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## The Guild of Catholic Lawyers of New York - A History of Twenty-Seven Years

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# The Guild of Catholic Lawyers of New York—A History of Twenty-Seven Years\*

IT HAS OFTEN BEEN ASKED, “What is the need for an organization of Catholic lawyers? Cannot the bar associations serve the purposes that a Catholic association serves?”

Such questions were asked when the idea of a Guild of Catholic Lawyers was first broached in the City of New York in 1928. The advocates of a Guild pointed out that there are many problems or areas of interest which Catholic lawyers have in common but which transcend the ordinary objectives of bar associations. But the most convincing answer lies in the activities of the association since its inception.

The idea of a Guild of Catholic Lawyers had been conceived by Msgr. Luke J. Evers, pastor of the Church of St. Andrew in New York City. The execution of these ideas, however, is properly attributable to Reverend William E. Cashin, the Guild’s founder and first spiritual moderator, who succeeded Msgr. Evers at St. Andrew’s.

In the spring of 1928 Father Cashin announced a spiritual retreat for Catholic lawyers. The letter announcing the retreat expressed the hope that “out of this religious movement might grow the institution of a guild of Catholic lawyers for the mutual benefit, spiritual and temporal, of its individual members . . . [and for] the upholding of the noble standards and best traditions of the profession.” The response by the Catholic members of the New York Bar evoked by this letter was enthusiastic. The lawyers recognized the desirability of such a group and demonstrated an eagerness to participate in its formation. This enthusiasm was quickly translated into action at an organizational meeting on May 22, 1928 at St. Andrew’s, at which time it was decided by unanimous vote that a permanent Guild of Catholic Lawyers should be established. A temporary chairman was elected and a committee was formed for the drafting of a constitution and by-laws. The group had

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\*Prepared by The St. Thomas More Institute for Legal Research with the assistance of Monsignor Robert E. McCormick, Porter R. Chandler and the Hon. David C. Broderick.

begun to take positive steps toward the formation of a Guild that would, in future years, serve as a model for similar associations of Catholic lawyers throughout the nation.

In June of that year the infant organization was bolstered by the complete approbation and enthusiastic encouragement of His Eminence, Patrick Cardinal Hayes of New York. Appreciating keenly the spiritual significance and the great potential for good in the newly formed group, the Cardinal entered heartily into all its plans, giving them his approval and his blessings and climaxing its first year's progress by presiding at the Guild's first annual Red Mass.

In the early part of 1928 Reverend John Corbett, S. J., of Fordham University wrote to Father Cashin suggesting that one of the proposed Guild's functions be the sponsorship of an annual Red Mass. The suggestion was received with approval and gratitude and was quickly materialized by the energetic young Guild into a precedent that led to the growth of an American legal tradition.

The origin of the Red Mass, traditionally so called because of the color of the vestments worn by the celebrant, is obscured in antiquity. For as far as recorded history can demonstrate the Red Mass has officially opened the judicial year of the Sacred Roman Rota. Down through the years the custom has been observed in Rome, London and Paris.

