

University of Pennsylvania Law Review

FOUNDED 1852

Formerly
American Law Register

VOL. 104

MARCH, 1956

No. 5

THE LIFE AND CHARACTER OF EARL G. HARRISON

Lewis M. Stevens †

A college student once complained to Wendell Phillips, noted Harvard teacher and reformer, that the day of great causes was over. Mr. Phillips marched the young man to the door of his Boston house, opened it, pointed to the people walking by, and said: "They are the greatest cause in the world."

It was the struggle for wider opportunities for people which concerned Earl Harrison all his life. As a young man he actively participated in the solution of community social problems. This early training prepared him for his superb national leadership in alien registration during 1940-41, in protecting both national and individual interests as Commissioner of Immigration and Naturalization during 1942-44, and in representing the United States in providing aid on an international scale for war refugees after V.E. Day and in the post war period.

When Earl G. Harrison died on July 28, 1955, he had become a symbol of hope and friendship throughout the world, to the aliens in this nation and to our newly made citizens, to refugees from the rough scourge of war, and to other victims of social injustice. This man accepted the poet's challenge to "Give all thou can'st, High Heaven rejects the lore, Of nicely calculated less and more."

In his home city of Philadelphia, Earl Harrison was recognized not only for his great professional abilities as a trial lawyer, but also for

† Member of the Philadelphia Bar.

his sturdy independence which made him responsive to the unpopular cause. He possessed an eager expectancy of good which brought to him the great rewards of a happy home, friendships, and the joys of living at one's best.

CHILDHOOD AND YOUTH

Earl Grant was born in the Frankford section of Philadelphia on April 27, 1899, the birthday of Ulysses S. Grant. The son of foreign born parents, he had the sturdy upbringing of an American home in the middle economic group.

His father, Joseph Layland Harrison, was brought from England to the United States as a child, and his mother, Anna MacMullen, came here as a child from Northern Ireland. Mr. Harrison became a successful grocer. He was a devoted father. Mrs. Harrison was a vivacious Scotch Irish woman, with whom Earl had an unusually close relationship, and it is said that in many of their warm human characteristics they were much alike. There was a generous dash of Irish wit and an eager response to life in both. She had a love of the stage, acting in amateur theatricals and local stock companies.

The Harrisons also had a daughter, Thelma, now the wife of the much beloved Dana Greenleaf How of the Student Christian Association at the University of Pennsylvania. Both children attended the public schools and were graduated from the Frankford High School and the University of Pennsylvania.

At Frankford High School, Earl was president of his class in the freshman, sophomore and senior years, played on all the school athletic teams except cricket, and participated in other school activities such as dramatics. Just as he had been a natural leader in high school, so it was at the University. He played varsity soccer, was managing editor of the *Daily Pennsylvanian*, took part in the *Mask & Wig* productions, debated, won a Phi Beta Kappa key his junior year, was a member of the Sphinx Senior Society and was valedictorian of the Class of 1920. During his sophomore year, his college work was interrupted when he served as Second Lieutenant of Infantry from July to December, 1918.

Thomas B. K. Ringe, Esq., a close friend, gives this bright picture of Earl as a young man:

"I first met Earl Harrison in the summer of 1920 which was just after he had graduated from college. It was at University Camp for Boys, maintained by the Christian Association of the University of Pennsylvania as a camp for underprivileged boys and staffed by students of the University who were interested in

social service work. Earl Harrison was then the Chief Counselor. I was tremendously impressed with his strength of character, his athletic ability, his challenging clean spirit and devotion to Christian principles and ideals, and perhaps most of all, with the tremendous sense of humor and sparkling good fun which seemed to emanate from him at all times. There then began the close friendship which never abated. It was at the Camp that he first interested me in the vitality of St. Paul, for he frequently quoted St. Paul in the short inspirational talks which he gave to the whole Camp, the boys, and to the counselor group during devotional periods."

Earl decided to enter the University of Pennsylvania Law School, to which he was awarded a faculty scholarship. He became Case Editor of the *Law Review*, a member of Sharswood Club, and of the Order of the Coif. He graduated twelfth in his class in 1923 and promptly entered into the practice of law with a large Philadelphia firm. Soon he was recognized as a trial lawyer of great promise.

