

HONORING DR. HENRY T. KING, JR.

SPEAKER

Dan Ujcz

MR. UJCZO: It is now the time of the evening where we turn our attention away from the subject matter of our conference, the intersection of our economic security with the border—we may have heard the phrase "border thickening" once or twice today—to celebrate a legendary figure in both law and life. It has been my high honor, great privilege, and certainly one of the most rewarding experiences of my life to work with Henry King for more than the past decade.¹

Now, this weekend is a time for sharing stories about Henry, one of which happened even last night. Those of you that joined us at dinner know that we were sitting there after a long evening. There may have been a cocktail or two consumed, it was about 9:30 in the evening, and we were wrapping up a presentation after a long day of traveling and a long dinner. And at the very end of the proceedings, I was thanking a number of our sponsors, about 21 of the sponsors of the Canada-U.S. Law Institute.² I was trying to show off a little bit and not use notes. I was going down a list and at the end, I realized I forgot one. I knew that I was down one because I was counting on my fingers. And I just reflexively said, "Henry, I forgot one"—and here is someone who is turning 89 in just about a month and a little bit of change—looks up and says, "Baker Hostetler."

Now, I have had the privilege of working with Henry as I said for quite a long time. And one of the most frequent questions that I get asked is "how did you ever meet Henry," or "how did you get involved with Henry?" And since it is a weekend for stories, I will share my story here.

¹ See generally Canada United States Law Institute – Executive Committee, <http://cusli.org/about/executive.html> (last visited Sept. 19, 2008) (noting that Dr. Henry King has served as the United States Director of the Canada-United States Law Institute since 1983); Canada United States Law Institute – CUSLI Staff, <http://cusli.org/about/staff.html> (last visited Sept. 19, 2008) (listing Daniel D. Ujcz as the Managing Director of the Canada-United States Law Institute).

² See Canada United States Law Institute – Members and Supporters, <http://cusli.org/members/index.html> (last visited Sept. 19, 2008) (list of the 21 sponsoring members of the Institute).

I was a first-year law student. I did not really enjoy my first semester of law school, but by the time that my second semester rolled around, law school had done its job. I had absolutely no social life. It was a Thursday night, I was attending a moot court practice where I did not know any of the students, did not know the issue, and I basically came for the free food that was promised afterwards. And at that time my international law professor grabbed me as I was entering the room and said, "I would like to talk to you after this session." My two immediate thoughts were one, oh, God, he caught me sleeping in class again, and two, now I cannot leave this thing early, get the food and get out of here. But he said, "I would like you to go talk to Henry King tomorrow morning." Of course, I knew that Henry King was a legendary figure on our faculty, former service at Nuremberg, and as you will hear, just had a tremendous career. But I called a good friend of mine who was an upperclassman and asked, "What do you know about Professor King?" And he said, "Well, if you are 15 minutes early for any appointment that you have with him, you are late." So I put on the one suit I had, with holes all over it, ready to meet Henry. I showed up at his office an hour-and-a-half early and sat outside. And every 15 minutes or so, Henry would just give me this face of displeasure, and immediately my nerves started rattling. So the appointed time came, I walked into Henry's office, and he was sitting there. And he looked up and he said, "Young man, I am not sure I want somebody to be my research assistant who thinks a good use of his time is sitting outside of my office for an hour-and-a-half."

Now, I meant to say something to the effect of, "in light of someone of your stature I would wait as long as it takes to meet you," but it really came out more to the effect of "at your age I thought I should get here early." As I said it, there was this look where we both looked at each other and I said, "Oh God." Henry looked at me, and just gave that infectious laugh that he has. It has been that same laugh every day for the past ten years of working with Henry!

We have had the great opportunity to work together on a number of projects. Like so many of us in the room, Henry is involved in so many activities.³ I have had the great pleasure of traveling with Henry both throughout the United States and overseas, and there is probably nothing better than an airplane ride with Henry of telling stories from Nuremberg.⁴

³ See generally Canada United States Law Institute – Conferences & Events, http://cusli.org/conferences_events.html (last visited Sept. 19, 2008) (list of past and upcoming conferences at the Institute).

⁴ See generally HENRY T. KING, JR. WITH BETTINA ELLES, *THE TWO WORLDS OF ALBERT SPEER: REFLECTIONS OF A NUREMBERG PROSECUTOR* (2007) (discussing Dr. Henry King's account of Albert Speer based upon his encounter as the Nuremberg prosecutor).

about meeting 17 Argentinean dictators, to just what he had for lunch on March 14, 1952.

We were talking earlier, and I was reminded that Henry never forgets a phone number. It is a little parlor trick. He will tell you your phone number. If he has dialed it, he remembers it. But also when he wants to show off a little bit, he will tell you what he ate on some specific date. And I was always amazed by that until I realized I could never prove him wrong. Where is the source for that?

But I have one other story. Henry and I were in Ottawa after he was appointed Honorary Consul,⁵ and Andrew and Dana were there as well. Of course it was Ottawa in February, which is when they usually bring people to Ottawa. Every flight was cancelled, but Henry and I were there, and the Canada-U.S. Law Institute had a program that evening to be held in Toronto so we had to get there.⁶ We were doing everything that we could do to get on the one flight that is going to Toronto and the gate attendant said, “okay, well, we are going to board you guys, but there is a chance this plane is not going to land in Toronto, and that you are going to turn around and come right back.” And I looked at Henry, and he nodded, and we got on the plane.

And while we were flying, the pilot came on at the beginning of the flight and said it was 50/50 whether we were going to land. I looked at him and I said, “Henry, I am a little surprised that you wanted to get on the plane, we could have just stayed in Ottawa.” And I looked at Henry, and he was laughing hysterically. And he said, “50/50's pretty good odds at my age.”

A special theme for anyone who knows Henry knows that the central theme of his life's philosophy—it is a part of every speech—is that he believes in building institutions; that his life's work is about building institutions. We certainly know—and as we will hear this evening, Henry continued the Nuremberg legacy through his work in creating the International Criminal Court⁷ and his work at the ABA section of International Law as former section chair.⁸ It was amazing this week at that Greater Cleveland International Lawyers Group. One of the world's top arbitrators was saying, “when Henry and I were the first delegation to visit

⁵ See generally Canada United States Law Institute – Executive Committee, *supra* note 1 (noting that Dr. Henry King was appointed the first Honorary Consul for Northeastern Ohio in 2004).