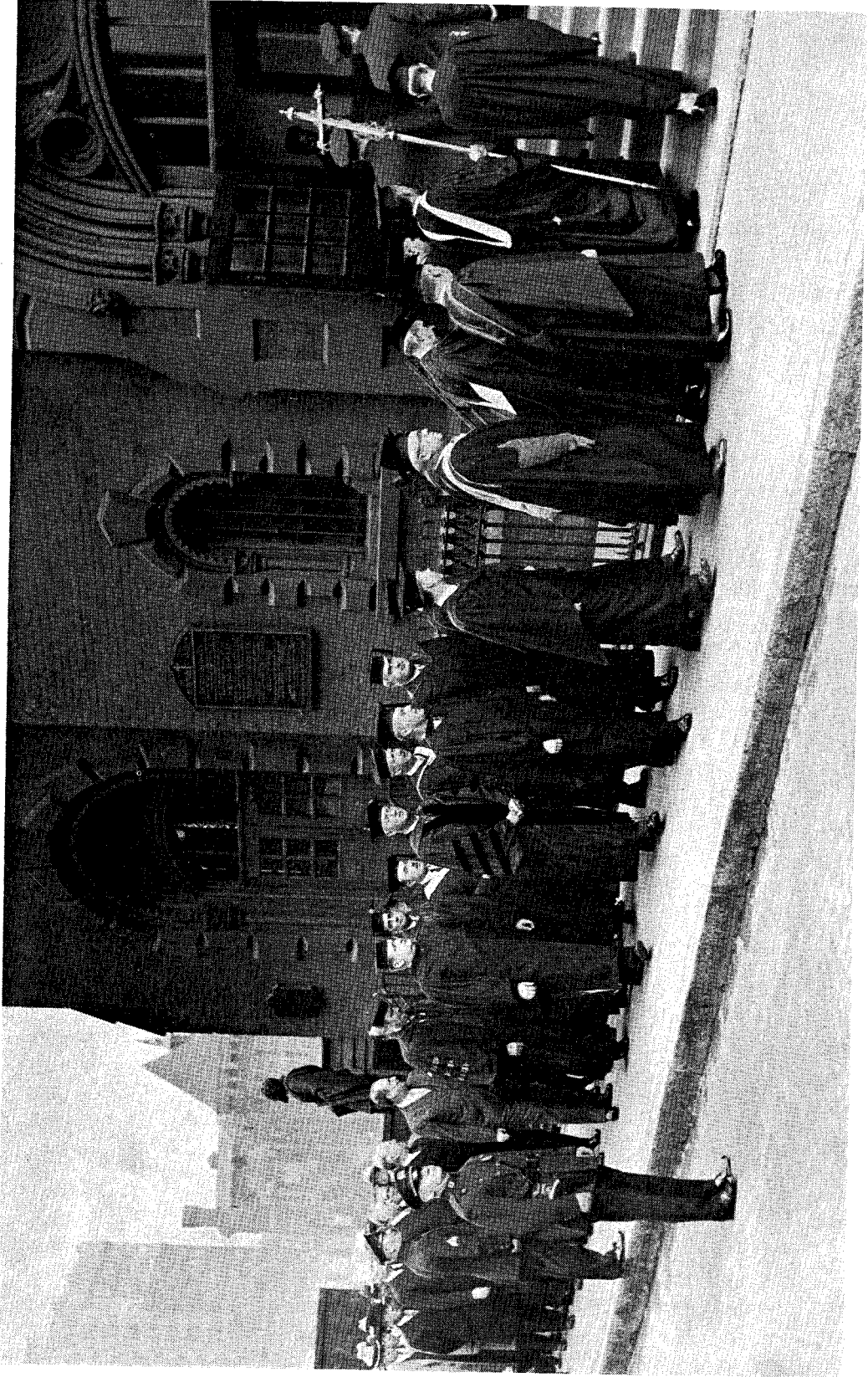
In 1928 the Guild of Catholic Lawyers of New York introduced this historic observance into the United States in the little Church of St. Andrew, standing in the very shadow of the federal, state and municipal

court buildings. That first Mass was celebrated by Father Paul J. Blakely, S. J., associate editor of "America" magazine. Father Blakely had been instrumental in the formation of the Guild, serving as retreat master at the first retreat in honor of St. Ives. Presiding at the Mass was Cardinal Hayes, who was to return to that sanctuary to preside every year until his death in 1938. The faculties of Fordham University School of Law and St. John's University School of Law attended en masse, gowned in academic robes, while judges, wearing their judicial robes, also added to the solemn dignity of the occasion.

Inspired by the beauty and the appropriateness of the idea, other Catholic legal circles throughout the United States sought to emulate the example of the New York Guild by making the Red Mass an annual affair in their communities. The tradition has grown over the years until today in many cities of our nation it is regarded as indispensable to a proper commencement of the court year.

