

THE POST-HOLOCAUST WORLD AND PRESIDENT HARRY S. TRUMAN: THE HARRISON REPORT AND IMMIGRATION LAW AND POLICY

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INTRODUCTION AND BACKGROUND

The topic of the Harrison Report, and its relationship to the solution of the problem of the displaced persons after the War, has actually given me a unique opportunity to delve into the career, the character and the personality of a remarkable human being, who also happens to have been the dean of the University of Pennsylvania Law School, where I've been teaching for the last seven years.

The story really begins on VE Day, May 8, 1945. The survivors in the concentration camps, etc, were “liberated”, but of course as we know, so many didn't want to return to their former homes. To them, they were really places of oppression, conjuring up horrific memories; places where the hostility and the hatred were still palpable, especially for those people who had owned property before the Holocaust, property that had been “possessed” by the local population. Often these people were neighbors and erstwhile friends. That was one of the fundamental underpinnings to the hostility and the hatred that, as I say, was so palpable. It wasn't the only one, of course, but it's a good illustration. And the apprehensions of the survivors were graphically borne out by events such as the program in Kielce, in July 1946, in which 41 Jews were killed and 60 were seriously injured. So, they became displaced persons, and they became displaced persons because they were people who really had nowhere to go, unlike the non-Jewish survivors, who did have places to go, and were gradually being repatriated to their former countries.


What happened then was that they were placed in, and they spent their time in, what's been described as “helter-skelter camps”, and many survivors were simply rounded up by the allied armies and forced to remain under armed guard. We saw something of that in the snippet from “Band of Brothers” the other day. The rationale that was presented in that clip was that it was important to look after them for



their own good, and make sure that they got the right quantity and quality of food.

But there was another rationale that was presented, namely that there was a fear in the military that these people would roam the countryside and kill civilians, and cause a lot of chaos and mayhem. My sense is that that was the predominant rationale that was given, but certainly what we saw in “Band of Brothers” was another rationalization.

The conditions in the DP camps were usually miserable. They were terribly overcrowded. In the Truman presidential papers, there’s a fascinating letter to the President from Nathan Strauss, in which he encloses a letter from his son, Peter, who was in the Manpower Division of the Office of Military Government in Germany – OMGUS. Peter Straus writes to his father, describing the conditions in a particular camp. He talks about a staggering jam-up. He describes his camp as having been overcrowded with 1,200-1,500 people, but now housing some 3,000, people, with more arriving continuously. He describes rooms in which families of twelve are housed in one little compartment, with one single bed, one double-decker bed, no mattresses and three straw pallets on the floor. That’s just one small example, but you can multiply it across the length and breadth of the DP camp network. On top of that, so many of the DPs had to wear their old concentration camp uniforms. Some were told to put on SS uniforms, because those were the only clothes that were available. In addition, they were under armed guard, they were not allowed to leave, and often the camps were surrounded by barbed wire. And some of those places were in fact concentration camps that had been converted to DP camps. What the conversion consisted of is very difficult to discern, but previously they had been concentration camps, and now they were DP camps.




Peter Strauss relates a story about the director of the DP camp he's describing, with 3,000 people in it, who made what he calls three accidental friends, and the director of the DP camp asked these three accidental friends to go out and find soap, toothbrushes, toothpaste and towels. He describes scenes of children coming into the camp, being scrubbed within an inch of their lives in showers, and then being forced to shake themselves dry because there were no towels.

On top of that, as a demoralizing factor, there was no method for them to track down and contact relatives. There was no mail to or from the DP camps.

Very demoralizingly, the Jews were not treated separately, but as part of national groups. In theory, there was some logic to that: Let's not discriminate among different classes; let's treat them all equally. At first blush, that sounded very, very good. So the result of that was that the Poles were together – Jewish Poles and non-Jewish Poles. The Germans were together – Jewish Germans and non-Jewish Germans. The difficulty which that posed was that so often the Jews were thereby grouped together with their own tormentors, people whom they had known in the concentration camps as well as people who had tormented them outside, and that contributed to a terrible demoralization. Also demoralizing, was the fact that the Jews could look out of the camps, from the conditions which I've just described, look around at the surrounding countryside, and see the German population returning to normal life, while they, the Jews were effectively still prisoners, and living in terrible conditions, really in prison conditions. Even that description fails to do justice to the horrors in those DP camps.


