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Spirit of Nuremberg and Henry T. King, Jr., The

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I sit here on the grounds of the Zeppelin Field in Nuremberg, more famously known as the Nazi Party parade ground. It is a bright fall afternoon and it is German Unification Day, 2 October 2009. Yesterday was the sixty-third anniversary of the judgments against the leadership of the Nazi Party and their cohorts who felt at home here at Nuremberg wallowing in the excrement of their ideology that ignited a world war that consumed over fifty million human beings. How fitting it is that I write these reflections of my friend and mentor, Henry T. King, Jr. Henry began his journey in the law here at Nuremberg, and when he left he carried a fire in his belly for justice to ensure that the spirit of Nuremberg never died. It was a long journey indeed.

The spirit of Nuremberg—bruised, during the black hole of the Cold War, largely forgotten at times, and challenged to be sure; but the essential premise of Nuremberg that the rights of nations have now been subordinated to the rights of humanity has blossomed and flourished, solidly grounded in law and policy, its jurisprudential roots deep enough to withstand the strong winds of politics and cynicism.

In his final book, Henry reflected upon his life—that fascinating journey he took as an American lawyer, told in a setting he loved dearly, with students at Case Western University School of Law, where he taught for almost three decades. These were ruminations of a man looking back over almost nine decades of life. They were
reflections in some cases, facts in others, all with a focus on his love of the law, in some cases at some cost to his family life.

Many times as I reviewed his comments, I recalled the times he and I would sit and chat about professional and personnel matters. His infectious chuckle, deep within him, would make you smile, relax, and unwind, bringing a certain comfort. He was remarkably gifted in, not just his understanding of the law, but, most importantly, in just being a friend, a colleague, a mentor. He truly was a hail fellow well met, indeed.

HENRY ON THE LAW—TITHING FOR HUMANITY

*It resounded to me in terms of ethics that lawyers have to be people who believe in progress and are willing to work to achieve it, and who were willing to tithe for humanity, not just be totally selfish.*

Henry made this comment in his reflections and, in my mind, it was the central core to his feelings toward the law and how a lawyer should practice that law. Implicit in the comment was his strong work ethic. Henry was always working and looking for ways to improve himself and those who worked with him. The law is a stern task master and it drove Henry for six decades. His client came first, whether it was working at Nuremberg helping to represent humanity or the various organizations and businesses he represented.

HENRY AT NUREMBERG—YOUNG, IDEALISTIC, CHANGED FOREVER

*Nuremberg was the autopsy of a dictatorship.*

Those who served at Nuremberg were young and no one was younger than this recent graduate of Yale Law School. He had been practicing law just a few years and lacked the courtroom experience, yet Henry described how he used all his contacts to get selected to go over to Nuremberg. His friends warned him that he had a brilliant career in the law and that going to Germany would take him out of the line of future success. Yet he went, never having practiced criminal law and with little to no knowledge of international law.

I find it fascinating how his wife, secretly working on the Manhattan Project developing the atomic bomb, urged Henry to go to Nuremberg. I sensed as I read his discussion about all this, that he went a bit reluctantly at first. His excitement grew, however, as he travelled over rough seas and a long cold train trip from Bremerhaven to Nuremberg. He described Nuremberg as a devastated place with people moving about looking for food. Henry was struck at how few
people there were. The next day he reported for work and plunged into the day-to-day challenge of supporting an already ongoing trial.

Henry was essentially someone who supported other more experienced attorneys preparing for trial. Initially, he was rarely in court, but despite this, he worked hard and helped develop strong cases against those indicted. It was only later during the Milch case that he got a chance to appear in court as a trial counsel.

He was overwhelmed by the pain and suffering the Nazi Party inflicted on humanity. That hurt and pain stayed with him in his heart for the rest of his life. I understand that hurt and pain having seen human devastation in another part of the world some sixty years later. Henry related that it was at this point early in his legal career that he vowed that he would not let the Nuremberg Principles fade away.

How proud he must have been when the world set aside the sword and reached for the olive branch and the rule of law in the early ’90s, creating a world criminal court that would carry the spirit of Nuremberg into the twenty-first century.

HENRY AT CASE WESTERN—TEACHING ABOUT A LIFE IN THE LAW

I first met Henry when I gave the prestigious Klatsky Lecture at Case Western School of Law in the fall of 2004. We had a chance to have dinner together and we talked about law, Nuremberg, and teaching. I was amazed at his zeal for passing on his life lessons to his students. In fact, I decided that my path must be to also teach the law to another generation of lawyers, particularly the importance of service to mankind. Henry planted that seed. I was fortunate to be asked to come back to my alma mater, Syracuse, to teach.

Over the following years I enjoyed listening to his students describe how awed they were about being taught by Henry. They all had “Professor King stories.” I suspect that they will carry these memories with them all their lives. They will tell colleagues, clients, and their students that “I was taught by Henry T. King, a prosecutor at Nuremberg.” What a marvelous thing to be able to say and, in my mind, this was Henry’s ultimate legacy—inspiring students.

CONCLUSION—HENRY OUR FRIEND

Whatever history will finally say about Henry T. King Jr. and his role at Nuremberg or as an American lawyer, at the end of the day Henry was our friend. There is a Roman parable that says, “He who has friends has treasure.” Henry was a rich man. His friends were many.
If Henry liked you, then you were a friend, indeed. I could always count on his support, advice, and his laugh. I think this is a fine epitaph to end this tribute. I will end with a quote from Henry that I think shows his concern about aggressive war and the legacy of Nuremberg:

*We can no longer afford the existence of aggressive war. It is too costly, both in terms of its toll in human lives and its physically destructive effects on our planet . . . The world waits—the time is late.*