

**Dauphin County Bar Association
Memorial Resolution on the Death of
Arthur L. Berger**

Arthur L. Berger, a member of the Bar of Dauphin County for nearly four decades, died on February 23, 2016, at the age of 92.

He was born in Brooklyn, New York, on December 26, 1923, to the late Samuel & Ethel (Elster) Berger. His father owned a small jewelry and watch repair shop, and his mother was an artist. Arthur first lived with his family in a small apartment behind the jewelry store, before they moved into their first house in Bellmore, Long Island, NY.

Arthur graduated as Salutatorian from Mepham High School in Long Island, NY, and continued his education at the Wharton School of Business of the University of Pennsylvania. Leaving Wharton in his junior year, Arthur enlisted and proudly served his country in the U.S. Army Air Corps, where he began as a meteorologist and received formal scientific training from Haverford, Yale and the University of North Carolina. He later became a radar officer.

After his discharge from the army, Arthur enrolled in Harvard Law School on the GI Bill. Following graduation from Harvard, he took a position with the Research Institute of America, in New York City, doing research and writing on federal tax law.

At the beginning of the 1950s, McNeese Wallace & Nurick decided it needed an attorney to handle federal tax matters. Finding no suitable candidates in the area, the firm

advertised in national publications. Arthur answered one of those ads, and was hired by McNeese in August 1951. He was admitted to the Pennsylvania Bar in early 1952.

Arthur was the first lawyer “recruited” by the firm in the current sense of the word. Until that time, lawyers joined the firm based principally upon local contacts and family or personal relationships. Perhaps that experience is what led to his willingness to chair the firm’s Recruiting Committee for several years. Arthur joined McNeese at the same time as Frank Haas, with whom he developed a close friendship that endured even after what Arthur insisted was a coin flip determined his “routing” number would be “12” and Frank’s would be “13,” thus according Arthur a modest bit of seniority.

From the beginning, Arthur demonstrated an agile and incisive legal mind. He was an outstanding tax and estate planning attorney who elicited great loyalty from his clients. Former McNeese Managing Partner and Chair John Oyler recalls Arthur telling him as a young lawyer that “It is more difficult to draft a good short contract than it is to draft a long one. Arthur was the master of drafting good short agreements,” John says.

But Arthur’s mission was not limited to providing excellent service to the many individual and business clients he served as a McNeese attorney. He was motivated equally by a passion for social justice and for the less fortunate members of our society. While with the firm he helped found the Harrisburg Chapter of the American Civil Liberties Union, once defending a client accused of flag desecration on its behalf. He also was the first President of the B’nai B’rith Apartments that provided housing for Harrisburg’s elderly.

Arthur also contributed a considerable amount of his time to pro bono civil rights work and even traveled to Louisiana as a voter registration volunteer in 1964. That was the year of the Freedom Summer, during which three young civil rights workers were murdered in Mississippi, and the attitude toward Northerners in the Deep South in those tense times hardly could be characterized as hospitable.

In 1970, Arthur, a resident of Camp Hill and a very liberal Democrat, ran for Congress in what was then the Nineteenth Congressional District, against longtime Congressman George Goodling. Arthur was aided in his campaign by an active corps of student volunteers from Dickinson College—of whom I was one—and an appearance by former Peace Corps director R. Sargent Shriver, among other political luminaries. Arthur's campaign slogan—"One Berger to Go"—may have been a unique one in the annals of American politics. In this heavily Republican district, Arthur garnered a respectable 44 percent of the vote in a losing race.

In the post-Watergate election of 1974, Arthur mounted a second congressional campaign, this time against William Goodling, George's son, and came closer to victory, losing by a mere four percentage points. At that point, Arthur evidently ran out of Goodlings to run against, because his career in electoral politics ended.

The fact that Arthur was never a candidate for office again didn't mean that he lost interest in public affairs. He most assuredly would have had some strong views about the 2016 presidential campaign. Arthur's correspondence frequently appeared on the editorial page of the *Patriot-News* and when others took up the pen on a burning issue, he was known to pass along to the author an extra copy of the letter with an appreciative note. After

his retirement he shared his knowledge of current events with the Senior Citizens group in a weekly class at the Harrisburg Jewish Community Center. It wasn't unusual to see him, even in the last years of his life, at the Mr. Deli Restaurant on Linglestown Road with a copy of the *New York Times* spread before him on the table. He was especially concerned about issues of free speech and religious liberty and in recent years he took a particular interest in the Dover School District intelligent design case litigated here in the Middle District of Pennsylvania.

Though he wasn't as frequent an attendee as some at his synagogue, Beth El Temple, Arthur had a warm relationship with its Rabbi, Eric Cytryn, for nearly 13 years. In his eulogy in February, Rabbi Cytryn described Arthur as someone he appreciated for being "open, honest and very, very bright, if not brilliant." Arthur Berger was a gentleman—in Yiddish the fairly untranslatable word is a "mensch." Rabbi Cytryn remembered Arthur as someone, who "exhibited an integrated personality; he was generous and kind and compassionate; he was learned, well-versed and consistently seeking greater and deeper knowledge and appreciation—perhaps the correct word is "wisdom"—about himself and the world around him." "Justice, justice shall you pursue," we are reminded in Chapter 16, Verse 20 of the Book of Deuteronomy, and Arthur's passion for achieving a more just and equitable society assuredly came out of that heritage.

And despite the rather conventional nature of his practice and his status as a highly-regarded partner in Harrisburg's largest law firm, Arthur had his unconventional side. He was one of the few lawyers at the time who rode a motorbike to work. He also, at one point, owned a convertible and it wasn't unusual to see him driving to work with the top down in frigid weather. At the other weather extreme, he was sometimes seen playing tennis at Blue

Ridge Country Club wearing a sweatshirt on a sweltering summer afternoon. Arthur took his work and his commitment to his clients, but never himself, seriously.

NOW, THEREFORE, BE IT RESOLVED, that we, members of the Dauphin County Bar Association, extend our sympathy to the family of Arthur L. Berger, his beloved wife, Sarah Berger, his son James A. Berger & wife Jennifer Klein; his daughters, Susan & Claudia Berger; his step-son, David Waisel & wife Laurie Ohlms; his step-daughter, Laurie Waisel & husband Scott Meit; his two sisters, Leatrice Nissen & husband Joseph and Gladys Reydman; his two granddaughters, Hanna & Teya Klein-Berger.

BE IT FURTHER RESOLVED, that this Memorial Resolution be spread upon the records of the Dauphin County Court and the Dauphin County Bar Association.

RESPECTFULLY SUBMITTED by the Memorial Committee on the death of Arthur L. Berger, this 21st day of September, 2016.



David E. Lehman

Herbert R. Nurick

John S. Oyler

Richard W. Stevenson

Neal S. West

Harvey Freedenberg, Chair