

Name: _____ Seat _____ Period _____ Date: _____

Whitney High School
AP European History

Lesson 70 • Handout 143
S. Rosenberg

“Rules Do Not Apply to Me”—

The People versus Napoleon Bonaparte

This “trial” is more of a play, so that you can focus on your roles and the trial can proceed more smoothly. There are three spots where this changes from a play format to a trial format, the first is in Defense proceedings; the Defense can call Napoleon Bonaparte to the stand, or they may elect to keep him off the stand. This follows U.S. Constitutional rights against self--incrimination and the legal rights as found in the Declaration of Rights of Man and the Citizen. The second spot is when the attorneys deliver their closing statements. The third is when the jury deliberates for a verdict; they should be able to read over the script, view the evidence and return with a verdict themselves. The roles for this trial will be as follows, but all of you should receive a script, so you can follow the script as if it were recorded by a Court Reporter.

Rolls:

- Judge
- Prosecution and Defense Attorneys (can use 2 students for both, one to handle the Opening Statement and one to handle the Closing Statement, both sides can split questions as well)
- Baliff
- Napoleon Bonaparte, Defendant (use someone who may be prepared to testify – he or she will need to have additional knowledge of Napoleon Bonaparte)
- Prosecution witnesses:
 - Count Klemens von Metternich of Austria
 - Jean---Jacques Dessalines, leader of Haiti
 - Francisco Goya, Spanish artist
- Defense witnesses:
 - Joachim Murat, King of Naples and Napoleon’s brother---in---law
 - Jacques---Louis David, French artist
- Jury (everyone else). In the Jury, one person needs to be selected as Foreman, in order to read the verdict.
- News reporters

Resources for learning about the historical figures:

- Napoleon Bonaparte
 - <http://en.wikipedia.org/wiki/Napoleon>
 - <http://www.biography.com/people/napoleon---9420291>
- Count Klemens von Metternich of Austria
 - http://en.wikipedia.org/wiki/Klemens_von_Metternich
 - <http://www.fordham.edu/halsall/mod/1820metternich.asp>
- Jean---Jacques Dessalines, leader of Haiti
 - https://en.wikipedia.org/wiki/Jean-Jacques_Dessalines
 - <https://www.britannica.com/biography/Jean-Jacques-Dessalines>

- Francisco Goya, Spanish artist
 - http://en.wikipedia.org/wiki/Francisco_Goya
 - <http://www.franciscodegoya.net/>
- Joachim Murat, King of Naples and Napoleon's brother-in-law
 - http://en.wikipedia.org/wiki/Joachim_Murat
 - <https://www.britannica.com/biography/Joachim-Murat>

For the judge, bailiff, and jury, you may further explore the role of the jury, judge, and bailiff, and other topics related to your part in the mock trial.

Student attorneys may also develop your own questions to ask your own witnesses and rehearse your direct examination with these witnesses. Witnesses should have also written their own witness statements (aka affidavits), they should be thoroughly familiar with these statements. The other side may use these statements in order to impeach a witness who testifies inconsistently with the statement.

On direct examination (that is, either the plaintiff or defendant's attorneys question their own witnesses), questions should not be leading – they should not have the answer included as part of the question. Leading questions, however, may be used in cross-examining a witness in order to impeach the witness' credibility in the testimony.

While some attorney-witness groups are constructing the questions and testimony for direct examination, other attorneys should be thinking about how they will cross-examine the witnesses for the other side. As mentioned, the purpose of cross-examination is to make the other side's witnesses seem less believable in the eyes of those determining the facts of the case (that is, the jury or the judge in a bench trial). Leading questions, sometimes requiring only a yes or no answer, are permitted. Frequently, it is wise to ask relatively few questions on cross-examination so that the witness will not have a chance to re-emphasize strong points to the jury.

During cross-examination, for example, the attorneys for the plaintiff might try to suggest that the testimony of the defense witnesses is inconsistent.