⁶ See generally Canada United States Law Institute – Conferences & Events, *supra* note 3 (list of past and upcoming conferences in Cleveland, Ohio and cities in Canada, including Toronto).

⁷ See generally Case Western Reserve University School of Law – Faculty, <http://law.case.edu/faculty/faculty.asp> (follow “King, Henry” hyperlink) (last visited Sept. 19, 2008) (noting that Dr. Henry King was a guest of the government of The Netherlands for the inauguration of the International Criminal Court).

⁸ *Id.*

China after Nixon opened it up...”—and it was just an eye-opener to realize as to how involved Henry has been, certainly through his work in creating the Greater Cleveland International Lawyers Group,⁹ and the best evidence of those institutions is right here, the Canada-United States Law Institute to which he has dedicated 25 years of his life.¹⁰

But at the core of every institution are people. I am just one of a number of individuals in this room in a legion, or several legions, of people throughout this continent and beyond who have been influenced by Henry King, not only as a law professor, not only as a mentor in a career, but certainly as a best friend and confidant. I can tell you that every place of employment that I have ever had, when I worked at the U.S. District Court for the Northern District of Ohio—the first phone call every day to the court at 6:30 a.m. was Henry. We used to have to tell the cleaning people, “do not pick up the phone, I am just running late to work,” because it was Henry.

But throughout this evening in terms of demonstrating that legacy, we will bring up several individuals whose lives he had influenced to share their experiences. But it is certainly not limited to those individuals. It is reflected by all of us in this room and certainly many more, countless more beyond. With that in mind, it is my great pleasure to introduce our colleague from Case Western Reserve University School of Law, Professor Michael Scharf.

SPEAKER

Michael Scharf

MR. SCHARF: Good evening, friends from both sides of the border. As Dan was saying, Henry, Dan, and Richard, who you have seen tonight, and Chios Carmody, from the other side of the border, make up an institute¹¹ that is very important to the International Law program at Case Western. And together in a partnership, the Cox Center and the Canada-U.S. Law Institute, have gained great prominence, and we are now ranked among the top

⁹ See Canada-United States Law Institute – Executive Committee, *supra* note 1 (explaining that Dr. Henry King has served as President of the Greater Cleveland International Lawyers Group).

¹⁰ See *id.* (noting that Dr. Henry King has served as the United States Director of the Canada-United States Law Institute since 1983).

¹¹ See Canada United States Law Institute – Advisory Board, http://cusli.org/about/advisory_board.html (last visited Sept. 19, 2008) (listing Chios C. Carmody and Richard Gordon as National Directors, and Daniel D. Ujczko as the Managing Director of the Canada-United States Law Institute).

International Law programs in the country, tied with Stanford and Cornell,¹² and it has a lot to do with the institution building that Henry King has done.

Dan asked me to help celebrate Henry's life by going through a little bit of the chronology of the things he did. We in this room all know everything about Henry, and I was tempted to just say, well, '*res ipsa loquitur*,' the thing speaks for itself, but it is always worth going through his life because he is such an inspiration for so many people. Henry as you know was the son of a New England mayor,¹³ went to Yale,¹⁴ did great in law school, became the youngest of all the Nuremberg prosecutors,¹⁵ and went on an adventure in Germany as a civilian to prosecute the worst criminals known to mankind. He returned from Nuremberg and was then thrust into a new and exciting career at the State Department as Director of the Agency for International Development in the Eisenhower administration.¹⁶

He later became the Chief International Counsel for TRW,¹⁷ one of the major multinational corporations in the world. He was elected and served prominently as the chair of the International Law Section of the American Bar Association,¹⁸ an organization of 70,000 international lawyers in the United States.¹⁹ Later he joined our faculty, and he has been here for 25 years this year.²⁰ It is his silver anniversary. And it is very exciting what he has been able to do, and the people that he has been able to touch over those years. Like Dan, I met Henry ten years ago at the 50th anniversary of the Nuremberg Tribunal's decisions. There was a conference in Boston, and he and I instantly became pals. He is the reason I came back to Cleveland. He recruited me, and he convinced me that this was a good home for me. He has been my mentor, and he has been my inspiration since I have been here.

¹² See generally U.S. News and World Report, Law Specialty Rankings: International Law, <http://grad-schools.usnews.rankingsandreviews.com/grad/law/international> (last visited Sept. 20, 2008) (ranking Case Western Reserve University, Stanford University and Cornell University as tied for #16 in International Law program).

¹³ See Find a Grave, <http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=18297035> (last visited Sept. 20, 2008) (reporting that Henry T. King, Sr. was the first full-time mayor of Meriden, Connecticut).

¹⁴ Canada United States Law Institute – Executive Committee, *supra* note 1.

¹⁵ See generally *id.* (noting that Dr. Henry King has served as prosecutor at the Nuremberg War Crimes Trials).

¹⁶ See *id.* (noting that Dr. Henry King served as Deputy General Counsel and Later Acting General Counsel of the International Cooperation Administration).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *But cf.* ABA International – Membership,

<http://www.abanet.org/intlaw/membership/whoweare.html> (last visited Oct. 16, 2008) (listing the section's membership as consisting of over 20,000 members).

²⁰ See generally Canada United States Law Institute – Executive Committee, *supra* note 1 (noting that Dr. Henry King has served as the United States Director of the Canada-United States Law Institute since 1983).

He has done wonderful things. Over the years, we have brought amazing speakers to the law school, including the prosecutors of the Cambodia Tribunal,²¹ the judges of the Iraqi High Tribunal,²² the prosecutor of the International Criminal Court,²³ the president of the International Criminal Court, and also the judge of the International Court of Justice.²⁴ People say, “How do you get these people to come to Cleveland?” And I say, “Well, my secret is I promise them an intimate dinner with Henry King.”

