

## HUGO L. BLACK 1886-1971

The death of a great man is a tragedy for all mankind. Only history will tell whether Hugo Black was a great man but I am confident that that will, indeed, be their verdict. A man who served thirty-four years as a Supreme Court Justice, Mr. Black rendered many controversial decisions on subjects like prayer in public schools, freedom of speech, one man-one vote; sometimes representing a minority view but more often a majority. Hugo Black was a strong believer in the Constitution and supported its literal meaning time and time again.

After a career that began as a police court judge in Alabama, he went on to a career in the US Senate. Franklin Roosevelt appointed him to the Supreme Court and the nomination was opposed by many because of Black's brief membership in the KKK. Nevertheless, on the Court, Black proved his devotion to his country and to her system of government.

As a justice, as a jurist, as a constitutional lawyer Black ranks among the best. Even more he stands with the giants who made the courts of the land, and especially the Supreme Court, the citadel of defense for our freedoms.

I recall several years ago when Justice Black spoke in San Diego to a Freedom Day luncheon. There was about him an atmosphere of toughness mixed with gentleness, of openmindedness mixed with conviction, of knowledge and of emotion. I forget his words, they weren't particularly important, but the man still leaves in my memory a vision of greatness.

Many of you saw him last Spring on television when he talked about his role on the Court, his ideas about the Constitution, about law, and about our country. One again the impression was given that he was a man of greatness, a sage for our times.

We can only hope that his replacement on the Court will, in some small measure compare with him but I am sure there will never again be another Justice Black.



"IT JUST WON'T BE THE SAME BENCH  
WITHOUT JUSTICE BLACK."

## XENOGOGIC

XENOGOGIC is a TTT Publication, now in its fifth year of continuous publication, devoted to news of the Peepiworld and, incidentally, carrying several postal Diplomacy games: 1968 CD, 1970 AM, 1971 Z, 1971 CR, and in PEERYARA, 1971 BG. This issue incorporates The Open Forum which returns, after a long absence, carrying commentary on the world about us.

XENOGOGIC is edited by Larry Peery, 816 24th St., San Diego, California, 92102 (714-233-8321). Subscriptions are \$5.00 for all issues beginning with any single game.

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THE GOOD OLD DAYS ARE HERE AGAIN! A TWENTY PLUS PAGE ISSUE!

XENOGOGIC is beginning to look like it did in the old days when it was usually the fattest and sassiest Diplomacy magazine around. This issue includes, in addition to its normal news and games: The Open Forum, a summary of the responses to Veritas Vincit, a TDA Referendum Information Questionnaire, and various other odds and ends. The players, and selected other individuals, will receive this issue by first-class mail, others will receive it by third-class mail. This is unfortunate but the expense of mailing all issues first class is more than I can handle right now. There are many important things in this issue. Some require your immediate attention, such as the TDA Questionnaire, others, such as the discussion of Diplomacy and the Law, you may read at your leisure. But I urge you to read carefully the entire issue. It will be of importance to you sooner or later.

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NIKITA S. KHRUSHCHEV 1885-1971

The former Chairman of the Council of Ministers and First Secretary of the Central Committee of the CPSU, Nikita Khrushchev, is dead at the age of 77. It is no surprise that he should have died at this time; in fact, it is remarkable that he lived for seven years after falling from his position of power. Khrushchev was not the type of man to accept easily the loss of his exercise of power, on which he thrived.

Having spent a good portion of my college career studying Mr. K and his activities, and their affects on others, perhaps I will be indulged if I say a few words about this man, one of the most unique individuals to appear on the stage of world politics in our time.

Most of us remember Khrushchev as a short, fat-man, usually smiling but often prone to outbursts of rage and racy peasant stories which always seemed to lose something in the translations provided by four-faced translators. Khrushchev, at one time the most powerful man in the Soviet Union, rose from being a peasant to head of one of the most dynamic and powerful states of our world. Yet, for all the power he had, for all the cunning he displayed, for the mastery he had of power politics in their rawest form, Khrushchev never left behind him his peasant origins. He did not learn to read or write until he was a

grown man and then only because the Party taught him. Even then he never mastered true Russian and always spoke in a semi-Russian-Ukrainian dialect. He was often gross, even coarse. His manners, of which the shoe-banging example in the UN is the classic example, were unacceptable in polite society. Yet, for all this Khrushchev never lost touch with the ordinary people, probably because he remained one of them until the day. He barn-stormed, in the true American style, all over the Soviet Union and around the world during his career. There wasn't anywhere he was afraid to go and the denied became the challenge. He loved Mother Russia, tried to serve her best interests as he understood them. Basically, he opposed violence and he ended the use of violence as a tool in Soviet power politics. His love of life was well-known and he delighted in seeing, doing, talking. He was disappointed when he couldn't see Disneyland, as a child would be. Yet, when he met Kennedy in Vienna, when he visited in London with MacMillan, in talks with one world leader after another he impressed them as a man of power, a man of vision. Above all he was a man of ideas. Often they were fanciful, impracticable, or even silly. But some of his schemes: universal disarmament, the Virgin Lands Project, rapid industrialization, the transformation of Siberia into a major center of agriculture, peaceful coexistence, were more than fanciful, they were visionary.

He loved life, he loved his country. Such leaders are all too rare. It is a pity, I think, that the current Soviet leaders fail to appreciate publicly his very real qualities of greatness, for he did have them. The proof is in the continuity of the politics and policies carried on by those who ousted him. But, as one authority said, the Russians have no trouble with predicting their glorious future, or proclaiming the greatness of the present, it is only the past that gives them problems. That they cannot explain.

The world will be a duller place without Nikita Khrushchev, I for one will miss him.

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#### NEWS IN WASHINGTON, CHINA, AND ELSEWHERE:

As I type this we have just learned that another member of the Supreme Court of the United States, Justice Harland has resigned. This will give President Nixon an opportunity to appoint a fourth justice, in addition to the third appointment he was given opportunity to make when Mr. Justice Black resigned last week. Who Mr. Nixon will appoint to the Court is probably the critical question facing the nation now. As a maker of public policy the Court's role in the society of today is critical. It is imperative that the best possible men be appointed to these positions. If not the nation is in grave, grave danger.

News out of China, a possible power struggle, the death of Mao, and other rumors, continues to be fuzzy, as usual. The problems are complex and until we find out what is happening I prefer not to comment. However, if you are interested I recommend two articles highly:

"China: Period of Suspense" (L. LaDany in Foreign Affairs, July 1970) and "Russia and China: Controlled Conflict" (R. Lowenthal, Foreign Affairs, April 1971). Both provide useful background on the current situation.

All of these events high-light in their own way the Gottterdammerung feeling that haunts me now and which is reflected in the current Open Forum. Read it.

REACTION TO VERITAS VINCIIT

Responses to the publication of Veritas Vincit, a condemnation of the leadership of Mr. John Beshara, Chairman of the Board of Directors, of The Diplomacy Association, continue to come in at the rate of two or three a day.

The first issue of Veritas Vincit has already been mailed to those who responded first to the publication of Veritas Vincit. At about the same time as this issue of XENOLOGIC is mailed in For Populi Veritas Vincit, the second installment of the responses to Veritas Vincit will be published. Anyone wishing to receive a copy of both collections should send me a self-addressed double-stamped envelope.

Generally responses have come in four groups:

1) Letters: Earl Hodin, Fred Davis, Walt Buchanan, Bill Linden, Robert Van Andel, Bill Malinn, Michael Quist, Larry St. Cyr, and others have expressed support for the conclusions of Veritas Vincit.

2) Forms: A number of people have returned the forms sent out with Veritas Vincit. Bill Carmack, Ted Holcombe, Mark Verheiden, Robert Strayer, Arnie Vagts, Rod Walker, Len Lakofka, Lee Childs, Ray Bowers, and others have generally supported the conclusions of Veritas Vincit if not always the recommendations and form of the questionnaire.

3) Magazines: As I appealed for a number of publishers, Ted Holcombe, Paul Rubin, Robert Van Andel, Len Lakofka, Larry St. Cyr, and others have offered to discuss the whole question of TDA in their various magazines. I would encourage all of you to write the editors of those magazines in which you play and encourage them to open a full and candid discussion of the issues involved.

4) The Beshara Faction: Support for John Beshara's leadership as far as I am aware of it (and one must admit that I'm sure John's backers aren't writing me) has been practically nil. John Boardman and I have had an interesting exchange and since John refuses to print my response to his little blurb in the last Graustark I will print it myself. Note that John has done exactly what John Beshara has done, tried to turn the challenge to Beshara's leadership away from the issues to personality questions. I refuse to do so.

1) /From me to John Boardman, 14 September 1971/: The following is for publication in Graustark: In the last issue of Graustark, John Beshara, through his fellow New York TDA Board member, John Boardman, has again attacked me. His effort to turn the players in 1971 BG, PEERYARA, against me having failed miserably John Beshara this time again refuses to face the issues raised in Veritas Vincit and instead attacks me on a personal level. Since my concern is with the issues raised in Veritas Vincit and not with my personal relationship with John Beshara I will not stoop to involve myself in this second round of his attack. I will continue, in spite of any and all personal attacks on me by him, to demand reforms within TDA's leadership, including Mr. Beshara's removal as Chairman of the Board of TDA. Should Mr. Beshara continue his attacks on me personally I will resort to those means established by our society for protection of the individual against those who attack him. /s/ Larry Peery.