SCRIPT: People Versus Napoleon Bonaparte

Charge(s): Crimes against humanity, use of state---sponsored terrorism and war crimes

Baliff: All rise, the Honorable Judge _____ is now presiding, the court is now in session.

Judge: You may be seated. This court is now hearing the case of People versus Napoleon Bonaparte. At this point, the Defendant has entered a plea of Not Guilty. Counselors, you have your evidence and witnesses ready?

Attorneys (a.k.a. Counselors): Yes, your Honor, we are prepared to begin.

Judge: Very well the Prosecution may now begin the opening statement.

Prosecution Attorney: Your Honor, and members of the jury, the people wish to prove the case against the defendant, Napoleon Bonaparte, by arguing that, between the years 1799 and 1815, he willfully did engage in crimes against humanity, war crimes, and crimes of terrorism. We will show that, instead of promoting the ideals of Liberty, Equality, and Fraternity, Napoleon was a traitor to those ideas by waging unprovoked war upon neighboring countries in Europe, by suppressing opposition through force, violence, and intimidation, and by maintaining the most vile of crimes against humanity, the crime of slavery. (The prosecuting attorney will be able to introduce points as well from his/her previous opening statement as well.) Thank you, your Honor.

Judge: Does the Counsel for Napoleon Bonaparte have any opening statements?

Attorney for Napoleon: Your Honor, these charges of crimes against Humanity, war crimes, and crimes of terrorism are ridiculous and completely without merit. We will show that the prosecution's witnesses had an interest in returning France, if not all of Europe, to the days of Absolute Monarchies, of following incompetent leadership without question. We will also show that the French government under Napoleon Bonaparte, whether as Consul or as Emperor Napoleon, was one of the most progressive and enlightened governments in Europe's time. As his policies will show, the Code Napoleon was designed to promote equality under the law for all French citizens. His government's implementation of lycees promoted education for all French citizens, and as a result, brought France into a spirit of unparalleled modernization. Indeed, Napoleon Bonaparte was truly a son of the French Revolution. (The Defense Attorney will also be able to introduce points from his/her own opening statement.

Judge: Very well. The Prosecution will call its first witness.

Prosecution Attorney: The people call Prince Klemens von Metternich of Austria as first witness.

Baliff: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Metternich: I do.

Judge: Please be seated.

Prosecution: Please state your name and title.

Metternich: My name is Klemens von Metternich, Prince of Austria.

Prosecution: Please tell the court about your initial dealings with Napoleon Bonaparte.

Metternich: In 1804, I witnessed the rise of Napoleon Bonaparte to First Consul. Honestly, I recall being rather terrified of what this man might have planned in terms of expanding France's borders in Europe.

Napoleon's Attorney: Objection, Your Honor. The Prosecution is leading the witness' answers.

Judge: Overruled. Prosecution, you may continue.

Prosecution: Prince Metternich, why were you concerned about Napoleon?

Metternich: First, he sold the Louisiana Territory in North America to the United States. That cash surplus allowed him to raise a sophisticated and well---armed military. In 1805, my fears were confirmed as we were engaged in a war with Napoleon's forces in the War of the Third Coalition. Incidentally, my concerns were also shared by Czar Alexander I from Russia. Both of our countries fought Napoleon there – we hoped that Prussia would join our side in battle. In the end, they balked at the war, and we were forced to negotiate a settlement with the tyrant – er, Napoleon.

Napoleon's Attorney: Objection, your Honor. Metternich is placing his opinion of my client in the record.

Judge: Sustained. The jury will strike the last sentence from the public record.

Prosecution: Could you describe your experience in dealing with Napoleon following the war in 1805?

Metternich: We had a combative working relationship. In several meetings, Napoleon ordered us to accept peace terms that would cause us to lose territory in Poland and to force the Austrian monarchy to be subject to French authority. In 1809, following the outbreak of war between France and my country, Napoleon ordered my arrest, in violation of diplomatic protocol. He had me released only after the capital of my country fell under French control!

Prosecution: What happened to relations between France and Austria by 1815?

