

OPENING ARGUMENT

of

MR. BENJAMIN CURTIS

The CHIEF JUSTICE. The Managers of the House of Representatives state that the evidence on their part, with the exception first indicated, is closed. Gentlemen of counsel for the President, you will proceed with the defense.

Mr. CURTIS, of counsel for the respondent, rose and said: Mr. Chief Justice, I am here to speak to the Senate of the United States sitting in its judicial capacity as a court of impeachment, presided over by the Chief Justice of the United States, for the trial of the President of the United States. This statement sufficiently characterizes what I have to say. Here party spirit, political schemes, forgone conclusions, outrageous biases can have no fit operation. The Constitution requires that here should be a "trial," and as in that trial the oath which each one of you has taken is to administer "impartial justice according to the Constitution and the laws," the only appeal which I can make in behalf of the President is an appeal to the conscience and the reason of each judge who sits before me. Upon the law and the facts, upon the duties incumbent on that high officer by virtue of his office, and his honest endeavor to discharge those duties, the President rests his defense. And I pray each one of you listen to me with that patience which belongs to a judge for his own sake, which I cannot expect to command by any efforts of mine, while I open to you what that defense is . . .

Now, there is a question involved here which enters deeply, as I have already intimated, into the first eight articles in this series, and materially touches two of the others; and to that question I desire in the first place to invite the attention of the court. That question is, whether Mr. Stanton's case comes under the tenure-of-office act when applied to the facts of his case excludes it, then it will be found by honorable Senators when they come to examine this and the other articles that a mortal wound has been inflicted upon them by that decision . . .

"That the Secretaries of State & c., shall hold their offices respectively for and during the term of the President by whom they have been appointed."

The first inquiry which arises on this language is as to the meaning of the words "for and during the term of the President." Mr. Stanton, as appears by the commission which has been

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Sebastian Brünink

A red circular graphic with a gradient, appearing as a semi-circle or a partial circle, located to the right of the name Sebastian Brünink.

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Winning at Trial D. Shane Read, 2007-06-11 Chosen the best book from over 300 entries Winning at Trial has been singled out by the Association of Continuing Legal Education ACLEA for its clarity and innovative teaching methods Winning at Trial by Shane Read is the only book that teaches trial skills by analyzing video and transcripts of actual trials It is also the only book that reveals the secrets of jury decision making through the use of video in collaboration with one of the nation's foremost jury consultants DecisionQuest This innovative book is being used by law schools throughout the country for both their introductory and advanced trial advocacy classes as well as by law firms for their training programs The author a seasoned trial lawyer and professor has carefully selected video and transcripts from actual trials 4 hours of video on two DVDs that show lawyers demonstrating both great and terrible skills in the courtroom which teach trial techniques and strategy in an interesting and memorable way

The Divorce Trial Manual Lynne Z. Gold-Bikin, Stephen Kolodny, 2003 This concise guide is a complete roadmap through a divorce trial from the initial interview to trial preparation to the closing argument

Step Into the Courtroom Carrie Weiss, Jessica Lukes, 2005 Educational title for gifted and advanced learners

Trial Advocacy Basics W. Dent Gitchel, Molly Townes O'Brien, 2006 *The Opening Statement of the Prosecution in International Criminal Trials* Sofia Stolk, 2021-04-19 This book addresses the discursive importance of the prosecution's opening statement before an international criminal tribunal Opening statements are considered to be largely irrelevant to the official legal proceedings but are simultaneously deployed to frame important historical events They are widely cited in international media as well as academic texts yet have been ignored by legal scholars as objects of study in their own right This book aims to remedy this neglect by analysing the narrative that is articulated in the opening statements of different prosecutors at different tribunals in different times It takes an interdisciplinary approach and looks at the meaning of the opening narrative beyond its function in the legal process in a strict sense discussing the ways in which the trial is situated in time and space and how it portrays the main characters It shows how perpetrators and victims' places and histories are juridified in a narrative that whilst purporting to legitimise the trial the tribunal and international criminal law itself is beset with tensions and contradictions Providing an original perspective on the operation of international criminal law this book will be of considerable interest to those working in this area as well as those with relevant interests in International Transnational Law more generally Critical Legal Studies Law and Literature Socio Legal Studies Law and Geography and International Relations