WORD REACHES PRESIDENT TRUMAN OF CONDITIONS IN THE DP CAMPS

In June of 1945, very soon after the liberation, word reached President Truman that the conditions in the DP camps were



in fact horrific. The army assured the President that everything was alright: Just leave it to us, we'll take care of everything. That's reminiscent of an Australian politician who was famous in the 1970s, Sir Joh Bjelke-Petersen, who was a populist premier of the State of Queensland, in what an Australian calls "the deep north". One of his favorite phrases, when asked a difficult question, was, "now, don't you worry about that". And of course, whenever he said "now, don't you worry about that," we began to worry. That seems to parallel President Truman's reaction. Whenever the army said, don't worry about things, we'll take care of it, he immediately began to worry! He certainly wasn't the type simply to accept the army's say-so. So, he appointed a one-man commission of inquiry to go over to Europe, to study the situation firsthand, and to report back. And that man was Dean Earl Harrison, of the University of Pennsylvania Law School.

Interestingly, one of the qualities which Dean Harrison shared with President Truman was a mistrust of the army. His son, Bart, who lives in Philadelphia, and is a graduate of the University of Pennsylvania Law School, with whom I had lunch two weeks ago, told me that during the War his father, Dean Harrison, was, as I'll mention in a moment, the Commissioner for Alien Registration. (I'll explain what that was about.) In that guise, he had to conduct camps for German and Italian seamen, who were internees. And he did so with exceptional success. He farmed them out to farms and ranches, so they could work there, make themselves useful, and, at the same time provide the locals with much-needed labor. The internees effectively missed the war, and they earned money on top of it to take back to Europe. The result was that Dean Harrison got a whole bunch of "thank you" letters from these people, whom he was supervising as internees. Now, as a result of that extremely successful effort of taking care of these internees, Harrison was asked




to handle a camp for Japanese internees, that was located over in the west, in Colorado. What had happened was that the army had bungled it, and created all sorts of difficulties. And Harrison agreed to take over in Colorado, but his condition was that the army should get right out of it, and leave the whole thing alone. The army, of course, didn't agree, and therefore the whole plan fell through. But certainly Dean Harrison seems to have shared with President Truman an inherent, shall we say, skepticism, about the military.

THE MAN WHOM PRESIDENT TRUMAN APPOINTED

Let's focus for a few moments on the man whom President Truman appointed, and his character and his qualities, because they're directly relevant to his remarkable work as the President's one-man commission of inquiry.


When President Truman appointed Dean Harrison, he was 46 years of age. He already had, at that time, a stellar reputation in government and non-government service. He had a reputation as an outstanding administrator, and he also had the confidence of leading lights on the political landscape, all the way up to President Roosevelt. So, for instance, in 1940, as I foreshadowed, he became Commissioner of Alien Registration. The Congress passed the *Alien Registration Act*, the object being to register all aliens in the United States, and not only to register them, but to fingerprint them, and there were about five million of them. When Dean Harrison was appointed Commissioner of Alien Registration, he was appointed by the-then Attorney-General of the United States, Robert Jackson, and of course we know that Jackson went on to become a Justice of the Supreme Court, and eventually the Chief Prosecutor at Nuremberg. Jackson made that appointment on the recommendation of Francis Biddle. Francis Biddle was Solicitor-General of the United States, and he, as we know,



went on to become the United States Judge on the International Military Tribunal. When Jackson was appointed to the Supreme Court, and Biddle succeeded him as Attorney-General, Biddle appointed Harrison as his special assistant, his task being to issue certificates of identification to about 1.1 million aliens from Germany, Italy and Japan. And then, in March, 1942, President Roosevelt nominated him for Commissioner of Immigration and Naturalization. In that capacity, he had to deal with the largest number of applications for citizenship in United States history. In the next year, 1943, the Acting Secretary of State appointed Dean Harrison the US delegate to the Inter-American Demographic Congress, in Mexico City, and in 1944 President Roosevelt appointed him as the United States delegate to the Inter-Governmental Committee on Refugees. And all of that was before he became Dean of the University of Pennsylvania Law School.

One of the effects of chronicling his career in government service in this fashion, is to convey that, when President Truman appointed him, in June 1945, not only had he had a wealth of experience in government service, but it was a wealth of relevant government service. And in the course of that government service he had developed a keen and deep appreciation of immigration policy, and had also developed a firm grasp of the special problems of aliens and refugees. So, he had developed this feel for relevant matters, and on a first-hand basis.


