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I Making a Nation 1
1. The King Who Lost His Head:
The Trial of Charles I 3

FACTS: The monarch, who believed in the “Divine Right of Kings,” was tried by members of the House of Commons.
RESULT: The end of unchallenged absolute rule in England.

2. James Wilson:
An Unknown American Founder 15

FACTS: James Wilson and James Madison were the most influential creators of the Constitution. Wilson used his knowledge of legal philosophy and English parliamentary history.
RESULT: A great foundation for America, but an unhappy ending for Wilson.

3. The 1798 Sedition Act:
President’s Party Prosecutes Press 31

FACTS: John Adams’s Federalist Congress used war fears to curtail freedom of the press and to jail political opponents.
RESULT: A blot on Adams’s name, the end of the Federalist party, and the election of Republican Thomas Jefferson to the presidency.
4. Signed, Sealed, but Not Delivered: *Marbury v. Madison*

**FACTS:** Supreme Court Justice John Marshall’s own mistake led to the case of *Marbury v. Madison*.

**RESULT:** The Supreme Court’s power of judicial review was established. President Thomas Jefferson disliked Marshall.

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II  **Dividing a Nation**

5. Justice Benjamin Curtis and *Dred Scott*

**FACTS:** Pro-South, pro-slavery Chief Justice Roger Taney’s Supreme Court decided the *Dred Scott* case. Justice Benjamin Curtis strongly dissented.

**RESULT:** The infamous decision was a contributing cause of the Civil War. Curtis resigned from the Court.

6. The Long, Strange Case of Dr. Samuel Mudd: *The Lincoln Assassination*

**FACTS:** After John Wilkes Booth shot President Abraham Lincoln, he stopped for medical treatment at Dr. Samuel Mudd’s home in Maryland. Mudd was convicted in 1865 of taking part in Lincoln’s murder.

**RESULT:** Although Mudd was pardoned, his family continued legal actions to exonerate him until 2003.

7. The Unusual Judah P. Benjamin

**FACTS:** Lawyer Judah Benjamin, Jefferson Davis’s Secretary of State, escaped to England after the Civil War.

**RESULT:** Benjamin became one of England’s great barristers.

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III  **Passion and Murder in America**

8. The Life and Death of George Wythe: “*I Am Murdered*”

**FACTS:** Wythe, Thomas Jefferson’s teacher, was poisoned by his nephew.

**RESULT:** The nephew was acquitted of murder. Wythe’s housekeeper was not allowed to testify because she was black.
9. The Trial of Levi Weeks:
   Hamilton and Burr for the Defense
   FACTS: Levi Weeks was defended by Alexander Hamilton and Aaron Burr for the murder of a young woman by drowning her in a well.
   RESULT: The jury in a marathon trial found him not guilty. Weeks left New York and became a famous architect in Mississippi.

10. Wild Bill Hickok:
    The Two Trials of Jack McCall
    FACTS: Wild Bill Hickok was murdered by Jack McCall.
    RESULT: McCall was tried by a jury and acquitted. He was tried again by a jury and found guilty.

11. Justice Stephen Field, Justice David Terry, and Sarah Althea Hill
    FACTS: Sarah Hill caused a San Francisco scandal when she claimed she was married to wealthy Senator Sharon and sued him for divorce. Sharon sued Hill in federal court. Former California Supreme Court Justice David Terry loved and defended Hill. U.S. Supreme Court Justice Stephen Field disliked them both. Field’s bodyguard killed Terry.
    RESULT: No trial for the bodyguard and expanded executive power resulting from In re Neagle.

12. Mountain Meadows Massacre
    FACTS: The Fancher party of 140 emigrants en route from Arkansas to California was massacred by Mormons and Indians in the Utah territory.
    RESULT: After almost 20 years, only one man, John Doyle Lee, was convicted. He was executed at Mountain Meadows.