Winning Jury Trials Robert H. Klonoff, Paul L. Colby, 2007-10-29 The Third Edition of Winning Jury Trials combines the same strong premise of its previous editions evidence sponsorship and the same strong theme there is in fact a right way to teach trial skills with many new features including more detailed guidance on the critical questions of whether and when to impeach one's own witness with harmful material This text by Robert Klonoff and Paul Colby takes a solid approach to evidence and focuses on issues such as Choosing witnesses Introducing negative evidence How to handle

marginal evidence Weaving the fundamental elements of your case into your evidence for example opening statements and cross examination *Trial Techniques* Thomas A. Mauet,2000 This book concisely and clearly spells out invaluable lessons and techniques for every step of the trial process Readers will find coverage of expert witnesses which incorporates the Daubert Supreme Court case direct and cross examinations of expert witnesses examples of expert examinations expansive treatment of exhibits and occurrence witnesses And The psychology of effective presentation of occurrence witnesses before the jury **On the Jury Trial** Thomas M. Melsheimer,Craig Smith,2017-10-15 Two outstanding Texas trial lawyers one of whom is now an equally respected district judge have written On the Jury Trial a must have reference for any trial lawyer aspiring to excellence or seeking to maintain it Thomas M Melsheimer and Judge Craig Smith have crafted a narrative driven advice guide for trial lawyers to hone their craft Chapter topics include voir dire opening statement preparing witnesses cross examination using exhibits closing argument jury research and more with excellent examples and do s and don ts provided throughout Think of this book as the senior law partner s memo to associates on how to really try a case Looking for fly on the wall insight into world class trial preparation and strategy Here it is A behind the scenes tour of the inner workings of the judicial process This book has you covered Its combination of advice illustration and commentary is every bit as valuable as it is unique Every litigator should have this book on the shelf no matter the state in which they practice The jury trial is a critical component of our democratic society and its use in civil cases is unique to the United States It is truly an example of our participatory democracy in action and yet the jury trial is under attack from all sides most notably from special interest groups who seek to have more cases decided by individual judges or by arbitration These efforts have resulted in a decline of civil jury trials all over the country A decline in the jury trial is a decline in justice To preserve the jury trial we must preserve the skills of trying a case effectively and efficiently On the Jury Trial in no small way will add significantly to that effort *Annotated Opening Statements* Peter Perlman,1994 **International Criminal Procedure** Göran Sluiter,Sergey Vasiliev,2013-03-21 The ambitious aim of the work is to create a guiding framework for international criminal procedural law and practices in the future As explained by the working groups the overarching objective of the project is to assist the challenge of delivering fair but also effective trials **FOREWORD** Construction Disputes Thomas J. Kelleher,Brian G. Corgan,William E. Dorris,2002-01-01 All areas of construction litigation are covered in this two volume set starting with case analysis pretrial activities and special forum issues The authors continue with an in depth discussion of the difficult presentation issues for delay and acceleration claims lost productivity claims and establishing damages The final section of the text covers trial and other issues including direct and cross examination appeals and settlement and releases Practical examples of and checklists for the drafting of many of the key documents used in construction litigation are also included **The Air Force Law Review** ,1989 **The Trial Process** J. Alexander Tanford,2002 The Army Lawyer ,1987 *More Jury Trials in the Classroom* Betty M. See,Diane Elizabeth See,2007-11 Kids will love exploring the justice

system with the fun characters and stories found in More Jury Trials in the Classroom the long awaited companion book to the best selling Jury Trials in the Classroom Four new trial simulations are introduced including a modern day version of the tortoise and the hare story and a reenactment of a trial featuring Susan B Anthony The simulations in this book let students delve into criminal and civil law with motivating cases that mirror situations in history folklore and literature In the roles of attorneys members of the jury defendants witnesses and courtroom personnel students prepare and conduct cases They also will learn to use statements of fact and witness affidavits to determine guilt or innocence

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