June 3, 1930, is the hottest day of the year (so far). William Cook, once one of Manhattan’s wealthiest and most powerful lawyers, is lying hostage on a small metal cot that has been placed on a worn Oriental rug in the dining room of his dilapidated old house in Port Chester, New York, overlooking Long Island Sound. His captors, though tiny, are overwhelming in number. Cook has been hosting *Mycobacterium tuberculosis* for at least a decade. Uninvited and ungrateful, his guests have stayed much too long, robbing him of his oxygen, his energy, and his freedom. The microbes have moved beyond his lungs, their original lodgings, after scarring their walls beyond usefulness, have now painfully invaded his bones.

Deeply depressed, Cook can barely breathe. While everyone else that day has crowded onto trains in record numbers and headed to the cool ocean breezes of Coney Island, the Rockaways, or Long Beach, Cook cannot escape the desiccating eighty-seven-degree heat.

Cook is able to take comfort in two certainties. The first is the beauty of the arboreal grounds he has created on his ninety-seven-acre Port Chester property. The exquisite gardens and exotic trees eclipse even those of his elegant childhood home in Hillsdale, Michigan. The second is the knowledge that his financial plan will move his riches to his alma mater, the University of Michigan Law School, fulfilling his dream of preserving American institutions by improving the character and education of lawyers.

On the next day, June 4, as New York broils up to ninety degrees, William Cook dies.
One can well imagine the following scene in Ann Arbor eight months later, in February 1931.

Henry Bates, then in his twenty-second year as dean of Michigan Law, is sighing deeply in a fit of frustration and anger. Bates draws up his short, sturdy frame, trying to make himself as tall as possible. His reddened cheeks are puffing out, and his body heat is fogging up his rimless glasses, which he removes and wipes fiercely with his handkerchief. Terrible news has just arrived from the trustee of the monumental Cook estate, which Bates believes has come to the Law School largely through his efforts. (We shall see later how accurate Bates was about that.)

Michigan Law is in the midst of constructing a magnificent Gothic quad-rangle consisting of four elegant buildings, and until nine months ago, donor William Cook had been regularly writing checks to pay for the project. Back in June, right after Cook died, the check writing had ceased. Cook had established a trust to carry out his wishes for buildings and endowments for the Law School. But John Creighton, the estate’s trustee, is now daily creating obstacles to the release of the trust money. Creighton is a 1910 Michigan Law grad, and that he, of all people, would delay things seems very odd. Beginning in 1921, Creighton had helped Cook plan his estate, and he was well aware of Cook’s wishes. During a stint in the U.S. Department of Justice at the end of World War I, Creighton had ingratiated himself to such national political figures as U.S. attorney general A. Mitchell Palmer. This had helped land Creighton a job, in 1921, in the trust department of National City Bank, which handled Cook’s money. Creighton and his wife had high social and financial aspirations and no children to draw their attention away from these ambitions.

Bates is in a state of high anxiety, for the delays are threatening his plan to bring Michigan to the undisputed forefront of legal education. The dean suspects that Creighton’s personal monetary goals are overriding his fiduciary duties to the estate. Creighton’s role in Palmer’s infamous “Red Raids” in Chicago in 1919 and 1920 has led Bates to surmise that perhaps Creighton does not always respect the law. In those raids, Creighton had willingly, even eagerly, ignored the civil liberties of immigrant workers from eastern Europe to advance his career. Might he do similar harm to the Law School by dragging out his trusteeship in the service of his own personal enrichment? As early as 1925, Bates had labeled Creighton “a toad.”

Creighton provided financial planning advice to Cook for eight years, making numerous personal visits to the increasingly ill and isolated lawyer. Beginning in 1920, on doctor’s orders, Cook began to make rural Port Chester, New York,
Henry Moore Bates (1869–1949)

Henry Moore Bates, dean of the Michigan Law School from 1910 (when he succeeded Hutchins) until 1939. He succeeded in expanding Michigan Law and increasing the quality of its students, faculty, and curriculum. However, his desire to control everything quickly ruined his relationship with Cook and probably delayed Cook’s giving. This undated photo is probably from the 1930s.