The Guild's infant years coincided with one of the most dire periods of American history — the depression beginning in 1929. During these years of hardship the American bar suffered with all the rest and in many instances more severely. This period, drastic as it was, proved conducive to the functioning of the Guild. The Guild's *raison d'être* was largely to labor toward the spiritual assistance and encouragement of its members. There was no era more suitable to such a pursuit.

The Catholic lawyers of the city were responsive to this new group's activities. Its quarterly meetings were expanding continuously in numbers and the Red Mass



*Procession preceding the Red Mass at St. Andrew's Church in 1932.*



*Red Mass at St. Andrew's Church (1932) prior to its renovation.*



*Red Mass commemorating the 25th Anniversary of the Guild (1953) at St. Andrew's Church subsequent to its renovation.*

played a consistently more prominent role in the official life of the New York Bar. The second and third annual retreats for lawyers in honor of St. Ives were held in 1929 and 1930 with great success. Letters of inquiry were received from St. Louis, San Francisco, Chicago, Philadelphia and Baltimore, all seeking suggestions as to the formation of their own guilds. Each of these cities in subsequent years organized associations of Catholic lawyers modeled after the original New York body. The Guild grew rapidly in numbers and prominence.

Much of the Guild's early success is attributable to its first leaders. In addition to the indomitable Father Cashin, its founder, and Father Blakely, one of the original moving forces, the Guild was fortunate in having as its first elected president The Honorable John P. O'Brien, Surrogate of New York County and later Mayor of New York City. It was largely because of Judge O'Brien's insistent emphasis on the pursuit of moral development of the members, encouraged by spiritual exercises in common, that the Guild achieved the cohesion which kept it functioning integrally through the years. It was his theory that by caring first for the spiritual integrity of its individual members the Guild could indirectly assert its influence on the community. In 1931, in an address at one of the Guild's quarterly meetings at the Hotel Astor, Judge O'Brien summed up in general terms the purposes of the Guild's existence.

"It is the purpose of the Guild of Catholic Lawyers of New York:

1. To provide the uplifting force needed during these times
2. To give 'heart' a place in the legal profession

3. To help the weaker, needy lawyer
4. To foster better understanding between Bench and Bar
5. To make Catholics better lawyers and lawyers better Catholics."

Father Cashin, on many occasions in these early years of the Guild's history, indicated a concurring view as to the purpose and sphere of functioning of the Guild. Emphasis was placed on the probity of private life and the propriety of the public actions of the individual members rather than on criticism or suggestion in the way of public affairs. At this point in the Guild's development it bore a closer resemblance to the highly developed guilds of the Middle Ages found in the British Isles. In recent years the Guild has indicated a growing tendency toward a dynamic spiritualism that manifests itself in a greater attempt at influencing directly community thought and action.

Early in its existence the Guild became a source of authoritative pronouncements on legal problems and their moral aspects. The reputation was earned by virtue of a series of excellent addresses by leading Catholic priests and lawyers. In 1933, the Guild heard a brilliant address by one of these speakers, Father Robert White, then professor of criminal law and legal ethics at Catholic University and later Dean of the School of Law of that famous institution. Dr. White's address, in which he called upon the lawyers to help shape the law in the new era, was highly acclaimed by the newspapers of the City. In the years to follow many equally talented and equally acclaimed Catholic authorities were to make similar outstanding contributions through the medium of the Guild.

In 1934, inspired by the effectiveness of the New York Guild, a group of Catholic lawyers of Brooklyn organized by Father William T. Dillon, now President of St. Joseph's College for Women, established the second such association in the City's history: The Catholic Lawyers' Guild of the Diocese of Brooklyn. The new group modeled its constitution and by-laws after those of the original Guild of Catholic Lawyers of New York, and started the first year of its activity with a Red Mass celebrated by Most Reverend Thomas Molloy, Bishop of Brooklyn, at St. Joseph's College. The objectives and activities of the new group were, for the most part, the same as those of the New York Guild.

