

# **PROFESSOR HENRY C. KARLSON\***

## **A REMEMBRANCE**

**October 29, 2010**

WILLIAM F. HARVEY \*

An email from Mr. Thomas Doehrman, President of the Indiana Trial Lawyers Association, said, “I am very sorry to receive this news. Professor Karlson was a wonderful educator who was not afraid to speak his mind on a topic. He will be missed by the entire legal community.” Mr. Doehrman was correct. Henry was a wonderful educator, and he will be missed by the entire legal community.

As the dean of the law school, I was pleased to invite Henry to join the faculty. I was very pleased to strongly support his request for tenure; it was a special moment because Professor Henry C. Karlson’s law school professorship was masterful. He had an extraordinary understanding of his subjects. Additionally, he was a superb classroom professor and, therefore, could teach the information he knew. His exceptional personal energy sustained him. In his classes, each student discovered a level of learning that the student had not thought possible or could not have anticipated.

Henry understood the art of teaching law. Great law school teaching is much more demanding than conducting a “dialogue” in the setting of a casebook. That is merely an initial level, or a professorial entry level, from which a professor should ascend in not less than a year or perhaps two. The professor must master the body of information and know much more than the assigned casebook, a code, or a body of statutory law. That information must be organized into a classroom format. Then it is presented, if need be, using five or six different methods of instruction during one class period. A great professor knows and can use all of those methods as if they were a seamless web. Professor Karlson was a great professor. He was also devoted to Indiana University. He served on the Indianapolis Faculty Council Executive Committee and was the parliamentarian for the entire faculty council and for the school of nursing.

Professor Karlson was highly regarded in the legal profession as well. He taught in the venues of continuing legal education and the Indiana bar review course. He lectured to the Indianapolis Law Club for over twenty years. He was a member of the board of examiners of the National Board of Trial Advocacy. He was honored by the National Association of Social Workers and the U.S.

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\* Professor Henry C. Karlson taught for thirty-three years at Indiana University School of Law—Indianapolis. Courses he taught included criminal law, evidence, trial practice, trial advocacy, and seminars related to child abuse. He died on October 25, 2010 after a battle with cancer.

\*\* Dean Emeritus and Carl M. Gray Professor of Law Emeritus at Indiana University School of Law—Indianapolis. This tribute essay is adapted from Dean Emeritus William F. Harvey’s eulogy, which was delivered at Professor Karlson’s funeral on October 29, 2010.

Food and Drug Administration. He had a keen interest in preventing child abuse and in the agencies that assist those situations. Thus, he distinguished the University of Illinois, from which he graduated, and Indiana University, to which he was dedicated.

His personality was radiant. The beginning of each day was joyful. After I left the deanship, we shared offices in the same suite. When he arrived in his office early in the morning, he remained for an hour or more. I would hear his door open and then slam closed. His walk in the corridor was similar to a march—it was fast, strong, clear, and fleet of foot. He was off to find a few students to challenge, to hear their views, and to offer his correction to something they might say. He loved the exchange. Moreover, his office door was always open to students. Whether a student was in his class or not, the student was welcome. If a student wanted information, he gave it. If a student wanted political debate, he gave that, too.

When I think about Henry, my mind turns to one piece of music in particular. With its trumpets and bouncing tempo, it is the third movement of Bach's Brandenburg Concerto Number Two in F Major. The piece summons images of a carefree nobleman who is dancing. Usually, it carries the instruction "allegro assai," Italian for very joyful and fast. I hope it is unnecessary to say that in using that musical metaphor, I am not describing how he danced. I am describing his mental and intellectual agility, his wit, and his patterns of thought, some of which came so fast that they were similar to a fast and joyful dance.

Professor Karlson was different from other faculty members. If he was in the law school building for a ten-hour day (or longer), he taught for ten hours. After his formal classes, if students were not in his office, he went to them. Wherever he was in the building, he taught constantly. During the whole of each day, he never stopped. I thought of him as "our ten-hour man." If he could not find a student, then he might stop and lecture another member of the faculty. As the dean, I did not object or intervene. If Henry lectured a student or another faculty member, at the end of the day each knew more than he knew when the day began—although a faculty member might be very reluctant to admit it.

One of his courses was evidence. Evidence is one of the most important courses a law school can offer because its principles are some of the common law's greatest concepts. They develop the transcending standards of fair trials, reasonable decisions made without bias, mandates issued upon a civilized and acceptable basis, the right to give evidence to a neutral forum, and the right to confront adverse claims or evidence. It is an extraordinary person who understands this.

Professor Henry C. Karlson was an extraordinary person. The beacons in his life were sustaining principles, those principles that maintain the social order and allow one to be impervious to defeat. They give much more. If they are known and used, they allow you to live a life of prominence and consequence. They allow you to sustain a peaceful and constructive social order even after your own life ends.

