May 5, 1938

My dear Mr. Fosdick:

I have given a hasty examination to the printed documents in the Roerick case. As I told you at the start it has been quite out of the question for me to give any thorough examination to the matter, that examination which would qualify me to have a stabile opinion. But I have carried away from the reading that I gave the documents certain impressions. You ask me to put them in writing.

First, I felt that the evidence presented by the prosecution is incomplete. It seems to me to be doctored. Certainly the defense is unsatisfactory, that is I feel that they ought to be able to make a better case than they do.

The Roerick case seems to be a struggle between a group of idealists with little or no practical training and no interest in the financial side of the undertaking. All that they asked was the opportunity to work out their ideals.

Mr. Roerick and his associates seem to have believed that they had found in Horch a person who believed in what they were trying to do, believed fully and heartily, and to the point where he apparently asked nothing better than to take care of the financial side. He seemed by his letters to feel it was both an opportunity and an honor for him to make that contribution to the undertaking. Evidence seems to show that Horch supported the enterprise through a number of years. Then suddenly without reasons which seem to me in any way adequate from the testimony presented he turns away from Roerick and his associates and did his best to wreck the undertaking. Why he did this seems to me to be a most important thing to show. It is not adequately shown in the evidence.

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Two possibilities occur to me, both of which I should want to follow up if I were in a responsible position in regard to the matter.

First, what was it that so abruptly changed Horch's attitude? Did he discover suddenly some mismanagement which he felt was criminal, or did he suddenly lose faith in the entire enterprise? And if so, why? This certainly is not explained by the evidence.

There is a second possibility which I think should be explored, and that is that Horch saw from the start an opportunity to earn in the long run both honor and profit from the enterprise. When he suddenly saw that his hopes could never be realized he abruptly withdrew his support and broke his contracts with the group and took over the entire physical plant. His dealings in the light of the contract and his own repeated assurances seem to me most questionable.

Here in a word, my dear Mr. Fosdick, is the impression that I carried away from the hasty examination I gave your material. These are the points on which I think your lawyer should satisfy himself. That probably means a much more thorough examination of the whole enterprise than has been given.

I do not know that this letter will be of any use to you, but you asked that I set down what I told you over the telephone and I am glad to do it.

You understand, of course, the letter is for you and your associates and not for public use.

I was interested to see that Justice O'Malley dissents from the majority opinion in your appeal. I am not sure that the evidence offered was indisputable. A more careful examination might lead me to that opinion.

Hoping this letter may be of some use to you, believe me

Very sincerely

Mr. Gene Fosdick
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New York City

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