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Benjamin S. Horack (December 31, 1971)

C. Richard Arena

Oral History Interview

with

MR. BENJAMIN S. HORACK

December 31, 1971
Charlotte, North Carolina

By Dr. C. Richard Arena

For the Richard Nixon Oral History Project

- ARENA: This is interview #1 with Mr. Benjamin S. Horack in Charlotte, North Carolina. Today is December 31, 1971, Arena interviewing. Mr. Horack, can I begin by asking you where and when you were born?
- HORACK: I was born in Iowa City, Iowa, and the birthdate is October 3, 1917.
- ARENA: And when did you come to North Carolina?
- HORACK: I was born in Iowa City, Iowa. My mother and father were born in that state. My father was a professor of law at the State University of Iowa, and it was on this occasion of his coming to the Duke School of Law that we moved from Iowa to Durham, North Carolina.
- ARENA: Do you recall the year?
- HORACK: Yes, that was 1930.
- ARENA: Thank you. When he taught at Iowa State . . .
- HORACK: No, State University of Iowa, at Iowa City, not Ames [Iowa].
- ARENA: I see. And was that in the law school itself or was he teaching a law course?

- HORACK: Oh, no, he was in the law school and for many years.
- ARENA: And would you mind giving a brief resume of your own educational background?
- HORACK: My early elementary education was in Iowa City, Iowa, in the public schools. I moved to Durham when I was twelve years of age and entered seventh grade. The rest of my public school education was in Durham. I graduated from high school in the spring of 1935. I then entered Duke [University] as an undergraduate in September 1935 and I got my A.B. [Bachelor of Arts] degree from Duke in the year 1939, but I entered [Duke] Law School in '39. In other words I got my A.B. degree, undergraduate degree, after I had already been in law school for one year.
- ARENA: That is correct then. Your first year of law school turned out to be your graduating or senior year then.
- HORACK: That's correct. And I got my LL.B. [Bachelor of Laws] degree from Duke Law School in 1941.
- ARENA: Was anyone besides your father in the legal profession?
- HORACK: With the exception of my paternal grandfather, who died before I was born, no one else in my family.
- ARENA: Of immediate contact or memory anyway--no uncles?
- HORACK: No. Most of my relatives were in the education business, political science professors and, of course, my father in law. My first cousin Frank E. Horack was also a Professor of Law at the University of Indiana.
- ARENA: Do you recall your father's birth--that is date and place, and am I correct in assuming that he is deceased now?
- HORACK: That is correct. He was born on November 16, 1877, in Belle Plaine, Iowa. He died May 21, 1958.
- ARENA: Did he die in Charlotte?
- HORACK: Yes, that is correct. He came to live in Charlotte because my wife and I lived here.
- ARENA: And, of course, he was not only the professor that the President had as a teacher, and I believe the area of your father was Contracts.

HORACK: No, you know how the teaching people was, they take on quite a panorama of courses over their career. I would assume that at the juncture Nixon was in school it was probably Equity. It could have been Trusts or it could have been both.

ARENA: I see. Equity, fine.

HORACK: Equity was really my father's main field.

ARENA: Did he practice as well, we'll say, before or during or after, as some professors do? Or was he a full time . . .

HORACK: Not really. I think way, way back in his very early years he had a very, very short stint as a private practitioner, but his practice was inconsequential. As a practical matter he was in legal education all of his life.

ARENA: I see. Do you mind if I ask you to summarize the occasion throughout your entire life--and you can bring it right up to the present time if you will, when you met the President personally--the occasions that you did see him? For example, did he visit your folks' home and that sort of thing?

HORACK: I'll give you a quick thumbnail sketch and then you can roll back with reference to any of them that you wish to discuss. First in point of time would be when he was a law school student and I was an undergraduate student at Duke. The second main period of acquaintanceship would be when we were both in the OPA [Office of Price Administration] together in Washington. There were occasions when the President was in our home during his law school days. Usually, these were occasions when my mother and father were entertaining the law students or a particular law class. After the OPA days I have seen him a few times at Duke functions since then, the exact dates of which I don't remember. I recall one was a Law Day function at Duke. This must have been about 1966 or '67. Another time I saw him was on the occasion of the 1960 campaign with [John F.] Kennedy. And at that time my mother was living but my father had died. Mr. Nixon very graciously asked her to sit on the platform. I met with him and talked with him. He was, of course, with my mother more on that occasion than he was with me. As I have said, I have seen him since then.

ARENA: Thank you very much. I would like to get into your father's educational background too. I meant to ask that as a follow-up to his birth. Do you recall his educational background--his formal education?

HORACK: I'm a little fuzzy on it as far as particulars are concerned. As I recall, he had his undergraduate education at the University of Iowa and he had his legal education at Harvard [Law School]. After graduation from Harvard, he taught at the University of Wisconsin. Ultimately he ended up back at the Law School of the University of Iowa, as I have explained. My father taught at a number of institutions in sabbatical years. For example, he was at Stanford [University] several times in summertime assignments or during sabbaticals.

ARENA: Do you happen to know in general and in your father's own particular case, did he have educational courses per se? For example, those who teach on the college level don't necessarily have to take a single course in education, in methods of teaching. I'm going from my own experience, just your degrees, especially on the college level, and I was just wondering if he--I am sure he was interested in the teaching method, obviously that was his life--but I am just wondering what his particular training for the teaching aspect of law might have been, if anything?

HORACK: I understand you're asking whether he ever took any courses that taught him how to teach. I don't recall his ever mentioning it.

ARENA: His undergrad was certainly not a teacher's degree.

HORACK: Oh, no. I would be amazed if they were even teaching teachers how to teach back then.

ARENA: Do you recall what his undergraduate major might have been.

HORACK: I do not remember.

ARENA: Now for law, as you probably are aware, it could be just about anything. It used to be, I understand, primarily history, but I have met lawyers who had English as a major and business and economics.

HORACK: I don't recall what his major was. Referring to your earlier inquiry, I seriously doubt if he took in undergraduate school any courses to teach him how to teach. As I explained, my father's main area was Equity and was the main thrust of his teaching interest. We had a cottage on the North Carolina coast, which we called the "Woolsack" in his honor, because traditionally the English Chancellor in Equity would sit on a woolsack. Because my father went to our beach cottage to sit, we called it the "Woolsack."

But apart from teaching and administration, my father's greatest prominence in legal education was achieved in connection

with his work in law school standards and law school accreditation. My father, together with a Mr. Will Shafroth, spent a year or more undertaking an examination of law schools throughout the country with reference to their standards and their accreditation, the purpose of which was the uplifting and betterment of the legal profession. Later on, after my father's retirement as Dean of the Duke Law School, he was given a similar assignment with reference to law schools in Central and South America and spent a year on the undertaking.

ARENA: Do you happen to know if he knew Spanish at the time?

HORACK: I know that he didn't. [Laughter]

ARENA: He did not. Speaking of that subject, it just so happens, and this may be way off, but a gentleman, a sociologist who has written on penology in Latin America happens to be an acquaintance of mine, and I do know that he traveled through South America and I recall his vividly saying he didn't know a word of Spanish, but he was able to get enough people to help him out and the result was the book came out.

HORACK: My father was under very good auspices in connection with the Central and South American arrangement, which was undertaken at the invitation of governments in Latin America interested in upgrading their legal education. My father also achieved some prominence in connection with upgrading boards of Law Examiners and Bar exam content and procedures. I know he did extensive traveling throughout the country in trying to get the Bar exam process upgraded. Some State Bar exams were pretty ridiculous. If you remembered a particular case citation, the Bar Examiners gave you "A", and if you guessed yes or no correctly enough you got to be a licensed practitioner. They did not put enough emphasis on what I understood to be my father's main point--ability to reason well, to think well and to legally analyze factual situations.