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adjacent to the Connecticut border, his home for most of the year. There he lived
a more secluded and far healthier existence than he had in the city. He began to
spend less and less time in his fine town house at 14 East 71st Street on Manhat-
tan’s tony Upper East Side, just half a block from Central Park, where his near
neighbors were the Fricks and the Pulitzers.

Creighton has delivered very bad news on this February day. He has informed
Bates that Cook, who Bates had pegged as a reclusive overachiever with hardly a
friend, let alone a wife, had been married for nine years, from 1889 to 1898, and
then divorced (apparently with no children). Now, thirty-three years after the
divorce, Cook’s ex-wife, Ida Olmstead Cook, is about to file a suit claiming that
her divorce was not a valid one. Was Ida really Cook’s legal widow and legitimate
heir to half his wealth?

Ida is being egged on by nationally known attorney William Gibbs McAdoo, who has been struggling to make a living during the Depression. How did Ida
Olmstead Cook, wonders Bates, land McAdoo for her lawyer?

What Bates doesn’t know is that McAdoo, long a resident of New York City
and then Washington, D.C., is in California to rebuild his political life; by 1932
McAdoo will be a U.S. senator from that state. He had become famous after
building the first two tunnels under the Hudson River, a feat that brought him
national attention. McAdoo had served as Woodrow Wilson’s secretary of the
Treasury and was architect of the Federal Reserve System and of the Liberty
Bonds that helped finance World War I. McAdoo’s wife is Wilson’s daughter,
Eleanor.

Bates turns to his wife, Clara, for advice. She well understands the adversities
he has faced and overcome. She’s familiar with his erratic behavior, his mood
swings, and the consequences of his penchant for shading facts to fit his audience.
She knows of the personal difficulties caused by his habit of forgetting which
version of an event he’s conveyed to what person. She’s also sadly familiar with
his inability to make important decisions and then not “change his mind by
Saturday night.” Clara knows her husband’s gray hair is the result of his pointless
struggles with Cook for control of the Law School’s building program. And she
knows people think that her husband, a short man, has a Napoleon complex.

Bates continues to talk with his wife, reminding her how he has toiled for
twenty years to raise up the Law School without getting the credit he deserves.
He reproaches himself for not accepting one of the numerous job offers that have
come his way from Harvard Law dean Roscoe Pound and extols his relentless
efforts to cajole the quirky Cook into leaving everything to Michigan. Bates re-
counts proudly how he repeatedly outmaneuvered Cook, who spent the years
from 1923 through 1928 playing cagey about whether he was going to finance additional buildings for Michigan beyond the first one, the 1924 Lawyers Club. He reminds his wife of his clever idea to tell Cook that the university would be going to the legislature for money if he wasn’t going to pony up. Bates, of course, has known since 1928 that this dubious plan of his to turn to the state legislature had led to Clarence Cook Little’s 1929 resignation from the Michigan presidency.

Bates is curious about who has instigated Ida’s lawsuit, but he is more anxious about its outcome. He can’t figure out why Michigan hadn’t known that Cook had an ex-wife. Surely Cook or Trustee Creighton could have put a clause in the will clearly stating that Cook’s former wife was not to inherit any of his money. Or why hadn’t they bought her off in advance? During eight years of drafting the will, hadn’t anyone thought of this? Was Trustee Creighton perhaps looking forward to a lifetime of lucrative lawsuits and trust administration? Would the estate’s value continue to decline as a result of the 1929 stock market collapse? Might the value of the money fall precipitously before the Law School gained control of it?

