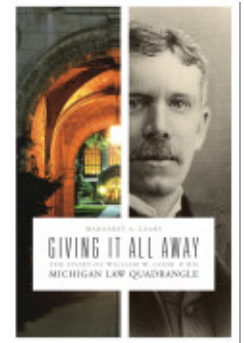




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1920—27

A bad diagnosis, researching a new book, the opening of the Lawyers Club, Dean Bates's endless missteps, the final break with Blooming Grove, Law Quad politics bedevil the wise-hearted men at Michigan, Clarence Cook Little arrives in Ann Arbor



*If I build a law building, I would like a tablet reading somewhat as follows:
“It will be for the lawyers to hold this great republic together, without sacrifice
of its democratic institutions.”*

WILLIAM COOK TO HARRY HUTCHINS, JUNE 1, 1921

IN 1920 WILLIAM COOK is diagnosed with tuberculosis and, at the advice of his doctor, begins to spend more time at his Port Chester estate. He turns his attention away from his legal career and his writings on corporate law and begins the deep research he will do for his final book, *American Institutions and Their Preservation*. The book, which he self-publishes and distributes to libraries across the country, is published in 1927, with a second edition in 1929, and promptly sinks without a trace. Most unfortunately, it will have a long-term and possibly unfair impact on his posthumous reputation at the University of Michigan.

In the decade before his death, Cook, when he isn't working on his magnum opus, is fully engaged with the University of Michigan. Of course, being “fully engaged” isn't necessarily synonymous with being straightforward and forthcoming about one's plans. This portion of the story delineates, in research-drenched detail, the tortuous route the Law Quadrangle takes from conception to planning to partial completion, with great hopes finally arising for reaching the finish line (which happens only after Cook's death).

Modern university development officers can learn a great deal by studying how the diplomatic, shrewd, and wise-hearted men at Michigan (Harry Hutchins, Marion Burton, Philip Sawyer, and the indispensable James Murfin) are able to stave off the machinations of the, shall we say, less diplomatic (not to mention maddening) men at Michigan (Henry Bates and Clarence Cook Little). Triumph ultimately results (but not in this chapter) because of our foursome's ability to

remain keenly sensitive to the wishes of their prize donor and sharply aware of the necessity of keeping him happy. No one ever said it better than Michigan president Marion Burton: "The donor is, after all, the donor."

In the meantime, law dean Henry Bates must be watched like a hawk by the Michigan regents. Bates blunders through the decade, aggravating and alienating William Cook by writing him long sycophantic letters filled with what Cook believes are completely unreasonable demands. By contrast, Harry Hutchins had quickly established rapport and respect between himself and Cook by penning him short cordial letters filled with intelligent comments and questions. We will never know how much sooner the Law Quadrangle might have been completed if Bates hadn't kept sticking his self-important finger in Cook's eye. We also will never know how close Bates came to completely derailing the Law Quadrangle project. We can guess, though, that it was "pretty darn close."

When the much-loved president Marion Burton dies suddenly in 1925, the problems between Bates and Cook escalate. Clarence Cook Little is quickly hired to replace Burton. President Emeritus Hutchins, most fortunately, again takes over the sensitive relations with Cook. But Bates quickly discerns that he can use Little as a vehicle to advance his views with Cook. This is not a good thing. Now both the Michigan president and the law dean are driving the university's most important donor crazy. Regents Sawyer and Murfin must spend all their Michigan time putting out fires. Help is consistently forthcoming from Cook's sensible architects York and Sawyer, who get along very well with their client and have a natural proclivity for relieving tense situations. Of course, Bates's threats to decamp to Harvard continue to erupt during these years. This greatly alarms President Little, but the long-suffering regents remain unimpressed.

The first Law Quadrangle building, the Lawyers Club, is completed in 1924 and is dedicated to much fanfare in 1925. But the question of whether Cook will ever give enough money for additional buildings, let alone to finish the Quad, is beginning to haunt everyone in Ann Arbor. By 1927, with the Lawyers Club long occupied, Cook is failing to provide even the promise of the additional buildings the university has been anticipating. An ominous sign, possibly conveyed to the men of Michigan by Cook estate trustee John Creighton, is Cook's abrupt withdrawal of his plan to donate nine hundred acres to Blooming Grove Hunting and Fishing Club in Pennsylvania. This decision is the result of what appears to be a minor controversy, and Cook resigns his twenty-seven-year membership in the club. Might Cook do the same to Michigan?

This chapter ends with everyone at Michigan, except Bates, completely out of patience with President Little and with an ominous question looming: is William

Cook going to pull the plug on Michigan and take his considerable fortune elsewhere? It begins with a brief discussion of Cook's magnum opus, before returning to the aforementioned Law Quadrangle politics at Michigan.

Even when ill and in retirement, the ever-ambitious and driven Cook was not ready to stop writing. But he hinted that he was going to move away from corporate law to a new subject. In October 1923, Cook wrote to thank Regent Sawyer for a book about the Clements Library, which features former regent William L. Clements's collection of books about early America. Cook expressed the desire to write a new kind of book (expressing himself, as he typically did, in the third person).

Some day some one will write a real history of this nation, with the central thread, not wars or administrations or the clamor of politicians or conquests or the growth of wealth and inventions, but the characteristics of the different nationalities that came here and the final predominance of the Puritan type, broadened by being transplanted, and fusing the conglomerate mass into a homogeneous nation—a feat unparalleled in history. When that time comes, such libraries as this will be invaluable.¹

The book that Cook went on to write, *American Institutions and Their Preservation* (1927 and 1929), would not be wholly benign in its judgments of the “characteristics of the different nationalities that came here.” When the first edition was published early in 1927, the *Washington Post* gave the book a favorable review: “Cook has given the public a very timely and a very useful book. There are no dull pages, but each page furnishes food for careful perusal and thought.”² A reviewer today would not have written such bland comments. Perhaps the delay in planning the next building for the Law Quad, described later in this chapter, was due to Cook's preoccupation with this book.

In early May 1927, Regent Sawyer sent a mollifying, even flattering letter to Cook. Telling Cook that he admired the research that lay behind *American Institutions*, Sawyer expressed continued gratitude for the gift of the Lawyers Club.³ Regent Murfin exerted pressure on the *Detroit News* to favorably review the book.⁴

American Institutions, even in its relatively short first edition, was probably an embarrassment to the university. Filled with classic 1920s nativism and racial stereotypes, it promulgates prejudiced assumptions and ruthless judgments about the character of various ethnic groups, including comments about the ability of these groups to assist in preserving such American political institutions as universal suffrage, federalism, and separation of powers. (A fuller discussion of the book, placing it within the context of its times, is in Appendix A.) As bad and

misguided as the book was, it didn't really create much of a stir nationally, and it more or less disappeared into oblivion.

An important question to ask is whether *American Institutions* holds any value today? The answer is that it most certainly does as a comprehensive guidebook to Anglo-Saxonism at the end of the 1920s. The prodigious and exhaustive notes and references in the second edition would be invaluable to scholars studying this phenomenon of American history.

The book is also evidence of the amazing work of one sick man (still full of drive, intelligence, and persistence) and his secretaries Emma Laubheimer and Edith Trotter. They had no access to online research or Google. All of their research was conducted in Cook's library, the New York Law Institute, the Association of the Bar of the City of New York, and the public libraries of Brooklyn and New York, and every word of the book was typed on paper.

Much of *Institutions*, especially the section on racial traits, is offensive, obnoxious, and inaccurate, but that section represents only one-fifth of the book. Cook never forced his views about racial traits on the university. His trusts and his will did not include one word about restricting access to research funds, the Law School, the Lawyers Club, or anything else because of race.

William Cook was an advocate for excellence and high quality. He was right—in fact, visionary—in his writings on other topics: corporation law, legal education, the shift of responsibility for legal research from practitioners to law professors, and the significance of philanthropy to public institutions like Michigan Law. *Institutions* is a small part of Cook's total work. Over 95 percent of his published writing concerned law and merits the admiration of scholars and practitioners.

American Institutions contains many progressive and liberal concepts, helping us to understand Cook more fully as an exceptionally bright, ambitious, well-educated, highly successful lawyer. Cook strongly supported universal suffrage, one of his ten American institutions. His closest friends included suffragettes Ethel Vorce⁵ and Katherine Duer Mackay Blake, with whom he remained close friends after her divorce from Clarence Mackay and until her death, from cancer and pneumonia, in April 1930.

Cook deplored the evils of trusts and saw mass production as destructive of the independence of character.⁶ He saw danger in wealth, writing that "safety lies in its distribution; the usefulness of children of the rich is in redistributing wealth and paying taxes."⁷ He applauded the fact that "concentrated wealth . . . has an antidote in the farming class and the laboring class. No class is allowed to dominate in this country."⁸ He wrote that "the chief danger from wealth is its effort to control the government in order to increase wealth itself

or to protect itself.”⁹ Recall his insistence (mentioned in chapter 5) that the “poor girl” have the same access as the rich girl to the gracious living at the Martha Cook dorm.

William Cook spoke his mind. Now he must be judged by the way he lived his life as well as by what he wrote.

From 1920 to 1927, Cook’s involvement with Michigan deepened, especially through his connections with President Emeritus Hutchins and Regents Murfin and Sawyer. Several factors had an effect on Cook’s philanthropic goals for Michigan during these eight years. A grave concern was the steady deterioration of what had, in the beginning, been a good relationship with Dean Bates. Architects York and Sawyer were key to Cook’s good relations with the university, not just because of their design skills. The two men were also sensitive moderators of tense situations.