MARRIAGE AND FAMILY

In the spring of 1923, Earl married Carol Rodgers Sensenig whom he had met while they were students at the University of Pennsylvania. They had played the roles of hero and heroine in a campus play. Mrs. Hunter Boardman, a classmate of Carol's, has written to her:

"You have many years to be thankful for as the wife of an outstanding man, and I can remember when it all started. For I was once in the K.K.G. room at 3433 Walnut (the old one room affair) and you and Earl met there. I'll always remember as a small and timid freshman how overwhelmed I was at the wonder and splendor of your date."

Carol and Earl had four children. Their oldest child and only daughter, Carol Hope, died in 1931. Their three sons, Paul, a medical doctor, Joseph Barton, now a third year student at the University of Pennsylvania Law School and a Case Editor of the *Law Review*, and Earl G., Jr., a student at the Yale Divinity School, reflect the breadth of interests of their father and mother.

A happy and creative marriage is the greatest asset for a successful life. Carol Harrison provided this for her husband. Together they shared the common stuff of life, moving together into deepened convictions as to its spiritual reality. Carol had been reared in the Methodist Episcopal faith. Earl had grown up a Presbyterian. In their final years together, they joined the Providence Meeting of the Religious

Society of Friends, drawn by the form of worship and also by its constructive approach to social problems.

LAWYER

When a young man graduates from a law school, his first duty is to practice law and to become known and recognized as a lawyer by judges, his fellow lawyers and the community. Earl did that, and from 1923 to 1940, he rose steadily to a leading position at the Philadelphia Bar.¹ His fine, well trained mind, his unusual capacity for work, his friendliness and cheerfulness, his great will to win—all these were qualities which marked him as a leader among older lawyers as well as those of his own age.

Earl started to practice with the law firm of Saul, Ewing, Remick & Saul, of which he became a partner in 1932. At the same time, for thirteen years, he acted as law clerk for William I. Schaffer, who became Associate Member and later Chief Justice of the Pennsylvania Supreme Court. For several years, he also did legal research for Judge Edwin O. Lewis of the Court of Common Pleas No. 2 of Philadelphia County. At the University of Pennsylvania Law School in 1932-33 and in 1936-37, he served as a part-time instructor in Partnerships, Evidence and Equity.

The late Paul D. Cravath once said that he had tendered a dinner to the one hundred leading lawyers in New York. Asked how he selected his leaders, he replied that he had invited the one hundred lawyers with the largest earned incomes. Measured by such a test, many Philadelphia lawyers may have surpassed Earl Harrison in those early years. But measured by the respect of his colleagues and of the community for both his character and high abilities, he had reached one of the top positions in the Philadelphia Bar before he had practiced fifteen years—a position which grew in importance and in influence until his death.

After his government service during the war years, Earl, in 1945, accepted the invitation to become Vice President of the University of Pennsylvania in charge of Law and Dean of its Law School. There followed three of the happiest years of his life. He delighted in the teaching side of the law, in the close and friendly contacts which it brought him with eager and able young men. His skills as an administrator, already highly developed through his wide experience in government, made him unusually competent to direct law school affairs.

1. During this period, he wrote several articles. See, e.g., Harrison, *Pennsylvania Rules as To Admissibility of Evidence To Establish Contemporaneous Inducing Promises to Affect Written Instruments*, 74 U. PA. L. REV. 235 (1926); Harrison, *Admissibility of Parol Evidence To Alter Recital of Consideration*, 2 TEMP. L.Q. 217 (1928).

He was loved and trusted by students and faculty alike. During the period of his deanship, the law school faculty was strengthened by the additions of Edwin D. Dickinson, Clark Byse, Carroll C. Moreland, George L. Haskins, John O. Honnold, Louis B. Schwartz and Philip Mechem. These men, coming just after the war, gave new impetus and vigor to the school and have been a major factor in keeping it in the front rank.

