


Winter 1958

The Recorded Career of Frank Edward Horack Jr.

Maurice B. Kirk

Indiana University School of Law

Follow this and additional works at: <http://www.repository.law.indiana.edu/ilj>

 Part of the [Legal Biography Commons](#), [Legal Education Commons](#), and the [Legal Profession Commons](#)

Recommended Citation

Kirk, Maurice B. (1958) "The Recorded Career of Frank Edward Horack Jr.," *Indiana Law Journal*: Vol. 33 : Iss. 2 , Article 18.
Available at: <http://www.repository.law.indiana.edu/ilj/vol33/iss2/18>

This Tribute is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in *Indiana Law Journal* by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact wattn@indiana.edu.

THE RECORDED CAREER OF FRANK EDWARD HORACK JR.†

Family:

Born May 2, 1907, Iowa City, Iowa, the only child of Professor
Frank E. and Elizabeth Grace (Collins) Horack
Married Helen Marie Sturgiss, Washington, D. C., 1940
Children: Frank Edward, III (born 1942)
Sabra Franceise (born 1947)

Education:

State University of Iowa, A.B., 1926; J.D., 1929
Harvard Law School, LL.M., 1930; S.J.D., 1931

Law School Service:

Assistant Professor of Law, West Virginia Univ., 1931-1934
Associate Professor of Law, West Virginia Univ., 1934-1935 (on
leave)
Professor of Law, Indiana University, 1935-1957
Faculty Editor, Indiana Law Journal, 1940-1947
Acting Dean, Indiana University, 1948-1949 (second semester);
assisted with administrative work, January to March, 1951
Visiting Professor of Law, Northwestern Univ., Summer 1941

University Administrative Service:

Secretary, Committee on Grants-in-Aid, 1938-1942
Editor, Indiana University Code, 1940
Director, Office of Military Information, 1942-1946
Coordinator, War Service Programs, 1942-1946
Member, Administrative Council, 1942-1946
Member, Administrative War Council, 1942-1945
Member, University Council, 1943-1945
Member, Domicile Committee, 1943-1945, 1947-1957
Member, Faculty Committee on Rules and Business, 1946-1948
[This committee prepared the 1947 Faculty Constitution.]
Member, Faculty Council, 1947-1949, 1957
Member, Insurance [and Retirement] Committee, 1947-1953, 1955-
1957
Faculty Member, Board for Review of Selective Service Defer-
ments, 1948-1949

† Compiled by Maurice B. Kirk, Assistant Professor of Law, Indiana University.
The compiler especially acknowledges the generous assistance of Mrs. Newell (Helene)
Cates, who was for many years secretary to Professor Horack.

Member, Committee on Curricular Policies and Educational Programs, 1953-1957

Service to Legal Education:

Member, Constitutional Amendments Committee of the Association of American Law Schools, 1950-1956 (Chairman, 1950-1953)

Member, Editorial [Advisory] Board, Journal of Legal Education, 1947-1951, 1953-1956

Member, Law School Advisory Committee [Panel of Law School Advisors] of A.A.L.S., 1947-1957

Chairman, Committee on Legal Education and National Defense of A.A.L.S., 1950-1953

Delegate of the A.A.L.S. to the American Council on Education, 1953-1957

Law School Visitor for the Section on Legal Education of the American Bar Association, 1946-1947, 1949-1950, 1956-1957, 1957

Governmental Service:

Counsel to the Governor's Committee on Efficiency and Economy, West Virginia, 1933-1934

Legislative Counsel to the Governor of West Virginia, 1934-1935

Special Assistant to the General Counsel, United States Treasury Department, 1934-1935

Member, Advisory Council, Federal Marketing Laws Survey of the Works Progress Administration, 1938-1941

[During this period the Survey prepared five studies: I. State Anti-Trust Laws; II. State Price Control Laws; III. State Milk and Dairy Legislation; IV. State Liquor Legislation; V. Inter-State Trade Barriers.]

