

## George E. Crothers: He was the third “founder” of Stanford

*Marked this year by participation by members of the senior class, Founders' Day ceremonies were conducted March 9 at the Mausoleum by the Historical Society and the Alumni Association. David S. Jacobson, Secretary to the University Emeritus, was the principal speaker. His text follows.*

I am honored by your invitation to speak on this day—the 84th Anniversary of the first Founders' Day Ceremony.

LELAND STANFORD—we—a handful of your children, are here on this, your 155th birthday, to pay our respects, acknowledge our debt to you and to express your thanks.

To you, JANE LATHROP STANFORD, we confess we are as deeply indebted and that you merit a full share of our expression of gratitude.

And you, LELAND, JR.—although not a founder—but for your life and untimely death we would not be here. And, appropriately, we bear your brand as alumni or friends of Leland Stanford, Jr. University.

Have any of you ever considered the modern, down to date distinction that is ours? This is the age of *instant*—instant coffee, instant mashed potatoes, instant replay. Well, we bear the distinction of being the alumni or friends of the country's only major instant university.

Harvard's origins lie first in the action of the General Court of Massachusetts Colony in making a grant of 400 pounds towards a school or college. By coincidence, in the same year that college received a bequest of 780 pounds and 230 books from a Puritan minister by the name of John Harvard and so the college was named for him.

In 1701, the General Court of Connecticut Colony granted a charter for a collegiate institution. Some 17 years later, one Elihu Yale, a Bostonian who had served the Crown in India, gave to the college a shipload of East Indian goods which sold for 562 pounds, 12 pence—a gift which led the trustees to name the college for him—Yale University.

Our university, on the other hand (like the goddess Athena who sprang forth fully armed from the head of Zeus), our university came to instant and fully operational being from the plans and purse of the Stanfords. And that purse, as

you know, contained not just a few thousand dollars, but millions. And it was born with a full name. So all was serene, all was under control, all was well.

But, ah—all was not well—all was not perfect—not by a jug full. So now let me turn from talk of the Stanfords to talk about—the Brothers Crothers. I refer to Crothers, T.G. and Crothers, George E.—that is precisely the way they announced themselves on the phone when they called. Of the two, it is Crothers, George E., on whom we focus. Brother Tom was the silent partner, so to speak, but he too labored long and hard in the Stanford cause to aid his brother in the work on behalf of the University.

Crothers was not a native of, but he came from San Jose. He came on opening day in 1891 and graduated with the pioneer class in 1895. He took a Master's Degree in Law in 1896.

We've had one *But-For* (*but for* Leland, Jr.)—now we come to another—the Sigma Nu fraternity. But for it, our story might well have ended here. In 1898, the fraternity wished to move, and two of its alumni, Billy Harrelson and George Crothers, called on Mrs. Stanford to ask permission to make the move. Mrs. Stanford asked them to stay on for tea, and in the course of their talk Mrs. Stanford unburdened herself as to her problems to the point of tears. Crothers was so moved he organized a mass meeting of students, faculty, to raise funds for a campaign to secure tax exemption for the University. The record tells us that a spontaneous collection to finance the campaign produced a total of \$17.55. But it appears quite clear from a reading of the letters in the Archives that the prime purpose of the meeting was psychological, not monetary. George Crothers wished to show Mrs. Stanford “her boys” were back of her.

On that first visit, Mrs. Stanford was so taken by George Crothers, as his likeness reminded her of Leland, Jr., that she invited him to return to discuss her problems. The net of it was that Crothers in his work on the tax exemption problem found serious discrepancies between the Enabling Act, which became law 94 years ago this day, and the Founding Grant of November 11 the same year. These flaws were neither minor nor imaginary. For that we have the word of the late, (and all who studied under him will agree) great law professor, George Osborne. Judge Samuel Leib, Trustee, grandfather of your fellow director, Ben Leib, was clearly of the same opinion.

Now, lest I be misunderstood as to what I will say later on, let me make it perfectly clear that I believe there is no one living today who knows the facts, who is more certain than I, that we would not be here today were it not for the careful, meticulous, indispensable work of Judge Crothers.

In 1900 it was thought necessary to have a vote of the people of the state to approve a constitutional amendment confirming all previous actions relating to the founding. The successful lobbying was handled by just two men, both Sigma Nu's, Jack Sheehan, five years out of Stanford, the other, Frank Keesling, two years out. So I doff my hat to Sigma Nu.

I accord George Crothers highest praise and admiration. A single instance showing others held him in the same high regard would be the 1946 dinner in San Francisco with over 450 present celebrating his 50 years in the practice of the law. One could cite many other examples.

If you ever were in conversation with George Crothers, you no doubt heard the Founding Grant story from him—at length and in minute detail. I say this not critically, just factually. To borrow a phrase from J. Pearce Mitchell, “he seemed to lack terminal facilities.” His own father called him a martinet, a stickler for rules, according to his law associate and biographer Henry Clausen. That he was, and we can all be grateful for his fine-tooth-comb work attendant upon the University's founding. All praise to the Stanfords, the Founders, and to George Crothers, a co-founder so to speak—Stanford's Lincoln. He saved the University.

