Giving It All Away

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John T. Creighton

Trustee or toad?
DEAN HENRY BATES DID NOT LIKE JOHN CREIGHTON, even though Creighton was a 1910 graduate of Michigan Law. By 1924 Bates feared that William Cook was going to force Creighton onto the Law School faculty. By April 1925, he understood that Creighton was to have a high salaried position with Cook. In July 1925, he told Regent James Murfin that Creighton is “smoother than we are and not in this affair for his health.” Writing later that July to his close friend Harvard law dean Roscoe Pound, he called Creighton a “toad put in to ruin the school.” Was Bates paranoid, or was Creighton really a threat?

The correspondence between Roscoe Pound and Henry Bates cannot be found in Bates’s archival record at the University of Michigan’s Bentley Historical Library; to find the gem of a quote in which Bates describes Creighton to Pound as “a toad,” one must peruse the microfilm of Pound’s papers at Harvard. Bates was highly stressed during the summer of 1925, when he wrote the letter to Pound that included the toad comment. The Lawyers Club had opened the previous fall, and the dedication, which Pound attended, had just taken place in June. Cook had been very unhappy with Bates’s management of the club. By July Bates was “rusticating” up north in Charlevoix while worrying about many things.
Would Cook give more money? Would Clarence Cook Little accept the Michigan presidency (President Burton had died in February 1925), and if so, what would that mean for Bates and the Law School? The university in Ann Arbor was just beginning to realize how important John Creighton would be to the final years of the Cook saga.

What lay behind Bates’s judgments about Creighton? The full story unfolds only at the end of this book. In this chapter, we will learn about Creighton’s life up to the time it joined with that of Cook.

John Thrale Creighton came from a long line of Springfield, Illinois, lawyers. He graduated from Michigan with an A.B. in 1908 and an LL.B. in 1910. Creighton was a student during Bates’s tenure, immediately before Bates became dean, and he probably took Bates’s class on wills and administration.1 Perhaps Bates formed his opinion of Creighton then. It is ironic that Creighton may have learned about wills from Bates, given the role Creighton would play in the creation and administration of William Cook’s.

Creighton’s time at Michigan was not all study. As an undergrad he was a choir master in the Friars, a prestigious drinking and singing society that was an offshoot of the Men’s Glee Club, and a member of the Mandolin Club, in which he played first mandolin. He also belonged to Phi Kappa Psi and the Pipe and Bowl Club. In 1906 he was one of several “coal black troubadours” in the Minstrel Carnival.2

Jack, as he was known, returned to Springfield to practice with Brown and Hay, the successor to Abraham Lincoln’s law firm. By 1912 he was a partner in the firm, and he remained there until 1918.

Jack appears quite buttoned up and proper in his Law School class photo. In the 1941 photo that appeared with his death notice, his lips are sealed with a simper, his hair is graying, and he is wearing stylish round-rimmed glasses. His eyes, staring straight into the camera, are puffy with dark rims. Perhaps the photo reveals his ill health, or perhaps the reproduction of the photo is flawed. He died at fifty-six, two weeks after surgery for an unknown reason. His death certificate, like all those of the era, reveals only that no crime or serious infectious disease caused his death.

In January 1918, Creighton left Springfield and traveled to Washington to join the war effort as a member of the War Trade Board and subsequently the War Trade Intelligence Bureau, both of which were part of the office of the Alien Property Custodian.3 The APC was the official government custodian of prop-
erty located in the United States that belonged to citizens of enemy nations. Creighton’s role as chief detective in the APC was to identify and locate German-controlled chemical companies and work with the Advisory Sales Committee to establish prices for the sale of the companies to American firms, which would operate them in trust through the APC.

The first head of the APC was A. Mitchell Palmer. He served in the position from October 1917 until he became Woodrow Wilson’s attorney general in February 1919. Creighton was thus in a position to earn the trust and respect of Palmer (who aspired to the presidency) and other influential men, including the members of the Advisory Sales Committee: Francis P. Garvan, a wealthy Yale alum who was second to Palmer in the APC; Cleveland H. Dodge, vice president of Phelps Dodge and a director of National City Bank; and Ralph Stone, president of the Detroit Trust Company and former director of the Bureau of Trusts, which oversaw the APC (he would serve as a University of Michigan regent from 1924 to 1940). Garvan became the chairman of the Chemical Foundation, a Delaware corporation that had been established to buy chemical patents from the APC and hold them in trust for the chemical industries and the country at large. The Advisory Sales Committee had to approve the price and all other terms and conditions of each sale. The committee’s oversight was critical both to ensure fair sales and to protect Palmer against charges of corruption or favoritism. Creighton would have worked closely with Garvan, Dodge, and Stone.