2) /From John Boardman to me, 18 September 1971/" In your letter of 14 September you have left unanswered John Beshara's statement that he refused your request to loan him /SIC/ \$500, and that this refusal was

the proximate cause of your smear campaign against him. Since you have substantially admitted the truth of this accusation, I cannot regard the publication of VV as coming from any other cause than this. Accordingly, the next statement I will publish from you in Granstark will be your apology for the attacks you have made on TDA and John. Failing your submission of this apology, nothing of yours will appear in Granstark.

I urge you to reconsider your habit of making vicious personal attacks on people who do not look at the world in quite the way you do. It may make your tiny little ego feel good, but it does you no good in the long run. /s/ John

/I debated replying to John's card but I decided against it for a number of reasons. However, I will make a few points and then let the matter drop. First, John Beshara and John Boardman have dealt so far honestly with the facts in this case then they have in the TDA Affair. Second, at the proper time and when I so choose, I will reveal the facts, documented facts, regarding John's accusations. Third, I admit I'm following that time old tradition of giving them all the rope they want for their own uses. Fourth, do you think John Boardman would be swayed by anything I might have said in regard to this? I doubt it if for no other reason than he never bothered to ask me if it was true or not. If anyone can regard VV as a "smear campaign" I can only say their knowledge of politics is even less than their knowledge of law. The same applies to calling it a "vicious personal attack". I would like to know where I attacked TDA. My only "attacks" have been on the leadership, not the organization which I continue to support. As for John's final comment: I'm glad to know he thinks I have a tiny little ego, that's the nicest thing anyone has said to me in months. Veritas Vincit!

As I said Veritas Vincit Causa Belli and In Vox Populi Veritas Vincit, each of 10 or so pages, carry the reactions in full to VV but I thought you might like to see excerpts of some of the letters, forms, cards, etc. I've received. So, here goes.

"Larry Peery... has delved into the heart of the matter in Diplomacy's answer to the Pentagon Papers, "Veritas Vincit". In VV, he asks GM's to discuss the feud in their 'zines to help clear the air. Fair enough. With this issue I am opening a forum on the whole smelly question. Anyone who know's what's going on is invited to make a statement....(Paul Rubin, 112, 1940 Hall, Princeton University, Princeton, New Jersey, 08540)...."VV is a most interesting publication to read, though I cannot but feel you've put far more effort in the matter than the matter is worth. I rather agree with Brenton (Ver Ploeg) on the whole idea of Diplomacy organizations, i.e., that they are of dubious worth. Indeed, I entirely avoided the D.A. I considered sending Beshara my \$1 but never worked up the enthusiasm. If we'd all leave John alone and let him play his games, we could all get on with ours....(Randy Bytwerk, Apt. 107, Engelhart Hall, 1915 Maple Ave, Evanston, Ill. 60201)...."I was strongly impressed with the immensity of the work. You have obviously toiled for many hours over this, and the compilation of the Papers and their deposition in the Archives will hopefully ensure, through example, that this sordid affair will not be repeated. I agree with your ideas for a government for TDA. Should you need help, please call on me for anything....(Bill Jarvis, 44 Dover Park, Rochester, N.Y. 14610)...

24 September 1971

PEERYABA is a subzine of XENOGOGIC, containing game number 1971 EC.

Since the publication of the last issue of PEERYABA, as I expected, a certain chain of events has developed. Some of these have been outlined in Veritas Vincit Casus Belli. But, for the record, must be recorded here.

- 1) In response to my poll a clear majority (five) the players of the game decided to continue the game with me as the French player in a TTT Publication. No response was received from Mr. Burian or Mr. Nierenberg.
- 2) In response to my question as to whether he would continue as gamesmaster I received no response from Mr. Beshara. His 72 hour deadline having expired he was dismissed as gamesmaster.
- 3) Subject to player approval I have tentatively selected Mr. Hal Naus, 1011 Barrett Ave., Chula Vista, Ca. 92011 to serve as gamesmaster for us. This is for the convenience of having a gamesmaster in San Diego. The players have been informed of this. I also asked the players, by letter, to send Spring 1901 moves to Mr. Naus. The deadline for those moves was today.
- 4) I assume that Spring 1901 moves will be received from the same people who indicated that they desired to continue with the game. Therefore there will be two vacancies in the game I believe. I have invited several individuals to assume those positions after explaining to them the situation.
- 5) There has not been sufficient time for response as yet but I am confident that two, or three, excellent players will be found. When they are selected and approved by Mr. Naus a new players list will be distributed and a new deadline for Spring 1901 moves will be set.
- 6) As Earl Hodin suggested it is better to delay the game further than to start off with the handicap of two new players not having had time to negotiate.
- 7) I again apologize for the delays but, as I could not be responsible for Mr. Beshara's actions, the fault is not mine.

The highest test of character is to  
learn from the past, to admit one's  
mistakes, and to act on that admission

-Townsend Hoopes  
"Foreign Affairs"  
July 1970

(From Pacific Diplomat, Vol. III, #14, 15 September 1971, p. 3)

"While I would suggest that any readers who are members of TDA should acquaint themselves with the issues, I don't see where endorsing one side or the other here would serve a useful purpose. Rather I'll simply remind all concerned that "a house divided against itself can not long endure." Therefore I call upon John Beshara and the rest of the current board of directors to turn over the reins of TDA to a new leadership. This could be done either by finding a new board agreeable to both factions of the current board, or by making suitable arrangements for the election of a new board....(Ted Holcombe, 10012 East Valley Blvd. Apt. 38, El Monte, Ca. 91731)....."Why can't people play and get enjoyment out of it. This is supposed to be (or I suppose) to be a vehicle for intellectual stimulation, fellowship, and fun. I really don't think Allan Calhmer designed this game to be a religious cult or a way of life. I'm really sorry if it has come to this kind of fighting and bad feeling. I am also sorry that the nature of some of my peers and elders is so petty. My own reservations are the following: 1) At this point, I don't think you can reform anything with Beshara in it after publishing this stuff, 2) Most of the people in the feud are enjoying it, 3) Or will leave and go elsewhere if a viable alternative to arab secret societies is offered. I really think the idea is good. Perhaps Walt would like to reform TDA by forming a new group.... (Brian Bailey, 2451 Ridge Rd. Berkeley, Ca. 94709)...."Regarding the feud and your presentation; without having seen any of your supporting material, and qualifying my remarks accordingly, you appear to have presented a prima facie case that Mr. Beshara has in fact violated a trust.....as a personal observation..Beshara seems to be the possessor of an ego-maniac personality that demands that he control, and be acknowledged the creator and possessor of, anything to do with TDA. (Dan Brackman, 92Q/22 Doris St. North Sydney, N.S.W. Australia) /A comment: Dennis's letter is one of the most interesting I've received and everyone should read all of it: it is in IVPVV, lwp/..... "It is increasingly evident that the DA was really formed as an excuse for snoot ing Walker....(Bill Linden, 8333 Austin St. Kew Gardens, N.Y. 11415)..../I have a long letter from Edi Birsan, former chief executive officer of TDA but since he desired it be printed only in toto I must admit it here because of its length, however, it appears in its entirety in VVCB or IVPVV/...."Thanks for the info...I am available for any task you think would help." (Bill Carmack, 228 Easton Rd. A-205, Horsham, Pa. 19044)...."I guess my thinking is closest to Bernton Ver Ploeg's on this matter....Thus, whether understandable or not, the dictatorship is no longer benevolent, and I'm afraid is no longer tolerable to the majority of the members, at least to a majority of members who are being heard....Thus, I would favor, publication of a membership, establishment of a constitution. (Earl Hodin, USAF Hospital, Box 7151, APO San Francisco 96323).... /I have a long, long letter from Lee Childs but it's complexity makes it almost difficult to summarize it without confusing his comments. It appears in VVCB in full/...."Basically I believe Beshara is guilty of not running an organization for all of the members, and of allowing his personal feelings to be reflected in his running of TDA. (Ted Holcombe, address above)....(And the list goes on and on and on: Verheiden, Strayer, Vagts, Lakofka, Walker, all had interesting comments but to read them see VVCB and IVPVV....all for now...../

WHERE DO WE GO FROM HERE?

With this issue, and through several other publishers, a detailed informational questionnaire is being sent to members of TDA, and others who might be interested, about what should be done to change the current organization in line with the proposals outlined in VV, VVCB, VPVV, Eremon, and elsewhere. Basically, the reforms demanded are: 1) publication of a membership list, 2) a constitution, 3) elections of officers and a new board. There are other changes designed to meet specific problems but those are the main ones. It is vital that every member of TDA receive a copy of this questionnaire and respond to it. Without it we can do nothing. When these questionnaires have been analyzed a formal ballot will be sent to TDA members for their vote on proposals which seem to be favored in the questionnaire. This is a longer, involved process I know, but we must move carefully. Revolution, even peacefully undertaken, must be careful to protect the rights of all involved. Having read the responses to VV that have come in it is obvious that the tide is flowing against John Beshara and that demands for his removal will be strong. Nevertheless, this must be accomplished in a democratic and orderly fashion. Failing that the only other course appears to be schism.

Again, I urge you to respond promptly to the questionnaire contained in this issue. It is your voice we want heard! After all, that is what the quarrel is about.

