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EULOGY FOR HAROLD McNIECE*

MSGR. CHARLES E. DIVINEY

All the flowers on the altar today have an intrinsic beauty of their own. But there is one plant that has an added loveliness. This is why.

Last week when I returned to my room I found it on the coffee table along with this note, which I quote verbatim. "We are students at St. John's Law School and we want to remember Professor McNiece in a special way this Christmas. Since the Professor won't be able to be at Mass in his own church this season we thought maybe you would place these flowers on the altar in his name. We realize the church will be banked with poinsettias, but if you wouldn't mind maybe you could see that this one goes right on the altar.

We send this flower not only as a prayer for his recovery, but in thanksgiving for having had the privilege of his wit and wisdom in the classroom and the contact with his good and gentle nature. If you could do this we would be very grateful."

It was signed by nine of his students.

Unfortunately, due to the mysterious designs of Divine Providence, he did not recover. Therefore we are here to mourn our loss but not in a spirit of inconsolable anguish or bitter sorrow but rather as the students put it so well, in thanksgiving for being enriched by knowing him whether as relative, teacher or friend. Every life in this church and every life he touched in any way was enobled by that experience and it was enobled exactly as the letter said by his wisdom, wit, goodness and gentility.

His academic achievements testify to his scholarship. A B.S. Cum Laude, and an L.L.B. Summa Cum Laude and a Doctor of Jurisprudence. As the fruit of the combination of a brilliant mind and a thorough training and grasp of his profession he produced at least three books and thirty-eight articles in various learned periodicals and publications.

But as St. Thomas once said, wisdom is more than mere knowledge. It is the ability to use what you know in a pragmatic, practical and useful way. And in a science such as Law, wisdom is the indispensable ingredient

* This eulogy was delivered by Msgr. Diviney at St. Charles Borromeo Church on December 30, 1972 on the occasion of Dr. McNiece's funeral. Msgr. Diviney is pastor of St. Charles Borromeo's Parish and was a close personal friend of Dr. McNiece.

This eulogy was entered into the Congressional Record on January 9, 1973 by the Honorable H. L. Carey (D.N.Y.)

to make it an instrument of justice whereby the rights of all men are not only protected but revered and respected. Evidence of his wisdom can be found in many and varied places but most of all in the monument he built to the value and worth of the law in our society. It is constructed not of marble or bronze but much more precious material, the living stones of his myriad of students during the twenty-six years as Professor and Dean of St. John's Law School.

This same wisdom was utilized and expended also in a number of quasi-judicial assignments, legislative commissions and special committee works. Plus an extraordinary amount of work for the Bar Association and on Boards of Trustees for educational, philanthropic and charitable institutions. To him the law was not merely a sword to cleave through the inequities of the world but more importantly a shield to protect the innocent, the poor, the alienated and the forgotten and neglected segments of our society.

However, what made him such a delight to be with was his lack of pretense and absence of all pedantry. He was as much at home with any one of his many god-children as he was with the outstanding members of his profession be they lawyers, judges, professors or legislators. This pleasure of his company was further enhanced by his wit. A wit that was sharp but never hurtful, that was clever but never derogatory or harmful. As a matter of fact it was a means whereby he was able to conceal the amount of physical and psychical suffering he had to cope with for years.

For the past twelve years he underwent a series of physical catastrophes that would have crushed a weaker spirit. Yet no word of complaint ever crossed his lips.

This was but the crown of a lifetime of psychic hurt that he must have had to endure but to which he never alluded, because of an infirmity that would have engulfed any spirit less hardy than his own. It was and is an unforgettable lesson to all of us who sometimes moan and groan over some much less trying difficulty of either spirit or flesh.

Perhaps this is why he was so gentle to everyone. Aware of his own internal and psychical anguish he seemed determined never to add to another's burden by an unkind word or deed. That is why he could for all his manliness be so tender and compassionate to others whether the other be someone so close to him as his sister Florence during her sickness, or his little twelve year old friend, Matthew Thornton, who although doomed to die, spent some of the happiest and last hours of his short life with just Harold and himself in Harold's waterfront apartment, or perhaps one of his many students whose problems were his problems and whose anxieties were lessened because they knew someone cared.

One time a very famous man was being buried from St. Patrick's Cathedral which was jammed to the doors with an overflow crowd. Someone approached a policeman on duty and said they just had to get in

because they were a friend of the deceased. The policeman replied, Sorry I can't help you because everyone here is a friend. And I think this is true this morning. We all share in this gentle man's friendship and believe that

"Two things upon this changing earth
Can neither change nor end:
The splendor of Christ's humble birth
The love of friend for friend."

The last quality his students alluded to in their note was his goodness. This was a quality that was obvious in his countenance, in his devotion to the Eucharist, in his complete faith. Father John Flynn, former President of St. John's once said to me that he admired his childlike faith. Notice he said childlike, not childish. By this I believe he meant that once he convinced himself by rigorous self-analysis that the motives of credibility for his faith were sound he believed with unswerving fidelity.

Because belief is the motive and well-spring of morality, he could then live up to his Christian ideals sincerely, persistently, and without hesitation or doubt.

The philosophers and theologians tell us that goodness has a tendency to diffuse itself and thus the good man will help all who come in contact with him reflect in some way that goodness also. That, I believe, is the final legacy of this gifted and rare spirit we now commit to God's mercy and judgement.

May I conclude with a quotation from another letter I received this week from a woman I know in Arizona whose brother had just died. She wrote: Jim had been in advertising. The priest who knew Jim well ended his funeral eulogy with these words—"The advertisement read, Wanted: a man of God. Position filled."

And as we continue to pray together for him in this Mass we offer our sincere and heartfelt condolences to his family, especially his sister Florence, his brothers George and John, and all his friends, particularly his alter ego, Kevin Fogarty, his colleagues in the Law School, and legal profession. We also should remember in our sorrow the words on his memorial card, "his life is but changed, not ended." Therefore in the words of another great lawyer, Thomas More, as he went to his death, "May we merily meet in Heaven". Amen.