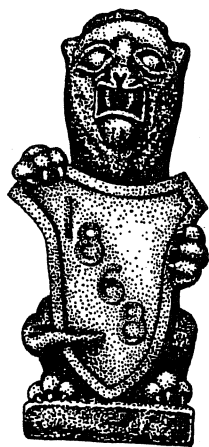

WISCONSIN LAW REVIEW

ORGANIC TRANSACTIONS: CONTRACT,
FRANK LLOYD WRIGHT AND THE
JOHNSON BUILDING

Stewart Macaulay



Volume 1996
Number 1

ORGANIC TRANSACTIONS: CONTRACT, FRANK LLOYD WRIGHT AND THE JOHNSON BUILDING

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International agencies and reformers call for the nations of the former Soviet bloc, China and developing countries to embrace the rule of law. Often this call includes or focuses on western contract law and its remedies.¹ However, empirical research suggests that contract law, at

* Malcolm Pitman Sharp Hilldale Professor and Walter T. Brazeau Bascom Professor of Law, University of Wisconsin Law School. This Article was originally presented as a paper at the 1995 Annual Meeting of the Research Committee on the Sociology of Law of the International Sociological Association, which was held at the University of Tokyo Law School, from August 1-4, 1995. I wish to thank my Co-Chair of the Section on Contracts, Professor Noburu Kashiwagi, for teaching me about the Japanese style of contract negotiations. He found the relationship between Frank Lloyd Wright and S.C. Johnson & Son very Japanese. My Wisconsin colleagues, Professors Kathryn Hendley, John Kidwell and William Whitford, all made helpful comments on an earlier draft and provoked revisions. As has been the case over the years, Dr. Jacqueline Macaulay took time from her busy law practice to criticize my text in great detail. Insofar as there is any merit to what I have written here and elsewhere, she deserves much—if not most—of the credit. In addition, she was the one who originally found her father's (Jack Ramsey's) correspondence with Frank Lloyd Wright. My brother-in-law, John R. Ramsey, Jr., and my sister-in-law, Professor Julie Ramsey Brickley, both read the manuscript and offered encouragement and helpful criticism. My research assistant, Ralph "J.J." Vosskamp, was a magnificent detective who found much information in obscure places in the University of Wisconsin-Madison libraries and in on-line databases. Finally, I wish to thank Indira Berndtson, the Administrator of Historic Studies in The Frank Lloyd Wright Archives, Taliesin West, Scottsdale, Arizona, for many kindnesses during my visit to the archives in March of 1995. She also read the manuscript and corrected several errors. Of course, even after all this help, almost certainly mistakes remain. It is impossible to capture one truth about events that occurred about sixty years ago. To state the obvious: all mistakes are mine.

1. Hernando De Soto found that those in the informal sector in Peru use inefficient tactics to ensure performance of agreements. They create and maintain trust, deal primarily with family members, and fashion long-term continuing relationships. De Soto argues that these practices impose unnecessary transaction costs on traders. He advocates legally enforceable contracts so traders can rely on the legal system to increase the likelihood of performance and remedy defaults rather than relying on family loyalties and friendship. See HERNANDO DE SOTO, *THE OTHER PATH: THE INVISIBLE REVOLUTION IN THE THIRD WORLD* (1989); see also Nicholas Eberstadt, *Perspective on Foreign Aid*, L.A. TIMES, Dec. 17, 1990, at B5 (commenting favorably on a U.S. Chamber of Commerce project to Bulgaria that sent American specialists in commercial codes to Sofia); James R. Huntwork, *Lawyers Meet in Texas to Build New Ukraine*, NAT'L L.J., June 5, 1995, at C29 (reporting a project, funded by a \$100,000 grant from

best, plays a small role in capitalist economies.² These studies show that business people often do not plan with contract law in mind, they deal in ways that preclude the formation of a legally binding contract, and they do not assert contract rights to settle disputes. Several writers have argued that this research is far too instrumental—too focused on a direct relationship between means-to-reach-ends.³ The research, they say, focuses on drafting contracts to gain rights, performing in light of the parties' formal agreement, and litigating to resolve disputes. Contract law, these writers argue, plays a crucial part in establishing the trust necessary for business dealings even when parties do not use it directly.

the U.S. Agency for International Development-funded Rule of Law Consortium, that involves translating the entire Uniform Commercial Code into Ukrainian). Sheila Kaplan notes that the American Bar Association has received \$5 million in grants for its Central and Eastern European Law Initiative that develops commercial laws in the region. Sheila Kaplan, *AID Has Been Good for Law Firm Business*, LEGAL TIMES, May 31, 1993, at 21. She says that often American lawyers know little about continental legal systems and comment on drafts of commercial laws without understanding their implications. *Id.*; see also James J. White, *Advising the Neocapitalists*, LAW QUADRANGLE NOTES, Summer 1995, at 52-53 ("While I have considerable optimism about the quality of law that will grow up in many of these societies, my work with the Russians and Chinese makes me skeptical about the benefits that Westerners provide.").

2. See, e.g., Stewart Macaulay, *Non-Contractual Relations in Business: A Preliminary Study*, 28 AM. SOC. REV. 55 (1963); Hugh Beale & Tony Dugdale, *Contracts Between Businessmen: Planning and the Use of Contractual Remedies*, 2 BRIT. J.L. & SOC'Y 45 (1975); Britt-Mari Blegvad, *Commercial Relations, Contract, and Litigation in Denmark: A Discussion of Macaulay's Theories*, 24 LAW & SOC'Y REV. 397 (1990); Russell J. Weintraub, *A Survey of Contract Practice and Policy*, 1992 WIS. L. REV. 1; James J. White, *Contract Law in Modern Commercial Transactions: An Artifact of Twentieth Century Business Life?*, 22 WASHBURN L.J. 1 (1982). In the most recently reported study, the findings of Jean Van Houtte and V. Thielman, based on research carried out in Belgium, parallel those of the earlier studies. See Jean Van Houtte & V. Thielman, *The Use of Law in the World of Business Lawyers in Large Industrial Concerns* (Aug. 2, 1995) (unpublished paper, presented at the 1995 Research Committee on the Sociology of Law Conference, in Tokyo, Japan).

3. See AUSTIN SARAT & THOMAS R. KEARNS, *LAW IN EVERYDAY LIFE* 45 (1993) ("It is . . . both odd and troublesome that Macaulay's work seems not to have caused scholars to explore more fully the extent to which the availability of contract law makes possible reliance on arrangements and negotiations that are not explicitly or formally legal."); Simon Deakin et al., *"Trust" or Law? Towards an Integrated Theory of Contractual Relations Between Firms*, 21 J.L. & SOC'Y 329, 337, 340 (1994) (trust is a "precondition for co-operation," and it is "closely linked to the presence of legal and social norms which control and regulate competition between firms;" contract law provides "a residual form of security should all other things fail, and a basis for systematic planning over risk in certain agreements"). But see Stewart Macaulay, *Elegant Models, Empirical Pictures and the Complexities of Contract*, 11 LAW & SOC'Y REV. 508, 519-20 (1977) (expressing skepticism about the possible indirect impact of contract law).

