1928—30

Agonizing over the fate of Port Chester, President Little’s appalling lapse, an exasperated Regent Murfin picks up his pen, Cook takes command and resolves to finish the Law Quad, a funeral is held in Port Chester, Trustee Creighton makes mischief
Anytime necessity causes you to associate with a doctor instead of a lawyer, my guess is that you are not well.

James Murfin to William Cook, May 1930

This chapter begins by very briefly turning away from the machinations surrounding Dean Bates, President Little, and William Cook that are giving the Michigan regents fits, to learn more about Cook’s beloved Port Chester estate. We must consider the agonizing decisions he is facing about what will become of Port Chester after his death. Once we do that, we can return to the fray in Ann Arbor.

The regents and possibly even Cook himself are beginning to realize that Little has become a mouthpiece for Bates. But it is hard to believe what happens next. In an astonishingly impolitic move, Little writes an expansive letter to the regents that trashes William Cook, the University of Michigan’s most important donor. Regent James Murfin is incensed, and we are treated to the letters he writes to his fellow regents and to Little in response. Bates sensibly chooses to fall on his sword and take full responsibility for Little’s appalling lapse. The Michigan president’s days are numbered.

Shortly after this contretemps, the worm turns, seemingly as if by magic, in Michigan’s favor. In December 1928, Cook abandons his reactive mode. After five years of stubborn recalcitrance in response to Henry Bates’s aggravating attempts to control the Law Quadrangle project, Cook finally decides to move ahead with his plans to finish it. In declining health, and with only eighteen months left to live, he abruptly takes command. Cook signals to the regents his intent to build the Legal Research Building. By April 1929, he is promising a dorm to be named after his father. By November he is telling Harry Hutchins he will
build Bates’s longed-for law building and name it Hutchins Hall. A month later, the wise and diplomatic president emeritus will be dead.

Only six months after that, William Cook’s family, friends, and associates are gathering for his funeral at his Port Chester estate. By the end of that sad day, it is clear to the men of Michigan that estate trustee John Creighton is feeling powerful and preparing to make mischief. But optimism holds at Michigan, and the regents and Dean Bates genuinely think they are in the clear. They can’t yet foresee two things: the effect that the 1929 stock market crash will have on their project and the lawsuits that are looming on the horizon.

William Cook can himself introduce us to his property in Port Chester, as he described it in a letter to Presbyterian Hospital’s attorney Johnston DeForest on March 3, 1926.

This place is generally considered the finest property in Westchester County (aside from the house, which amounts to little), and I am told by experts that it is or soon will be worth $1 million. Among other things, the 1,250 evergreens can no longer be duplicated. The [plant-filled] granite wall for about 1,350 feet on King Street is a feature and the variety of the deciduous trees makes the place almost an arboretum.

A few short overgrown stretches of the wall are all that remain of it today. A truly remarkable feature of the property, the wall originally ran a quarter of a mile along the property’s eastern edge, stood four-and-a-half feet high, and was three feet thick at the bottom and two at the top. The largest stones weighed three tons, and all came from a quarry about fifty miles to the east, on Long Island Sound (they had been relatively easy to ship). Renowned landscape architect Samuel Parsons, who helped plan Central Park and the garden at the Martha Cook Building at the University of Michigan, designed the wall, which had no masonry. The interstices held eight thousand plants and vines (long gone today) in a special rich clay loam laced with composted leaf mold. A December 1911 article in the International Studio noted that “it is, as you see, a perfect fence, horse-high, bull-strong and pig-tight as well as unique.” The article closes, “This monumental wall cost considerably less than the common and commonplace wall of cut stone.”

Much is revealed through reading the testimony from a 1932 trial about a lawsuit regarding the disposition of the proceeds from the sale of part of Cook’s Port Chester property. This lawsuit is covered more fully in chapter 9. Included here is personal information gleaned from the trial testimony of John Creighton, Florentine Cook Heath, and Emma Laubenheimer.
Cook spent between fifty and sixty thousand dollars every year he owned the property to transform what had been ordinary pastureland into a beautiful estate. He remarked frequently, as in the letter already quoted, that his Port Chester property was “the finest place in Westchester County.” In addition to the stone wall, he built roadways through the property and superintended the planting of rare trees and shrubbery from Russia, Siberia, Japan, and elsewhere. He spent sixty thousand dollars on a single bed of rhododendrons, Creighton said.

Cook fervently believed that no other trees like his existed anywhere in America. “He would go around and feel them, and I would go with him and feel the foliage. He would show me where he had dug out trenches around the plants and had fertilization put in,” John Creighton testified in 1932. Cook’s niece, Florentine Cook Heath, testified that her uncle carried on an expensive planting program and was especially proud of his collection of evergreens. “He would always add to them as soon as he would hear of a new species,” she said. (Florentine also recalled that when Cook once allowed her to buy some very fashionable dresses as a gift from him, he said, “Now, there is a check for [the dresses] and I will have to take a tower off the Lawyers Club.”)

Emma Laubenheimer became Cook’s secretary in 1899. At the 1932 trial, she described Cook’s pride in his estate, recalling that he’d refuse to drive around to look at other properties, saying to her, “I have the finest piece of property right here.” Cook “practically fondled [his trees] and took care of them as though they were children, and he knew where every tree was planted. And he himself would take a walk around the property every morning and every afternoon,” recalled Laubenheimer.