In the spring of 1946, Dean Harrison journeyed to Austin, Texas, and testified in behalf of Herman Marion Sweatt, a Negro who had been denied admission to the School of Law of the University of Texas solely on account of his race. As Dean of the Law School of the University of Pennsylvania, he spoke out against the absurdity of calling a one-pupil school a law school, as the State of Texas tried to do in claiming it offered Sweatt equal but separate law school facilities. This case on appeal² proved to be a successful forerunner of the historic case of *Brown v. Board of Education*,³ which struck down the "separate but equal doctrine" in public schools.

In September, 1948, Earl Harrison resigned his deanship and immediately entered the law firm of Schnader, Harrison, Segal & Lewis, where he plunged once again into the active practice of law and conducted much substantial litigation in the ensuing years. He had become one of the best trial lawyers of Philadelphia and enjoyed great popularity among his fellow lawyers. One of his active professional interests was the work of the American Law Institute, of which he was treasurer.

In later years Earl Harrison's wide legal experience and soundness of judgment were recognized in the business world when he was made a director of the Home Insurance Co., New York, a director of the Industrial Trust Co., Philadelphia and a trustee of the Penn Mutual Life Insurance Co., Philadelphia.

COMMUNITY ACTIVITIES

Earl Harrison richly fulfilled the tradition that a portion of a lawyer's time should be devoted to improving his profession and also to the social and political life of his community.

He was a member of charitable and religious boards too numerous to mention. He served actively as a director of the Student Christian Association at the University of Pennsylvania. For several years he served on the board of directors of the Family Society. One of his

2. Sweatt v. Painter, 339 U.S. 629 (1950).

3. 347 U.S. 483 (1954).

primary interests was the Pennsylvania Public Charities Association (now the Pennsylvania Citizens Association for Health and Welfare), of which he was president. He was long an officer and director of the World Affairs Council of Philadelphia.

Also, he was director of the Samuel S. Fels Fund, the Philadelphia Area Council of the National Conference of Christians and Jews, the American Civil Liberties Union, the National Association for the Advancement of Colored People, the Institute of Local and State Government at the University of Pennsylvania, and recently of the Children's Hospital; he was a trustee of the Carnegie Endowment for International Peace, of the University of Pennsylvania, the Philadelphia (Bok) Award (chairman), Howard University, and one of the founders of the Fellowship Commission. He was President of the Alumni Association of the University of Pennsylvania (1952-55) and in 1944 received an Alumni Award of Merit.

In 1945-46, he was General Campaign Chairman of the Philadelphia United War Chest, perhaps the top non-combatant service a citizen could render his community in the last year of the war and the first of the peace.

In 1937, Earl saw with others the need for improving the municipal government of Philadelphia. He joined independents of both political parties in working for a state constitutional amendment which would consolidate the dual county and city governments. He supported the effort made in 1939 to submit a proposed new city charter to the voters. He helped create what was known as a Democratic Fusion ticket in 1939 and was the vigorous campaign chairman of independent groups who supported this ticket. But these early political efforts were not successful. It was not until 1951 that the seeds previously sown by Earl and others bore fruit in a new Home Rule Charter for Philadelphia.

In reviewing these social and political activities, it must be realized that in every one of them he was a leader, sharing responsibility and doing always more than his share of the chores and routines.

IN THE NATION'S SERVICE

By 1940 Earl Harrison was fully recognized in Philadelphia for his high attainments as a lawyer and citizen. His work as President of the Pennsylvania Public Charities Association had brought him to the attention of people in the commonwealth, but he was not known on the national scene.

When the dark clouds of war came nearer to our own shores, Congress passed the Alien Registration Act of 1940. It required the

Department of Justice to register and fingerprint all non-citizens,⁴ of whom there were approximately five million. Earl Harrison was appointed Commissioner of Alien Registration by Attorney General Robert H. Jackson at the suggestion of Francis Biddle, then the Solicitor General. Starting from scratch, with no precedents to guide him, Earl so brilliantly administered the project that instead of antagonizing the nation's future citizens, he actually achieved a better understanding between citizens and non-citizens. It was he who imaginatively suggested the use of the post offices for the registration and fingerprinting instead of the police courts or other law enforcement facilities.⁵

Earl had scarcely returned to the practice of law when Francis Biddle was appointed Attorney General in August of 1941. Mr. Biddle soon asked Earl to accept an appointment as Commissioner of Immigration and Naturalization, but Earl felt compelled, in September, 1941, to decline. However, on December 7, 1941, Earl agreed that the Attorney General could command his services as Special Assistant to the Attorney General for the purpose of issuing certificates of identification to the 1,100,000 aliens from Germany, Italy and Japan. This task was completed successfully in early 1942.

