --- which is my favorite kind of fake, tho the other type has its merits too. I mean, the postmark is from California, tho the zine is from Virginia, and on the last page he essentially says its a fake. Whoever did it has such a good "feel" for the zine (not easy to do for such a young zine) that it would not surprise me that they did it themselves! I have no idea who the perpetrator is, but if he's one of my subber's my hat really goes off to you for producing a highly entertaining fake, and I hope you'll do it again some time.

((First, a bit of introduction. The IDA ombudsman was John Leeder, an experienced GM. At that time, there was a JudCom to advise him on all matters, and to be part of the decision process. He published virtually all the materials that I am about to quote from; his comments are in triple parens, mine in double, as usual. I have done some editing for reasons of space.))

Kelly vs. Gladstone & Brenner #1 August 10, 1975

This case involves game 1975CM, carried in THE EX^XPOENET. Fred Brenner publishes the zine and is the present GM of the game, David Gladstein is the former GM, Ron Kelly is the English player.

Kelly has requested, "This is a very serious case....in that it does not only involve GM error, but it involves refusal to correct an error, cover-up, and dishonesty. For these reasons, I not only request hobby-wide statements, naming names, etc. but that it go on to the JudCom, to take the most stern, serious action that it is possible for the IDA to take....." Because of the length of Ron's letter, and the fact that it contains comments on personal matters not related to the case, I will paraphrase his letter rather than photocopying it in its entirety. The allegations:

The SO2 moves for this game (Gladstone GMing) were published in THE EX^XPOENET #17 postmarked July 20. France was shown as missing his moves. Kelly negotiated with the other players, revealing confidential information on the basis of a French NMR. In early August, he received a subzine THE MUFF (masthead date July 31) which stated the French orders for SO2 had arrived late, had been delayed by posts, and were being accepted. Kelly protested the acceptance of the French orders, and requested a deadline extension. Germany (Mike McDonough) also protested and requested a delay. Gladstein's response to McDonough (of which Kelly enclosed a photocopy) repeatedly stressed that the French orders had been inordinately delayed by the mails (postmarked July 1 for a July 18 deadline) and would be allowed, as the postal delay constituted "Extenuating Circumstance". However, in the next issue of TE, it was stated that Gladstone had resigned as GM and that Fred Brenner was now filling that post. Brenner stated further that the French orders had not been late, but had been received and mislaid by Gladstein's mother. Brenner also stated, "I realize that it would probably have been best if FO2 was delayed an issue, but this is impossible, as several people have found out the FO2 orders." Kelly charges that 1) Brenner "invented the story about Gladstein's mother, just to give a better excuse for accepting the later French SO2 orders." 2) Brenner either invented the story of some players finding out the FO2 orders, in order to provide an excuse for not delaying that season, or he deliberately "spread the info to some of the players (probably only Russia) in order to give himself an excuse for not delaying the FO2 season. Obviously this was unethical, as he already had my protest, and the German protest, well before the deadline." Kelly also suggests that the motive for the alleged abuses is as follows: France is strongly allied with Russia in the game. Russia is played by Richard Kovalcik, Jr, former publisher of TE, and a close friend of both Gladstein and Brenner. He charges, "I contend that the Russian player put pressure, first on Gladstein, and then on Brenner, to accept the late French orders, in order to help his own position."

These charges are serious indeed, and I'd appreciate hearing the other side of the story so that all viewpoints can be presented to the JudCom at one time. I'd also like the principals to refrain, difficult as it is, from public statements at this time. If we can clear this matter up without exposing it to the hobby as a whole until all the facts are in and everyone has had his say, so much the better. Please cooperate. (MK) ((Copies to JudCom members, Kelly(RK), Gladstein(DG), Brenner(FB), Kovalcik(RK)McDonough

Kelly vs. Brenner & Goldstein #2 September 17, 1975

Material has been received from Kovalcik, Gladstein and McDonough, and a further letter from Ron Kelly.

Richard Kovalcik, Jr. made the following points by phone:

The fact that Kelly negotiated with players before receiving notice that France's

orders were accepted is not really relevant. Gamesmaster errors are not such an uncommon occurrence as to make Kelly's case unusual. If France's orders did arrive before the deadline, as per Brenner's explanation, then they should have been accepted. This was done, the correction was made, and while Kelly underwent a hardship due to this, nevertheless it would have been more unfair not to accept the French orders. ((My paraphrasing. Gladstein's letter throws further light here.)))

He(Kovalcik, Jr) did not exert pressure on Gladstein. Anyone familiar with the N.Y. scene knows that he is not a "close friend" of Gladstein, who would have no reason for doing anything Kovalcik asked him to do.

