

August 14, 1961

To: Morris Kasper
Walter Fried

From: Al Bisno

Subject: Serious Dispute Requiring Adjudication on Highest Level

Paragraph 1 of the contract for this match signed by Fischer, Reshevsky and myself provides:

"If there should be any dispute on the part of the two parties to this contract covering the interpretation of any of its terms, both parties agree to all decisions to be made by Walter Fried, President of the American Chess Foundation, whose decision shall be final."

It was later understood between the parties that the adjudication could be made also by either Walter Fried or Morris Kasper.

It was originally envisaged that the last game in Los Angeles was to have been played on August 12th, but with the agreement of all parties and without protest on anybody's part as far as I know the date was changed to Sunday, August 13th, and the time 1:30 P. M.

On Thursday, August 10th, or possibly a few days prior thereto, Mrs. Piatigorsky on account of wanting to attend a certain concert of her husband, changed the hour from 1:30 P. M. to 11 A. M. Evidently Reshevsky found no objections to the change of time, but Fischer, according to Mr. Grumette, objected vigorously since August 10th and continued to object up to the time that the game was to be played.

Mrs. Piatigorsky, Mr. and Mrs. Grumette and I understand the referee, Irving Rivise, all pleaded with Fischer to change his mind, but Fischer was adamant. He has an idea that the referee and all other persons in authority are for some reason against him and are making decisions favorable to Reshevsky and against his interests.

I have seen nothing in the way of decisions made that have in any way prejudiced Fischer's equality in this match with Reshevsky and I am of the opinion that all decisions that the referee was called upon to make were made justly and impartially.

Mr. and Mrs. Grumette called for Fischer at his hotel in plenty of time to get him to the club for the 11 o'clock game, but Fischer refused to be moved and was quite rude to any one who tried to get him to play at 11 o'clock.

Since the time had been publicized for 11 o'clock, there was a large crowd of people to watch the game and some had even come from out of town especially to see the last game. The referee turned down Fischer's clock, waited a whole hour, but Fischer did not show up. He then announced that he was forfeiting the game in favor of Reshevsky and that was a definite decision he was making.

As I see it, the only argument that Fischer has that could be in his favor is that the time could not be changed from 1:30 P. M. to 11 A. M. without his consent and they did not receive his consent.

I am trying to give you the facts in this case impartially. I am sending quite a few copies of this memorandum to interested parties, including among others, Bobby Fischer, Sammy Reshevsky, Hans Kmoch, Al Horowitz, Mrs. Platigorsky, Mrs. Grumette, referee Irving Rivise and George Goehlar. It seems to me that all of them who feel so inclined should send their interpretation of this situation as they see it to both of you.

Morris Kasper's address is 1372 Broadway, New York City, and Walter Fried's address is 120 Broadway, New York 5, New York. I am giving this information for the benefit of those who may wish to present their version.

It is my opinion by virtue of the first quoted clause in the contract that you gentlemen have jurisdiction to decide the equities of this controversy. As a suggestion for whatever it is worth, it would seem to me that a committee composed of you two and Hans Kmoch and Al Horowitz, would be quite competent to decide on the equities of this case.

However, I do not think a decision should be made quickly. I do not think any decision should be made until you have heard in writing from all who wish to be heard. I think you should go ahead and let the four last games be played as scheduled with the understanding that you will make a decision on this matter ~~with out first consulting the committee on the forfeitures of the rest of the~~ ~~xxxx~~ before the completion of the match.

For whatever it is worth, it is my opinion that you gentlemen could make the following finding, wholly or in part:

1. That you lack jurisdiction to make a decision as to the forfeiture of the 12th game to Reshevsky and the decision of Irving Rivise stands.
2. That you do have jurisdiction but that you decide nevertheless that the forfeiture by Irving Rivise was justified and proper and should stand.
3. That the change of time without the consent of Fischer was not justified and Fischer cannot be penalized for refusing to play at 11:30 A. M. instead of 1:30 P. M. and that therefore the 12th game must be played over in New York at such time and place as the committee directs.
4. That Bobby Fischer has failed to live up to his obligations under the terms of the signed contract, as a result of which the committee feels justified in penalizing him to xxx extent.

Since I feel it to be my duty to report the facts objectively, I am not expressing any opinion in this communication as to the equities of the case.

ab/b

P. S. Since writing the above, I had a conversation with Mrs. Grumette who stated three things of more or less significance.

1. She called up Fischer and had a talk with him subsequent to the forfeiture of his game. He told her that the forfeiture meant nothing for the reason that there was an agreement made between him and Reshevsky in New York that there were to be no forfeitures, that if a player couldn't or didn't come, the game was to be played another time.

2. Fischer protested against the change of time when he first heard of it, namely, on Thursday. While Mrs. Grumette feels that he knew about the change in time prior to Thursday, she knows of no way to prove it. Neither she nor any one else knows that Fischer knew of the change prior to Thursday.
3. She had to turn back \$200. in admissions due to the failure of this game.

While I was figuring on about \$150. in my calculations, I believe nevertheless that there will be enough money to meet all obligations. However, if there should be a shortage of \$200. or less, I do not feel that the contributors are in any way at fault and that it will be up to you people in New York to decide who is to be responsible for how much.