He was very much a hands-on leader and administrator. So, for instance, when he was Commissioner of Immigration and Naturalization, he visited all 22 districts of the INS, and all ten of the internment camps conducted under its auspices. He was probably the first Commissioner in history to visit all those places (and my bet is that he was probably the last one as well!).



But to chronicle Dean Harrison's background in government service, even bringing out the unique experience he brought to bear on the task to which President Truman appointed him, and which President Truman entrusted to him, doesn't yet complete the picture. It doesn't yet do justice to Dean Harrison's qualifications for the task, because it omits a significant dimension. Dean Harrison was a man who enjoyed a reputation – and deservedly so – as a man of great kindness, and friendless, and human warmth. He was on the boards of numerous charitable and religious organizations, and as a University of Pennsylvania student, he was the head counselor at a camp for under-privileged boys conducted by the Christian Association of the University of Pennsylvania.


There's much more to his background, but I'm just selecting a few little snippets to give some indication of the human qualities of this man. He was a "people-person", as we would call him today. His son put it very, very well, and it's amply born out by all the evidence: He was a man who liked people, and he liked to help people. So, for instance, as an example of his character, in the Spring of 1946, a year later, as Dean of the University of Pennsylvania Law School, he traveled to Austin, Texas, to testify on behalf of an African-American student who had been denied entry to the University of Texas Law School purely and solely on account of his race. That was not necessarily a very popular thing to do at that time, but he was true to his convictions, and he got up and went to Texas to testify on behalf of this student.

He brought these human qualities to his work in government. So, for instance, when he was involved in alien registration under the 1940 Act, he could have been an oppressive ogre; forcing non-citizens to register, particularly in time of war, can create terrifying images in people's minds. But Harrison put a human face on this work, and in particular, the original idea had been to force the aliens to go to police stations to register. He wouldn't have any of that, and he had a great



idea, which was written into the legislation, namely that it should be done at post offices. And a post office, of course, has completely different connotations for the average person than a police station, especially a foreigner in a foreign country. His son, Bart, told me something that you would never get from any research in archives or books or anywhere else. He pointed out that in those days, apart from in the big cities, there was no mail delivery. Rather, the procedure was that you went to the post office, to get your mail. So the post office was a place that was familiar to people, and there was a friendly face on it. And one of my colleagues at Penn Law School, who is two years younger than Mr. Bart Harrison, pointed out that the postal officers were usually political appointees, so they really made a point of knowing everyone, quite apart from having to do so in the course of their functions. And so, registration for aliens became a completely different experience to what it could have been. He conveyed a sense to aliens that they were valuable to America, that they had much to contribute and were important to the country, and registration as a result of all of this became an act of joining the “American club”. To the extent that, in many cases, there were lines of aliens waiting at post offices to get in and register and be finger-printed. It was a remarkable achievement, given the possibilities. One of the internees wrote later on that letters from the authorities read like letters from friends, and it’s very difficult to imagine that in the present era.


Let me give one more example before returning to the theme. When he was Commissioner for the INS, there was an episode that took place that was recounted to me by this son. His son was an attorney, and in the course of his practice was acting for a particular person with a German name. The client came to his office, and during the course of the discussion, the fellow was staring at a photo that was hanging on the wall behind Bart Harrison. Towards the end of the



conversation the client asked, “who’s that man up there?” Bart Harrison answered, “that’s my father”, and the client then told Bart Harrison the following story. He said that during the War, he got a letter saying that he could no longer work at his job, which was as night manager in a particular business. The reason was, that his wife was a German, an alien, who had not taken out US citizenship; she was not a US national. What had happened was that the two of them had come here many years earlier, he had taken out citizenship, but she had never bothered, for whatever reason. In fact, she’d come to the United States in 1927. So here was this poor fellow about to lose his job. So what did he do? He wrote a letter to the Commissioner of the INS. Within two or three weeks, he received a reply, signed personally by the Commissioner of the INS, saying, I’ve read your letter, and in the near future, my secretary, Miss Paul, is going to call you to make an appointment to come in and discuss all of this. And sure enough, within a few days, Miss Paul had called, made an appointment, and off he went for an appointment with the Commissioner himself. The Commissioner sat there, he heard the story, they discussed it, and within a very short time, the Commissioner, Dean Harrison, made arrangements for the wife to become a citizen. Now, I invite everyone here to do as I did when I heard the story, and try and picture this happening in the year 2002! The point is, that he put a human face on the government and the bureaucracy, if that’s not a contradiction in terms.