Thomas Babington Macaulay expressed very similar thoughts in this verse:

To every man upon this earth  
Death cometh soon or late.  
And how can man die better  
Than facing fearful odds,  
For the ashes of his fathers,  
And the temples of his Gods . . . <sup>1</sup>

Macaulay's verse was an evocation of the Roman Empire's grandeur. But it was much more. It speaks about transcending principles that guide man in creating a great social order and principles that guide man in defending a great social order.

For another reason, I mention Macaulay's verse today: Henry was a superb Roman scholar. He well understood the Roman Senate, the writings of Cicero and his defense of the Roman Republic, and the wars with Carthage. If you asked him a question about Rome, his first answer was a question—"Do you mean Rome in the days of the Republic, or in the days of the Empire?"—and then he offered an analysis of each.

Macaulay's verse, as Henry knew, meant that great principles, similar to a constellation of stars, sustain a collection of values. Pursuant to those values, you can align your life and also know that they remain after life's end. As a result, they are your most important estate, your most important gift to your family and to the generations that will trace their existence to you. They are greater than items of property—the corporeal remnants of a life—because they give peace, harmony, social tranquility, creativity, respect, and reverence.

Henry vigorously defended those principles. He took wholesome joy from their American fulfillment and from seeing the system whole, springing season after season from the trampoline of values and moral order which are the very warp and woof of freedom and progress. Furthermore, in his entire advocacy, I never heard him offer one unkind word about another person. Did he disagree with others? Yes, constantly, but it was always a principled disagreement, and it was never in vilification or defamation.

Henry lived Macaulay's verse because he vigorously protected our principles when facing fearful odds. He volunteered to fight in Vietnam—yes, he volunteered. He was a member of the famous 101st Airborne Division. In Vietnam, he was awarded the Bronze Star. He became a judge in trial by court-martial. Later, he became the chief of military justice for the 101st Airborne Division. He returned to the United States and was assigned to write the after-action report of the highly publicized My Lai trials.

When we spoke about that war, we understood each other. When I told him that my cousin, a Marine officer who graduated from Indiana University and was from Fort Wayne, Indiana, was killed in action in Vietnam, he understood. That requires a special understanding, and Henry had that special understanding. When I said that in the earlier 1950s in the U.S. Navy, I had firsthand experience

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1. THOMAS BABINGTON MACAULAY, *ESSAYS, CRITICAL AND MISCELLANEOUS* 543 (1846).

in Indochina when the French were there, he understood. Again, that requires a special understanding—and again, Henry had that special understanding.

Over one hundred years after Macaulay's verse, and almost sixty years before today, Justice Felix Frankfurter expressed the proposition that the law, more than any other calling, has been concerned with those standards, criteria, and appeals to right and reason that have had a dominant share in begetting a civilized society. That was Professor Henry C. Karlson's understanding. It was his commitment. It was his instruction to students. He taught so that they, too, could share in begetting a civilized society. This is why he stayed the course, why he fought the good fight, and why he kept the faith.

Henry's life was joyful and fast. It was also very short. Henry, Nancy, and their family richly deserved another twenty years together. After them, all of us did.

This afternoon, Henry will be placed in a special area of the Crown Hill Cemetery: the "Field of Valor." It is the veterans' section, where the flag always flies, an eternal flame burns, and gratitude is always expressed. I shall always remember that he is there.

I shall always remember Henry in another way. Now he is among the stars. There in the darkened sky, I find his star. It is so bright that I shall love the night and rue the garish sun.

Go now, my gallant, gentle friend, my colleague, my brother in arms—go and be with God.

## ADDENDUM

Addendum to *Professor Henry C. Karlson, A Remembrance*, 44 IND. L. REV. 353 (2011).

The author, Dean Emeritus William F. Harvey, inadvertently omitted quotation marks that appear below in quotation marks with a footnote. They are added to the second full paragraph on page 354 as follows:

When I think about Henry, my mind turns to one piece of music in particular. “With its trumpets and bouncing tempo, it is the third movement of Bach’s Brandenburg Concerto No. 2 in F Major. It summons images of a carefree nobleman who is dancing. Usually it carries the instruction, ‘allegro assai,’ Italian for very joyful and fast.”<sup>2</sup> I hope it is unnecessary to say that in using that musical metaphor I am not describing how he danced. I am describing his mental and intellectual agility, his wit, and his patterns of thought, some of which came so fast they were similar to a fast and joyful dance.

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2. This interpretation of Bach’s Concerto No. 2 appears in a comment on William F. Buckley’s use and interpretation of Bach’s music that was played during the memorial service for William F. Buckley, Jr., who died on February 27, 2008. See Anthony Ramirez, *2,200 Fill St. Patrick’s for Buckley’s Memorial*, N.Y. TIMES, Apr. 5, 2008, available at <http://www.nytimes.com/2008/04/05/nyregion/05buckley.html>. The Ramirez interpretation is very similar to an explanation Mr. Buckley gave to Dean Harvey in a private discussion in March 1983. It is used here in metaphorical form to illuminate the refreshing, bouncing tempo and the trumpet-like statements in Professor Karlson’s patterns of thought.