ARENA: If I'm not mistaken, the standards of law schools and the standards of getting the law license varied quite a bit. I'm thinking especially of the period after the war and, of course, depending on the individual state, there was such a thing as a clerkship. A person did not have to have, I understand, a college education. He had to complete a clerkship. I assume much of that now has disappeared.

HORACK: Are you talking about after World War II?

ARENA: Right around that time, yes. Maybe since World War II they have done away with even this looseness that existed in the country. I do have the impression

that there was a great deal of discrepancy among the individual states and maybe within the states.

HORACK: Your impression is correct. You are referring to the old practice whereby a young man sat at the foot of a practitioner and studied law as a substitute for a Bar examination. It is my impression this practice was common at a much earlier stage, but you are quite right that the states do vary drastically. In North Carolina it has been a long time since an apprenticeship has been allowed as a substitute for a Bar exam. You can see that my father's interest in the quality of Bar exams is compatible with the other area I described. During all of his adult life, his main interest was in legal education, including the upgrading of law schools, the standardization of them and the qualifications for practicing law.

ARENA: And these auspices you mentioned, were they under the American Bar Association or an equivalent?

HORACK: It was probably conducted under the auspices of the American Bar Association.

ARENA: Speaking of remembering, and from the standpoint of someone who would be looking at this and was interested in the history of legal education in the United States, would your father's papers be in existence and where to the best of your knowledge, which would include his work and his interest in this particular area, for that researcher who would like to go into this and his work there some day?

HORACK: I am not aware of any such papers. I know I haven't got any and I'm not aware that any other family members do.

ARENA: Could he possibly have left them, which happens in many cases, with the college or the university?

HORACK: It was an in-depth and extended project that he had, and I've already noted that I did not recall the specific sponsor, whether it was the American Bar or some committee of the American Bar or some other organization, but I'm sure that all the results of the studies were tabulated. They are on file with whatever organization sponsored the assignment in the first place. And in that connection, there are many people who would know what that organization is and where it is. One would be Will Shafroth, if he is still living.

ARENA: Would you happen to know if this interest of his came up in a formal way in his teaching, particularly during the President's years? In other words, do you think

he might have given a course or specifically included some of his findings, either formally or, we'll say, in off-the-cuff lecturing? Would you happen to know if following a trip such as this, he might have brought this up in his classes to his students, and obviously I'm thinking of President Nixon being in his classes?

HORACK: I feel very strongly the answer to that is yes, but certainly not in a formal fashion. I answer affirmatively because of my own understanding of my father's approach to legal education within a law school. Now what do I mean by that? You can see it in the methodology in the Duke Law School as against the approach taken by some of the others, maybe typically by the state universities. I think the difference is still apparent at Duke. Whether it is AS apparent now as it was back in the period to which you refer and I was in school there, I really don't know. What I'm talking about it that within the Duke Law School in the '30's, and '40's also, and presumably now there is an approach which recognizes that problems don't come in little single packages. I know darn well they don't come over my desk that way--this is a contract problem and this is a corporate problem and this is a tax problem and this is a real estate problem. They have a way of being all homogenized, and if you don't know real estate law you may not be able to be a good tax man and vice versa. The methodology employed at Duke, which I attribute to a large extent to my father's influence, was to evolve a curriculum and approach that wove all of the subject matters together, with an emphasis more on how to think through a problem and legal analysis, than to put a premium on an ability to rattle off a particular case citation. Along that same line, I saw the same approach evidenced in the faculty mix, which I think was purposeful.

ARENA: By mix, are you referring to the broad range, regional range, and sources of the faculty as well?

HORACK: I'm really talking about the complexion of the faculty in the sense that we had some conservatives and we had some liberals. They might not be so tagged in this day and time, but in context they were. We had one or two on the faculty that took the approach "gentlemen, this is the law" and we had others in the faculty mix with reference to when, after coming out of their classrooms you would shake your head and wonder what is it that we concluded. Personally, I felt it was the best thing in the world because it gave you the whole panorama of outlooks and approaches of different kinds of teachers. Although I might walk away from one class wondering just what can I put my teeth into, I really learned to think. The next teacher would tell you "this is the law" and you just wrote it down and that was sacrosanct, but then it all mixed together and that was

part of the whole kaleidoscope of the mix, which I think by way of summary was an approach with reference to which Duke Law School was ahead of its time, as against many of the other law schools--certainly those in the South.

ARENA: Was the mere fact that the case method was THE method that was being used, doesn't necessarily mean that you would have that complexion. In other words, you could have case method in law school and still not have this tolerance of different views of professors, so to speak.

HORACK: When I referred to the case method, I think probably it is a misleading tag because, indeed, I am still talking about the '30's, and up to the time I got out of law school they did have the case book method. In other words, the typical format where you had a book on Contracts that was a compendium of selected cases designed to emphasize certain points in the area of contracts. We had that and I probably mislead you. What I meant was that the Duke approach supplemented this basic approach by not emphasizing "this is THE LAW," by not emphasizing THE LAW of North Carolina. It was more the wide-sweep approach. Additionally, Duke's student body was much, much smaller than other major law schools. Again, that was purposefully done. It's gotten bigger now. The smaller student body promoted an exchange and interplay between the students and the professor, and among the students themselves that in my book greatly enhanced the "learning how to think" process in the exchange of thought.

ARENA: Can you recall some specific instances where you had this direct, maybe non-formal contract between the student and the teacher, your father in particular, we'll say, and President Nixon in particular, where they would meet socially in your home? Can you think of some non-social function where they might meet and discuss some of these points we are bringing up right now?

HORACK: You're talking about in the classroom as well as out of the classroom?

ARENA: Well, out, at this point.

HORACK: As it might relate to the experiences of the President, I couldn't speak from firsthand observation because I wasn't in law school at the time.

ARENA: I thought you might recall his coming to your home with a group of students on occasion, where again it was a non-social affair, but just a follow-up to something that was brought up in class. Or did your father maintain office hours on campus where that could take place?

HORACK: He did that.

ARENA: But you wouldn't be there, of course.

HORACK: I really can't put my finger on any particular instance. All I can do is speculate on what must have been, because it was true when I was there just a couple of years later. In my book that's the great thing about the setup at the Duke Law School. It was small enough to permit the interplay, not only in but also outside the classroom. Everybody knew everybody else and that meant the students were well acquainted with one another, and more importantly it meant there was much more intimate rapport between the students and the faculty themselves. It went on in the library. They had the library stacks in the basement of the law building where the students had their study cubicles. All I can do is presume that what happened when I was there had happened in the earlier years. You would go down to the stacks to study and then you strike up a conversation on some matter of legal import with the student in the next cubicle and have a bull session for the rest of the afternoon or night.

ARENA: Speaking as a teacher myself, who's also conscious of this very question. I think what you're touching on is what would be considered an ideal situation in education where the teacher is available to the student and the student will make himself available to the teacher. Which isn't always the case. For example, speaking of Latin America, the schools in many instances because they just don't have the money for one reason or another, they have teachers that literally volunteer their services and come and go. It might be an engineer who is teaching math or it might be a banker who is giving the law courses. But there is very little contact. And this for various reasons could happen in the United States too. This would prevent the teacher from being available to the student. And the opposite case, many students will have a full time or part time job where the teacher would like and does invite the student to come to the office and have a bull session and so forth, or follow up on the classes, but the student won't be available. And what this all leads up to is this: As you recollect, in your time in particular, and most likely when the President was a student, you had very much the ideal situation, if I'm not mistaken. The professors there were well-paid, or did not have to run off to a law office or practice, and the students were there on campus and would be available.