We can better understand the tension that built during those years after taking a closer look at the time span between projects. Four years passed between the completion of the Martha Cook Building in 1915 and Cook’s commitment in 1919 to build the men’s dorm that had been conceived as a counterpart to the Martha Cook dorm. By 1920 Cook was planning the men’s dorm for the Law School, but it took two years to select the site for the dorm and two more years before Cook signed the contract to build it in 1923. After the 1924 completion and 1925 dedication of the dorm, named the Lawyers Club, another four years passed before Cook committed in January 1929 to build the Legal Research Building. In April of that year, plans were announced for a second dorm, the John P. Cook dorm, and several months after that, Cook finally committed to pay for the building that Bates had been asking for since the beginning of his tenure as dean and that would become Hutchins Hall. Bates referred to his dream building as the “law building,” and he envisioned it including faculty offices, classrooms, and a library. But Cook had insisted on building dorms first, with the aim of generating revenue for the legal research he (and Bates) wanted the faculty to produce. Bates had urged Cook to build brick dorms, to make them cheaper, and to bring his imagined law school building to completion as soon as possible.

In this chapter, we will look closely at the causes of the delays that so frustrated the men at the university, particularly Dean Bates. Going back to the beginning, just determining the site for the men’s dorm, which became the Lawyers Club,

became a problem. Around 1919, Cook, perhaps precipitously, selected and purchased a piece of land he referred to as the “Hall site,” and from 1919 until 1921, he stubbornly refused to meet to discuss or to even correspond about other possible locations. The irregularly shaped Hall parcel lay north of the intersection of Geddes and Washtenaw avenues, the present location of the Ruthven Exhibit Museum.

Ilene Forsyth, professor emerita of art history, captures the essence of the site selection process in her 1993 book *The Uses of Art*.¹⁰ Forsyth writes of the profoundly insightful letter that Hutchins sent to Cook on September 2, 1921.¹¹ That letter listed the shortcomings of the Hall property and responded to Cook’s doubts about the alternative site on South University Avenue that the university preferred (the site that the director of the Martha Cook dorm had recommended to Chauncey back in 1919). Hutchins also responded to Cook’s fear that the Law Department was not belligerent enough in seizing the best site. Cook knew that other departments at the university, including the medical and engineering schools, were planning to expand and needed land near campus. “Law takes precedence over everything,” Cook had written to Hutchins.¹² In the early 1920s, the plans for the Law School would have been for a dorm and a replacement of the current law building. The perceived disadvantage of the Hall site was that it was too small.

On August 22, 1921, Cook had written to tell Hutchins that he was losing interest in the project: “Those sciences are altogether too fresh and grasping, I shall not get out of the way for them. If your law building is marooned to suit the convenience of other departments, I shall lose interest in it. The proper thing is to tell the medics to move along.”¹³ Forsyth wrote the following about the letter Hutchins wrote in response on September 2, 1921 (explanatory comments are in brackets): “He marshaled arguments geared to specific aspects of Cook’s character: his loathing of the vulgarity of crowds, dust and noise [Washtenaw Avenue had become a major thoroughfare filled with trucks]; his interest in quiet [State Street was not a major street]; his distaste for the sciences [the medical and engineering departments were close to the Hall site]; his taste for beautiful buildings and gardens [the South University site was across from Alumni Hall and the Martha Cook garden]; his liking for prominence [the South University site was near the President’s House and the main campus and was larger]; his desire for the professional prestige of law [the South University site was near other important buildings, including the Michigan Union]; his competitive spirit [Cook’s site would be far larger than that of William Clements’s library; the implicit suggestion was to get the good spot now, expressed by Hutchins as

“make no mistake now”]; his desire for a plot large enough for a courtyard [which was later to become a true quadrangle]; and his anxiety about the future.”¹⁴

Edward York agreed that the site on South University, across Tappan Street from the Martha Cook Building, was the finest in Ann Arbor. On September 8, 1921, Cook wrote that Hutchins’s proposal appealed to him and that he assumed there would be a “court” for the dormitory.¹⁵ On September 8, Cook wrote enthusiastically to Bates about Hutchins’s letter. This seems to be the point at which the project evolved from a single men’s dorm with a courtyard into a four-building quadrangle. Cook described the updated project.

A wonderful layout. I gather it contemplates four buildings. This is satisfactory to me. I presume the two rear buildings are for dorms. . . . [The] main club house should face on State Street and South University, with rooms for about 100 . . . and dining space for, say, 300 Club members.

Cook declared the selection a “ten strike.”¹⁶ On September 8, Hutchins wrote to Bates that Cook “seems . . . to have come around all right. We must now push things and get those buildings under way at the earliest possible moment.”¹⁷

Forsyth observes that Cook was clever to insist on building the dormitory first, attributing this to his desire to control the process by putting off the other buildings that the university and particularly Bates wanted more: a library and a law building for faculty offices and classrooms. Over the years, Cook’s quoting of Emerson and his unwillingness to make promises before he was ready support that interpretation. Cook had a second motivation, which, though odd, is important to understand. Cook truly believed that dormitories could generate revenue to pay for the legal research he thought Michigan ought to be doing. Today the idea that a dorm could generate revenue seems preposterous, but Cook believed it. When the Lawyers Club did not turn a profit, Cook unceasingly blamed Bates and Lawyers Club manager Inez Bozorth. He never saw the flaw in his own concept.

Cook’s refusal to promise more buildings was also based on concerns about the economy, uncertainty about what each building would cost, and his determination that each building must be, above all, well designed and well built. The period of inflation immediately after World War I had likely been what initially held him back. The deflationary depression of 1920 and 1921 lowered costs and probably encouraged Cook to go ahead. On September 23, 1921, Bates pressed yet again for a commitment to the law building. Cook replied five days later: “I

have yours of September 23. I appreciate the situation, but I shall build the dorm first and I fear it may be five years before I reach the law building, that being a much greater undertaking.”¹⁸ The law building was not to be completed until twelve years later, in 1933.

With the site for the men’s dorm now determined, the next two steps were architectural (designing the building) and financial (acquiring the property). On September 30, 1921, the regents learned in secret about the plan. They appointed a committee to start acquiring the thirty-two separate parcels of land and began working with the city to close South Thayer Street to create one large block. Cook wanted Hutchins and Bates to discuss the architecture with him in person, but Cook’s need to remain in Port Chester for his health, followed by Hutchins’s series of illnesses, made a meeting of all three impossible. Bates moved to the fore of the planning. He wrote to Columbia, Princeton, and Yale to ask about their dorms. Bates began to write long letters to Cook: he sent seven pages on December 24¹⁹ and followed up with five additional pages two days later.²⁰

These 1921 letters signal danger. Bates, at Hutchins’s suggestion, had corresponded with Cook as early as 1914, soliciting an article on the railroad problem for the *Michigan Law Review*. Cook had written and sent the article. These letters from Bates in the 1920s, though, would affect Cook’s subsequent gifts of buildings. Hutchins’s letters to Cook had been crisp, cordial, and respectful. Cook had responded in kind, and the two had become close. Bates’s letters were overly long, repetitious, argumentative, convoluted, and self-centered; at the same time, they verged on obsequiousness. When Bates suggested naming a building after Cook, the prospective honoree replied, “It seems hardly appropriate for a great law building to have a person’s name on it.”²¹

On December 27, 1921, Cook responded to Bates’s first large misstep. Five days earlier, Bates had telegraphed York and Sawyer to stop work on the drawings because he feared the university would not be able to obtain a strip of land along State Street owned by three fraternities.²² For Bates to issue an order like this was to breach the professional relationship between Cook and his architects. But even worse was that Bates stopped the project on the assumption that the problem could not be resolved. Cook’s December 27 response to Bates, the dean of the department Cook had labeled as not belligerent enough three months earlier, was pointed.

You will be criticized in all time to come if you break up the comprehensive plan of buildings for your law department in order to save three comparatively small college fraternity houses. It would eliminate the proposed Cooley Hall—unthinkable. The proposed

group of buildings will cost several millions of dollars and to cut a gash out on State Street is absurd. Messrs York and Sawyer condemn it emphatically and unqualifiedly. I do not understand your figures. . . . In compliance with your telegram, Messrs York and Sawyer have stopped work. The episode is not reassuring.²³

Cook's triangulated method of communication, which would continue to the end, is apparent in this incident. On December 29, he wrote to York and Sawyer, "[I]t is well enough to ascertain also whether the college frats are stronger than the university. I am prepared for that issue."²⁴ The university did eventually get that land, moving one fraternity from the east side of State Street to the southwest corner of Monroe and State streets.

Despite the December 1921 dustup, Bates and Cook carried on a long correspondence about Cook's will throughout 1922. Bates went to New York to meet with York and Sawyer without either Hutchins or Cook. The Cook-Bates correspondence, while cordial at times, shows a growing waspishness on Cook's part. Bates was eager to organize law alumni to help pay for the new buildings. "*Festina lente*" (Make haste slowly),²⁵ replied Cook, seeing no need to do that yet. Bates apparently didn't understand that he might be leaving the impression with Cook that he wanted more control over the project or that he thought Cook didn't have the money to carry it out.