Henry, you are an inspiration for us, and one thing it tells me is that I am just halfway through my career, and if I can continue to do the things that you have done in the second half, it will be a wonderful second half.

Henry has always wanted to write his biography, but he has not written it yet. I always said, “let us do it, why are not you doing it,” and he said, “well, I still have another chapter to live.” This year, however, he finally sat down and through a series of discussions with our students—basically 35 students came every Friday for about 12 weeks, and he went through the 12 chapters of his life with them, and it was all transcribed, and it is going to be a book, and I am sure it is going to be a bestseller; I know you are going to be around to enjoy the royalties.

Let me at this point turn it over for a continuation of the celebration of your life and times to another great friend who I have met through you, Greg Peterson, who runs the Robert Jackson Center in Jamestown, Chautauqua, New York.²⁵

²¹ Michael P. Scharf & Brianne M. Draffin, *Foreword: To Prevent and to Punish: An International Conference in Commemoration of the Sixtieth Anniversary of the Genocide Convention*, 40 CASE W. RES. J. INT’L L. 1, 5 (2008) (listing Robert Petit, International Co-Prosecutor of the Cambodia Tribunal, as one of the speakers in the international symposium at Case Western Reserve University School of Law).

²² *Id.* (listing Ra’id Juhi al-Saedi, Chief Investigative Judge of the Iraqi High Tribunal, as one of the speakers in the international symposium at Case Western Reserve University School of Law).

²³ *Id.* at 6 (listing Luis Moreno-Ocampo, the Chief Prosecutor of the International Criminal Court, as one of the speakers in an event commemorating the Genocide Convention’s sixtieth birthday at Case Western University School of Law).

²⁴ See Judge Thomas Buergenthal, *Truth Commissions: Between Impunity and Prosecution Transcript of the Frederick K. Cox International Law Center Lecture in Global Legal Reform*, 38 CASE W. RES. J. INT’L L. 217 (2007) (American judge on the International Court of Justice).

²⁵ See Robert H. Jackson Center – Our People, <http://www.roberthjackson.org/Center/thecenter3-4/> (last visited Sept. 21, 2008) (listing Gregory L. Peterson as the Board Chairman of the Robert H. Jackson Center).

SPEAKER

Greg Peterson

MR. PETERSON: You are the real deal, Henry, and I am just so delighted to come from Jamestown, New York, the home of Robert H. Jackson,²⁶ who was in fact thrilled to have within his ambit within that group of prosecutors the likes of Henry King. A little bit about me, a little bit about Henry, a little bit about Robert Jackson, because I want to underscore just one little component of what Michael Scharf said. When King had an opportunity to go to Nuremberg, and he had an opportunity to do that through a fellow classmate at Yale, Ted Fenstermacher, who encouraged Henry, he was encouraged to do something different. To do something to make a change for international law as the Nuremberg trial had just commenced.

And so in 1946, he explained to his wife that he was going to do something a little bit different, that he was on his way to enhance international rule of law, and he was going to become a part of the staff of Justice Robert H. Jackson and Telford Taylor.²⁷ Now that is a bold move for a young guy in 1946. He did so, and had a chance through that period of time to visualize, see, investigate, and talk to the defendants that we just often see in black and white news reels, the Hermann Goerings, the Albert Speers, and Rudolf Hesses.²⁸ One of the amazing things—talk about photographic memories—is the fact that Henry could sit here and recite all 21 of them right here,²⁹ right now—I will not test you—and tell you exactly who they were, what happened to them, what the charges were, and ultimately the sentences that were imposed. A remarkable individual, but also he had a chance to interview Hermann Goering, he had a chance to interview Albert Speer, he had a chance to write a book about Albert Speer,³⁰ and I hope you all have him autograph it because he is a true, true legend.

Now our paths crossed because when we created the Robert H. Jackson Center in Jamestown, New York,³¹ which is a couple of hours north of here,

²⁶ E.g., John Q. Barrett, *A Jackson Portrait for Jamestown, 'A Magnet in the Room,'* 50 BUFF. L. REV. 809, 810 (2002).

²⁷ See Eli M. Rosenbaum, *The Nuremberg Trials: A Reappraisal and Their Legacy*, 27 CARDOZO L. REV. 1667, 1671 (2006) (recognizing Henry King, Whitney Harris, and Benjamin Ferencz for their service as prosecutors at the Nuremberg Trials).

²⁸ See generally Willis Smith, *The Nuremberg Trials*, 32 A.B.A. J. 390 (1946) (naming Hess and Goering as defendants in the Nuremberg trials).

²⁹ See generally *id.* at 390 (twenty-one defendants).

³⁰ See KING WITH ELLES, *supra* note 4.

³¹ Robert H. Jackson Center, <http://www.roberthjackson.org/Center/thecenter3-0/> (last visited Sept. 21, 2008).

between Erie and Buffalo,³² and designed to advance the legacy of Justice Robert H. Jackson who, as we know, was the chief American prosecutor at the International Military Tribunal among other things. Our first event at the Robert Jackson Center, was Henry King. So Henry King, Whitney Harris—who by the way, I talked to Whitney today, Henry, and he sends his greetings and his congratulations. He is 95 in St. Louis, and also is one of those prosecutors...³³

DR. KING: Only 95? I thought he was 96.

MR. PETERSON: In August. Not that he is coming, but we will be gathering together, Henry and Whitney—in August in Chautauqua. But they came for the very first time, and they set the tone. They set the tone for events that occurred at the Robert H. Jackson Center which lead to Chief Justice Rehnquist,³⁴ which lead to Sandra Day O'Connor,³⁵ which led to a variety of folks from Nuremberg, and which have led to some instant recognition over a very short period of time. And to thank Michael Scharf, who is my hero because I simply sit and take notes as he has developed something extraordinary here at Case Western in the Cox Institute. And often, you see people like Henry and Michael, and you see them on a day-to-day basis at the law school, and you say, well, he is just a professor. The reality is outside of this area, they are both extremely big deals. And to Michael, following in the footsteps, that you have a terrific tandem.