As for the leaking of the FO2 orders, it happened as follows: After the deadline, but before the publication of TE, Kovalcik happened to be on the phone to Brenner, asked "What happened in 75CM?" and Brenner told him. Then Kovalcik told the French player in the course of a phone conversation. ((Timing here is important. Did Brenner tell Kovalcik before or after he found out the true reason for the French orders' lateness(If indeed it is the true reason.) Fred, can you enlighten us?)))

, If the giving out of the information by Brenner to Kovalci constitutes collusion, "the burden of proof is on Kelly." Kovalcik also indicated that Brenner would likely not send a separate communication, as Kovalcik had made his points for him

David Galdstein's letter is reproduced here verbatim:

Herein follows my version of the part I played in 1975CM. On or near July 2 of this year, I received the SO2 orders from Eric Robinson ((France))). I left the letter on my desk, and shortly thereafter went on a 2-week vacation. During these 2 weeks, I was totally incommunicado with respect to mail arriving at my home.

Upon arriving home several days after the deadline, I sat down to the task of adjudicating the orders that I found waiting for me. Tho I thought I had gotten a letter from Eric, I was unable to find it before I had to give the adjudications to the editor. As per the standard procedure, I listed France as NMR.

When Eric got his issue of TE, he called me from Washington, asking what had happened to his moves. He confirmed my recollection that he had, indeed, sent in moves. He then gave me the moves over the phone, and I said I would see what I could do.

I decided to accept the moves for two reasons. The first, and most pertinent to the case was that the moves had gotten to me before the deadline tho I was unable to find them at the time. I came to this conclusion based on my own recollection of having gotten mail from Eric, and upon the fact that, in my opinion, Eric Robinson is a gentleman and not in the habit of lying to a GM in an attempt to deceive him and thereby correct the oversight of not having sent in moves. The second reason for accepting the moves was that if France remained NMR, that position would have become unplayable due to a factor outside the supposed scope of the game. ((??))

Having decided to accept the moves, there still remained the problem of how to explain the affair to the other players. I realized that the players' probable reaction to my accepting moves which I could not conclusively prove that I had received. In an effort to keep the game running smoothly, I announced that I had received the orders late by mail, and that the postmark indicated that they were sent in early July.

Shortly after sending out the announcement about the moves being accepted, I found the actual letter and envelope that Eric sent me. It was indeed postmarked July 1, and the orders were dated June 30. At this point, I informed Brenner and Kovalcik that the orders has been mislaid, and had arrived well before the deadline. Kovalcik and I can thus verify that Brenner did not fabricate the story about the moves being mislaid, as Mr. Kelly alleges.

As to the business about the next season's orders being given to Kovalcik and possibly to a few other players, the charges are not logically consistent. First, Brenner would really care very little whether the game was delayed or not, since all he had to do if it were, would be to type up a little notice in the next issue, saying that the game had been delayed. I see nothing "unethical" about not granting a delay just before the deadline.

I will not comment on the suggested motives for the "abuses", other than to say that I am surprised that an IDA officer, as Mr. Kelly is, would in effect state that fellow IDA members and Diplomacy players would lie and cheat in order to help a friend

out in a game, without any proof to that effect.

As to my own wrongdoing, I would like to state that the only thing that I did that might be considered questionable on any grounds is that instead of telling everyone that I was accepting the moves because I trusted Eric's word and my recollections, I told them that I had gotten the moves late because of a postal delay. I have already stated my reasons for doing this, and I feel that no other explanation is necessary. Given the same set of circumstances in the future, I believe that I would act in the same manner: that which I felt would cause the least disruption in the game. ((Leeder confirmed that a Xerox of the orders and envelope showed the June 30 and July 1 date)).

Ronald M. Kelly (((extracts from two letters))):

Can you at least have (((1975CM)))...declared "irregular" by the JudCom, due to gross GM error, so that the innocent parties who got screwed won't have these games counted against them in the ratings?

In ((#1)) you made one minor error. Both Germany and I sent in protests, but only Germany actually requested a delay. I only assumed that there would be one. However, that minor error does not change any of the facts of the case.

William J. McDonough, Jr.: I am again extracting points from his letter and am paraphrasing it, because it has material not concerning the basic issues. Mike McDonough, 13-year-old son of Bill, was the German player in 1975CM. Bill plays in another game in TE. The letter was signed by both Bill and Mike.

On receipt of THE MUFF, Mike wrote Gladstein asking him to cancel the moves in that zine and revert to those of TE #17; he stated that if this were not done, he would resign the German position. But TE #18 arrived with no delay, Germany charged with NMR and no mention of Mike's resignation. Bill wrote Brenner offering to assume his son's position, but changed his mind and cancelled the offer.