PEERINOOZ:

1) Join TDA: We've devoted most of this issue to TDA and its problems. However, I would again like to stress that we are urging all who are not members of TDA to join the group and help make it a democratic, player-controlled organization. You may join by sending \$1.00 for dues to either myself or Mr. Walt Buchanan, R.R. 3, Lebanon, Indiana, 46052. New members will receive a copy of VV, VVCB, IVPVV, and other relevant materials. This is no time to be a fence sitter, the organization's future, and the future of Diplomacy's unity as we've experienced it, is at stake. It is vital that the reform movement not only be a majority but that it be a mandate.

2) New Magazines and Openings: Several new magazine have off and running and, as always, we endorse heartily those we think will be successful and useful (also entertaining, dependable, loyal, etc....). Among those we've noticed of late are: Xanadu, under Charles Welsh and Tom Leahy at Box 3197 Brown University, Providence, R.I. 02912. Game fees are \$4.50 per game, subs are 7/\$1. Moves are at 3 1/2 weeks. It looks like it should be a good zine. If not, well, Rhode Island is an easy target for a P-Bomb anyway. BOAST, one of our own, Herb Barents, 157 State St. Zeeland, Mich. 49464 is starting a new zine. RAAAAAHHHHH!!!! I've even promised to play in his first game if he can find people who will play with me. Course, with my luck the first game will consist of me, Beshara, Miller, Boardman, et al. Anyway, write Herb and give him a boost, he'll need it I'm sure. Oh, I might mention, for new players especially that PEERISCOPE, which is something like Pentavedria, is now available. Complimentary copies will be sent to new players who request them. PEERISCOPE gives background information on postal



3) **TTT PUBLICATIONS:** This ought to be a separate section on its own. I've been publishing like it's going to go out of style in the last month and between Diplomacy, Political Military Wargames, and the TDA Affair I've been busy. However, I should, for the record and since everything else is going in this issue, inform you that TTT Publications now has six magazines carrying regular postal Diplomacy games: **PERMANIA**, **PERIBONS**, **PERIBONS II**, **PERIBONS III**, **PERIBONS IV**, and **PERIBONS V**. These lines carrying the following games are some of the TTT PUBLICATIONS available by subscription: 1968 CD, 1970 AM, 1971 Z, 1971 BC, 1971 N, 1971 W, 1971 O, 1971 AV, 1971 AX, and 1971 BL-BR, 1971 BS, 1971 CS-CY. And there will be others. Some of you will receive a TTT PUBLICATIONS GUIDE with this issue listing all TTT publications. In addition our PMW Division is now publishing **PERIBONS**, **PERIBONS**, and other magazines devoted to various PMW activities. Then there is all the TDA junk. This probably just confuses you, so? What do you think I am?

4) **SOUTHERN CALIFORNIA DIPCON IV** will be held Saturday, December 4, 1971, beginning at noon, at the Bavelle College of UCSD in the informal lounge. All are invited. For further information contact Rod Walker, 5058 Hawley Blvd, San Diego, California 92116.

5) **The International Federation of Wargamers Diplomacy Society** is the sub-group of the IFW, the nation's largest wargaming group, devoted to Diplomacy activities. The group is currently seeking new members as it begins a major expansion of its role and activities in Diplomacy. For information write: Bob Strayer, 207 E. Alice Ave. Phoenix, Az. 85020. I suggest anyone not inspired by TDA at the moment might be interested in looking into the possibilities of the IFWS.

6) **The Bayerlein Poll.** Doug Bayerlein conducts a poll, published in **Gamer's Guide** that lists the 14 top Diplomacy players in the postal mess. If you want to participate send a listing of the 14 best Diplomacy players you know to Doug Bayerlein, 3934 S.W. Southern, Seattle, Washington 98116. List them in order, number one best, number 14 bottom. Oh yes, the current results of the last poll are in the next **Erehwon**. Rod Walker was high, as was John Smythe, Brenton Ver Floeg took the top slot. Yours truly, reflecting his normal incompetence ranked below Margaret Gemignani and Eric Blake.

7) **DIPCON IV:** Which, as you all know, was held in San Diego. Walt Buchanan had his comments in the last **Hoosier Archives**, Rod Walker ranted and raved in **Erehwon** 55, and Ted Holcombe will have something to say in **Aphits** (or whatever he calls it). I will also have a few final words, when I get time and room.

7) **Political Military Wargaming:** The last click fell into place yesterday with the arrival of permission from Harold Guetzkow, of Northwestern University, and developer of I-NS, to use his game as I wished in my projects. With this formal permission I am now preparing to move forward in this area. The first section of the **Cold War Game**, the Pentagon's own form of Diplomacy, is now forming. Response has been very good. Details are in **PERIBONALIS**, of which 3 issues have been published. Subs to **PERIBONALIS** are 6/\$2.00. Rules for the game are \$2.00 and the gamefee is \$5.00 for an individual, discounts to groups, etc. The first game will deal with the Middle East!

## BRIEF GUIDE TO DIPLOMACY MAGAZINES

Trying to sort out the huge number of Diplomacy magazines currently being published is like trying to recommend one type of cereal over another: you just can't do it. What criteria do you use? Several years ago I ran an exhaustive survey to determine which Diplomacy magazines were most popular with players and publishers. When and if I get this done, after the first issue is over, I plan to read the survey and attempt to come up with data. For now I am going to list most and I say most and not all because I'm surely going to overlook a few of the major Diplomacy magazines that I receive. I will use the following code to help you follow my comments:

\*\*\*\*Excellent, \*\*\*Good, \*\*Fair, \*Poor, \*Bad

PR-Personal Favorite, R-Recommended, NR-Not Recommended,

A-Avoid S-Subscriptions

\*-I've played in the magazine's games T-Trades

\*\* -I'm playing in the magazine's games G-Games/Pee

R/V-Regular or Variants

ADAG (Hal Naus, 1011 Barrett Ave. Chula Vista, Ca. 92011)

\*\*\*, R, +, S, T, G/\$3.00, R/V, I started in it in '66 and I'm still.....

ATLANTIS (Chris Schleicher, 5122 W. Carmen Ave. Chicago, Ill. 60630)

\*\*\*, R, +, S, T, G/\$4.00, R/V, Am still dithering in its first game....

With a little more meat on its bones it would be a top-notch zine

BROODINGNAG (Bob Ward, 2423 P St. Sacramento, Ca. 95816)

\*\* NR, S, T, -, R, I've only seen one issue and maybe I'm being too unkind but....

COSTAGUANA (Conrad von Metzke, 1590 1/2 Dale St. San Diego, Ca. 92102)

\*\*\*\*, R, S, T, #-, R, Devoted to music, Jesus Bar-Shara and Jamul!

DAILY PLANET (Lee Childs, 14136 Hartsock St. Sherman Oaks, Ca. 91403)

\*\*\*, R, S, T, -, R, Filled with pictures, maps, and other goodies!

If I could only understand it.....

DIPLOEUR (Bob Johnson, Box 134, Whippany, New Jersey 07981)

\*\*\*, R, S, T, -, R/V, Has openings. Editor is most modest in postal Diplomacy, doesn't even put his name on the zine.....

DIPLOMAT (Eric Just, Box 131, Paoli, Okla. 73074)

\*\* NR, S/10/1.00, T, R/\$4. Can't believe anything in Okla is good!

EN PASAANT (Greg Warden, Apt. 106, 4500 Walnut St. Phila, Pa. 19139)

\*\*\*, R, S, T, -, R, But if I don't get some back issues I was promised Greg may end up back in Italy---and not as the Flying Nun either!

GAMERS' GUIDE (Ken Borecki, 19 Royal, Rockville Center, N.Y.)

\*\*\*, R, S/10/\$1.50 Carries general wargaming information and results of Beyerlein Poll. Generally useful info...

GEBOTES (Conrad von Metzke)

\*\*\*\*, R, S, T, +R, Devoted to the press release game in which I am playing. Heavy on flag-waving, hot-pants, Jesus Bar-Shara, Jamul, Bach...

GRAUSTARK (John Beardman, 234 E. 19th St. Brooklyn, N.Y. 11226)

\*\*\*\*, R, S/8/\$1, T, G, R, #, one of the oldest and best except for too much in the way of leftist politics, oh well! worth reading but not recommended for west coast players because of strick 2 week deadlines that don't allow much time for Diplomacy which is the name...

HOOSIER ARCHIVES (Walt Buchanan, R.R. 3, Lebanon, Indiana, 46052)

\*\*\*\*, PR, S/SASE, T, Carries reprints, list of Archives material, offers reprints, general news and other goodies. Unbelievable anything so good could come out of Indiana...rumored to be preparing a new zine called COW PASTURES: OR, JOHN BESHARA PLEASE GO HOME!