On March 24, 1942, President Roosevelt nominated Earl, a Republican, for the position of Commissioner of Immigration and Naturalization. Senator Joseph Guffey, of Pennsylvania, invoked his personal privilege to oppose the appointment, but after several months of opposition, the Senator withdrew it at the personal request of the President, and Earl was sworn in on July 20, 1942. There followed two of the most fruitful years of Earl Harrison's life. In addition to the largest number of applications for citizenship in the history of the service, the Commissioner had direct charge of and responsibility for the nation's detention facilities for aliens whose loyalty was in doubt,⁶ for the Mexican border patrol and for many special war time duties.

Earl visited each of the twenty-two district offices of the Immigration and Naturalization Service as well as the ten internment camps. He was probably the first Commissioner ever to do so. Everywhere he went, his open, friendly and clear headed way of doing things resulted in new friends who gave him unstinted loyalty in the work. He brought a fresh imagination and a human warmth into all he did. Very soon this far flung service began to respond to a new rhythm, and there is ample evidence to support the understatement that Earl re-oriented

4. Earl Harrison preferred the words "non-citizens" to that of "aliens."

5. Harrison, *Axis Aliens in an Emergency*, 30 SURVEY GRAPHIC 465 (Sept. 1941); Harrison, *Alien Enemies*, 13 PENN. B.A.Q. 196 (1942).

6. Harrison, *Civilian Internment—American Way*, 33 SURVEY GRAPHIC 229 (May 1944).

the purpose and spirit of the service. Earl never forgot that he was working with and for people who had deep human problems and anxieties. He was also indebted to his wide and first hand knowledge of various social agencies with whose functions he was so familiar. Under him, the Immigration and Naturalization Service became alive and human.

Francis Biddle, who, as Attorney General of the United States, saw Earl's work at first hand, says of him:

"I think his success came from two qualities seldom combined. He had an extraordinarily human heart, and he was a first-rate administrator. He realized the importance of details, but kept his eyes off the ground. He understood how important it was to make foreigners here understand how much they contributed to us. He did not want to melt out the richness of their own cultures. As a result the registration, which had first created a sense of terror, was finally looked upon as a sort of American Club, and in many towns there was a waiting list to see who could register first.

"He of course received thousands of letters—touching, tragic, happy, and most of them rather personal. I quote from one: 'I am happy to live in a country where letters by the authorities read like letters from friends.' The service was extraordinarily proud of him as Commissioner."

In recognition of his administration of alien registration and of his remarkable success in solving immigration and naturalization problems, the American Committee for the Protection of the Foreign Born awarded him its annual medal on April 17, 1943. While Commissioner of Immigration, Earl was appointed by Adolph A. Berle, Jr., Acting Secretary of State, as a delegate on the part of the United States to the Inter-American Demographic Congress held in Mexico City in October, 1943—a further preparation for some of his future assignments.

In 1944, President Roosevelt appointed Commissioner Harrison the United States representative on the Intergovernmental Committee on Refugees. This committee helped refugees to be repatriated where possible and also provided transportation costs for individual refugees and family groups which found it possible to make plans to emigrate. This work took Earl abroad for conferences with representatives of other interested countries and—what proved of lasting importance—placed him in close touch with the immense refugee problems thrown up by the persecutions and war dislocations in Europe.