Business people expect contracts to be performed, in part, because they assume that they could counter default by using legal remedies. Written contracts provide the needed structure for complex transactions. Both contract law and formal written contract documents reinforce the cultural norm that commands us to perform our promises.

It would be difficult to test directly these assertions about the tacit assumptions held by business people. Perhaps contract law plays an important symbolic role in modern economies. Perhaps it provides the needed normative structure that can be just assumed without discussion. However, I am skeptical for a number of reasons: we know, for example, that people engage in economic transactions in many situations where they should understand that contract law could play but little role in reinforcing their commitments. Trust can rest on many norms and structures reinforcing obligations other than contract law. In many Asian societies, for example, long-term continuing relations based on extended family ties offer powerful incentives to perform promises.⁴

This paper looks at how people can perform complex commitments without formal planning and even implicit threats to use legal sanctions. It is a case study of an on-going relationship between Frank Lloyd Wright, the internationally famous architect, and S.C. Johnson & Son, Inc., as Wright designed and supervised construction of the Johnson Administration Building. The building featured an unusual design, seeking both utility and artistic excellence. It represented a major investment made by the Company in the middle of the Depression of the 1930s. Wright's design produced an architectural triumph. In 1986, members of the American Institute of Architect's College of Fellows were polled about the "most successful" examples of architectural design in the United States. The Johnson Administration Building ranked ninth on their list.⁵ Nonetheless, the process of creating this masterpiece was not a smooth one.

Materials in the Frank Lloyd Wright Foundation Archives⁶ as well

4. See, e.g., Jane Kaufman Winn, *Relational Practices and the Marginalization of Law: Informal Financial Practices of Small Businesses in Taiwan*, 28 LAW & SOC'Y REV. 193 (1994).

5. Paul Gapp, *Designers List Their Favorite 10*, CHI. TRIB., June 25, 1986, at 3.

6. The material on microfiche in the Frank Lloyd Wright Archives is catalogued in ANTHONY ALOFSIN, FRANK LLOYD WRIGHT: AN INDEX TO THE TALIESIN CORRESPONDENCE (1988). One can look up a letter from a person to Mr. Wright (or from Mr. Wright to a person) of a particular date and find a fiche number for the document. Scholars may obtain permission to use the Archives at Taliesin West in Scottsdale, Arizona, and read material on the microfiche cards. One also can obtain photocopies of a document recorded on microfiche from: Special Collections, The Getty Center for the History of Art and the Humanities, 401 Wilshire Boulevard, Santa Monica,

as reports of those who witnessed the process show how the parties conducted the relationship that created this great building. We have letters from Mr. Wright and from Hibbard Johnson, the President, and Jack Ramsey, the General Manager of the Johnson company. Many who remember the construction of the building have been interviewed or have written accounts of the events of almost sixty years ago.

First, I will put the negotiations in context. I will describe S. C. Johnson & Son, the two officials who negotiated for the firm, Frank Lloyd Wright, and the building itself as it was finally constructed. I will review the transaction by which Wright won the commission to design the Johnson building and the uncertain contract created to govern the relationship. Then I will turn to the many problems faced by the parties as the building was being constructed. I will offer explanations for why the parties dealt with these problems as they did and why they did not use contract law. Finally, I will look at the claims for contract law, considering the Johnson Administration Building experience.

I. CONTRACT IN CONTEXT: THE PLAYERS AND THE GAME

S.C. Johnson & Son, Inc. is one of the world's largest consumer chemical products manufacturers.⁷ It is headquartered in Racine, Wisconsin, a small city⁸ located on Lake Michigan between Milwaukee and Chicago. Today it has operations in the United States and forty-seven other countries as well as distributors in twenty more.⁹ It is a family-owned corporation.¹⁰ The business began when Samuel Johnson bought a parquet flooring business from the Racine Hardware Company in 1886. He developed a wax to preserve his floors, and the wax grew

CA 90401. Letters to or from Wright will be cited in this Article in the form of, for example, "Letter from Ramsey to Wright, Dec. 11, 1936." This information will enable one to find the fiche number in the *Alofsin Index* and then find a copy. Some of the letters have been published in various biographies and collections about Mr. Wright. Citations also are given to these sources. All of the quotations from Mr. Wright's letters are used with the permission of the Frank Lloyd Wright Foundation. All of Wright's letters © The Frank Lloyd Wright Foundation 1995.

7. See JONWAX JOURNAL, 75TH ANNIVERSARY ISSUE 44-46 (Serge E. Logan ed., 1961) (detailing history of S.C. Johnson & Son, Inc.); JOHNSON WAX MAGAZINE, 100TH ANNIVERSARY ISSUE 14-19 (Joe W. Lindner ed., 1986) (same); see also Daniel F. Cuff, *Johnson Wax Goes Outside the Family*, N.Y. TIMES, Dec. 16, 1988, at D3; Joel Kurtzman, *Business Forum: Life at Johnson Wax*, N.Y. TIMES, Apr. 9, 1989, § 3, at 2.

8. The population of Racine in the 1930s was about 67,000. WISCONSIN LEGISLATIVE REFERENCE BUREAU, THE WISCONSIN BLUE BOOK 434 (1942); WISCONSIN LEGISLATIVE REFERENCE BUREAU, THE WISCONSIN BLUE BOOK 459 (1937).

9. HOOVER'S HANDBOOK OF AMERICAN BUSINESS 657 (Gary Hoover et al. eds., 1995) [hereinafter HOOVER'S HANDBOOK].

10. Cuff, *supra* note 7, at D3.

to be the firm's principle product. The firm ceased making parquet floors in 1917 and devoted its resources to products related to wax. Herbert Fisk Johnson, Samuel's son, became a partner in 1906, and the firm's president upon Samuel Johnson's death in 1919. During the 1920s, the company marketed paint, automobile products and electric floor polishers in addition to wax. The Company grew and prospered. H.F. Johnson died in 1928, and he was succeeded by his son, Hibbard. At that time annual sales were five million dollars.¹¹ The firm introduced a self-polishing floor wax called "Glo-Coat" in 1932, and an auto finish, "Carnu," in 1935. Both were advertised on a popular radio program that helped reinforce "Johnson's Wax" as a widely recognized trademark. Both were remarkably successful products in the middle of the Depression. By 1954, annual sales were estimated at forty-five million dollars.¹²

Those associated with the firm have been proud of its innovative corporate policies. The firm long has had progressive employment practices. It offered paid vacations in 1900, introduced an eight hour day and profit sharing in 1917, and granted workers pensions and major medical and hospitalization protection during the 1930s. It was able to survive the Depression without laying off workers. Johnson's Wax also established an international business early in its history before many other major American firms ventured abroad. Its English plant began operations in 1914, an Australian plant opened in 1917, a Canadian plant opened in 1920, and "La Johnson Francaise" opened a plant in Paris in 1931.

