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John Chisman Hanes (January 23, 1973)

C. Richard Arena
Whittier College

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Oral History Interview

with

MR. JOHN CHISMAN HANES

January 23, 1973
Washington, D. C.

By Dr. C. Richard Arena

For the Richard Nixon Oral History Project

ARENA: This is interview #1 with Mr. John Chisman Hanes. Mr. Hanes does not usually use the name John. We are in his office in Washington, D. C. Today's date is January 23, 1973, Arena interviewing. Would you mind explaining this idea of your using John sometimes, Mr. Hanes, please?

HANES: I use the name John occasionally in connection with family matters. I have a son who is John Chisman Hanes, Jr. My father's first name was John, so I haven't completely abandoned it, but I don't usually use it in connection with business and professional matters. I have always been called Chisman, which was my mother's maiden name.

ARENA: Mr. Hanes, would you mind giving the date of your birth and the place?

HANES: I was born May 26, 1909, at Pine Hall, North Carolina.

ARENA: Near what large city would that be located?

HANES: It's approximately twenty-five miles from Winston-Salem and about thirty miles from Greensboro, North Carolina.

ARENA: Would you mind giving a brief resume of your educational background, the schools you attended and, of course, finishing up with your work at Duke University Law School?

HANES: I went to public schools through grammar school and high school, and I graduated from high school at Madison, North Carolina, which was about seven miles from Pine Hall. I did my undergraduate work at Duke University.

ARENA: Excuse me. And graduated in what year?

HANES: 1930.

ARENA: Thank you. And what was your major, if you recall?

HANES: My major was history, with a minor in economics.

ARENA: And from the undergraduate school at Duke, where did you go?

HANES: I went to Harvard Law School for a year, and because of family circumstances it was necessary for me to return to North Carolina. I returned to Duke and was employed there in the library, and finished my last two years of law at Duke.

ARENA: And your class then, Mr. Hanes?

HANES: 1933 in the law school.

ARENA: And as you know, the President entered Duke in the fall of 1934 and his class was that of 1937, but it would be helpful to know what the law school was like just before he entered, since there seems to be so many personal statements and so much descriptive material that Duke Law School was changing around that time. It would be helpful to know what it was like during the two years you were there.

HANES: Well, I think in order to appreciate what it was like during those two years, a little background about what it had been before would be helpful. Trinity College had taught law, at least courses in law, as early as the 1870's, and my recollection is that there was a law school as such set up at Trinity College in the early 1900's, just after the turn of the century. And the first dean of that law school was a man named Samuel Fox Mordecai. He apparently was an exceptional teacher and, while the school was small, some of North Carolina's most able lawyers during the first half of the century were trained there at that law school. After the university was founded in 1924 and the undergraduate school of Trinity College became one of the constituent schools of the university, the law school likewise became one of the schools of the university, and plans were made for its reorganization. Dr. Mordecai died, I believe, in 1927.

ARENA: Do you mind if I ask you, from the standpoint of ethnic history being so important these days, was Mordecai Jewish?

HANES: It is my understanding that he was Jewish, but he was married to an Episcopalian, and I believe at some point he may have been confirmed in the Episcopal Church himself.

He was not only a teacher, he was a writer. He wrote some good commentaries on [Sir William] Blackstone. I think he had just begun the reorganization of the law school when he died.

ARENA: And what year, again, was that, just to be sure?

HANES: I believe he died in 1927, about two or three years after the university as such came into being. After his death, I believe shortly after his death, Mr. Bryan Bolich was brought to Durham [North Carolina].

ARENA: Mr. Bolich is still living in Florida, but hardly gets around these days.

HANES: Right.

ARENA: He also was a professor of President Nixon, so anything you have to say regarding him would be very helpful.

HANES: Mr. Bolich was a very interesting man. He was reared in Winston-Salem, North Carolina. He had studied at Trinity College, the undergraduate school in Durham, and I believe he was in World War I. I think that's correct, that he served in World War I. And then he came back there to the Trinity College Law School, and while he was there he was awarded a Rhodes Scholarship and went to Oxford [University]. When he returned from Oxford, he spent a brief period with a law firm in New York, but I heard him say that he soon realized that he wanted ultimately to teach. He came back to Winston-Salem, North Carolina, for I think, perhaps, two or three years, and then went to Duke. At the time that he went there, I don't think the school had more than three or four faculty members. The university was undertaking to find a dean who would come there on a permanent basis. Justin Miller was elected and came in the fall of 1930.