IV Defending Irish Rebels
13. A Punctuation Mark:
    Rex v. Casement
    FACTS: In 1916, Irish Republican Roger Casement was tried for his role in the Easter Rebellion. His defense rested on a comma in the 1351 Treason Act.
    RESULT: Casement lost.
14. The Spelling Game:
*Russell's Cross-Examination of Pigott*

**FACTS:** Irish patriot Charles Parnell was accused in the murder of an English official. Sir Charles Russell discredited a lying witness by showing he was a bad speller.

**RESULT:** Parnell won.

V Fighting Nazi Injustice

15. Hans Frank:
*Hitler’s Lawyer*

**FACTS:** Hitler’s beliefs became law under German constitutional lawyer Hans Frank.

**RESULT:** The Nazi atrocities of World War II and the death sentence for Frank at the Nuremberg war crimes trials.

16. The Ardeatine Caves

**FACTS:** SS Lt. Colonel Herbert Kappler was ordered to kill 320 men and boys to avenge a Partisan attack on German soldiers in Rome. Because of a counting error, 5 extra men were ordered shot.

**RESULT:** Kappler and others were tried beginning in 1944. Two officers who had escaped trial were tried and found guilty in 1998.

17. Massacre at Oradour-sur-Glane

**FACTS:** In retaliation for actions by the French Resistance, the Nazis entered Oradour, killed the men, women, and children, and destroyed the village.

**RESULT:** Trials for the Nazis were complicated by the Alsace Lorraine origin of some of the soldiers.

18. Exodus:
*The Trial*

**FACTS:** Leon Uris included the story of a concentration camp physician at Auschwitz in his novel *Exodus*. The doctor sued Uris for defamation.

**RESULT:** The doctor’s actions at Auschwitz were revealed. The heroism of a witness, Dr. Adelaide Hautval, stood out in shining contrast.
19. Zigzag:  
*The Sinking of the USS Indianapolis*  
**Facts:** Hundreds of sailors perished after the USS *Indianapolis* was sunk by a Japanese submarine because the Navy did not know the ship was missing. Captain Charles McVay III was court-martialed for not giving an order for the ship to zigzag.  
**Result:** Survivors of the disaster defended McVay, and the Japanese submarine commander testified at the trial. McVay was absolved by Congress—too late.

**VI The Prejudice Trials**

20. Schumann v. Wieck:  
*The Battle for Clara*  
**Facts:** Clara Schumann, taught by her father, was a child prodigy as a pianist. When she later needed her father’s legal permission to marry composer Robert Schumann, he refused. Schumann went to court.  
**Result:** Clara married Schumann.

21. Whistler v. Ruskin:  
*A Question of Art*  
**Facts:** Critic John Ruskin disliked Whistler’s modern art, and his scathing reviews slashed Whistler’s reputation and income.  
**Result:** Ruskin’s expert witness did not survive the cross-examination. Whistler won. His art and his mother became world famous.

22. Sir Edward Carson Cross-Examines Oscar Wilde  
**Facts:** Wilde’s homosexual lover’s father called him names. Wilde unwisely sued and was bested by Carson in a duel of words.  
**Result:** In a subsequent trial, Wilde was sentenced to prison because of his sexual orientation. He remains famous.

23. United States of America against One Book Entitled *Ulysses* by James Joyce  
**Facts:** U.S. Customs confiscated the book, declaring it obscene.
result: The judge realized he was daydreaming in a “stream of consciousness” in the courtroom and ruled for *Ulysses*.

24. Pride and Prejudice:
*The Dark Side of Henry Ford*  
**FACTS:** After an earlier trial in which he displayed ignorance of American history during cross-examination, automobile genius Henry Ford was sued for defamation by a Jewish plaintiff. Ford had published a series of anti-Semitic articles in his newspaper.  
**RESULT:** Ford lost and apologized. Hitler was a Ford fan.

25. Rosa Parks:
*An American Icon*  
**FACTS:** Rosa Parks was arrested in Alabama and tried for sitting in the whites-only section of a segregated bus.  
**RESULT:** She lost. Her action sparked a bus boycott that ignited the civil rights movement.

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