

## Letters

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## LETTERS

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*The Editors of THE CATHOLIC LAWYER wish to call the attention of their readers to the following letter which deals with the observance of the Tercentenary Year of the death of St. Vincent de Paul. THE CATHOLIC LAWYER, in its inception and in its continuance, is among the things St. Vincent and the Vincentian Fathers have made possible.*

PHILADELPHIA, PA.

To the Editor:

September 27, 1960 will mark the 300th anniversary of the death of St. Vincent de Paul. The Vincentian Fathers and Daughters of Charity throughout the world will celebrate this memorable anniversary of their Holy Founder by an entire preparatory Year Observance, beginning in September 1959 and extending through September 1960. In the Vincentian Fathers' Eastern Province of the United States our Provincial, Father Sylvester A. Taggart, C.M., has appointed a special Tercentenary Observance Committee to plan and carry out the details of the celebration.

Since St. Vincent de Paul belongs not alone to his religious communities but to the entire world, it is the earnest wish of our Committee that all the faithful join with us in honoring the anniversary of his holy death. It is hardly necessary to point out that the life and works of St. Vincent have

profoundly affected the course of the Church's history and have reached into the lives of untold millions of her children, priests, religious and laity. As the "Light of the Clergy" St. Vincent instituted ecclesiastical reform, establishing priests' conferences and retreats and founding seminaries according to the prescriptions of the Council of Trent. As the "Father of the Poor" and the "Apostle of Charity" he alleviated the sufferings of the needy and the ill in a wholly fresh approach to the practice of the spiritual and corporal works of mercy; there is scarcely a modern work of charity he did not organize or reform.

Nor did Vincent's influence cease with his death. His work is perpetuated through his double religious family, the Vincentian Fathers and Daughters of Charity; through the Ladies of Charity established by him in 1617; through the Society of St. Vincent de Paul established under his inspiration by Frederic Ozanam in 1833; and through the numerous religious communities which have modelled their rule upon his and look to him as their spiritual father.

In recognition of St. Vincent's great loving heart and practical genius Pope Leo XIII proclaimed him the Church's official "Patron of All Organizations of Charity." Even the secular world has acclaimed him; the sociologists, the social workers, the nursing corps, the organizers of philanthropy. The French nation has placed a

statue of "M. Vincent" in the Pantheon, the National Hall of Fame.

It is because of this vast hold that St. Vincent de Paul . as on the hearts of men that I inform you of the Tercentenary Year of Observance, September 27, 1959-September 27, 1960.

We shall be very appreciative of any measure you take to join with us in honoring St. Vincent de Paul by publicizing his life, virtues and labors during the Tercentenary Year of his death.

(Rev.) Joseph I. Dirvin, C.M.  
Executive Secretary  
Tercentenary Committee

CALICUT-1, KERALA, SOUTH INDIA

To the Editor:

I would like to receive Catholic literature you take to join with us in honoring lets. Could you put this request in THE CATHOLIC LAWYER? This will be a big way in which you can help me. Copies of THE CATHOLIC LAWYER, even old ones will be very much appreciated.

The need is very current to counteract Communist influence in this State of Kerala. Do give me this assistance.

(Very Rev.) Fr. Alfred J. Fernandez  
Director,  
Catholic Information Service,  
R. C. Cathedral

*For further information on the educational problem in Kerala see 4 CATHOLIC LAWYER 233 (Summer 1958) and 4 CATHOLIC LAWYER 366 (Autumn 1959).*

NEW YORK, NEW YORK

To the Editor:

I have read with mounting confusion the articles in the Winter 1959 number of THE CATHOLIC LAWYER on mental disease and criminal responsibility, which leave me as

added as a District of Columbia jury on the subject.

Somewhere, sometime, I read a report of a judge's charge on this subject which went substantially as follows:

"Gentlemen of the jury, you have heard a great deal of conflicting evidence as to the mental state of the defendant at the time he committed the act with which he is now charged. You may resolve that conflict by asking yourselves the simple question 'Would he have done it if there had been three policemen standing beside him at the time?' If the answer to that question is 'Yes' then you should find the defendant not guilty."

