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## **Lon Fuller (May 21, 1972)**

C. Richard Arena

Oral History Interview

with

PROFESSOR LON FULLER

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Cambridge, Massachusetts

By Dr. C. Richard Arena

For the Richard Nixon Oral History Project

ARENA: This is interview #1 with Professor Lon Fuller. The middle name of Professor Fuller, which he does not use ordinarily, is Luvois. Arena interviewing. This is May 21, 1972, in Cambridge, Massachusetts. Professor Fuller, may we begin by my asking you where and when you were born, some idea of your formal educational background, and your career highlights to date.

FULLER: Well, I was born in Hereford, Texas, June 15, 1902. My family moved to California when I was about four years old. And my father was one of the pioneers in the Imperial Valley, in the southeastern corner of California and, indeed, he built the first house in El Centro [California].

ARENA: Would you mind, for the record, giving your father's full name?

FULLER: Francis Bartow Fuller. He was from Georgia. He had actually two years of grammar school, but he did a very fine job of self-education. I would call him, in a sense, a kind of intellectual. He presented me on my twelfth birthday with a complete set of Mark Twain's stories and writings, for example. [Laughter]

Well, I grew up in Imperial Valley, went to the high school there and then I went to the University of California as a freshman in 1919, and this was just after World War I, and the educational system there was overwhelmed with returning veterans and with required military drill and courses. I didn't like it very well at California, so I transferred to Stanford [University] the

next year and I took my A.B. [Bachelor of Arts] and my J.D., Juris doctorate, at Stanford. And then after my graduation from Stanford I went immediately into teaching without having been admitted to practice or having had any experience as a lawyer. I taught two years at the University of Oregon, that would be from '26 to '28. Then I moved to the University of Illinois for three years, '28 to '31. And in 1931 I went to Duke [University]. Duke at that time had received a huge grant from the Duke family and it was building up all of its departments. It didn't have much to start with in law. It had a little law school with more or less a one man operation and a few others who were part-time teachers, and under Justin Miller, the new Dean, it built up quite rapidly, quite a respectable school.

ARENA: If you don't mind my interrupting, as you know, Professor Miller also came from California, Stanford to be exact, IF I'm not mistaken?

FULLER: Yes.

ARENA: Had you known him, yourself, before?

FULLER: Yes. He didn't come from Stanford. I knew him simply by the coincidence that he happened to be a fraternity brother of mine. He was older than I was, but he was a member of my college fraternity, so I had known him, or known of him. I think he visited the chapter when I was in school.

ARENA: As you know he is still living, but hardly able to get around. I did contact him, but he is just too weak to meet with anyone.

FULLER: Well, we had an interesting school there. I think they put together quite a good faculty from different sources. David Cavers, whom you talked to this morning, was one who was a Harvard graduate, near the top of his class, was on the Law Review and all the rest of it, and it paid pretty good salaries. That's one of the reasons why they were able to get a fairly interesting and quite capable and experienced faculty. And because the school didn't have much to start with, they granted rather generous assistance to students, and I believe it to be true that that's the real reason that Nixon came all the way from Whittier [California] because of the availability of the scholarship. It wasn't terribly generous but that was, I think, the attraction the school had for him.

ARENA: It was also, if I'm not mistaken, one of the causes of his attention and preoccupation in that he had to maintain a high average to keep the scholarship, which I think was the policy with all the students under these scholarships.

FULLER: I'm not aware of that. I suppose it was true. We had in addition to scholarship money, we also had when Nixon was there a good deal of money available, I believe, through government grant. This was a more general thing, because it was during the depression, for students to do research work for members of the faculty, and so many of them were able to make substantial sums by this method. And the students rather picked the man they wanted to work for and Nixon picked the Dean. The Dean was then [H. Claudel] Horack and not [Justin] Miller. And I don't know just what kind of research he did, but there was a little whispering among students that he picked the Dean [Laughter] because of the fact that he was the Dean rather than because he. . . . He wasn't a very interesting man to work for, I can believe.

Well, I believe, he was third in his class and he was elected president of the student body or Student Bar Association, whatever we called it. This is my recollection. He was quite popular with the other students. He wasn't a loner and yet in some ways he was. I think everyone respected him. He was known as an ambitious person, but he was respected, I think, as an able and straight forward kind of person, and he certainly did quite well in his studies, I would say.