On June 22, 1945, President Truman entrusted Earl Harrison with a special mission to Europe "to inquire into the condition and

needs of those among the displaced persons in the liberated countries of Western Europe and in the SHAEF area of Germany—with particular reference to the Jewish refugees—who may be stateless or non-repatriable.” Earl made an on the spot survey of displaced persons’ camps in Europe in July and August of 1945, particularly in Germany and Austria. His report to the President, made in late August, 1945, went directly to the root of the matter. It said in part:

“But speaking more broadly, there is an opportunity here to give some real meaning to the policy agreed upon at Potsdam. If it be true, as seems to be widely conceded, that the German people at large do not have any sense of guilt with respect to the war and its causes and results, and if the policy is to be ‘To convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves,’ then it is difficult to understand why so many displaced persons, particularly those who have so long been persecuted and whose repatriation or re-settlement is likely to be delayed, should be compelled to live in crude, overcrowded camps while the German people, in rural areas, continue undisturbed in their homes.

“As matters now stand, we appear to be treating the Jews as the Nazis treated them except that we do not exterminate them. They are in concentration camps in large numbers under our military guard instead of S.S. troops. One is led to wonder whether the German people, seeing this, are not supposing that we are following or at least condoning Nazi policy.

“It seems much more equitable and as it should be to witness the very few places where fearless and uncompromising military officers have either requisitioned an entire village for the benefit of displaced persons, compelling the German population to find housing where they can, or have required the local population to billet a reasonable number of them. Thus the displaced persons, including the persecuted, live more like normal people and less like prisoners or criminals or herded sheep. . . .

“In conclusion, I wish to repeat that the main solution, in many ways the only real solution, of the problem lies in the quick evacuation of all non-repatriable Jews in Germany and Austria, who wish it, to Palestine. In order to be effective, this plan must not be long delayed. The urgency of the situation should be recognized. It is inhuman to ask people to continue to live for any length of time under their present conditions. The evacuation of the Jews of Germany and Austria to Palestine will solve the problem of the individuals involved and will also remove a problem from the military authorities who have had to deal with it. The army’s ability to move millions of people quickly and efficiently has been amply demonstrated. The evacuation of a relatively small number of Jews from Germany and Austria will

present no great problem to the military. With the end of the Japanese war, the shipping situation should also become sufficiently improved to make such a move feasible. The civilized world owes it to this handful of survivors to provide them with a home where they can again settle down and begin to live as human beings."⁷

On the strength of this report, President Truman, on August 31, 1945, asked Great Britain to admit 100,000 Jewish refugees to Palestine. He also ordered General Eisenhower, Military Governor of the American Zone of Occupation in Germany, to improve the conditions in camps for displaced persons under his jurisdiction. This immediately brought about some marked improvements in the care of these homeless people. Earl Harrison's report also hastened the abolition of the camps. It was printed in full in the *New York Times* for September 30, 1945, and stirred much public discussion among the American people. Earl recognized that the quota restrictions of the United States Immigration Law would prevent our nation from admitting its fair share of the distressed thousands of homeless in Europe who could not be resettled in their former home countries and who had nowhere to go. It was characteristic of Earl's great faith in people that he believed that the American people would respond with the proper legislation if they were informed of the plight of these refugees.⁸ He resigned from the Intergovernmental Committee on Refugees and agreed to become Chairman of the National Citizens Committee for Displaced Persons Legislation, which worked for special, temporary legislation. Under the leadership of the Committee, public opinion developed which was a major factor in legislation providing for the admission and resettlement of 395,000 displaced persons.⁹

Earl actively worked for the remainder of his life to secure workable and humane immigration laws. In 1952, after the passage of the McCarran Act over President Truman's veto, he was appointed to the President's Commission on Immigration and Naturalization. This Commission released its report on January 1, 1953, in which it recommended basic changes in our immigration laws.¹⁰ These services, and many like them, made the name of Earl G. Harrison remembered in gratitude by thousands of people all over the world.

7. *N.Y. Times*, Sept. 30, 1945, p. 38.

8. Harrison, *The Last Hundred Thousand*, 34 *SURVEY GRAPHIC* 469 (Dec. 1945); Harrison, *Displaced Persons*, 49 *GENERAL MAGAZINE & HISTORICAL CHRONICLE* 209 (Summer 1946); Harrison, *Immigration Policy of the United States*, *FOREIGN POLICY REPORTS* (April 1, 1947).