- JOURNAL (Dale Sosowski, 1700 Kensington Way, Modesto, Ca. 95350)  
\*\*\*, R, S, T, G/\$1.00, A. Published by one of our country-cousins to the north, but I don't give a damn for his football predictions. Naturally the Chargers are going to play the Washington Senators (who will have moved to Nome, Alaska) who will have beaten the San Diego Padres (who will have moved to Washington, D.C.) who will have beaten the San Diego Rockets (who will have moved to Dallas-Ft. Worth) who will have beaten the Taipei Little League Champions of the World!
- LAISONS D'AMOUR (Len Lakofka, 1806 N. Richmond, Chicago, Ill. 60647)  
NEOPHYTE (for beginners), \*\*\*, NR, S, T, G/\$3, R I said I'd never recommend the name of a magazine I couldn't spell. Well, it took me five years to learn to spell BROODINGNAG and this one has a ways to go yet.
- LA GUERRE (Buddy Tretick, 3702 Wendy Lane, Silver Spring, Md. 20906)  
\*, A, S, T, G/\$5, R. The question is: would you want this man flying the plane you were in? Denounced by Rod Walker, lauded by John Beshara.
- MARS VIGILA (Stepohn Marsland, 78 Genesee, Greene, N.Y. 13778)  
\*\*\*, R, G/10/\$1.50, G/\$1, R Uses green ink from Greene, N.Y. Wonder if this is a plot by the Jack Greenebean I know in Hillsborough?
- MISSOURI COURIER (Ray Bowers, Jr. 612 A Moore St. Festus, Mo. 63028)  
\*\*\*, R, S/17/\$1.50, G/? R A computer print-out zine which amazes me. I thought Missouri was still in the dark ages but maybe that is just my brother, who lives there. Why would anybody leave San Diego to go to Missouri? /Answer: To get away from me, naturally./
- MISSOURI ZINES (Don Miller, 12315 Judson Rd. Wheaton, Md. 20906)  
\*\*\*\*, R, S, T, G, R/V One of the most prolific of all editors; Don heads the N3FGB and does many other things of use for postal wargaming.
- MOSSHOLSHOE (Michel Peron, B-4280 HANNUT, Belgique) No longer in circulation because the game has ended. I believe this was the first Dippy zine published on the continent. Quite interesting and very good for brushing up on your French. Hopefully will be starting other games in the near future.
- NY DIPLOMAT (Bill Jarvis, 44 Dover Park, Rochester, NY 14610), \*\*\*, R, S, T, Carries records, complete with maps of face to face games played in Rochester. Rather interesting.
- PACIFIC DIPLOMEUR (Ted Holcombe, 10012 East Valley Blvd. Apt. 38, El Monte, Ca. 91731)\*\*\*, R, S, T, G, R, Limited circulation but one of the better small zines. But then, what do you expect from the Army Corps of Engineers? But please, sir, don't build that flood channel.
- PANDEMONIUM PUBLICATIONS (Rod Walker, 5058 Hawley Blvd. San Diego, Ca. 92116)\*\*\*\*, PR, #, +, S/10/\$1, G/\$4, R/V, Headed by the former head of the N3FGBDD and current President of the Mae West Fanny Club, my only serious competition for the most obnoxious gamesmaster/publisher in San Diego. Definitely worth reading.
- RANSBY DIPLOMAT (P.M. Gaylord, 2035 Todd Dr. St. Paul, Minn. 55112)  
\*\*\*, R, S/10/\$1, G/\$2, R/V, One of those cliquish zines now infiltrating their way into national circulation. Suspect a Minneapolis/St. Paul rivalry will soon develop. Now, how to blow up that damn bridge?
- SABTA (Robert Van Andel, 749 Thomas St. S.E., Grand Rapids, Mi. 49503)  
\*\*\*\*, PR, #, +, S, T, G, R/only, One of my favorites even if it is a computer print-out. Gamesmastered by Diplomacy's only convicted bank robber!
- SHAFT! (Andy Phillips, 128 Oliver St. Daly City, Ca. 94014)  
\*\*\*, s/8/\$1, G/\$1, R/V, Now, we march down the hills from Burlingame, and north from Redwood City, and grab the Cow Palace, then we strike!

DIEMIAN (Peter Ansoff, 1824 Laurel Ridge Dr. Nashville, Tenn. 37215)  
\*\*\*\*, PR, #, 8/6/61, T, G/40, V. Carries the most interesting variant  
around, ECONOMIC DIPLOMACY, and I'm playing Brazil and I have this  
great plot to build the world's largest fishing fleet and then convert  
them into floating cray games and then... (heh, heh) Join the game!

SUPERNOVA (Low Pulsipher, 321 Twin Towers, Albion, Mo 64224)

\*\*\*, R, 8/41, G/50%, R. Carries alot of science fiction type stuff.

THE PUBLICATIONS (Larry Peery, 816 24th St. San Diego, Ca. 92102)

Publishes a whole flock of stuff devoted to Diplomacy games (regular)  
and the new PMS. Probably the only Diplomacy magazine read by the  
Joint Chiefs of Staff on their tea breaks. Now the largest circulation  
of any Diplomacy zine with well over the hundred mark. Designed to  
replace Henry Luce and the Shah of Iran (but that's another story)....

\*\*\*\*\*

VULCAN (Paul Rubin, 112 1940 Hall, Princeton University, Princeton, NJ.  
08540)\*\*\* 8/10%per, T/P, G/R. Will be carrying TMA stuff in this,

a third computer print-out zine. Has IBM taken over postal Diplomacy?  
Would they want to? Would anybody, but John Beshara, want to?

HAZIR (John Beshara, 155 West 68th St. Apt. 1021, New York, NY. 10023)

\*\*\*, R, No games, subs comes with membership fee of \$1 per year.  
The "official" organ of TMA, the "unofficial organ" of John Beshara.

Devoted to TMA affairs, an anti-Walker campaign, and other news.  
But get it, it will brighten your morning and it's cheaper than a  
laxative.

MANADU (mentioned elsewhere in this issue)

BOASZ (mentioned elsewhere in this issue)

I hope no one will be offended by my evaluations of their zines.  
Obviously these are my personal opinions and must be treated as such.  
I enjoy one type of magazine, you may prefer another. I think the  
important thing is that there is something for everybody. There are  
more types of zines than in anything I can think of. There is size,  
quality, speed of publication, detail, general and specific interest  
material, humor and lack of humor, smear campaigns, gossip, good  
wholesome fun, and pure junk! Variety is endless and continuously  
changing. So, I hope you find this guide useful but don't rely on  
my recommendations alone. The best way to evaluate any zine is to  
look at it.

#### AN IDEAL DIPLOMACY GAME

Ah yes, what would an ideal Diplomacy game consist of? Well, for  
starters you'd have Brian Bailey in Russia, Jack Greene, Jr. in Sweden,  
Rod Walker in Podolsk, Mikhail Shan in China, Keith Nolan in Poland,  
Charles Reinzel playing the Berlin Wall, John Beshara playing Jordan,  
Gernard von Metzke playing Czech, Dennis MacMahon playing Australia,  
John MacCallum playing Canada, Chris Alastrea playing Denmark,  
Bonnie Kling playing Israel, Eric Blake playing the U.S., John Boardman  
playing Bulgaria, Richard Miller playing Victoria de Cuba, David Scott  
playing Austria, Greg Gordon playing Italy, me in Yugoslavia, and even  
Gaignani in Franciana, and Ted Lane playing Sicily....

ITALY (Barents): F Albania-Ionian, F Ionian-Adriatic, A Tyrolia-Vienna,  
A Bohemia-S-Tyrolia-Vienna.

RUSSIA (St. Cyr Vice Substitute): F Sweden-S-St.Petersburg n.e.-Norway,  
F St. Petersburg n.o.-Norway, A Finland-S-StPetersburg na.-Norway,  
A Moscow-Warsaw, F Sevastapol-Hold.

TURKEY (McLinn Vice Substitute): F Aegean-Ionian, A Rumania-Bulgaria, (S)  
A Bulgaria-S-Rumania, F Constantinople-Aegean, A Ankara-Hold.

Retreats are due with Fall moves which may be made conditional upon  
the direction of those retreats. Fall 1903 moves are due October 18, 1971.

### Changes of Address:

Kinney, Robert: 1801 So. 15th Apt. 13, Tacoma, Washington, 98405  
Warden, Greg: Apt. 106, 4500 Walnut St. Philadelphia, Pa. 19139  
St. Cyr, Larry: 1504 Geo. Washington, U. of Mass., Amherst, Mass. 10002  
McLinn, Bill: COA Uncertain. Now in Europe. Will advise.

X-21  
1971 CR

Winter 1900

### MORE AND MORE GOBE, BUDDY GOBE AND ALL THAT ROT!

AUSTRIA (Mr. Charles Hidalgo, House of Games, 143 W. 72nd St.  
New York, New York 10023) or: Mr. Doug Beyerlein, 3934 S.W.  
Southern, Seattle, Wash. 98116. See note below.

ENGLAND: Mr. Dennis Brackman, 920/22 Doris St. North Sydney, N.S.W.  
AUSTRALIA, AIR MAIL ONLY 21¢ per ½ oz.

FRANCE: Mr. Robert Lamb, 83 Elmore Rd. Rochester, N.Y. 14618

GERMANY: Kathryn Passenheim, 5952 Castleton Dr. San Diego, Ca. 92117

ITALY: Mr. David Scott, 9543 Poole St. La Jolla, Ca. 92037

RUSSIA: Mr. Mark Verheiden, 3245 S.W. 185th Ave. Aloha, Oregon 97005

TURKEY: Mr. Ray Bergeron, 594 Elm St. Biddeford, Maine 04005

DEADLINE FOR SPRING 1901 MOVES IS OCTOBER 15, 1971.

X-22

Winter 1900

### NEW GAME OPENS, ALMOST FULL!!

A single regular Diplomacy game is open, to appear in XENOGOGIC.  
Game fee and stand-by fee is \$5.00. I believe five or six people  
are now registered in this game. As per TTT practice no listing of  
those registered will appear until the gameslist is distributed to  
players.