Cook was happy with the arrangements he had made to give his wealth to Michigan, but he was troubled about what would happen to his Port Chester estate. Experts had told him it was worth $1 million, although Creighton testified it had appraised for $650,000 (the modest house was insured for $18,000). In 1918 or 1919, according to Florentine Cook Heath’s testimony, Cook considered giving the land to the town of Rye to use as a park. After thinking about it for a couple of years, he changed his mind. At the trial, Creighton described what Cook had told him about this matter many times.

He said that he had contemplated giving this piece of property to the Town of Rye as a public park, but that he was not satisfied with that disposition because he had noticed in the development of the Parkway System what class of people came out there from New York to use these recreation parks, and that that would bring a low class of people who
would come in there and throw eggshells and drinking cups and paper napkins and things all over the place and would not appreciate it and probably tear branches off the trees, and it would not serve a dignified purpose to make a public park of it, and he was casting around in his mind to find out some other disposition of the property and which would preserve it without subjecting it to that sort of treatment.\textsuperscript{14}

Should Cook just give his property, as he planned to give almost everything else he owned, to the University of Michigan? He decided not to do that. At the trial, Creighton remembered him “laughingly telling the dean and president that he was not going to give his property to Michigan, because if they got it they could not hold it and would have to sell it.”\textsuperscript{15} Cook knew there was real money to be made by breaking the property up into lots, but he wanted the property kept as it was as long as possible, according to Creighton.\textsuperscript{16}

Cook had considered creating a charitable trust, but he and Creighton were frightened by the idea; in the 1920s, the legal status of the charitable trust in New York State was not certain. Cook worried, Creighton testified, that the “Tilden case had knocked charitable trusts into a cocked hat.”\textsuperscript{17} This was a reference to what had happened when the private Astor, Lenox, and Tilden libraries combined to form the New York Public Library. Former New York governor Samuel Tilden had put all of his fortune into a charitable trust to benefit the New York Public Library. His family sued, and New York’s highest court ruled, in 1892, that the trust was invalid (the court found that Tilden had failed to specify the beneficiary of the trust) and that all of the five-million-dollar estate should go to Tilden’s heirs. When the trustees threatened to appeal the decision, the parties agreed to a settlement under which two million dollars would go to support the new New York Public Library. Cook did not want to risk this outcome for his Port Chester property.

Creighton said at the trial that he and Cook had come up with the idea of giving the property to nearby Presbyterian Hospital. Florentine Cook Heath testified that “the old Presbyterian hospital used to be near his home on Seventy-First Street, so he knew it and thought very well of it.”\textsuperscript{18} Cook’s purpose was to ensure that the Rye property would not be “sold or cut up or disposed of,” testified Creighton.\textsuperscript{19} He had no other reason for giving the property to Presbyterian Hospital. Florentine added that he had never been a patient at Presbyterian, nor had he previously given anything to them. He had not served on their board (or on any other board, for that matter).\textsuperscript{20} Cook was not a churchgoing man, and neither his secretary nor his niece believed him to be a religious man, let alone a Presbyterian.\textsuperscript{21} Creighton testified that Cook frequently expressed the following idea:
“I am interested in developing people above the neck and not below it,” William Cook told his niece Florentine. “I am giving my money,” he said, “for the development of brains for lawyers.” Cook’s concerns about lawyers and their brains and his comment that “it is easy to collect money for a hospital” illustrates his awareness of the river of money that began to flow in the early twentieth century into health care and medical education. Cook wanted to jump-start a similar trend toward funding for legal education, but he was bucking a relentless tide favoring the education of doctors, which continues to this day.

Cook and the other lawyers of his day observed the genesis of this disparity. In 1904 the American Medical Association sought a way to ensure that the nation’s 160 medical schools were keeping their students on top of the rapidly enlarging body of scientific knowledge (the field of bacteriology is a good example). To achieve this end, the AMA enlisted the Carnegie Foundation for the Advancement of Teaching, headed by Cook’s friend Henry Pritchett. Pritchett hired Abraham Flexner, charging him to visit every medical school and recommend improvements in medical education. Flexner’s 1910 report *Medical Education in the United States and Canada* was a “stunning success” in raising standards and lowering the number of medical schools, according to American historian Judith Sealander. In the 1910s and 1920s, the Rockefeller Foundation’s Graduate Education Board gave more than $154 million to the few dozen medical schools willing to comply with the Flexner standards.

By 1920 the number of medical schools in the United States had dropped from 160 to 85 (Flexner was aiming for 31). State legislatures set licensing standards, and they embraced the higher standards. The result was a smaller number of medical schools graduating fewer and better-trained doctors. The status and income of members of the medical profession rose dramatically.

The American Bar Association attempted to duplicate the results of the Flexner Report, asking Pritchett’s Carnegie Foundation to do a similar study and come up with recommendations for U.S. law schools. Unfortunately, Alfred Z. Reed’s *Training for the Public Profession of the Law* (1921) did not do for legal education what Flexner’s study had done for medical education. Reed did not urge fewer law schools, although he advocated higher standards. The number of lawyers and law schools continued to increase. Law schools never became the recipients of an influx of money from individuals, foundations, or the government. The major consequence of Reed’s report was the creation of an increasingly complex system of standards and methods for gaining membership in the Association of American Law Schools and accreditation by the American Bar Association’s Section on Legal Education and Admissions to the Bar.