ARENA: He was at Stanford [University] at the time, or California?

HANES: No, he was at the University of Southern California at the time.

ARENA: In Los Angeles.

HANES: That's right; he was dean at the University of Southern California.

ARENA: By the way, just before we do leave Mr. Bolich, do you recall the subjects that he did teach?

HANES: Yes. Mr. Bolich taught property subjects. Mr. Bolich was by nature a classist, and I think he was fascinated by the medieval historical aspects of property law. I found him

very enjoyable. He was, in a way, different from most of the professors that I had in law school, but I thought this was a good difference and it gave balance to the law school. His old-fashioned, sort of classical approach, it seemed to me, was desirable for at least one faculty member.

ARENA: Would you want to elaborate on that a little bit more? Were his lectures more formal, do you mean in that sense, more historical background? How are you using the term classical here?

HANES: Well, classical in the sense of being a medievalist, I suppose. No, I don't mean his lectures were more formal. I felt relaxed in his classes. You could carry on a dialogue with him and have a free give-and-take with him, but always in the background was what I would call a classical approach to property.

ARENA: May I ask you if the case method of teaching law was always employed at that time when you were a student?

HANES: Yes, sir, in virtually all courses.

ARENA: Which allowed for this sort of give-and-take between the students and the professors. And I didn't mean to cut you off, but I thought maybe we were going to leave Bryan Bolich and I didn't want to do that, but you were discussing the new dean, Dean Justin Miller, I believe.

HANES: Yes, sir. Dean Miller came in 1930, and my recollection is that he left the law school in 1934 to come to Washington. He became a special assistant to the attorney general and then chairman of the Attorney General's Advisory Committee on Crime. He was subsequently appointed to the United States Court of Appeals for the District of Columbia.

ARENA: Was that his area of specialization, by the way, the criminal law?

HANES: Yes, he taught criminal law and he wrote a textbook on criminal law. Whether he was on leave of absence for a brief period after he came to Washington, I'm not certain, but I believe he was for a year or two. Then when it became apparent that he was going to remain here for some time, he resigned, and Professor [H. Claude] Horack became dean of the law school.

ARENA: Was his first name Benjamin, do you recall?

HANES: No, sir. His name was H. Claude Horack.

ARENA: Benjamin would be the son, who is now practicing law.

HANES: Right. He had two sons, one who was a physician and one who is a lawyer in Charlotte [North Carolina].

ARENA: From the standpoint of understanding the changes in President Nixon's time as a law student--and as you know, his era was '34 through '37--were the relations between the faculty and students fairly close? Could you go in their offices any time, discussing things that came up in the classroom? Did you get to meet them in their homes, as did happen in President Nixon's day too? Was there that relationship?

HANES: In general, yes, sir. That period, the Justin Miller period, was a pretty exciting time to be down there. He was bringing in men who had already achieved some distinction in legal education, such as Dean Horack, who had been at the University of Iowa and was considered one of the outstanding equity men. On the other hand, he brought in young men who had considerable promise, such as Professor Cavers and Professor Fuller, who went on to Harvard.

ARENA: This would be Lon Fuller and David Cavers, who are now at Harvard, as you say, yes.

HANES: Right.

ARENA: And of course, both were professors of President Nixon, or at least they were there during his period, I believe.

HANES: I believe they were. The law school was small and it was easy to maintain a personal contact with faculty members. Whether or not you just walked into a particular professor's office on a relaxed basis depended on the particular professor. But in view of the fact that the school was small, there was no great problem about arranging to see a professor if you wanted to.

ARENA: This idea of distinguished teacher-scholars coming in to Duke, would you definitely associate that with the coming of Professor Justin Miller, or had that been a gradual thing, or was there a definite tieup with Professor Miller in that policy?

HANES: Well, at the time that he came the law school faculty had been very small. I don't think there had been more than four or five men at the most. Up to the time that Dean Mordecai died, I don't think there were more than three full-time men on the faculty. So there wasn't much opportunity for bringing in new men, but that did begin to some extent in that interim period when Mr. Bolich was acting as dean. Whether he had the title of dean or not, I'm not certain. I don't think so.