DEAN HARRISON’S METHODOLOGY

It was these qualities that Dean Harrison brought to his work as President Truman’s special envoy. Once he was appointed, things happened very, very quickly. President Truman’s letter of appointment was dated June the 22nd, 1945. Within a matter of days, Dean Harrison was in Europe, and he spent the whole of the month of July touring the DP



camps. He visited 30 camps in that month of July; that means, an average of one a day, and in doing this, he made a point of departing from the itinerary that had been prepared for him by the army. In the video of “The Long Way Home”, there’s an account of that by a chaplain who looked at his itinerary, and saw immediately that the army really didn't want him to see what was going on. When he met Dean Harrison, he said, look, this is the situation, showed Harrison the itinerary, and Harrison immediately tweaked to what was going on. So the chaplain said, when they bring you around formally, I will introduce you to so and so, and then you take it from there. Harrison did, and he made sure that he departed from the itinerary in order to get a feel for what was really going on.

He kept notes of his visits to the DP camps, in the form of a diary, and the original of that is deposited at the Holocaust Museum in Washington. Three weeks ago, I took the train down from New York, and instead of getting off at Philadelphia, as I usually do when I teach there, I stayed on the train for a few more stops, went to Washington, and spent most of the day going through his papers. The papers were lodged with the Holocaust Museum by the family about 10 or 11 years ago, when Dean Harrison’s wife passed away. What’s very important about the diary is that it fills in the details. His report conveys the conclusions, but the supporting information and evidence is detailed in his diary, with facts and figures, names of people, and names of places, and so on. And there are other documents of considerable interest in the archives of the Holocaust Museum in Washington. One document is a draft, amended in his hand, of an article that he published later on, called “The Last Hundred Thousand”, and that draws to a significant extent on the primary evidence that he saw, which lay behind his report. Another very interesting document (to which I’ll come in a little while) is a transcript of a radio interview that




he did in July, 1946, a year after he had been in the DP camps, and after things had played themselves out in relation to one of his major recommendations, about letting Jews into Palestine, but we'll come back to that.

His reaction, when he went to the camps, bespoke a human being with deep feelings, deep compassion, deep sensitivity and deep empathy. A survivor who was interned in the Belsen DP camp wrote the following description of Harrison's visit there: He visited chain-smoking, tears streaming down his face. "He was so shaken, he could not speak.... Finally, he whispered weakly: 'But how did you survive, and where do you take your strength from now?'" This was very much a human being, with human feelings.

THE HARRISON REPORT


The report was a model of directness and clarity. In the very, very famous description which was quoted all over the place, he concluded, essentially in so many words, as we can see in the report, we are treating them just like the Nazis, except that we don't kill them. That is a devastating indictment, and he didn't mince his words. I'll come back to the way he expressed himself, because it's important in relation to something I'm going to say later on, in forming an assessment of his role and his partnership with President Truman. But then, among all the recommendations that he makes for improving the lot of the DPs, there were two seminal ideas, two ground-breaking ideas.

The first was, you have to separate them out, and treat them as Jews, notwithstanding that, at first blush, there was some logic to treating everyone by nationality, i.e. by common language. His point was, that's how they were persecuted. They were singled out for special treatment for persecution as Jews, and therefore they have to be treated separately in order to help them recover. That really meant two things,



basically: One was separating them out from their tormentors, and not demoralizing them further by leaving them together with people who had caused them so much grief. Secondly, allowing them to live as Jews; those who need them have to have special dietary requirements; there has to be the opportunity to practice their religious faith for those who want to, and so on. They have to be allowed to live as Jews, and recover as Jews, because they were singled out for special treatment and persecution as Jews. That was recommendation number one.


The other seminal recommendation was that 100,000 certificates of immigration be issued to allow them to enter Palestine. This was pursuant to British policy, enshrined in the infamous 1939 White Paper, in which the Government of Britain limited Jewish immigration into Palestine to 1,500 a month, which was a paltry number. One thinks about, and one wonders, how many Jews who were eliminated in the Holocaust could have been saved, had Britain allowed more Jews in, remembering that until October 1941 it was still theoretically possible for Jews to leave Germany. The doors were closed out of Poland earlier, for a fascinating reason which is not really relevant to our discussion, but until October 1941 it was theoretically possible for Jews to get out of Germany, had they had somewhere to go, and that was usually the real problem. In limiting Jewish immigration into Palestine in this way, the British Government was effectively reneging on a promise that had been made to the Jews in the famous Balfour Declaration of November 2, 1917. In that, the British Government said two things which are of importance. One was that it “views with favor” the establishment of a Jewish national home in Palestine. Secondly, it said that it would use its best endeavors to facilitate that. It’s important to understand the significance of the Balfour Declaration. In international law terms it had no significance whatsoever, (a) because, in its own terms,