The trend Cook spotted, of favoring medical over legal education, grew over the years. Medical education received huge support from state governments, foundations, and the federal government (think National Institutes of Health and its National Library of Medicine). But the legal profession and legal education received practically nothing. Cook’s profession was not able to generate the support the health care field commanded. The medical profession wished to improve doctors’ education, and it sought and received money. The legal profession, with the same objective, merely created rules, standards, and complex processes. Cook’s far simpler formula—giving it all away to one law school—worked beautifully for Michigan Law.
It is easy to collect money for a hospital and it is easy to collect money for other charities, but it is awfully hard to collect money for law schools, and nobody will give any money for the lawyers. Nobody gives any money for legal research, and I am going to start the fashion.\textsuperscript{26}  

Cook had no interest in hospitals in general, Florentine explained in her testimony. She quoted her uncle as saying, “I am interested in developing people above the neck and not below it. . . . I am giving my money for the development of brains for lawyers.”\textsuperscript{27}  

Cook had struggled to minimize his personal expenses and put aside plans to improve the Port Chester house. After he drove a hard bargain with a local bank, Creighton testified, Cook told the banker that he would not be doing so if it were his own pocketbook. He was saving it for the University of Michigan, according to Creighton.\textsuperscript{28}  

Ironically, Cook had spent hundreds of thousands of dollars on his “arboretum.”

We can see the exquisite dilemma Cook created, as tortured as that of a man forced to choose between two women or between a career and a family. It is no wonder he was distressed. He wanted to give everything to Michigan, but about one million dollars, perhaps one-twelfth of his fortune, was invested in the Port Chester acreage. While he was depriving himself to have more to give to Michigan, he was investing extravagantly in the property. Cook could not bear the thought of breaking up his beloved estate. He wanted all of it preserved exactly as he had made it.

This goal was impossible, as any law student who’s finished Property I will tell you, because of the rule against perpetuities.\textsuperscript{29}  

To oversimplify the rule, it says that any future interest (what Cook proposed to create in his will for the hospital) must vest, if at all, not later than twenty-one years after a life in being at the creation of the interest. The rule is intended to prevent one person from tying up a piece of property long after his or her death.

Henry Bates, under pressure in 1928 (facing the usual question: would Cook ever give more money, and if not, how can he, the dean, improve the Law School?), reverts to an old, annoying tactic. In mid-November Bates lets President Little know that he has had an offer from Harvard. His great friend Dean Pound has offered him a research professorship, with few or no teaching responsibilities. The position will come with research associates and a new journal to edit, the Harvard
It is easy to imagine one of the many visits John Creighton made to William Cook’s Port Chester estate in the late 1920s, when he was working to finalize his client’s will and trusts. The visit begins with an aperitif on the porch of Cook’s old house. The drinks arrive in tiny, fragile etched glasses. The chilled, herb-infused liqueur warms their tongues, blending with the scent of the triple-blossomed jonquils, pearly white *Viburnum carlesii*, dense purple lilacs, blowy white red-flecked peonies, giant white phlox, orange-scented monarda, or minty chrysanthemums, depending on the season.

When Cook has the strength, he and Creighton walk through the pine- and leaf-scented arboretum he has created over the quarter century he has owned his hundred acres. On rainy days, the air is thick with humidity, and as they walk—on crunchy gravel, wispy straw, or smooth bluestone paths—water is always dripping from the trees onto their heads and shoulders and softening and slickening the path under their feet. To the south, on the blue horizon, is Long Island Sound.

There is little background noise to impede the men’s conversation, just the distant sounds of a neighborhood of large wooded estates, to which merchants, bankers, and lawyers easily escape by rail from the city. Absent are the sounds of children shouting and laughing, married couples fighting, radios blaring, or railroad cars and trolleys shrieking. The occasional four-cylinder car stutters up King Street, and Cook’s two horses snuffle over their hay and water. Blue jays caw to flocks of songbirds, warning of nearby crows, hawks, and squirrels.

The most significant sound to be heard is Cook’s labored breathing, and it remains the chief reason for their conversations about what is going to happen to his property after his death. Of course, neither man mentions Cook’s illness. Tuberculosis, his constant companion, not only stiffens the lungs and steals oxygen, it also moves up the spine and into the brain and other organs. Surely pain often radiates from Cook’s very core. An oxygen-deprived man is less able to deal with pain, solve complex problems, or overcome depression.

Cook has most of his fortune still to spend, and his will is going to cover that. He has already paid for the magnificent Collegiate Gothic Lawyers Club and dormitory at the Michigan Law School. Creighton’s task is to help Cook write his will and, as the estate’s trustee, to ensure that Cook’s wishes are carried out after his death. Both men understand that when Cook dies, Creighton’s most important work begins.

As they return to the porch, the housekeeper, Maggie, is finishing the meal preparations, laying perfectly polished silverware on worn linen and opening and closing the icebox. The two men slowly enter the dining room, where gold-rimmed Minton bowls hold cool, nutritious tomato consommé topped with sour cream, feathery dill, and finely chopped fresh onion greens. Maggie is tempting Cook with colors, flavors, and smooth textures to encourage him to eat.

For now, Cook, the host and client, is maintaining the illusion that he is in charge of things. But in truth, he is being held hostage by the billions of tuberculosis bacilli that are going to determine his fate.
“There is no limit to what you could do,” Pound writes to Bates on November 14. After Bates tells Little about this offer and that he is inclined to accept it, Little becomes alarmed. He hasn’t been at Michigan long enough to understand what is going on. He isn’t aware that Bates becomes enthralled with various career possibilities every three or four years: shall he return to practice in Chicago or Detroit, teach or become dean at Illinois or Ohio State, or dangle his latest offer of a job at Harvard over Michigan’s head?

