

REMEMBRANCES | Whitney Harris: 1912-2010

# Prosecutor of Nazis at Nuremberg Tribunals

BY STEPHEN MILLER

Whitney Harris prosecuted Nazi war criminals at the post-war Nuremberg tribunals and represented the prosecution at the hanging of 10 convicted war criminals on Oct. 16, 1946.

Mr. Harris, who died Wednesday at age 97, was one of the last surviving members of the Nuremberg prosecutors. He wrote a legal history of the tribunal, "Tyranny on Trial." The trials broke new legal ground by establishing categories of war crimes and crimes against humanity.

At Nuremberg, Germany, in 1945, Mr. Harris investigated crimes against humanity by high-ranking Nazis. He elicited from Auschwitz commandant Rudolf Hoess an estimate that "at least 2.5 million" victims had been murdered in the concentration camp, mostly Jews. (Most historians accept a

lower number.)

"Hoess was a very unimpressive individual, he looked like a clerk at a grocery store, he didn't look like a big Nazi or murderer or anything like that, but he was responsive to my questions," Mr. Harris said during a 1995 visit to the Nuremberg courtroom, on the 50th anniversary of the trials. Among other atrocities, Mr. Hoess under interrogation took credit for introducing Zyklon B, normally a pesticide, as the killing agent in gas chambers.

Described by author Joseph Persico as a "Navy officer and lawyer whose film-star handsomeness belied a serious character," Mr. Harris was raised in Seattle and said he attended law school because jobs were scarce during the Depression. He joined the Navy as an officer in World War II.

After the German surrender, he became assistant to Robert

Jackson, the chief U.S. prosecutor at Nuremberg and an associate justice on the Supreme Court. It was Mr. Jackson who in his opening statement called the tribunal "one of the most significant tributes that Power has ever paid to Reason."

Mr. Harris set to work collecting documentary evidence against Ernst Kaltenbrunner, the head of Reich security, including the Gestapo secret police, at the end of the war.

"I did not have the slightest idea of the scale of the genocide," Mr. Harris told *Der Spiegel* magazine in 2005. "We didn't have much solid evidence when we started."

In the course of his investigation, Mr. Harris discovered and interrogated SS Gen. Otto Ohlendorf, who admitted on the stand that his soldiers had conducted 90,000 executions of men, women and children in the Ukraine and Crimea.

Mr. Harris also assisted in Mr. Jackson's cross-examination of German air force chief Hermann Goering, who was sentenced to death but managed to take cyanide in his cell the night before the execution.

After the war, Mr. Harris taught law at Southern Methodist University and then became a corporate attorney for Southwestern Bell Telephone Co. He also had a private practice and was a member of the Supreme Court bar.

He was a founder of the Committee of Former Nuremberg Prosecutors for a Permanent International Criminal Court.

"These were evil men, and what they did was our task to expose, and we did get the evidence, and we were able to do so," Mr. Harris said during the 1995 Nuremberg trip.

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