Indiana Commissioner, National Conference of Commissioners on Uniform State Laws, 1938-1957 (elected Life Member, 1957)

Organizational Advisor to the General Counsel, Federal Security Agency, 1939-1942

President, City of Bloomington (Indiana) Plan Commission, 1947-1953, 1955-1957

Member, City of Bloomington (Indiana) Board of Zoning Appeals, 1947-1949 (Vice-Chairman), 1955-1957

Professional Organizations and Public Service:

National Conference for the Furtherance of Public and Social Aspects of the Law, 1940-1941 (Secretary), 1941-1942 (Executive Committee)

American Arbitrators Association, 1942-1943

- American Association of University Professors (President, Indiana Chapter, 1946-1947)
- Iowa Alumni Association (Vice-President, 1945-1948)
- Rotary
- Phi Kappa Psi
- Scabbard and Blade
- Phi Beta Kappa
- Phi Delta Phi Legal Fraternity (Province VII President, 1947-1955)
- Order of the Coif
- American Bar Association
- Indiana State Bar Association
- Committee on Apprenticeship and Placement of the Law Graduate, 1950-1951 (Chairman), 1951-1952
- Committee on Public Relations, 1950-1951
- Committee on Judicial Selection and Tenure, 1951-1952
- National Conference of Commissioners on Uniform State Laws (1937-1957)
- Member, Uniform Public Law Acts Section, 1937-1941
- Chairman, Section Committee on Uniform State Business Codes Act, 1937-1946
- Member, Section Special Committee on Uniform Act on House Trailer Regulation, 1938-1939
- Member, Section Special Committee on Uniform Act on Statutory Construction, 1939-1941; Chairman, 1944-1947
- Chairman, Conference Special Committee on Obsolete Acts, 1940-1941
- Member, Conference Special Committee on Review and Revision of Uniform and Model Acts, 1941-1946 (Chairman, 1941-1942)
- Member, Uniform Commercial Acts Section (Section A), 1941-1957
- Member, Section Special Committee on Revised Uniform Sales Act, 1941-1949
- Member, Conference Special Committee on the Uniform Commercial Code, 1946-1950
- Member, Uniform Social Welfare Acts Section, 1947-1949
- Member, Section Special Committee on Uniform Adoption Act, 1947-1952 (Chairman, 1947-1949)
- Member, Conference Standing Committee on Public Information, 1948-1949

- Member, Conference Special Committee on Law School Research, 1951-1957
- Member, Conference Special Committee on Statutory Survey, 1951-1957
- Member, Conference Special Committee on Conflict of Laws, 1953-1955
- Conference on Science, Philosophy and Religion, 1942-1957
- American Society of Planning Officials, 1952-1957
- Indiana Association of Planning Officials (Director, 1952-1953)
- Committee on Urban Transportation, 1954-1957
- National Committee on Uniform Traffic Laws and Ordinances, 1955-1957
- Consultant, Indiana Economic Council, 1949-1953, 1955-1957
- Consultant, Metropolitan Planning and Housing Council of Chicago, Illinois, 1955-1957
- Member, Board of Directors, Indiana University Employees' Federal Credit Union, 1955-1957

Publications—Books:

- West Virginia Cases on Criminal Procedure (mimeo.) (1933)
- Materials on Legislation (mimeo.) (1937)
- Cases and Materials on Relational Torts (mimeo.) (1937)
- Cases and Materials on Legislation (1940)
- Indiana Administrative Code (2 vols., 1941)
- Sutherland's Statutes and Statutory Construction (3d ed., 3 vols., 1943)
- Legislative Drafting Manual (mimeo.) (1952)
- Cases and Materials on Legislation (2d ed., 1954)
- Land Use Controls (with Val Nolan Jr.) (1955)
- 1956 Supplement to Sutherland's Statutes and Statutory Construction, 3d ed.
- 1958 Supplement to Sutherland's Statutes and Statutory Construction, 3d ed.

