

# 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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**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

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