HORACK: As a matter of fact, in the early thirties the faculty at Duke was getting paid when other faculties weren't. You're talking about this intimate atmosphere of students vis-a-vis the teaching staff. Although I was about to say that I could only vouch for the period I was in school at Duke

Law School from '39 to '41, that's not quite true because being in the undergraduate school two or three times a week I'd come up to my father's office in a son capacity, either because we were going somewhere or going home together. I wish I had a nickel for every hour I was up there when my father told me we would leave at whatever hour was prescribed, but I sat outside his office while he would be "holed-up" with some student in his office. Of course, I was not privy to those conferences, but I've heard about them all my life and since I have gotten out of school I have talked with his old students. The one thing that keeps coming out to me as the heart warming denominator are expressions of appreciation for my father's patient attention to the students and their problems--the amount of time was unimportant. A student would come in his office and he would stay all day with him and his problems, if the student thought it beneficial. Of course, at that juncture he was serving a dual role, one as a teacher and one as the Dean. And, of course, the Dean, in his capacity as administrator, had to cope with all the little problems and scrapes and academic problems and off-campus problems that students have a way of getting into. I'm sure the thing I've heard about so much dealt with both, but the thing I've always heard is that he would spend an endless amount of time with students. He didn't have a monopoly on that, but I just think he did that more than the other faculty members. However, all the other faculty were always available. You just knocked on a professor's door and walked in and said, "You said thus and so in class, and I don't understand it." Or it went further than that. The rapport was such that you would knock on the door and say, "Professor, in class you said this, but it didn't make sense to me." It was that intimate, really. It was a great plus factor in the teaching process, in addition to it fostering a more friendly atmosphere.

ARENA: While we're on this question of your father's approach, and this obviously touches on his personality, his character and his methods. I think all these things are involved when you're discussing his spending time with the students, and you did touch on this idea of a father-son relationship just in passing. But I would like to explore that with this question, if you don't mind. Do you recall that your own interest in law came from his, we'll say, proselytizing efforts in any way? Did he try to talk you into going into law school, into going into law, or how did that come about? And you would know that better than anyone, of course.

HORACK: Any way you slice it, I went into law because of him. Did he ever really guide me or push me as it were in that direction or with expressions of the father who wants the son to go, if not into his footsteps, in his field? The answer to that is no.

ARENA: I think unconsciously all fathers would like to have that happen and the record is very clear that they are not successful.

HORACK: I can't think of a single thing along that line. All I can say is that from as far back as I remember, of course, I was going into law. I don't know whether he assumed it or I assumed it, but I never ever had anything else in mind. I don't think I even went through the cowboy, Indian, fireman stage. [Laughter] I started to walk and I said naturally, "I'm going into law."

We were talking about spending time with students. There is a big difference between the strain of being a professor and teaching, and the pressures of being an administrator.

ARENA: Having been a department chairman, I can appreciate that.

HORACK: I can't remember precisely what year my father became Dean, but I know he'd come home and my mother would get after him for being late, and more often than not it was the strain of the administrative end that kept him tied up; and as I said, he seems to be oblivious to time when it came to students and problems.

ARENA: What kind of a schedule did he keep? In a way you're saying he didn't keep one. But what were his working days like on a regular and irregular basis, such as this idea of having to come home late, of staying with the students? What type of a working week did he put in?

HORACK: I'm trying to remember. You're apt to find me down here in my office on Sunday afternoons. I don't believe as I recall that my father had those bad habits. It was pretty much an eight o'clock to maybe a quarter to six. He never left his problems is what I mean. He brought them home with him. He didn't articulate them so much. And that was particularly true, I think, after he took on the Deanship.

ARENA: When did the Deanship take place, if you recall?

HORACK: No, I can't. He retired from the Deanship and hence became emeritus. I think that was 1948. Let me see, he must have become Dean in '32 or '33.

ARENA: Well, an estimate is good enough for our purposes. Who preceded him?

HORACK: Justin Miller. I believe Justin Miller came from Stanford [University].

ARENA: And if I'm not mistaken, Justin Miller was associated with the conscious effort to build a law school second to none, and whether it was he who brought in the professors from outside . . .

HORACK: I think Justin Miller started the process and as a part of implementing that process he brought my father from Iowa to Duke.

ARENA: I was going to say, he would have been the one that brought your father in then.

HORACK: Yes.

ARENA: Because he was the Dean at the time. I would like to go back to this question of your father's schedule or your father's life, again, from the standpoint of those who are interested in appreciating the type of teachers and mentors that the President had. It's a question, again, that there can't be too much information on that subject. And as a matter of record, historical research in a way, has there been a book written about your father or a book written about the history of the law school per se or Duke University in which a person may find references to your father from your own knowledge?

HORACK: Oh, of course, my father's in all the Who's Who's and all that sort of stuff. Offhand, I can't put my finger on one single thing you would call real biography. There's all sorts of articles written about him in legal journals, among other things, regarding his activities in inspection and accreditation of law schools. If he had an area where he was nationally recognized, it would be in legal education, in the sense that I talked about--his interest in inspection and accreditation of law schools, upgrading of Bar exams and Bar exam procedures.

ARENA: So there would not only be articles and information written about him, but very likely by him.

HORACK: Oh, yes.

ARENA: These studies of course ended up in report form.

HORACK: I never did read them, but I presume they are voluminous.

ARENA: Let me refer to this, and maybe you would know if your father did the same thing. But I would get so carried away with special research projects, I would be one that would read them to the class in toto.

HORACK: I think my father would have had better judgment than to do that.

ARENA: I would interpolate, of course, and hopefully made them interesting and that sort of thing, but I was just wondering as a matter of record if he did or did not.

HORACK: No, I think his care and treatment of his students was too kindly to do that. Incidentally, I say his students, I'm not one of them. I told you he was teaching Equity. Well, I couldn't take Equity because my father taught it. It was tough enough being the Dean's son in the Dean's school. Some people might think that would be a plus factor, "Boy, you've got it made." The truth of the matter is that I had a millstone of expectation around my neck and I had to perform whether I wanted to or not. I just didn't think I ought to take Equity under my father, but I figured I ought to have Equity. During my second year summer we went down to Woolsack. As I told you, the Chancellor goes to sit on the Woolsack. So my father went down to sit on the Woolsack down at the beach and I spent the summer taking all his class notes, the whole bunch, and in between going back and forth to do some library work . . .

BEGIN SIDE II TAPE I

ARENA: And we were on the matter of your passing Equity, even though you never took a course with your father. Would you complete that episode, please?

HORACK: I don't know where we left off on the other side of the tape. I was talking about the handicaps of being the Dean's son, attending the law school where my father was Dean. I think the normal reaction would be, as I was explaining, that that ought to be a patsy, but to the contrary, it was quite a burden. I didn't dare perform otherwise than at my best. I figured I really ought to have Equity and I thought it was pushing the thing too far to take an Equity course under my father, so I was explaining that during one of these summer-time vacation periods down at the Woolsack at the beach--as I said, "The Chancellor sits at the Woolsack"--I took that summer to study Equity on my own and got a lot of library books and case books, took my father's lecture notes, and went off in a corner to study by myself. At the end of the summer I told him I thought I had absorbed about all I was going to absorb in that summer's session and insisted that he give me an exam. He gave me one of his regular exams. All I know is that he said I had passed.

ARENA: Thank you very much.