Britain didn't actually promise anything to the Jews; in the Declaration, it said no more than that they "view with favor" the establishment of a Jewish national home in Palestine; and (b) more fundamentally, it wasn't Britain's to promise at that time. In November, 1917, the First World War was still on, and whilst it looked very much as though the Ottomans would lose, and with that loss, lose their possessions in the Middle East, that was not yet 100% certain, and at that time certainly Britain had nothing to promise. However, politically the Balfour Declaration was an absolute sensation, because here, for the first time, was a great, colonial power showing sympathy to the cause of the building of a Jewish national home in Palestine. And this was just 20 years after the founding of the World Zionist movement in Basel, Switzerland, which had adopted a program of political action designed to bring about the creation of a Jewish home in Palestine.

So politically, this was extremely important, and in 1939, when the British Government issued its White Paper, that was effectively a reneging on that promise. So what Harrison recommended was that 100,000 certificates be issued, under an extension of the White Paper by Britain, and with immediate effect. The reason he picked on 100,000 was that that was the number of Jewish DPs in the camps at that time. And the reason he made that recommendation was because he himself had done a survey of the Jews in the DP camps. He had asked them, what's your first preference of a place to go? Answer: Palestine. And then he asked them, what's your second preference? Palestine. Some heartrendingly answered, as the second preference: crematoria. People were actually answering that, and it wasn't just very small numbers.


A year later, as I mentioned, he did a radio interview, after the unfolding of the events which I'm going to describe in a few moments, in relation to that second recommendation. He was asked by the interviewer, without any particular



agenda, but asked in all innocence, are there any other places where these people can go? And he said, there are very few, but then he snapped the interviewer back onto the straight and narrow. He said, but that's completely beside the point. In other words, meaning that even if all the 100,000 of them could have gone somewhere else, and could have been settled somewhere else, that was completely beside the point. And here, his moral clarity comes through. He says, for too long these people have been pulled around by the nose, and told where to go. Now it's time for us to respect their wishes, and let them go where they want to go. It was a brilliant moral insight; an insight of moral clarity, really.

PRESIDENT TRUMAN'S REACTION – THE DP CAMPS


So those were the two seminal recommendations in the Harrison Report, apart from the ones that we would expect for purposes of improving the conditions of the Jewish DPs in the camps. Truman's reaction was very, very swift, and very decisive. In his memoirs, he writes, "the Harrison Report was a moving document. The misery it depicted could not be allowed to continue". Harrison, as I've indicated, spent the month of July, 1945, visiting the DP camps. And his report to President Truman was dated a few days later, August 8, 1945. Truman acted on the report very, very swiftly by government standards. Before the end of the month, 23 days later, on August 31, he wrote a letter to General Eisenhower. And basically, what he does is, he says, I have adopted the Harrison recommendations, and I want you to do everything to ensure that those recommendations are carried out. That's the message that President Truman sent to General Eisenhower in firm, unequivocal terms. It's interesting that in the letter itself, President Truman makes it clear that he's not blaming General Eisenhower for the conditions in the camps. He says, in the second paragraph, that those are the conditions that exist in the field; in other



words, our policies are not being carried out by some of your subordinate officers. It's interesting, because Dean Harrison himself echoed those sentiments, and he did so in that article that was published later on, entitled "The Last Hundred Thousand". I have seen, and I have a copy of, the original draft of that, with his handwritten emendations, and more than once in that piece he makes it clear that Eisenhower was not the problem; that it was people under Eisenhower who were not carrying out proper policy.

Eisenhower's response lists a whole lot of areas in which improvements have been undertaken. That letter is dated October 16, 1945. So it's a mere six weeks or so after the letter to him from President Truman. And he lists, as I say, a whole lot of improvements that have taken place, and he finishes off with this paragraph: "Mr. Harrison's report gives little regard to the problems faced, the real success attained in saving the lives of thousands of Jewish and other concentration camp victims and repatriating those who could and wished to be repatriated, and the progress made in two months to bring these unfortunates, who remain under our jurisdiction from the depths of physical degeneration to a condition of health and essential comfort. I have personally been witness to the express gratitude of many of these people for these things".