Bates's missteps continued. On January 9, 1922, he told Trustee Creighton that the most important clause of the will Cook had drafted was "wholly inadequate."²⁶ Did he think Creighton would hold back that opinion from Cook? Creighton's comment to Cook about the will in August 1923 shows a cagier approach: "I read the will with care, and have no criticism to make. . . . [It is] a piece of legal work of which even a man of your eminence can properly be proud. . . . [I am] taken by surprise that you name me as co-executor and co-trustee."²⁷ The last phrase cannot be true; the core of Creighton's work was obtaining trusts to manage. In February 1922, after the *Michigan Law Review* published an article by Cook (who contributed the piece despite his opinion, expressed to Bates on January 27, 1922, that law journal articles were a "coroner's inquest over the law"),²⁸ Bates agreed to send out reprints but did not do so fast enough for Cook, who wrote to Bates,

Your journal did not return copy as requested in my telegram to you. . . . They should be given a Wall Street training, where instructions are obeyed or off comes his head. They remind me of the lawyers in my native town when I was a boy. They would hibernate most of the year and sit around and put their feet on the table and tell stories and smoke

bad seegars. About three weeks before court convened, they would rouse themselves into a fit of feverish activity and prepare their cases for trial in a frenzy, and then when court adjourned they would relapse again into a comatose state. No reflections, just an illustration. What I am trying to do is to wake you people up.²⁹

That winter of 1922 also brought out the first evidence that Bates might be advocating for a cheaper Lawyers Club and dormitory, to enable earlier construction of the law library and law building. York and Sawyer told Bates that Cook was disturbed about this. The architects continued to work on the plans, and Bates continued to tell Cook how necessary the law building was. Cook replied,

As to other [buildings] beyond the Lawyers Club, I can't tell. . . . I am not prepared to make any promises or definite statements as to the proposed law building. I thought my previous letters to you and President Hutchins had made that plain. I have quite enough on hand with the Lawyers Club without bothering at present about future additional buildings. In other words, I shall not write or talk or think about the law building until the Lawyers Club Building has been completed, occupied, and paid for.³⁰

Cook wrote to the regents on April 25, 1922, promising to build the Lawyers Club.³¹ The press jumped on the story that the university had received its biggest gift ever.³² In September the regents voted to acquire the needed land.³³

In October, in the face of rising construction costs, Bates returned to his campaign to lower the cost of the Lawyers Club, this time by suggesting brick instead of stone for the exterior. Bates may have thought the suggestion reasonable, since the brickwork on the Martha Cook Building was outstandingly attractive. However, Edward York had to write to Bates, reminding him that much of the building consisted of windows and trim. He chided him,

Your suggestion that there was a stone combination [illegal coordination among suppliers] responsible for raising prices [Cook's ancient nemesis, the trust] and that he consider brick, hasn't made it any easier for me. . . . I hope you will let the incident in regard to the brick drop, as we have ample ways of protecting our clients from combinations such as you feared.³⁴

In November 1922, Cook told his architects,

There is nothing to do but go ahead. I am committed and am not accustomed to back out. The increase [in cost] is largely due to improvements on the original design; I wish

the improvements to be made. . . . I wish that building to be a monument and a masterpiece.³⁵

In December, Cook again ordered the project to go ahead, declaring, “*Nulla vestigial retrorsum*” (There is no turning back).³⁶ In May 1923, Cook signed the contract to build the Lawyers Club, putting the news in the postscript of a letter to Hutchins, rather than writing to President Burton.³⁷

Cook continued to pay attention to the Martha Cook dorm, despite the furious planning for and correspondence about the Lawyers Club. In February 1923, Cook wrote to Miss Mack, director of the Martha Cook Building, about selecting women to live there.

That building should have the best and none but the best. Yost selects his football team from the best of the university—I consider the elevation of women more important than the elevation of a football team. Kindly show this letter to President Burton.³⁸

Regent James Murfin continued to find fault with Bates’s behavior. In July 1923, he wrote to President Burton,

Brother Bates, with that peculiarly unfortunate disposition of his, apparently is confiding to his many friends that the Regents and president do not properly handle the summer program. . . . Much as I deplore my own disposition, which goodness knows is bad enough, I thank heavens I do not possess his.³⁹

Bates had complained bitterly in January 1923 to Harvard Law’s Dean Pound about President Burton. Bates called Burton “*Stuntifex max*” and a “platitudinous mountebank” who “nauseated” him and whose “intellectual and moral standards are disgusting.”⁴⁰ Pound offered Bates the law librarian position at Harvard. But, as usual, Bates could not tear himself away from Michigan, despite his feelings toward Burton.

Bates continued to write wincingly long letters to Cook. On July 14, 1923, he confessed to Hutchins, “I did not keep within the 2/3 of a page you said is Cook’s idea of sound exposition in letter writing.”⁴¹ Fortunately the correspondence was usually at a normal level of politeness. Bates asked Cook to give lectures at Michigan;⁴² Cook replied that it was “not practicable.”⁴³

Now comes the great kerfuffle that can be dubbed “Lits versus Laws” or “Cook baits Bates.” On July 16, 1923, Bates wrote to Burton with great consternation about Cook’s recent plan, which he had described in a previous letter to Burton.⁴⁴ Cook was suggesting that “Lits” (undergrads in the College of Literature, Science, and



MARION LEROY BURTON (1874–1925)

Marion Leroy Burton, president of the University of Michigan from 1920 to 1925. Tall, redheaded, and with a commanding presence and a persuasive voice, he could captivate students and legislators alike. His talent for organization and vision of an expanding university exactly fit the needs and spirit of the postwar age. His tenure was tragically short, however, as he died in February 1925 following a heart attack.

Bentley Historical Library, University of Michigan.

the Arts) be allowed to live in the Lawyers Club. It is hard to tell how serious Cook was about this. The idea came up suddenly and for no apparent reason, after Bates had annoyed and pestered Cook once too often about the need for a law building.

From Bates's perspective, the problem with Cook's proposal was that Michigan Law was national in scope; filling the Lawyers Club with Lits would mean that undergrad Michigan residents would be living there. Bates hated this idea, and perhaps Cook knew he would. It might have been easy to dissuade Cook with direct factual evidence. Hutchins had successfully used this approach to persuade Cook that the South University site was superior to the Hall site. Bates, however, faced with an idea from Cook that he couldn't stomach, responded in a way that only made the situation much worse.

Bates decided to write a thirteen-page letter to President Burton, who was away during these summer weeks of 1923 at Star Island in Cass Lake, Minnesota. Bates argued that Cook's original plan, of having only law students living in the Lawyers Club, was "brilliant, virile, uniform, compact, and striking,"⁴⁵ whereas "the present one lacks the former vigor of conception, unity, and striking quality. It is variegated and weaker."⁴⁶ Given Bates's feelings about Burton, this was odd behavior. Did Bates trust the "nauseating" Burton to keep Bates's opinion from Cook? More likely, Bates was setting a trap for Burton, manipulating him to take up the cudgel on Bates's side. Had Burton done that, the result could have been the break with Cook that the men in Ann Arbor feared. Bates tempered his criticism of Cook with high praise: "Cook is a man of outstanding ability, of exceptional vision and strength, who by his extraordinary ability and hard work placed himself in a position where he could make money. There are very few lawyers like him in any generation."⁴⁷

Cook's plan to house Lits in the Lawyers Club alarmed everyone, not just Bates. In what follows, we see a superb example of Regent Sawyer's wisdom and ability to step around the trap set by Bates. Sawyer, who had a copy of Bates's letter, consulted President Emeritus Hutchins, who did not have his own copy. Both knew that Burton was away on vacation and would not receive or respond to Bates's missive for many days. On July 16, Regent Sawyer sent a telegram to Cook telling him that he was forwarding Bates's letter to him and explaining that "the letter is a fair discussion of your proposed plan, which appears to be involved, as evidenced by Bates's reaction. . . . I have utmost confidence in your judgment when you have a full understanding."⁴⁸ With this move, Sawyer had rescued Burton from taking the argument to Cook, and ensured that the discussion would take place between Cook and Bates. Better to sacrifice the already-damaged Bates than ensnare the talented president.

In the meantime, Bates had sent more letters to Cook detailing the need for a law school building—to which Cook had repeatedly denied being committed. Shortly after these missives reached Cook, he received the copy of Bates's letter to Burton about the Lits. Cook responded directly to Bates, saying that the letter, "a copy of which you did not favor me with," was a surprise.⁴⁹ Cook dismissed Bates's written objections to his idea as not material to the issue. He took umbrage at Bates's assertion that it would disappoint lawyers and cause his fame to be dimmed. Bates had aroused Cook's considerable debating skills and stimulated his ironic tendencies. Cook now moved on to another area of disagreement between the two men. "It will not do to monopolize the finest seven acres in Ann Arbor for a great mass of law students," Cook wrote, criticizing Bates's desire to have two thousand students in the Law School.⁵⁰ Cook suggested limiting the number to five hundred.⁵¹ Cook continued by chiding Bates for not having higher admissions standards: "Many of your objections will disappear when you go to the Harvard requirements of admission, as doubtless you soon will."⁵² Cook now gave a reason for his refusal to come to Ann Arbor. "You are right that I am not familiar with the details of the situation out there. I am glad I am not. . . . I get a better view from afar . . . than if I were in the valley with its entanglements."⁵³ In closing his letter to Bates, he wrote, "I fear that in your zeal for your Department you miss the greater opportunity and possibility."⁵⁴ Cook was referring to the opportunity to become more selective.