ENGLAND (St. Cyr): F Norway-North Sea, A London-Hold, F Helgoland Bight-Kiel, A Yorkshire-Hold, A Moscow-S-St. Petersburg-Livonia, A St. Petersburg-Livonia, F Sweden-S-Denmark, F Denmark-S-Helgoland Bight-Kiel.

FRANCE (Jolly vice Substitute): F Brest-Mid Atlantic, A Spain-Tunis, F West Mediterranean-Convoy-Spain-Tunis, A Marseilles-Piedmont, F Gulf of Lyon-S-Piedmont-Tuscany, A Piedmont-Tuscany,

GERMANY (Linden): A Holland-S-Berlin-Kiel, A Berlin-Kiel, A Kiel-Denmark F Baltic-S-Kiel-Denmark, /Correction: In the Fall moves the German order F Skaggerat-Denmark should have been underlined since the moves failed. The appropriate changes have been made in the German current orders./ F Skaggerat-North Sea/

ITALY (schleicher): A Venice-S-Tuscany-Piedmont, A Rome-Tuscany, F Apulia-Naples, F Tuscany-Piedmont /Annihilated./

RUSSIA (Naus): A Sevastapol-Hold./Annihilated./

TURKEY (Schaefer) Vice Substitute): A Constantinople-Bulgaria, A Rumania-Ukraine, F Black Sea-S-Armenia-Sevastapol, A Armenia-Sevastapol, F Ionian-Greece.

Fall moves are due on October 18, 1971.

Changes of Address:

ST. CYR, LARRY: See under X-18

JOLLY, SID: USS King, DLG-10, FPO San Francisco, Ca. 96601 AIR MAIL ONLY

X-20  
1971 Z

Spring 1903

WOE IS ME....

AUSTRIA (Kinney Vice Substitute): A Vienna-S-Galicia, A Galicia-S-Vienna, A Budapest-S-Serbia, A Serbia-S-Budapest, F Greece-Ionian.

ENGLAND (schleicher): F Norway-S-London-North /DISLODGED: Skaggeant, Barents, Annihilation/, F North Sea-Norwegian Sea, F Mid Atlantic-English Channel, F London-North Sea.

FRANCE (Birsan): A Burgundy-Ruhr /DISLODGED: Paris, Gascony, annihilation/, A Marseilles-Hold, A Picardy-Brest, F Spain s.c.-Portugal, F Brest-English Channel.

GERMANY (Warden Vice Substitute): A Munich-S-Belgium-Burgundy, F Kiel-Helgland Bight, A Ruhr-S-Holland-Belgium, F Denmark-S-Kiel-Helgoland Bight, A Belgium-Burgundy, F Holland-Belgium.

X-18  
1968 CD

Spring 1910

**MORE JOCKEYING FOR POSITION**

**GAMESMASTER GOES INTO HIDING...**

**AUSTRIA (Phillips Vice Substitute):** F Tuscany-Gulf of Lyon, F West Mediterranean-S-Tuscany-Gulf of Lyon, F North Africa-Mid Atlantic, F Aegean-S-Bulgaria-Constantinople, ~~A Piedmont-Marseilles,~~  
~~A Tyrolia-Munich,~~ A Rumania-S-Vienna-Galicia, A Bulgaria-Constantinople, ~~A Bohemia-Silesia,~~ ~~A Warsaw-S-Vienna-Galicia,~~ ~~A Moscow-S-Warsaw,~~ A Ukraina-S-Warsaw, A Sevastopol-S-Moscow, A Vienna-Galicia.

**FRANCE (St. Cyr):** A Belgium-Hold, F Spain s.c.-Marseilles, A Marseilles-Gascony, A Burgundy-S- F Spain s.c.-Marseilles, F Portugal-Spain s.c., F Mid Atlantic-Hold, F Brest-S-Mid Atlantic.

**RUSSIA (Bytwerk):** ~~A St. Petersburg-Moscow,~~ A Norway-Hold, ~~A Prussia-Warsaw,~~ A Livonia-S-Prussia-Warsaw, A Silesia-S-Prussia-Warsaw, F Edinburgh-North Sea, F North Sea-Helgoland Bight, ~~A Munich-Bohemia,~~ F Liverpool-Irish Sea, F Kiel-Baltic, F Smyrna-Hold, ~~A Constantinople-Holds / Dislodged: Ankara, Annihilation./~~  
(Russia is one unit short.)

Retreats are due with Fall 1910 moves which may be made conditional on the direction of the retreat.  
Fall 1910 moves are due Monday, October 18, 1971 without fail and with no extensions.

Note Bene: I have searched and searched, recalling what happened the last time Mr. Phillips orders were misplaced, but I can find no Spring moves on hand for him. So, I had his Standing Orders used to make his moves for this turn. Sorry Andy, if you did send them in, but all I could find was stuff on PMW and 1970 BL.

**Changes of Address:**

ST. CYR, LARRY: 1504 Geo. Washington, U. of Mass., Amherst, Mass. 10002  
BYTWERK, RANDY: Apt. 107, Engelhart Hall, 1915 Maple Ave. Evanston, Ill. 60201.

X-19  
1970 AW

Spring 1905

**ITALIANS SUFFER DEFEAT.**

**FRENCH-TURKISH GOVERNMENTS DITHER...**

**AUSTRIA (Coy):** A Vienna-Galicia, A Serbia-S-Budapest-Rumania, A Budapest-Rumania, F Greece-Bulgaria s.c., ~~A Trieste-Venice.~~

## DIPLOMACY AND THE LAW

One of the more fortunate consequences of the PERRYARA/1971 BG Affair has been a growing awareness of and interest in on my part of the relationship between postal Diplomacy and the law as it relates to contracts and property.

This awareness and interest resulted in a circular letter to Rod Walker, Walter Buchanan, Chris Schleicher, and Burt Labelle, dated 14 September, 1971, listing thirteen points on which I sought their opinions. Mr. Walker's comments appeared, along with the preliminary list of the points I raised, in Erehwon 55. Mr. Buchanan's comments appear below. In addition I wish to thank two able legal students, Mr. Anthony Despol and Miss Chris Schanes, for their opinions and advice. All have contributed greatly to the refinement of my own views which appear below. Naturally, I assume all responsibility for the views in this article and any errors are solely mine.

A Diplomacy game's foundation consists of the rules of the game designed by Allan Calhamer, tradition (past precedents of previous postal games), "custom of the trade" (or, if you will, Standard Operating Procedures), and the houserules of a gamesmaster/publisher.

Upon this basic foundation of rules, tradition, custom of the trade, and houserules a superstructure consisting of a series of implied contracts between players, gamesmaster and publisher are erected.

The purpose of this article is to explore some of the relationships between the various parts of the foundation and the superstructure. Hopefully, this will help explain some of the principles involved in the fundamentals of Diplomacy games and the law. This article is not intended to be either complete or definitive. I hope it will be thought-provoking.

The points listed below are subject to discussion, further definition, and change. For the moment, in principle, they represent my feelings about this important subject.

In the near future these principles, in some form, will be incorporated into the TTT Publications Houserules as an integral part of those rules.

1) A POSTAL DIPLOMACY GAME REPRESENTS TWO OR THREE CATEGORIES OF IMPLIED CONTRACTS: THE FIRST BETWEEN THE SEVEN PLAYERS; THE SECOND BETWEEN EACH PLAYER AS AN INDIVIDUAL AND THE GAMESMASTER; AND THE THIRD BETWEEN EACH PLAYER AS AN INDIVIDUAL AND THE PUBLISHER.

A) IMPLIED CONTRACT (A Type of Limited Partnership) AMONG THE PLAYERS. This contract is based on tradition and the rules of the game. The major implied condition in the contract is that this contract represents an agreement among themselves (the players) to act in concert; that is to abide by the rules of the game and tradition.

B) IMPLIED CONTRACT (A Two Party Service Contract) BETWEEN EACH PLAYER AND THE GAMESMASTER. This contract is based on tradition, custom of the grade, and the houserules of the gamesmaster (there are no provisions for a gamesmaster in the rules of the game). The contract



is based on an offer and acceptance of a consideration (the gamefee) between player and gamesmaster. This contract should specify the relationship between the player and gamesmaster. This contract assumes certain things as a condition of the contract (adherence to the rules of the game and tradition) and any modifications of these assumptions should be specified in the contract.

C) IMPLIED CONTRACT (A Two Party Service Contract) BETWEEN EACH PLAYER AND THE PUBLISHER. The contract is based on tradition, custom of the trade, and houserules (there are no provisions in the rules of the game for a publisher). The contract is based on an offer and acceptance of a consideration (a portion of the gamefee) between player and publisher. This contract should specify the relationships between the player and publisher. This contract assumes certain things as a condition of the contract. These assumptions are governed by the rules of the game, tradition, adherence to the custom of the trade, houserules, etc. and if not they should be stated in the contract.

There are at least two theories regarding a game's formulation. Both are accepted and valid in some cases.