HORACK: As a matter of fact I had really struggled about whether I ought to go to Duke. It may be pride or prejudice, but it didn't really make sense to go elsewhere, since obviously I thought Duke was a pretty good law school. Why go away when it was right there? I went to Duke in spite of the handicap of having my father as the Dean of the law school I attended.

ARENA: As you know, I'm interested in all of these interviews in concentrating on the President and, of course, the ideal situation would have been in addition to interviewing yourself, interviewing your father. But knowledge of your father, the type of person he was, since the original edition is not here, as Benjamin Franklin would put it, I think it is very fortunate that you are granting me this interview. But I would like to get back now to your own personal contacts with the President which we did outline earlier in our discussion, and I would go back first to your encountering him, I believe you said, when you were a student at Duke, an undergraduate student, and outside of your home. On what occasion, if at all, did you meet him outside your home, say, around the campus during this period? To refresh your memory, you know it also, but the reader here, this is the period, '34 through '37.

HORACK: That's right. As we established earlier, I entered Duke as an undergraduate in September of '35. I knew the President at that juncture, but not intimately. Our home was on the Duke Campus. I would meet my father at the law school either to walk home with him at the end of the day or see him sometime during the day in a fashion untypical of most undergraduates. Through the years, even though I wasn't in law school, I got to know some of the law students. So it was in that context that I first got to know Mr. Nixon, as I did some of the other students. Normally I would not remember my father's students over the years by and large. There are always a few students that are favorites or standouts with any professor or dean. I suppose for each student there are a few standout teachers that leave an imprint that is an unusual one. Back during this period of time when I was in undergraduate school, even I was particularly aware of Mr. Nixon because I heard my father talk about him on the home front when he discussed the students that he held in particularly high regard. In that sense I was more aware of Nixon than I was of the rank and file of the other law students. But did I know him well during that period? The answer is no. I guess he basically knew me as the Dean's son and I knew him as a student whose name came up with some prominence around the dinner table at night, along with several others with whom my father at that particular stage had a special rapport.

By way of summary, I did not know Nixon intimately at that time and I suspect basically he knew me as the Dean's son. I

also saw him on occasions when my mother and father would have groups of students visit in our home, as they did frequently. These visits were almost a tradition as a matter of fact, and were more than just formal occasions. Every May my father and mother held an open house for the students. In addition to special invitation gatherings, students frequently visited our home on an informal "drop-in" basis. I recollect that the composition of the student groups was different from occasion to occasion, and I suppose that was purposefully done. It's part of the rapport my father had with the students. I think he would have had this rapport anyway, but I also think he tried purposefully to promote it. So, yes, Mr. Nixon was in our home on occasions such as these. Do I have any special or particular vignettes that relate to the President specifically on any such occasion? The answer to that would be no. He knew me as the Dean's son and I knew him as a student for whom my father had a particularly high regard.

ARENA: Do you recall the nature of the social affairs at your home? For example, were they always dinners; were they a "drop over for a cup of coffee" sort of thing; did the students tend to be formally dressed or informally or both?

HORACK: The format of those was always informal and of both types. Both the drop-ins and the specific invitations for dinner. But I would describe them characteristically as being as informal as any of those gatherings can be.

ARENA: Where was your father's residence located and was it his own private home, if I may ask?

HORACK: There are two campuses at Duke. The so-called new campus, or it was new then, which was the West Duke campus. There was also what we called back then, the girls' campus, or the East campus; the East campus being the one towards town. The two campuses were about a mile apart and connected by a road called Myrtle Drive. The university then was, and maybe still is, the owner of the land connecting the East and West campuses. There were some faculty homes that the university built and made available to the faculty people on a rental basis. Our home was one of those. That's why I say I grew up on the campus--it was one of those campus homes on the road that connects the two campuses.

ARENA: And would have been within walking distance to your father's classes and students to visit.

HORACK: Oh, yes. We could walk along Myrtle Drive and go up the road that extends to the Duke Chapel. Later on, we could go through the woods and the Sarah Duke gardens and come up behind the physics building--which was a delightful walk.

ARENA: The area that I know best of all, and help me orient myself at this point, would be the old President's home which is now the alumni office. Where would your father's home be in relation to that, or would that be far from the area?

HORACK: There weren't city blocks as such in there. Let me get you oriented. Leave the Chapel, proceed to the traffic circle, near the old President's home, and turn left onto Myrtle Drive.

ARENA: Which is now the Campus Drive. I think that is what it is now.

HORACK: Is that what you call it? We had two houses at different periods of time, both located on Myrtle or Campus Drive. After leaving the traffic circle you will find our first house--the fourth house on the right hand side. It was white and with exposed English beams. I don't remember when we moved from that house to our second house, which was located at the corner of Anderson Drive on the right, going toward the East campus. This second house was the one we had when Mr. Nixon was a student at Duke Law School.

ARENA: Were they of equal spaciousness and equal comfort?

HORACK: The second house was considerably larger than the other. Both were very nice houses.

ARENA: Do you recall that the law students, including the President, brought dates on any occasions?

HORACK: Oh, yes.

ARENA: Do you recall if your father served drinks for those who did want to drink?

HORACK: My father had no qualms on that score. He certainly was no blue nose.

ARENA: Did he himself drink as a matter of fact--you say he had no qualms about others.

HORACK: Socially--social drinking is a hackneyed phrase, but that correctly describes it. My father would partake not only on social occasions, but maybe at home in the evening by himself; but that was the sum and substance of it. I recollect that he went easy when it came to serving drinks to the students. It is my impression that he thought it prudent to use restraint when it came to serving drinks to students.

ARENA: Did your father smoke?

HORACK: In my judgment my father most certainly wasn't stuffy. I have commented on what I think was probably true about not serving drinks. I may back away from that. He may have occasionally served drinks to students, but not very often.

ARENA: I'll tell you what I am getting at, what I have in the back of my mind, and of course, it might be of help for you to know the basis for these questions. Basically, they are all for information's sake, factual. However, there is this fact that the President came from a college that allowed no drinking, no dancing on campus--that was just being allowed when the President left. He had campaigned as a student government president to change the rule that dancing be allowed on campus, just to give you an idea. There was no smoking by faculty, as well as drinking by faculty, allowed on campus. I am just wondering how much, if there was, of a cultural shock, if these things smoking, drinking and dancing, if these were allowed on campus, including the law students.

HORACK: Maybe I can be a little bit more responsive. I don't think that I can be more specific about my father serving drinks to students on the occasion of the get-togethers at home, whether they were drop-in. . . . All I can say is that on the drop-in visits, he probably would and on the special invitation occasions he probably wouldn't. But I am so vague on that, my answer is not really helpful. As far as dancing is concerned, I can just say as an aside that the President's sojourn at Duke was during the era of the big bands. The dances had nothing to do with the law school, but dancing was very much in vogue.

ARENA: And in the community itself, I presume. Would that be correct?

HORACK: You mean in Durham, per se?

ARENA: In Durham itself, per se.

HORACK: Well, my impression is that the activities of students at Duke, both graduate and undergraduate, were more oriented to the school social activities than they were to any activities of the community, per se.

ARENA: They were such a distance apart physically that it tended to have them spend most of their time on campus, which as you say is quite large. Not all schools have that much space.

HORACK: Yes, that's right. These big name dance bands were much in vogue. Typically the dances would be held in the big campus ballroom or maybe at the gym over in the girls' campus, the East campus. What I'm saying here is that in my era and I think the preceding period, most social activities were oriented around the university. I'm not discounting the practice of taking our dates out to Joe's place and that sort of thing, I'm talking about organized social activity.

ARENA: And while that subject did come up, we'll say, town and gown relations, what do you recall about that area? Were the people of Durham able to visit affairs on campus, either the band, say, which maybe the high school kids would like to see, or some prominent speaker, including a prominent minister? Were campus activities open to the public and vice versa? What did the community offer the students at that time?