Hibbard Johnson, the President and controlling shareholder of the Johnson Company, studied chemistry at Cornell University. Hib Johnson was an amateur artist and an art collector. He donated the funds to establish an art museum at Cornell.¹³ He found himself the head of a major corporation in 1928, when he was only twenty-eight years old. In 1935, he led a scientific expedition to Brazil. It found new sources of carnauba wax in the Amazon jungle. He received awards from the Brazilian government for this work. While the Johnson Administration Building was being built, Johnson also commissioned Frank Lloyd Wright to design a home for Johnson's family.

John R. Ramsey,¹⁴ the General Manager of the Johnson firm,

11. HOOVER'S HANDBOOK, *supra* note 9, at 656.

12. *Id.*

13. BRENDAN GILL, MANY MASKS: A LIFE OF FRANK LLOYD WRIGHT 356 (1987).

14. The late Jack Ramsey was my father-in-law. For a report on his influence on my scholarly career, see Stewart Macaulay, *Crime and Custom in Business Society*, 22 J.L. & SOC'Y 248 (1995). I attended two large gatherings at Taliesin in Spring Green,

served in France during the First World War. Ramsey later took a degree in French from the University of Wisconsin. He married Helen Huguenin, who was H.F. Johnson's niece. After college, he began his career as a bond salesman. H.F. Johnson, Hibbard's father, persuaded a reluctant Ramsey to join Johnson's Wax in 1925. Ramsey was concerned that the family relationship might become entangled with the business relationship. Ramsey played many roles in the firm, but developing its international business was a major one. He developed the business in Australia and New Zealand in the late 1920s. He and his family lived in Paris for about two years between 1929 and 1931, as he developed manufacturing and distribution on continental Europe. Although he liked to portray himself as a simple wax salesman,¹⁵ he was a remarkably cosmopolitan person for a Racine, Wisconsin, businessman working during the late 1920s and 1930s. After returning from Europe, he became Treasurer of the firm. In 1936, Ramsey became the General Manager of the company. He held this position until the 1940s. He played an important part in persuading Hibbard Johnson to hire Frank Lloyd Wright and in representing the Johnson firm during construction. In 1945, he returned to Europe to reestablish Johnson's business there after the destruction of World War II. He retired from the company in 1949, at the age of fifty-three.¹⁶

Frank Lloyd Wright was, for all of his adult life, a famous and controversial architect.¹⁷ He was born in rural Wisconsin in 1867,¹⁸

Wisconsin, in the late 1950s and heard talks by Frank Lloyd Wright; they were my only personal contact with him. He would have had no reason to remember me, but I remember him vividly. My wife and I love Wright's architecture, and our home was designed by John H. Howe, long Mr. Wright's Chief Draftsman. I knew Hibbard Johnson only from family stories. On one hand, this background may bias my interpretation of the letters and stories that make up this Article. On the other hand, it provides me with a context to understand better the interaction among those concerned.

15. Ramsey also liked to portray himself as the descendant of country people from Tennessee. One of his favorite anecdotes involved how one of his relatives got to Tennessee. He was transported to America from Scotland for assaulting a Man of God with a pitchfork.

16. While Ramsey was proud of his part in hiring Frank Lloyd Wright and representing the company during the construction of the Administration Building, his wife, Helen, often said that he was most proud of his work on the firm's pioneering employee benefit plans. Telephone Interview with John R. Ramsey, Jr., son of Jack Ramsey (July 5, 1995); Telephone Interview with Julie Ramsey Brickley (July 5, 1995). While most of Ramsey's fellow business leaders hated the New Deal and drove Cadillacs or other luxury cars, Jack Ramsey voted for Franklin Roosevelt and drove Ford convertibles.

17. The brief sketch of Frank Lloyd Wright in the text draws heavily on GILL, *supra* note 13, and MERYLE SECREST, FRANK LLOYD WRIGHT (1992). See also FRANK LLOYD WRIGHT, AN AUTOBIOGRAPHY (1946); Thomas S. Hines, *The Wright Stuff*, N.Y. TIMES, Dec. 13, 1992, § 7, at 1; Herbert Muschamp, *An Architect from the Ground Up*,

and worked for Louis Sullivan in Chicago in the late 1880s and early 1890s.¹⁹ His first commission on his own came in 1893.²⁰ From then until his famous Robie House in 1909, he created a series of buildings, largely in the Chicago area, that brought him an international reputation. He championed what he called "organic architecture." John Howe, Wright's Chief Draftsman, explained: "Organic architecture is an architecture of unity, where all parts are related to the whole and must be integrated into the whole."²¹

He left his large family and went to Europe in 1909 with Mamah Cheney, the wife of a client.²² This provoked a scandal. The Wasmuth volumes of his drawings and photographs of his buildings were published in Germany in 1910 and 1911. These volumes had a great influence on European artists and architects.²³ Wright returned from Europe in 1911, and built a large house, "Taliesin," on his mother's family's land in Spring Green, Wisconsin.²⁴ In 1914, while Wright was away, a servant at Taliesin killed seven people, including Mamah Cheney and her children. He also burned a great deal of Taliesin.²⁵ Leaving the scene of the tragedy, Wright then accepted a commission to design and build the Imperial Hotel in Tokyo.²⁶ This took him to Japan in 1915, and he spent much of the next five years there. He became a major collector and dealer in Japanese art. Wright formed a relationship with Miriam Noel, who later became the second Mrs. Wright. There were more scandals.²⁷ Wright left Noel in 1924. A year later he met Olgivanna Milanov Hinzenberg, who later was to become the third Mrs. Wright. Noel then

N.Y. TIMES, Feb. 18, 1994, at C1.

18. GILL, *supra* note 13, at 23.

19. *Id.* at 59-87.

20. *Id.* at 99, 106-12.

21. PATRICK J. MEEHAN, FRANK LLOYD WRIGHT REMEMBERED 119 (1991); see Jura Koncius, *Getting Things Wright: Reviving the Classics*, WASH. POST, Jan. 15, 1987, at T14 ("Wright's theory of organic architecture incorporated the belief that both the exteriors of his buildings and their interiors had to harmonize with their total design concept.").

22. GILL, *supra* note 13, at 198-201.

23. "Wright's work in the first decade of the century had national and international impact, not only on the designers of his own Chicago circle but also on the very different work of such European architects as Walter Gropius, Richard Neutra and Ludwig Mies van der Rohe." Hines, *supra* note 17, § 7, at 1; see VINCENT SCULLY, JR., FRANK LLOYD WRIGHT 23-24 (1960).

24. GILL, *supra* note 13, at 214-23.

25. *See id.* at 229-34.

26. *Id.* at 236.

27. *See* THE MASTER ARCHITECT: CONVERSATIONS WITH FRANK LLOYD WRIGHT 14 (Patrick J. Meehan ed., 1984) ("Frank Lloyd Wright was the darling of the sensational press, the raw material for big spicy headlines.").

began a long battle through the courts and the newspapers.²⁸ During much of the 1920s, as a result, Wright faced serious legal and financial problems.²⁹ He learned much about the legal system and lawyers, and he viewed both unfavorably.³⁰ Nonetheless, Wright produced many important works during this period.