Little informs the regents of his fear that Bates is planning to leave. Regent Beal explains to the Michigan president that their duty is to the university, not to one man, and that he would rather get ten million dollars in five years from William Cook than two million dollars in four. In late November 1928, the University of Michigan Board of Regents—operating in an era before sunshine laws and the Freedom of Information Act—begins to plan a secret meeting to discuss the problem of Clarence Cook Little.

In addition to the dual threats of Bates’s departure and a break with Cook, the regents were also grappling with the news that the governor of Michigan had suggested getting rid of them to simplify decision making. The board worried that if it were done away with, Little would not be able to handle the presidency on his own. Regent Gore wrote to Regent Murfin on December 7, citing the “deep and persistent dissatisfaction among the faculty members, the student body, and the people of the state” with Little. The regents met secretly, without Sawyer or Gore, on December 12, in James Murfin’s Detroit office. There is no official record of the meeting, but correspondence makes clear that the topic was how to remove Little with the least damage to the university.

One particular event had made this meeting essential: the president’s most outrageous proposal yet, sent to the regents in a letter on November 30. His letter and the regents’ response to it are critical to our story. In the letter, Little first postulated that the Law School had become great largely due to Bates’s leadership. Second, he wrote that the university had not provided for the Law School since 1921 as it had for the five other schools and colleges. He used numbers that seemed to indicate no investment whatsoever in Michigan Law. Third, he claimed that Cook had presented no firm commitment to fund additional buildings or to plan them to suit the expressed needs of Michigan Law.

The next part of his letter was about William Cook. He had “blown first hot and then cold on the subject of a law library,” wrote Little in one paragraph, and “bluntly insulted the members of the present [law] faculty.” The paragraph concludes, “I feel that the university has done more than it should . . . in order to
attempt to conciliate a wily and eccentric donor.” This was just the beginning of Little’s bitter denunciation of Cook. Among other criticisms, he wrote that Cook was “an individual whose ultimate benefactions are, at the best, problematic.” As proof, Little enumerated four “facts.” Fact 1: Cook’s “eccentricity may become so obvious to all that his sanity and competence in making a will may be questioned.” Fact 2: “His living relations might interfere in the fulfillment of the terms of his will.” Fact 3: “His whimsicality is such as to make extremely likely a reversal of his own expressed intentions.” Fact 4: “He is likely to change without consultation with any university officials the terms of gift so as to demand the elimination of certain individuals or policies from the Law Department, thus making it impossible to accept his gift without the sacrifice of integrity and self-respect.”

Little’s recommendation was that the board pass two resolutions. The first was to put at the top of the university’s next budget a request for $783,000 to build a unit for instruction and research in law, to be followed in the next biennium by a companion unit of similar size and cost. The second resolution was that those items not be removed from the budget unless units to replace them had been built from other sources.

It is impossible not to see Bates’s hand and brain in these letters written by Little. Over the years, Bates had expressed all of these ideas: that he was the source of the school’s success; that Cook was so eccentric that his legal competency to write a will might be questioned; that those who relied on Cook were ignoring other possible sources of funding; and that the university should seek the money elsewhere. Bates no doubt put these ideas to Little, the first president rash enough to consider acting on them. The law dean understood that he and Little were alike in their impatience and impetuous actions. He knew that Little, rather than prudently discussing his ideas with the wise and experienced Sawyer and Murfin, would take the bit in his teeth and run full speed ahead. Bates may well have feared that Cook would seek to have him fired; that might be another explanation for Bates’s constant flirtation with Harvard.

James Murfin’s December 8 response to Little was scorching.

I have your communication dated 11-28 and sent out with a letter of transmission under date of Nov 30. I wish that letter had not been written. If I should put in writing all that I thought about it you would probably never speak to me again. I shall be compelled to oppose the resolutions you seek to offer at our next board meeting. I think it unwise and undiplomatic to even suggest such a thing. I deplore deeply the references in your communication to Mr. Cook, his character, and his mental attainments.
Murfin next commented on Bates’s threat to leave.

I note Dean Bates is again considering an outside offer. He is the best law school dean in America, and in my opinion we have the best law school in America. Certainly, there is none better, but he obtains his happiness in making himself unhappy about his position. He has not contemplated outside employment now for over two years, which is nearly a world’s record for him. Were it not for this peculiar complex in his makeup he would have been president of the university about ten years ago. I would deeply deplore losing him, but I have heard this talk of resignation so often and so many times that it no longer concerns me.46

To Sawyer, Murfin was even more animated and critical of Little.

The more I analyzed Little’s letter, the madder I got. The Law School has yet to make one request to the Regents since I have been on the board that has not been granted. It is not beginning to disintegrate, it is flourishing splendidly. When a man has done for an institution as much as Cook already has, cultivating a spirit of antagonism instead of cooperation is to me peculiarly annoying, especially when it is evidenced by a letter questioning his good faith because nothing has been put in writing and referring to him as a “wily donor.” Where, on page four, he questions Mr. Cook’s sanity he has put himself in a position so that should any relative in the future contest Mr. Cook’s will (which heaven forbid), here is documentary evidence that the president of the university, himself, doubts his testamentary capacity. This letter is the worst thing he has done yet, and I am disgusted.47

Murfin’s copy of Little’s letter is marked boldly with his responses: “yes” to a statement about the fine condition of the Law School under Bates; “no” to a list that claimed no money had been spent on the Law School; and, written with the heaviest pencil pressure of all (he must have been gritting his teeth with the effort), “no” beside each of Little’s proposals. On December 12, Regent Ralph Stone complimented Murfin on his letter to Little.