A lot of stories can go on and on and on, but I just want to pause and tell you what Henry did at Nuremberg. He had an opportunity to present the case against Erhard Milch.³⁶ Now that name is not Goering's name, but he was Goering's number two man.³⁷ And Henry was part of the subsequent Nuremberg trials, and for those who may or may not know, there were 13 of them in total,³⁸ the International Military Tribunal in Nuremberg, which was

³² See generally Robert H. Jackson Center – Visiting the Jackson Center, <http://www.roberthjackson.org/Center/thecenter3-6/> (last visited Sept. 21, 2008) (providing driving directions to the Center).

³³ See Rosenbaum, *supra* note 27.

³⁴ John Whittaker, 'Supreme' Honor for Jackson: Chief Justice Presides at Dedication of Center, THE POST-JOURNAL (Jamestown, N.Y.), May 17, 2003, at A1.

³⁵ Luke Anderson, *O'Connor: Follow Jackson's Example*, THE POST-JOURNAL (Jamestown, N.Y.), Aug. 10, 2007, at A1.

³⁶ See Nuremberg Trials Project, Introduction to NMT Case 2 U.S.A. v. Erhard Milch, http://nuremberg.law.harvard.edu/php/docs_swi.php?DI=1&text=milch (last visited Sept. 21, 2008) (identifying Henry T. King Jr. as a member of the Prosecution Counsel in the Milch case).

³⁷ See DAVID IRVING, THE RISE AND FALL OF THE LUFTWAFFE: THE LIFE OF FIELD MARSHAL ERHARD MILCH 79 (1974) (referring to Erhard Milch's status as Göring's deputy).

³⁸ See Benjamin B. Ferencz, *International Criminal Courts: The Legacy of Nuremberg*, 10 PACE INT'L L. REV. 203, 213 (1998) (discussing the twelve subsequent trials to the main International Military Tribunal).

Jackson.³⁹ And then there were twelve subsequent ones.⁴⁰ Henry was there at the first one, stayed on with Telford Taylor,⁴¹ and was one of the prosecutors at the Erhard Milch case, and he was convicted because of Henry,⁴² and we have pictures of Henry at Nuremberg, and we have movies we have just found of Henry at Nuremberg. So he is the real deal, but he did not stop there.

He is not merely somebody you go have a conference and you rolled out who was there 60 years ago. On the contrary. If you have never seen Henry in action at an International Criminal Law conference—which Michael features him frequently—make a special effort. Come over the border, come on down and see him in action because he is passionate and he has been involved. He has most recently been intimately involved in making sure that America's position—that he feels very strong in their participation or lack of participation—in the International Criminal Court is advanced. He was one of the Nuremberg prosecutors who went over to Rome to make sure that language appeared in that Rome treaty even though the United States did not sign,⁴³ and he has continued to be a strong, extreme advocate on behalf of the United States' participation in the International Criminal Court.

I could go on, and I know there is a lot of people to talk about Henry, but I wanted to pause—and Henry, to you specifically—to congratulate you on 25 years of this participation, but more importantly, for over 60 years in the field of International Criminal Law, and that you have stood head above and shoulders above everybody we have ever had a chance to work with at the Jackson Center, and for those who are in this room, and for the International Law Community generally. Henry, congratulations.

MR. UJCZO: Thank you. And Greg briefly mentioned Henry's book, *The Two Worlds of Albert Speer*,⁴⁴ which is available outside to all of you. I saw when you said royalties both Henry and David had snapped into being. We also have a book provided by the Jackson Center documenting Robert Jackson's life as well – that is available outside. Please feel free to take a copy on your way out, and Henry, we have given him several pens to sign autographs this evening. But, as we know, we are here as part of the Canada-United States Law Institute Annual Conference, and there has been no

³⁹ See *id.* at 211.

⁴⁰ See *id.* at 213.

⁴¹ See Nuremberg Trials Project, *supra* note 36 (identifying Telford Taylor and Henry T. King Jr. as members of the Prosecution Counsel in the Tribunal 2 case of U.S.A. v. Erhard Milch).

⁴² See *generally id.* (reporting Erhard Milch's conviction and sentence).

⁴³ Cf. Hans-Peter Kaul, *The International Criminal Court: Current Challenges and Perspectives*, 6 WASH. U. GLOBAL STUD. L. REV. 575, 581 (2007) (acknowledging three former Nuremberg Prosecutors, including Henry King, for their work during the Rome conference).

⁴⁴ See KING WITH ELLES, *supra* note 4.

greater advocate in the United States to Canada-U.S. relations than Henry King as evident by the creation of the Institute itself. Now I can just speak from my personal perspective as, again, I was a young law student. I was a research assistant.

I wanted to get involved in the sexy issues of international criminal law and all that—and Henry said, “you can be my research assistant, but you have to help me out on this Canada-U.S. Law Institute.” I had just come from Europe working for the European Union, but then I said, “okay, I will do the Canada-U.S. thing.” And now it has become a life's work. And the same was evident even this morning with Paul Vandever, our speaker this morning from Ford,⁴⁵ who again is one of our alums and is now on the front lines of the Canada-U.S. relationship. Without further ado, I introduce you to the Consul General of the government of Canada and Detroit, Robert Noble.⁴⁶

SPEAKER

Robert Noble

MR. NOBLE: Thank you, Dan, and I want to recognize your fine work. I have the privilege of having Dan working on my staff at the Consulate General of Canada and Detroit.⁴⁷ And what a fine job you do. Thank you very much, Dan. I feel very privileged to be here tonight because a long, long time ago—a year you will remember, Henry, 1947—my father and mother met in Hanover in Germany where my father who was a Canadian military intelligence officer had been recently seconded to the British Intelligence Service, and he was made political officer in Hanover. And throughout my life and my brother's life, we were told by my father and mother how important the Nuremberg trials were. And very recently, I was in Toronto—my mother is a very young 86, Henry –

DR. KING: She is young.

MR. NOBLE: Very young, and very beautiful as all ladies of 86 are. And my mother said, “you know, I know you have that Honorary Consul in

⁴⁵ See THE CENTER FOR AMERICAN AND INTERNATIONAL LAW, INTERNATIONAL CORPORATE COMPLIANCE 3 (2008), available at http://www.cailaw.org/Brochures_2008/IICB.pdf (listing Paul Vandever, attorney for Ford Motor Company, as a panelist on discussion of customs compliance).