Metternich: We were subject to Napoleon's authority. I agreed to support this policy only because Napoleon would have taken over all of Austria, and would have all of us, and maybe even myself, sent off to the guillotine!

Napoleon's Attorney: Objection, the witness is speculating at that outcome – there is no proof whatsoever that Napoleon Bonaparte did send any royalty to be executed by the guillotine.

Judge: Sustained. Prince Metternich, please keep your statements to matter of fact. Jury, please strike the last comment from the record.

Metternich: I understand, thank you. We maintained our neutrality with France until they invaded Russia in 1812.

Prosecution: Please tell the court what happened next.

Metternich: Napoleon lost almost all of his men in that campaign, due to the climate, and if I may say, poor planning.

Napoleon's Attorney: Objection – the witness is speculating.

Judge: Overruled – but this court would like the witness to say why.

Metternich: Your Honor, who would plan to invade a country the size of Russia, where that invasion would go throughout the year, and not make certain that the troops had proper supplies?

Judge: Fair enough, Prosecution – you may continue.

Prosecution: I have no further questions for this witness.

Judge: Would the Defense like to cross---examine the witness?

Napoleon's Attorney: Yes. Mr. Metternich – or, is it Prince Metternich.

Metternich: It's Prince Metternich, please.

Napoleon's Attorney: As a Prince, you are considered of nobility status right?

Metternich: Yes, that is correct.

Napoleon's Attorney: And – as a member of nobility you would stand to lose considerable status, if Napoleon brought all of Europe, including your country, in line with the terms of the Code Napoleon, would it not?

Prosecution: Objection! Defense is speculating. Napoleon had agreements with the Austrians that kept the social class system intact!

Judge: Sustained. Jury, please strike the last question from the record.

Napoleon's Attorney: I'll rephrase the question – did Napoleon influence any change in your official status in Austria.

Metternich: No, he did not. My title remained intact, as did my duties and possessions.

Napoleon's Attorney: But what about your legal status, I mean, your rights as a citizen of Austria? How did they change, compared to others who were not nobility?

Metternich: My rights remained intact. But the rights of peasants and the city people became the same as my own.

Napoleon's Attorney: Fair enough. Now that Napoleon has been stripped of power in France, and is here on trial, what have been your official duties?

Metternich: I am now head of the Quadruple Alliance, a European security organization.

Napoleon's Attorney: And what is the mission of the Quadruple Alliance?

Metternich: to maintain the stability of the European continent through what we'll call 'collective security.' **Napoleon's Attorney:** Could you explain that term please?

Metternich: Certainly, it means that if one European country becomes aggressive with other European countries, that the members of the Alliance will band together to stop the aggressor.

Napoleon's Attorney: Who are the members of the Alliance?

Metternich: Austria, Great Britain, Russia, and France.

Napoleon's Attorney: How did France become a member?

Metternich: After Napoleon was stripped of his power, there was a leadership void. The Alliance felt it best to restore the legitimate ruler – we found a surviving relation to Louis XVI, Louis Xavier, and had him crowned Louis XVIII. In keeping with the changes in France after 1793, he rules under the Declaration of Rights of Man as a Constitutional Monarch.

Napoleon's Attorney: Are there any Absolute Monarchs in the Alliance?

Metternich: Yes –Alexander, in Russia, rules by right of God.

Napoleon's Attorney: Your Honor – I am, oh wait, one more question. You are married correct?

Metternich: That is correct.

Napoleon's Attorney: And yet you have a mistress, correct?

Prosecution: Objection. His personal life is not on trial here!

Judge: Overruled. The witness will answer the question.

Metternich: Yes, I do have a mistress.

Napoleon's Attorney: Please tell the court who is your mistress?

Metternich: Laure Junot, sister of Napoleon Bonaparte.

Napoleon's Attorney: I have no further questions.

Judge: Metternich you may step down. Prosecution will call the next witness.

Prosecution: I call Jean-Jacques Dessalines, leader of Haiti.

Baliff: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Dessalines: I do.

Judge: Please be seated.