ARENA: Could you associate in any way the aspect of his being referred to as a loner, which has happened all the way through his life actually, from interviews I've had? People have said he kept to himself and so forth. As a kind of not just personality, but because of his Quaker background, I'm thinking of the fact that the Quakers of that time in California were reserved, were a group who were not aggressive in an open sort of way. Where they had to speak their mind, they could, as evidently he could. But from maybe your own knowledge of other Quakers or other readings you've had, I just put that to see what you . . .

FULLER: I wouldn't be able to say anything about that. I think, Quakers do sometimes, I have observed, they have a kind of a quandary as to how seriously to take their beliefs. My guess is that that didn't have a great deal to do with it. I think that Nixon was a man that was rather severe on himself. He was ambitious and that is frequently stated, and sometimes with a kind of a sneer. I didn't feel that way about him. I felt he wanted to amount to something in this world and I think this gave him a little bit of an inferiority complex, if I can put it that way. That is to say, he wasn't quite satisfied with what he perceived to be his own capabilities, and perhaps this was most marked in his social world. He was not an easy going, terribly companionable kind of person. He wasn't really a loner, though.

ARENA: I wonder if you can think possibly of some personal experiences where you saw him in a social situation, which might illustrate some of these views.

FULLER: No, I don't think I can. I know, of course, as you know, he lived in a--for a while--I think it was only two years, in this abandoned farmhouse . . .

ARENA: I am going to see one of his roommates, Mr. [William R.] Bill Perdue, in New York next week, and I believe he can shed some light on that.

FULLER: Yes, he will, and Perdue, I was very close to because Perdue did his work with me, this research work, and I wrote with his aid an article--indeed he appears with me as a joint author. Candidly, he did a marvelous job of research and he made quite a contribution in the sense that he discussed my text and was inclined to be more conservative in interpretations than I was. I was ready to draw more inferences from particular cases than he thought appropriate, so that I got a great deal out of him, though all the writing was done by myself; but he does appear as the co-author of this article, which I think frankly was quite a contribution to the law of contracts and it has, incidentally, been translated into Spanish, which is an odd thing for a book on an American legal subject to be translated into Spanish.

ARENA: Since their system of law does tend to have different roots, the Roman and the Napoleonic system, I understand.

FULLER: Yes, that's right.

ARENA: From my layman's knowledge of legal history.

FULLER: I don't recall Bill Perdue's statements about Nixon. They were never hostile. Bill was perhaps himself not unlike Nixon in being reserved and self-critical. Do you know the name of the third man?

ARENA: It was Perdue, Nixon and the . . .

FULLER: It wasn't [Lyman H.] Brownfield.

ARENA: Possibly Brownfield. I know another man that he went to New York City [New York] with upon graduation was Mr. [Harland F.] Leathers, whom I interviewed recently in Washington, D.C., but I don't think he was the roommate.

FULLER: Well, as I say, Perdue was gifted intellectually and there's nothing wrong with Nixon's brains, but he didn't have quite what Perdue had. And I think if one tries to analyze his shyness, in a way it was partly because of a perceived discrepancy between his ambitions and his own estimate of his capacities.

ARENA: From the standpoint of your many years of teaching and having had many classes come and go, does this particular class, this one of '37 of the President's, or we'll say those particular years, '34 through '37, was that as a group not necessarily THE most outstanding, but an unusual group because of the confluence of the beginning of the new Duke so to speak, the fact that the students purposely were selected from around the country? I am just wondering what the times were that made him, and in that sense I'm asking you to comment on what Duke [University] was like when he was a student, especially its unusual features as compared with the other law schools in the country and taking into account your many years of experience.