ARENA: Was there anything like the pressure on you and your class that I understand was on the class of President Nixon, in

that unless you maintained a certain level, a certain grade average, you would lose your scholarship? I don't know if you came across that information or not, but it certainly was one of the things that was on President Nixon's mind. I just wonder. Again, I believe you said that it was the depression that was one of the causes of your leaving Harvard. Did the Duke Law School have that policy when you were a student, tying in the scholarships with. . . . I'm sure there would be a certain amount of that, but was it a very serious policy and a very serious problem when you were a student?

HANES: Well, I think it was. I think the pressures were as great when I was a student as they were when Mr. Nixon was there. And it was my understanding that you had to maintain a certain average in order to maintain a scholarship. The faculty while I was there was largely the same faculty that was there when Mr. Nixon was there. From the standpoint of pressures, they were much the same. There was some change in faculty. For example, I believe that Mr. Warner Fuller left, not Lon Fuller but Warner Fuller, who taught corporations.

ARENA: Any relationship to the other Fuller?

HANES: No relationship that I knew. He left Duke to go elsewhere, I believe to Washington University in St. Louis [Missouri], in that interim between my time and Mr. Nixon's, whereas there were other men, like Kenneth Rush, who had come in. But generally the faculty was the same. Professor Douglas Maggs who taught torts and constitutional law . . .

ARENA: Would he be still living, would you know?

HANES: No, sir. He died, I think eight or ten years ago, perhaps longer. He was a very demanding professor. He demanded a great deal of himself and he demanded it of students. In some sense, there was a real contrast between Professor Maggs and Professor Bolich, because Professor Bolich was more low key and a more equable personality. This was an example of the contrasts that existed in the law school and made it a very effective and interesting place.

ARENA: Correct me if I'm wrong, but I got the impression that when President Nixon was a student, some of the professors--and you might know for sure--and some of the students looked up to some of the new outstanding jurists of that time, such as [Louis D.] Brandeis, [Benjamin N.] Cardozo and [Felix] Frankfurter. I'm not quite sure if they were prominent when you were there. I'm just wondering if they had already achieved a name. Did your professors refer to them? It's my understanding that that was the case in President Nixon's era, '34 through '37.

HANES: Yes. Judge Cardozo didn't go on the Supreme Court until 1932. Previously he was on the Court of Appeals of New York, but his opinions were very highly regarded. Of course, Mr. Justice Frankfurter had achieved great distinction at Harvard by that time. Justice Frankfurter wasn't appointed to the court until several years later. I think it was 1939 when he went on the Supreme Court. When I was there was the era when the New Deal personalities and the "liberal" members of the Supreme Court were regarded as being something of the precursors of the law for the future. Mr. Justice [Oliver W.] Holmes, Mr. Justice [Louis D.] Brandeis and Mr. Justice [Harlan F.] Stone were highly regarded.

ARENA: Do you recall Mr. Stone's first name?

HANES: Harlan Fiske Stone. He was later Chief Justice.

ARENA: Was there any special, I won't say reaction, but any special results from the coming of Franklin Roosevelt as President during that era? I'm just thinking, you graduated in the spring of '33 and, of course, he had been sworn in and he was the new President. Did that affect Duke and your immediate life in any way, thinking back?

HANES: Well, the most immediate impact was, of course, the bank holiday after his inauguration in March, 1933. For some of us that had a considerable impact for a few days. I think that the first hundred days, which took place in part before we graduated, was beginning to have an impact on the law school. When Mr. Roosevelt was first elected I had the feeling, perhaps wrongly, that most of the students in the law school who were not from the South tended to look very skeptically on him. Perhaps they felt that he was somewhat shallow and there would be just another Democratic regime, that congressmen from the South would again have a heyday. But by the time those three months were over, March, April and May, those who kept current on what was happening in Washington began to take a different look at Mr. Roosevelt, and a number of them ultimately came here and became a part of the government.

ARENA: Did you have any tie-up, or did you meet the President [Richard Nixon] later on while he served with the Office of Price Administration, by any chance?

HANES: No, sir, I didn't meet him then. I had no connection with him at that point.