McDonough mentions another matter which he feels corroborates the charge that there was information leakage from the GM to players. Mike did not tell any of the players that he was only 13 years old, but did tell the GM. A Kovalcik letter to Kelly says of Mike "He seems to be quite inexperienced." ((It was in fact Mike's first postal game)) Bill feels this information was given to Kovalcik by the GM and indicates that information leaking was going on.

Leeder again. I think we have sufficient statements from most parties, and will now put #1 and #2 before JudCom. I would, however, like to hear from Fred Brenner. I have several questions:

What was the timing of events in the deadline/info to Kovalcik/publication series?

Where did the "forgetful mother" story come from?

Is David Goldstein currently GMing any games in THE EXPONENT or elsewhere?

Does THE EXPONENT have any policy on, or keep tabs on, the GMing techniques and procedures used by GMs in its games?

Anyone else with any new information, please send it along. Fred, can you give me a quick response in order to help speed this along?((Copies JudCom,RK,MK,RK,FB,DG)).

**My Comments ((Leeder's)) on the Kelly vs Gladstone & Brenner case Sept 24, 1975

This issue divides pretty neatly into two parts, one concerning Gladstein and the other concerning Brenner. I think we should wait for Brenner's response before making any judgement on his part. However, we can go ahead with Gladstein's portion

I think there were definite misdeeds by Gladstein. The first, and most obvious was his misplacing of Robinson's letter. It should have been filed as soon as he received it. Whether or not this is an isolated incident, or whether Gladstein made a regular habit of not filing the orders for games he GMs, I'm trying to find out. If the latter, he could be charged with "improper gamesmasterial procedures" with which either Kovalcik or Brenner, as former and present editors, would share the blame for not supervising GMs in their zines:

I don't think a GM should be sanctioned for a single error. Similarly, if improper procedures were being used as a regular habit, there would be grounds for sanctioning; however, if the GM and editor promise to clean up their act and institute proper pro-

cedures. we shouldn't apply sanctions. Only if a GM or editor persist in using improper procedures in defiance of requests to clean up, should we apply sanctions.

Second of Gladstein's misdeeds was his dishonest explanation of his reasons for accepting the French orders. (Altho his choice of explanations was a poor one. I don't think that postal delays are a valid reason for accepting late orders. Some people disagree with me, but I contend that there are ways a player can protect himself against delays. If a player chooses not to use these protection devices, then late moves are his own fault. But I digress.) He should have told the truth. In fact the truth would have been a more effective and acceptable explanation than the one concocted.

I think Gladstein did the right thing, for the wrong reasons. He was correct in accepting the French Orders. However, his rationalization that "if France remained NMR, that position would have become unplayable" is not acceptable. If the French orders had in fact been late, and Gladstein had allowed them on that basis, he would have in fact been guilty of cheating to help out one player at the expense of the rest. The fact that he thinks this way, and that he did lie to the players about his reasons for accepting the "late" orders, and that he states that he would probably lie again under the same conditions, makes one wonder about his fitness to GM. ((Superbly reasoned and put))

I am trying to find out:

-If Gladstein made a habit of filing orders or not.

-If THE EXPONENT editors make a practice of supervising their guest GMs

-If Gladstein is GMing any games at present.

(I didn't think of these points before I printed KvsB&G#2 but added them as personal notes to Gladstone and Brenner.) I would recommend holding off decision on the Gladstone portion of this case until we get the answers, and similarly holding off decision on the Brenner portion until we hear from Fred.

I am sending this only to JudCom members and would ask you to keep this case confidential. When the case is closed, all material pertaining to it will be deposited with the archivist. Until then, we should avoid a "trial by public opinion."

Kelly vs Gladstone & Brenner #3

Several letters were received adding further details to our store of knowledge of the facts of this complicated case. I quote:

Fred Brenner: First of all, I received moves from Gladstein by phone the week TE was coming out. The following day Rich and I were on the phone and he asked me for the moves of 1975GM. Second, as for the story of the forgetful mother, it came from David who told Rich and then he told me. Then I printed exactly what I was told to. Third, as for David GMing. He is not currently GMing any games in TE. As for the outside, I do not know. Fourth, as to GMing techniques, there are no policies for GMs in TE. All I know is that I was asked to take over the game and then all of the sudden there is a protest.

David Gladstein: My normal procedure was to type the moves onto a sheet which was part of my record of the game. Since I was about to leave when the moves in question arrived, I left them unopened on my desk to be processed upon my return.