Thanks for the copy of your letter to our beloved president. I do hope a lot of occasions come up for you to write him and, when you do, always send me a copy. It starts the day off fine with me. When I read your latest, a considerable part of the office force came rushing to my room to see what I was laughing at, and they all wanted to be let in on it.48

When Bates got wind of the regents’ negative response, he fell on his sword and wrote, on December 17, to Murfin and Sawyer, with a copy to Hutchins, taking sole responsibility for Little’s letter, while illogically denying that he had
ever advocated a break with Cook. The Little-Bates recommendations to ask the legislature for money to do what everyone knew Cook wanted to do and to seek other donors would surely have caused the dreaded break with Cook.

Might Cook somehow have gotten wind of the Bates-Little proposal and the regents’ response? Could Walter Sawyer have found a way to pass the word, perhaps through Florentine or on his own? Or might what happened next have been the result of magic? On December 19, Cook wrote to Sawyer, Murfin, and Gore that he was ready to present to the regents his plan to build the Legal Research Building. Note, however, that this letter still did not include an actual, tangible promise to build anything yet. On the same day, Cook wrote to his old friend Harry Hutchins to ask him to present his letter to the regents. Hutchins did so on December 28, and the letter is classic Cook.

If you show the enclosed letter to anyone, kindly request that my name be not made public. Every mail I receive is loaded with requests for money—all the way from a private school in Nova Scotia to an institution in Cuba and a clerk in a nearby state who suggested I send him a second-hand Ford—modest but not persuasive. Even a state’s prison bird, incarcerated in Texas, wrote to tell the story of his wrongs. Unfortunately, I cannot play Santa Claus to the whole world. I lead a happy life.

Little had a letter of resignation in his pocket at that regents’ meeting, according to Beal. But Little was persuaded that the university’s interests would be best served by a later resignation and a June departure. The regents seemed close to agreeing, in informal correspondence, that Alexander Ruthven would become acting president on Little’s departure. Later on, they chose him to be the next president of the University of Michigan.

Just as matters appeared to be settling down, tragedy struck. After sudden and unexpected surgery, Edward York died at New York’s Harkness Memorial Hospital, on December 30, 1928. Cook felt the loss deeply, writing, “A bright light has gone out.” Nevertheless, on January 11, 1929, the regents received Cook’s letter promising to build the Legal Research Building.

Eight days earlier, Cook had decided to give the regents three valuable tapestries and one stuffed white squirrel. Cook described the tapestries as “choice, valuable and picturesque. Two are Renaissance, while the third (the smallest and choicest) is gothic and much older.” They were appraised at the time at twelve, eighteen, and twenty thousand dollars, respectively. Two of these tapestries are
now in the Law School faculty lounge in Hutchins Hall; the third is at the university’s art museum. The fate of the much less durable stuffed white squirrel is not known. Cook also gave the school thirty-four prints of hunting scenes, several of which are still in the faculty dining room in the Lawyers Club. The fate of the rest remains unknown.

On January 19, Little gave his letter of resignation to the regents. He gave as his chief reason for resigning that his “methods of dealing with private don-or” were “not consistent with policies the Regents deemed wise.”58 He wrote that he believed he would be more effective conducting research. He asked for a departure date of September 1, 1929, with a leave of absence starting on June 1.

On April 26, 1929, Hutchins presented the regents with Cook’s promise to build another dormitory, to be named after his father, John Potter Cook.59 At the same meeting, the regents saw the revised plans for the Legal Research Building, much improved after more than two years of work. Cook described the new plans to Murfin, on April 25, 1929.

The bulkiness has disappeared; the body and ends now harmonize; the great windows have been increased from 9 to 11; the roof is not so flat and observable; the work just below it has been changed; the body of the building somewhat lower and I think the height of the pillars increased; the entrance is larger; the filigree work up and down the pillars omitted and the caps more plain, in accord with the sober character of a library building.60

Not surprisingly, two days later, on April 27, President Lowell of Harvard wrote to express to Bates his disappointment that Bates had turned down Pound’s offer.61

By the end of July 1929, Murfin was reporting to Sawyer that he and Gore had spent a day with Cook in Port Chester.

We found him in an unusually charming mood and our visit proved eminently and mutually satisfactory. All in the world to do with him is to give him the facts and he will get straightened away as easily as rolling off a log.62

Once Cook began to finalize his giving, he kept going. By the end of 1929, he had accomplished more than just committing to build the Legal Research Building and the John P. Cook dormitory. In August he had established a trust to pay for a lecture series on American institutions.53 On November 12, he had told his old friend Harry Hutchins that he intended to build the law building and name it after him.64 He had told Philip Sawyer on November 29 that he was planning to build a third dorm on the southeast corner of the quad, at the corner of Tappan
and Monroe streets, to be named after Thomas M. Cooley. Although Cook wrote to his architects about this building, the Cooley dormitory was never built. Today, the space is a large, open grassy area, beneath which lives the Allan and Alene Smith Law Library, an addition that opened in 1981.

Cook redid his will at the end of August 1929. This latest version named John Creighton as the trustee and National City Bank as the administrator. Of course, if we are to believe Little and Bates, the university could not possibly know what the final will of this “eccentric,” “wily,” and “whimsical” donor would say.