Publications—Articles and Book Reviews:

- Statutory Interpretation.—Light from Plowden's Reports, 19 Ky. L.J. 211-25 (1931)
- Vicarious Liability for Fraud and Deceit in Iowa, 16 Iowa L. Rev. 361-80 (1931)
- In the Name of Legislative Intention, 38 W. Va. L.Q. 119-31 (1932)
- Book Review, Criminal Justice in England, by Pendleton Howard, 38 W. Va. L.Q. 279-81 (1932)

- Constitutional Limitations on Legislative Procedure in West Virginia, 39 W. Va. L.Q. 294-322 (1933)
- Book Review, State Legislative Committees, by C. I. Winslow, 7 Tul. L. Rev. 302-05 (1933)
- Prosecution Appeals in West Virginia, 41 W. Va. L.Q. 50-64 (1934)
- After the Nebbia Case: The Administration of Price Regulation, 8 U. of Cin. L. Rev. 219-49 (1934) (with Julius Cohen)
- Federal-State Cooperation for Social Security: The Grant-in-Aid, 30 Ill. L. Rev. 292-313 (1935)
- Book Review, Woodruff's Cases on Quasi-Contracts, 3d ed. by Herbert D. Laube, 23 Calif. L. Rev. 554-55 (1935)
- Special Legislation: Another Twilight Zone, 12 Ind. L.J. 109-32, 183-202 (1936, 1937) (second part with Matthew E. Welsh)
- The Multiple Consequences of a Single Criminal Act, 21 Minn. L. Rev. 805-22 (1937)
- The Common Law of Legislation, 23 Iowa L. Rev. 41-56 (1937)
- Book Review, Principles of Conflict of Laws, by George W. Stumberg, 37 Colum. L. Rev. 1248-50 (1937)
- Book Review, Night and Day and the Conflict of Laws, books by Lorenzen, Kuhn, and Harper and Taintor, 5 U. Chi. L. Rev. 704-07 (1938)
- Do Legislators Think Like Judges?, 11 State Government 163-64, 177-78 (1938)
- Is the Anti-Trust Law Anti-Labor?, 3 Nat. Lawy. Guild Q. 17-24 (1940)
- Statutory Validation of Public Bonds, 7 U. Chi. L. Rev. 281-96 (1940) (with C. Ben Dutton)
- The Right to Hear [an editorial], 2 Bill of Rights Rev. 6 (1941) (published by the Bill of Rights Committee of the American Bar Association)
- Bicameral Legislatures Are Effective, 14 State Government 79-80, 96 (1941)
- Administrative Procedure: A Report and an Evaluation, 26 Wash. U.L.Q. 492-509 (1941)
- The Role of Law in a Democracy, in *Science, Philosophy and Religion* (Second Symposium of Conference on Science, Philosophy and Religion) 173-85 (1942)
- Under God and the Law, in *Approaches to World Peace* (Fourth Symposium of Conference on Science, Philosophy and Religion) 224-31 (1944)

- Constitutional Liberties and Statutory Construction, 29 Iowa L. Rev. 448-53 (1944)
- Book Review, The Michigan Administration Code, 38 L. Lib. J. 46-47 (1945)
- Congressional Silence: A Tool of Judicial Supremacy, 25 Texas L. Rev. 247-61 (1947)
- The Law: Bridge or Barrier, in *Approaches to Group Understanding* (Sixth Symposium of Conference on Science, Philosophy and Religion) 271-79 (1947)
- Book Review, Summary of American Law, by George L. Clark, 33 Iowa L. Rev. 605-08 (1948)
- The Future of Uniform Laws—The Commercial Code, 9 Ohio St. L.J. 555-70 (1948)
- Legislative Adaptation of Scientific Discovery, 28 Neb. L. Rev. 506-15 (1949)
- The Disintegration of Statutory Construction, 24 Ind. L.J. 335-52 (1949)
- Sex Offenses and Scientific Investigation, 44 Ill. L. Rev. 149-59 (1949)
- Book Review, Jeremy Bentham commemorative publications by Harrison and by Keeton and Schwarzenberger, 24 Ind. L.J. 607-10 (1949)
- Book Review, Local Government Law, by Jefferson Fordham, 35 Iowa L. Rev. 528-32 (1950)
- Cooperative Action for Improved Statutory Construction (in symposium on statutory construction), 3 Vand. L. Rev. 382-94 (1950)
- Book Review, The Growth of American Law: The Law Makers, by James Willard Hurst, 64 Harv. L. Rev. 866-69 (1951)
- Performance Standards in Residential Zoning, in *Planning 1952* (Proceedings, American Society of Planning Officials) 153-61
- Book Review, The Legislative Struggle, by Bertram M. Gross, 39 A.B.A.J. 1000 (1953)
- Book Review, Iowa Departmental Rules, edited by Charles W. Barlow, 39 Iowa L. Rev. 203-05 (1953)
- Objectives in the Field of Legislation, 6 J. Legal Ed. 18-23 (1953)
- How Small a House?—Zoning for Minimum Space Requirements, 67 Harv. L. Rev. 967-86 (1954) (with Val Nolan Jr.)
- Congressional Investigations: A Plan for Legislative Review, 40 A.B.A.J. 191-94 (1954)

