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## Frank E. Horack Jr.

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## FRANK E. HORACK JR.\*

I knew Frank for sixteen years. Others of his "boys," as he liked to call us all, no matter how unfitting the years have made that compliment, knew him longer, and some knew him better. In looking back though, we all seem to see the same Frank Horack, a man of perpetual youth, fresh, stimulating, full of verve and enthusiasm for every class he ever met, every job he undertook, and every student he ever knew, the slower with the better.

He was a very young man when he came to Indiana in the fall of '35. He wasn't exactly a novice; he'd been around some since he left Iowa City, but the bright young man from Harvard, West Virginia and Washington was still a little young for a full professor's chair at Indiana University. Yet it was all very fitting. Frank was cut out to be a young man all his life—a college graduate at 19, law graduate at 22, S.J.D. from Harvard at 24, and now, full professor at I. U. at 28. It was a fitting thing for legal education, too. Young men were needed and Indiana got one of the very best. But the great curiosity is that as the years drew on, as names on Indiana's roster like Willis, Bowman, Evens, and finally Gavit, came down to make way for new ones, Frank Horack never seemed to age. He added a little girth, and his hair-to-scalp ratio slipped a little, but as his colleagues and indeed his own "boys" aged around him, Frank Horack remained always that same youthful, courageous, liberal young man who came to Indiana twenty-two autumns before to help build probably a thousand young men into lawyers.

There must have been something about Frank's own wonderful zest for law teaching that helped persuade some of us, his "boys," to follow him into the same field. Val Nolan, Maurice Kirk, Bruce Townsend and myself ultimately became his colleagues, either in Bloomington or in Indianapolis,<sup>1</sup> and the others whom I can now recall are pretty well distributed across the country, with Dave Kochery in the east,<sup>2</sup> Keith

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\* After consultation with others of Mr. Horack's former students who have turned law professor, it is hoped that this short memorial approaches a composite, or collective evaluation based on the comments of all.

1. Mr. C. Ben Dutton of the Bloomington Division and Mr. Nelson G. Grills of the Indianapolis Division should also be included in the number, although both have returned to private practice.

2. David R. Kochery, University of Buffalo.

Mann in the west,<sup>3</sup> Herman Trautman<sup>4</sup> and Forrest Lacey<sup>5</sup> in the south, Dallas Sands in the deep south,<sup>6</sup> and M. C. Slough at Kansas.<sup>7</sup> All of Frank's students know something of the peculiar, almost intuitive genius he had for arousing in everyone around him the best of their capabilities, but those of us who followed him into the business probably appreciate more than most others the magnitude of that inspiration. Being a law professor means nothing per se. It can be just as rewarding and just as frustrating as any other pursuit. Dean Slough dispels whatever false notions some may have about it when he says, ". . . there is nothing particularly magical about appearing before a class, posing as an authority of sorts, dispensing the usual information relevant to cases at hand." What was there about Frank Horack that made him different? Actually, he never posed as much of an authority on anything, though he had every right to; and he never dispensed much information, at least in the usual sense. What was it then?

Dallas Sands attributes his greatness to his "capacity to inspire, his ability to get everyone around him to do his best, and his qualities of depth and warmth of sympathetic understanding of people and their problems." Slough still carries, after twenty years, his first impressions of Frank and "his gift of imagination and creative talent that many of us reach for but never grasp." To Lacey, his great strength lay in "his ability to challenge and stimulate the intellectual capabilities of his students." Trautman remembers his shifting emphasis, under Frank, from particular rules of law and particular case holdings, to policy considerations, the "is" and "ought" problems of law, and ascribes to it all the development of an overriding general intellectual curiosity. And all this was not saved and set aside for the better students. Kirk points out that Frank "expected to find in every man a system of values to which that man would respond." Thus, "he would give to students—sometimes unsuspecting ones—responsibilities which those of us of less conviction could assign only with the gravest of doubts; and many men thus matured at his side."