HORACK: Are you talking about what the school and university offered the community or the community offered . . .

ARENA: Or vice versa. What were the relations between the two, culturally, economically and so on?

HORACK: Frankly from my own impression of Durham, having grown up there as I explained, I think that the university had a heck of a lot more to offer the community than the community had to offer the university. As I think back--I don't mean to downgrade my old hometown, it's a delightful place--but I don't recall a great deal that the town as such offered the student community. I don't mean to be caustic about that, but I think basically that's true. We used to smile about it at Durham where Duke is located. In a way it was more oriented to the University of North Carolina, twelve miles away, than it was to Duke University. And there were probably reasons for that--Duke's student body was more cosmopolitan. Duke drew from out of state in a fashion that a state university does not. Or putting it differently, a main thrust of the composition of the student body at Duke, both undergraduate and graduate including law school, was that the students by and large came from somewhere else. I think that the community, in a fashion that I never did quite comprehend, and my own appraisal may be in error, had more of an affinity with the University of North Carolina at Chapel Hill than they did with Duke. One could feel it in the reaction of the merchants at homecomings and similar occasions. You may get others who would say I am all wet on that score. Now turning the coin on the other side, the university

had much to offer the community from a cultural standpoint--of course, I'm not talking about sports. That goes without saying. But, I am talking about lectures, concerts and all of that. The dances, I'll say basically, no. They were all student oriented.

ARENA: Would I be correct in assuming that the law students-- you would know your era for sure, and you would be estimating the President's era, but you would still have a basis for having a good estimate--that the law students didn't have too much time for social life either on campus or in the community, regardless of what was available, in the sense that they couldn't take whole weekends off on a regular basis, or could they?

HORACK: If you're asking me whether by and large the law school students worked hard, the answer to that is yes. I did. It was pretty serious business. I think the average Duke Law School student, both in my era and in the one that preceded it, was basically a hard-working bunch. But because the law school was small and there was, therefore, an added intimacy among the students, they worked hard and they played hard.

ARENA: Is it your estimate regarding President Nixon's time and your own experience in your own time that law students didn't stick to themselves necessarily all the time? For example, I have an interview this afternoon with medical students who were contemporaries of President Nixon, who recall him very well. Although I've met two, I am just wondering, and the names I am sure will sound familiar even to you; one is a Dr. Hiatt, Joe Hiatt, everyone calls him, and the other one, for some reason, is an Arena, but no relation to me as far as I know, Dr. Jay Arena. But both of these gentlemen quite by accident were brought to my attention, and I've spoken to both of them and they knew the President during that era. What I am wondering, how many more like that may there be. To what extent did you as a law student and to what extent do you think the average law student . . .

HORACK: You mean gravitated to the others outside the law group?

ARENA: Yes.

HORACK: Oh, quite extensively.

ARENA: Would that be by attending games, ball games?

HORACK: Well, of course, there is the usual. . . . In those days there weren't very many girl law students.

ARENA: In the President's time it just so happened there were two and they married. One was Helen Lanier and the other doesn't come to mind. But both of them married contemporary, same class if I'm not mistaken, law students. One is a Supreme Court Justice in Nebraska and the other, his name just doesn't come to mind.

HORACK: Adams up in Greensboro [North Carolina].

ARENA: You're not aware of these two women contemporary students--one was Caroline Phillips, now in Oregon and now Mrs. [Thomas B.] Tom Stoel, and the other woman law student was a Helen Lanier, who married Hale McCown, according to Mr. [John Mack] Holland.

HORACK: No, those names don't ring a bell with me.

ARENA: You don't recall them being possibly among the invited students to your father's home either. You don't recall that?

HORACK: No.

ARENA: They would stand out--girls--especially in a law school anytime, I'm sure.

HORACK: No, they don't ring a bell with me. One of my problems is that having lived on the campus and having been the Dean's son, I'm prone to get the generations of students mixed up. If I had been there for just three years, all I would remember is those three years. I get confused about the time span between 1930 and when I got out in 1941--a little prone to get the composition of the various law classes homogenized.

ARENA: Naturally. What do you recall, if anything, speaking about the town-gown relations and the social side of life of the dating between the law students and whether the girls were coeds or whether the girls were from the town? Do you recall that aspect?

HORACK: By and large the dates came from the East campus, but there was some considerable dating of the town girls. Basically most of the dates came from the very convenient East campus.

ARENA: Would the girls who did come from the East campus, in view of the fact that Duke was a private school and therefore tuition was presumably higher than the state school, would these girls come from mainly upper class families or, we'll say, girls who were better off economically than the average girl?

HORACK: In the state university?

ARENA: Yes, or is that too much of an assumption?

HORACK: No, I think probably that's correct. Basically I think so.

ARENA: Do you recall any of the law students complaining or any problems for lack of dates?

HORACK: No, I think they were well fortified on that score. One of the social activities that was a standout in that era was the college band that performed in the lobby of the Duke union, which was on the other side of the mall on the West Duke campus. Every evening around 6:00 or 7:00 the band in the union lobby room would beat it out and the students would just gather round informally. It was almost a traditional thing and, of course, that's where your Les Brown's and your Johnny Long's and others really got their start. Attendance was routine by both undergraduate and graduate students, including the law students. This was going on in my time and before that too.

ARENA: Speaking of music and band playing, you might be aware that the President did study piano with an aunt, as a matter of fact. I'm wondering if during this period especially when he came to your home, if you had a piano there, if you ever heard him or saw him play the piano?

HORACK: No, no. We didn't have a piano, and no, I've never heard him apply his talents on that score.

ARENA: What is the most vivid recollection, of all the times, of any period that you can recollect of being in the company of the President personally? Now go through the whole span that you mentioned earlier, during law school days or after, your most vivid recollection, and then describe him from every facet that you can recollect.

HORACK: Well, there are some specifics. Certainly, it's a standout in my memory when Nixon was down here campaigning in 1960. That's a standout because he had my mother up on the stage and, of course, went out of his way to greet me. It was very heartwarming and very generous and very much appreciated for him to go to all that trouble to get my mother to sit on the podium. By that time my father was dead and naturally . . .

ARENA: It could have been a delicate situation too. I'm sure it was, in the sense that this was partisan politics and it can be rough. How did he handle that situation

so that your mother did have a good time and was not embarrassed and possibly even hurt by what could have been in some respects a serious situation? As you know, politics can be rough. How did he handle the situation?

HORACK: It never occurred to me either then or would it occur to me now--there just wasn't any problem.

ARENA: What was the occasion again? I was wondering when you say on the stage, was this in an indoor situation or outdoors, where the public was invited, for example?

HORACK: Oh, yes. It was here in our big indoor coliseum, which holds eleven or twelve thousand people. It was simply an act of courtesy and interest on the part of the President. He knew he was coming to Charlotte and quite obviously he hadn't forgotten his relationship with his former Dean. He was just expressing his appreciation to the Dean's widow, my mother. Of course, he also knew her. But as far as any political overtones or political backlash or embarrassment or things to handle were concerned, there just wasn't anything. It is standard operating procedure to get a local flavor or to show your interest in the past, particularly if your past is in the particular locale where you are, in this instance North Carolina. Maybe that was one of the motivations, but I can guarantee you, it wasn't the main one. There wasn't any problem.

ARENA: From the standpoint of history, you would not know if there was a set and therefore recorded speech of that occasion, including the comments that he made in a personal way regarding his recollection of these days? As I said earlier, I'm not interested in politics per se--the project is not--but we are interested in that period and his recollection of that period, which I'm sure came up with your mother there. It would be very interesting if there might be some written record of what was said on that occasion. Do you think there might be such?