However, the combination of scandals and the depression of the late 1920s and early 1930s, meant the end of new commissions for Wright. Several projects for which he had drawn plans had to be abandoned.³¹ Wright managed to survive by lecturing and writing his autobiography. Olgivanna and Frank Lloyd Wright also formed the Taliesin Fellowship where young architects and artists could work with Mr. Wright.³² The students contributed fees for this privilege, provided drafting services for his architectural practice, and participated in cooking, cleaning, farming and building.³³ In 1935, one of these fellows, Edgar Kaufman, Jr., persuaded his father to hire Wright to design a summer retreat. It was the first major commission Wright had obtained since the late 1920s. The building, "Fallingwater," became one of the most famous buildings in the United States.³⁴

The Johnson Building was Wright's next major commission. He was eager to get it, and it marked a major turning point for him. Wright was nearing seventy, and after more than five years when he had no significant commissions, the publicity provoked by "Fallingwater" and the Johnson Building reminded people that Frank Lloyd Wright was not

28. GILL, *supra* note 13, at 290-300.

29. *Id.* at 299-305; SECREST, *supra* note 17, at 332-43.

30. Wright once remarked:

I have always known that lawyers make the poorest builders in the world. They are narrow-minded dealers in and for and with the strictures of the law. And they are poor sports because they are men of opinion But some lawyers I know are pretty decent fellows at that. Out of court.

WRIGHT, *supra* note 17, at 420-21. Meryle Secrest concluded:

Wright's decision to choose La Follette as his lawyer had been most astute The voice of Philip La Follette is always the voice of reason in Wright's life, although the truth of what he had to say was sometimes more than his client could stomach. Wright . . . transferred his fury at the law to his lawyer"

SECREST, *supra* note 17, at 338.

31. GILL, *supra* note 13, at 313-21.

32. *Id.* at 326-34; SECREST, *supra* note 17, at 398.

33. SECREST, *supra* note 17, at 406.

34. Gapp, *supra* note 5, at 3. Fallingwater is first on the list of the most successful examples of U.S. architectural design, as selected by AIA's College of Fellows. Janet Nairn, *Design Notes: 10 Best Buildings—100 Years Apart*, L.A. TIMES, June 22, 1986, § 8, at 2 (Fallingwater named number one by 64% of survey respondents).

merely an important figure in the history of architecture.³⁵ He began about twenty years more of highly productive work. This last phase of Mr. Wright's career ended in 1959 when he died at age ninety-one with New York's Guggenheim Museum under construction.³⁶

What did Mr. Wright produce? How have people appraised the Johnson Administration Building? Paul Goldberger, the architectural critic, said:

The [Great Workroom] represents the triumph of both engineering and esthetics. It is a half acre in area, and 21 feet high. The structure is supported by a series of "mushroom columns," thinner at the bottom than at the top; these are particularly narrow, tapering to only nine inches at the floor, and they look like elegantly pruned tree trunks. Each column supports a wide concrete disk, and the ceiling is made up of these disks and the glass that fills in the space between them. So the effect of the ceiling is almost of lily pads floating on water.

The walls are of brick, curving rather than square at the corners, and there are mezzanines surrounding the space, and bridgelike walkways. Natural light fills the room, coming in both through the skylit ceiling and the wide clerestories that ring the room, but there are no conventional windows. Wright so disliked the gritty surroundings of the Johnson factory complex in downtown Racine that he did not want workers to look upon them As a result of Wright's insistence . . . the headquarters building turns inward, and all its windows are translucent, with light coming through layers of glass tubing, a system that Wright had devised as his answer to the then popular square glass block. . .

The Great Workroom of the Johnson Wax headquarters is among the more fully realized efforts at corporate design anywhere. Frank Lloyd Wright designed furniture for the room, including desks that look as if they consisted of floating

35. SECREST, *supra* note 17, at 384, 392. Secrest credits Philip Johnson with the quip that Wright was "America's greatest nineteenth century architect." *Id.* at 392; see also Paul Goldberger, *Wright's Vision of the Civilized Workplace*, N.Y. TIMES, Nov. 1, 1987, § 7, at 39.

36. Hines, *supra* note 17, § 7, at 1.

planes of wood. Their form exquisitely echoes the balance of flowing space and disciplined order of the room itself.³⁷

Business Week reported the open house held in 1939 when the building was completed:

First impressions might be that a Hollywood set designer had run amuck. No doors are visible from the street, only a sign shows the entrance. The building has hardly a straight line; columns appear to be upside down and impossibly slender; no lighting fixtures are visible; desks and chairs and files and fixtures all vary tremendously from conventional standards. Yet, once the visitor's eye is used to the lack of any familiar norms of height or width or shape, he finds his surroundings not only breath-takingly beautiful—which is hardly the word for most office building interiors—but also amazingly efficient.³⁸

A few people have criticized the building. Robert C. Twombly³⁹ saw the building as "a traditional interpretation of working relationships. Johnson Wax was family owned and managed, anti-union, paternalistic, and small town."⁴⁰ The building, Twombly said, symbolized such labor-management relations:

The president's suite was at the top center of the structure, at the juncture of the two oval penthouses that contained the other officers. Below them, on the mezzanine overlooking the large main room, were the junior executives and the department heads. At the bottom of the social and business hierarchy came

37. Goldberger, *supra* note 35, § 7, at 39.

38. *Office Building Goes Functional*, BUS. WK., May 6, 1939, at 24-25. *Life* magazine, in its May 8, 1939 issue, contrasted the Johnson building with the New York World's Fair of 1939. It concluded, "future historians may well decide that a truer glimpse of the shape of things to come was given last week by a single structure, built strictly for business, which opened in a drab section of Racine, Wis." *LIFE*, May 8, 1939, at 15. Edgar Tafel, who was at the time of construction a senior apprentice for Wright, said this of the Johnson Great Work Room in 1994: "To me, it's the greatest building he ever did. There's something magical in this experience It seems so natural here. They don't have to advertise it. The people just come from all over" *Wright Opposed Racine Site; Architect Preferred Rural Area for Johnson Headquarters*, WIS. ST. J., Apr. 10, 1994, at 3C.

39. See generally ROBERT C. TWOMBLY, FRANK LLOYD WRIGHT: AN INTERPRETIVE BIOGRAPHY (1973).

40. *Id.* at 207-08.

the clerical staff, grouped together where their superiors could observe them.⁴¹

He concluded that it was "a product of hard times, and of the ethics of paternal enterprise in a small midwestern city [I]t helped make work palatable in an organization somewhat outside the mainstream of modern capitalism."⁴²

II. CREATING THE RELATIONSHIP AND COMMITMENT TO IT

The company needed a new administration building. It hired a local architect named Matson who offered a traditional design.⁴³ Jack Ramsey was dissatisfied. Several people suggested Frank Lloyd Wright. Ramsey and Bill Connolly, the Advertising Manager, went to Taliesin to meet Wright on July 17, 1936.⁴⁴ Ramsey knew Wright's reputation as an architect from Ramsey's experience in Europe, but he also knew Wright's negative reputation in Wisconsin. People there thought about the scandals related to Wright's domestic situation, how seldom Wright paid bills on time, his unconventional houses, and the cost of his work.⁴⁵ The commission could be a great opportunity for Wright, after having so little work for a number of years. Wright was at his most persuasive, and Ramsey was impressed. He wrote a memorandum to Hibbard Johnson who was at his cottage in Northern Wisconsin. Ramsey's memo strongly recommended that Johnson meet Wright. A Frank Lloyd Wright building

41. *Id.* at 209-10. Paul Goldberger remarked:

Not for Wright the anonymity of rabbit warrens in high-rise towers or sprawling office complexes. There is more than a touch of paternalism to all of this But compared to most of what has followed in the half-century since Johnson Wax, a little bit of benign paternalism in the form of such architecture is not the worst way to make an office environment.