So, he pulls Dean Harrison up for not having given credit for a lot of progress, but the reality is that if one looks very carefully at the documents one sees two things. First of all, that what Dean Harrison was asked to report on was the condition of the DPs as they existed then – meaning, irrespective of other considerations – and he stuck to his terms of reference, and was correct in doing so. But secondly, if one looks carefully at General Eisenhower's letter, one sees that, in effect, he is admitting most of the shortcomings pointed up in the Harrison Report. Because when he talks about all the improvements that have been




made since then, that's really an admission that those were shortcomings at the time of Harrison's report. Be that as it may, both President Truman and Dean Harrison were very quick to point out, this was not Eisenhower's fault; it was the doing of his subordinates.

PRESIDENT TRUMAN'S REACTION – IMMIGRATION INTO PALESTINE


Now, let's look at President Truman's reaction to the other seminal recommendation in the Harrison Report. This was something over which President Truman had very little direct control, of course. But it's interesting that, at the Potsdam Conference, which took place in late July, 1945, that is to say even before Dean Harrison's report was in, Truman pressed Prime Minister Churchill of Great Britain to allow 100,000 immigrant certificates to be issued "without delay" – that's the way he pressed him. In other words, he was already taking up the cudgels, and foreshadowing the recommendation that was coming through in Harrison's report. What unfortunately threw a monkey-wrench in the works, was the British election that took place shortly after Potsdam. And at that, as we know, Prime Minister Churchill was unceremoniously dumped; the British people felt that the wartime leader was no longer suitable, for the transition from war to peace, and Clement Attley and the Labor Party were elected instead of Churchill. So, President Truman wrote to Clement Attley and, based on Dean Harrison's recommendation, he requested of Attley that Attley immediately take up the ball, and issue 100,000 immigrant certificates into Palestine.

This was in defiance by President Truman of the advice of his own State Department. The State Department was saying, don't offend the Arabs, to which Truman responded, they're more concerned about the Arab reaction than the sufferings of the Jews. Attley balked at Truman's suggestion; he was very, very worried about Arab oil, and it comes through very




clearly actually in the video, “The Long Way Home”. There’s a scene in that showing British privations after the War, and rationing, and there was a serious shortage of petroleum. So the British Government – Attley and the Foreign Minister, Bevin, in particular – were very concerned about offending Arab sensibilities, and therefore they balked at the suggestion that the Jews ought to be allowed into Palestine. And in time-honored British tradition, Attley, who really favored the solution of repatriating the Jews to Europe – in other words, sending them back to the very countries in which they had been so oppressed and tormented – and given, therefore, that he didn’t want to do what Truman asked him to do, suggested shunting the whole thing off to a commission of inquiry – a joint United States-UK commission of inquiry. President Truman relented. He perhaps naively believed that the British Government really did, ultimately, want to find an equitable solution to the problem. But nevertheless, he fought tooth and nail to ensure that the commission of inquiry’s terms of reference were limited. What Attley wanted, was to include in the terms of reference not only an inquiry into the possibility of Jewish immigration into Palestine, but also the possibility of repatriating the Jewish DPs to their European countries of origin, or somewhere else in Europe. Truman, however, insisted, and put his foot down, and said no, the only question that this commission of inquiry is going to consider is whether they should go to Palestine or not.

The commission of inquiry comprised 12 members, six British and six American. They traveled to Europe, they traveled to the Middle East, they studied the situation thoroughly, they heard evidence, and their report, which was issued in April, 1946, unanimously affirmed the Harrison findings. In other words, all 12 of them, British, as well as American, agreed that Harrison’s conclusion was the best, and that it was the most appropriate and historically



sensitive. President Truman immediately accepted that finding, but Britain said no. The effect of that was that Clement Attley, and Ernest Bevin, the Foreign Minister, had bought for themselves another five months time, before ultimately saying what they had intended to say all along, which was no, we're not letting them in. One of the real culprits in this was Ernest Bevin, the Foreign Minister, who accused President Truman of accepting the recommendation to send the Jews into Palestine because, he alleged, Truman didn't want them in United States, which was a terrible, grotesque distortion. All along. President Truman had favored them going to Palestine, for the reason that Harrison had explicated in his report. In other words, that's where they want to go. So, Truman adopted the rationale, that's where they want to go, that's where they should go, and Bevin was accusing him of saying that because he didn't want them here in the United States. On the video, "The Long Way Home", there's a scene in which a former army chaplain describes a meeting which two Rabbis had with Ernest Bevin, in which Bevin launched into an unprintable tirade of expletives; the chaplain says it was a particularly foul-mouthed statement. And it was made in a meeting with people who had come to plead the cause of DPs. And, what he said, basically, was, look, you Jews are at fault for everything, it's all your fault, and you're always wanting things, you're always asking for things and we're just sick and tired of you. That was the basic import, but you'll see it on the video. And so the British Government refused, point-blank, to issue further certificates, and therefore official immigration continued at the rate of 1,500 a month.