Prosecution: Please state your name and title.

Dessalines: I am Jean-Jacques Dessalines, president of the republic of Haiti.

Prosecution: You became leader of Haiti after independence in 1804, correct?

Dessalines: Correct, we gained independence from France. This came after numerous battles with French forces.

Prosecution: Were there any events of human rights abuses on the part of the French forces toward rebels? **Dessalines:** What are human rights abuses? We were at war for independence.

Prosecution: Any acts, which would be considered against one's rights, even in wartime.

Dessalines: I did see French soldiers beating rebels who were formerly slaves. My soldiers informed me that captured rebels were taken aboard warships and then were thrown overboard two hours later. They recovered a body, we determined that he died before he was thrown overboard – he had markings of carbon monoxide. Finally, my predecessor, Toussaint L'ouverture was victim of a reneged promise that Napoleon made to him. Napoleon promised independence to L'ouverture, then his troops seized L'ouverture, and put him in prison. He died there in 1802.

Prosecution: Your Honor, I have no further questions.

Napoleon's Attorney: I have one question. In 1804, your secretary, Louis Boisrond-Tonnerre, stated, "For our declaration of independence, we should have the skin of a white man for parchment, his skull for an inkwell, his blood for ink, and a bayonet for a pen!" As he was under your command, did you ever reprimand him for making that statement?

Dessalines: No – I did not.

Napoleon's Attorney: Did you know that over 3,000 white men, women, and children were massacred because of his words?

Prosecution: Objection.

Judge: Sustained.

Napoleon's Attorney: I'll rephrase – Did you know that over 3,000 white men, women, and children were massacred after he made that statement?

Dessalines: Yes... I am aware that they were massacred.

Napoleon's Attorney: Would you care to explain why you did nothing to stop the massacre?

Dessalines: We were in the early days after independence. We received word that the whites were mounting an offensive to return Haiti to the French.

Napoleon's Attorney: Your Honor, I have no further questions.

Judge: You may step down now. Prosecution, do you have any more witnesses?

Prosecution: I call Francisco Goya to the stand.

Baliff: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Goya: I do.

Judge: Please be seated.

Prosecution: Please state your name and title.

Goya: I am Francisco Goya, an artist in Spain.

Prosecution: You were in Spain during the rule of Joseph I, who is Napoleon's brother correct?

Goya: Yes, that is correct.

Prosecution: I would like to submit to the court Exhibit 1, the Goya painting, The Third of May, 1808. It shows the activity toward Spanish protesters by French troops.

Judge: Does the Defense object?

Napoleon's Attorney: No, your Honor.

Judge: This is Exhibit 1.

Prosecution: Would you care to explain what is going on in this image?

Goya: There were a number of individuals, some of whom I knew. They were rounded up in the middle of the night by French troops, taken outside of town, and shot by firing squads.

Prosecution: Did you witness other acts such as this?

Goya: Yes, I witnessed beatings by French soldiers on Spanish.

Prosecution: I have no further questions.

Judge: Does the Defense have questions?

Napoleon's Attorney: Yes – Mr. Goya, were you at the scene that you painted?

Goya: I honestly do not recall actually seeing that event.

Napoleon's Attorney: You cannot recall seeing this? Wow, that's incredible.

Prosecution: Objection! Defense is offering an influencing opinion.

Judge: Sustained. Jury, please strike that that last comment.

Napoleon's Attorney: I'll follow. Mr. Goya, during the French occupation, what were you doing?

Goya: I did paintings for French patrons.

Napoleon's Attorney: Did you do any paintings for Joseph I?

Goya: No, I did not.

Napoleon's Attorney: Your honor, I have no further questions for this witness.

Prosecution: Your Honor, the People rest.

Judge: Does the Defense have any witnesses to call?

Napoleon's Attorney: Yes, Your Honor. We call Joachim Murat, Napoleon's brother and King of Naples.

Baliff: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth? **Murat:** I do.

Judge: Please be seated.

Napoleon's Attorney: Please state your name and title.