⁴⁶ Consulate General Detroit – Robert Noble, http://geo.international.gc.ca/can-am/detroit/home_page/robernoble-en.asp (last visited Sept. 21, 2008).

⁴⁷ See Consulate General Detroit – Staff List, <http://geo.international.gc.ca/can-am/detroit/services/staff-en.asp> (last visited Sept. 21, 2008) (identifying Dan Ujczko as Public Affairs Officer).

Cleveland. You have told me about him, that he was a Prosecutor at the Nuremberg trials.” She dug out a copy of the illustrated London Muse of 1947, the one that is four or five pages of photographs of those events. Robert Jackson was very prominent in the photographs. And I said to my mother at the time, “There is Henry King!”

But I am sure you are in there, Henry.

DR. KING: Thank you.

MR. NOBLE: I am going to do without it, getting my mother to part with this document. She is a naturalized Canadian, British origin, and the illustrated London Muse is very sort of close to heart, but I am going to make a very definite effort, you are going to see that, and sign it. It is an illustration I think, Henry, of—I do not know what, karma—but I knew coming here to Detroit I was going to meet interesting people. Across my territory here in Cleveland, I have four states, Ohio, Michigan, Indiana, and Kentucky. And here in Cleveland it has been my very great privilege to get to know Henry King, our Honorary Consul of Canada in Northeastern Ohio.⁴⁸ It is for that reason I accepted with very great pleasure the Canada-United States Law Institute's invitation to offer these few words of this evening as we honor Henry King's 25th year of leadership of this organization as well as recognize his lifetime contribution to the advancement of the rule of law and human rights in our society.

Indeed I am deeply honored to have been chosen to participate in tonight's historic occasion. Canada and Ohio have enjoyed a long and close relationship, longer and closer than many may know.⁴⁹ In fact, as I often mentioned to our friends from northeastern Ohio, you included, where we are standing now was once part of upper Canada.⁵⁰ Or as those of us who come from Toronto call it, Canada's southern shore.

The Consulate General of Canada and Detroit as well as Canada's former consulate here in Cleveland have enjoyed a long-standing relationship with the Canada-United States Law Institute at Case Western Reserve University School of Law.⁵¹ I am proud to state that our consulate has supported all of

⁴⁸ See Canada United States Law Institute – Executive Committee, *supra* note 1 (noting that Dr. Henry King was appointed the first Honorary Consul for Northeastern Ohio in 2004).

⁴⁹ See generally Colin Robertson, *Canada-US Relationship: An Example of and an Innovation for the World*, 32 CAN. -U.S. L.J. 296, 303 (2006) (listing economic statistics as they relate to the relationship between Canada and Ohio).

⁵⁰ Cf. JAMES D. KORNWOLF WITH GEORGIANA WALLIS KORNWOLF, ARCHITECTURE AND TOWN PLANNING IN COLONIAL NORTH 1257 (noting that at one point the land west of the Ohio-Pennsylvania line and north of the Ohio River was considered part of Canada).

⁵¹ See CANADA-UNITED STATES LAW INSTITUTE, ANNUAL REPORT (2006), available at http://cusli.org/lawjournals/annual_20052006.pdf (identifying Consulate General of Canada and Detroit as an Institute member and discussing former consulate's involvement in the history of the Institute).

the 24 institute's annual conferences, the Canada-United States Law Journal, student and faculty exchange programs, and the Niagara International Moot Court Tournament.⁵²

Through this relationship we have developed a privileged bond of friendship with tonight's honoree, Dr. Henry T. King. While Henry certainly was involved in Canada-U.S. relations prior to his appointment as the Institute's U.S. director in 1983,⁵³ it has been his service to a countless number of students, faculty members, and practitioners through the Institute that marks his lasting legacy. I share in Henry's belief that Canada-United States academic programs are the bedrock of our bilateral relationship. Sam Slick,⁵⁴ the fictional 19th century cracker barrel philosopher had something to say about Canada-United States relations. He claimed it was authors of silly books, editors of silly papers that keep us apart.⁵⁵ Well, I disagree profoundly with Sam. Understanding the themes and values of Canada to my mind requires an understanding of Canada's special context of the reasons we emphasize some things in ways that others might not. Academic programs are crucial in understanding the complex relationship between our two great countries.⁵⁶ Analyses and concepts formulated in Canada-U.S. programs provide an invaluable wealth of information that the wisest of America's leaders use to create informed policy. In a world where "spur of the moment" is all too commonplace, the long view of the academy provides a foundation for insightful and substantive decision-making.

This is precisely why the Department of Foreign Affairs and International Trade supports Canadian studies abroad, grads to faculty, researchers and graduate students and support for teaching, research, and conferences.⁵⁷ The department helps to improve Canada's international relations and bilateral relations by expanding the community that is informed and favorably disposed towards Canada, raising awareness of Canadians' realities overseas, and fostering productive exchanges such as this between Canadian and foreign universities.

⁵² *See id.*

⁵³ *See, e.g.,* Canada-United States Law Institute – Executive Committee, *supra* note 1 (noting that Dr. King served as chair of the American Bar Association/Canadian Bar Association/Barra Mexican Joint Working Group on the Resolution of International Disputes).

⁵⁴ *See* THOMAS CHANDLER HALIBURTON, SAM SLICK'S WISE SAWS AND MODERN INSTANCES: OR, WHAT HE SAID, DID, OR INVENTED (Kessinger Pub'g 2007) (1853).

⁵⁵ *See id.* at 257.

⁵⁶ *See* Canadian Embassy, Academic Relations, <http://www.canadianembassy.org/academicrelations/csgp.asp> (last visited Sept. 21, 2008) (discussing Canadian government's support for programs contributing to understanding of Canada-U.S. relationship).

⁵⁷ *See, e.g.,* Department of Foreign Affairs and International Trade Act, R.S., ch. E 22 (1985) (noting that the Minister may develop programs for the promotion of Canada's interests abroad).