Richard Kovalcik: 1) The last point I made on the phone to you would be better expressed as; "Brenner, Gladstein and I are innocent until proven guilty, (which I hope will never happen because if it does: it will show a serious flaw in the Judicial Committee). The burden of proof is on the accuser(s)." 2) I read some time ago in a DR that the JudCom cannot make statements of the regularity of the game; specifically they cannot declare a game irregular, right? (((If we decided to act in that area, our action would be to recommend to the Boardman Number Custodian that he declare the game irregular. The actual declaration would be up to him.))) 3) When I wrote to Ron Kelly that Mike McDonough seemed inexperienced, I based it on the fact that I had not seen his name in any magazines. I had, however, been given Mike's letter to David because it was addressed to David as the editor of TE and I had taken over as editor. 4) David is not currently GMing any games. I had tried to get him to resign as GM in June as I thought I had enough trouble from him and I didn't want Fred to have any. Unfortunately, I was unsuccessful.

Ron Kelly: ...Nowhere does it state that I have resigned as England in 75CM (hopefully) Therefore, I assume that I must have neglected to inform you of this. See Enclosure #1 for my latest attempt to resign from the game, and enclosure #2 for my protest to the GM and first attempt at resignation.

THE EXPONENT SUPPLEMENT, dated 10/14/75... Brenner as GM of 75CM has taken the action of asking for resubmission of FO2 orders, based on the revised SO2 orders as printed in THE MUFF #1. He also asks Kelly and McDonough to reconsider their resignations and gives them the opportunity to stay with the game. He also states: "In closing, I would like to state that David Gladstein didn't state the true reason for his acceptance of Eric Robinson's moves in Muff #1. Contrary to what David said, he accepted the moves on blind trust alone. At the time Muff #1 was printed, David Gladstein was not sure that Eric Robinson mailed moves before the deadline. It turned out later that David had indeed received moves from Eric before the deadline. Also, I had no knowledge of Germany's resignation until a couple of weeks ago." ((i.e. Gladstein did not tell Brenner of McDonough's resignation.))

Material of a more General nature, from Ron Kelly's letter ((of Sept 30)):

Ron Kelly: I would like to make one general suggestion for your consideration, when dealing with any cases in the future... Unless you have a tape recording of the phone call, you do not use statements made over the phone as part of the official record of the case. In the first place, unless you know shorthand, the statement printed in the letters to the JudCom depend to a certain extent on your memory. In the second place, anything said to you over the phone, instead of being sent to you in a written, signed statement, can later be denied as having been said in that exact way. Thus, it would not be safe to use a "phone statement" as a basis on which to make serious judgements and decisions. (((The procedure I used in Richard's phone call was to jot down, while we spoke, the main points of the conversation; then I read them back to him and he approved them. Note that he made only one minor clarification since. I don't simply trust to my memory, nor even to my notes. The substance of my notes was verbally approved by Richard. When phone quotes are treated carefully in this fashion, I see no real danger in using them as evidence.)))

...There is something about Gladstein's "confession" that gives me an uneasy feeling, like something's not quite right. In the first place, I feel I was able to put together a good enough case to make it obvious that someone was lying about something. If no one had confessed to any wrongdoing, then they all three would have been implicated, by inference. However, it seems to me that Gladstein's confession was a little too easily forthcoming, and a little too smooth. It should be remembered that Gladstein was removed from his position as guest GM for TE games ((no, he resigned)) and as far as I know, is no longer associated with TE. Therefore, all blame can be placed on Goldstein, then there will be no further examination into any possible wrongdoing by the others. Therefore, I caution against allowing Goldstein to be set up as a "strawman" for the JudCom to take shots at, and possible diverting attention from the others. It is possible that Gladstein, possibly voluntarily (since he is no longer a GM) is being used as the fall-guy in this case, to take others off the hook.

As for my contention that Kovalcik exerted influence/pressure on Brenner, I further cite the fact that 1) Brenner did not bother sending in a statement trying to refute the charges, and 2) Kovalcik said in his phone call that he was making Brenner's points for him. Why is a player in a game taking it upon himself to explain the actions of, and speak for, the GM? If he (K) does his (B's) talking for him, he could very well do his thinking for him also.

In Kovalcik's "phone statement", he only denies "being" a close friend of" and exerting pressure on Gladstein. He does not mention Brenner, who had taken over the handling of this game, in this denial.

Kovalcik says the French orders should have been used if Brenner's explanation was correct. But Brenner's statement said Gladstein's mother mislaid the orders, while Gladstein's confession states that he mislaid the orders. There's still a contradiction here. In fact, Gladstein stated that he called Brenner and told him the story about how he (G) had mislaid the orders. Therefore, why did Brenner come up with the

"forgetful mother" story (((According to Brenner, Gladstein told him))) I can see some reason for Gladstein calling Brenner about this situation, as Brenner is the publisher of the zine, and thus to some extent, responsible for the games therein. But why would he call Kovalcik, who was supposedly just another player in the game, and inform him of the inside story of the events in the game, and call only Kovalcik, of all players, if he and Kovalcik weren't "good friends" and if there wasn't some sort of collusion going on?