Much was settled: the John Cook dorm would simply carry on the architecture of the Lawyers Club; and the Legal Research Building, planned to be even more elegant, was to become the centerpiece of the Quadrangle. Yet the drama continued. The next challenge was to find the right person to give the first of the lectures on American institutions, which would be paid for from the trust Cook had established.

President Ruthven asked Hutchins to head the effort to find the best person, and he reluctantly agreed. Hutchins was feeling his age, but he knew that no one else could navigate the uncertain currents of Cook’s thinking. Cook reluctantly agreed to have Bates on the committee, writing to Murfin on July 31, “[I]f you all want him, all right, but he has no sense and quarrels if he doesn’t have his way.” The process was tortured, and Hutchins’s connections were essential. By mid-January all had agreed on Charles Evans Hughes, who had been Hutchins’s colleague at the Cornell Law School from 1891 to 1893 and was currently practicing law in New York City. On January 15, 1930, Hughes accepted.

The final arrangement, however, was preceded by a sorrowful event: Hutchins died of apoplexy on January 25, 1930. Although his health had been in decline, his death was sudden. His mind was clear to the very end, according to university secretary Shirley Smith’s biography of Hutchins. Cook wrote to architect Philip Sawyer about Hutchins,

You are certainly right about President Hutchins. He always cooperated and helped and never obstructed. When I objected to building the Lawyers Club on the block north of campus he cheerfully undertook and succeeded in getting the Regents to buy the two blocks where the building now stands. [We recall the opposite: that Hutchins talked Cook out of the “block north of campus.”] Recently when the dean and law faculty wanted to use the first floor of the Legal Research Building for their private offices and then wanted those offices on the second floor he poured oil on the troubled waters. He cordially joined
and carried out the plan of an endowed lecture course . . . and secured Judge Hughes. I shall feel his loss. He appreciated the whole idea, its scope and grasp, its potentialities and power for good in the future. I am glad to show my appreciation by asking the Regents to call the classroom building “Hutchins Hall.”

Hughes’s presentation of the inaugural Cook Lecture on American institutions was set for March 24. Despite his grief over Hutchins’s death, Cook was excited about Hughes; the two had worked together in 1919 on the unsuccessful attempt to get the U.S. Supreme Court to rule that the federal takeover of the Mackay Companies at the end of World War I was unconstitutional. But, alas, on February 4, 1930, Hughes wrote that it would be impossible for him to give the lecture, because President Hoover had nominated him to become the next chief justice of the Supreme Court.

Cook quickly decided that it was too late to find someone for that year. On April 12, he asked Regent Murfin to invite former president Calvin Coolidge to give a lecture in the fall, suggesting that “it would be well to reach him as soon as possible, as he thinks things out slowly.” Apparently that did not work out, and Murfin next invited John W. Davis (of the New York law firm Davis, Polk, Wardwell, and Reed), but he was too busy. (This firm will reappear as the university’s defender against Ida Cook’s suit.) Next in line was Newton D. Baker, founder of the Cleveland firm Baker Hostetler, whose motto today is “Counsel to Market Leaders.” Baker had been second on Hutchins’s original list, but in a November 1929 letter to Murfin, Cook deemed him “hardly up to these initial lectures.” The university was comfortable offering the position to Baker only after Cook’s death in June 1930, when there was no longer any danger of an explosive or caustic comment from Port Chester.

A second tricky matter that arose during the last year of Cook’s life was how the university should respond to Cook’s desire that the Law School develop a coherent program of legal research. Cook’s long-standing assumption was that profits from the Lawyers Club would finance Professor Edson Sunderland’s research to improve the law. Cook blamed the absence of any profit on Bates’s inability to administer. In 1924 Professor Grover C. Grismore, secretary-treasurer of the Lawyers Club’s Board of Governors, took over general supervision of the club; he served until his death in 1951. It was Grismore, then, who responded to the letters Cook addressed to “The Lawyers Club.” According to a memorial written by Michigan Law professors Edson Sunderland, Paul Leidy, and Marcus Plant and published in the Michigan Law Review, Grismore had “sound judgment in policy and practical sense in matters of detail.” We ob-
served earlier that Grismore read Cook’s sharp questions with a sense of humor and self-confidence and used neutral language and keen logic to respond with short and to-the-point answers. Cook then shifted the blame for the dearth of profit to the very talented and highly regarded (by everyone except Cook) Inez Bozorth.

Bozorth was the target of Cook’s ire for years. He believed strongly that no club for men could be run by a woman, and he accused Bozorth of serving undesirable food and neglecting friends and relatives for whom he had tried to arrange meals or lodging at the club. But the regents continued their firm support of Miss Bozorth, refusing to give in to Cook’s pressure. They recognized that she was doing a fine job and that the residents of the club strongly supported her. The regents were willing to risk Cook’s ire, at least to the extent of delaying a decision about Bozorth, by having an outside consultant examine the situation.

Despite his disappointment about the lack of profits generated by the Lawyers Club, Cook intended to provide, one way or another, for research to be done to improve the law. In January 1929, President Little, yet again channeling Bates’s concerns, wrote to the regents with two requests: first, that the Legal Research Building be planned in consultation with the law faculty; and second, that something Little called a “Legal Research Institute” be clearly situated, either as a part of the Law School or as an independent branch of the university. This proposal was apparently the first attempt to create a structure or process to carry out the legal research activities that Cook desired. The regents didn’t pick up on the LRI idea, but planning for the Legal Research Building proceeded, with Cook agreeing that the Law School faculty could be part of the process. Hutchins had persuaded him of this.