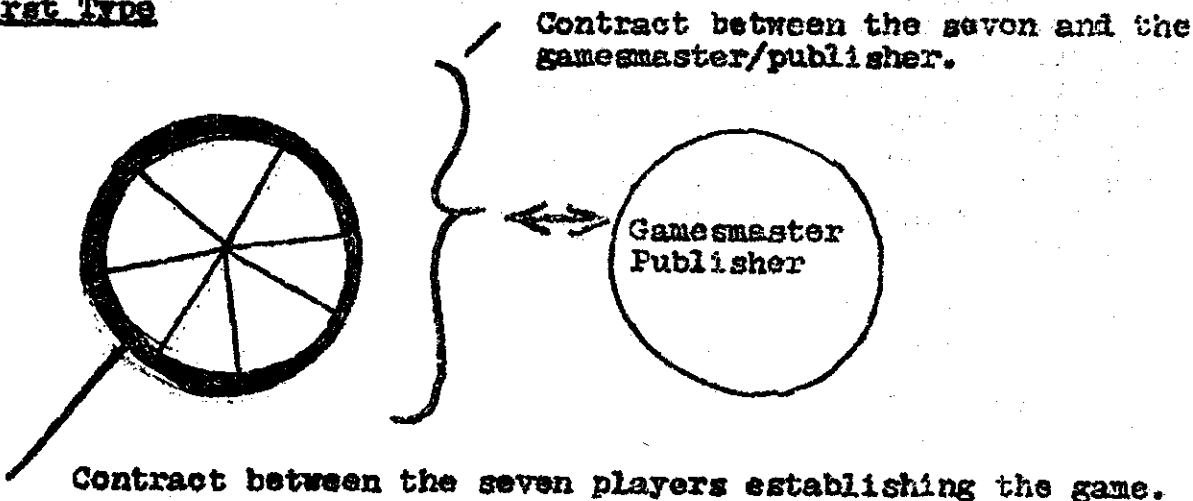
The first, and less important of the two, suggests a game can be formulated by seven individuals (the players) who then solicit an eighth individual to be gamesmaster and/or publisher.

In this case the contract is thus between these seven individuals who form a coequal and collective partnership and acting as a group and an eighth, the gamesmaster, and possibly a ninth, the publisher.

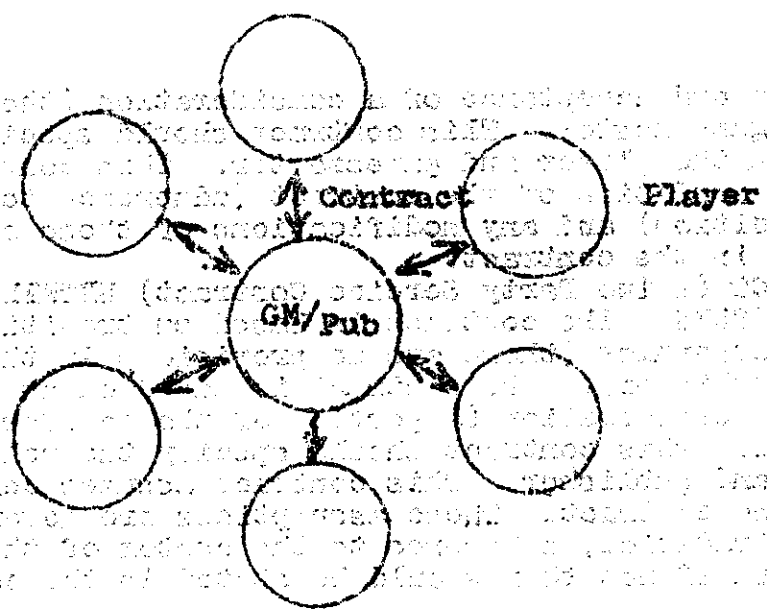
The second, and main method suggests a game is formulated by seven individuals (the players) acting as their own independent agent who individually form a contract with a second individual, the gamesmaster, and possibly a third, the publisher, for his/their services. This may be either on his or their initiative. The gamefee paid by the players for the gamesmaster/publisher's services is the consideration establishing a bond between the two. Their contract includes, de facto, the rules of the game, tradition, custom of the trade and the gamesmaster/publisher's houserules.

We can illustrate these two theories as follows.

First Type



Second Type:



These two theories of game formulation depend on how the players are found for a game and how a gamesmaster is selected.

Regardless of which method is used the critical point is: A POSTAL DIPLOMACY GAME BEGINS AS THE COMMON PROPERTY OF THOSE SEVEN INDIVIDUALS (THE PLAYERS) WHO ESTABLISH IT (See Number Two Below).

It might be possible to argue in the second theory of game formulation that the gamesmaster as one of the two, or three, parties to the contracts establishing the game has a claim to a portion of the property, or game, but I do not feel this is so.

Rod Walker, in Krahwon 55, p. 7, makes the point: "They paid for it; it belongs to them."

As far as property rights go, Rod's point is valid. However, as Walt Buchanan points out in his letter the gamesmaster's contract does not give him a "uniqueness"; in other words, the gamesmaster's function, not his person, is the main contribution he makes to the game. His function is not liked to any one person. Any person who fulfills the obligations of the gamesmaster (publisher) as specified in the contracts originally may assume that position.

It might be argued that the same applies to the players but I suggest that because of the unique character of the game in which the person of the player becomes merged and inseparable (unless he is replaced, resigns, etc.) from the country which he is playing and the requirements for policy decision making on their part that they do possess this uniqueness which makes theirs a different case from that of the gamesmaster and/or publisher.

2) A POSTAL DIPLOMACY GAME BEGINS AS THE COMMON PROPERTY OF THOSE SEVEN INDIVIDUALS (THE PLAYERS) WHO ESTABLISHED IT.

3) THE SEVEN INDIVIDUALS (THE PLAYERS) ENTER INTO SEPARATE SERVICE CONTRACTS OF EQUAL VALIDITY WITH AN EIGHTH INDIVIDUAL WHO IS THE GAMESMASTER OF THE GAME.

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4) THE GAMESMASTER OF THE GAME IS AN INDEPENDENT CONTRACTOR SERVING AS EXECUTIVE SECRETARY AND REFEREE FOR THE SEVEN INDIVIDUALS (THE PLAYERS) WHO HAVE ENTERED INTO CONTRACTS WITH HIM FOR HIS SERVICES AS GAMESMASTER.

5) THE GAMESMASTER IS ENTITLED TO REASONABLE COMPENSATION FOR HIS SERVICES AND EXPENSES SUBJECT TO AGREEMENT BETWEEN HIM AND THE SEVEN PARTIES OF THE CONTRACTS.

6) THE GAMESMASTER HAS NO TANGIBLE AND/OR INTANGIBLE PROPERTY RIGHTS TO THE GAME.

7) UNLESS SPECIFIED OTHERWISE IN THE CONTRACTS THE GAMESMASTER IS A POSITION, NOT A PERSON, THUS, ANY COMPETENT INDIVIDUAL MAY FUNCTION AS GAMESMASTER, AS LONG AS HE FUNCTIONS UNDER THE TERMS OF THE ORIGINAL CONTRACTS.

8) THE SEVEN INDIVIDUALS (THE PLAYERS) ENTER INTO SEPARATE CONTRACTS FOR THE SERVICES OF ANOTHER, SINGLE, INDIVIDUAL TO PUBLISH THE GAME.

9) THE PUBLISHER OF THE GAME IS AN INDEPENDENT CONTRACTOR OF THE SEVEN INDIVIDUALS WHO HAVE ENTERED INTO CONTRACTS WITH HIM FOR HIS SERVICES AS PUBLISHER.

10) THE PUBLISHER IS ENTITLED TO REASONABLE COMPENSATION FOR HIS SERVICES AND EXPENSES SUBJECT TO AGREEMENT BETWEEN HE AND THE SEVEN PARTIES OF THE CONTRACTS.

11) THE PUBLISHER HAS NO INTANGIBLE PROPERTY RIGHTS TO THE GAME. HE DOES, HOWEVER, HAVE CERTAIN LIMITED TANGIBLE PROPERTY RIGHTS TO THE GAME (e.g. the distribution of surplus copies of the magazines, etc.)

12) UNLESS SPECIFIED OTHERWISE IN THE CONTRACTS THE PUBLISHER IS A POSITION, NOT A PERSON, THUS, ANY COMPETENT INDIVIDUAL MAY FUNCTION AS PUBLISHER. AS LONG AS HE FUNCTIONS UNDER THE TERMS OF THE ORIGINAL CONTRACTS BETWEEN THE PUBLISHER AND THE PLAYERS.

13) WHEN ONE INDIVIDUAL ACTS AS BOTH GAMESMASTER AND PUBLISHER HE STILL HAS NO INTANGIBLE PROPERTY RIGHTS TO THE GAME.

14) THE GAMESMASTER/PUBLISHER REMAINS RESPONSIBLE TO THE PLAYERS FOR PERFORMING HIS ROLE AS GAMESMASTER/PUBLISHER UNDER THE PROVISIONS OF THE CONTRACTS AND IN CONFORMANCE WITH TRADITION, CUSTOM OF THE TRADE, AND THE HOUSE RULES WHICH WERE PART OF THE ORIGINAL CONTRACTS.

15) THE VEHICLE IN WHICH THE GAME IS PUBLISHED, OR MAGAZINE, IS THE EXCLUSIVE PROPERTY OF THE PUBLISHER, SUBJECT TO THE PROVISIONS OF THE UNIVERSAL COPYRIGHT LAW AND THE TERMS OF THE CONTRACTS BETWEEN THE SEVEN INDIVIDUALS (THE PLAYERS) AND THE PUBLISHER.