Eventually, Britain, not too long after all of this happened, got rid of the whole problem by shunting it over to the United Nations, and in April, 1947, in a letter to the Acting Secretary-General of the United Nations, Britain formally asked the United Nations to take hold of the problem, to



consider it and make recommendations as to the future of Palestine, under Article 10 of the United Nations Charter. Article 10 gives the General Assembly of the United Nations the power to discuss any matter within the purview of the Charter of the United Nations, and to make recommendations thereon, not binding decisions; in the whole United Nations system, only the Security Council can make binding decisions, but the General Assembly can make recommendations. And we know the history after that, and that's going to be dealt with tomorrow.

It's interesting to contrast the immigration into Palestine that took place officially, under the last years of the British Mandate, with the period immediately after proclamation of the State of Israel. The statistics are quite damning of the British. We know that on May 14, 1948, the State of Israel was proclaimed. The very next day, 1,700 people came in as official immigrants, by comparison with the 1,500 a month who had been allowed in by the British. But then the average, from May to December, 1948, was 13,500 per month.

Here in the United States, Truman also loosened immigration laws, and gave priority to orphans. As a result of that, and also the efforts of Dean Harrison, major changes took place in United States immigration law. After the War, Dean Harrison devoted himself to helping DPs get into the United States. He headed a lobbying group which spent, according to his son, the astronomical figure of between four and six million dollars, lobbying for what ultimately became the *Displaced Persons Act* of 1948. The idea was – and President Truman was at the forefront of recommending this to Congress – to bring in 400,000 displaced persons. Congress did pass the legislation, but in extremely unsatisfactory form, to the extent that they set a cut-off date of eligibility for people having entered the DP camps which deliberately excluded 90% of the Jews in DP camps. Truman was very,




very upset. He signed the bill into law very, very reluctantly, and made a major statement which said, I am signing, I'm really very reluctant to sign it, but Congress has pulled this on the last day of the congressional sitting, and at least this law establishes the principle that DPs can come into this country, so I am grabbing it for what it's worth, but this is really a blot on DP policy, as far as I'm concerned. That paraphrases Truman's reaction, and then for the next two years, a lot of effort went into amending the legislation, with the result that, in 1950, the discriminatory cut-off date was removed, and, by 1952, when the last DPs came, a total of 395,000 DPs had entered the United States. And they did so in a way which circumvented the normal immigration quotas. Quotas at that time were country-based, with a preference for Britain and the Scandinavian countries. And, of course, most of the DPs didn't come from there; in fact, virtually all of them didn't come from there. And so, what the DP legislation of 1948, as amended in 1950, did, was to allow people to come in as displaced persons, irrespective of their country of origin, thereby circumventing the country-based quotas.

That legislation was a tremendous humanitarian act, and in that, President Truman and Dean Harrison both played central roles.


A THOUGHT ON DEAN HARRISON'S FUTURE, HAD HE LIVED

Let me spend a moment speculating about Dean Harrison's future, had he lived. He died tragically young, at the age of 56, in 1955; he keeled over suddenly, while walking in the woods with his son, Bart, suffering a massive heart attack. He had been a heavy smoker; the passage describing his reaction when he went into the Belsen DP camp, said that he was chain-smoking. He was a heavy smoker, in the days before medical science had warned us about the dangers of smoking. His son tells me that, knowing his father, had that



scientific knowledge been around in his days, his father certainly would have given up smoking. The bottom line was that he was a very hard-working man, he smoked very heavily, he played a great game of tennis, and he just keeled over, very suddenly and very unexpectedly, of this massive heart attack.