Cook sent copies of this letter to Regent Sawyer and John Creighton. When Sawyer received his copy, he promptly wrote back to Cook,

I am acquainted with Bates's strength and also with his weakness. I am sure you know him as I do. It is unfortunate, but so often true, that men of distinguished ability have decided handicaps in disposition or character. Bates is childish about some things. . . . I am sure you can trust President Burton for a comprehensive view of the problem.⁵⁵

Once again, Sawyer had left Burton out of the argument, positioning him to be an arbiter. To Bates, Sawyer wrote soothingly,

Mr. Cook's peculiar character and disposition makes him difficult to deal with. Your letter to him was a good one and I see no reason why he should take offense. Your experience is only that of everyone who has to deal with him. However, as you say we must pat the lion on the back and keep him in good humor.⁵⁶

Burton wrote to Bates in early August, reviewing the flow of correspondence between Cook and Bates and offering Bates a primer in donor relations—or perhaps it was a gentle rebuke.

We must remember always that the donor is after all the donor and that his wishes and decisions must be honored just so long as no principle of true university life is invaded. It is our duty, on the positive side, by wise counsel, to assist our friends in realizing the largest good from their gifts. The highest interests of the university and the Law School will be guarded by the continuance of a happy, cooperative relationship with the donor.⁵⁷

Ultimately, Burton pointed out, the regents are the ones in charge of deciding such matters. Burton then wrote to Cook, praising his vigorous thought and painstaking attention to the law project. He said that in this letter, he could not reply to Cook's ideas but could only acknowledge them, and he also reminded Cook that, at the proper time, he, as president, would have to acquaint the regents with a matter of this importance.⁵⁸ Next, Burton wrote to Sawyer, saying it was a joy to work with him and thanking him for sending Bates's letter on to Cook without Burton's knowledge. He pointed out to Sawyer that the problem was too complicated to handle with correspondence, and he said that he was not going to take a position on the matter. "There is a University aspect of this problem," Burton wrote, "which cannot be overlooked, and Mr. Cook senses this with perfection!!!"⁵⁹

Cook's August 14 response to Burton reflected Burton's approach: "There is no hurry, and meantime the subject will develop itself."⁶⁰ This whole complex incident, which fizzled out over the course of the summer of 1923, was perhaps one in which, as Cook's niece Florentine told researcher Elizabeth Brown in 1959, "uncle had a twinkle in his eye, but the twinkle didn't show in Ann Arbor."⁶¹ It would appear that Cook had succeeded in riling up Bates, to pay him back for all the pestering about a law building. Fortunately, everyone else at Michigan who got involved in the situation responded rationally. Thus Cook changed the subject, and the idea of Lits living in the Lawyers Club never arose again. Cook probably stirred all this up to see what would happen, and this is what his niece Florentine was referring to.

Only a few days after "Lits versus Laws" was resolved, Burton uncovered more serious evidence of Bates's increasing inability to function effectively. Burton was passing through New York in mid-August 1923 on his way to Europe and called on architects York and Sawyer. On August 17, he wrote by hand on Commodore Hotel stationery to Regent Sawyer in Hillsdale about his interview with York. He explained to Sawyer that he wanted to write while the meeting was "perfectly fresh" in his mind.⁶² What on earth could be so important that it would cause Burton to frantically dash off a letter to a Michigan regent after stopping at the architects' office as he headed to Europe? Burton was anxious to inform

Regent Sawyer of Edward York's concern that Dean Bates was opposed to their firm as architects on future Michigan projects and that he feared Dean Bates would write something to Mr. Cook that would "spill the beans."⁶³ (York feared that Bates would betray the university and drive Cook away.) In a June meeting with a York and Sawyer architect, Bates had said,

I will have nothing whatever to do with York and Sawyer or any of their representatives. When these buildings are done I am going to have my way. I don't want to harm the university, but I could do it in either of two ways: I could resign or I could write a letter to Mr. Cook which would keep him from giving the buildings.⁶⁴

Burton learned that Bates had been "thoroughly mad" and that his talk in general "seemed queer." In his letter to Regent Sawyer, Burton wrote,

Now you are a physician, and I need not suggest to you what I fear. In my conference Wednesday, which was very pleasant, I urged the dean strongly to get some real rest. He admitted that his nerves were "raw" and told me how he had "blown to atoms" the president of the Michigan Bar Association and "had to take an hour to piece him together again." There is much more I could add. Either someone wants a fight or is going to pieces. Of course this is all very confidential and to be regarded more or less as a record for the future when and if it is needed.⁶⁵

We have seen that for two years—starting in 1921, with the incident about the fraternity houses, through the summer of 1923—Dean Bates had sought to gain control over the law building project and, in the process, had damaged the university's relationship with Cook. We have also seen, even earlier, Bates's use of offers from Harvard to leverage his power with the regents. When Hutchins was president, through 1919, he was the primary contact with Cook. However, when Burton arrived in 1920, the balance of power shifted, and Bates sensed that he could step into Hutchins's shoes, manipulate Burton, or both.

Burton's letter to Sawyer that August and his behavior earlier that summer prove that he was both shrewder and wiser than Bates. Bates showed a pattern of behavior that irritated or angered Cook, but he inevitably claimed that Cook's reaction to his irritating behavior was unreasonable. He repeated this pattern with Burton. Later, when Clarence Cook Little succeeded Burton as president in 1925, Bates got lucky, because he was able to bend Little to his will. President Burton and Regent Sawyer had not necessarily viewed all the correspondence between Bates and Cook, but they must have known of Bates's compulsion to obtain not only a Lawyers Club and dormitory but also a law building that would

MAGNIFYING MINOR UNIVERSITY OFFICIALS

In August 1924, as construction of the Lawyers Club neared completion, Cook learned that six corbels, often called gargoyles, had just been added to the central archway leading through the Lawyers Club from South University Avenue. He wrote in apparent outrage to York and Sawyer,

I was astonished to learn only ten days ago that without my knowledge or approval and at my expense you have placed in one of the passageways of the Lawyers Club Building at the top of gargoyles six heads of persons connected with the University. . . . If the selection had been confined to notable Presidents, that would be one thing, but to bring in the secretary [Shirley Smith] (who is not even a lawyer), and the dean, who has had predecessors and will have successors, is another thing. Can you not see the impropriety of magnifying minor University officials in a building constructed and equipped on such a high plane as that?⁶⁶

The architects quickly apologized. The representations of former presidents Tappan, Angell, and Hutchins remained, while those of Shirley Smith, Henry Bates, and former law dean Jerome Knowlton were removed. They were replaced by representations of Presidents Burton, Haven, and Frieze. Cook ordered the rejected heads "put into a sack and the sack thrown in the Bosphorus."⁶⁷

On August 11, Shirley Smith told Regent Sawyer that Professor Evans Holbrook had come by on the day the heads were removed, to retrieve an especially important piece of stone, boasting that he would forevermore have "the ear of the dean." Smith sent a letter to Sawyer with a handwritten note: "Dear Doctor: Herewith I return your copy of the latest chapter of the thrilling serial 'The Crash of Worlds—or Cook on Headcheese. Alas, poor York!'"

Of this incident, Cook's niece Florentine could report authentically (since she was at Cook's house when he first learned of the gargoyles),

He really had a good laugh over the whole business. He was delighted that Shirley Smith was included but was considerably irritated that Dean Bates was among those represented and decided "off with their heads." He really got a great deal of amusement out of the whole affair.

Florentine also offered her opinion that her uncle "thoroughly enjoyed stirring things up occasionally."⁶⁸

include a library. They must have known that Bates had suggested “cheapening” the Lawyers Club to make the law building happen sooner, that he had suggested to Cook that funds for the project be sought from other alums, that he had considered a strategy of mixing legislative appropriations with Cook’s money for faster results, and that Bates’s relationship with Cook was deteriorating over the law dean’s absurdly long, argumentative, and often incendiary letters to him. How deep their concerns went is not apparent until we consider the 1923 letters from several archival files. The sequence of events begins to unfold, and the full impact of Bates’s bad behavior and its potential for leading to tragic consequences becomes clear.

The Lawyers Club opened in September 1924 to accolades far and wide, including on the front page—center and above the fold—of the *New York Times* on Sunday, September 21. The headline read, “Donor of \$2,000,000 Michigan Law Club Proves to Be W. W. Cook, New York Lawyer.” One might read into this headline some surprise that a New York lawyer would give so much to a place out west in Michigan, rather than leaving his fortune in New York, where he had earned it. An older Michigan Law graduate says he had heard of this response to Cook’s philanthropy from a senior partner at his New York firm when he first went to work there. That senior partner would have been practicing law in New York in 1922 and would have personally experienced the response to the news of Cook’s gift.

The dorm was full and had a long waiting list, underlining the absurdity of Cook’s call to house Lits in the Lawyers Club. Many people wrote to Cook praising the beauty of the building. Cook sent a telegram addressed to “The Lawyers Club.” It was succinct: “Congratulations, but your building is of little consequence except first to elevate law schools and the legal profession, and second, to help to simplify and clarify the law by the use of your large income.”⁶⁹

That last comment referred to Cook’s assumption that the Lawyers Club was going to generate income to support legal research. This wayward theory was immediately put to a test. In mid-October 1924, Bates⁷⁰ and Burton⁷¹ wrote to Cook to request a conference to discuss some details of running the Lawyers Club. Bates’s letter also raised the question of a dedication ceremony for the club, suggesting that the ceremony be kept simple; a larger celebration would be appropriate, he thought, once the law building was finished. Cook’s reply to this idea could not have pleased Bates. “In regard to the dean’s reference to dedication of a law school building,” he wrote to Burton, “I was not aware that anyone had

promised to erect such a building.”⁷² The more Bates pressed, the more Cook demurred.