Goldberger, *supra* note 35, § 7, at 39. Daphne Spain argues that the Johnson building is an example of the oppressive open-floor plan where women workers are subjects of control with little access to the decision-makers who work behind closed doors. DAPHNE SPAIN, *GENDERED SPACES* 206-17 (1992). Two female members of the Johnson family, Helen Johnson Leipold and Winifred Johnson Marquart, served as company executives in the 1980s. Cuff, *supra* note 7, at D3; Joel Kurtzman, *Life at Johnson Wax: Managing When It's All in the Family*, N.Y. TIMES, Apr. 9, 1989, § 3, at 2. Presumably these women were privileged to work behind the closed doors in the Wright-designed building. Nonetheless, Spain's observation undoubtedly remains true in large part.

42. TWOMBLY, *supra* note 39, at 210-12.

43. GILL, *supra* note 13, at 356; JONATHAN LIPMAN, *FRANK LLOYD WRIGHT AND THE JOHNSON WAX BUILDINGS* 7, 9 (1986).

44. GILL, *supra* note 13, at 356; LIPMAN, *supra* note 43, at 9-12.

45. GILL, *supra* note 13, at 358; LIPMAN, *supra* note 43, at 12-13.

became Ramsey's cause within the company. In effect, he committed his reputation to a project by the controversial architect. Ramsey said:

Regarding the new building, I had a day Friday that so confirmed and crystallized my feeling about Matson's present offering and that at the same time so inspired me as to what *can* be done that I was on the point of sending you wild telegrams Friday night when I got home, or getting you out of bed on the telephone Honest, Hib, I haven't had such an inspiration from a person in years. And I won't feel satisfied about your getting what you want until you talk to him—to say nothing of not feeling justified in letting \$300,000 be clothed in Matson's designs.

He's an artist and a little bit "different," of course, but aside from his wearing a Windsor tie, he was perfectly human and *very* easy to talk to and most interested in our problem and understood that we were not committing ourselves, but, gosh, he could tell us what we were after when we couldn't explain it ourselves.

. . . .

And he asked about what we thought this building would cost us. I said, when we got through with the building, landscaping, furnishings, etc., we'd be investing around \$300,000. He asked how many people it would house. I said about 200. He snorted and said it was too damn much money for the job and he could do a better functional job in more appropriate manner for a lot less

He is very easy to talk to, much interested in our job whether he has anything to do with it or not, because it hits his ideas of modern building, because it is a Wisconsin native proposition, and because it seems to hurt his artistic conscience to see so much money spent on anything ordinary. . . . *Will you see him?*⁴⁶

On July 21, 1936, Johnson drove to Taliesin to meet Wright. At first, the two men argued. Johnson later said, "I showed him pictures of

46. Memorandum from Ramsey to Johnson, July 19, 1936, *reprinted in* GILL, *supra* note 13, at 356-57; *see also* LIPMAN, *supra* note 43, at 12.

the old office, and he said it was awful He had a Lincoln-Zephyr, and I had one—that was the only thing we agreed on. On all other matters we were at each other's throat."⁴⁷ Johnson described his goals for the new building. He wanted it to symbolize the progressive company that his grandfather and father had built. Wright then "described the kind of building he would design, unconventional, imaginative, trend-setting, a visual symbol of a great company."⁴⁸ Lipman reports:

Olgivanna [Lloyd Wright] said that Johnson pleaded, "Please don't make the building too unconventional!" Laughing, Wright said, "[Then] you came to the wrong man. You'd better find yourself another architect. The Johnson administration building is not going to be what you expect. But, I can assure you of one thing—you'll like it when it is put up." Olgivanna recalled sensing a bond forming between the two men as Johnson replied, "It's okay with me then, if you think so. We'll have your kind of building, not the kind of building I had in mind."⁴⁹

On July 23rd, Johnson wrote Wright:

I am now asking you to proceed with plans and sketches of a \$200,000 office building for us in Racine on the basis of 2 1/2% or \$5,000 to be paid you when sketches and plans are submitted

It is my understanding that the remaining commission of 7 1/2% or \$15,000 will not be paid to you unless your plans are used wholly and under your supervision. Also, that we are free to use any or all the ideas you offer—either ourselves, or other architect

. . . .

47. SECRET, *supra* note 17, at 442.

48. *Id.* William Cronon notes that Wright "had a remarkable ability to sweep others up in his vision. Long before the ground for a new building had even been broken, Wright had conjured for his audience a beguiling fantasy of the ideal form that the building would represent." William Cronon, *Inconstant Unity: The Passion of Frank Lloyd Wright*, in FRANK LLOYD WRIGHT: ARCHITECT 8, 28 (Terence Riley & Peter Reed eds., 1994).

49. LIPMAN, *supra* note 43, at 13.

I want to take this opportunity of expressing my appreciation, as well as Mr. Ramsey's, for your gracious hospitality, and for the inspiration and education we received.⁵⁰

Wright responded, objecting to letting another architect use his ideas and plans. However, he conceded the point. "I believe you will want no one else to do it when you see how well equipped in engineering and building experience we are here."⁵¹

Wright and his associates then worked around the clock to produce his proposal. He presented it to Johnson, Ramsey and several other executives on September 15, 1936. On that same day, Johnson and Wright presented the plan to the firm's Board of Directors.⁵² The Board approved the project.⁵³ The company hired a contractor on the basis of cost plus an agreed upon percentage for overhead and profit. There is no

50. Letter from Johnson to Wright, July 23, 1936, reprinted in GILL, *supra* note 13, at 14; see also BRUCE B. PFEIFFER, LETTERS TO CLIENTS: FRANK LLOYD WRIGHT 138 (1986).

51. Letter from Wright to Johnson, July 24, 1936, reprinted in PFEIFFER, *supra* note 50, at 138-39.

52. Lipman remarks:

It is difficult today to know how much control the board had over the company. Johnson's family did hold the firm's stock . . . Committed though he was to the company and his employees' welfare, the firm was hardly his entire life. In 1936 the members of the board of the company may have debated his future degree of involvement with the firm, and that may have contributed to their hesitancy to approve his desire to hire the controversial Wright.

LIPMAN, *supra* note 43, at 39. John R. Ramsey, Jr., Jack's son, recalls that his father talked about Hib Johnson's desire to keep the Board happy about the decision to hire Wright. The Board members were conservative business men and bankers. They were concerned about Johnson's age and his interest in art. Jack Ramsey often found the Board members to be very cautious. Telephone Interview with John R. Ramsey, Jr., *supra* note 16. Brendan Gill notes that the Board members were mostly of Hib Johnson's father's generation "and fearful of Hib's unbusiness-like leanings." GILL, *supra* note 13, at 359-60.

