

October 26, 1938.

Mrs. H. G. Campbell,
C/o Mrs. A. M. Welsh,
1355 Fleming Street,
Cincinnati, Ohio.

Dear Mrs. Campbell:

With reference to the inquiry made by Prof. Roerich, I do not see what use could be made in any proceeding here of an affidavit taken before a local magistrate as suggested by Prof. Roerich.

As a basis for a motion in some particular court proceeding, such an affidavit might be used, but it should be entitled in that particular proceeding. An affidavit is not admissible in evidence in any proceeding because the testimony of witnesses cannot be taken that way.

The only situation of which I have any knowledge where the facts stated by Prof. Roerich about the ownership of his paintings by Mme. Roerich might be of importance is in connection with the tax case. I have understood that the Government is asserting a lien on some of Prof. Roerich's paintings. If those particular paintings belong to Mme. Roerich, proof of that fact would defeat the Government's lien. That matter has been handled exclusively by Mr. Plaut and I do not know what the status of that asserted lien is. I do not wish to get into that case as you know, and all that I can suggest is that some one ask him whether he can in any way make use of the facts to which Prof. Roerich has referred.

All the above is rather formal, but I have tried to state the matter clearly. I shall be extremely glad to see you again when you get back. I am sure that your presence has been of great help to Mrs. Welsh.

Cordially yours,

Nathan Smyth.

2

December 20, 1938.

Mrs. H. G. Campbell,
34 Gramercy Park,
New York, N. Y.

Dear Mrs. Campbell:

In connection with Mme. Roerich's replevin suit, the situation is as follows:

Under our practice attorneys can be changed in an action which has already been started only by an order of the court. In order to get such an order it is necessary to have the signed and acknowledged consent of the client. In order to avoid, for the time being, the delay and incidental expense of getting such an acknowledged consent from Mme. Roerich, I have arranged with Mr. Plaut that his firm will remain as attorneys of record and will employ me as counsel to represent them in all the future proceedings, of which I am to have complete charge. This will be without further charge for future matters in this case on their part and without their paying me anything.

Pursuant to that arrangement I have forwarded the letter which was heretofore signed by Messrs. Plaut & Davis to the Commissioner who is to take the testimony of Mme. Roerich, together with the interrogatories and exhibits. He will doubtless call on Mme. Roerich shortly after their receipt to answer the interrogatories and cross-interrogatories. The ^{early} examination of Mrs. Horch, which was set for December 15th, has been adjourned to January 16th in order to give me time to prepare to conduct it.

You have asked me for such observations as I may be able to make on the proposal that some friends of Prof. Roerich seek to compromise the Government's tax claim against him by a payment of an amount smaller than that of the claim. As I understand the procedure, the Government will sometimes make a compromise with a man who is unable to pay its claim in full upon receipt by it of all that it believes, after full examination of the facts, it will ever be able to get on the claim. In order to effect such compromise, it will be necessary to make a full and complete disclosure of Prof. Roerich's financial position and possibilities. If the Government is satisfied that he cannot pay any, or only a small part of it, it might be

Mrs. H. G. Campbell

- 2 -

Dec. 20, 1938.

willing to take some contribution from his friends in addition.

I understand that the Government has claimed a lien on some of Prof. Roerich's paintings and it will doubtless proceed, upon some sort of notice to him or Plaut & Davis, to sell them for what they will bring. It will not, in my judgment, relinquish that right in connection with any settlement offered by his friends unless such settlement is for considerably more than such pictures could bring at a sale. If they are interested in preserving those pictures in friendly hands, they could probably arrange to be able to buy them at the low prices which usually prevail at forced sales.

Except as relates to those pictures, I do not see that there is any necessity of doing anything about the matter now. It seems to me that it would be more advisable to wait until such time as Prof. Roerich contemplates coming back to this country and plans to do so within a few months. His friends could then go to the Government quite frankly with the proposal that it will be impossible for him to come to this country and thereafter get passports to leave unless the claim is compromised and that out of interest in him and his work they are willing to contribute some sum to be agreed upon in order to clear the matter up. I don't know that anything is to be gained by immediate action. It would seem to me that the Government would be more ready to make a compromise on a small basis after it had been unable for a considerable period of time to make any collection.

In making the foregoing observations I must say that I can give no assurance that they are correct. One could only find out with certainty by making a direct approach to the Government. Such an approach would, in my judgment, better be made directly by the friends who are interested rather than through attorneys whose appearance might give rise to suspicions that some of the money available for paying Prof. Roerich's indebtedness to the Government is being diverted to the payment of attorneys' fees. Also, it seems to me that the approach would be more likely to succeed if the reason for making it, -- that is, the desire to enable Prof. Roerich to come back to this country, -- had to do with an immediate and not a remote and very contingent future possible return of Prof. Roerich to this country.

Very truly yours,

NAS*MA

Walter G. Squire