Cook agreed to the conference and invited Bates and Burton to dinner at his Manhattan townhouse the following month.⁷³ But Burton became ill, and the meeting was canceled.⁷⁴ Although the illness was officially identified as pneumonia, there was an underlying disease, which Regent Sawyer revealed to Cook in late October: Burton’s blood pressure is “much of the time very high and his life and usefulness are menaced.”⁷⁵ A week later, Sawyer wrote Cook about both Bates and Burton, complaining that Bates’s childishness and indiscreet actions annoyed him very much and expressing fear that Burton would not recover. Sawyer also took pains to point out the effectiveness of the Law Department, writing that he hoped Cook would not “take too seriously his [Bates’s] peculiarities.”⁷⁶

Bates, however, persisted in the indiscreet and childish behavior that annoyed Sawyer, Murfin, and Cook. For example, in an eleven-page letter written to Cook about the Lawyers Club on November 5, 1924, Bates included this self-contradictory sentence: “I have no desire to bring up any question concerning the future, but I could give you good ideas.” Of course, Bates proceeded to describe his ideas for the future.⁷⁷ Cook wrote back that the letter was “not very encouraging,” and he reminded Bates that he had never responded to Cook’s suggestion that Henry Wade Rogers, then presiding judge on the U.S. Court of Appeals for the Second Circuit and a former dean of the Michigan Law School, be invited to serve as research professor. Cook also informed Bates, “[Y]ou said [Rogers] was old-fashioned in his notions. I am fashioned somewhat that way myself.”⁷⁸

At the end of the first month of operation, the Lawyers Club did not show a profit, and throughout the fall, Cook pressed for an explanation. Cook also refused to let up on the subject of appointing Rogers, and he went on a real tear about the foolishness of appointing a woman, Miss Inez Bozorth, to run the Lawyers Club (a *men’s* club, after all). Bozorth had earned a B.S. in domestic science at the Oregon Agricultural College and then taught institutional management there from 1918 until she went to the Lawyers Club in 1924.

There is a deep irony, even unfairness, in Cook’s attitude toward Bozorth. After all, from 1905 to 1916, Cook had given Hillsdale College the money to start and continue its domestic science program. However ironic, unfair, or just plain stubborn his opinion might be, Cook continued to make an issue out of Bozorth’s “unsatisfactory” management, and the regents eventually moved her, in 1930, to manage the new Mosher-Jordan dormitory on the Michigan campus. After three years, she moved back to the Lawyers Club and worked there until her retirement in 1954. Bozorth then returned to Oregon, where she died in 1964.⁷⁹ Her portrait

now hangs in the Lawyers Club lounge, across the room from Jim Murfin's. Their eyes almost meet.

The subjects of management of the Lawyers Club, Rogers's appointment, and Bozorth—along with the continued illness of Burton—play continuously in Cook's correspondence from this period. Regent Sawyer kept Cook more informed about Burton's health than he did his fellow regents, disclosing that Burton was suffering from "kidney trouble from which he will not fully recover."⁸⁰

The year 1925 brought a new argument between Cook and Bates. A short letter from Cook to Bates, written on January 20, 1925, says it all.

You ask about using the Lawyers Club for conventions during Christmas and for summer law students. . . . The building is neither a fair nor a hotel nor a public hall. In summer, it should be well aired and given a rest so as to be fresh and purified of all bugs and ancient and heroic smells. The staff need a vacation. Again the imaginary profit is a joke.⁸¹

Cook's strong objection to using a dormitory during the summer was legendary, well established a decade earlier during the construction of the Martha Cook dorm. How could Bates dare to raise this "ancient and heroic" issue yet again? Bates also suggested books in bookcases for the Lawyers Club lounge. Cook said no and that books belong in a library. He wrote that the idea represented the "same trouble I had preventing the Martha Cook building being cluttered with all sorts of jim-crack things."⁸²

By February 1925, Cook had concluded that Bates was not qualified to run the Lawyers Club. Professors were poor business managers, he knew, and he had been willing to experiment, but the club was running at a loss, and a change had to be made.⁸³ Bates, already on thin ice with Cook (whose dream of funding legal research from dorm profits was still out of reach), chose to ask again—while claiming he didn't want to do so—about the *next* building.⁸⁴

The bickering took a short hiatus when President Burton died on February 18. Ann Arbor went into mourning, and eighteen thousand people viewed the body, laid out in Alumni Memorial Hall. The headline in the *Ann Arbor Times News* announced that "human walls lined the streets"⁸⁵ as a white hearse led a line of black cars on a gray day through light rain, east on South University Avenue from the President's House to nearby Forest Hill Cemetery.

The large crowds showed the great affection that everyone, town and gown alike, had for Burton. His arrival had been heralded as a new day, a fresh start, and a chance to move the university forward quickly. Hutchins was respected for his fine humane qualities, but many felt that the university had stood still during his



Inez Bozorth (1884–1964), first director of the Lawyers Club. Cook tried for years to fire her, because he felt a woman was incapable of running a men's club. *Photo by Russell R. Serbay.*

presidency. Burton had been known for his warm personality, his organizational abilities, and the power of his oratory, which was used to good effect to convince the Michigan legislature of the university's great need for new buildings—the “Burton building boom”—and increased funding for educational programs.⁸⁶

The regents asked President Emeritus Hutchins, secretary of the university Shirley Smith, and business manager Frank Robbins to form a committee of three to run the university. Soon the regents appointed Alfred H. Lloyd, professor of philosophy and dean of the graduate school, as acting president. The Burton era was over. What would come next?

Having Hutchins once again in charge of relations with Cook was the silver lining in the cloud of grief over Burton's death. Hutchins tried to allay Cook's concerns about Bates's ability to run the Lawyers Club and invited Cook to visit to see for himself. On March 10, 1925, Cook sent Hutchins his customary refusal.

I feel my head is clearer at this distance, where a fixed purpose is not disturbed by the swirling eddies of University life. I read carefully what you say about Bates. I have studied him carefully in the last five years. He is conscientious and devoted to building up the Law School. He will never run that club right. He has certain personal peculiarities which preclude it. He has no business capacity, never had business training or experience. No research fund will come from the club under his management, and that is one of the two main purposes of the building, the other being the improvement of the Law School and the legal profession. He sent fourteen pages of explanation which did not explain.⁸⁷

Bates wrote to Sawyer on April 20, 1925, “I've been convinced for some time that he [Creighton] is very far from wholly unselfish in cultivating Mr. Cook.”⁸⁸ That same April letter contained a most foolish and unwise statement.

I confess the strangeness of Mr. Cook's conduct, which seems to me to be increasing, appears to me to be an element of danger with reference to any will which he may make. Of course I am not saying this out loud.⁸⁹

Writing it down was worse than saying it out loud.

On May 7, 1925, Cook wrote to Creighton, "I want no further correspondence with Bates."⁹⁰ From then on, Cook wrote only to Hutchins and Sawyer, usually copying both. He also refused to meet with Bates, passing him off to Creighton. Bates noticed that he had been spurned. Regent Murfin gave Regent Sawyer his opinion of Bates in a letter on May 23, 1925.

I am not certain but that the time may someday come when we will be compelled to ask Bates to find another job. I have in my basket now a most unfortunate letter from him. He is a malcontent, a discontent, a disturber, and a troublemaker. On the other hand, he is an outstanding, splendid dean and has an excellent law school.⁹¹

As Cook's relationship with Bates unraveled in a way that would make everyone at Michigan wonder and worry about whether their cherished donor was ever going to finance more buildings, an eerily similar situation was playing out with the nine hundred acres of land that Cook had purchased adjacent to Blooming Grove Hunting and Fishing Club in Pennsylvania. Cook and his friend and fellow Mackay employee George Clapperton originally bought the land with the intention of eventually giving it to the club. Clapperton had died in January 1924, leaving his share of the land to Cook. By mid-1925, Clapperton's estate was settled, and Cook owned the land. In May 1925, Cook began negotiations to give the land to the club. The club had always expected Cook to give the land, eagerly anticipating a great enlargement of the hunting grounds available to members. They must have been shocked when Cook asked for something in exchange for the land: he wanted the club to allow members of the Physicians Club to hunt and fish on all of the Blooming Grove property.⁹²

Reading the correspondence, which was mostly between William Cook and New York lawyer and president of Blooming Grove Herman Cook, is reminiscent of the rhetorical confusion found in Cook's letters to Bates. As usual, Cook was obtuse in setting forth his requests and contradictory in responding to the other side, and he refused to meet in person. Blooming Grove feared that the Physicians Club, which had only ten members at the time, might overwhelm the land.