(((Perhaps I can provide some explanation here. Kovalcik was; up until recently, editor of TE. Kovalcik told me by phone, - I paraphrase from memory this time - that Brenner has only short experience as a publisher, indeed as a postal player, and thus relied on Kovalcik for advice. Gladstein was a guest GM and consulting editor under Kovalcik, not Brenner, so may have been more in the habit of consulting Kovalcik than Brenner. This is a possible explanation, but only my conjecture.)))

Gladstein states in his "confession" that "the request of the delay submitted before the deadline". Since the moves were mailed to Gladstein, the only way Brenner would have known what the orders were was to have obtained them from Gladstein. According to Kovalcik's "phone statement", Brenner, after he had obtained the orders (which contained the delay request letter from Germany, and my protest), gave the moves to Kovalcik over the phone. Brenner said he couldn't delay the FO2 season because "some players had found out the moves." But according to Kovalcik, it was Brenner himself who gave out the information. Even if Gladstein had read Brenner the moves over the phone the day after the deadline, and Brenner did not physically take possession of the game materials until several days after the deadline, it is inconceivable that Gladstein would have read Brenner the moves without mentioning the request for delay/protests from Germany and myself. Therefore I still contend that Brenner knew he should have postponed the FO2 deadline when he gave the FO2 moves to Kovalcik.

(((The fact that Brenner printed Germany as NMR in FO2, and that he states that he did not know of McDonough's resignation until recently, indicates that Gladstein did not pass that information on to him. Whether or not Brenner knew of Kelly's protests information we don't possess, but it seems reasonable that if Gladstein didn't pass on one, he didn't pass on the other.

(((Incidentally, I am using this format not to refute Ron's points, as it may appear, but rather to fill in bits of information which he could not have possessed when he wrote the letter. I thought it would be easier to follow if I inserted it into the body of the letter after the paragraphs concerned, rather than stick it on afterward.)))

I can only hope that the outcome of this case will help serve as an example to the entire hobby ((which is part of the reason that I am reprinting it years later)). This entire hobby is built on one main foundation, trust in the GM/publisher. Back in the old days, you knew that no matter what your personal relationship with a GM was, you could at least depend on people like von Metzke, Beyerlein, Birsan, Leeder, etc, to be honest in their GMing. If these unfair practices go unchecked, and become widespread in the hobby, and the "trust in the GM" factor is lost, then the entire hobby could fold. (((This concludes the statements currently on hand from the principals. Debate by the Judicial Committee will be carried separately.)) (Copies to JudCom, RK, FB, DG, RK, MK)).

((Next item is called "Debate on "Kelly vs. Gladstein & Brenner" and is dated 22 Oct))

Robert Sacks: a) On the request that the game be declared irregular, a full copy of the proceedings should be sent to the Boardman Number Custodian (((If we should recommend such action, it will be sent.)))

b) An apology by Gladstein to Kelly, McDonough and Robinson is advisable.

c) I see no other action we could take with respect to this case; unless the situation is substantially clarified, and an ingenious Solomon-like solution is proposed, I feel obligated to vote against any other action.

Ray Heuer I've known Dave for some time now, so, as a member of JudCom, it was only natural that he talked to me about this just after it occurred (August 13 or so). The explanation that he gave me at that time is similar to the one in his letter in KvsB&G #2, except for one detail that he left out of the letter. This is that, while Dave was away, his mother cleaned up his room, thereby burying Robinson's letter under a

stack of papers. In view of the letters in #1 & #2, my conversation with Gladstein referred to above, my knowledge of the principals in the case, and a telephone conversation this date with Brenner ((Oct 8)), my opinion is the following: (Since I have not seen MUFF #1, I am assuming Dave did in fact give the postal delay explanation in it)

1. Gladstein is guilty of lying to the players in that he did knowingly give a false explanation for his acceptance of the SO2 orders for France in 1975CM.

2. Kelly's charges of collusion/coercion between Kovalcik/Brenner/Gladstein are purest nonsense, and I'm surprised that Ron would make such a charge.

3. Fred Brenner is guilty of giving a player an unfair advantage (Kovalcik) by advising him of the moves in the game before the publication of the zine....

Number 3 is, of course, totally a matter of my personal opinion. I have always been against a player getting moves well in advance of others merely because he happens to live in the same area as the GM or can afford a long-distance call.

I really do not think that TE's supervision of their GMs (or lack thereof) is at issue here. Only general suggestions can be made to Guest GMs, or there is no real point in having them, as the type of supervision you imply is more work than the adjudication itself ((a statement I totally disagree with.))