HORACK: There might be. I don't know of it.

ARENA: Did Duke [University] possibly have a tape recording arrangement at that time and maybe taped the entire situation or maybe a local station, so there might be a tape record of what was said?

HORACK: You said Duke--you mean here in Charlotte?

ARENA: No, I was thinking some universities themselves now maintain complete. . . .

HORACK: I don't know. I'm just speculating, but I can't believe that an occasion like that wouldn't have been recorded by somebody. But I don't know anything of it. You're talking about. . . .

ARENA: This is for future reference for us to follow up in case somebody wants to go back and get this in writing as well.

HORACK: You're talking about written references. I know you're really inquiring about the remarks on that particular occasion. However, as I walking out the door this morning, in anticipation of your visit, I grabbed a couple of letters we have received from the President. I don't know if you have any interest in them or not.

ARENA: Very definitely. Are these your letters and in your possession, for the record?

HORACK: Yes, I've got them here.

ARENA: And these would be letters written to your parents, including--I'm thinking, of course, before your father died and then since.

HORACK: I can show you the letters.

ARENA: I would appreciate that, and if you have no objection, it would be fine for you to read them into this interview.

HORACK: I don't know how enlightening they are. I guess they are--you have to read between the lines of the letters.

ARENA: We'll leave the historian and future lawyers to interpolate, but there is no question they would be of value.

HORACK: Of course, I wouldn't read them if I didn't think it was all right to do so.

ARENA: Fine, and the date if possible too.

HORACK: Here is a letter written by Mr. Nixon May 22, 1958, when he was Vice President on the occasion of the death of my father. Do you want me to read that?

ARENA: Please do.

HORACK: It's addressed to my mother. It's captioned, "The Vice President of the United States of America,

May 22, 1958, Dear Mrs. Horack: When I returned from a meeting a few minutes ago, I found your telegram on my desk and I can't tell you how shocked and saddened I am to have the news about Dean Horack. I have been thinking back over the years the past few minutes and there are few people I have known from whom I have had more admiration, respect and affection than your husband. I shall always be grateful for the wise counsel, advice and encouragement he gave me in my student days at Duke and in later years as well. His friendship has meant a great deal to me, as I know it has to others who have had the privilege of knowing him. Notes from friends are most inadequate at times such as this, but you may be sure you have my deepest sympathy and that my thoughts and prayers are with you and members of your family. With kindest regards, Sincerely, Dick Nixon."

ARENA: He did sign it as Dick Nixon. As a matter of fact, do you recollect that he was referred to as Dick by your father when he attended the school? He was called Dick.

HORACK: Oh, yes. As a matter of protocol, I don't believe I would call him Dick now because nobody else does. But I would have to catch myself. Are you interested in these other letters?

ARENA: I would be very grateful if you would.

HORACK: Well, I'll let you be the judge, as you say. I wanted to do something for my father. There had been a biographical book about Nixon that had come out. In preparation for my father's birthday, I sent a copy of the book to the then Vice President to get him to autograph it. In due course it came back with a letter addressed to me captioned "Office of the Vice President, March 25, 1957, Dear Ben: Your thoughtful letter of March 5 arrived while we were on our official trip to Africa and Italy. It is a special pleasure to autograph the [Ralph] de Toledano book for your father. It is being sent to you under separate cover. And I am also sending to you a copy of James Keogh's book, 'This is Nixon', which I thought you might enjoy having. With every good wish to you and your family. Sincerely, Dick."

ARENA: To be sure about these books, the de Toledano book is a book about President Nixon but it includes some passages about your father, as well as Keogh's book. But both of these books I have read also, by the way, and I know your father is referred to. And that's what we are talking about here.

HORACK: Yes.

ARENA: They're not books written--neither author wrote a biography of your father. These are biographical excerpts in the book that you wanted to bring to his attention, and he did autograph it.

HORACK: What he did is, as you infer from the letter, I sent him one book with a request that he autograph it for my father and he went the second mile and did the nice thing by sending me another book autographed to me. I have them both at home and treasure them very much.

I have a third letter which I grabbed as I was walking out the door this morning.

ARENA: Most revealing. You would know if anyone else, of course, has seen these, for the record? Whether they have or not, they are now a part of the record, and again as a historian, I am most grateful that they are.

HORACK: The third letter that I have is captioned "The White House, February 6, 1969, Dear Ben: Your letter following my inauguration brought warm memories to mind of your father and the great influence and example he was to me. The days when I knew him were struggling days. Yet he always offered an encouraging word and presented an exciting view of the future. His memory will always inspire me and the knowledge of your support will be a source of strength as well. With appreciation and best personal regards. Sincerely, Dick Nixon."

ARENA: He certainly refers to that era. Could I ask you to search your memory for remarks that the President did make on the occasion when he did have your mother on the stage, concerning his recollection of his days at Duke, if that isn't too much? I realize that the confusion and the excitement of the moment, of course, would make you forget quite a bit. But whatever comes to mind and where and how he brought this in, this information. Was it at the very beginning of his talk or during the talk, as you know he does depart from any prepared script, and was his talk as a matter of fact a prepared written speech? Anything like that that you recall would be helpful.

HORACK: I can't recall much. Generally the recollection I have of whether Mr. Nixon's speech was a prepared one is that either it was unprepared or it had the appearance of being unprepared. As any good speechmaker, he's got a good talent of speaking without a prepared speech and making a prepared speech sound impromptu. So that's my impression on that score. As far as where and at what point in the proceedings he alluded to my mother who was up there with the platform guests, I just have no recollection of that.

ARENA: Other than the general fact that you do know he referred to this period and his personal acquaintance with your father and mother.

HORACK: Yes, he did. Of course, common sense tells you that he didn't stand up there on the stage and eulogize my father or . . .

ARENA: Oh, he did eulogize your father on the occasion. You recall that too?

HORACK: It was more a kind gesture than any great revealing thing about his sojourn at Duke or relationship with my father. It was just as you would expect it to be on the occasion of a campaign appearance--an acknowledgement of the people on the platform and their reasons for being there. It was an acknowledgement identifying my mother and her reason for being there--namely that she was the widow of the Dean, and it was the occasion of his being at Duke which gave him this very special contact with the state of North Carolina. That is about all I recollect.

ARENA: The thing that's behind this question, of course, and I think you've illustrated already, is that he didn't do this--he doesn't maintain a contact with you personally or with your mother obviously just for public consumption. These personal letters and private letters as far as I know never made the headlines and yet . . .

HORACK: No, nobody outside of the family has ever seen them or read them.

ARENA: So the occasion of meeting your mother isn't something that happened in the way of that situation only. There has been this personal contact as well. The record shows that, and that is all that I'm interested in doing. What people will do with this, of course, is something else, but that I think is good to show on the record.

ARENA: I never really answered your question about what were standout occasions of my recollection of the President. I picked out this one which was a very heartwarming one for the family and that's why it's a standout. It's a personal reaction on my part. Turning my attention to what was my best opportunity for my getting to know Mr. Nixon, I can be very specific. It was when I was with the OPA. I've described that in my capacity as the Dean's son, I visited around the law school and hence knew some of the students. I described my relationship with the President at that juncture as falling really in the category of an acquaintance, with him knowing me as the Dean's son, not an intimate, not as some fellow students that he lived with or studied with. My prior acquaintanceship became much more when happenstance put us in OPA at the same time.

ARENA: For the record, that time was early in 1942 to about August when he entered the service, right?

HORACK: That's right.