Frank could do all this without half trying because he had an abiding curiosity himself about all things intellectual. And it wasn't limited to particular fields in which he might happen to be working at the moment. Kochery calls him "encyclopediaic" in his interests and learning.

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3. J. Keith Mann, Stanford University.
  4. Herman L. Trautman, Vanderbilt University.
  5. Forrest W. Lacey, University of Tennessee.
  6. C. Dallas Sands, University of Alabama.
  7. Major Carl Slough, Dean, University of Kansas.

There was no area with which he was not conversant. Slough, too, points to his breadth of interests, and Nelson Grills, who shared an early and endearing close personal friendship with him, was never able to run him out of ideas. Both Lacey and Kirk speak of his broad-range imaginative resourcefulness in techniques, what I can recall Frank's describing with a broad cigarette-in-hand gesture as "the swivel-hipped approach."

These qualities were honestly conceived too, not conjured up for mere impression on young minds. The man was incapable of intellectual dishonesty. Sands counts among his best qualities "his utter and uncompromising rejection of all sham, duplicity and hypocrisy." And Kirk points to the same thing in his research and writing, "He had the courage in his work to face squarely the conclusions to which the data led," and if he did not like those conclusions, then rather than tamper with them as a scholar, "he did what he could as a citizen to change the data" out of which they came.

There was about the man a powerful personality, a warm interest in people, a tolerance for their shortcomings, and above all, a certain hard-to-explain piquing atmosphere of challenge in all his relations. Just what it was is hard to pin down. Lacey remembers "Horack the chain-smoker, now pacing back and forth, now sitting cross-legged on the desk . . . challenging and stimulating intellectual capabilities . . . alertness . . . his ideas were fresh . . . a mind aware of reality and eager to point out potentialities for skillful legal techniques . . . analyzing instead of merely repeating someone else's words." Nolan, who did a book with him, speaks of the "electric . . . zestful . . . we're all in this together" spirit always about Frank. The same "we're all in this together" is echoed by Kochery, "he gave others the feeling that they were just as scholarly as he . . . this always had the effect of an unconscious feeling of 'knowing' or 'belonging' and the very gratifying feeling of contributing something to the solution of one of the many problems Frank always enjoyed struggling with."

It wasn't all in the classroom either. For Frank, though he would never have thought of it in such dreary terms, the educational process was a full-time thing, to be carried on outside the classroom as well as inside. So, as Maurice Kirk talked with him over coffee cups in the Varsity Pharmacy in Bloomington just a few evenings before he left us, he recalls the same warm bonds of exchange and profit that Slough looks back to over another pair of coffee cups nineteen years earlier, in the then new Student Union Building. And Herman Trautman, who never had a class with Frank, speaks of the same maturing influences

which we all experienced, coming to him from Law Journal meetings, hallway exchanges, office conferences and the other endless personal dealings which Frank always found time to enjoy with his "boys." Bruce Townsend never had a class with him either, but came to share the same rewards, as a graduate assistant helping with the Sutherland revision, and he carries still the same great enthusiasm for thoroughgoing research that Frank was able to breathe into all work worked with him.

We all have so many fond recollections; there was that atrocious little green car he drove through the war years and after; there was the baby blue, or was it pink, seersucker suit he bought one summer; and of course, there was always the nodding head, the twinkling eye and the first-name recognition he'd give us all as he strode puffing through the library on his way to the old office on the second floor.

That office, tucked away up there in a corner of Maxwell's musty second floor, that old untidy office with its mixed blues and browns of cigarette smoke, its overflowing dank-smelling ash trays, and its perpetual turmoil, housed a very young and great man. Now that he has gone on, it seems somehow rather fitting that the coincidence of a new law building in Bloomington has permitted the retirement of that old office from law school service, somewhat in the same manner as the uniforms of the greats in athletics are taken out of play in tribute to the men who wore them. If it were otherwise, what law professor in the years to come, could pass through that door which bore the legend, Mr. HORACK, and do justice to the old quarter?

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