

Fort Pitt Hotel
EPPLEY HOTELS CO
Pittsburgh

May 17, 1929

Dear Miss Tarbell:

Your home informed me upon my calling a few days ago that you would be away until Sunday.

I am taking the liberty to enclose for your confidential information a copy of a document which, while explaining itself, makes but a moderate statement of the subject.

Since some references needed to be made to you, I would appreciate being set right if I seem to be in error on any point about which you may have knowledge.

Mr. Hazlehurst, the General Solicitor of the Steel Corporation gave me a long and quite searching on the whole subject. It is a matter about which I hoped

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to keep my own counsel after
it appeared Judge Gary
had made no record of it
but the consequences have
become cumulative and
when I told Mr Campbell
it was my decision I was
forced by circumstances
and ruin.

There are aspects of the
whole situation which I
hoped I might, without
indiscretion, discuss with
you may wish to return the
enclosure after reading it.

Yours Truly
James E Watkins

Valparaiso - Indiana.

Miss Ida M. Tarbell.
New York City.

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Hotel Pennsylvania,
New York City,
May 14, 1929.

New York Trust Company,
Executors - The Estate of Elbert H.Gary,
New York.

Gentlemen: ATTENTION MR. CURTZ,VICE PRESIDENT.

As the result of an interview last week with Mr.Robert W.Campbell, in Chicago, I am submitting the following claim against the Estate of the late Elbert H.Gary.

This claim grows out of continuing the publication of McClure's Magazine, at Judge Gary's instance, to complete Miss Tarbell's story of his life.

When Miss Tarbell's services were sought to write the Life of Judge Gary, it was found that Miss Tarbell was under contract with Mr. S.S.McClure to bring her story of Oil down to date.

A few months earlier, during July, 1934, Mr. McClure visited me at my home in Valparaiso, Indiana, and gave several interviews to the newspapers to the effect that his visit was occasioned by his interest in the CHILDRENS FOUNDATION. Since various interests with which I was identified contemplated the establishment of a publication devoted to the well being of childhood and youth, an arrangement was concluded whereby the title to McClure's Magazine was secured, and plans worked out whereby McClure's was to become an organ of child welfare and those phases of social well being growing out of child welfare.

When Mr.McClure was approached to release Miss Tarbell's services to write the Life of Judge Gary, his editorial instinct sensed what he believed would be a series of overwhelming importance to the country at that particular time and Mr.McClure persuaded me to buy the serial rights to Judge Gary's life with its story of steel, for which I advanced $15,000.00. As a consequence, our program for the Magazine was materially changed and the contact which I came to have with Judge Gary will no doubt be fully verified by Mr.Sites.

The extent to which the object to which we originally intended to dedicate McClure's was understood in certain important circles, may now be judged from the following incident:-

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Some time after the announcement of the CHILDRENS FOUNDATION in 1921, the project began to be developed by Mr. George Hecht, of New York, for what has since become CHILDREN, THE MAGAZINE FOR PARENTS". Mr.Hecht sought financial aid from the Laura Spellman Rockefeller Foundation. His application was referred to certain parties at Teachers College, Columbia University. The group at Columbia University, knowing of the priority of our position in this field and impressed with our program for McClure's, withheld their approval until such time as I indicated our own plans were too involved, and we delivered from the Little Magazine - a feature of McClure's - the first 20,000 subscriptions with which "CHILDREN - THE MAGAZINE FOR PARENTS", began its successful career.

The first issue of McClure's Magazine as revived appeared in May, 1925, with the first chapters of Miss Tarbell's Life of Judge Gary as the outstanding feature. After two numbers had appeared, Judge Gary as an evidence of personal interest in me, took me into his confidence and explained the serious consequences it was apparent I would suffer from the associations of the McClure enterprise. I replied that although I had sensed this situation, other considerations already prompted the conclusion to eliminate myself from its responsibilities as soon as I could honorably do so.

In a later interview which occurred along in September, Judge Gary inquired how things were progressing and I told him something of the efforts being made to dispose of the Magazine and of the parties who were interested in its purchase. While several groups appeared to be interested in the purchase, it began to be apparent that Mr.Hearst was the most certain prospect.

When I explained that Mr.Hearst's representative had indicated interest only in buying the name and that they could not be induced to continue our editorial policy and to satisfy our subscription liabilities, Judge Gary, much concerned, asked: "Does that mean that you would not complete my story?" I answered that such would be the result and that it had given me great anxiety. Briefly stated, Judge Gary used the following language: "Mr.Myers, in the time that I have been in New York, no young man, to my knowledge or in my acquaintance, has come to New York who has won theinterest and confidence of more people of influence and importance than you have. You cannot afford to fail to complete this story. The only thing you can afford to do is to complete the story."