We can surmise that Cook's goal was to give his physician, Dr. Edward P. Eglee, and a few of Eglee's friends de facto membership in Blooming Grove, which neither Eglee's wealth nor his social position would have entitled him to



Clarence Cook Little (1888–1971), president of the University of Michigan from 1925 to 1929. His willingness to accept strategies recommended by Law School dean Henry Bates led to his resignation in January 1929. *Photo courtesy of Anne and James J. Duderstadt.*

join. Cook's obstreperous manner and orthogonal reasoning prevented an agreement from being reached. In 1926 Cook divided up the land, deeding most of it to the New York City Lawyers Club and the rest to the Physicians Club.⁹³

In February 1927, Cook resigned from Blooming Grove.⁹⁴ In 1955 the club offered ten thousand dollars to the New York City Lawyers Club for the land, but there was no sale.⁹⁵ Blooming Grove purchased part of the Physicians Club land in 1982. In 1992 the club bought 829 acres of the Lawyers Club land for just under \$1,100 an acre, for a total amount equivalent to over \$1.5 million in 2010.⁹⁶ Cook made no disposition of the handsome cottage he'd built on Lake Laura, so it reverted to the club, which used it for many years as a clubhouse.

No evidence exists that anyone at Michigan knew about the falling out between Cook and

Blooming Grove. But Creighton (please recall his role as a crack investigator for Attorney General Palmer) must have known, and he would have used the information strategically with the men in Ann Arbor. This frustrating tale certainly shows that Cook was capable of backing away from a gift, and it gives us enhanced appreciation for Michigan peacemakers like Sawyer and Hutchins. Poor Blooming Grove had no one so wise. The Hillsdale College episode also shows that Cook could change his mind and refuse to give more, even after a decade of giving.

The gift of the Pennsylvania land and its value are small compared to what Cook was thinking about giving to the University of Michigan. Also, his personal attachment to Blooming Grove can't be compared to his personal attachment to the university. Cook had a much greater stake in the Michigan gift: it was to be his shining attempt to preserve American institutions by improving legal education. But would he ever finish what he had started?

Cook's impatience with Bates was not the only threat to the completion of the Michigan gift. The other threat was his health. Dr. Eglee's relationship to Cook

was special. The young physician had, in June 1920, diagnosed Cook's tuberculosis;⁹⁷ others had thought his illness was pneumonia. In the 1920s, tuberculosis was still a serious and incurable disease. It was Eglee who ordered Cook's move to Port Chester, where the air was cleaner and fewer people were around to endanger his weakened immune system.

The Lawyers Club dedication ceremony took place on Saturday, June 13, 1925. Creighton read a letter from Cook outlining the purposes of his gift. Bates spoke, as did special invited guests, including James Parker Hall, dean of the University of Chicago Law School; John M. Zane, a Michigan grad and prominent lawyer in Chicago; and Roscoe Pound, Bates's good friend and dean of Harvard Law School. The *Detroit News* issued a special supplement in honor of the event, calling the project a "\$16,000,000 wager on the efficacy of inspirational environment."⁹⁸ The *New York Times* ran a short article on its third page. The *Times* highlighted Cook's desire that Michigan become a great center of legal education and jurisprudence and reported his statement that Michigan still needed a law library building, two more law dorms, and a new law school building. This would seem the right setting for Cook to get serious about his next gift to Michigan, but it was not yet to be. In fact, not until four years later, in 1929, did Cook commit to another building. A new president, Clarence Cook Little, would come and go before Cook would give another building.

The first task for the university in early 1925 was to find Burton's replacement. This search went more quickly and much more smoothly than the preceding search, and Cook bowed out of making any suggestions. By July Clarence Cook Little had decided to leave the presidency of the University of Maine to come to Michigan, and there was delight all around. Regent Sawyer wrote on July 11, 1925, to welcome Little and to explain about Cook.

Cook hopes to have an early contact with you. He is, I happen to know, planning soon to add another unit to his proposed quadrangle, though even a suggestion that this is anticipated, offends him. He dislikes Dean Bates very much and is quite unfair with him, but any effort to change any of his notions has only met with more persistent opposition. He is so peculiar as to be almost impossible. He was from my town and is a lifelong acquaintance, and somehow, I have succeeded in maintaining a good relationship and to be the avenue of his approach to the University. He has great regard for President Hutchins and Secretary Smith, but apparently not much use for anyone else. He has not been to Ann Arbor since his graduation and never will be. We offered him an honorary degree at

one time and he refused. He is distinguished as a lawyer and author of *Cook on Corporations* and other publications. He was for many years general counsel and practical manager of the Mackey [*sic*] interests. He is very wealthy and tremendously egotistical. If you should meet him, I thought you should have this much of a background. We met in Ann Arbor yesterday and constructed a Board of Governors for the Lawyers Club in accord with his wishes. I will not burden you with details.⁹⁹

Bates, now out of the direct loop to Cook, was relieved of responsibility for managing the Lawyers Club. A committee of three replaced him. He continued to rail against Cook, sending a handwritten confidential letter to Regent Murfin on July 18, 1925.

Of course we must do all we can in the Cook matter. But how far can we go in self respect? We are forcing the discharge of . . . an able high minded woman, Miss Clark, at Martha Cook. . . . and I suppose Miss Bozorth is in for the same. . . . You can't shut your eyes to the fact that, set all wrong by deliberate misrepresentation, the gentleman is doing all he can to injure me and will go the limit if he sees he can. . . . our school can get along without gifts, but not without decency and fair dealing. . . . Mr. Cook has already interfered with educational policies about which he knows nothing, and intends to go much farther. He is a tyrant and his whole history shows it. Ask Dr. Sawyer. And look out for Creighton. He is smoother than we are and is not in this affair for his health. Please don't misunderstand my spirit. This is very serious business and I know it more intimately than any other human being.¹⁰⁰

To his friend Dean Pound at Harvard Law School, Bates wrote even more forcefully on July 20, from the Charlevoix cottage where, in the summer of 1925, he was again "rusticating."

The pot boiled merrily at AA after commencement and is still boiling with our generous donor, a savage by nature and thoroughly poisoned by the great and good man who has gone [Burton] acting as Chief Cook. That he [Cook] has determined to "get" me is beyond reasonable doubt. I don't care about the job per se, but I don't care to be scalped with my hands tied, discredited—and through some "practical man," like that toad Creighton, put in to ruin the school. It's the treachery that's hard to deal with. I would welcome a frontal attack.¹⁰¹

Here Bates claims that Burton had been nothing but Cook's puppet, carrying out Cook's determination to get rid of Bates. In fact, Burton and others repeatedly sought to protect Bates from himself, as we saw in the incident over Lits in the Lawyers Club dining room.

Bates continued on in this same vein to Pound: “It happened that all the negotiations with Cook were with me and that the whole thing was settled, formulated, the gift formally made and accepted before Burton even saw or communicated with Cook.”¹⁰² This statement, that all the negotiations were with Bates, is simply not true, although Bates repeatedly claimed credit for the Cook gift once Cook was dead. We shall later see solid evidence of how infrequently Bates met with Cook. We have already read of the harm Bates nearly caused, averted only by Regent Sawyer and President Hutchins.

Bates continued,

Meantime Cook insults me, prods me, and tries to edge me out—and there is only our man on the Board [he means Walter Sawyer], who combines enough intelligence and sensibility and appreciation of values to defend me. Of course my strength lies with the alumni, the bar of our state, and in campus opinion.¹⁰³

Here, Bates overestimates or deliberately exaggerates. Alumni loyalty was with the Law School; any individual loyalty would primarily be to Hutchins. As for campus opinion, it ensured that Bates would never be president. As James Murfin put it to an alum who had suggested in 1929 that Bates succeed Little, there was “not the remotest possibility of his ever being president.”¹⁰⁴

Bates continues in his letter to Pound, “Little does not come to Ann Arbor till about Sept 5, according to reports. I don’t want to embarrass you in any way.”¹⁰⁵ This refers to Bates’s request that Pound write favorably of him to Little, which Pound did. Bates has shown his hand: a shameless effort to develop a positive working relationship with Clarence Cook Little ahead of the crowd.

Clarence Cook Little was inaugurated as the University of Michigan’s sixth president on November 2, 1925. He was only thirty-seven years old. The *New York Times* headline about his inaugural speech read, “Denounces Petting Parties, Liquor, and Automobiles,” and the newspaper chose to print from his speech this quote about college life in the 1920s:

In the day of highly explosive mixture of youth, gasoline and liquor borne swiftly on balloon tires to remote retreats; in an era of college comic publications and terpsichorean efforts, skating on the thinnest possible ice of decency, it would take Hercules himself to guarantee a fair substitute [for the intercollegiate athletics that Little supported], and I believe he cheerfully would admit that the Augean Stables were, in comparison, an early season practice game.¹⁰⁶

Barely two weeks later, the *Times* and other papers, including the *Washington Post*, also covered a speech Little gave in Lansing to a conference of public health officers, urging birth control for the poor and the sterilization of mental defectives.¹⁰⁷ If Little's choice of an inaugural theme had not already alerted them, the regents were now on notice that their new president was going to choose to exercise his right to speak freely more often than his obligation to choose his topics and words wisely and carefully.

Bates, after his restful summer of scheming, moved immediately to start off on the right foot with Little. On November 24, 1925, he wrote to thank Roscoe Pound for writing to Little on his behalf and reported that he had liked Little from the start: "We speak the same language, have gone into the heart of this whole situation, and may have some very interesting developments in the next few weeks." He also wrote that "our complete control will be asserted."¹⁰⁸ Of course, he really meant "my complete control."

By December 1925, Little had visited Cook at his townhouse, and Bates reported to Murfin that it was a good meeting.¹⁰⁹ However, Bates apparently set Little up to ask Cook whether some historians could use the Lawyers Club in the summer. Cook predictably said no, writing to Little on December 9: "As for me, out of weariness of flesh and exhaustion of nervous vitality I say no more, except no exceptions."¹¹⁰ The reader is by now as exhausted as Cook on the subject of his buildings being occupied in the summer.