It's tantalizing, particularly for me, as a faculty member of the law school where he was dean, to speculate on what might have been had he survived, bearing in mind what he achieved, and the people whose confidence and trust he had earned. I've run through his positions, and his notable achievements, and I've run through a list of the people who showed such tremendous confidence in him. And so much of what I've described took place before he became dean of one of the top ivy league law schools in this country. So he had the prestige of that. In fact, he was scheduled to become President of the University of Pennsylvania, but I'm told he was bumped for political reasons, and Harold Stasson became President. When he was appointed President Truman's one-man commission of inquiry into the DP camps, in addition to all the other recommendations that he had from various people, the recommendation in this case came directly from the Secretary of the Treasury, Henry Morgenthau. It's also interesting to note that everything that I've described took place under Democratic administrations – President Roosevelt, and then President Truman. Dean Harrison himself was a Republican, and he'd achieved all of that under Democratic administrations. The next Democratic administration, as we know, was sworn in January 1961 – President Kennedy. Dean Harrison would have been only 61 years of age at that time, and, his son told me that he would not have sought out public office, much less lobbied for it, but had he been asked, he was a man who was very civic-minded, and therefore he would have accepted. It's very



interesting to speculate how high he could have gone in a Kennedy administration.

KINDRED SPIRITS: PRESIDENT TRUMAN AND DEAN HARRISON


Let me finish off by saying a few general words about President Truman and Dean Harrison. When one looks at the intersection of their careers in this particular episode in Holocaust-era, and post-Holocaust, history, what shines through to me is that this was really a great partnership between two kindred spirits. These strike me as having been two men who shared two exemplary qualities.

The first is, that both had a moral clarity, which enabled them to drill through to the heart of the issues. And in this particular episode, the episode of the DP camps, the heart of the issue said, these are human beings. Period. And I contrast that with a particularly callous put-down which was uttered by General Patton, and it's in the video, "The Long Way Home", where he says Harrison and his ilk regard the DPs as human beings, which they are not. Truman and Harrison cut through everything. The first consideration is, that these are human beings.

Secondly, they have suffered unspeakable horrors, and the first priority is to help them. As Truman put it in relation to the State Department, they're more worried about the Arab reaction than about the Jewish suffering. These people were concerned about human suffering.


And thirdly, they should be allowed to go where they want to go. That brilliant retort of Harrison's in that radio interview really spoke volumes about that. That was the first quality that it seems to me they shared, a real moral clarity.

The second quality was, once their moral clarity had led them to a particular conclusion in this area, they were prepared to withstand enormous pressure, and to take on quite mighty



opposition, in order to get to the right result. So, for instance, when Harrison made his famous statement, we're treating them like Nazis, except that we're not killing them, it's instructive to pause for a moment, and reflect on whom he meant with this "we"; who's the "we"? The "we" was General Eisenhower, the "we" was General Patton, the "we" was General Bradley. These were the sorts of people who were in that "we". And whatever he was saying was therefore an express or implied attack on them, or certainly could have been interpreted in that way. A lesser person would have couched it in diplomatic terms. He could have said things like, "conditions are less than optimum", "there are perceived shortcomings"; "there is room for improvement". You can just imagine the bureaucratic phrases coming through. He didn't mince his words; he went for the jugular, not in a bad sense, but in the sense that this is an horrific situation, it calls for drastic measures and I have to put the plight of the DPs on the radar screens of people who are making decisions. And this is the reality, we are treating them exactly like the Nazis treated them, except that we don't kill them. And he went on to explain why that was so, and it's borne out by his notes and the descriptions from so many other sources that we have. He was not exaggerating.

As for President Truman, in adopting and pursuing the recommendation that the Jewish DPs be allowed to go to Palestine, Truman was prepared to take on the might of the British Government, the State Department, and the Arab governments surrounding the territory of Palestine at the time, with their powerful oil weapon. And all of this was a foreseeable consequence of Harrison's recommendation. In other words, Harrison was clearly astute enough to be aware of the consequences of his recommendation, although strictly speaking that was not his concern. His task was to observe, report and recommend; the political fall-out was not strictly speaking within his terms of reference. Nevertheless, these



were the forces that Truman was prepared to take on, and override, in coming to his recommendation about 100,000 extra immigration certificates being issued to allow immigration into Palestine.

And in pursuing DP reform to the immigration law here in the United States, both Harrison, as head of the principal organization propounding reform, and Truman, as the President who supported that legislation, and ultimately signed it into law, again acted in tandem against the tide of opinion, in this case, the State Department, backed by the Defense Department, various interest groups in the United States, such as the veterans of foreign wars, whose numbers had obviously sky-rocketed immediately after the Second World War, Congress and strong public opinion. And yet, they were prepared to act out their conscience, and give tangible expression to the moral clarity of their vision. And that's why I say that this was a tremendous partnership between these two people; they were really kindred spirits.