From every intimation of Judge Gary's language and countenance, I believed then - and I believe now - that he meant to indemnify me for such obligation as I might need to

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assume. I had explained clearly that it was impossible for me to meet the expense and that the Company did not have the resources to continue.

I borrowed at the Larchmont National Bank & Trust Company $9,000.00 in October, which was turned in to S.S.McClure Company to assure the November issue and this obligation with other obligations which I personally assumed, aggregated in excess of $35,000.00. Of this amount, I am still struggling along, attempting to pay about $28,000.00.

We continued our efforts to sell on more favorable terms and toward the end of October, Mr.McClure received a letter from an acquaintance of many years, Mr.Claude Meeker, of Columbus, Ohio, to the effect that he was then in a position to furnish us the capital which the success of the Magazine required. Mr.McClure asked me to conduct all negotiations with Mr.Meeker personally and an appointment was arranged in Columbus, Ohio, for Thursday, November 5th. The second day before, Mr.Meeker and his daughter were both injured in an attack on their lives by his son-in-law, who brought this tragedy to a close by committing suicide.

I knew nothing of Mr.Meeker's family, but to my consternation, it developed that his son-in-law was the young man, Mr.Shirley T.Wing, who, twenty years before, had been awarded the Rhodes Scholarship to Oxford over me under circumstances which excited considerable comment at the time. The account of the attack on Mr.Meeker appears in the newspapers of the country of Wednesday, November 4th, 1925.

With this development, I telephoned from Valparaiso the party in New York who had been conducting the negotiations with the Hearst organization, to sell on the best terms possible to obtain. As above indicated, the right to the use of the name only was bought and our subscriptions liabilities were satisfied through the magazine "CHILDREN" and THE GOLDEN BOOK". Obviously, neither of these could finish the life of Judge Gary which the Hearst organization refused to complete and greatly to the disturbance of my associates, I directed completing the December and January issues in order to finish the life of Judge Gary.

We received $70,000.00 for the rights to the name "McCLURE" (or "McCLURE'S") in the title of a publication; $30,000 of which was paid in cash and $40,000 in non-negotiable notes - the last of which, for $15,000., came due March 31,1927. I deferred any approach to Judge Gary about our discussion until the receipt of the payment on the last Hearst note, at which time I was prepared to render definite accounting

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on the obligations I had assumed and an explanation of the seriousness of my own situation as a result of what I had done.

Accordingly, on March 31st, I 'phoned Mr. Sites and said I was now prepared to see Judge Gary. Mr. Sites replied to the effect that it was the worst week in the whole year to see Judge Gary, because of the Annual Meeting of the Stockholders of the United States Steel Corporation. It is hardly to be expected that Mr. Sites would recall so clearly as I would be able to do, a conversation which had so compelling a bearing upon my personal situation. Mr. Sites suggested that the matter which I wished to take up with Judge Gary required a time when the Judge was at leisure and although expressing a willingness to arrange an appointment notwithstanding, if I could not come back later, I replied that I most certainly would not press the matter that week, but would return from Valparaiso within a few weeks to do so.

Upon returning to Valparaiso, I found the business of Lewis E. Myers & Company seriously involved - partly from misunderstandings growing out of the McClure situation,- and in my weakened financial situation I lost control of the business which I had spent twenty years in building. The exigencies were such as did not permit me to leave Valparaiso and during this period Judge Gary died. It appears that Judge Gary left it to me to take the initiative in the matter of any settlement and I believe it is known that Judge Gary had been expecting me to call about the matter.

The course of events during the past two years is easily verified. They have been determined in no small degree by the course I pursued on what I accepted and believed to be the desire of Judge Gary and his willingness to meet a situation beyond my control and in which he had genuine personal concern. I sought an interview with Mr. Campbell at this late date only because I could see no other way to avert the complete disaster against which I have long been struggling and which affects not only my personal fortunes but the integrity of an institution of such public usefulness as THE CHILDRENS FOUNDATION has proved itself to be.

Mr. Campbell proposed that I go to New York and ask Mr. Sites to introduce me to you, in order to lay this situation before you, Mr. Buckner and Mr. Halstead.

As indicated above, I have outstanding about $28,000. of obligations, which is considerably less than the cost of producing the three issues above referred to. However, if

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after due consideration, the Executors allow a claim for this amount and if at the same time I can win your counsel and advice on certain phases of my present problems, I will be able to retrieve my present situation, avert the disaster which now seems to impend, and give every person some cause for personal satisfaction who will have lent their co-operation and good-will to this end.

I will be glad to answer any questions, and to furnish documents and books of account to substantiate any of the representations made above.

Respectfully submitted,

(SIGNED) LEWIS E. MYERS.

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