53. On August 18, 1936, Johnson wrote Wright:

Some time ago the Directors approved a sum of \$200,000 for a new office building. No mention was made of furnishings, fees, etc. At the next meeting I will advise them of your goal—the building complete at \$250,000—which I feel will be acceptable to them, consider the plus value we will receive by having you do it for us.

LIPMAN, *supra* note 43, at 33; PFEIFFER, *supra* note 50, at 140-41. Lipman also quotes John Howe, Mr. Wright's chief draftsman, as saying: "From the start, the money they were talking about wouldn't have done the most ordinary kind of building. Mr. Wright always started doing what he thought was right for the building. He didn't burden himself with undue considerations of cost." LIPMAN, *supra* note 43, at 13.

record of any detailed written contract signed by Wright and the Johnson firm.⁵⁴

Wright persuaded the contractor to begin work although the city and state had not yet issued a building permit. There were state regulations about the weight-bearing capacity of supporting columns in buildings. Wright's "mushroom" or "lily-pad" columns did not meet these regulations because they were much too small at the base.⁵⁵ After a hearing before a state commission, Wright was allowed to stage a test of his columns. Wright and Johnson Wax turned the test into what today we might call a "media-event," with pictures of Hib Johnson, Jack Ramsey and Frank Lloyd Wright taken together at the test.⁵⁶ The test column survived a load much greater than required by the regulations.⁵⁷ This helped make the Johnson building newsworthy and further publicly committed Johnson and Ramsey to the Wright project.

Johnson's commitment was very strong. His daughter, Karen Boyd, said "her father wanted a beautiful, pure, and completely American image for his company. Above all, he wanted it to be a place where his employees would be happy to work. . . . [He wanted] 'to eliminate the darkness and dullness we so often find in office buildings.'"⁵⁸ "He 'was a little tired of us being seen as a little old family enterprise in a

54. Wright wrote Ramsey:

I am sorry you had to break off the thread of continuity so abruptly next day. I tried to get . . . you to stay until we could get formalities over with so we might proceed with Mr. Johnson's decision to build immediately. But we are so proceeding anyway without formalities so that no time will be lost. When you return we can get things straight. The first part of the service according to our agreement is practically rendered and a letter of acceptance from the company closing the preliminary episode and opening the second phase is in order when you get around to it.

Letter from Wright to Ramsey, Aug. 16, 1936. Later, Jack Ramsey wrote Frank Lloyd Wright about the Johnson firm's arrangement with Wright. He mentioned Hibbard Johnson confirming "our verbal agreement" in a letter of July 23, and Mr. Wright's "long-hand note" of August 15 "assuring and driving at the Building complete at a cost of \$250,000 including an appropriation of \$20,000 for furnishings. Architect's fee is included and also the Clerk of the Works fee." Letter from Ramsey to Wright, Dec. 11, 1936. Had there been a formal contract between the firm and Frank Lloyd Wright, it is likely that Ramsey would have mentioned it in this letter. Robert C. Hart of S.C. Johnson & Son, Inc., wrote: "We conducted a diligent search for the contract with Frank Lloyd Wright for the construction of our building and were unable to find it. We have conducted similar searches in the past and, of course, also have been unable to find it." Letter from Robert C. Hart, Senior Vice President, Secretary and General Counsel, S.C. Johnson & Son, Inc., to Stewart Macaulay (Mar. 16, 1995) (on file with author).

55. GILL, *supra* note 13, at 364; LIPMAN, *supra* note 43, at 59.

56. See LIPMAN, *supra* note 43, at 60.

57. GILL, *supra* note 13, at 364-65; LIPMAN, *supra* note 43, at 62.

58. LIPMAN, *supra* note 43, at 1.

little town in the Midwest,' said Sam Johnson, Hibbard's son and current company chairman."⁵⁹ Henrietta Louis, Hibbard's sister, said that the Frank Lloyd Wright designed Administration Building project "was extremely important to him [Hibbard Johnson], perhaps because he was tired of living in the shadow of his father's successes and wanted to make his own mark."⁶⁰

In addition to a joint commitment to the project, friendships developed between Wright and Johnson⁶¹ and Wright and Ramsey.⁶² Hib Johnson had discovered the Wrights' love of music, and he gave Wright a then state-of-the-art Capehart phonograph in November of 1936. Wright responded by sending Johnson's mother a Japanese print from Wright's large collection.⁶³ Lipman reports that Taliesin became Johnson's favorite weekend retreat.⁶⁴ Wright dined at the Ramsey house, and Ramsey and his family often visited Taliesin.⁶⁵

59. *Exhibit, Book, Wax, Wright Designs*, CHI. TRIB., Aug. 17, 1986, at 8A.

60. LIPMAN, *supra* note 43, at 39.

61. "Thus began a wonderful relationship between two men. Mr. Johnson was many years Mr. Wright's junior, but they soon came to a first name basis—Frank and Hib." PFEIFFER, *supra* note 50, at 131. During the time the Johnson building was under construction, Mr. Wright was in his early 70s while Hibbard Johnson was in his late 30s and early 40s. Jack Ramsey was almost three years older than Hibbard Johnson.

62. *See, e.g.*, Letter from Ramsey to Wright, May 27, 1940: Mrs. Ramsey wants to come up [to Taliesin] and see Mrs. Wright anyway and the two older brats can help their father argue and the youngest one would at least be decorative to the Taliesin landscape. Seriously we would like to drive up some Saturday or Sunday in a couple of weeks when the kids get out of school; could they see a movie or something while we argue (or at least I listen)?

63. *See* Letter from Johnson to Wright, Nov. 1936.

64. LIPMAN, *supra* note 43, at 15.

65. Julie Brickley, one of Ramsey's two daughters, recalls that Wright came to dinner just after the Ramseys had moved into their new house on the shore of Lake Michigan. Wright told Helen Ramsey (Jack's wife and Julie's mother), "Someday, I'll build you a real house!" Helen Ramsey burst into tears, but Mr. Wright did not seem to understand why. Wright developed a taste for Helen Ramsey's culinary skills. When he was suffering from pneumonia, all he wanted to eat was some of her home-canned peaches. An apprentice was sent on the approximately seven hour round trip drive from Taliesin to Racine to get some. Interview with Jacqueline Macaulay, daughter of Jack Ramsey, in Madison, Wis. (July 5, 1995); *see* Letter from Ramsey to Wright, Dec. 3, 1936 ("Mrs. Ramsey was highly complimented to know that her home-made victuals pleased you and was delighted to send up anything that may have helped along the convalescent.").

III. BUILDING THE STRUCTURE

Then the process of constructing the S.C. Johnson & Son, Inc. Administration Building began. Innovative buildings usually challenge the general contractor, the architect and the client. This one was no exception. I can distinguish three types of problems and the parties' reactions to them: first, as the building progressed, the client raised questions about how the structure would serve the needs of the business. Second, when the building was almost completed, the client discovered two major structural problems. Finally, construction was delayed far more than expected and the building cost far more than Mr. Wright's various estimates.

