

COPY

J. G. PHELPS STOKES

October 20, 1932

Mr. Louis L. Horch, President,
Roerich Museum,
310 Riverside Drive,
New York City

Dear Mr. Horch:

Thank you very much indeed for your letter of October 14th, and for so kindly enclosing with it copy of Mr. Irwin Esmond's letter to Miss Grant of August 1, 1927, addressed to her on behalf of the University of the State of New York.

Two items in Mr. Esmond's letter appear to me particularly worthy of careful note and consideration at this time in connection with the Roerich Museum's present status. First, his statement that "a provisional charter may be revoked for cause without notice"; and second, his statement that "an absolute charter can only be revoked after thirty days notice."

Since a provisional charter such as that under which the Museum is now operating may be revoked "without notice," it is within the power of the University of the State of New York to terminate same without affording the Museum time for a hearing, whether in court or elsewhere. If the University chose to do so, it might evidently terminate the charter, withholding any statement either of its intent or its reasons until after such termination.

I think you are mistaken in supposing that the Museum would be entitled to a hearing in the matter prior to such termination of the legal existence of the Museum as a chartered entity.

Of course, any man, woman or child in the United States has a right to a hearing in court if an actionable grievance is alleged; but in case the Museum's charter should be annulled, the Museum would, I am confident, cease by reason of such annulment to be a legally cognizable entity. I am confident you would be advised by your attorneys that in that event such hearing in court as might be desired would be the privilege of the individuals who constituted the Board of Trustees of the Museum at the time of the annulment; but that the Museum as the Museum would not be entitled to the hearing that you had supposed it would be entitled to.

Personally I regard the present corporate status of the Museum as exceedingly unsatisfactory. I cannot imagine any substantial funds being obtainable for the Museum so long as its status as a cor-

porate entity capable at law of defending funds received, is subject to termination at any time "without notice."

I would strongly recommend, if permitted to do so, that you and your associates of the Board of Trustees of the Museum, take into consideration at the earliest practicable date, the question of the desirability of forming a new corporation, under appropriate provisions of law, having powers to receive, hold and use, substantial funds as well as real estate in furtherance of purposes identical with the present purposes of the Roerich Museum; and that the power to so receive, hold and use such property, whether real or personal, be expressed in terms so broad as to permit the exercise of such rights in Europe, Asia, South America, etc.

Anyone contemplating a substantial gift to the Roerich Museum at the present time must in reason consider the legal ability of the Museum to use and to continue to use, to defend and to continue to defend, such funds as it may receive. The Roerich Museum's present rights in such matters are so exceedingly tenuous and precarious, that it is in my judgment thwarting its own aims and purposes as well as prejudicing its own interest, in continuing to seek control of the desired funds by the present organization which for cause deemed sufficient by the University of the State of New York may at that University's discretion be deprived of its charter and of its legal existence as a corporate entity at almost any time.

Please believe that the above comments and suggestions are submitted wholly as a matter of friendship and good-will, and with greatest admiration for the work that the Museum, its Officers, and Trustees are doing.

I cannot believe any prospective donor, apprised of the facts as to the precariousness of the Museum's status, would make a substantial gift to the Museum under present conditions, unless as a matter of very great personal regard for Professor Roerich and his personal associates.

Very sincerely yours,

J. G. STOKES

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November 1, 1932

Major J.G. Phelps Stokes
88 Grove Street
New York City

My dear Major Stokes:

Permit me to thank you for your friendly letter, in which you so frankly discuss the various problems confronting the Roerich Museum. We welcome any suggestion that you may have which could further the development of our institution, and you may be certain that your ideas or suggestions will always receive the most serious consideration.

Needless to say, we exceedingly regret not having at our disposal the \$500,000 necessary for the application for the Permanent Charter. Nevertheless, our educational program has won the commendation of leading educators and we feel that a fund of \$500,000 is not a requisite, nor an indication of the quality of educational service.

Most of the leading institutions of today, such as Harvard University and others, I am certain in the first ten years of their existence did not have the privileges which they enjoy today. After all, the true measure of any educational institution is how it carries out its educational program, and this alone will merit the assurance of its charter. The thirty-day notice granted by the Permanent Charter is of little avail if the institution does not fulfill its obligations. One of the heads of the University of the State of New York, Albany stated to me that they knew of no other institution that in such a short period of time had fulfilled so broad an educational program. And I should also like to mention a letter that was written a short while ago by the Honorable P.S. Graves, President of the University of the State of New York and the Board of Regents, to the Honorable Mr. Sexton, clearly stating that we were carrying out adequately the educational requirements of our charter.

In reply to your remarks that friends may hesitate to make donations to the Roerich Museum on account of the precarious position of the Museum, - The funds to be used for the educational work of the Roerich Museum cannot be touched by anyone. The Receivership clearly states that it only pertains to the apartment rentals of the Building. In fact, we are more

secure than even before, since the decision rendered by Judge Schientag in which he not only grants free space to the Museum and the Trustees, but in addition orders the Receivers to pay a definite allowance monthly towards the educational work.

Naturally, any contributions given to the Roerich Museum are put into a special bank account. The "Campaign Fund Accounts" can only be withdrawn upon the approval of the Committee, and as you know, each Committee has its own treasurer who is not a Trustee of the Museum. These funds are therefore carefully set aside and protected for the purposes for which they were donated.

We feel that with patience and perseverance, and with such friends as yourself, all the seeming difficulties will be successfully surmounted.

We are very grateful to you, my dear Major Stokes, for your constant interest in our behalf and wish to renew our expression of gratitude for your friendship. We hope that we may have the pleasure of further discussing this matter with you.

Very sincerely yours,

Louis L. Horch, President