Bates began to write frequently to Little (four letters in December)¹¹¹ about the Law School's needs and his ideas for meeting them, including seeking money from other alums and getting stronger support from the university. When Little tried to set up another meeting with Cook, the latter declined, saying that he would be in Port Chester and that there was "nothing of any particular importance to discuss anyway."¹¹² Little followed up by visiting York and Sawyer in February 1926, when he was surprised to learn they hadn't done any work on the Law School buildings since the previous spring; Little even wrote Regent Sawyer to inquire whether Cook might have changed architects.¹¹³ Bates suggested to Little that it would be a financial mistake to build another dorm for law students.¹¹⁴ The record does not show that Bates ever explained to Little how important dorms were to Cook, and surely this omission was part of Bates's plan to assert "complete control."

In the meantime, in addition to his negotiations with Blooming Grove, Cook was putting a lot of time into correspondence about arrangements for membership in and governance of the Lawyers Club in Ann Arbor. Now that Bates was off

the management team of the Lawyers Club, Cook wrote to Grover Cleveland Grismore, a law professor and contracts specialist who was secretary-treasurer of the Board of Governors of the Lawyers Club from its beginning in 1924 until his death in 1951. Cook spent months urging Grismore to launch a national campaign to gain members for the Lawyers Club, an effort that everyone in Ann Arbor was sure would be a failure. Cook seemed to think that lawyers from all over the country would want to join the Lawyers Club in Ann Arbor. Grismore wrote to Murfin on March 17, 1926, expressing his frustration at trying to meet Cook's demands and suggesting that the regents challenge Creighton.

I resent being saddled with all the detail work, and object to sending to intelligent lawyers, over my signature, the kind of letter Cook suggests, which is nothing but a bald request for a contribution to Cook's monument. It would be all right to send it out over the signatures of all the Board of Governors. I will keep you informed. We should make Creighton assume a share of responsibility for the failure of the membership campaign.¹¹⁵

Cook, rather than working on another building, was making plans for the legal research component of the Law School's activities. First among those plans, back in 1923, was the appointment of Henry Wade Rogers to the Law School's research professorship. Cook's ideas did not please Bates, who thought Rogers too old and uncreative. Bates finally agreed, in 1924, to appoint him, but there followed more than a year of bickering over terms of his contract. The Rogers incident was another example of Bates resisting Cook, then giving in after thoroughly irritating him. Bates thought Cook's other plans were inconsistent, unrealistic, and not possible to carry out with the money Cook would have left after he finished the buildings. Bates was wrong again. Cook's endowment has grown to over forty million dollars today, and the income still animates and pushes forward the research of the Michigan law faculty. But from Bates's perspective in 1926, the question remained, when would Cook finish the buildings?

Then, in June 1926, Bates learned from Creighton that Cook had asked York and Sawyer to visit academic law libraries and start work on drawings for a law library, which would be submitted to the university upon their completion.¹¹⁶ Bates, of course, was alarmed that planning might go forward without his advice. Not much happened, and Bates was again overwrought about Cook by August, writing on August 10 to Regent Sawyer to complain that Cook enjoyed being unpleasant and always wrote to a third person when he had something unpleasant to say. Bates expressed confidence that he could "raise more money" than Cook would ever give.¹¹⁷

A more immediate problem arose in August 1926, with the death of Henry Wade Rogers before he could assume the Law School research professorship. After considering several outsiders, the university decided, with Cook in agreement, to offer the position to Edson Sunderland, who was already on the Michigan law faculty. Sunderland's first task was to work on reforming the rules of procedure in federal courts, a project Cook thought essential. Sunderland served on the committee that wrote the first Rules of Civil Procedure for the federal courts.¹¹⁸ The process of putting Sunderland in place took up quite a bit of time in late 1926 and early 1927. Another year passed with no new building but with many hours and much energy spent to keep Cook happy.

Cook's wall of resistance began to crack in February 1927, and real progress loomed on the horizon. After more than a year of refusing to see Little because, as Cook said, there was nothing to discuss, Cook finally agreed to a meeting. Unfortunately, the meeting did not move the project forward. Bates, who did not attend the meeting, had carefully prepped the president. Below is Cook's reaction to what Little had suggested at the meeting. Cook wrote to York and Sawyer, copying Little, rather than writing directly to him.

Little was here last week and I talked to him about the situation at Ann Arbor. His description of the proposed building does not suit me at all. I don't want a tall building of two stories. Domes are expensive and unnecessary. The building must be low and the windows go to the top. There should be first and second floors for books and study places. It needs larger, higher windows. I explained to York last summer, when the plan I saw looked like a barn. Kindly count me in on this deal; if three stories are needed, all right, but no dome.¹¹⁹

Cook now turned to the many problems with the Lawyers Club.

What about fixing the floors, leaks in roof, and other shortcomings? It was a very large sum of money I paid; should have entitled me to at least a watertight building. Altogether I am a good deal disturbed over the whole situation. Until the old building is fixed up, I don't care to proceed with the new one.¹²⁰

Cook was clearly displeased by Little's suggestions, which had surely come from Bates, and he now had another reason to delay.

In the meantime, Bates had appointed Hobart Coffey as director of the law library.¹²¹ In 1926 and 1927, he sent Coffey to study international law in Europe and to begin building a comprehensive collection of foreign, com-

parative, and international law materials—even though Michigan’s law library was still housed in an inadequate space without fire protection. Coffey was to prove essential to the planning of the practical details of the Legal Research Building.

Coffey began to correspond with Cook, and he struck just the right note. He came across as informed but did not overwhelm Cook with facts; he was respectful but not sycophantic; and he was knowledgeable about legal research. Cook invited Coffey’s reaction to the architectural plans, saying that it was important for the architects to know what he thought and noting that a “full and frank discussion” was critical.¹²²

Cook responded favorably, if a bit tartly, to Coffey’s suggestions.¹²³ He understood that the younger man was planning a building for the future, while Cook was imagining one that could be added onto later. Coffey explained the need for storage for books and space for staff and readers, as well as the relationship among those elements. Cook asked Coffey: “What do you mean, double purpose of library and lab? Kindly remember that I am a plain citizen with limited intelligence and not familiar with the art of exposition.”¹²⁴ Coffey’s letter in response respected Cook’s idea of building with the capacity to expand, but he took the neutral stance that “care must be taken that future remodeling and alterations do not more than eat up present saving.” Coffey suggested a projection to the south for stacks. On March 29, Coffey responded to Cook’s questions in a five-page letter.¹²⁵ All seemed to be going well.

But a month later, on April 30, 1927, Cook inexplicably ordered work on the building to stop. He wrote to York and Sawyer, copying Regents Sawyer and Murfin and John Creighton,

In view of serious differences between Messrs Bates and Little and myself as to the proposed new law library building at Ann Arbor, I wish you to suspend work on the design and perhaps abandon it altogether.¹²⁶

What were these “serious differences” about the law library that made Cook suspend or abandon the project? Surely this turn of events set off a panic in Ann Arbor.

Cook’s letter specifically stated that Bates and Little had differences with him. Cook seems to have understood that what came from Little’s mouth originated in Bates’s mind. This meant that Little, unlike Burton, who had kept himself apart from the fray, would never be able to broker the differences between Cook and Bates. Regents Sawyer and Murfin were utterly puzzled to learn that work on the plans was suspended yet again and perhaps abandoned.

The file shows that Cook wrote to York and Sawyer on April 5 with instructions not to incorporate Hobart Coffey's ideas, in particular his request to make the building wider and to include a stack structure on the south side.¹²⁷ President Little was the only Michigan person to whom Cook sent a copy, and that would have been deliberate. Cook wanted to see Little's response. Would Little consult Sawyer, Murfin, or Hutchins or confer only with Bates? On April 9, having received Cook's April 5 refusal to use Coffey's ideas, Little wrote to Cook,

Unless I am very much mistaken, York and Sawyer are going to have real trouble in providing the facilities which are essential for the use of the library without increasing the size of the building materially.¹²⁸

Little continued on, explaining that the new facility would have to be an improvement on what they already had. The letter was short, about half a page, and it closed with Little repeating that he had not seen the plans and that he had "no fear that we cannot agree as to what changes should be made."¹²⁹

Bates's hand had been at Little's back, in the form of long missives, most recently on February 17, when Bates wrote to Little about the needs of the law library.¹³⁰ Cook must have recognized that, once again, Little's words expressed Bates's opinion. With that realization, Cook had ordered a stop to the planning. Clarence Little, the president of the university, had informed William Cook, the donor, that the work to date was not going to provide an adequate new law library. Why should Cook continue the project? And why should he continue to work with a university president who consulted only the law dean he so vehemently disliked? We see that Little had ignored Regent Sawyer's clear warning of July 1925 that Cook "dislikes Dean Bates very much."

Reconstructing this sequence of events makes one want to holler at Little, "Never write anything to Cook without first consulting Walter Sawyer and Jim Murfin. Don't do anything Bates suggests." Little had stepped right into Cook's trap, and now Cook knew that Little was doing Bates's bidding. Sawyer, Murfin, and the other men in Ann Arbor seem not to have known about the letters of April 5 and 9.