ARENA: On the occasions that you have met the President, and without going into politics--as I said, we're not concerned with that in this project--did you and he ever talk about these old days at Duke Law School? Whatever comes to mind would be most helpful.

HANES: No, sir. I've never had a real conversation with the President. On the one or two occasions that I saw him down at Duke, it was for some special celebration at the law school and there just wasn't much opportunity, at least not for me, to carry on a conversation with him.

ARENA: You may or may not know that the President himself majored in history at Whittier College. I'm just wondering, looking back over the years, do you think that you benefited from the fact that you had been a history major before going to law school?

HANES: Well, I think I did. I think that I might have benefited just as much if I'd been a mathematics major. But history has always been a sort of avocation of mine. I've always tried to add to my knowledge of history, and I suppose that in one sense the interest that I had in history helped to lead me to the law, because the law certainly shapes history. Many of those people who have been prime makers of history have been lawyers, and I think the background in history did provide a good foundation for the law. But as I say, if I'd majored in mathematics and had exercised my power of analysis even more, that too might have been an equally good background.

BEGIN SIDE II TAPE I

ARENA: Bearing in mind the overwhelming concern of the country in 1933 and '34 with domestic problems; also bearing in mind that that education was preparing a future president, our present President, to what extent did the college, the professors, the atmosphere in general, give you opportunity to think about international problems, whether they were in law, such as international law, or anything?

HANES: Well, I don't think the law school's interest in domestic problems vis-a-vis international problems was essentially different from that of the other law schools in the country. At that time the primary emphasis was on domestic law. I can't remember whether or not there was a lecturer in international law. Later, Professor Robert R. Wilson, who taught in the graduate school of arts and sciences, was on the faculty of the law school also. Whether he was at the time I was there, I don't recall; I don't think he was. I had had a course in international law under him when I was an undergraduate at Duke. But I don't think Duke was any more provincial or any more domestically oriented than the vast majority of the law schools in the country at that time. As you know, subsequently the World Rule of Law Center was set up down there.

ARENA: No, I didn't know that. Would you explain what the World Rule of Law Center is, and about when it was set up. Would this be the group that Mr. [Charles] Rhyne is connected with, and may be the founder of, World Peace Through Law?

HANES: Well, no, this is strictly a law school undertaking. However, Charles Rhyne is a trustee of Duke and he encouraged the establishment of the Center at the law school. Dr. Arthur Larson on the faculty is head of this international law division of the law school, which is called the World Rule of Law Center. But it was established long after I was there and long after Mr. Nixon was there. Dr. Larson is there now. This is a very active, ongoing part of the law school, but this all came much later.

ARENA: Do you mind if I ask you as an alumnus, were you in a position and did you have any influence on the course of the law school, its policies and that sort of thing, as a member of the alumni, and more particularly on those years involving President Nixon? Did you have any role in the alumni society or anything like that, that might have affected the law school during his period, '34 through '37?

HANES: I can't say that I had any real effect on the law school during that period. I was, of course, recently out myself. I was with a law firm in Raleigh [North Carolina] for one year after getting out of law school, and then I came to Washington with the Reconstruction Finance Corporation. I just wasn't in a position, being a very recent graduate whose resources were limited, to have much of an impact on the law school at that point. So I can't really say that I made any contribution to Mr. Nixon's education.

ARENA: I wonder if I could ask you this, Mr. Hanes? Again, in view of the President's subsequent career after he graduated from the law school, thinking back to your own days as a student there, is it your impression that there was any conscious effort on the part of Duke Law School or the traditions of Duke University to promote public service? You say that you went with the government with the Reconstruction Finance Corporation. Do you recall that there was any leaning or any encouragement, whether it was toward politics or any sort of public service? Or, let's be frank also and say, maybe even social service, given, as I understand it, the active Christian impulses that do come from Methodists, former Methodist institutions, including those such as a university? Regardless of the source, I was just wondering if you felt that there was anything like that which may have been going on when the President was a student himself?