May 19, 1935, was a momentous occasion for Catholic lawyers throughout the world. On that day the Holy Father canonized Sir Thomas More, Lord Chancellor of England during the reign of Henry VIII. The heavenly tribute thus paid to the martyred English lawyer was recognized by the legal profession throughout the Catholic world. The Guild of Catholic Lawyers of New York, in appropriate homage to the blessed Sir Thomas More, paid tribute to him at a meeting at the Waldorf-Astoria on May 20, 1935. The sentiments of the Guild and of Catholic lawyers generally were eloquently expressed by the Very Reverend Aloysius J. Hogan, S. J., President of Fordham University. His address, "Lawyer, Chancellor and Martyr," still echoes in the minds of many of the Guild members fortunate enough to be present that evening. On October 8 of that same year the New York Guild announced its decision to make St. Thomas More its special patron.

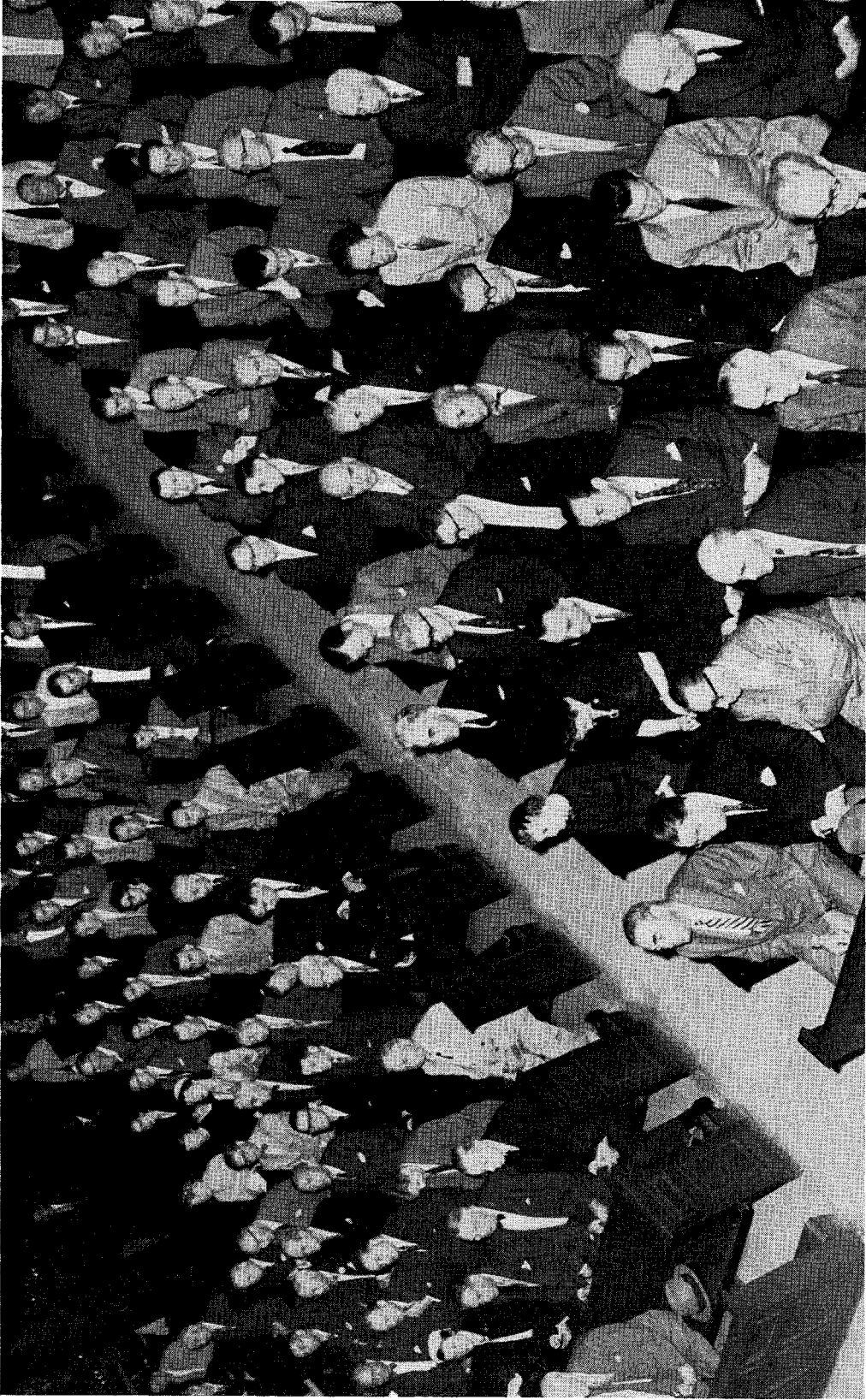
The following year the Guild commem-

orated the memory of another great lawyer, St. Ives. In December of 1936 the Guild assembled once again at the Waldorf-Astoria, this time in recognition of the tendering by the American Bar Association of a memorial window to St. Ives in the Cathedral at Treguier, Brittany. The Guild, which had contributed generously to the dedication, hailed the American Bar Association's action as an appropriate acknowledgment by American lawyers of the supremacy of religion and the natural law.

In 1940 the Guild of Catholic Lawyers was addressed by Msgr. (now Bishop) Fulton J. Sheen. In a stirring address, delivered at a quarterly meeting in October of that year, Msgr. Sheen decried the moral and political decadence of the times. Specifically, he struck at the apparent judicial acquiescence in perjury, the prevalence of graft and corruption in politics, and the over-emphasis on "individual freedom" to the exclusion of a consideration of "justice." The address evoked extensive public comment and served as a spur to discussion of these problems in legal circles throughout the country.

By the year 1941 the Red Mass was an annual celebration in California, Illinois, New York, Pennsylvania, Massachusetts and the District of Columbia. Guilds of Catholic Lawyers had also been established in many of the larger cities. The reputation of the New York Guild had spread and it sought to expand its activities proportionately.