ARENA: By early, would you pinpoint it to January or February? It was early I know that.

HORACK: I'm trying to remember. It was early, I know that. I got out of law school in June 1941 and went with a very fine firm, tax oriented, down in Atlanta [Georgia], and might well have remained there except Uncle Sam was about to point his finger out and say, "I want you." While waiting until Uncle Sam's hand actually got put on my shoulder, I went to Washington with the national branch of OPA. I can't remember the specific date in '42.

BEGIN TAPE II SIDE I

HORACK: I was explaining that I went to Washington with the legal branch of the national office of OPA. I was in the legal end of the rationing program. My particular work involved mostly the drafting of regulations relating to the rationing of processed foods, shoes, tires and gasoline, and other programs, some of which never did get off the ground. Mr. Nixon was there in the same building and in the legal branch, too. But to save my life I can't remember just exactly what he was doing. It is there when what had been an acquaintanceship back at Duke got to be a more intimate relationship. I would say our acquaintance was renewed.

ARENA: Which was one difference too, he was then married. I presume you met Mrs. [Patricia Ryan] Nixon during this period, or did you have the opportunity?

HORACK: No, I didn't see Dick outside office hours, nor did I work with him on whatever his problems or projects were. I've already said I don't remember exactly what slot he was in. One point of contact was going to lunches with him frequently.

ARENA: Where would you eat, if you do recollect?

HORACK: Oh, golly.

ARENA: This would in in town itself?

HORACK: Oh, yes.

ARENA: The government cafeterias too?

HORACK: We went everywhere. We would go out together at lunch time. The cafeteria at the Mellon Art Gallery is typical. While there we would wander around the Mellon Art Gallery or it could be the Smithsonian Institute. I really got sort of "culturated" during that period of national emergency when I culturated a habit of rather prolonged lunch hours.

ARENA: Do you mind if I ask you what your full period there was? He was there evidently just about a half a year. How long were you with the OPA?

HORACK: I was with the OPA until I went into the Army--got drafted in the spring of '43.

ARENA: You put quite a hitch in with the OPA then?

HORACK: A longer hitch than I would have preferred, to tell you the truth. Besides the lunch periods, we had long bull sessions. Now if you ask me along with others . . .

ARENA: You're anticipating my question, I will ask you what you talked about in those bull sessions.

HORACK: It is my recollection that it covered the whole panorama of bull session subjects, both light and heavy. If you were to ask me to name one specific subject matter, I couldn't do it. If I had known he was going to be President of the United States, maybe I would have paid more attention. If you were interested in my impression of the man as you engage in a bull session, that's loud and clear.

ARENA: What would the impressions be?

HORACK: Just as smart as he could be, and in depth and with an overtone of seriousness. That's about the way I would describe it.

ARENA: Do you recall the idea that he was thinking in terms of going into military service? Did he hint along those lines? Did that come up in those sessions? Did you think and were you wondering about the fact that here was a Quaker with a stereotyped notion that Quakers don't fight, Quakers are pacifists? Did that question come up during any of these discussions?

HORACK: I have no recollection of that type of subject matter. I might add this, the fact that somebody was about to go into the service was so commonplace that it wasn't the type of thing you talked about. Not that you shied away from it. It just wasn't worthy subject matter.

ARENA: And since this involved a personal religious situation in his case, because he could have remained out as a conscientious objector, for various reasons it could have been a delicate subject, and for who knows what reasons, it didn't come up from your recollection in any way?

HORACK: No. As you observed, I have no recollection of that as the subject matter. That doesn't mean it wasn't discussed. It means I don't have any recollection. It is my recollection that our bull sessions, with our feet on the table or desk, were freewheeling as most bull sessions are, skipping from subject to subject, both per session and from session to session. It would be my guess, if not recollection, that if the subject came up it would have been discussed. It was that type of get-together.

ARENA: Do you recall that you kept in contact with him in any way, even brief notes, during the war years?

HORACK: No.

ARENA: Or did your parents hear from him during this period?

HORACK: Oh, they did. My father heard from him, but I can't document the occasions or the frequency. You will observe that in the letter to my mother when he was Vice President he talked of my father's interest or help during the school years and afterward. Yes, I've heard my father talk about such contacts but I do not know the specifics, the occasions, or the frequency.

ARENA: Without going into politics per se, but what do you recall, and again this has to be an impression because you don't recall as has been brought out, you don't recall the specific conversation. What impression did he leave from the standpoint of his political views, not that he was going into active politics? Would I be correct in assuming, or should I assume at all, I would like to ask did he give any indication, any impression that he would someday go into politics--that he was interested in politics?

HORACK: As I have already explained, if I had known then he was going to be President, I would have made better mental notes of the subject matters. I really don't have any specific recollection of his going into the service, as it relates to his Quaker background nor his plans and aspirations regarding politics. They were just bull sessions.

ARENA: Do you recall his bringing up his getting into the OPA in the first place?

HORACK: No, I don't recall that. You are getting a goose egg out of me as far as the substance of our conversations.

ARENA: Do you recall--I think this is in print in some of these very books we have mentioned--that among the fine examples and among the judicial leaders of the

President's era were names like [Benjamin N.] Cardoza, [Louis D.] Brandeis and [Felix] Frankfurter. I am wondering on that occasion during the bull sessions, or any occasion going back to any period, the admiration for these men and obviously what comes to your mind, why he picked these men as admirable judicial stars?

HORACK: I really can't pinpoint that. I could speculate that in those times the justices to whom you just referred were the big judicial lights of that era, the great judicial minds. It doesn't surprise me that he would pick some of those people. As I've already said, I don't remember one way or another about his political aspirations as being on the bull session agenda. I have read this in some things about Nixon, but more pertinently, I remember my father's own conforming comments that back in law school Nixon had counseled with my father on the subject of going into politics. With what depth or purpose I don't know. I recall my father telling him if he was interested in politics, he should go put up his law shingle in his own home town and start from that as a base. I do not know what the context of that was or how or when that came up, except I inferred from my father's recollecting comments that it must have been during the law school days, although it could have been afterwards.

ARENA: From your own impression and your own views, would the respect for people like Cardoza and Brandeis be a non-partisan respect? In other words, whether a person is a Republican or a Democrat, even though if I am not mistaken they were appointed by a famous Democrat, Franklin Delano Roosevelt, even if that is the case, that they were Democratic appointees, are these men as a matter of fact, men who gained the respect of lawyers whether they are Republican or Democrat, as a matter of record--history--and your own personal experience, you knowing who your friends are who are Democrats and who are Republicans, and from your knowledge of these men and . . .

HORACK: Are you asking me mine, or my guesstimate as to why Mr. Nixon might have--what motivated his respect for these men? Is that what you're asking?

ARENA: I guess both. I get the impression you can't tie in Nixon with his motivation--well you can estimate his motivation.

HORACK: I estimated that.

ARENA: Well, I would like to have your own view as well.

HORACK: Well, I come short of a recollection as I've already acknowledged. However, I would feel quite confident that the President's respect for those legal giants

had nothing to do with politics. It was his respect and admiration for their legal ability and the depth of their legal thinking, which to me isn't surprising at all. I think it's well documented that one of the characteristics and hallmarks of Nixon, both in law school and since, has been that he is a real hard worker and a real deep thinker. It is not surprising that he would gravitate in his respect for men like Cardoza and Brandeis.

ARENA: As a matter of fact, were these justices a part of the subject matter in your day in law school classes?

HORACK: Oh, yes. They were the giants.

ARENA: Even before they were appointed as justices, had they made decisions or were they known from maybe the scholarly point of view from articles that had appeared in the law journals?

