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HAROLD F. McNIECE

BY CHARLES M. SPARACIO*

Since the death of Harold McNiece, you and I have heard and read much about him. I am sure that in the future we will hear and read more. I am fearful, however, that those who will talk and write about him may do so in such general laudatory terms that they will end up dehumanizing him rather than making him what he was—a being of flesh and blood.

As for me, I hope this will be the first and last time I ever speak about him before an audience. Not because I cared for him less than anybody else but, perhaps, because I cared for him more. I would rather the fond recollections came from my memory, casually and calmly, rather than as the result of deliberate concentration. As time goes by, there will be hundreds of things I will reminisce about. Yet, from the time he died, my mind seems, oddly enough to have dwelt only on the events that took place in the earlier days of our association.

Like the times he would tell his torts classes that I was the Italian man carrying the explosives, wrapped in a newspaper, in the Palsgraf case.

The times he would tell his classes that there was a certain professor who augmented his income by painting the Law School hallways and classrooms and they were not to embarrass him. By coincidence I bore a strong resemblance to one of the painters.

The time when I arranged to have ten empty "Return for Deposit" (in those days) milk bottles placed under his desk in the classroom and had someone dressed as a regular milkman—white jacket, white hat and wire basket—place two full milk bottles on his desk. The "milkman" then reached under the desk, took the "empties" and placed them in his basket and started to walk out. McNiece called him back, as we anticipated, and asked for the deposit money which was given to him in pennies. What we did not anticipate, however, was that he would count the pennies one by one to see that he was not short changed.

The time I walked into his classroom with two spirited great danes on a leash. He calmly asked me what I wanted. I explained that I was giving my son a gift and I wanted his help in selecting one of the dogs. Without batting an eye he pointed to one of the dogs and said "that one". I asked

* Remarks delivered by Professor Charles Sparacio to the Nassau-Suffolk Chapter-St. John's Law School Alumni Association. Professor Sparacio has been a member of the St. John's University School of Law faculty since 1946 and was an intimate friend of Dean McNiece.

if he could suggest a name. He said "Fawn" and Fawn it was. Because of the milk bottles and the dogs I had to do penance.

The times, after a school affair, he would spread the word to meet at my house. He would go home but my house would be creaking with hungry and thirsty guests.

Although I am sure that many people thought us a curiously irregular and strange collaboration, Harold McNiece and I were friends for more than twenty-five years, which is, in itself, an achievement. After all we were not like two peas in a pod. On the other hand, I did not think we were as dissimilar as night and day. However, it did come to my attention, on more than one occasion, that people were saying in substance, that "Harold seems like the regular lawyer-professor type, whereas Charlie seems more fitted and qualified for a 'gaudier' profession." I never asked what that gaudier profession might be.

Harold McNiece was not born into a life of luxury or affluence. What worldly goods he possessed did not fall into his lap. They were earned—and earned by the sweat of his brow. He did not believe in amassing a fortune to be distributed after his death. Nor did he believe in using his money to selfishly pamper his every whim and vanity. He was generous to charities, his family and friends. He believed in seeing others enjoy his bounty while he was alive.

Harold McNiece was not born a genius. His academic achievements and writings, with which all of us are familiar, were born of toil. They were the results of a sacrifice of time that could have been spent in many hours and days of self-indulgence and earthly pleasures. Instead, this time was applied to many, many hours of arduous, laborious and exhaustive study. Time and time again, in the early days, we worked far into the wee hours of the morning, mastering and refining the intricacies of our subjects. Whole weekends were reserved at my house for discussion and debate. Time was spent anticipating the possible questions of industrious students. Also, the questions of less diligent, who, after reading up on some obscure point, would try to "trap the professor". We survived these pitfalls. Many times he would say facetiously, "if Sparacio or I disagree with the cases the law will change very soon". His prediction frequently came to pass.

Harold McNiece was made of flesh and blood. He had his moments of temper, his moments of anger and of forcefully expressed ire and dissatisfaction of which I, at times, was a copious beneficiary. Yet, show me a man under the duty, obligation and strain of his office who could remain casual, aloof and unaffected. Show me a man, in his position who could remain passive, unruffled, and at the same time enhance the dignity of the faculty of the school. He wanted us to have a pride that came from confidence in the knowledge of our subjects. He wanted us to have a fervid desire to teach.

Harold McNiece undoubtedly had a deep abiding interest in the welfare of the students. For a struggling student with real problems and working under adverse conditions, his heart would melt like wax. Such a student would get all the tolerance allowed under the rules. He would lose patience, after awhile, with the "playboy" or "lazy" student who attempted to acquire knowledge without fatigue or preparation. The following semester we would struggle along without this chap.

There were borderline cases and because he reluctantly stuck to the letter of the rules he drew the honest criticism of some and the cynicism of others. Yet, because he never acted out of malice, ill will, hatred or vindictiveness with his faculty and students, he earned the admiration, love and loyalty of a multitude. The truth of the matter is that he loved people and they sensed it. They sensed in him a humility that was engendered not by fear, but by compassionate understanding. They sensed in him the humility of a man who, in his lifetime, must have experienced loneliness, disappointment, desolation and despair—a man too humble to be arrogant.

Harold McNiece was not born a saint. He came into this world with the same human weaknesses and frailties as we. He was exposed to the same vices and temptations. Maybe, at times, he succumbed. Who knows? I don't. But, I ask myself, why did he, on many occasions, insist on our going to confession twice in one week? Was it because of his sins or did he find me out?

Harold McNiece, I said, was not born a saint. But, if I had the choice of just one of his attributes, I would choose his unalterable, absolute devotion and love for God. With such love, there was no cutting of corners or compromise. With such devotion, there was no room for question or debate. It was his complete adoration and belief that made him ready to obey God's call at any time. I remember clearly, when, in the hospital he thanked the priest for giving him the Last Rites of the Church. He thanked him with a childlike innocence and grace. At that moment, I recalled part of a poem that had been dormant in my mind for many years. I cannot remember its authorship but it went like this:

Made in the image of your God,
In the likeness of your King,
You stand calm, serene, undaunted,
Unafraid through everything.

I do not want this evening to end on a glum note. I am truly and sincerely happy to be here. At this point in my life one begins to wonder if it was all worthwhile. One begins to think whether his existence here on earth was justified and productive. Most of you, I recognize, as being taught by me in the Law School or in the Bar Course. You seem to be well adjusted, content and successful in the law. If I played a little part in the

achieving and furtherance of your vocation, I will indeed consider my short stay on this earth to have been worthwhile. In any event, let me close as I have closed all my Bar Review sessions. God got you this far. He will get you further. Believe in Him. I will say a prayer for you—please say one for me.