Bates’s concerns about the lawsuit are well founded, even though he is exaggerating his role in obtaining Cook’s gift. Michigan president Harry B. Hutchins and two members of the university’s Board of Regents, Walter H. Sawyer and James O. Murfin, were far more important than Bates in nurturing the relationship with Cook.

Regents Sawyer and Murfin were surely strategizing with Bates about the lawsuit. Walter Sawyer, a highly respected Hillsdale physician, had attended Michigan at the same time as Cook, graduating from the School of Homeopathy in 1884. He knew several generations of Cook’s family. On his doctor rounds in Hillsdale, Sawyer liked to make the elegant and welcoming Cook house his last stop, where he could enjoy a relaxing beverage before heading home. Sawyer’s kindness and the respect that others had for him are evident in his correspondence. Later in this book, we shall observe Sawyer’s skill at alleviating tensions between Bates and Cook and his pragmatic approach to problems as a Michigan regent grappling with presidential predicaments, especially during the terms of Harry B. Hutchins, Marion Burton, and Clarence Cook Little.

Regent Sawyer enjoyed William Cook’s unequivocal respect and trust, according to Cook’s niece Florentine Cook Heath, daughter of his brother Chauncey. Cook liked Sawyer personally and admired the way he handled things. Sawyer and President Hutchins were especially close. Hutchins had joined the
Harry Burrs Hutchins (1847–1930)

Harry Hutchins, dean of the Michigan Law School from 1895 to 1910 and president of Michigan from 1910 to 1920. He was essential to obtaining the Cook gift and to establishing the importance of private support to the university.

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Law School faculty in 1884, becoming dean in 1895 and serving until 1909, when he was named interim president of the university. The word *interim* was removed from his job title a year later, in 1910. His presidency lasted ten years, until 1920, when he became president emeritus. After his successor’s death in 1925, Hutchins served another brief term as interim president.

Cook “admired and was very fond of Hutchins,” according to Florentine. He continued to treat Hutchins as president when it suited his purposes. For example, instead of dealing with the irritating Bates or with a new president he didn’t know yet, Cook would consult Hutchins. Sawyer and Hutchins joined forces to help secure the Cook gift and to handle emergencies like the premature death of President Burton in 1925 and the short, failed presidency of Clarence Cook Little.

Sawyer and Hutchins are always next to one another in photos of the regents. In a 1912 photo, Sawyer appears the much more vigorous man, with thick black eyebrows and mustache, straight mouth, square jaw, and no glasses. Hutchins is the larger in both body and head, with rimless glasses and a white mustache. Both are wearing academic robes. A later photo shows them in less formal dress, again seated together, at the university’s camp at Douglas Lake in northern Michigan. Doctors and lawyers are often at odds, but Sawyer and Hutchins were close friends, despite their fourteen-year age difference, and they socialized together in their private lives. Hutchins died in early 1930; after that, Sawyer surely missed his wise counsel on Cook matters.

The other important regent in the Cook story, Michigan Law grad James O. Murfin, practiced law in Detroit. “Cook, like everyone else, enjoyed Murfin, pleasant calling him an Irish windbag,” said Florentine. Murfin offered the university his strategic and negotiating skills many times to help solve vexing legal problems in the days before the school had a general counsel. Murfin’s experience at the bar proved crucial several times during his nineteen years as a regent, from 1918 to 1937. He served as president of the Lawyers Club, Cook’s first gift to the Law School, from 1925 to 1933. In his private Detroit practice, Murfin was often in the news for representing high-profile clients like Detroit Tiger Ty Cobb.

James Murfin’s dark, intelligent eyes gaze at passersby today from an oil painting on the south wall in the main lounge of the Lawyers Club. His sharply peaked eyebrows, high forehead, and careful grooming signal a litigator ready to do battle. Perhaps the portrait was placed there in honor of Murfin’s role in defending against Ida Olmstead Cook’s lawsuit.

