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## REMARKS AT THE MEMORIAL PROGRAM FOR PROFESSOR HENRY T. KING, JR.

*Eli M. Rosenbaum, United States Department of Justice*

Thank you, Michael [Scharf], Dean Rawson, Suzanne [King Wagner], Dave [King].

For many years now, one of the very first things that I see each morning when I arrive for work at the United States Department of Justice is an 8-by-10-inch black-and-white photo of a not-quite-28-year-old Henry King seated at counsel table, next to Brigadier General Telford Taylor, on April 16, 1947, as the judgment convicting Field Marshal Erhard Milch of war crimes and crimes against humanity is about to be announced by a U.S. military tribunal in Nuremberg, Germany. That framed photograph occupies a place of honor on the wall of my office at the Criminal Division's Office of Special Investigations. Framed right next to it is a second 8x10 inch print—this one a color photo, showing *Professor Henry King*, by then 89 years of age, chatting with me in Chautauqua, New York, during a break between sessions at last year's International Humanitarian Law Dialogs, sponsored annually by the Robert H. Jackson Center and the Frederick Cox Center of the Case Western Reserve Law School, among others.

The sight of those two wonderful photographs provides me with enormous inspiration, literally on a daily basis, as my colleagues and I continue to work to secure a measure of justice on behalf of the victims of Nazi crimes against humanity and victims of more recent atrocities, from Rwanda to Bosnia, and beyond. As it was for Henry King and his colleagues at Nuremberg sixty-plus years ago, the work is extremely difficult, both technically, one might say, and emotionally. And just as it was for Henry King and his fellow "Nurembergers," the work requires determination, indeed almost

superhuman perseverance. That last requirement was perhaps most notably demonstrated here in Cleveland, in OSI's decade-long effort, concluded just this past May, to remove former Nazi death camp guard John Demjanjuk from the United States. However, the perseverance and tenacity that the women and men of OSI brought to that case was dwarfed by that which Henry King and his Nuremberg colleagues brought, for more than *half a century*, to the battle to realize their dream of achieving the establishment of a successor court to the International Military Tribunal—a *permanent* international criminal court. Henry *never* gave up when fighting for a noble cause, even one that, like the ICC battle, must have seemed as though it had launched him on a nearly hopeless quest, decade after long and fruitless decade. And if continuing the struggle required that Henry get on a plane, say in his ninth decade of life, and fly all the way to, say, Rome, Italy, to apply his great moral authority and prodigious intellectual and persuasive gifts in person, well, so be it: That's precisely what he did.

*Never give up.* That was the message that Henry King communicated whenever we met. He understood, from personal experience, the challenges and frustrations inherent in human rights law enforcement work, and he never failed to inquire about the status of the Demjanjuk case and our other prosecutions. He cared—deeply—about the cases, and especially about the victims. Through his words and through the example of his amazing life, Henry always succeeded in bolstering my spirits and in recharging my prosecutorial batteries. In *my* professional life, there surely could be nothing better than receiving an “*Attaboy*” from Henry King. How I will miss those warm expressions of encouragement!

Henry King's many extraordinary contributions to international criminal law, during and after Nuremberg, and his passionate and tireless dedication to the pursuit of justice on behalf of the victims of crimes against humanity made him, without doubt, a pioneering and towering figure in the history of the worldwide human rights movement. He inspired so many people. I recall being present when Henry spoke in this very room two years ago during a superb symposium that Michael Scharf put on. There were more than a few of us with tears in our eyes. But the fellow sitting next to me—an LLM student from Africa—was so moved that he was *weeping*, and I quickly assured him that I knew exactly how he felt.

I think that it is important to note that Henry King's stellar service at Nuremberg, both at the first trial, at which he assisted Justice Robert Jackson in proceedings before the IMT, and then in the

subsequent proceedings before U.S. military tribunals, and still later in his work on the Marshall Plan—all of that work was performed as a federal public servant, that is, as an employee of the United States government. To those of us in federal service *today* who pursue justice on behalf of the victims of human rights violations, Henry King is a magnificent role model. His accomplishments remind us of a time of far greater confidence in public service—and in public servants—as a force for improving the world. That confidence was instilled in Henry from the time of his youth, in Meriden, Connecticut, where he learned from the example of another distinguished public servant—his father, who was the mayor of the city. Henry’s dad, who was famous for rebuffing, fully three times, City Council attempts to increase his salary, said to young Henry that one should “tithes for society,” and that there are “too many takers and not enough *givers*.” Henry King followed his father’s injunction throughout his life. In Henry’s moving words: “It gives your life meaning if you’ve done something for the society you live in—not only for the present generation, but for future generations.”

In a commencement address delivered last year, then-Senator Barack Obama encouraged his audience to enter public service. “At a time of so much cynicism and so much doubt,” he declared, “we need you to *make us believe again*.” Friends, Henry King was a member of that fabled “Greatest Generation” whose myriad good works in public service surely made us believe again. Accordingly, it is especially on behalf of Henry’s countless admirers throughout *today’s* legion of federal public servants, and particularly on behalf of my colleagues at the Department of Justice, that I wish to extend heartfelt condolences to Henry’s loving family. More than that, I want to express abiding gratitude for Henry King’s exemplary and remarkable service to humanity. If, as Michael said last week at this year’s humanitarian law conference at Chautauqua, the age of *impunity* for international criminals has at last been replaced by an era of *accountability*, that historic result owes in no small part to this gentle but persistent man who battled indefatigably—and against *very* long odds—for a world in which, as he liked to put it, the law of force would be replaced by the *force of law*.

Henry King *never* gave up. And for that, humankind, and especially imperiled peoples the world over, must be profoundly and everlastingly grateful. His example will continue to inspire us. *Godspeed, Henry.*