No publisher should be made, or even advised, to keep his GGMS on such a short leash that all non-adjudication errors (such as orders misfiling) can be caught at once (or at all, for that matter).

My advice for action is this: The SO2 orders should be allowed to stand, with France's orders as printed in MUFF #1. Further, that the FO2 orders stand as printed in TE #18 (yes, I know this is somewhat unfair to Mike McDonough, but to allow him to submit moves now would be even more unfair to the other players. Besides which, one should never assume that an extension will automatically be granted merely because one has been requested. GMs cannot do things merely to please one player.) Both Brenner and Gladstein should be advised that they are in error in this matter, and requested to apologize (in print) in the next issue of TE. A summary of the case, naming all parties involved, but with the accent on the fact that they are all human, and humans sometimes make mistakes, should be published in the next DR. Other than the public apology (mention of which should be made in the summary, unless such apology has already been made in print by the date of DR...no sanctions should be advised.

Like I said above, these are only my opinions, and we should all discuss all factors before proceeding to the voting of sanctions of any kind. By the way, Dave had resigned as GM of the only two games he GMed, and has also resigned from several games in order to leave more time for schoolwork.

Henry Kelly: One additional point that should be brought out in Kelly vs Brenner is: Why was Brenner giving out the FO2 moves to anyone over the phone when two players in the game had protested, i.e. requested a delay prior to the deadline? Brenner then published that a delay was impossible due to some players already knowing the moves. Kovalcik alleges that he didn't ask for moves until after the deadline. Did I miss something there? That is to say, no other reason has been cited for not granting delay

Steve Brooks: Ron sent me copies of his letters to you, of TE, THE MUFF, Gladstein's letter to McDonough. As I see it, the key question revolves around the SO2 moves of France. Either 1) they arrived before the deadline and were misplaced or 2) they arrived late...Lets take it one at a time.

1) If the moves had been misplaced, there is a solution - replay SO2 with the concurrence of all players. To allow the French SO2 ((NMR)) is criminal, since Gladstein admits that France called him after seeing the new TE #17 with France NMR. Thus France had the advantage of seeing the other moves - again, I say replay SO2. Two players protested the allowing of the French SO2 moves (reported in THE MUFF) and one asked for a deadline extension. On a protest of this magnitude, an extension should be almost automatic. Also, if the moves were misplaced, the Gladstein letters to McDonough contained gross falsehoods, and he should be sanctioned for this.

2) If the moves were late.....((not the case, so deleted))

Points: 1. Gladstein is at fault for not properly filing orders (as a Guest GM in Claw and Fang, I hold orders for one game year)((I thought everyone did that))

2. Gladstein/Brenner should not have allowed the French SO2 orders to be inserted into the game after the official printing of SO2 in TE #17

3. Gladstein lied to his players: Either the moves were misplaced, and the letter to McDounough was filled with falsehoods about mail service, or the moves arrived late, and the mother story was a lie (((This letter was postmarked Sept 30, possibly written before receipt of KvsG&B#2, thus not knowing about Gladstein's admissions.)))

4. Brenner error for not granting a requested delay in a serious protest like this.

5. Even tho Brenner gave out the FO2 moves, he could have granted a delay and called FO2 null and void be ause of the SO2 dispute.

I find:

A. Gladstein guilty of poor GM procedures

1) He did not file properly orders

2) He should not have allowed the French SO2 orders after SO2 was printed; he could have rerun SO2 if the moves had been misplaced...

4) Gladstein stated in his letter that if similar circumstances arose, he would act in the same way. To accept late moves is gross GM incompetence and borders on dishonesty.

5) He has admitted he told lies to the players in the letter about the Post Office.

6) It is not his concern how an NMR will affect a game

I suggest the following:

B. 1) FULL IDA SANCTIONS VS GLADSTEIN because he accepted illegal orders when he had other logical alternatives and because he stated he would do it again, and he lied.

2) SANCTIONS RECOMMENDED

1. Blackballing from all official IDA publishing and request that no IDA publisher print any Gladstein game openings

2. Report in Diplomacy Review mentioning names and circumstances - i.e GM irregularities and dishonesty

3. Reccomend removal of all Galdstein games from IDA insurance plans and that all IDA members shun his games.

4. Return game to SO2; that is, call for new SO2 moves.

5. Failing 4), officially ask the BNC to declair 1975CM as "irregular" due to gross gamesmaster error.

Vs Brenner, I find:

A. 1. There is nothing wrong with giving out the FO2 moves after the deadline, however:

2. Brnner should have granted the delay of FO2 as requested

3. AS the new GM, he should not have gone along with Gladstein's acceptance of the original French SO2 orders.

B. Sanctions recommended:

1. Report in DR citing Brenner by name for gross GM irregularity and warning players of the fact that he did not respond to a valid request for an extension

((If there were any other debate-zines, I am unaware of them, and don't have copies. Next up are a few quotes from a Kelly letter to Leeder, Dec 26, 1975, beginning with an interesting procedural point.))