9. See U.S. DISPLACED PERSONS COMMISSION, *THE DP STORY* (1952).

10. See PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION, *WHOM WE SHALL WELCOME* (1953).

PERSONAL TRAITS

Earl Harrison had broad shoulders, curly blond hair, clear blue eyes, a firm jaw and a big smile. He was well endowed physically for the strenuous life he led and the tremendous commitments he carried. His capacity to work long hours was recognized by all who knew him well, best of all by his law partners and others associated with him in any enterprise. Lord Eldon enjoined the young lawyer "to live like a hermit and work like a horse." Earl fulfilled the second part of this injunction; as to the first part, Earl denied it utterly and lived with the world on his doorstep.

Earl looked upon each person as an individual and dealt with all on a completely natural basis of human sympathy. This genuine concern for each person was much of the secret of his success with judges and jurors alike and explains his ability to get people to work enthusiastically with him. He never forgot that each displaced person, each clerk, or each secretary carried his own share of joys and sorrows, troubles and anxieties. It made him unusually considerate.

His secretary for twenty-five years, Mrs. Margaret Paul Parker, writes vividly of these characteristic traits:

"Earl left a wealth of good deeds, but it is the person rather than his accomplishments that shines in my memory: never too busy to be kind and courteous, always quick to see humor and to enjoy and share it, always a smile, no matter how tired, day in, day out, year in, year out; always industrious, with a minimum of lost motion or idle conversation, accomplishing so much with that characteristic modesty and charm; and always so generous in his regard for the opinion and actions of others."

Earl was naturally a radiant, cheerful person, a lover of fun, and possessed of a fine sense of humor. Mrs. Harrison has remarked, "It is a wonderful thing to live with one who arises with a smile, and greets the new day with gladness. In the evening, with an active day behind him, Earl could put his worries out of his mind, and fall asleep in a very few minutes."

To these qualities of considerateness and cheerfulness was joined a Lincoln-like patience. Pressed though he constantly was, Earl had an innate sense of courtesy which enabled him to deal with confused people with sympathy and kindness. To him, this was part of the opportunity which life offers us all to live in harmony with our fellows. He himself was so well poised and adjusted that this quality of patience was never a forced or disciplined restraint. Rather, it grew out of his own strength and his genuine love for his fellow man.

Possibly Earl's closest friend in law school was Cadmus Zacheus Gordon, Editor-in-Chief of the *Law Review*—now one of the great Christians of our time and the creator and director of the Teen Age Club in far away and little noticed Juneau, Alaska. These two did much of their scholastic work together. Zach Gordon writes: "He unquestionably was the most admired man in our class; and we all recognized him as a certainty to achieve notable success at the bar. But what was most deeply impressive about him was the sum total of all the elements that made him the fine, charming, gentle person that he was."

In the press of daily living, we often lose sight of the wonder and glory of the people with whom we share life's experiences. It was so for the writer with respect to Earl Harrison. Now that death has taken him, some of that which attracted people to him—his fair features, and the external circumstances of his life—have vanished forever. But there does remain the awareness that his life was a spiritual force spreading out to people in many different parts of the world. He himself had a growing awareness of the sacramental nature of life.

It remained for Lessing Rosenwald to pay to this friend, who stood so tall among his peers, one of the most telling tributes. Mr. Rosenwald writes:

"I loved Earl as I have loved few persons, and I shall miss him sadly. It was my rare good fortune to have been associated with him in many endeavors, each one endearing him to me in a different way but always on an ascending scale. He stimulated every one in such a manner as to bring out the best of his associates and in a way which insured their best efforts. I shall never forget our many 'adventures' together and his zeal to contribute at least something to make this world a better place to live in. His self-effacing contributions to so many worth-while causes and his success in most of them leaves one very humble when he is inventorying his own feeble attempts. Earl left his own memorials—a shining example of what one man can accomplish in fulfilling his dreams by personal effort. He will be sadly missed by his friends and by none more than by me. If I can follow in his footsteps, if only for a short distance, I will have paid my great debt to his leadership."

At the time of his death, Earl Harrison had become one of the world's representative men, in the Emersonian sense that he represented in his person many of the aspirations of his time. Honor, social justice, world peace, love of country, and above all, love of his fellow men, particularly the least of these his brethren—these were some of the ways in which Earl Harrison enriched his day and generation.