FULLER: Well, I think what you say by way of suggestion, it was a special kind of atmosphere because of the fact that we were bringing people from the far corners with scholarship aid, and there is a sense that it was a pretty select group, but it was also in the period of the great depression and people were taking very seriously what they were going to do in the future. This was, of course, easing by that time, but at any rate it was in the background, so that people were eager to make a good record for themselves in the hopes of being able to land a good job. I might say on that, while I'm on that, that Nixon came to me and talked with me about his career plans, and a number of our people were going to New York. This was a new thing, this was a new turn, because in the old Trinity College that preceded Duke, they wouldn't have dreamed of even trying to get into a big New York firm, but I think we had established quite a reputation in the law school world. I don't mean we were at the top or near the top but we were known as a very fine school, and David Cavers had something to do with that because he started a magazine, Law and Contemporary Problems, which was quite original and unlike anything published elsewhere in those days. Nixon came to me for advice about his future. Some of his classmates had gone to New York and had been interviewed by big New York firms, and I'm not sure whether he made a trip or not. I have the impression that he did but without great enthusiasm.

ARENA: According to Mr. Leathers, he did. It was possibly Bill Perdue, Mr. Leathers and Mr. Nixon, those three who did that upon graduation and those two did land positions in New York City, I believe; but Mr. Leathers wasn't sure whether he did gain a position but refused it or whether he just did not gain a position but he did not stay in New York.

FULLER: Well, that jibes now with my recollection. It's not clear if perhaps he wasn't offered a job because he didn't show any great enthusiasm [Laughter] when they interviewed him in New York. I remember when I talked to him I said something--this was before he made his trip to New York--and

I said, "A lot of people now are looking into the possibility of a job with one of the big New York firms." And he said, "I don't know. It just doesn't appeal to me." And I said, "Well, what does appeal to you?" And he said, "Well, I'm thinking about going into the FBI [Federal Bureau of Investigation]." And I was astounded at that and I said, "Why on earth do you want to do that?" And he said, "Well, I don't know. It attracts me." I have talked with him since about that and, of course, the implications that that would have today are entirely different than what they had at that time. They had nothing to do with tracing down subversion. They were after criminals. And when I asked him during my discussion with him when he was graduating at Duke, he said that it appealed to him and I said, "You're much too good a man for a job like that." But he said, "I don't know. It appeals to me." In my later discussion with him about this, which would be in 1960 I guess, he said, "Well, it appealed to me." It was a kind of a sense of adventure--romance, if you will--the kind of job that was involved in being with the FBI and tracking down criminals had an appeal to him. I don't know what happened to that. I guess he applied and maybe withdrew. I'm quite sure they would take him because he was such . . .

ARENA: I believe the record shows that he did apply but was never accepted. Dean Horack wrote a letter of recommendation which has been published in some of the biographies and the books say that many years later when the President asked J. Edgar Hoover what happened to his application he said the funding problem was what worked against him. He could not go on and hire some of the people that he had wanted.

FULLER: I see. [Laughter]

ARENA: That's what the written record holds. You may be interested in knowing--and this is tied in with other law students--Mr. [Charles S.] Rhyne, who represented mayors after that time and kept in touch with former school mates, such as Richard Nixon, Mr. Rhyne said that Richard Nixon was the Deputy Attorney for the city of Whittier, which involved somewhat that kind of work. I didn't know if you knew that or had any contact with him yourself along those lines.

FULLER: No, I did not.

ARENA: He represented the city as a deputy attorney. Also, I wonder to what extent there was in the law school at that time, say, maybe formal conferences where the faculty would discuss the students, discuss their role, say, not only in law but also in society. I'm thinking of the title of that law journal you mentioned of Professor Cavers. I do get the impression from talking to so many that there was a social consciousness on the part of the community of Duke Law School--by

that I mean administration, faculty and students. Was that something that was formally being promoted? I have discussed that with Mr. Rhyne from a part-time student's point of view. He said there was something like that definitely there, but I would like to discuss it with you as a member of the faculty.