I can't help wondering how many times you are going to allow the defendents in this case to submit revised statements, or how long you are going to give them to keep improving their version of what happened, before you finally bring this case to its final conclusion. Given enough time, I'm sure they'll be able to cover all the holes and discrepancies in their statements, and present an excellent case. I urge the Jud com to consider the first statemenets made by each party to be the ones most nearly the truth, and to take into consideration that the revised statements made months and months after this case was first activated are more "polished" due to further consultations between the parties. ((Just over two pages ago, Leeder interpolated that "...it seems reasonable..." Well, it didn't seem reasonable to Ron:)) ...Does it really seem "reasonable" to beleive that Gladstein would give Brenner all the info about that season's moves, so that they could be rpinted in the zine, and to just "happen" to fail to mention some thing as important as the fact that 2 players were protesting the moves, and that one had called for a delay; especially when it turns out that the points he just "happened" to fail to mention are the ones which made the difference as to whether Brenner

right or wrong in passing on the move info to his friend "Rich" or delaying the game."
((Next, there was some sort of ballot, which I don't have. What I do have is called
"Kelly vs. Gladstein & Brenner" --- votes and comments Jan 7, 1976))

Votes: No ballots received from Anderson or Brooks. Due to the complexity of the ballot, and the fact that few "Yes" votes were cast, I will reprint only the motions adopted, plus yes votes for the others. Assume all votes No unless otherwise specified. My ballot, for myself and Birsan's proxy is currently in the possession of Steve Brooks so I can't verify my own votes but will work from memory.

Motions Adopted:-Gladstein was at fault in giving an untrue explanation to the players concerning his reasons for accepting the French SO2 orders(Bi,L,H,S voted Yes)

-Gladstein was at fault for not providing Brenner with complete information on the game, on his resignation as GM (Bi,H,L,S voted Yes)

-Brenner was at fault for giving Kovalcik games results by telephone.
(Bi, H, L, tie breaker by Leeder)

Hauer also cast a Yes vote for the first motion. I voted for sanctions to the extent of a public statement of the misdeeds. No other sanctions received Yes votes. I will put this verdict into prose form in mailing out to the principles. Tho no debate is needed, as the case is closed, still the members' comments may be of interest:

Hauer: It is my belief that when Gladstein said he would "do it again", he meant that given the same situation, he would readjudicate the game and send out "corrections," and not that he would lie again. I would like to go on record as saying that, except for the lie, I would have done the exact same thing in Dave's place. ((Not me!))

H. Kelley ((Who later became the IDA Ombudsman)) Altho I didn't vote "YES" on very many of the questions regarding fault in this matter, I'm still voting to recommend to the BNC that the game be declared irregular. So far, in 2 game-years, 1975GM has had confusion regarding the French SO2 orders, admitted GM deception of the players, a very poorly handled transfer of GMing which (apparently) allowed legitimate requests for delay of deadline to be "overlooked". These factors, and the resignations under protest that ensued, have distorted the game badly from what it originally was. It should be noted that these factors are not "natural causes" (eg dropouts) that a player should have to contend with in postal diplomacy. As far as the ratings go, I see no reason Kelly & McDonough should be made to suffer for resigning from this game.

Altho I didn't vote to sustain any of the charges of collusion, it does seem to me that Kovalcik did use "bad form" in entering a game where the guest GM would have to be "consulting" with him on a regular basis. Of course, the root cause of this problem was (apparently) that the GMs were lacking in the capacity to do the job on their own.

Ron has developed a fully plausible scenario for his charges of collusion. But one must consider that it is purely circumstantial evidence, i.e. just a scenario.

Leeder: Exponent #22, just received, shows that neither Kelly nor McDonough availed themselves of the opportunity to withdraw their resignations. However, Kelly was allowed to nominate his own replacement ((Eric Verheiden)) rather than the standby called by the GM ((Matt Diller))

As Sergeant Preston used to say, "This case is closed!" Our reaching a decision with a minimum of confusion in spite of the complexity of the case is, I feel, a credit to the competence of the JudCom in facing a tough test. The differences of opinion between members have not been expressed in intra-committee strife, but in civilized debate
Thanks.

((Finally, there was a KvG&B #4, also dated Jan 7. The above three recommendations or findings were listed, followed by this:))

In the case of the first two determinations, the JudCom has decided not to apply sanctions, as Gladstein is no longer active as a GM. In the latter determination, altho the JudCom disapproves of the action, the practice is widespread and permitted by hobby tradition, and the JudCom therefore does not wish to single out Brenner for judicial action.