Correspondence shows that, as of early April 1927, Cook was intending to announce his plans for the new library at the Founders' Day celebration at the Lawyers Club later that month.¹³¹ But in an April 16 letter to Grismore, Cook withdrew the library announcement in favor of a simple telegram of congratulations, writing of his change of plans, "I regret this, but the responsibility lies elsewhere."¹³² This occurred just days after Cook would have received Little's letter opining that Cook's library would not be better than the present one, which

everyone knew to be way too small and in a combustible wooden building. The mystery of why Cook had stopped work and canceled the announcement continued for two more months.

In late June 1927, Murfin opened a letter from Tom Clancey, John Creighton's roommate at Michigan.¹³³ The two old friends, Clancey and Creighton, had just spent time together. In his letter, Clancey reported Creighton's take on the situation to Murfin. He explained that Cook had been annoyed when the "assistant librarians" made "sharp criticisms" of the architects Cook trusted. Clancey had seen Little's letter to Cook and, according to Clancey, it was "not a diplomatic approach. It was the straw which completed the catastrophe." He went on to tell Murfin that Cook had set aside nine hundred thousand dollars for the library but was about ready to find another place for the money. He wrote that he didn't think that Little, Bates, or any faculty "hold re-entry cards" but that possibly Murfin might be able to "sidetrack some of the detailed criticism" so that the university might still be able to get the money.¹³⁴ All of this, of course, came from Creighton through Clancey, not directly from Cook.

At about the same time, on June 23, 1927, Cook apparently calmed down. He sent a telegram to Murfin suggesting a three-regent meeting to work out the details of the building.¹³⁵ Regents Victor M. Gore (who had been in Cook's law class of 1882), James Murfin, and Walter Sawyer were selected.¹³⁶ Sawyer had a bad heart, and Gore was suffering from gastric ulcers, so Murfin realized he would be doing most of the work. Murfin still had an active law practice—he had recently agreed to represent Detroit Tiger Ty Cobb in legal matters related to the accusation that Cobb had thrown a game to Cleveland in 1919—but he was willing to take on this new responsibility. Murfin didn't have a clue about what he was getting into. Murfin's assignment to resume a working relationship with Cook in 1927 was followed four years later by the assignment to defeat Ida's claim to half of Cook's estate (coming up in chapter 8).

Success from the regent's meeting was almost immediate. By June 29, 1927, Cook was telling his architects to resume work on the Legal Research Building, with a spirited letter charging York and Sawyer to "make Harvard and Yale's libraries look like two cents."¹³⁷ Regent Sawyer thought the letter portended well for the future and that the author sounded "more like a normal human being than [he had] for some time."¹³⁸

What did not portend well for the future was that the dean of the Law School and the president of the university were not able to interact effectively with the university's most important donor. The president and the dean were similar in

character: impatient, desirous of control, confident they could do well without this donor, and lacking the ability to see their actions through the eyes of others.

In October 1927, all agreed that Coffey could correspond directly with York and Sawyer.¹³⁹ We have seen that Cook got on with men who treated him with honest respect and with whom he shared fundamental values. Cook and Hutchins struck the same chord on the need for the university to develop private support. Cook had high regard for James Murfin, Walter Sawyer, and Shirley Smith, who were respectful but willing, when it was important, to challenge him.

In planning the Legal Research Building, the first major issue was whether the Reading Room should be on the first or second floor. In November both Murfin and Cook reviewed the plans, which had a first-floor Reading Room with large windows to bring in light and air. The hope in late 1927 was that planning would go smoothly and quickly.

But two months without any trouble on the horizon was going to be the limit. By early December, Cook was again demanding the dismissal of Inez Bozorth, manager of the Lawyers Club.¹⁴⁰ A reporter for the *New York World* called at Cook's office seeking an interview about this situation at Michigan.¹⁴¹ One wonders how a reporter in New York would know about a controversy so far to the west in Ann Arbor, but this likely demonstrates New York's continuing wonderment that Cook was sending his fortune out west to Michigan. We know that Cook would have abhorred such publicity, and it's possible that the threat of more publicity influenced Cook's grudging acceptance of Bozorth for the time being.

The regents had commissioned a study of the management of the club.¹⁴² In the meantime, Walter Sawyer complained to the other regents about the difficulty of solving such problems without a president they could trust.¹⁴³ As 1927 drew to a close, the building plans were going smoothly, but the issue of Miss Bozorth was hovering dangerously.

Through a combination of delays and meetings at which residents expressed strong support for Bozorth, she was allowed to stay on.¹⁴⁴ Cook didn't like it and wrote a long letter to Murfin and Sawyer complaining about mismanagement, but eventually he backed off and agreed that the experiment of having a woman manage a men's dorm could continue.¹⁴⁵ Murfin visited Cook in person on April 27, 1928, and the situation seemed resolved. Cook was "moving with reasonable expedition along lines that will meet with our approval," Murfin wrote to Little on April 30.¹⁴⁶

Unfortunately, Regent Sawyer's confidence in Little was continuing to erode. By February 1928, he wrote, by hand, to Regent Beal,

You can be no more anxious or disturbed than I. We are in a very serious dilemma. It is growing on me that we have made a mistake, and which ever way we move disastrous consequences follow. His characteristics and disposition manifestly unfit him for his job and cannot be changed. He is so strong in many ways. It is a shame to spoil those strengths by his offensively aggressive attitude toward problems that should be handled with tact and diplomacy. I am worried sleepless. We must trim our sails to meet an adverse legislature; we are in great jeopardy and helpless. We must meet this crisis with kindness, moderation, and courage. However, the time will come when patience will cease to be a virtue.¹⁴⁷

Sawyer wrote to Regent Stone along the same lines, urging patience and friendliness in an attempt to “shape him [Little] to his problems.” If that failed, Sawyer noted, there was only one other alternative.¹⁴⁸

Cook urged York and Sawyer, in May 1928, to change the plans for the exterior of the Legal Research Building by raising the corner towers to look more like the Lawyers Club and less like a cathedral or factory. Since his earlier reaction to the plans had been that they reminded him of a barn, we can conclude that his architects were responding well to his suggestions. Cook added a typical postscript: “I fear that genius is like the British lion. It has to be flogged into action, and then great results.”¹⁴⁹ The architects responded by first sketching towers fourteen feet high, then raising them another twenty feet, and finally enlarging their circumference to get rid of the effect Cook did not like. In August Cook urged them to take their vacation, saying that he would never hurry an artist and wanted the building to be “an outstanding monument of American architecture.”¹⁵⁰

The regents, too, were at work that summer of 1928, initiating the acquisition of several pieces of property along Tappan Street to make way for the coming buildings.¹⁵¹ They were also dealing with another Cook initiative funded by its own trust: Cook wanted the university to provide a course of instruction on his foundational topic, American institutions. The regents appointed a committee to choose how to implement this plan, which eventually resulted in political science professor Jesse Siddall Reeves being appointed as the first William W. Cook Chair in American Institutions, a position he held from 1931 until his retirement in 1942. The income from this particular Cook trust funded annual William W. Cook Lectures on American Institutions for the next few decades, until Michigan Law decided to use the funds for the William W. Cook Professorship, currently held by Sallyanne Payton.

President Little engaged in some rare introspection that summer, writing on July 17, 1928, to Murfin, "The longer I stay on the job, the more I am convinced of my temperamental and general inherent unfitness for it."¹⁵² On the same day, he also wrote to Regent Sawyer,

I am terribly sorry to continue to be a source of annoyance and trouble to the Regents of the university. Apparently I am destined, if I am frank and honest with myself, to say things which continually get them in hot water.¹⁵³

In October Murfin finished a long trial and wrote to Cook with a very gentle inquiry about the work of York and Sawyer, about which he had heard nothing.¹⁵⁴ The next day, probably not coincidentally, Bates sent Little a long letter detailing the Law School's building needs, urging him to heed a unanimous resolution in which the law faculty called for a new building. Bates pointed out that the faculty had listed these same needs, for a new law building and a library, in 1920 and 1921. Bates concluded that it "seems utterly futile, under present conditions, to assume the erection of a library from money obtained by private gift, and the faculty wants the library and the Law School to form essentially one building."¹⁵⁵

At the same time, a tricky situation had arisen at the Martha Cook dorm, and Regent Sawyer worried that Little would take action that would, again, offend William Cook. Sawyer wrote to Cook's friend Mrs. Frederick W. Stevens asking for help and stating frankly his thoughts about the nature of the Cooks.

You know the Cooks as I know them, and they are hard citizens to deal with, dictatorial and unrelenting. If it were my private affair I would tell him to take his doll rags and go home, but that is not prudent of me or in the best interests of the university. We are between a difficult man on one side and a president who is temperamentally undiplomatic on the other. This criticism must not go beyond yourself.¹⁵⁶

Reading these words, it is apparent that even the ever-calm Sawyer had started to lose patience.

October 1928 passed with no further word about the Legal Research Building from Cook. He wrote to praise research professor Sunderland for his work, but Cook did not respond to a letter from Murfin in which the regent pointed out how Sunderland's work could be improved if only he had an adequate library to work in.¹⁵⁷ In mid-November Cook wrote to Sunderland predicting "a brilliant future for you when you have ample facilities and a larger staff."¹⁵⁸ Murfin termed the letter "charmingly indefinite on the subject in which we are most interested."¹⁵⁹

Cook remained noncommittal. No one in Ann Arbor really knew what was going on in Port Chester. Bates in particular was experiencing the familiar sensation that he needed to take action, wrest control, and move the Law School forward, whether Cook was going to help or not.