Murat: I am Joachim Murat, I am actually Napoleon's brother---in---law. I currently have no title.

Napoleon's Attorney: How did you become King of Naples.

Murat: I was a commanding officer under Napoleon in several campaigns. I also was part of the team to help him rise to power after the failures of the Directory.

Napoleon's Attorney: I see – do you have previous governing experience?

Murat: No, but I have had considerable military training and experience in leading troops.

Napoleon's Attorney: OK, one more question. We saw a painting depicting massacres by French troops. Did you receive an order from Napoleon to carry out the massacre?

Murat: No, to the best of my recollection.

Napoleon's Attorney: Did you issue the order?

Murat: No I did not.

Napoleon's Attorney: Your Honor, I have no further questions.

Judge: Does the Prosecution wish to cross---examine?

Prosecution: Yes. Mr. Murat, you are aware that you are testifying under a plea bargain right now, correct? **Murat:** Yes, I am.

Prosecution: Please explain the terms of the bargain.

Murat: I will not be prosecuted for treason by Austria in exchange for my testimony today.

Prosecution: That is correct, but as of now, you are also charged in Naples for treason. Therefore, I request that this court hold Joachim Murat until he can be extradited to Naples.

Murat: What, I was tricked here?! You dirty rat!

Judge: Baliff, place Murat in detention. He will be extradited.

Prosecution: I have no further questions.

Napoleon's Attorney: Your Honor, I wish now to call Jacques---Louis David.

Baliff: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth? **David:** I do.

Judge: Please be seated.

Napoleon's Attorney: Please state your name and title.

David: I am Mr. Jacques-Louis David. I am a painter.

Napoleon's Attorney: I wish to enter this painting by Jacques---Louis David as Defense Exhibit #1.

Judge: is there any objection from Prosecution?

Prosecution: No, I have none.

Judge: Very well, exhibit entered.

Napoleon's Attorney: Mr. David, can you tell us what is happening here?

David: This painting was used to capture the pride we felt at defeating the Austrians at the Battle of Marengo in 1804. As Napoleon led those forces into victory, and secured our position as a powerful French state with the ideals of the Revolution in place, I wanted to capture the grandeur of the man responsible for the victory.

Napoleon's Attorney: Did you ever witness any abuses from Napoleon?

David: No I did not.

Napoleon's Attorney: Your Honor, I have no further questions.

Judge: Does the Prosecution?

Prosecution: Your Honor – I do. Mr. David, you are also aware that Napoleon did not travel on a white steed during this battle?

David: Yes, I am aware.

Prosecution: Please tell the court what Napoleon was riding.

David: He rode a donkey through the pass.

Prosecution: So you fabricated a painting's message from the reality of the moment.

David: Yes.

Prosecution: Your Honor, I have no further questions.

Judge: You may step down now. Defense, do you have any more witnesses?

AT THIS POINT, THE DEFENSE MAY CHOOSE TO CALL NAPOLEON TO THE STAND OR LET THE CASE REST. WE HAVE LEFT THIS MOMENT TO THE DEFENSE TO DECIDE THE COURSE.

AT THE CLOSE OF WITNESSES, THE DEFENSE AND PROSECUTION WILL MAKE THEIR CLOSING STATEMENTS. AGAIN WE HAVE DECIDED TO ALLOW BOTH PARTIES TO MAKE THEIR OWN CLOSING STATEMENTS.

Judge: Members of the Jury, You have now heard the evidence. It is your job to determine if Napoleon Bonaparte is indeed guilty of crimes against humanity, war crimes, and crimes of terrorism. Please go to the Jury room with the Baliff and, after you have reached a decision, return to this court and inform the court of this decision.

Baliff: Send someone when you are done. I will be right here.

After Jurors return with a verdict.

Baliff: All rise, the Court is now in Session.

Judge: Have you reached a verdict?

Jury Foreman: Yes, we have, your Honor.

Judge: What is the verdict?

Foreman: Your Honor, we find that the defendant, Napoleon Bonaparte,