Murfin was twenty-eight years younger than Hutchins and fourteen years younger than Sawyer. The three men provided a long continuum of leadership
University of Michigan regents in 1912. Regent Walter H. Sawyer is in the first row, at right. President Harry Hutchins is to Sawyer's right. The commencement garb indicates that the photo was taken in June.

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WALTER H. SAWYER AND HARRY HUTCHINS IN 1910

Sawyer and Hutchins at the Biological Station at Douglas Lake at the very beginning of Hutchins’s presidency. Sawyer, in the front row, at left, is seated next to Hutchins, next to whom is Regent Junius Beal. Given the setting, the gentlemen in the front row are very formally dressed, by today’s standards.

*Bentley Historical Library, University of Michigan.*
in Cook affairs for the three university presidents who succeeded Hutchins: Marion Burton, Clarence Cook Little, and Alexander Ruthven.

Regents Murfin and Sawyer are the first people in Ann Arbor to learn about Ida Olmstead Cook’s threatened lawsuit. Although records found in Cook’s safe documented a divorce in 1898, Creighton informs them that the lawsuit will inevitably slow the dispersal of assets. Murfin is scornful at first, calling the claim “absurd” with “nothing to it.” Sawyer thinks the suit “partly amusing and partly startling.” Dean Bates claims that Hutchins had told him “the lady in question had died insane years ago,” but that clearly isn’t true. Ida Olmstead Cook is most definitely alive.

Within a few days, Bates and Murfin are in agreement that they may need outside counsel, because Creighton and the bank can’t possibly represent the university’s interests adequately. By mid-March Murfin admits to being disturbed by the Cook matter, and he consults Bates for names of Michigan Law grads in New York who might represent the university. Ralph Carson (Michigan Law 1923) of Davis, Polk, and Wardwell seems a good choice. In the meantime, Creighton reports that he has talked to Senator Porter J. McCumber of North Dakota (Michigan Law 1880). McCumber had been at Michigan with Cook and had represented him in his 1898 divorce. He has told Creighton that Ida contacted him and then another lawyer about representing her, before finally approaching McAdoo. He reported that Ida had an annual income of $950 ($11,400 in 2009) and that anyone taking the case would be doing so on a contingency fee basis. Ida could not afford to pay by the hour. The bad news here is that a trivial claim would not have attracted a first-rate lawyer like McAdoo.

By the end of March, Murfin is really worried, because Ida has now also hired the New York firm of Hornblower, Miller, Miller, and Boston, an impressive opponent with strong political connections, whose involvement is an additional signal that her claim may have merit. This law firm includes Nathan L. Miller, who had been governor of New York in the early 1920s and is a friend of McAdoo’s. Miller had enjoyed “the finest outing we have ever had” at McAdoo’s California house in February 1931. Did Miller and McAdoo discuss the Cook estate during that visit? The size of the Cook estate has been a source of much public speculation in New York. Might Creighton have encouraged a New York City lawyer to talk to the former Mrs. Cook? This would have been an ethically questionable act, but we can only speculate.
Although no suit has yet been filed, Michigan’s circumstances are worsening, and the value of the estate, composed of stocks, bonds, and real estate, is sinking as the Depression deepens. Ida’s possible lawsuit is clearly a threat to Michigan’s ability to finish the Law Quadrangle. The stage is now set for our characters—Bates, Creighton, Murfin, and Sawyer, with the disembodied spirits of Cook and Hutchins very much “in the room” with them—to ponder the actions they must take to best serve the interests of Michigan, should Ida Cook actually sue.

On April 17, 1931, a headline in the *New York Times* trumpets, “Will sue to break W. W. Cook’s will.” Surely the awkward wording was the least disturbing aspect of the news. Other papers across the country are also reporting the story.

Before returning to the story of the lawsuit, we pause to explore Cook’s background and education and his personal and professional lives. We are going to discover how he made his fortune, why he chose to give it to Michigan, and what he hoped to accomplish with his gift. And we will want to know more, of course, about the romance between Ida and Will.