

Henry T. King, Jr. (1919-2009), Nuremberg Prosecutor

*John Q. Barrett**

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After graduating from Yale Law School in 1943, Henry T. King, Jr. (whose friends then called him Harry) began employment as an associate at the Milbank, Tweed & Hope law firm in New York City. He soon was very busy working in the caverns of Wall Street. His young wife Betty, working elsewhere in Manhattan on a highly classified national defense project, was equally busy with her work. Realizing that they were not seeing each other very much, they started to have a standing dinner date each Wednesday night, meeting at 6:00 p.m. at one of the Schrafft's stores that then filled the city.

At one of their dinners in late 1945 or early 1946, Henry King asked Betty what she did all day. "I can't tell you," she replied. "Well, I am your husband, theoretically at least," he pleaded. "You heard what I said," she replied, adding, "What do *you* do all day?" "Well," Henry said, "every afternoon at two o'clock I go to Chase Bank. I review corporate trust department documents. I work hard. And sometimes I work late at night." "My God!," said Betty King. "There is a world out there. We ought to be part of it."

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Henry King, who died on May 9, 2009, just short of his 90th birthday, followed his wife's advice. He first made plans to leave Milbank for a smaller law firm where he could build his own practice. Then, learning that his law school friend Ted Fenstermacher was joining the United States staff that was prosecuting Nazi war criminals at Nuremberg, Henry King took a path of even less security. When he told Betty of Ted's news, she became a "needle in [Henry's] back"—he took a train to Washington the next day, went to the Pentagon, applied for a job and got

* Professor of Law, St. John's University School of Law, New York City, and Elizabeth S. Lenna Fellow, Robert H. Jackson Center, Jamestown, New York (www.roberthjackson.org). An earlier version of this text was posted to my Jackson Email List on May 12, 2009.

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hired. He joined the staff that Brigadier General Telford Taylor was assembling to prosecute subsequent cases at Nuremberg after his boss, Justice Robert H. Jackson, concluded the prosecution of major war criminals before the four-nation International Military Tribunal.

Henry King arrived in Nuremberg in spring 1946, at night and in a blinding rainstorm. The next morning, he walked through the ruins of the bomb-flattened old city. He saw almost no one—only the devastation of war. As he walked to the Palace of Justice, the relatively undamaged courthouse located down the road from the old city, King told himself that he would dedicate his life to preventing what he now, out in the world, was seeing and experiencing.

At Nuremberg, Henry King assisted while the IMT trial was ongoing. He also, by assignment, gathered and analyzed evidence and then prepared cases against Friedrich von Brauchitsch, former Commander-in-Chief of the German Army, Heinz Guderian, former Chief Staff of the German Army, and Erhard Milch, who had headed the German Air Force under Hermann Goering. As part of this work, King interviewed IMT defendants Goering, Albert Speer, Wilhelm Keitel and others. Von Brauchitsch and Guderian ultimately were not tried at Nuremberg but Milch was, by a trial team that included King. In April 1947, a United States military tribunal convicted Milch of war crimes and crimes against humanity for his role in the systematic use of concentration camps slave labor in military production.

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After serving as a Nuremberg prosecutor during 1946 and 1947, Henry King began a varied and notable legal career. Returning to his native Connecticut, he first represented a large association of manufacturers in lobbying and regulatory work while also lecturing on labor law and, on weekends, practicing tax and estate law for individual clients. He later became counsel at TRW Inc., handling among other things its acquisitions and integration of European manufacturers and becoming chief corporate international counsel. King then became a Professor of Law at Case Western Reserve University in Cleveland, United States Director of the Canada-U.S. Law Institute, chairman of the American Bar Association's Section of International Law and Practice, a member of the ABA's special task force on war crimes in the former Yugoslavia, U.S. chairman of a North American bar associations' joint working group on international

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dispute resolution, Of Counsel at Squire, Sanders & Dempsey and, in 1998, one of the former Nuremberg prosecutors who worked diligently in Rome to shape, and to encourage U.S. signature on, the proposed treaty creating the International Criminal Court.

Henry King worked and taught indefatigably and he lectured and wrote prolifically, but I think that his greatest impact was the inspirational power of his presence, his words and, to his core, his idealism. Last August, I had the great privilege to moderate a panel of Henry and his fellow former Nuremberg prosecutors and dear friends Whitney Harris and Ben Ferencz. At that point, Henry's health was uncertain and his voice did not boom the way it once did, but his personal story and hopeful messages were as clear and powerful as ever. (For video of some of Henry King's remarks on this occasion, visit www.youtube.com/watch?v=QBLzCUVQ0p8&feature=email.)

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Henry King kept his 1946 Nuremberg promise to himself: he dedicated his life to, and spent his energies seeking to promote, humanity, world peace and law. His work and his example will continue to teach. And his memory will remain precious—blessed—to those of us who had the great fortune of his friendship.