16) THE CONTENTS OF THE MAGAZINE ARE DEEMED SEVERAL INDIVIDUALS' PROPERTY, SUCH AS PRESS RELEASES, LETTERS, ETC. AND COMMON PROPERTY, SUCH AS NOVELS.

17) THE RIGHT OF REPUBLICATION OF THE CONTENTS OF THE MAGAZINE IS EITHER AN INDIVIDUAL, COMMON, OR EXCLUSIVE RIGHT OF THE PARTIES TO THE CONTRACTS AS AGREED TO BY THOSE PARTIES.

18) THE PLAYERS, BY MAJORITY VOTATION, MAY MEET/ASK INQUIRIES REGARDING THE GAME FROM LESLIE, SUBJECT ONLY TO HELD A CONFERENCE OF THE HOUSEHOLDS OF THE GAMEMASTER/PUBLISHER AND THE CONDITIONS IN THEM AT THE TIME THE CONTRACTS WERE ESTABLISHED BETWEEN THE PLAYERS AND THE GAMEMASTER/PUBLISHER.

19) ALL RIGHTS TO THE GAME, INCLUDING THE GAME ITSELF, SHALL BE COMMON PROPERTY OF THE SEVEN CONTRACTING INDIVIDUALS (THE PLAYERS).

20) WHEN AN INDIVIDUAL IS ELIMINATED, REMOVED, OR RESIGNS FROM A GAME, HE CEASES TO BE A PARTY TO THE CONTRACT AND HIS PORTION OF THE CONTRACT IS DIVIDED EQUALLY AMONG THE REMAINING PARTIES OR IS VESTED IN A NEW INDIVIDUAL IF ONE JOINS THE GAME.

21) AN INDIVIDUAL MAY REMOVE HIMSELF FROM SAID GAME IF AN INDIVIDUAL FORCED BY THE CONDITIONS OF PLAYING TO SUSPEND THE OBLIGATIONS OF THE PARAGRAPH (e.g. failure to submit novels, failure to publish, etc.), IN WHICH CASE HE REMOVES HIMSELF FROM THE CONTRACT, AND THE REMOVED. THE REMAINING PARTIES TO THE CONTRACTS MAY REELECT ONE OF THE FORMER PARTIES OR ANOTHER INDIVIDUAL OR EVEN REINSTATE HIM.

22) PRIOR TO THE END OF THE GAME THE SEVEN INDIVIDUALS OR CONTRACTING PLAYERS MAY JOINTLY DECIDE, BY MAJORITY VOTATION, THEIR COOPERATION WITH THE GAMEMASTER AND/OR PUBLISHER TO BE TERMINATED. IN WHICH CASE THEY MUST SIGN OFF. IN SUCH CASES ALL RIGHTS TO THE SEVEN INDIVIDUALS (THE PLAYERS) SUBJECT TO THE ABOVE.

23) AT THE CONCLUSION OF THE GAME ALL CONTRACTS BETWEEN THE PLAYERS AND PUBLISHER, THE PUBLISHER AND THE PLAYERS, AND BETWEEN THE PLAYERS THEMSELVES, ARE TERMINATED.

24) ALL RESIDUAL RIGHTS REMAIN WITH THE PLAYERS EXCEPT AS TO NOVELS OR OTHERS OTHERWISE SPECIFIED IN THE CONTRACTS AT THE END OF THE GAME.

25) POINTS NOT MADE CLEAR BY THE RULES OF THE GAME, BELONGING TO THE TRADE, OR HOUSEHOLDS SHOULD BE DETERMINED AND SETTLED BY THE VARIOUS CONTRACTS AT THE START OF THE GAME.

Further Buchanan (R.M. J. McLaughlin, Indiana, 46030) writes: A postal agreement game in terms of contract law starts with an offer by the gamemaster/publisher to conduct the game. This offer is accepted by the seven players in question. Consideration is supplied voluntarily by the players in return for the gamemaster/publisher's services. In 1971 I gather John is gamemastering the game gratuitously so he is ancillary to the contract between you and the players. If he

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refuses to continue as gamesmaster, you have the right to replace him unless it can be shown that the players contracted specifically to have his services as gamesmaster. Since you have definite houserules that the players are aware of, however, it is doubtful that any player can show he bargained for John's specific services. The rules make unique personal services unnecessary and therefore any qualified gamesmaster could qualify.

I don't really see the game to be a contract between the players as I see no offer, acceptance, or consideration passing between them. All of these elements only pass between the gamesmaster/publisher and the players. If the gamesmaster and the publisher are not the same person, I would say that the one who received the consideration, i.e., here the gamefee, is the one legally responsible. To keep from breaching the contract, all he must do is conduct the game by his houserules or pass the game on to someone who will. Depending on who the gamesmaster/publisher is, however, an argument by a player may be valid in that he contracted for specific gamesmaster/publisher services, i.e., if a dependable gamesmaster/publisher like Boardman dumped a game on gamesmaster Everlate the player may have a case. However, if gamesmaster Everlate could maintain Boardman's schedule and standards, player X couldn't claim a breach. This is ignoring a claim that he had bargained also for the particular Dippy zine the game was conducted in since in the case of 1971 BG, Player X still gets XBNOGOGIC, Beshara or no Beshara. Here the fact that only the gamesmaster is changed should cause no legal complaint as long as the replacement gamesmaster is competent.

The gamesmaster/publisher is only a servant to the players in that he must conduct the game in accordance with the terms of the contract. Since the parties contracted at arm's length, I dislike the word servant as it implies an agency or master/servant relationship. The gamesmaster/publisher is more of an independent contractor than an employee of the players. He doesn't have to obey the whims of the players except for complying with the terms of the contract.

If the gamesmaster/publisher complies with the terms of the contract but for some reason a player is dissatisfied, his only legal recourse is to resign. The gamesmaster/publisher, not the players, can then pick a replacement in accord with his houserules. If there is no specific tradition for this, he is governed by "custom of the trade."

Property rights in a postal game is a difficult question. We are dealing with an intangible and not with real or personal property. I don't see how we can say that either the gamesmaster/publisher or players as a class have exclusive property rights in the game. We are dealing more with the principle of contract than with property. As long as the gamesmaster/publisher doesn't breach the terms of the contract as set out by his houserules or absent them, custom of the trade, the players have no valid legal action.

Red Walker (5058 Hawley Blvd. San Diego, Ca. 92116) writes /following a point by point commentary on the original 13 points, for which I suggest you see Exhimen 55, most of which have been incorporated in some fashion into this second draft. Red goes on:/ I suppose we are now beginning a process of finding out what relationship player has to gamesmaster. I think the principles Larry has outlined here are

sound. Once players have a more thorough understanding of their rights, they can be more diligent in enforcing them.

The theory the players own the game--which Larry presents here as legal fact--has already been tested in postal Diplomacy. Through the agency of the N380BDD zine GREENIA, players have repeatedly voted to continue a game which has been abandoned and have accepted a new game master. The implication was that they were also voting to transfer the game away from the old game master. This implication was made crystal clear by the players in the BR0SD1NSNAG games, who voted specifically to take the games away from the old game master and seek a new one. The precedent has thus been set.

I can't recall when, if ever, I last devoted six pages to anything in any Diplomacy publication but I think the importance of the subject matter warrants full discussion. I would hope that we will soon hear from some of the other legal minds in Diplomacy: Gene Prosnitz, Sid Cochran, Jr., Brent Van Plog, etc. who, I am sure, will have further enlightening comments to say. Anyone, however, is welcome to comment and I'll publish as many as I can in future XENOGOGICS.

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10 September 1971

**TTT PUBLICATIONS GUIDE**

TTT Publications are edited by Larry Peery, 816 24th St. San Diego, California, 92102 (714-233-8321) and are available from him only. Selected back issues may be obtained from Walt Buchanan, R.R. #3, Lebanon, Indiana, 46052.

**TTT Publications**

**1) General Purpose Publications**

**PERISCOPE**

A Quarterly devoted to news of postal Diplomacy in general listing game openings, background information on postal Diplomacy, etc. Individual issues are 25¢ each and free to new players.

**2) Postal Diplomacy Publications**

**XENOGOGIC**

Appears tri-weekly carrying regular games only. Now in its fifth year of continuous publication. Carries regular games X-18, 1968 CD, X-19, 1970 AN, X-20, 1971 Z, and X-21, 1971 CR. Subscriptions, gamefees, and stand-by fees are \$5.00 for any single game. A gazette and gamezine.

**PEERYARA**

Carries 1971 BG and is a subzine of XENOGOGIC. Appears with it. Original gamesmaster for this game was John Beshara. Status of game and zine is in question.

**PERIGOGIC III**

Appears tri-weekly carrying regular games P-1, P-2, P-3, 1971 M, N, and O. Part of the psychological-sociological analysis of Diplomacy players. Subscriptions, gamefees, and stand-by fees are \$5.00 for any game in the zine. Each of the three games has the same seven players.

**PERIHOPIA II**

Appears tri-weekly carrying regular games P-12, P-22, and P-32, 1971 AV, 1971 AW, and 1971 AX. Part of the psychological-sociological analysis of Diplomacy players series. Subscriptions, gamefees, and stand-by fees are \$5.00 for any game in the zine. Each of the three games has the same seven players.