Book Review, Legislative Drafting, by Reed Dickerson, 103 U. of Pa. L. Rev. 291-94 (1954)

Emerging Legal Issues in Zoning, in *Planning 1954* (Proceedings, American Society of Planning Officials) 146-55

Can American State Legislatures Keep Pace? (in symposium on legislation), 26 Rocky Mt. L. Rev. 468-86 (1954)

Land Controls in an Urban Society (in symposium on area development), 28 Rocky Mt. L. Rev. 502-17 (1956)

Sanctions Against Governmental Violations of Planning and Zoning Ordinances, 43 A.B.A.J. 745-46 (1957)

Miscellaneous Addresses and Papers:

*Plowden's Reports—Equity of a Statute, a paper, "Plowden's Sixteen Cases," and other materials which appear to be forerunners of the article, "Statutory Interpretation—Light from Plowden's Reports," 19 Ky. L.J. 211-25 (1931)

*Rebuilding in West Virginia—A Story of Fifteen Months of Legislation, a paper which probably was published as "Public Affairs Bulletin No. 7" by the West Virginia University Bureau of Government Research on July 1, 1934

*The Hocus-Pocus Science, a paper on the need for, and the content of, a course in legislation in the law curriculum which apparently was read at the annual meeting of the Association of American Law Schools, New Orleans, Louisiana, December 27-30, 1935

*Book Review, C. M. Hepburn's Cases on the Law of Torts, 2d ed. by Wm. P. Hepburn and A. H. Throckmorton (1935) [apparently unpublished]

*Alcohol City, a pamphlet published by the United States Treasury Department (G.P.O. 1936)

*Sibyl and the Constitution, apparently the paper, listed in the program as "Sybilline [*sic*] Political Theory and Constitutional Realism," which was read at the annual meeting of the Association of American Law Schools, Chicago, Illinois, December 29-31, 1937

*The Future of the Labor Movement in America, a paper the first line of which reads, "After Professor Yellen's interesting and pictorial discussion of the realities of the Labor movement, I am a bit hesitant to inject a general and philosophical tone into the discussion." [Professor Samuel Yellen of the Indiana University English Department has indicated that this probably

is a paper read at a symposium in the Law School in 1937 or 1938.]

*Are Legislators Human?, a paper bearing the note, "Speech delivered at Rotary Club at Bedford, Indiana, Sept. 22, 1938."

*Statutory Stare Decisis: A Legislative Common Law, a paper which bears a footnote as follows: "Condensation of a thesis advanced in 'The Common Law of Legislation,' 22 [23] Iowa L. Rev. 41 (1937)" and appears to be the article, "Do Legislators Think Like Judges?," 11 State Government 163-64 (1938)

The Development of Planning and Zoning in Indiana, an address delivered at First Annual Planning School, Purdue Univ., published by the State Planning Board of Indiana, Indianapolis, January, 1939

*De Facto Unicameralism, a paper which appears to be the article, "Bicameral Legislatures Are Effective," 14 State Government 79-80, 96 (1941)