A. Adapting the Structure to the Needs of Johnson's Business

Once an architect has drafted plans, the client usually asks questions, makes suggestions, and points out problems in the design. The client often knows better than the designer how the building will be used. However, it takes time to understand the plans and the construction. This task of asking questions and raising objections fell largely on Jack Ramsey. He wrote many letters from late 1936 to early 1938, raising problems and calling for Mr. Wright to adapt his design. For example, Ramsey questioned the low ceiling height under the mezzanine. He noted in a light mood, "we have one Assistant Sales Manager who would certainly have to visit places underneath the mezzanine, and who is 6'3" tall. If he had his hat on, or his hair stood on end, he would certainly bump the ceiling." Ramsey continued, "I have a hunch that this is a detail that has never had a chance at your real thought and wish you would give it most serious consideration immediately" ⁶⁶ Less than a month later, Ramsey's letter noted, "I know you will eventually work it out somehow to satisfy the practicalities, without harming your design." ⁶⁷

Ramsey's next letter showed annoyance. He complained about the placement of three spiral stairways:

In the case of the first two offices mentioned, this condition would be absolutely intolerable and even in the tabulating machine room I see absolutely no reason for it and it would be highly inconvenient and a silly place to have such stairs. We have complained about such placement ever since the first rough

66. Letter from Ramsey to Wright, Dec. 18, 1936.

67. Letter from Ramsey to Wright, Jan. 12, 1937.

sketch but our desires on such practical details seem to be treated with either utmost contempt or perfect indifference.⁶⁸

A week and a half later, Ramsey tried to explain his attitude about the project and justify his role as the one in charge of practical details:

I find myself just as enthusiastic as the day I saw the first sketches of the proposed building. I suppose I will continue to argue like the devil about various details but the underlying reason for such arguments is really pride in the building. You see, some day when it is finished I have a delightful vision of busting some carping critic in the nose with the joyful exclamation "You're nuts, our Frank Lloyd Wright not only built the best looking office building in the world but it's the most workable and practical, and I know it."⁶⁹

A few months later, Ramsey's frustration appeared again. The general contractor's estimate of the cost of the elevators was much greater than Wright's. Ramsey asked Wright to "turn your powers on the solution of these essential matters." Ramsey continued:

I am cultivating the state of mind regarding "dropped-stitches," as you recommended, but the combination of that air hammer across the street chipping out perfectly good concrete because of "dropped-stitches" to the tune of at least \$1,000 unnecessary expense, probably makes it a bit harder than usual to retain such mental tranquillity today.

Ramsey said that he hoped "some miracles happen in the way of elevators, lighting, heating, etc." He concluded:

I am writing this in complete faith in the ultimate outcome and with perfect good-will—even a smile—but I cannot refrain from making one wise-crack. Genius, one bird said, consists mainly in the capacity for taking infinite pains. Because our

68. Letter from Ramsey to Wright, Jan. 20, 1937.

69. Letter from Ramsey to Wright, Jan. 29, 1937, *reprinted in* LIPMAN, *supra* note 43, at 49. Almost two years later, Ramsey struck a similar note:

You will either laugh or get mad, but there is something almost paternally protective in all our crabbing about . . . details. Harken to your worst enemies in the profession "Wright is the great designer but he will have a bit of your plumbing in the wrong place and end up with a leak in the roof."

Letter from Ramsey to Wright, Jan. 17, 1939.

troubles seem to be due mainly to the lack of attention to infinite details, may I revise the quotation to "you furnish the genius, but I get the pains."⁷⁰

Wright soon responded, telling Ramsey that such "'miracles' are going to go on happening right along." He ends his letter: "Will see you soon—you old crab."⁷¹ About a month later, Ramsey questioned the amount of light in the garage. He began this letter: "With complete imperviousness to being called names, I wish to register one more desire and criticism (constructive)."⁷²

B. Coping with Serious Structural Problems in the Almost Completed Building

Wright scored an engineering triumph when he dramatically tested the columns that supported the roof of the building. However, not everything in the innovative building worked so well.⁷³ Wright thought

70. Letter from Ramsey to Wright, Apr. 7, 1937.

71. Letter from Wright to Ramsey, Apr. 10, 1937.

72. Letter from Ramsey to Wright, May 20, 1937.

73. The text deals with the leaking glass tubes in the skylight. There also was a major problem with the cantilevered roof over the carport, which sagged. Ramsey and Wright exchanged much correspondence about the carport roof over a long time. For example, Ramsey wrote, "There is that carport problem you know. Never mind any ancient history about whose fault it is or anything like that, the fact remains that it is a pretty unsightly mess now and all we want is a permanently satisfactory solution." Letter from Ramsey to Wright, May 9, 1940.

Wright responded, "If you went to a doctor for an operation and you tried to tell him how to operate he would probably slap you back under ether and save your life in the manner to which he was accustomed. So kindly let me operate—will you." Letter from Wright to Ramsey, May 25, 1940.

Ramsey was not satisfied and continued the doctor analogy:

I read your letter about the carport operation with some amusement but still some misgiving—stubborn Scotchman you know. The trouble is you have not explained to me what you are driving at. . . . To continue the analogy that you used, namely a doctor and an operation, I feel like the guy who has been operated on two or three times for the same thing and finally asked the doctor to put a zipper on the incision so that it will be easier next time.

Letter from Ramsey to Wright, *supra* note 62. Seven months later the carport problem persisted and Ramsey wrote:

I am glad to know that you are aware of the recurrence of the crack in the carport and realize we will have to have a permanent joint of some kind there. If I didn't have such a lovely disposition (local papers please copy for the benefit of Mrs. Ramsey et al.), I would be tempted to say "I told you so."

Letter from Ramsey to Wright, Dec. 4, 1940. Over two years later, the problem had not been solved. Ramsey responded to a letter from Mr. Wright's secretary asking for a

that the industrial area in Racine where the Johnson factory was located was ugly. When he could not persuade Johnson and Ramsey to move everything to the country, he turned the Administration Building inward. There were to be no windows out of which managers and clerks could see the ugliness outside. Nonetheless, Wright wanted to bring as much natural light into the building as possible. His solution was bands of Pyrex glass tubing around the entire building and a skylight formed of the same tubes shaped into a pattern. The bands of tubes stressed the horizontal lines of the building. The skylight fashioned from the tubes brought a warm light into the building.

Edgar Tafel was a Taliesin apprentice assigned to oversee work on the Johnson building for Mr. Wright. Tafel reports:

Mr. Wright blew up if we suggested that materials might not behave as he wanted them to. We thought that the glass tubing in the skylights and bands might present weather problems. Mr. Wright was determined to make the tubes work, but the contractor—and some of us—thought there should be flat glass on the top surfaces. We could imagine the problems that might come later . . . I asked Mr. Wright if he'd consider the contractor's suggestion as an alternative. He became furious. I knew he would. "If the tubes are valid in one place, they're valid all over the building." . . . The tubes leaked.⁷⁴

shipment of wax to treat the floors at Taliesin:

In response to your plea, we will ship you a couple of 5's of wax. I think we had just as well drop the euphemism (bill us) because you know you never pay for them anyway.