The Canada-United States Law Institute has shown itself to be a world leader in U.S.-Canada studies. This tradition of success is clearly evident once again in this weekend during its 24th annual conference. Ladies and gentlemen, no one—no one deserves more acclaim for orchestrating this success than Henry King. His stewardship of the Institute has been truly a marvel. Indeed, the government of Canada recognized Henry's great contribution to our two countries by appointing him the Honorary Consul of Canada to Northeastern Ohio.⁵⁸ It was my very great pleasure to recommend to the government of Canada the extension of that appointment for a further three years. Congratulations Henry.

Henry is quite simply a national treasure to the United States as well as to Canada. In recognition of that contribution, it is now my high privilege and very great pleasure to present Henry with this award. Let me read you the text:

"In celebration of 25 years of leadership of the Canada-United States Law Institute at Case Western Reserve University School of Law, and the University of Western Ontario Faculty of Law, and in recognition of a lifetime commitment in advancing the rule of law and human rights in our global society, the Consulate General of Canada and Detroit expresses its heart-felt congratulations and the long-standing appreciation to Henry T. King, Jr., Chairman of the Canada-United States Law Institute, April the 18th, 2008, Cleveland, Ohio, United States of America."

"À l'occasion du vingt-cinquième anniversaire du Canada-United States Law Institute, qui joue un rôle de chef de file à l'école de droit de l'Université Case Western Reserve et à la faculté de droit de l'Université de Western Ontario, et en reconnaissance du dévouement de toute une vie à l'avancement de la primauté du droit et des droits de la personne dans le monde le consulat général du Canada à Detroit exprime ses sincères félicitations et sa reconnaissance de longue date à M. Henry T. King Jr. Président du Canada-United States Law Institute Le 18 Avril 2008 à Cleveland, en Ohio (États-Unis)."

MR. UJCZO: Now, as we have noted throughout the weekend, the Canada-United States Law Institute exists between two institutions, Case Western University School of Law and the University of Western Ontario Faculty of Law.⁵⁹ It is Henry's guiding light for all of us involved with the Institute that everything that we do must ensure that we are benefitting both

⁵⁸ See Canada United States Law Institute – Executive Committee, *supra* note 1 (noting that Dr. Henry King was appointed the first Honorary Consul for Northeastern Ohio in 2004).

⁵⁹ See Canada United States Law Institute, <http://cusli.org/> (last visited Sept. 19, 2008).

of our programs. So it is my great privilege and pleasure to introduce first the Dean of Case Western Reserve University School of Law, Gary Simson,⁶⁰ followed by the Dean of the University of Western Ontario Faculty of Law, Ian Holloway.⁶¹

SPEAKER

Gary Simson

MR. SIMSON: It is an honor to speak at an event honoring Henry by any measure. I wanted just to acknowledge two people first. First, Dan for all he has done to make this event possible and for all his work with Henry. The other is Sid Picker who could not be here. Sid, as you know, was the founder of the Institute, as well as the initial U.S. director.⁶² He asked me to just read a brief statement that he could not attend because of a prior religious holiday commitment in Florida, and that he wishes Henry and the conference every success. He is thinking of everyone here and is looking forward to receiving a copy of the conference proceedings. I came in as the Dean of this law school, and I was new to the law school in Cleveland a couple of years ago. One of the things that I was delighted to find was this Institute. I certainly learned about it a bit as a Dean candidate, but it is truly one of the most interesting things at the law school. It is wonderful to have something that has real uniqueness to it, and this Institute really does. I was even more thrilled though to find myself the Dean of a law school with Henry King on the faculty. In fact, it always seems incongruous to walk in and have him greet me as the Dean as if there were some power order there that in fact, does not exist. Henry is truly a legendary figure because he earned it, and it is a tremendous privilege to be the Dean of a faculty that includes Henry. One thing that you know about Henry, that I have continued to admire enormously, is that Henry speaks his mind about things and he calls things as he sees them. He is a person of tremendous courage and conviction and

⁶⁰ See Case Western Reserve University School of Law – Faculty, <http://law.case.edu/faculty/faculty.asp> (follow “Simson, Gary” hyperlink) (last visited Sept. 19, 2008) (identifying Gary Simson as Dean of Case School of Law).

⁶¹ See The University of Western Ontario – Western Law, http://www.law.uwo.ca/Faculty_Staff/Professors.html (follow “Holloway, Ian” hyperlink) (last visited Sept. 19, 2008) (identifying Ian Holloway as Dean of University of Western Ontario Faculty of Law).

⁶² See Canada United States Law Institute –History, <http://cusli.org/about/history.html> (last visited Sept. 19, 2008) (noting Sidney Picker established the Canada-United States Law Institute and served as U.S. Director).

principle, and again, it is a tremendous privilege to be the Dean of a faculty that has someone like Henry on it.

As Dean, one thing that I am committed to is honoring Henry, and I am planning to work together with Ian on initiatives relating to this Institute, but ones that will honor Henry because this is something that has been so dear to him over the years. I very much welcome contact from people here who would partner with me and Ian in moving forward with things for the long-term benefit of this Institute and in that sense, as a real honor to Henry. So thank you all for coming. I am honored to be able to speak here, and again, especially honored to be the Dean of a school that has Henry as one of its faculty. Thank you.

MR. UJCZO: It is now my pleasure and privilege to introduce Ian Holloway of the University of Western Ontario Faculty of Law.

SPEAKER

Ian Holloway

MR. HOLLOWAY: Thank you very much, Dan. Let me echo what Gary had to say about Dan. Dan is a prince of a guy, and there is no doubt that one of the joys in my life as Dean has been working with Dan and Michael and everyone else who has helped us together celebrate the work of Henry King. It is tonight as it always is an honor to be gathered with all of you, all of you friends, to pay tribute to Henry and to the important the vitally important work that is done by this Institute. But I hope you forgive me if I take a moment to go back to the beginning and say that there is something else that makes this evening particularly meaningful for me and for my colleagues from Western, Chios Carmody and Margaret Martin. That is to tell you that last Sunday, our former colleague, Emeritus Professor Jack Roberts, passed away after a battle with cancer. That is tragic because Jack was a wonderful colleague, but it is relevant to us this evening because Jack was the founding Canadian director of the Institute.⁶³ Jack worked with Sid back in the mid 1970s and established the Institute in 1976.⁶⁴ Jack came to Western after some time in practice. In fact, he was an associate of Dick Cunningham at the firm of Steptoe & Johnson.⁶⁵ Indeed, Jack in many ways represented perfectly what we are all about in this Institute, what we might call the

⁶³ *See id.* (noting Professor Roberts served as first Canadian director of the Institute).