FULLER: I think I would disagree with that. The Cavers journal was his own idea and it was his own operation. Now, some of that carried over because various members of the faculty and students worked hard in contributing articles to his magazine and it had that influence. As for a general atmosphere, I would say the answer is no. We had, as you know, quite a struggle about Justin Miller who was accused of trying to get the presidency and was displaced and [H. Claude] Horack was put in his place. This was a distraction and was somewhat demoralizing to the school naturally. This didn't produce any split in the faculty, because in all candor, we were all rather disgusted with Miller by that time. And, let's see, what was I going to say about it--Oh, well, there is a record of this in the Times, the New York Times. I can't remember the chap's name. He's a great friend of Justin Miller, and he wrote a letter talking about the horrendous action of the trustees at Duke, expelling such a fine man as Justin Miller from the deanship, and three of us on the faculty, [Douglas B.] Maggs, [David F.] Cavers and myself wrote a letter, which we labored over for a couple of days, to the Times, trying to give what we thought was the truth about the matter. It was not a letter in defense of the university action. It was simply to explain how it came about and that it was not a plot--whether it was wise or not--it was not part of any conspiracy or plot.

ARENA: Did the idea of Duke not being a regional law school have any, let's say, discernible or apparent influence in your view upon the students subsequently? I'm thinking, of course, of the fact that the U.S. at that time was quite isolationist, that the U.S. today is anything but isolationist, and was there any carry-over? Was Duke not a part of the times in any way? Did the faculty in particular, from your firsthand experience, have something that it was looking toward more than a national point of view in legal as well as social and contemporary problems, which would, of course, have bounced off all of the students, including young Richard Nixon?

FULLER: Well, I don't know that I could answer that for sure but I think my answer would be no. There was some carry-over from Cavers' journal. Students, as I say, made contributions to it and so did the faculty. I, myself, wrote an article on industrial life insurance, which I worked very hard on and I don't suppose I would have done that if it hadn't been for that, and so, so far as my own personal experience is concerned, I guess I would have to say, yes, there was a social involvement



that developed out of David Cavers' magazine. This was an inquiry into the operation of this weekly pay insurance; the idea of exploring that, I think, was mine. I'm not sure. I was interested because the Negroes, and of course, my contact was with Negro maids and gardeners, and they carried these weekly pay policies and I would talk about them and how important it was to keep up their payments and so on. And I began to be aware of that and I taught a course in insurance, and so I then made a study and interviewed various people in the industry and so on, and this wouldn't have come about if it hadn't been for Dave Cavers' magazine. And no doubt the magazine, or the journal I should say, had some carry-over in the school as a whole, but I can't honestly say there was a great sense of cause in the school. This was partly because our faculty was always rather miscellaneous and we had considerable turnover. We had quite an able faculty but there was some turnover. We had some holdovers and we had some people who in all candor were not awfully able, but I don't believe that you could say that there was sort of an elan there.

ARENA: What do you recall in the way of firsthand experience of the President as a student in your class, from the standpoint, we'll say, of turning in written assignments when they were due, from the standpoint of examinations, and from the standpoint of oral presentation of legal matters?

BEGIN SIDE II TAPE I

FULLER: Well, I would have to say that I don't have any outstanding recollection of Nixon's performance in class or his performance on examinations. We did not normally have papers to be written. That was not a general practice in legal education then but in recent years it has become more and more customary to require sort of a thesis paper and there is more independent work done now. But at that time it was pretty much straight case method, and so one's impression would be formed by classroom participation and examinations. And I don't recall anything that was worthy of comment on the President's performance. I believe he was, as I say, third in his class and I had a very high opinion of his intelligence, but that's all I can say. And this is no reflection on him because I don't know how many hundred students passed through my hands at that time. The method of education at that time, that is the case method, without the writing of original papers and so on, doesn't give one that sort of view of the man as an individual. He's a performer in class, and certainly Nixon was always hard working and intelligent and he never said anything stupid, and he certainly was one of the top few in the whole group in the terms of performance and intelligence.

ARENA: Was there a case or a time when there were doubts? I am thinking, for example, of an interview where one of his history teachers indicated that his first impression

was wrong in that he just didn't think he had as much on the ball as he subsequently discovered. I don't know if there is a pattern in this or not, but if there is, I think I should try to pursue it. But this particular college history teacher had that definite view. I'm just wondering if he was the sort of person who did not impress you much the first time, but did as time went on.

FULLER: I would say very definitely that is so. That is to say, well this, of course, is apt to be the case in the case method course. There'll be two or three people who will put their hands up early and participate and you will see very quickly that one of them, even though he is eager to participate, hasn't got much to contribute and another. . . . But, Nixon was not an aggressive performer in class and so you had to get acquainted with him, and as you did get gradually acquainted with him and called on him and he came through, you began to have a respect for his intelligence. That would be true of the others for that matter, but he was not a person that makes an instantaneous impression on you.