In 1941 the Guild of Catholic Lawyers of New York established its Round Table Conferences. The topic for the initial discussion was "Choosing a Career at the Bar," in which the legal profession as a possible vocation was considered. Promi-



*Congregation at the Red Mass at St. Andrew's Church in 1953 commemorating the 25th Anniversary of the Guild.*





*Msgr. Cashin, at the right, accompanied by Msgr. Michael J. Lavelle, followed by His Eminence, Patrick Cardinal Hayes with Father J. X. Pine and Father William Lonigan as Chaplains (1934).*



*Msgr. Joseph A. Nelson blessing the bronze bust of the late Msgr. William E. Cashin in the presence of Sister William Eugene, niece of Msgr. Cashin, and the Board of Governors of the Guild (1953).*

*(Religious News-Service Photo)*

nent speakers were appointed to these conferences to begin what has since become a permanent part of the Guild's activities.

During the war the Guild directed many of its services to the armed forces by arranging to handle legal problems of men in uniform without charging fees. Various members of the Guild took turns at responding to the servicemen's requests for legal assistance by taking time out from the pursuit of their own practices. Actually, work of this kind had been going on for many years before this period and has, in fact, continued down to the present. Since its inception, members of the Guild have provided legal aid to worthy parties without charge. Many times the party requiring assistance has been referred to the Guild by a pastor or other church official. On occasion, these people have approached the Guild directly. Wherever possible, the members of the Guild have sacrificed time and money to give needful applicants the full and free benefit of their talents. This work has never received great publicity but it has continued quietly and effectively throughout the past 27 years.

The Guild suffered a great loss in the death of its founder, Monsignor William E. Cashin, on January 17, 1945. As his successor, His Eminence, Francis Cardinal Spellman appointed Monsignor (now Bishop) Edward V. Dargin, J.C.D., V.G., who served as moderator for several years prior to his elevation to the episcopacy. In 1948, Monsignor Robert E. McCormick, J.C.D., the present moderator, was appointed.