Not until November 1929, with Little gone and Alexander Ruthven the new president of the University of Michigan, did the LRI reappear as an idea, when research professor Edson Sunderland used the name in a letter to Cook. Cook urged him to “strike off letterheads immediately,” lest someone else come up with that “perfect” name. On November 15, Cook wrote to Murfin demanding that the regents establish the LRI and put themselves in direct control. Cook had at last devised a way to wrest control from Bates. However, President Ruthven thought the whole scheme was “fathered by Sunderland” in a power grab and “must be killed as an embryo,” he told Murfin in a letter on December 23, 1929. Ruthven understood the chaos that would result from repetition of the “independent institute” model throughout the university. He asked Bates to work with Sunderland to develop a workable plan, presumably under the Law School’s umbrella.
Alexander G. Ruthven succeeded Clarence Cook Little as president of the University of Michigan in 1929 and served until 1951. By the time of Ruthven’s presidency, Cook had decided to complete his giving, but Ruthven had to lead the university through two lawsuits over the Cook estate.

Bentley Historical Library, University of Michigan.
Sawyer, aging and too ill to attend a regents’ meeting, wrote on November 2, 1929, to Murfin frankly and without his usual filters of tact and courtesy. This was part of Sawyer’s passing of the torch of “chief negotiator with Cook” to the younger but very sophisticated lawyer.

I appreciate the embarrassments under which we are laboring. It is inconceivable that the Research Professor not be part of the Law School and under its control. Of course Cook wishes, as far as he is able to control, that Bates should have nothing to do with the administration of his benefactions. This grows out of his hatred of Bates, and this condition never can be changed and will be a constant thorn in our flesh; however, he is going ahead with his large program in spite of his animosity and he does not yet feel safe in coming to a conclusion with the Board through trying to dictate the deanship of the Law School. He would do this if he dared. I have indirectly informed him that in such a clash he would lose out. Of course Sunderland adds to the difficulty of the problem. While a rarely competent man for the place he is filling, he is naturally “red” and would enjoy an independent relation. The only thing you can do is make every immaterial concession, but when it comes to a question of real policy for the Law School, then make a firm stand for the right, in spite of any consequences. There is a point beyond which we cannot go. That Mr. Cook can be made kindly but firmly to understand. I am sure you will handle this in the best possible way. I have known the Cooks for so many years and they are all alike—never forgiving an enemy or forgetting an injury. Mr. Cook has gone so far in to this now and his pride in it is so great that he has lost a great degree of his dictatorial independence of action. That is all for that.

With this sound advice in mind, Murfin went to see Cook on January 25, 1930.

A number of issues were festering that Regent Murfin intended to resolve with a conversation rather than through correspondence. One issue was what to do about a fraternity house that was sitting on the very spot where the new law building (Hutchins Hall) was supposed to go. Cook readily agreed to pay to move the house and accepted the proposed time frame. Next, in what Murfin described as a “delightful surprise,” Cook himself suggested that Bates and two members of the law faculty give suggestions about the new building. Finally, the two men agreed that the new John P. Cook dorm would be run as part of the Lawyers Club.

Murfin then gave Cook the proposal written by Bates and Sunderland for the Legal Research Institute, but the men reached no conclusion. Three days later, Cook wrote to Murfin that he didn’t like the plan because it made the LRI part of the Law School, which meant it would be controlled by the dean. Cook
wanted research under the control of the director of the LRI. He wanted the law dean and the law professors to “keep their hands off,” and he wanted the director to be responsible only to the regents and the Lawyers Club’s Board of Governors. Cook’s advice was clear.

The plan does not recognize the Lawyers Club at all. Don’t ignore the bridge that carries you over. Give the governors some say as to how their carefully husbanded money is to be dissipated.88

On January 30, he again voiced his objection to Bates’s leading the LRI, writing to Murfin, “The research fund is likely to be very large, and its administration should be carefully guarded. If ably managed and directed, it will be known all over the country and have a profound influence.” Bates was, as Cook so often noted, “no governor.”89

Sawyer immediately wrote to Cook, addressing him as “Dear Will.” He called the LRI the “solution to vital social problems,” praised Cook’s “untiring effort and application,” and cited Murfin’s approval of the plan and his power with the regents. He promised that Murfin would be an “effective ambassador” and advocate for Cook.90

In February the regents approved the Legal Research Institute with a resolution that did not mention reporting relationships.91 Cook wanted an executive committee but refused to have Bates be part of it; President Ruthven didn’t want an executive committee because that would imply that the LRI was independent of the Law School, and he didn’t want that situation to be repeated elsewhere on campus. Once again, there was an impasse.

On May 1, Murfin learned that Cook had rejected the suggestion that the Legal Research Building be named after him (“two of the buildings are named after my family and that seems to me quite enough”).92 Murfin suggested that it was time for Ruthven to come with him to Port Chester.93 But on May 3, Cook rejected the idea, saying, “I am always glad to see you but at present I am in the hands of my doctor and a trained nurse so will have to ask you to defer your visit.”94 Mentioning his disappointment that the committee to direct the LRI had not been appointed, he added that he could not “consent to having a trouble-maker [Bates]” on the board, writing, “[S]orry, but I have ten years’ experience.”95 Murfin replied to Cook with a jocular yet sympathetic tone.