In return, however, you might get Mr. Wright's reaction on our dear old carport.

Letter from Ramsey to Eugene Masselink (Mr. Wright's secretary), April 15, 1943. Wright responded, "The dear old carport. I've only been waiting to make a trip to Racine to inspect it and say what." Letter from Wright to Ramsey, April 19, 1943.

74. EDGAR TAFEL, APPRENTICE TO GENIUS: YEARS WITH FRANK LLOYD WRIGHT 180-84 (1979). William Cronon states:

Wright's defenders sometimes claim that he was simply ahead of his time, that the materials did not yet exist that could do what he wished them to do, and that this explains some of the problems with his buildings. Nothing in Wright's career supports this argument. Had he lived to be able to take advantage of the newer technologies and stronger materials of our own day, he would surely have pushed them to their limits as well. The proof he demanded of his genius was to go where no architect had ever gone before, and that meant accepting risks that few others were willing to take.

CRONON, *supra* note 48, at 27.

Jack Ramsey complained about the leaking skylights and bands of tubes. "[W]e are horribly disconsolate about the glass tubing."⁷⁵ His letter prompted Mr. Wright to visit Racine. Ramsey was not then in Racine, and he later wrote Wright "as near as I can discover, you did not arrive at any sure and certain solution of the glass problem" Ramsey continued:

Maybe you had some argument that hasn't been passed on to me but on the face of it I am so disgusted with progress and suggestions to date that personally I should like to ask you immediately for the simplest possible practical plan to throw out all tubes and shingles and finish the thing up for once and all with something practical. If you don't want me to ruin your building, you had better give me something or I shall be going down in a few days to the nearest supply house and buying a few sheets of this ordinary wire glass that they put in factory windows and slapping it on top of the skylights after throwing the tubes over the lakebank. As to the outer bands, I don't know just exactly what I'd do but it will probably be something equally abhorrent to you unless you offer me some reasonable alternative.⁷⁶

This threat of self-help provoked a response from Frank Lloyd Wright:

Don't be Jack-assish—Jack. This situation is not what you seem to think it is where the skylight is concerned. Why not leave it to me to apply the inexpensive remedy I had in mind when I first conceived the present experiment? After all, it is my baby too—you know, and we parents should work together. What I propose will positively end skylight leaks and any thick flat glass substitution such as you propose won't

. . . .

75. Letter from Ramsey to Wright, Sept. 29, 1939.

76. Letter from Ramsey to Wright, Oct. 3, 1939. Ramsey signed the letter under the statement, "Desperately yours." *Id.*

Meantime call off the free-advice brigade on all fronts and let's concentrate. Even a Gen'l Mgr. can't necessarily play a trombone

Affectionately, Frank Lloyd Wright.⁷⁷

Mr. Wright never satisfied Johnson officials about the leaks in the skylights. About eighteen years later, he responded to a Johnson proposal to replace the tubes with his own compromise design. "Eventually the company replaced the skylight tubes with specially molded sheets of Plexiglas that precisely mimic the profile of the tubes, painting dark lines on them to resemble the original joints between the tubes."⁷⁸

C. Dealing with Problems of Delay and Increasing Costs

The relationship was strained much more by the related factors of delay and increasing cost than by the practical or structural aspects of the building. Johnson officials had hoped to complete the building in about a year. However, three years passed before they could move in. Some delay was understandable. At two critical points, Mr. Wright had pneumonia. In the pre-antibiotic days, this was a serious threat to a man in his seventies. Jack Ramsey recognized this. He, for example, wrote: "I know there are several things that we ought to be discussing almost immediately but your health is the most important thing right now. . . ."⁷⁹

However, delay became a major point of contention between Ramsey and Wright. The general contractor had trouble interpreting Wright's plans, and he wanted detailed drawings clarifying many points.⁸⁰ Mr. Wright also continually revised construction details, and most changes required more drawings. John Howe was Wright's chief draftsman and

77. Letter from Wright to Ramsey, Oct. 4, 1939.

78. LIPMAN, *supra* note 43, at 169.

79. Letter from Ramsey to Wright, *supra* note 65.

80. The contractor was Ben Wiltscheck, who had been trained as an architect. Wright thought highly of him. Brendan Gill says, "Wiltscheck . . . proved able to accommodate himself to Wright's importunate demands and to his no less importunate act of irresponsibility, now failing to deliver a promised drawing, at other times failing to keep a long-scheduled appointment." GILL, *supra* note 13, at 361. Edgar Tafel remarks "The builder, a local friend of the Johnson people who had trained as an architect, was a supreme find. He interpreted Mr. Wright's drawings faithfully—on a cost-plus basis. TAFEL, *supra* note 74, at 176.

perhaps the most talented architect among all of Wright's apprentices.⁸¹ He commented:

It took Mr. Wright two whole winters to get out working drawings for the Johnson's Wax building because he was under pressure to get it done in one. My explanation is that if Mr. Wright saw any evidence of efficiency he struck it down. He thought it was antipathetic to the creative process [I]f his clients were applying pressure, they could wait because, he said, "I am an artist."⁸²

Howe also said:

Although Mr. Wright seemed to have infinite patience in making presentation drawings, he had none at all for making working drawings. The reason was that the presentation drawings (floor plans, perspective views, elevations, and cross sections) completely expressed his design for the project, while the working drawings and specifications expressed only how his design was to be achieved.⁸³

Wright also may have been distracted by other demands on his time.⁸⁴ While he had had little work during the late 1920s and early 1930s, his opportunities increased over the next several years. General business conditions had improved for some people, and they could afford new construction. Mr. Wright's plans for the Johnson Building received

81. Tobias Guggenheimer states that:

Howe finally left Taliesin to open his own practice in 1964, after 32 years in the service of Taliesin. He went on to a successful independent career as an architect in Minneapolis. Howe executed many of Wright's ideas and was, more than any other apprentice, the pencil in the architect's hand. Because he often produced a drawing with little information from Wright, in some cases only a thumbnail sketch, scholars have questioned him closely for insight into his contributions to Wright's designs.

TOBIAS S. GUGGENHEIMER, *A TALIESIN LEGACY: THE ARCHITECTURE OF FRANK LLOYD WRIGHT'S APPRENTICES* 31 (1995).

Gill states that, "Most of the small domestic commissions of the postwar period were carried out under Wright's supervision by senior members of the Fellowship John Howe . . . [was] celebrated among his Taliesin colleagues for being able to turn out a perfectly satisfactory [Frank Lloyd Wright] Usonian house in a matter of hours." GILL, *supra* note 13, at 421. John Howe's own work is discussed and illustrated in GUGGENHEIMER, *supra*, at 159-61.

82. SECREST, *supra* note 17, at 380-81.

83. MEEHAN, *supra* note 21, at 129.

84. GILL, *supra* note 13, at 362; LIPMAN, *supra* note 43, at 9.