The end of World War II marked the beginning of a period of renewed activity in the Guild. Since 1946, members of the Guild have participated in legal contro-

versies of general public importance. In that year May Quinn, a New York school teacher, was charged with unfitness to serve in the City system. After a hearing before the Board of Education, the Board decided in favor of the teacher. The Superintendent of Schools appealed the determination to the State Commissioner of Education. Members of the Guild, convinced that the action had been precipitated by Communist elements, submitted a brief *amicus curiae* in behalf of Miss Quinn. The Commissioner's finding<sup>1</sup> may be attributed in part to the persuasiveness of their brief.

In the famous *Everson v. Board of Education* case<sup>2</sup> which upheld the constitutionality of a New York statute which provided public transportation for children attending parochial schools, one member of the Guild was Of Counsel to the Board and others appeared on the brief *amicus curiae* submitted by the National Councils of Catholic Men and Women.

During the war, the Guild had accepted an invitation to participate in the Bishop's Co-ordinating Committee of Lay Organizations of the Diocese of New York. It entered enthusiastically into the Committee's work, and by 1946 one of the Guild's members was the Committee's chairman. In that same year the New York Guild members, who were also on the Committee, conducted a letter writing campaign among Catholic lay organizations protesting the manner in which the trial of Archbishop Stepinac was being conducted in Yugoslavia.

The intervention in these cases and the

<sup>1</sup> Matter of May Quinn, 67 St. Dept. Reports 7 (N. Y. 1947).

<sup>2</sup> *Everson v. Board of Education*, 330 U. S. 1 (1947).

work done by its members through the Co-ordinating Committee manifested a new phase in Guild activities. To its early policy, which was concerned almost exclusively with the social and spiritual betterment of its members, was added a new element. The Guild was now participating in areas of legal controversy which more directly affected the community and society in general.

A further indication of this tendency was the Guild's consideration of the divorce problem in New York State. In 1948, as today, the liberalization of divorce laws in New York was much discussed as a possible subject of legislative action. The Guild of Catholic Lawyers accepted invitations to participate in radio panel discussions and a television moot court trial on the subject "Should the New York Divorce Laws Be Liberalized?" Through these means, the principles of the natural law and canon law in regard to the essential property of the indissolubility of marriage was carried to thousands of viewers and listeners throughout the country. Prominent men of letters and the law participated: Dr. Godfrey Schmidt, eminent Catholic lawyer and member of the Fordham University Law Faculty; Hon. Owen McGivern, Supreme Court Justice; Hon. George A. Timone, Justice of the Domestic Relations Court of the City of New York; Dr. Brendan F. Brown, formerly Dean of the Catholic University School of Law; and Dr. Vincent J. Malone, member of the Faculty of St. John's University School of Law.

In 1948, *The Nation*, a weekly periodical, appealed to the State Commissioner of Education from an order barring it from the high schools of the State because of its anti-Catholic articles. The Guild once

again filed a brief *amicus curiae* in support of the order. The order was sustained by the State Commission and is still in effect, despite repeated attacks upon it.

In 1951, for the first time in the history of the Guild of Catholic Lawyers, its annual Red Mass was not held at the Church of St. Andrew. The 74th Annual Convention of the American Bar Association was in session at the Waldorf-Astoria Hotel and for the first time, on September 16, 1951 a Red Mass was held in conjunction with the meeting of the Association. In order to accommodate the huge crowd that attended, the observance was moved into St. Patrick's Cathedral. More than 500 jurists and lawyers took part in the colorful procession that preceded the Mass. His Eminence, Francis Cardinal Spellman presided, Most Reverend Joseph F. Flannelly, D.D., was the celebrant, and Most Reverend Fulton J. Sheen, D.D., now National Director of the Society for the Propagation of the Faith, returned to preach for the second time at the traditional Mass. Station WPIX of New York televised the entire celebration. The event was a particularly inspiring one, and its success was a tribute to the zeal and devotion of the group that sponsored it.