I first met the Crothers Brothers when I came back to the University in 1937. First it was T.G. when I enlisted him as class agent for '92 in the Stanford Fund Appeal. George came later. My first contact with him was peripheral. It related to Stanford's bequest program whose founder was Lou Roseberry, class of 1903, thus the “R” plan. As you may know, the entire fund-raising program, as we now know it, was not launched by the University itself, but by the Stanford Associates. It was under their auspices the first bequest and trust forms brochure was published bearing the *very* catchy title, Information about Stanford University for the Advisors of Possible Benefactors. The first mailing went to some 200 plus Stanford lawyers, among them Crothers, George E.

Well! Did the sparks fly! Letters came from Crothers to the President and to the Director of Stanford Associates, to the President of the University, to the four

lawyer members of the Board of Trustees, and to J. Hugh Jackson, the Acting Comptroller of the University. This last-mentioned epistle was only eight pages in length, single-spaced, but on almost every page there was a disclaimer as to the completeness of the charge that the forms that had been distributed were simply loaded with errors. He asserted they in no way conformed to the Enabling Act, to the Founding Grant, to the trusts as amended, to the court decree approved by the legislature, to any of the work that he and his brother had undertaken to clarify and solidify the legal foundations of the University. In fact, he asked that the lawyer members of the Board, as well as the office of Stanford Associates, take action to recall all of the brochures distributed.

He didn't stop at that. He provided the Associates office with a set of forms, which he assured were consistent with all of the legalities that he had labored so hard and so long to put in proper order; further, he suggested that the forms distributed were so faulty that any bequest using their language would be clearly invalid.

The response to Judge Crothers was that the forms had been drawn by law alumnus and former state senator Lou Roseberry, who then was head of the largest trust department west of Chicago, and that they had been approved by the University's attorney, Frank "Husky" Guarena.

The forms Crothers presented, as you might have surmised, were lengthy beyond belief, so much so that they induced President Ray Lyman Wilbur to get into the act and submit his idea of how a bequest form should read. It was simple, indeed. "I give my farm to my son, John." Only that, nothing more. They were put into print, "farm" deleted and "Stanford" substituted for "John."

I am sure you will not be surprised to learn that neither the Crothers nor the Wilbur forms were used and that the forms booklet was not recalled.

Without making a thorough check, a quick recall tells me I had a hand in well over 100 million dollars in bequests to Stanford, and no question was ever raised as to their validity. And I've heard of none since.

There was another side to George Crothers other than the one I've portrayed, but unfortunately, I was not privileged to see it. Those who did have recorded the fact that his service to his community and his state, his benefactions, particularly to children and the

unfortunate, were countless. To most, I would venture to suggest, his looks and actions stamped him as an arch conservative. Not so. Politically he was an aggressive liberal. As for his educational philosophy, as late as 1938 he wrote that Stanford had not yet fully recovered from the Ross affair.

I was privileged, however, to have the initial dealings with him in connection with his gifts for the construction of Crothers Hall—the dormitory for law students. I will never forget the sly look that crossed his face when, in answer to his question, I gave him the rough cost per room figure we were using then. "Did you get that for Stern Hall?" I had to admit we didn't, and his bargain was made. But I was puzzled when I began to review the list of securities he gave. "Cats and dogs," I thought: Central Ermita, Punta Alegre, Haitian Corporation—they were West Indies Sugar Stocks—sweet, lucrative holdings. He was a shrewd investor.

His attention to detail is illustrated by his direction that a portion of a gift for Crothers Hall be used "to provide metal containers on the outside of the doors to hold the cards of the respective occupants, obviating the necessity of attaching such cards by cellophane and thereby avoiding injury to the paint or varnish when removing such cards when attached by cellophane or paste."

My sessions with Crothers were all serious business—Founding Grant, bequest forms, gifts for Crothers Hall. The only light touch I can recall occurred one day when we were discussing the location of dormitories on the campus. Crothers asked if I knew why the street between Lasuen and Alvarado was so narrow. "Do you mean Salvatierra?" I asked. "You said it," he shot back. "Salvatierra—save the earth."

A few months after Crothers Hall was in operation, a law student who lived there told me that one afternoon a fine-looking, well-dressed elderly man walking down a corridor in the hall seemed to be looking for someone or something when he came upon a group of students discussing a case. One of them asked if he could be of help. The answer was a question as to how they liked their accommodations. Their complimentary response elicited a few more specific questions. The stranger thanked them for their courtesy and, walking away, tossed over his shoulder—"I'm Crothers."

Crothers, T.G., Crothers, George E., Stanfords, all three—we are proud, we are grateful—we thank you. □