ARENA: From the standpoint of his usual style of delivery, I'm thinking of those Presidents--and I'm not going into politics per se, but merely personality--who were noted for reading everything they said before the public. I believe that this was true of Herbert Hoover who hardly ever spoke off the cuff. But in the case of the President, as we all know, he does speak off the cuff quite frequently, and maybe more so than giving written statements. What I'm getting to, is this something that was even a part of him in those days, for whatever the occasion? Possibly he addressed some groups where you were a participant or a member of the audience. Maybe you heard, if they did have any campaign speeches for his becoming president of the Student Bar Association, but if you do recall his speaking style in those days how would it compare with his style today?

FULLER: No, I couldn't recall anything of that sort. He spoke very well. There was no campaign or anything of that sort, and so the occasions when I would hear him speak were very far and few between. However my own impression of him in the last period, say since he was Vice President, I think he has increased in confidence and I don't think he spoke as much off the cuff as he does today. In fact, I think he had rather a dread of making a goof at an earlier period in his political career. Before he became Vice President I'm sure that was true, but that's just an impression, I don't know.

ARENA: He does want to give the impression today--again, without going into politics per se--of being a decisive man, of making decisions. Was there anything that would indicate that that was necessary, that he did make significant decisions from his own point of view, from his own perspective and problems of that time?

FULLER: No, I don't know. I just can't answer that question. I don't have that much of an impression of him as a student. He was not someone who shot off his face on things he didn't know anything about. He was always prepared and conscientious and cautious.

ARENA: There wasn't anything similar, possibly, to actions he took as an undergraduate student, which is on the record, his attempting to get the trustees to change regulation about non-dancing on the Quaker Whittier College campus. Did anything similar to that come up?

FULLER: No, nothing like that at all, no. In fact, I'm surprised to hear of it.

ARENA: As this interview is coming to an end, I do want to be sure I have not left anything out, any question that I have not raised or any point that you would like to make at this time, please feel free to do so, Professor Fuller.

FULLER: Well, I might say--this is coming down through the years --when he was Vice President and when he was being talked about as a possible candidate for the presidency --this would be '58-'59--I read in the paper that he was going to be here in Cambridge and was going to talk before the business school on a Sunday, at a Sunday luncheon. And I had not been in contact with him in all the intervening years. I wrote him a letter and told him that I would like to see him and wondered if there would be any chance that he would come over to the law school and address my colleagues, and he wrote back a long letter saying he would be delighted to do that. And so he gave this talk at the luncheon at the business school, and then came over to the law school. This was before classes had begun in the fall. This was the first or second week in September, rather early. About two-thirds of the faculty came. Some of them were out of town. And he spent, I would say, a good two full hours talking and answering questions and he made quite an impression on members of the faculty who had an adverse judgment about him before that, and his candor in answering questions rather surprised them. I remember someone asked him what he thought of President [Dwight D.] Eisenhower's statement that the question of racial discrimination should be treated not as a moral question but as a legal question. And he said he didn't agree with it. He thought it was a moral question too, but he said that this was entirely consistent with President Eisenhower's philosophy and he went on to make a defense of that philosophy and disagreed with it when he got through with the defense. With most of my colleagues he made really quite an impression because they had an adverse impression of him.

ARENA: Along those lines, if you don't mind, some of those who do have an adverse impression of him and still have it, may refer to him as "Tricky Dick." Was there anything during the law school days, from your own personal knowledge or experience, anything that indicated at that time that he could be a "Tricky Dick?"

FULLER: No, I don't think so. I think my impression--it is hard to know whether you are reading things back into the past, things that came up later--my own impression was that he was regarded by his classmates and his fellow students as being a rather ambitious fellow. I would say that was clear, and he played with the cards pretty close to his chest, you know. I mean he was planning definitely. And he WAS, he was planning his career in a way more than others. He looked ahead to see what he wanted to do, what there was in it for him, what he wanted to make out of his life. One of my colleagues, after this appearance before the Harvard law faculty, made a comment that others have often repeated when we discussed this occasion, and that is that he never at any point in the discussion said, "Well, what do you think?" But I thought that I would say that the reason for that was that he was kind of on the spot and they were asking him questions and if he had asked them "Well, what do you think?", it would have seemed like an evasion, and I think that was an unfair comment.