Would it be too much to ask the learned gentlemen who contributed to the symposium "What is wrong, as a matter of law, with such a charge?"

Porter R. Chandler

*The suggested charge embodies the old "policeman at the elbow" test referred to in the Symposium's first article, Proposed Revision of the M'Naghten Rule, 4 CATHOLIC LAWYER 303 n. 64 (Autumn 1958). The "policeman test" is discussed in the Report of the Royal Commission on Capital Punishment at p. 103.*

*Until May, 1953, a technical manual supplementary to the MANUAL FOR COURTMARTIAL of the U.S. Army and Air Force suggested the "policeman test" as an indication of whether the accused acted under the force of an irresistible impulse. Although the wording of the Manual has been changed to "immediate detection and apprehension" rather than "policeman at the elbow," the concept appears to be the same. See United States v. Kunak, 5 U.S.C.M.A. 346 (1954).*

*As a matter of law, however, the suggested charge would probably be refused in*

*a jurisdiction such as New York because it might be construed as condoning the "irresistible impulse" rule. It is possible for the "policeman" test to apply to a man who both knows the nature of his act and that it is wrong, but who is moved to act through an irresistible impulse.*

PITTSBURGH, PA.

To the Editor:

Several of our members have suggested that an account of the first Red Mass held in Pittsburgh might be of interest to THE CATHOLIC LAWYER.

The Mass was held at 5:30 p.m. on Thursday, September 17th, in the Cathedral of St. Paul. Attendance was estimated to be between 1400 and 1500 persons. Of this group there were approximately 175 priests and monsignori from the diocese and 75 invited dignitaries. The latter group included members of all local and federal courts, bar association officers, city, county and federal officials, members of the state legislature, deans of law schools and colleges, and officers and governors of the St. Thomas More Society. This group, together with the aforementioned clergy, participated in a procession prior to the celebration of the Mass.

The Mass was sung by the full Cathedral Choir of approximately thirty-five members, accompanied by three trumpeters from the Pittsburgh Symphony Orchestra. The sermon was preached by the Most Reverend John J. Wright.

Following the service a reception was held for approximately 150 of the invited dignitaries and others. This affair lasted for about two and one-half hours and was attended by Bishop Wright. The Society feels that it created a tremendous amount of good will among the local judiciary,

legislators and government officials who are not predominately members of the Catholic faith.

The Society feels that this initial endeavor met with probably more success than could be expected. No small part of the credit is due to the enthusiastic support and wise counsel of Bishop Wright.

Thomas J. Donnelly

President

St. Thomas More Society

INDIANAPOLIS, INDIANA

To the Editor:

Within the next ten days we are to have the initial meeting of our St. Thomas More Society.

Our organizational group has been heavily relying on your publication's recent excellent treatise on Catholic Lawyer's Guilds as its guide in the formation of our Society.

I have two inquiries of you: First, have you available between twenty-five and fifty copies of Volume 4, No. 3 issue, and for what price could we purchase them? Secondly, if we should include a year's subscription to THE CATHOLIC LAWYER in each member's dues what would be the subscription cost you would charge our Society for each member, assuming a membership of fifty?

John C. O'Connor

*Reprints of the treatise on Catholic Lawyers' Guilds are available. Guild subscriptions are given discounts in line with total subscribing membership.*

PRINCETON, NEW JERSEY

To the Editor:

The last two issues of THE CATHOLIC LAWYER I have read with great interest.

Although I am not a lawyer by profession, I have taken a deep interest in the concept of criminal responsibility (as I think befits a philosopher) and the discussions on this topic which you have edited I have found excellent from every point of view. A genuine service has been provided by these articles, and I hope they are widely read.

Because of the practice which you have initiated in *THE CATHOLIC LAWYER* of devoting a symposium to a current topic agitating lawyers, particularly those with a philosophical bent, may I be so bold as to suggest that you consider for a symposium in the near future the topic of capital punishment. Few topics are more timely, or more likely to provide valuable evidence of the intersection of social concerns, the nature of the law, and moral philosophy, and this fact encourages me to think that your readers would be interested and grateful for whatever light you can shed on this difficult issue.