**PERISITIS**

Appears tri-weekly carrying regular games P-13 through P-73, 1971 BL through 1971 BR. Part of the psychological-sociological analysis of the Diplomacy player. Subscriptions are \$5.00 for all issues, as are stand-by fees and gamefees. Each player in this zine plays a different country in each game.

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PEERIMANIA II

Appears tri-weekly carrying regular games P-14 through P-17, 1971 CS through 1971 CY. Part of the psychological-sociological study of Diplomacy players. Subscriptions are \$5.00 for all issues, game fees and stand-by player fees are the same. Each player in this series plays a different country in each game.

3) Political-Military Wargaming Publications

PEERINALIX

Appears at frequent and regular intervals and is the 'genzine' of PMW. Carries news on other games, zines, etc. Subscriptions are \$2.00 for 6 issues.

4) Other Publications

PEERITHISANDPEERITHAT

Appears at infrequent intervals with news of games status for those who have signed up for various games.

VERITAS VINCIT

A 25 page letter written about The Diplomacy Association and its mismanagement by John Beshara, Chairman of the Board of Directors. Opinions expressed in it are documented by quotations from the Beshara Papers (a collection of 200+ primary sources) and concurred in by various members of the Board. More than 100 copies were distributed free. Copies currently cost 50¢ each.

\*VERITAS VINCIT CASUS BELLI

A letterzine devoted to carrying reactions to VV by those who have read it.

5) Future Publications

Each of the games grouped within PMW: The Cold War Game, Inter-National Simulation, Doomsday, TEMPER, SPARC, etc. will have a publication of its own as soon as a gameslist is arrived at or players are solicited. These titles will appear from time to time in supplements to this listing.

This listing is subject to change at any time.

Additions:

PEERIBOMB

Devoted to Doomsday, a 1968/1969 variant game for six players: USSR, WTO, USA, NATO, PRC, and Major Neutrals set in a nuclear war setting. Subscriptions are \$5.00 for all issues.

DIPLOMACY: INTRODUCTION TO THE STRATEGY AND TACTICS OF DIPLOMACY

An introduction to the game for novices, available only from Walt Buchanan. Contains 39 pages of articles on all powers, etc.



TDA REFERENDUM INFORMATION SHEET

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_
3. Are you a member of TDA?  
YES \_\_\_\_\_ NO \_\_\_\_\_
4. If NO would you like to join? Doing so may be done by enclosing \$1.00 with this sheet when you return it or by sending \$1.00 to either myself or Mr. John Beshara, 155 West 68th St. Apt. 1021 New York 10023.
5. Do you hold any position of authority in TDA?  
YES \_\_\_\_\_ NO \_\_\_\_\_ If YES, what is it? \_\_\_\_\_
6. Have you read Veritas Vincit?  
YES \_\_\_\_\_ NO \_\_\_\_\_
7. Have you returned the questionnaire provided with it?  
YES \_\_\_\_\_ NO \_\_\_\_\_
8. Are you satisfied with the way TDA is being run by John Beshara and the other members of the Board of Directors?  
YES \_\_\_\_\_ NO \_\_\_\_\_
9. Why?
10. Do you believe the membership list of TDA members should be published?  
YES \_\_\_\_\_ NO \_\_\_\_\_
11. Do you believe TDA should have a written constitution?  
YES \_\_\_\_\_ NO \_\_\_\_\_
12. If YES do you feel the constitution should include (circle appropriate choices).
  - A. Authority Structure
  - B. Statement of Purposes
  - C. Provision for dues, etc.
  - D. Provisions for Elections/Removal of Officers
  - E. Restrictions on membership
  - F. Other (explain)
13. Explain briefly how you think TDA should be organized.

14. Do you think policy making authority should be vested in: (circle one)
- A. AN INDIVIDUAL (such as a chairman of the board, or other executive authority)
  - B. A COLLEGIATE BODY (such as a board or committee)?
15. Do you think executive authority should be vested in (circle one):
- A. AN INDIVIDUAL (such as a chairman of the board or other executive authority)
  - B. A COLLEGIATE BODY (such as a board or committee)?
16. Do you think the chief executive officer should be subject to control by: (circle one):
- A. A COLLEGIATE BODY (such as a board of directors)
  - B. THE MEMBERSHIP AT LARGE (all members)
  - C. BOTH OF THESE
17. LIST the purposes, functions, goals you feel TDA should have:
18. Which do you think is a reasonable amount for yearly dues?
- \$5 \_\_\_\_\_ \$4 \_\_\_\_\_ \$3 \_\_\_\_\_ \$2 \_\_\_\_\_ \$1 \_\_\_\_\_
19. Do you think TDA should publish a newsletter:
- A. Quarterly \_\_\_\_\_
  - B. Bimonthly \_\_\_\_\_
  - C. Monthly \_\_\_\_\_
20. Do you think the editor of the newsletter should be (circle one)
- A. a member of the Board of Directors
  - B. Also the executive officer,
  - C. Separate from the executive officer but responsible to him,
  - D. Separate from the executive officer but responsible to the Board of Directors
  - E. Other
21. Do you think officers should be elected: (Answer A or B, C or D, E or F)
- A. Yearly
  - B. Biannually
  - C. On a regional basis
  - D. On a national basis
  - E. Secretly
  - F. By open ballot

22. One suggestion (proposed in Veritas Vincit) suggested the following structure:

A 9 man Board of Directors as a policy making group consisting of:

- 3 Eastern Members (see below for definitions of regions)
- 3 Central Members
- 3 Western Members

Each region would include a secretary and a non-publishing member. The Board would elect its own chairman as its administrative officer.

Do you approve \_\_\_\_\_ disapprove \_\_\_\_\_ of this suggestion.

23. Do you propose an alternative?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES what?

24. Should membership in TDA be restricted to: (circle one)

- A. Postal Diplomacy players only:
- B. Face to face Diplomacy players and postal Diplomacy players only:
- C. Any interested persons?

25. Should a yearly budget be adopted by: (circle one)

- A. The membership at large,
- B. The Board of Directors only.

26. Do you wish to nominate any individuals (maximum of three) from your region for membership on the interim Board of Directors?

YES \_\_\_\_\_ NO \_\_\_\_\_

27. If YES please list them:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

28. If you are nominated for election to an interim Board of Directors would you (circle one):

- A. Accept
- B. Not accept
- C. Agree to run for election

29. Do you wish to nominate any individuals (maximum of three) from anywhere for membership on an interim Board of Directors?

30. If YES please list them:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

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31. If an effort to reform TDA fails would you be willing to: (circle as appropriate)

- A. Join another organization (such as the IFWDS)
- B. Resign from TDA
- C. Remain a member of a group within TDA under a different leadership than the current one (schism)?

32. If the Board of Directors of TDA is reconstituted in its original nine man form would you favor inviting those members of the Board who have resigned to rejoin the Board as members?

YES \_\_\_\_\_ NO \_\_\_\_\_

/This would include Edi Birsan and Jerry Model./

33. Are there any questions you would like to see included on State final Referendum ballot concerning TDA (list them)?

For purposes of this questionnaire only the following Regional definitions apply:

- EASTERN:** Original 13 states and Florida
- CENTRAL:** Other states and all of Canada
- WESTERN:** All states west of the Mississippi River

Please return this form immediately to:  
LARRY PEERY, 816 24th St. San Diego, California 92102

## THE MEMBERS OF THE DIPLOMACY ASSOCIATION

The following list, by no means complete, was compiled from Nazir, personal letters, and other sources and represents a partial listing of the members of TDA. I am confident that it contains a majority of the postal players of Diplomacy. However, I would appreciate hearing from anyone who is not on the list and should be, or from anyone who is on the list and shouldn't be. I'd also encourage those listed in the list of nonmembers to join TDA at this time. I will enroll anyone as a member who encloses \$1.00 for membership dues. This money will be held in trust until a decision is reached on what is to be done with TDA. It is vital that we know the names of as many members of TDA as possible. Anyone who knows the names of any member of TDA who is not on the list should send it to me. This is the only way we can get maximum response to the ballot.

### MEMBERS OF TDA:

Almstrom, Anseff, Beshara, Birsan, Boardman, Border, Buchanan, Cleaver, Cohen, Comber, Creel, Deversaux, Fulton, Holcombe, Jarvis, Johnson, Jones, Labelle, Lakofka, Lamb, Lasky, Lawson, Krigsman, Maryland, Mensinger, Mischel, Miller, Miller, Model, McLinn, MacCallum, Naus, Peary, Phillips, Prosnitz, Pulsipher, Quist, Rack, Rubin, Schaefer, Schae, Schleicher, Strayer, Tretick, Vagts, Van Andel, Verheiden, Ver Hoeg, Von Metzke, Walker, Warden, Beyerlein, Bowers, Bell, Brooks.

### NON-MEMBERS OF TDA:

Andrus, Borecki, Bosowski, Bytwerk, Childs, Chan, Cooper, Coy, Dean, Feron, Galenzoski, Galenzoski, Gaylord, Glettys, Howerton, Jolly, Just, Key, Main, Patterson, Phillis, Polan, Price, Salcedo, Sepulveda, Silzer, St. Cyr, Turnbull, Ward, White.

### A NOTE TO PUBLISHERS:

I would appreciate it if you would announce in your zines that I would like to hear from all members of TDA so that they can receive a ballot in the TDA Referendum! Have them write me. I'd also appreciate a list of all members of TDA you are aware of.