The JudCom did not uphold charges of collusion. In the words of one member, "Ron has developed a fully plausible scenario for his charges of collusion. But one must consider that it is purely circumstantial evidence, i.e. just a scenario."

Thanks to all parties for your cooperation in our attempts to arrive at the facts in this complex matter.

((And so it ends --- but isn't there something missing? Yes! In a penned note from Leeder to Doug Beyerlein, the BNC, he said: "The JudCom voted not to recommend this game for irregularity"))

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The Zine Column #21

Response to the Boardman/Ozog Editorial (TZC #20)

For starters, the editorial lastish had a garbled sentence that may have given a misimpression. The courtesy copies of Ozog's letter, that was sent to Boardman and a few others were prepared and mailed by Ozog, not by me.

Ozog has written to say that he doesn't think that he's easily swayed. He points out that if "the conversation moves too quickly for me to argue effectively, I usually just agree with whatever a person says, because I do not have a quick wit. Letter writing is far easier for me. I have time to reflect...and have time to write a good reply." OK, perhaps I went a bit too far. But I wasn't going just on the basis of that phone call. I figured that anyone who had swallowed "Oaklyn's" line so thoroly just had to be easily swayed. Indeed, I thought that that descriptor might put Eric in a slightly better light --- as an alternative to the coconspirator theory. Eric, incidently, has decided to withdraw his offer to compensate financially any players burned by "Oaklyn!"

Moving then to the question of the propriety of Boardman's action, there was one (1) person who agreed with him: JB's good friend Bob Lipton. " 'Speaking off the record' ((an inaccurate quote, he said "Speaking strictly off the record")) strikes me as a glassy-eyed phrase that has become meaningless." I suppose its remotely possible that such a phrase has become meaningless in N.Y.C., but that doesn't seem to be the case elsewhere. Thus, from Fred Davis: "I agree with you that using the phrase 'off the record' in a letter ought to establish that the letter should be neither printed nor distributed". Lee Kendter, "I strongly agree with you on the issue of confidentiality. I carry on a lot of this type of correspondence with other GMs/publishers, and anyone who would violate this is held in very low esteem by me." Steve McLendon: "If a person tells me that what he has said is off the record, it will in fact be off the record -- just a personal communication between him and me." Eric Verheiden: "I do believe that private correspondence is private unless clearly indicated otherwise." Doug Beyerlein: "Boardman is the only person I can think of who has done this sort of thing in the past." Indeed, I have learned that this is not the first time Boardman has pulled such a stunt. In Graustark #147, John polled his readers on their preferences in the upcoming 1968 presidential contest, promising confidentiality. He published the results --- and then named those who had expressed a preference for George Wallace. I'll quote from Conrad von Metzke: "'Boardman argues that such people ought to be recognized for what they are: bigots, racists, etc. Philosophically, I agree with his opinion; but I take exception to his use of a broken promise to accomplish his ends.'" (Costaguana III, #7, 5-27-68)

I was surprised not to receive any response from JB on this matter. After all, my criticism of him for calling Bassett and Ozog a "pseudonym" for Tretick, and for violating confidentiality was pretty strong put; I certainly would have had some response if such criticism had been targeted at me. But I've been told by a long time Boardman-watcher that when criticized, JB either ignores it, or cuts the writer to pieces. But in a letter to Dick Martin, he says "I have never said that Ozog is Tretick" --- an odd stance for someone who called Ozog a "pseudonym" . He also wrote: "Ozog is a mouthpiece for ~~the~~ sentiments of Tretick." This is hogwash. The letter JB got a copy of contained numerous and very serious accusations against "Oaklyn" --- surely not the "sentiments of Oaklyn". Ozog has said and done several things that I consider to be very foolish (some of which he now regrets) but it is clear to me that he is his own man, for better or for worse.

Mark L Berch
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The Books still have not arrived. I have heard from the publishers, who say they did send the books, but they are not sure when, and they are sending a second shipment.

If the Number 30 appears by your name, this indicates that you sub has absquatulated. Fresh supplies of money will take care of the problem.

Gold and Patriotism

In all this speculation in gold, one overlooked point should be stressed. A great deal of money is being tied up in just determining whether gold bars, coins, etc., will be in the hands of Mr. A or Mr. B. This capital could be used much more productively as venture capital to start new businesses (and hence new jobs) or to service the normal capital needs of U.S. industry. Frankly, speculation in gold (and other metals) does not strike me as being very patriotic.

MARK L. BERCH

Alexandria

Yes! For the first time in my life, I wrote a letter to a daily newspaper, and on Jan 15, 1980, The Washington Post actually printed it!! They even put it in a black box, presumably to increase its visibility.