And afterward, when I wrote to him I said, "Well, I wonder if you could have dinner with me after your appearance at the law school. I would like to have some of my colleagues in." And he wrote back and said he would love to have dinner, but why didn't just the two of us have dinner [Laughter] together. And so we did here in the house. And they say the neighborhood was loaded with Secret Service agents and two of them were in the kitchen drinking up my best liquor, [Laughter] but it was a very pleasant occasion and he showed a genuine nostalgia for his years at Duke and he talked about it with great affection and interest, and it was a delightful evening I may say.

ARENA: Do you mind making a similar resume of your recent meeting with him in Washington, D.C., at your class reunion, with some selected additional persons I understand.

FULLER: Well, of course, people wondered--a lot of us thought, well, he will make an appearance and say that unfortunately the international situation is so tight that he would not be able to have dinner, but he actually stayed the whole evening and was extremely relaxed. I sat directly opposite him. I was at his table, which seated eight. We were scattered all over the room. It was a very informal affair and he was completely relaxed and his impromptu remarks were very felicitous and relaxed I should say.

ARENA: On that score, recalling him in a similar situation, back in the Duke Law School days, where obviously he was under pressure too, would you say that he carried the pressures that the ordinary law student has, did he carry them equally well?

FULLER: Well, I think he has gained confidence over the years, but I think he lacked confidence at times. He had a little touch of an inferiority complex. I don't know just what kind of inferiority--social background or what it was--but I think there was a touch of that.

ARENA: You have not met his parents?

FULLER: No, I never met his parents and only met his wife and the girls . . . [Interruption]

FULLER: What was the name of the Negro leader who died, Whitney Young, was it?

ARENA: Whitney Young was one and Martin Luther King, Jr. the other.

FULLER: I was thinking of Whitney Young. He [Richard Nixon] spoke at the funeral and he had a fairly lengthy quotation from a book of mine.

ARENA: Would you mind giving the title of that book?

FULLER: Yes, it was called The Morality of Law. I have had some contact in the intervening time with Rose Mary Woods, his confidential secretary as you know, and she wrote me about this and told me that the President had read the first chapter of this book in the helicopter. [Laughter] I probably should say--something you're not familiar with--and I don't want to go into it too long. During his first campaign I did some work for him and with him on some speech writing and article writing. I had a very interesting experience. [James R] Jim Shepley, who was then the editor of Time on leave and who is now the president of Time-Newsweek [Time, Inc.] or whatever it is, and we did some writing of speeches and an article for the Saturday Evening Post, I think it was. No, it was for the magazine Life.

ARENA: From the standpoint of historical research and those researchers in any area of the academic disciplines, could you give a summary of your correspondence and other manuscripts you may have between you and the President and their locations?

FULLER: Well, I have them in my own files here.

ARENA: And from the standpoint of where you have mentioned that you have been in contact with him, I was thinking in the way of volume, a good looseleaf size of manuscripts?

FULLER: I wouldn't be able to say. It's a substantial file, yes.

ARENA: I know future researchers would be interested.

FULLER: I wrote something--it was a statement on the national purpose. No, the national purpose was something that Look magazine was putting out and they asked Adlai Stevenson and a lot of people to write articles on the national purpose, and they were, I may say, terribly trite. Shepley and I worked on one [Laughter] and we thought it was, in view of the difficulty of the subject, fairly good, and the people in charge of the issue wanted to make some changes and this made Nixon quite irate, and he has a tendency to blow his top, as you no doubt know, and [William P.] Rogers on that occasion was most effective in calming him down. There was some hard feeling between him and [Henry Robinson] Luce. The Luce papers, I think, were giving him the works.

ARENA: Well, Professor Fuller, as this interview comes to a close I want to thank you most sincerely for your hospitality in allowing me to hold this in your residence, and I know I am speaking for my colleagues in history when I say we are in your debt for this information. Thank you.