HANES: Well, having been an undergraduate at Duke, I think I see this from two perspectives, whereas the President had only the impact of the law school on him. Trinity College and its predecessor institutions, which went back to 1838--and I think this is a fair statement--made a great impact on education in North Carolina. Trinity College had established, at least soon after 1900, a tradition for freedom of thought, which was somewhat unique in Southern institutions. I think that in large part because of its

church affiliation, there was inculcated into the students at Trinity and Duke some sense of responsibility for service. I don't think that you could really put this in political terms, the sense of responsibility for service that pervaded the place. Now the law school--this era in the law school that I was in--coming during the depression and the beginning of the New Deal, had a great deal of social emphasis and a great deal of impetus toward public service. I don't mean to say that the law faculty tried to induce men to go into the government, but there was this feeling that lawyers were particularly qualified and trained for public service, and that there was a responsibility on the part of lawyers to respond to the needs. I think at that particular point in the law school's history there was probably more impetus to public service than there might have been at some later periods, but I can't speak for the later periods.

ARENA: Speaking of the Christian heritage of Duke, especially as a Methodist school--we discussed this off the record, and with your permission I'd like to do it on the record--do you recall the head of the school of religion at Duke, Dr. Elbert Russell who, I believe, was a Quaker and who had been at Earlham College? What I'm wondering is whatever you do recall about him and his surviving relatives and where they may be found today; and if there were any complications because it had been a Methodist-founded institution and its school of religion was being headed by a Quaker. Were there any complications because of that that you came into contact with?

HANES: Dr. Russell was not the first dean of the school of religion. He was brought there by the first dean, who left Duke to become president of Ohio Wesleyan [University]. Dr. Edmund D. Soper was his name. But Dr. Russell was one of the people that he brought there on the faculty. My impression was that the faculty was predominantly Methodist and that there were only a limited number of other people. But Dr. Russell had the reputation of being a great scholar and an outstanding theologian, and he was much liked by the other members of the faculty and the students. I don't know of any complications that arose out of his appointment as dean. His daughter married a Methodist clergyman.

ARENA: Do you recall her first name, by any chance?

HANES: My recollection is that her first name was Marcia.

ARENA: As a final wrap-up question: Bearing in mind what you do know and have experienced at the Duke Law School, bearing in mind what we all know and see as far as the President is concerned, what, if anything that you can discern, shows up in our President today as a leftover from his Duke Law School days, if that's a fair question? Are there incidences or experiences or things that he says that remind you that this is a fellow Duke Law School alumnus; if anything like that comes to mind?

HANES: Well, I think there are a number of things that would remind you that he was a well-trained lawyer. Whether or not there was anything peculiar about his training at Duke may be more questionable. But I think, from what I've heard from others who knew him when he was there at the law school, he was a tremendously hard worker, a tremendously disciplined man, and I think he had to be a disciplined man to achieve the standing that he had academically and the respect that he seems to have had from both faculty and students. Certainly he was trained to analyze problems, and it seems to me that's reflected in his seeming capacity to face problems and sometimes to take what may seem a very dispassionate approach to them if his analysis brings him to that approach. The thing, it seems to me, that would reflect his law school training is his apparent discipline of himself and his mind.

ARENA: Mr. Hanes, is there any point or subject I have not raised that you would like to raise at this point, as this interview comes to a close? Any subject that I haven't touched on that you believe should be touched on, yourself?

HANES: When we were talking off the record, I told you of one conversation I had a number of years ago with Ivar H. Peterson, who was one of Mr. Nixon's law school contemporaries, and with whom I worked at one time at the Department of Justice.

ARENA: You're not sure of where he may be now, I believe you said.

HANES: No, sir, I'm not. He was for some time Administrative Assistant to Senator Wayne Morse of Oregon, and then he was later a member of the National Labor Relations Board. Ivar was certainly "liberally-oriented", but he and Mr. Nixon, I believe, maintained a good personal relationship long after they were at the law school. And I remember once when I was having lunch with Ivar, during the time of the Hiss investigation or shortly thereafter, he remarked, as best I can recall his words, that many people misunderstood Dick Nixon, that he was one of the few people on the Hill who were trying to bring due process into congressional investigations. And I thought that was a very significant statement from a man who had definitely a different political approach from Mr. Nixon's.

ARENA: Mr. Hanes, I want to thank you for allowing me to have this interview, and for giving me so much of your time. It's been not only a service to me as one historian, but to future historians, I assure you. Thank you very much.