⁶⁴ *See id.* (noting Professor Roberts' involvement with the 1976 establishment).

⁶⁵ *See* Lancaster House, Directory of Arbitrators, http://www.lancasterhouse.com/arbitrators/search_results2.asp?arbitratorID=88 (last visited Sept. 22, 2008) (listing Roberts as an associate for Steptoe & Johnson, 1971-73).

human element of the Institute. Jack was born in Southern Ontario, studied engineering at Western, moved to Detroit, and took a job with Ford. In 1962 he joined the Royal Canadian Navy, fired up because of the Cuban missile crisis. After the Navy, he moved back to the United States, attended law school at Georgetown,⁶⁶ and joined the Steptoe firm.⁶⁷

So in light of his own career, he seemed a natural partner to work with Sid to found the Institute back in 1976. And yesterday, I had the honor of representing my school at a memorial to Jack, and I took the liberty of telling Mrs. Roberts, Jack's widow, that I intended to mention him tonight, and she was very touched. When I told her, as tears came to her eyes, she said "thank you, thank you very much." But she also said, "Would you do me one thing?" I said, "of course, Mrs. Roberts, what is that?" She said, "Would you please, please remember Jack to Henry." So Henry, on behalf of your former colleague, Jack Roberts—I am passing along his reverence as well.

DR. KING: I know her very well.

MR. HOLLOWAY: As Dean of Western, it is a delight to be celebrating Henry King's silver jubilee as the U.S. director of the Institute. As everyone before me has said, all of us here in this room have been the beneficiaries of Henry's vision and his drive and his ambition to make the Institute what it has become today. This conference alone is an extraordinary thing in that it brings together lawyers and businesspeople and politicians and civil servants, uniformed public servants, and academics to talk about matters of mutual interest. It is really quite an extraordinary thing that I do not think it is replicated in many places in this continent. And to honor this, to commemorate this, to commemorate Henry's silver jubilee as a leader of this extraordinary institution of which we are all so proud to belong, I am proud to be able to tell you that we at Western have received authorization from our board of governors to make fundraising for the Institute one of our top priorities at UWO for the next five years. The board has given me instructions to work with Gary as he suggested, and to work with you to do what we can to raise funds to create a living, vibrant, perpetual memorial to the great work that Henry has done and has bequeathed to us all. So Henry, as your Dean—is a graduate of our law school I want you all to know—as your Dean, if I may say so, on behalf of all of us, thank you very much for everything.

MR. UJCZO: Thank you, Dean Holloway. And thank you for the comments. I just note in passing, "prince of a guy." I will need you on my next first date.

⁶⁶ See *id.* (noting Roberts earned his Juris Doctorate from Georgetown University Law Center).

⁶⁷ See *id.*

But we have a very special moment this evening. It has taken me 12 years to really pull one on Henry. This one was tough. But in preparation for tonight in working with Deborah, who has basically run this conference, we thought, what can we do to truly get Henry at this event? How can we surprise him and truly honor him? And the answer was of course to bring David, his son, into Cleveland as a surprise. Now Deborah had slipped a few times. I slipped even this morning. I said, “oh, we will just talk to David about it later.” And Henry looked at me and said, “he is not coming for months.” But as we all know there is nothing more precious to Henry than his family, and we are truly honored tonight to have David come in not only as a distinguished author.⁶⁸ *The Ha-Ha*, as many of you know, is one of the best-selling books out there.⁶⁹ One of my favorite Henry stories is when he said, “David sold the script, they want Russell Crowe to take the lead, but I just do not think he is right for the part.”

But David can provide insight that no other person in the room can provide, as well as beyond, and that truly is great. And the picture of Henry when David walked into the room is one that we are going to put on the website and in every publication that we have. It was truly one of life's rewarding moments. So it is my great privilege and pleasure to introduce Dave King, Henry's son.

SPEAKER

David King

MR. DAVID KING: Thank you, Dan. And I particularly want to thank you for encouraging me to come to this celebration. It was entirely Dan's idea that I should be here, and Dan and Deborah made it their particular project, and I am really incredibly happy to be here and very, very proud. You know, I do go to conferences, but the conferences that I go to tend to have sessions with titles like “The Role of the Other End Post-Joycean Urban Fiction.” I have never come to this conference because when I come to Cleveland, I come to hang out with my father. We go to ballgames and we drive out into the country, and we talk and stuff like that. So in the past, I have not come to this conference because it has just always seemed that he would be too busy, and it is really a delight to be here with you all tonight, and I really

⁶⁸ See Home of Novelist Dave King, <http://www.davekingwriter.com/> (last visited Sept. 19, 2008).

⁶⁹ Cf. Dave King – News & Events, <http://www.davekingwriter.com/news.html> (last visited Sept. 19, 2008) (listing *The Ha-Ha*'s awards, including being named to *The Washington Post*'s eighteen best novels of the season).

appreciate the welcome and the hospitality. I am not a lawyer obviously, and so I think it falls to me to speak of the Henry King that some of you may not really know so well from his professional life. My remarks will be brief, but I thought I would just tell you a little story from my childhood.

When I was a boy, I had a bad dog. Oh, I have to interrupt myself one moment because when Dan was talking about my father's weirdly prodigious memory, I remembered a story that my mother used to tell, which was that they were in Bombay, or something like that, in the mid '80s. And my father, you know, they had this incredibly long flight. They were at the baggage carousel, and my father looked way down in the Bombay airport. And in the distance, he recognized the back of some guy's head, and it was someone who had sat like three rows ahead of him in freshman English at Yale in like the Dark Ages—I wanted to throw that in as sort of a supplement to what Dan was talking about.