In 1952, the New York Court of Appeals, in applying the New York censorship statute to the motion picture "The Miracle," upheld the Board of Regents' refusal to issue a license on the grounds that the picture was "sacrilegious." An appeal was taken to the Supreme Court of the United States. The New York State Catholic Welfare Committee submitted a brief in behalf of the Board of Regents in which several members of the Guild assisted. However, the Supreme Court held

that the word "sacrilegious" as used in the statute was too "vague" to serve as a criterion for restraint and that the statute was therefore unconstitutional.<sup>3</sup>

The Red Mass of 1952 was once again held in St. Patrick's Cathedral. However, in 1953 the Guild returned to the Church of St. Andrew for the celebration of the 25th anniversary of its founding. In commemoration of the Guild's founder and first spiritual moderator a bust of Monsignor William E. Cashin was blessed and placed in the St. Andrew's Rectory parlor.

Originally, the Guild was founded under the sponsorship of St. Ives, the universal patron saint of lawyers. In 1935, upon the canonization of Sir Thomas More, the Guild made him its special patron. In 1953 the



Guild of Catholic Lawyers officially dedicated their services to our Blessed Lady under the title "Mirror of Justice." The official seal of the Guild, bearing

this dedication, was struck in 1953.

In 1953 the Guild inaugurated the recent and highly successful annual conferences on the Natural Law. These conferences, treating of different aspects of the Natural Law, are presented as a public service by the Guild. Among the eminent Catholic educators and jurists who participated in the first two conferences were: Honorable Charles S. Desmond, Judge of the Court of Appeals of the State of New York; Dr. John C. H. Wu, former Chinese Minister to the Vatican; Dr. Brendan F. Brown, formerly Dean of the School of Law of the Catholic University of America and presently a member of the Loyola Univer-

sity School of Law faculty; John McAniff, member of the faculty of Fordham University School of Law; Dr. Oscar Halecki, former member of the League of Nations Secretariat; Dr. Heinrich Rommen, author of *The Natural Law*, and *The State in Catholic Thought*; and, Dr. Friedrich Baerwald, author of *Fundamentals of Labor Economics*.

After the 27th annual Red Mass, celebrated in St. Patrick's Cathedral in New York in September, 1954, the first annual communion breakfast was held at the Waldorf-Astoria Hotel. At the breakfast the President announced the creation of a special committee for the study of Juvenile Delinquency in New York, with an open letter from Cardinal Spellman extending his "approval and support" to the project. In explaining the need for such a committee the President stated:

"Through this [committee] we hope to reflect the *Catholic* viewpoint on the problem, to emphasize particularly what the basic Catholic philosophy of the responsibility of the family and the home can contribute to the study."

In order to instill in law school students and younger members of the bar a greater respect for the intricacies of the law and some degree of proficiency at self-expression in writing, the Guild has established an annual competition called the St. Thomas More Prize Essay. A prize of \$100 will be awarded annually for the best essay submitted discussing some significant New York or Federal decision having religious or moral implications.

The Guild, since its inception, has stressed the task of preparing young Catholic men for the legal profession and the assisting of young Catholic lawyers that

<sup>3</sup> *Burstyn v. Wilson*, 343 U. S. 495 (1952).



*Cardinal Spellman, Msgr. McCormick, and Msgr. (now Bishop) Dargin receiving civic officials and members of the Guild following the Red Mass at St. Patrick's Cathedral in 1951 on the occasion of the convention in New York City of the American Bar Association.*

they might eventually make more important contributions to their profession and their community. It is a sentiment expressed on many occasions by Monsignor Cashin in

the early days of the Guild and by various presidents since then. At present, the Guild, through its various activities, has translated that sentiment into positive action.