Codification of the Indiana library laws (1942-1943)

*The Transformation of our Contemporary Culture into a Spiritual Culture: The Balance Sheet of Law and Religion, a paper read at a Chicago meeting of the Institute for Religious and Social Studies, January 29, 1946

*Book Review, Comments, Cases and Materials on Legislation, by Arthur Lenhoff (1949) [apparently unpublished]

Draftsman, A Model Law Enforcement Act (for the American Bar Association Committee on Organized Crime, 1951-1952)

Analysis of Indiana statutory law relating to local government (for the Marion County Metropolitan District Commission, 1952)

Draftsman, Health Administration Act of 1953, Ind. Acts 1953, Ch. 197

Draftsman, Five acts on planning and zoning enacted by the 1953 Indiana General Assembly

Indiana Park and Recreation Code (mimeo.) (for the Indiana Park and Recreation Association, 1952-53)

Zoning without Zones (an address before the Municipal Law Section, American Bar Association, August, 1954)

The Legislative Process (Educational Film, Indiana Univ., 1954-1955) [Editor, with others]

Draftsman, Metropolitan Area Planning and Zoning Act, Ind. Acts 1955, Ch. 283

- Draftsman, The Park and Recreation Law of 1955, Ind. Acts 1955, Ch. 311
- Mertopolitan Area Planning for Northeastern Illinois and Northwestern Indiana (for Metropolitan Housing and Planning Council, Chicago, 1956) [Reginald Isaacs, Director of study; Frank E. Horack Jr., Chief Legal Counsel]
- A Proposed Area Planning Law for Indiana (Indiana Planning Conference, Valparaiso, Indiana, November 30-December 1, 1956)
- Metropolitan Government and Planning Legislation (The Frank Backus Williams Memorial Lecture, Harvard Graduate School of Design, March 1, 1957)
- Non-conforming Uses and Zoning Administration [a round table program on zoning] (National Conference American Society of Planning Officials, San Francisco, March 15-22, 1957)
- Initial draft, Illinois House Bill 701, creating a Metropolitan Plan Commission for six counties in Northeastern Illinois (1957)
- Survey of State Statutory Law, for National Conference of Commissioners on Uniform State Laws, with particular attention given to state statutory law on mechanics' liens and on marriage and divorce. (At the time of Mr. Horack's death he was working with Dean Albert J. Harno and Mr. Barton Kuhns in an attempt to find financial assistance in the furtherance of the work on the Statutory Survey.)
- *A.F.I., a paper concerning a men's senior honorary society founded in 1915 on the campus of the State University of Iowa [no date]
- *The County Convict Labor Statute, a memorandum on a West Virginia statute which authorized the use of convict labor [no date]
- *Willful or Careless Refusal to Pay Money on Due Date, a footnoted memorandum pointed especially at the lack of direct precedent in Indiana [no date]
- *Is an Experiment Law?, a paper, read at a symposium "Indiana Studies in the Legal and Social Sciences," proposing the creation of a College of Social Sciences. [With this paper are filed other papers prepared for this symposium by such Indiana University faculty members as Dean Gavit of the Law School, Professor Conklin of the Psychology Department, Professors Robinson and Jellema of the Philosophy Department, Professor Kohlmeier of the History Department, Pro-

fessor Mueller of the Sociology Department, and Professors Moffat and Christenson of the Economics Department. Plans to publish these papers apparently never were fulfilled.] [no date]

*The Problem of the Junior Faculty Member, a paper dealing with the increase in counseling work and extracurricular responsibilities, with the increasing problem of faculty recruitment, and with problems of recognition, responsibility, and compatibility of surroundings [no date]

*Curriculum Adjustments and Academic Tenure, a paper outlining the background of its proposal that a study "be made with a view to formulating not only more explicit principles but an actual program for achieving flexibility in budget and curricula without jeopardy to the basic principles of tenure." [no date]

* Except as indicated no evidence has been found that the items marked with an asterisk (*) have been published. These items are available on loan from the Faculty Publications Section of the Archives of Indiana University, Bloomington, Indiana.