You have looked so rugged . . . that I cannot quite visualize you in your present condition. Any time necessity causes you to associate with a doctor instead of a lawyer my guess is that you are not well.96
WILLIAM COOK’s WILL

The bronze plaque mounted in Hutchins Hall between the doors leading out to the Law Quadrangle on the hall’s north side. The selection from Cook’s will includes the language stating Cook’s purpose in giving everything to Michigan Law.

Photo by University of Michigan Photo Services (Scott Soderberg).
He then reassured Cook that he and Ruthven would maintain “essential contact” and watch over the LRI. To Ruthven, Murfin wrote, “It is perfectly obvious that our trip will have to be indefinitely postponed.”

Sawyer was copied on this correspondence and wrote back to Murfin, on May 8, with “strictly confidential” information about the state of Cook’s health, which Cook was “very anxious should not be known.”

He is now confined to his bed with both a day and a night nurse and has but a very short expectancy. His physician informs me that he has pulmonary tuberculosis in the final stage and probably will not again leave his bed. He is very depressed and emotional. He dictates no letters except such as have to do with University matters, leaving all of his affairs in the hands of Mr. Creighton, who will be executor of his estate and in full command after he is gone.

Sawyer then suggested that Murfin see Creighton and “have him understand that any provision in his will which would handicap the university would be very unfortunate.” Sawyer’s understanding was that Cook would leave his brother Frank and niece Florentine in “comfortable circumstances,” that the Port Chester estate would go to that village, and that the rest would be coming to the university. “He is exceedingly regretful that he cannot live to see his plans completed,” wrote Sawyer.

Murfin then set about keeping Cook informed about each step forward. On May 12, he told Cook that Regent Bulkley (of whom he knew Cook approved) had been named to the board of the Lawyers Club, that Ruthven was about to invite John W. Davis to give the first Cook lectures on American institutions, and that the Theta Delta Chi house would be moved off the site of Hutchins Hall to the southwest corner of State and Monroe Streets. A week later, Murfin told Ruthven that he had been on the East Coast over the weekend and had impulsively decided to drop in on Cook. Cook agreed to see Murfin and his wife for two minutes. Murfin described Cook as a “very sick man.” This allowed him to pass the information about Cook’s health along to Ruthven, Bates, Grismore, and others based on his own observation, without violating the confidence Saw-
yer had requested. The following week, Cook was engaged enough in planning for Legal Research to write to architect Philip Sawyer about inscriptions for the building. On June 2, Sawyer let Cook know that they would go ahead and cut the inscriptions.

The following headline appeared on June 5 in the *New York Times*, on page 27, at the top of the third column:

W. W. Cook Dies;  
Was Noted Lawyer; Former Counsel for Mackay Companies, 70,  
Was Authority on Corporation Practice.  
Descendant of Bradford.  
Gave $3,000,000 for Buildings to University of Michigan, His Alma Mater.

William Cook had died the day before, on June 4. The funeral services were held at 11:00 a.m. on Friday, June 6, at Cook’s Port Chester home.

The funeral took place on the fourth day of a heat wave. The temperature reached eighty-six degrees. Cook’s flowers and shrubs were in wonderful full bloom, including peonies, irises, and more. It was an impressive gathering. In attendance were James Murfin; John Creighton; Cook’s faithful help, including his secretaries Emma Laubenheimer and Edith Trotter; his Irish maid, Catherine Cannon; his Scottish housekeeper, Margaret McKenzie; his German superintendent of grounds, Henry Hoehl; his niece Florentine; and his architect, Philip Sawyer. His doctor, Edward Eglee, and others also attended. In the next chapter, we will learn more about how John Creighton seized the moment, not wasting any time. At Cook’s funeral service, he began to exert his power as trustee of Cook’s estate.

On June 10, the *New York Times* ran the following headline on a story about Cook: “Michigan University Gets W. W. Cook Estate of $12,000,000 for Benefit of the Law School.” Three days later, a fuller description of the will appeared. Since Cook had established a fund of $2.8 million as the absolute property of the university, Murfin wrote to Gore that the regents expected “no delay or embarrassment whatever in completing the Law Quadrangle.”

Before Murfin left for a late-June vacation, he dictated a memo, in case of his death, listing the key details of the two trusts Cook had created with the university as beneficiary. One was worth two hundred thousand dollars and was designated for the *Michigan Law Review*. The other, worth $2.8 million on that day in June, was for the completion of the Law Quad buildings. Murfin’s memo
states that it is the regents’ understanding that they can proceed to do this “as rapidly as possible,” that York and Sawyer will continue as the architectural firm, and that authorizations for letting contracts should be taken up with university secretary Shirley Smith. Is this memo a clue that Murfin expected trouble, or was he just being his usual careful, lawyerly self? The memo had no legal standing. His motive for writing it may have been to let the other regents know his opinion in case anything happened to him while he was gone. We do not know whether he sent a copy to Creighton.

With the John P. Cook dorm, the Legal Research Building, and Hutchins Hall now under way, Cook’s vision was close to being achieved. Lawyers of good character, educated in Michigan’s inspirational buildings, would preserve American institutions. The regents, the university president, and the Law School dean seemed, in their notes to each other (with the exception of Murfin’s memo), to be breathing a collective sigh of relief.

Surprisingly, in the correspondence that followed “Black Thursday,” October 24, 1929, no one mentioned the possible impact of what has come to be known as the Great Depression. Soon enough, though, the economy would destroy any sense of relief the men at Michigan were feeling. The collective anxiety about Cook changing his mind about leaving his money to Michigan Law would be replaced by the new fear that lawsuits were now going to snatch Cook’s fortune away.