In February 1919, President Wilson named Palmer attorney general; Creighton stayed on with the APC for a few more months. Palmer was a Quaker and up until that time had never done anything inconsistent with his peace-loving, pacifist faith. But that faith was shaken in June 1919, when an anarchist set off a bomb in the front yard of his Georgetown house. Most fortunately for Palmer and his family, the anarchist stumbled and blew himself to smithereens before getting close to the house. The explosion did great damage, but the anarchist was the only person harmed (the bomb also damaged Franklin D. Roosevelt’s neighboring Georgetown house). Anxiety over the Russian Revolution had been building since the end of the war, and the bombing accelerated this fear of “Reds.” Palmer decided to commit the rest of his term as attorney general to stopping the Red Menace. He also hoped to impress the public through his efforts and thus strengthen his credentials for the Democratic presidential nomination.

Creighton’s work in Washington reveals his values and methods of operation and hence is relevant to the part he played in William Cook’s story. In short, Creighton
was an eager, willing, and essential participant in the Palmer “Red Raids” in late 1919 and early 1920. These were the first anticommunist crusades in the United States. The purpose of these raids, which were instigated by Palmer after the June bomb attack on his home and sanctioned by President Wilson, was to arrest and deport so-called dangerous foreigners before they could bring about a violent revolution in America. Most of those arrested were recent arrivals from eastern Europe. Unfortunately, both during and after the raids, Creighton and other government agents violated virtually every element of due process of law that the Constitution requires. What follows is the story behind those raids and an explanation of the part Creighton played in them.

The very day of the bombing of his home, Palmer called Creighton and Francis Garvan to his office, asking them to spearhead his hunt for the Red radicals. Creighton became special assistant to Palmer, and Garvan became Palmer’s assistant attorney general. William J. Flynn, the nation’s expert on anarchists, became head of the Bureau of Investigation, the predecessor of the FBI. It was during this time that young J. Edgar Hoover began to build, quite deliberately, the career that would take him to the head of the FBI. Creighton played a role in Hoover’s “clever bureaucratic game of shadows,” as Hoover biographer Kenneth D. Ackerman called it.

Creighton helped to get the Department of Labor to issue warrants against Emma Goldman and Alexander Berkman in June 1919. These warrants were just the beginning of the effort to identify, find, and punish those responsible for the Georgetown bombing, which was the lynchpin in Palmer’s plan to become president. Within days of the June bombing, lawmen in a dozen cities grabbed suspects off the streets with no evidence to connect them to any crime, locking them up without warrants or explanations, let alone a chance to call a lawyer.

Palmer, Garvan, Creighton, and Flynn saw two dangers ahead for America: in the short term, they expected another radical attack at any time; in the long term, they were worried that a horde of alien radicals in the United States was spreading Bolshevik anarchist rhetoric. Within a few weeks, Palmer’s team had agreed on the strategy to fight both of these perceived dangers from the Red Menace. They would use new provisions in the Immigration Act of 1918 to deport any alien who was an anarchist or belonged to any group that advocated the violent overthrow of the U.S. government. Such people could be deported immediately, once the secretary of labor made the proper legal finding.

Creighton applied the investigatory skills he had used to find German-owned chemical companies to hunt down immigrants from eastern Europe. The assumption of many was that these people, most of whom were Jewish, were communists
who should be deported before they could wreak havoc in the United States. Civil rights advocates immediately and loudly condemned Palmer’s assumptions and methods, and the adventure was short-lived. Nevertheless, it ruined many lives.

Creighton was present at the October 27, 1919, hearing to deport Emma Goldman. But his more important role came in December 1919, when the attorney general sent him to Chicago. Maclay Hoyne, the Illinois state’s attorney for Cook County, intended to conduct raids in Chicago simultaneously with the national Palmer raids on January 2, 1920. Palmer had sent Creighton to back Hoyne’s operation with dozens of federal agents.

In late December, it became clear that a mix-up was looming: Hoyne was planning his raids for January 1, a day earlier than the Palmer raids. Attorney General Palmer was alarmed to learn that Hoyne would go first—perhaps alerting the targets of raids in other cities and grabbing headlines from Palmer. Creighton was in Chicago to talk Hoyne out of his plan. He failed in this effort but remained in Chicago to carry out the Palmer raids on January 2, telling *Chicago Tribune* reporters,

> Between federal and local operations around Chicago we collared 357 radicals. . . . We are going to get them all, every one of them, if it takes a month or six months. At least we can promise one certain development. Chicago aliens will have a bright soviet ark all to themselves on this journey.14

