

WHITNEY R. HARRIS
A Personal Tribute

By

Leila Nadya Sadat,
Henry H. Oberschelp Professor
Director, Whitney R. Harris World Law Institute

April 22, 2010

Mr. Whitney R. Harris died on April 21, 2010, at the age of 97, at his home in St. Louis, Missouri. Whitney served as trial counsel at the trial of the major German war criminals before the International Military Tribunal at Nuremberg from August 1945, to the conclusion of the trial on October 1, 1946. He was the last surviving prosecutor on Justice Jackson's team. He was also an extraordinary individual who had led an extraordinary life, a great friend, and a wonderful benefactor of the Institute that bears his name and that I have the honor to direct. I will miss him very much.

Whitney's role at Nuremberg is well-known. He was a line officer in the U. S. Navy during World War II. Towards the end of the war, the Navy assigned him to the Office of Strategic Services, which sent him to Europe to investigate Nazi war crimes. He joined the staff of Robert H. Jackson, the Chief Prosecutor for the United States for the trial of the major Nazi war criminals, and moved with the first contingent of prosecutors to Nuremberg in 1945. He was assigned to prosecute Ernst Kaltenbrunner, chief of the Reich Main Security Office and two organizational defendants, the SD and the Gestapo. He obtained convictions against all three defendants, and was awarded the Legion of Merit for his efforts.

Whitney's experiences at Nuremberg as a young lawyer made an indelible impression upon him, and he quickly emerged as one of the major spokesmen for the Nuremberg legacy. He wrote extensively about his role at Nuremberg, and in 1954, published the first definitive book on the trial titled *Tyranny on Trial, the Evidence at Nuremberg*, which *The New York Times Book Review* described as a "masterly and meticulous condensation" of the documentary evidence and "a book of enduring importance." I can attest to the same, having often relied upon the book in my own work. Two subsequent editions of the book were published, which has since been translated into German.

Whitney and I also shared a common understanding of the need for a permanent International Criminal Court. He was an NGO delegate to the 1998 Rome Conference for the Treaty establishing it, as was I. He represented the committee of Former Nuremberg Prosecutors at the Rome Conference and championed the view that the rule of law must displace the rule of force, and that establishing a permanent International Criminal Court would confirm the principles laid down by the Nuremberg Tribunal half a century earlier. One cannot underestimate the effect that the living witness of these former Nuremberg prosecutors had upon the 165 governments and 250 NGOs present in Rome. Whitney and

the others had witnessed unspeakable horrors but saw these terrible events as a clarion call to action, not as a rationale for their own despair. Whitney later wrote of the importance of the Nuremberg trials and the Rome Conference that “Nuremberg and Rome stand against the resignation of humankind to its self-debasement and self-destruction. The achievements of that great trial and historic conference in elevating justice and law over inhumanity and war give promise for a better tomorrow.”

This summer, between 1,500 and 2,000 delegates will gather on the shores of Lake Victoria, in Kampala, Uganda, for the first Review Conference of the International Criminal Court. Although Whitney will not be physically present at that event, his spirit will, as each of us tries to carry on his work in our own way.

Whitney kept the Nuremberg dream alive through his writings and his advocacy, and later, to all of our great benefit, through his philanthropic generosity. In 1980, he established the Whitney R. Harris Collection on the Third Reich of Germany at Washington University in St. Louis. In 2001, he endowed the Whitney R. Harris Institute for Global Legal Studies at the Washington University School of Law. In 2008 he and Anna Harris endowed the Institute’s “World Peace Through Law Award” at a ceremony during which the Harris Institute’s name was changed to the “Whitney R. Harris World Law Institute,” the name it bears today.

Whitney loved the Institute, and often came in to spend time there. He had a warm relationship with all the staff, and was especially supportive of the Directors, including myself. He participated actively in our conferences, lectures, and debates, and made himself available to our students. He entranced the students with his presentations, telling them about his experiences as a former Nuremberg Prosecutor, discussing with them the issues of the day, and patiently answering their questions. They would often tell me that their sessions with him were one of the highlights of their law school careers.

Whitney was always kind and gracious, elegant and distinguished, witty and articulate. He had a beautiful baritone voice and a manner of speaking that was riveting, and remained so, right up until his passing. Indeed, in his final remarks at a Harris Institute event (which were taped in St. Louis on February 24, 2010 and delivered at a Harris Institute Conference, *Forging a Convention for Crimes Against Humanity*, held at the Brookings Institution on March 11, 2010), his voice was strong, his bearing proud, his spirit indomitable.

Whitney inspired all of us, including myself, to do our best. He fully supported our Crimes Against Humanity Initiative, perhaps the most ambitious undertaking for international rule-of-law development by an academic center since the Harvard Research Project was published in 1935. He understood the need to continue to reinforce and build upon the Nuremberg legacy and to complete the work that was begun in 1945. He also recognized the importance of not becoming complacent about the future of international criminal justice, given the continuing presence of terrible human suffering on the Earth. Indeed, Whitney had no Pollyannaish naiveté about the world; he understood the capacity of humans for evil, just as he believed in their penchant for good.

In an essay titled *This I Believe: Human Existence Is in Peril*, which aired on National Public Radio's "All Things Considered," he stated, "The challenge to humanity is to establish and to maintain the foundations of peace and justice upon the earth for the centuries to come that God has allotted him to live upon this planet." He closed by saying, "I believe there is a God; I believe God is merciful and just, but if man desires to destroy himself, I believe God will not save him."

Whitney Harris is survived by his wife, Anna, whom he loved dearly, by devoted family, by friends and colleagues, and by the students he touched at Washington University and around the world. For those of us at Washington University and at the Whitney R. Harris World Law Institute, we are saddened by the thought that Whitney will never visit with us again. Yet we cherish the many years we had together, and we are ready to carry on the important work that Whitney began so many years ago in Courtroom 600 in the Palace of Justice at Nuremberg. Whitney Harris may have passed from this world to the next one, but his spirit and his legacy lives on and will endure.