Hugo Adam Bedau

*A symposium on Punishment is being planned for the coming Spring issue.*

NEW YORK, NEW YORK

To the Editor:

The Autumn 1957, Vol. 3 No. 4, issue of *THE CATHOLIC LAWYER* which I requested came in due course.

Although my purpose in seeking a copy was the procurement of the article on the Fifth Amendment contained therein, I have found the other articles relative to the suppression of pornographic literature also of equal interest.

The articles show scholarship and diligent research. You deserve sincere congratulations for presenting to the reading public

this symposium on the subject of censorship.

Thomas M. Lynch

*Copies of all back issues are still available to readers on request.*

ALBERTA, CANADA

To the Editor:

I am presently preparing a paper which I have to present to the Catholic Lawyers' Guild of Edmonton. The title of this paper is "The Morality of Tax Laws."

One aspect of the paper will be dealing with the moral obligation a citizen has to pay taxes which are levied by the state and in particular income taxes. It is my understanding that certain theologians in the United States have done considerable work in this area. To date I have been unable to find any direct reference or information which would help me in this aspect of the field, and I am wondering whether your organization could assist in any way.

If you are able to direct me to any publications or otherwise assist in this matter I would be very grateful indeed.

Vincent M. Dantzer  
Cormack & Dantzer

*On this matter, see Rev. Philip S. Land, S.J., Tax Obligations According to Natural Law, 4 ST. LOUIS L. REV. 129 (1956). See also The Attorney and Tax Morality, 5 CATHOLIC LAWYER 242 (Summer 1959).*

ADRIAN, MICHIGAN

To the Editor:

Have you done anything further on the question of charitable immunity? Have you seen the articles in the Connecticut Bar Journal, Tennessee Law Review and the

August issue of the ABA Journal? I am still very anxious to get an article in THE CATHOLIC LAWYER. Is there some phase or area of this problem I could submit for publication? I am keeping up with the decisions and the legislatures of all 50 states.

Sister Ann Joachim, O. P.  
Siena Heights College

See In other Publications; *this issue*.

SUFFERN, NEW YORK

To the Editor:

If you have a bibliography for books on

the subject of ethics for THE CATHOLIC LAWYER, I would be most appreciative if you would so advise me.

Robert J. Stolarik

*The four-volume standard authority on moral theology, Prümmer, has recently appeared in English in a one-volume compendium entitled Handbook of Moral Theology. It will be reviewed in an early issue of THE CATHOLIC LAWYER.*

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## RECENT DECISIONS AND DEVELOPMENTS

(continued)

ders extraordinary services to obtain additional compensation. The fact that "attorneys owe a duty to uphold the honor of their profession and to aid any effort under the direction of the court to root out corruption and fraud,"<sup>26</sup> does not give a court the right to unduly burden the attorney's income.<sup>27</sup> Cases may be tried, retried and ap-

pealed, in addition to other unexpected and time-consuming obligations prior to obtaining a judgment. The attorney assumes all these obligations under the contingent fee contract at the risk of obtaining no recovery at all. The fact that it may be a rare case where a fee as high as 50 per cent is warranted is no reason why an attorney in such a case should not be protected. It is apparent from the Court of Appeals' interpretation of Rule 4 that the fairness as well as the effectiveness of the Rule will depend upon the liberality of the First Department in granting the additional amount of compensation to attorneys who justly deserve it.

<sup>26</sup> In the Matter of Becker, 229 App. Div. 62, 73, 241 N.Y. Supp. 369, 381 (1st Dep't 1930).

<sup>27</sup> It is to be noted that "the American Bar Association . . . has published studies indicating that compensation for attorneys has not increased correspondingly over these inflationary years as has

the remuneration of other professions as medicine and dentistry." Gair v. Peck, 6 N.Y. 2d 97, 117, 160 N.E. 2d 43, 55, 188 N.Y.S. 2d 491, 507 (1959).