Creighton again spoke to local reporters on January 5, estimating that about twenty-five cases a day could be heard in court. “We are not going to make another concerted movement against the radicals until the present cases are disposed of,” he explained.15 On January 9, Creighton was among five men working on the federal anti-Red campaign who were stricken by a mysterious illness in the federal building. Officials revealed their attitude toward the Reds when they offered the explanation that some of the radicals brought into the offices for examination might have been carriers of a contagious disease. Creighton went to his sister’s home, where he soon improved.16

At first the nation had cheered Palmer’s efforts, but an opposite reaction was swift from those who decried the use of illegal methods and the mistreatment of those arrested. In May 1920, twelve of the country’s most prominent attorneys accused Attorney General Palmer of breaking the law he had been sworn to enforce.17 Palmer was in the final stages of planning for victory at the Democratic National Convention, but the accusations that he had broken the law during the
Red Raids were not going to help him. Still, there was a chance he could win a conviction in the case that had begun his campaign against aliens: the bombing in his own Georgetown yard. To succeed, he needed testimony from alleged eyewitness Andrea Salsedo. But May brought a second blow: the tragic news that Salsedo had committed suicide.

Palmer asked Creighton to assess this development and describe the strength of the case without Salsedo. Creighton’s conclusion was devastating: the criminals who had bombed Palmer’s house had made a clean getaway, Creighton explained to Palmer, and without Salsedo’s testimony, the Department of Justice had no direct evidence against anyone. The attorney general’s office had bungled the Georgetown investigation, the most important one under its charge. The final blow to Palmer’s presidential aspirations came when his prediction of a new wave of violence on May 1 did not come true. “Everybody is laughing at A. Mitchell Palmer’s May Day revolution,” announced the Boston American. The New York Tribune’s headline taunted, “Red Plot Fell Flat: May Day Revolution Danger Only in Palmer’s Eye.”

It isn’t surprising that Palmer didn’t garner the Democratic nomination. In the November 1920 election, Republican Warren G. Harding trounced Democrat James Cox and his running mate, Franklin Roosevelt. Given the election results, Creighton would surely have begun to look for employment elsewhere and just as surely would have used the connections he had made while working for Palmer.

When Creighton left government service in 1921, he joined the trust department of National City Bank in Manhattan. That same year, on October 22, at the age of thirty-seven, he married Helen Davidson Jones, in an Episcopal church in Washington, DC. Jones was a widow and had also worked for the government. Cook family legend pegs Creighton’s wife as a drunk, but her obituaries describe her many good works in her church and on behalf of the blind. Some believe that a late and childless marriage to an allegedly alcoholic woman raises the suspicion of homosexuality, but there is no other evidence to support this theory about Creighton.

The story of Creighton’s role in the Red Raids offers insights into Creighton’s political leanings and how he came to understand that a strong leader could manipulate a bureaucracy to his personal advantage. It is likely that the people he met at the APC and in the attorney general’s office helped him land the job at National City Bank that gave him such influence over William Cook and his
estate. It could be that Creighton went to National City because of his connections to three people: Ralph Stone, Cleveland Dodge, and Earl Babst. Stone and Mitchell Palmer had both graduated from small, highly regarded, Quaker-oriented Swarthmore College. They attended the college at the same time, from 1887 to 1889, and must have met and forged a friendship. That would explain why Palmer, a Pennsylvanian, would pluck Stone from the west side of Michigan to serve on the APC. Stone worked closely at the APC with Cleveland Dodge and Creighton. Dodge was a director at National City. Earl Babst, also a National City director, was a leader among Michigan alums in New York City, a person with whom university presidents frequently consulted, and Stone surely would have known him. In fact, it is totally possible that Babst, Stone, and Dodge together helped Creighton get the position in National City’s trust department, with the Cook estate in mind. Cook was already a customer of the bank, and perhaps the three men were thinking that the University of Michigan and National City would both benefit from Creighton’s employment in the bank’s trust department.

A strong correlation exists between Creighton’s growing relationship with Cook and his rise in the bank. In February 1922, shortly after his first contacts with Cook, Creighton was made an assistant trust officer. In 1928, when he secured Cook’s estate for the bank’s trust department, he was put in charge of the personal trust department. In 1930, after Cook died and the bank was ensured trusteeship of Cook’s fortune forever, Creighton became a vice president. Like Cook, Creighton was a member of the Union League Club. He was also a member of the posh and prestigious Sleepy Hollow Country Club.

Creighton’s close relationship with Cook clearly had an effect on Cook’s relations with the University of Michigan, particularly from 1924 until late 1928, when Cook resisted all efforts to encourage him to complete his gifts to the school. Creighton functioned as Cook’s agent in Ann Arbor, because Cook refused to visit in person. Creighton may also have influenced Cook’s final opus, *American Institutions and Their Preservation* (about which we will learn more in chapter 7 and Appendix A). Creighton’s story will now join that of William Cook and Michigan Law.