Anyway, we had this family dog who was a very beautiful little Cocker Spaniel, but was really one of those very bad, clever dogs who liked to get out at night, and refused to come when called, and he would go investigate whether any of the neighbors had left anything interesting in the garbage, or he would go call on the various houses and invite the other dogs to come out in the wee hours. One time from an upstairs window I watched, the neighbor had a vegetable garden, and he was moving down the row of tomatoes biting each tomato. And our family would generally take off for the east in the summertime. Both my parents came from New England, and my mother would take us to visit her family. And dad would come, you know, for part of the time, but then he would have to return to Cleveland and work, and we usually took the dog with us. I can not remember why, but at some point the dog did not come. So the dog and Dad were left alone together in Cleveland, and it was around the time that I was just learning to read. I began to get a series of letters from my father. If you are a kid, I may have been 7 years old, and you have not received a lot of letters in your life, it is really exciting and wonderful. But the great thing about these letters was that they came out of the blue. I mean, we did talk on the phone and stuff. I was not really expecting to get mail from him. And there were progress reports on the state of the dog. But what was really wonderful about those letters, what I really cherish about them was that Dad adopted a persona that seemed to be derived partly from P. G. Wodehouse and partly from every nutty lawyer figure from generations of Hollywood movies, every kind of over-the-top lawyer figure. He would refer to himself as your humble correspondent. He might say things like, your humble correspondent had been sawing wood for several hours when, said canine, commenced obvious defecation down by the mailbox. His letters went on really for several pages, and they absolutely delighted me. I had to work to understand them because I was in second grade or something, but they opened the door to a particular kind of

sophisticated adult wit which I had not encountered before. And they expressed certain literary possibilities in terms of humor and what could be done. He would sign them in funny ways also. Yours sincerely, I remain Henry T. King, keeper of the compound esquire, stuff like that.

When I became a writer myself, I realized that Dad probably had fun writing the letters. I liked that he found something that was fun in doing that. He gave himself over to that process. But I also thought it was an amazingly sweet and generous parental gesture on the part of a relatively busy man, given what we have heard tonight, a relatively busy man who had spent a good part of his previous night running around the neighborhood in his pajamas chasing after my bad dog.

So I do not know how many of those letters there were. I looked for them last time I cleared out the detritus of my desk in Cleveland. I came across four of them. There may have been half a dozen or so. I just thought I would relate that as a way of expressing a vision of my dad which was a little bit frivolous and silly and affectionate and generous and wonderful in a way that probably he does not express all the time in this serious realm of the law school. But I also want to say that when I come to Cleveland, I usually do try to visit a class. The last time I did, it was really a bit of a production. Deborah comes, or somebody comes and picks Dad up, and they take him to the classroom. Then a guy comes along that fits him with a microphone, and there were always too many kids for the classroom. Once the class gets started, I really recognize that same level of wit and good humor and generosity, but also that gesture of setting the bar a little bit high for the students, which was perhaps exemplified in those letters that he wrote to me when I was 7 years old.

So congratulations, Dad. I am very proud that you have not just affected my life, but affected the world at large, and I am extraordinarily happy to be here to share this moment with you, and I love you.

MR. UJCZO: Well, I asked a question that I knew the answer to before I asked: Henry, do you want to say anything? But I will bring the microphone down and we will conclude with Henry's comment. So without further ado, Henry King.

SPEAKER

Dr. Henry T. King, Jr.

DR. KING: Well, I cannot match the eloquence of tonight, but I am overwhelmed. But I can leave you with one thought that makes life worth living outside of love and affection: it is having ideals. I think you got to have ideals to judge your progress. You never quite fulfill the ideals, or you

get very close, but you grow in the process. It makes life worth living. I think that you have to have hope. You have got to have dreams. And I think the real danger in life is not to dream at all. It is dreams that force out a change, and a better world, and you grow in the process. That is what life is all about. And it takes hard work, and you get setbacks.

I remember the first conference I did 24 years ago.⁷⁰ I had three people coming, including Brendan Delay, who is here tonight. He is the only one who has been to all of our conferences. It looked as though I was heading into a precipice. But I called Clive Allen, who is the general counsel of Nortel,⁷¹ and said, "I got this wonderful conference," which incidentally was where the initiative of the Canada-U.S. Free Trade Agreement was announced by Donald MacDonald, the former Finance Minister of Canada.⁷² And I said, "it is going to be very embarrassing if I have three people to listen to me." He said, "how many do you want?" I said 25. Donald replied, "You got 'em!" And that is the way I started off the first conference. And we achieved the building of an institution that is going to live long after I am gone. But it takes people with initiative like Robert Jackson who created the Nuremberg trial. People with courage daring to do what Jackson did.

And we are always accused of being dreamers, but it is dreams that make life interesting and give it meaning. I am totally overwhelmed with what happened tonight. I do not have the eloquence that some of you who have spoken do, but I would leave with you that message, and I hope that the others will follow along. I thank above all Dan Ujczko and Deborah for arranging this, and particularly my dear, lovely son sitting next to me. He is wonderful. I live for that relationship on a personal level. Thank you very much. Thank you. I cannot thank you enough. It will live long in my memory, which is quite vivid. Dave, I would remind you one correction. The man that I saw in Bombay from a long distance was a classmate of mine at Yale Law School.

MR. UJCZO: On that note, true to Henry's form, we will conclude the proceedings. Thank you.

(Session concluded.)

⁷⁰ See Canada United States Law Institute – Executive Committee, *supra* note 1 (noting that Dr. King became Institute's U.S. Director in 1983).

⁷¹ See *Admission D'Annie MacDonald Langstaff Au Barreau*, IN FOCUS (McGill, Faculty of Law, Montreal, Quebec), Spring-Summer 2007, at 29, available at <http://www.mcgill.ca/files/law/newsletter-2007-1.pdf> (noting that Clive Allen served 25 years as Nortel's Chief Legal Officer).

⁷² See Donald S. MacDonald, *An Overview of the Prospects for Sectoral Integration: The View from Canada*, 10 CAN.-U.S. L.J. 3, 4-6 (1985) (discussing initiative taken by Canadian government with its 1983 Discussion Paper).