HORACK: Frankly, my recollection of what they did prior to getting on the Supreme Court is hazy. I am not enough of a legal scholar myself to differentiate the before and after.

ARENA: What I have in mind--I'm tying in my own recollection of U.S. history--that the New Deal, as you know, is frequently referred to as the Peaceful Revolution. I know the historians Morison and Commager in their standard volume, maybe you were weaned on that too. I was, in 1946. But I am almost sure one of the chapters in referring to the New Deal is entitled "A Peaceful Revolution" and these would be the judicial, you might say, leaders of the revolution. It might be. This would be my interpretation. And knowing that the President is a famous Republican and being interested in his pre-formal entering of politics, because we are interested in the pre-1945 era, it would be interesting to know, you know . . .

HORACK: . . . the Nixon mind and attitude at that time.

ARENA: Yes. And maybe here we're going into psychology and education, which is of interest to scholars today. I have in mind those scholars who do have this psychology Some friends of mine are historical psychologists and vice versa. I know men who major in psychology and are particularly interested in tying the two. And this area right now is along those lines.

HORACK: As I said, I wish I had transcripts of our bull sessions, because I am sure one way or another it would address itself to that type of thing. Unhappily I didn't keep a transcript.

ARENA: Does it come clearly in your mind though that when you knew him, including this bull session--the overall effect--that he was firmly fixed in your mind as a Republican, as a Democrat, in the sense that he gave a consistent point of view regarding the formal views of the party at that time, whatever they were and, of course, political parties change? I am just wondering if you recall he was a Republican over and over again? Does that stand out in any way?

HORACK: I don't know about over and over again. If I try to throw my recollection back to just an overall impression or feel, I would say that there was a Republican bent. I can't tell you whether there was a real hard Republican allegiance at that time that was acknowledged. I just don't recollect. I recollect that his reaction as well as my own, was that the intricacies of the OPA and kindred agencies were overwhelming. Of course, that was back during the war period. I guess you'd say that of all the things it wasn't, it wasn't a normal period. But my impression is that he didn't shout hallelujah about his brief experience with the government any more than I did.

ARENA: The government before the war period had established many agencies, not the OPA, which as you brought out was a particular answer to a particular emergency. Did you feel that you saw a distinction, and obviously if you recollect the President did too, that there was a distinction between New Deal bureaucratic bureaus--I'm thinking of CCC, Civilian Conservation Corps, NYA, National Youth Administration? There were these pre-wartime--by wartime not necessarily when we went into war but when war broke out in Europe in 1939--there were these pre-New Deal agencies and then there was something like the OPA . . .

HORACK: The NRA and all that stuff.

ARENA: Yes. NRA, National Recovery Administration. The reason I am giving the full name is it saves the editor trouble later on because someone will have to fill these out. And that's the question. Was there in your mind, and do you know if in the President's mind as well, that there was a distinction between this type of government agency, a necessary thing for the war emergency, and the other?

HORACK: I really can't helpfully identify an impression of his reaction in that respect. You see, it was during the war and the OPA was an oddball thing and it was bureaucratic to the nth degree. I suspect Mr. Nixon, like myself and a lot of the others, had no idea of making a career out of it. It was just a waiting period. It was a necessary evil. You had your belly full of it, but you accepted it because it was a war-time thing. Therefore, you found it more tolerable and hence it

generated less comment--other than the usual grouching and beefing that anybody in any slot always engages in when he is stuck in a situation and not particularly happy about it.

ARENA: Could I ask you this as a person who has his own law office now, who has worked as a lawyer for the government, and bearing in mind there is still another type of governmental lawyer, the OPA was an emergency situation as you know, there are lawyers . . .

HORACK: And probably you've got to say you hope it was untypical.

ARENA: That's what I was leading to.

HORACK: It was sort of a motley crew to tell you the truth, including me.

ARENA: Does that experience or working for the government as a lawyer under those circumstances--and I think you've answered it--does that stand for the typical situation of a lawyer working for the government? Why would some lawyers work for the government as some people, whether lawyers or not? Why not stay with the government? Why go into your own? And here I'm asking for your opinion, your view. I'm assuming you would say you do not recall President Nixon speaking on that subject.

HORACK: No.

ARENA: I assumed that.

HORACK: It probably came up.

ARENA: I'm sure it might have because he had been a private practicing lawyer, as you recall. He had practiced law privately and then he worked for the government. May I ask you if you had practiced privately before or had this been your first assignment? Oh, I believe you said you worked for a tax company, that's right.

HORACK: Yes, I was with a very fine firm down in Atlanta for a year or a little bit more than a year. Anyway to respond to your inquiry, I have already said that you have to admit that the OPA was a rat race. You might say it had an extra heavy dosage of bureaucracy in it and all that that implies. It was untypical. If you're asking for my own reaction, it left me with an imprint, although untypical in dosage, that it had enough of the typical ingredients that I would never want to go to work for the government.

ARENA: Could I ask you to expand the disadvantages?

HORACK: I'm not talking about Mr. Nixon's reaction because I don't know that. But you're asking me?

ARENA: I am, yes, since you are a contemporary.

HORACK: I don't for the moment mean to suggest that the government agencies both then and now don't have a lot of lawyers with real ability and talent and sincerity of purpose. I don't mean that. But I am left with the impression, be I right or be I wrong, that mixed in with the talent is an awful lot of junk, an awful lot of ladder-climbing, an awful lot of people, lawyers and otherwise, that can get expert quicker on almost any subject than you'll find almost anywhere. They are in positions where they can exert much influence--a lot of little people making big decisions. A little knowledge is a dangerous thing. This appraisal probably is a little too caustic. In any event, if you ask me would I want to be in a government agency, the answer is no. If you ask me if that feeling on my part was prompted in part by my experience with the OPA, having acknowledged it might be untypical because during a war period, the answer to that is yes.

ARENA: Is there anything else about your OPA experience and your direct encounter with President Nixon during that time that you would like to bring up at this point that I have not referred to? I would like you to speak whatever you would like to on the subject.

HORACK: Not really.

ARENA: Can I ask you this: Did you happen to meet any other members of the President's family? I know I asked you about his mother and grandmother, but he did have two brothers who were in North Carolina, one actually attended Duke [University], and this is Edward [Calvert Nixon], the youngest. You never came in contact with him?

HORACK: No.

ARENA: Is there any point at all now regarding this entire interview that you would like to make, whether I've asked the question or not, as we come to a close? I've gone beyond the bounds of decency holding you up this long. For the sake of history, I don't apologize. A good cause.

HORACK: Oh, there is another personal thing that to me is an additional manifestation of the President's generosity and an indication that not all people have short memories. I do and you do. But he did have a rather special feeling for my father. I refer to the occasion of my father's

funeral. I'm not a great flower and wreath man myself. He wrote the very nice letter I read to you and it seemed to me that would have sufficed. I suppose he wrote it because he wanted to and he meant it. Certainly that could have been sufficient. Nevertheless, he did send a floral arrangement with a ribbon embossed with "The Vice President of the United States" on it. This was certainly something he didn't have to do, either protocolwise or otherwise, but he did.

ARENA: Had your father attended the inauguration of him as Vice President? This would have been '53, of course.

HORACK: He was invited.

ARENA: I'm sure he would have been invited.

HORACK: But he was not able to attend.

ARENA: How about yourself?

HORACK: Let's see. When was he elected Vice President?

ARENA: He was elected '52 and sworn in in January of '53.

HORACK: I was just wondering if that was the year my father was in South America on that law school accreditation inspection trip. I don't remember.

ARENA: Well, I certainly appreciate your giving me this time and your frankness and complete cooperation. Thank you very much.

HORACK: Thank you.