

Plaintiff Attorney Role Sheet (Japan)

As a member of the team of plaintiff attorneys for Japan, you represent the Japanese government, which is suing the United States. You need to argue the United States was not within its rights to firebomb Japanese cities in 1945 and that raids like the firebombing of Tokyo did violated international law to the extent that the United States should be found liable for civil damages (money).

The architect of the strategy, General Curtis LeMay, will testify. This allows you to cross-examine him and argue that America violated international law by intentionally targeting civilians. You will get multiple opportunities to do this. Divide your legal team into four groups, with each group focusing on a different role (Opening Statement, Questions on Cross-Examination, Closing Statement, or Objections).

Research General LeMay so you can attack his decisions regarding the raids and his credibility as a witness. Keeping track of his testimony on what he saw and why he made the decisions that he did will be critical to the ultimate weapon at your disposal. If you catch General LeMay contradicting something he said earlier on the stand, you can "impeach" him (show him contradicting himself) and destroy his credibility.

Opening Statement

Lawyer(s) Responsible: _____

You will have three minutes to present an opening statement to the court. Some tips to consider as you construct your opening statement:

- Begin with the following statement: "May it please the Court, the Japanese claim for damages against the United States in the firebombing of Tokyo should be granted by the court because..."
- Consider the following historical points:
 - General LeMay chose to use bombs with an incendiary chemical that would stick to objects and human beings and burn with high intensity;
 - He targeted a residential area where the houses made from wood and paper were populated mostly by women, children and the elderly;
 - The raid may have knocked out war industries, but it was the civilian neighborhoods that were the real targets;
 - More than 100,000 civilians died in this attack. The vast majority were women and children; and
 - General LeMay repeatedly showed a willingness to bomb areas with large civilian populations later in his career.
- You are not limited to this evidence. Consider other statements General LeMay made during his career.
- Remember that General LeMay may not be terribly cooperative. Try to structure your questions so that he will be limited to yes or no answers.

Pre-Trial Assignment: Plaintiff Attorney / Opening Statement

In preparation for the mock trial, you need to develop your opening argument. Bring in two copies of your homework – one to submit to your teacher and one to use for the trial.

Create for yourself a one-page outline of your major arguments. Use the materials provided and do a little research to develop your understanding at a deeper level.



Photograph, *International Court of Justice hearing in the case of "Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece)," March 23, 2011, International Court of Justice.*

Plaintiff Attorney Role Sheet (Japan) cont.

Questions on Cross-Examination

Lawyer(s) Responsible: _____

You will have ten minutes to present your case by directly questioning the witness, General Curtis LeMay. Some tips to consider as you construct questions:

- You have two pieces of evidence to present as well as General LeMay's public record.
- Remember that you can only ask General LeMay questions. You cannot make statements during this time.
- Remember you are trying to destroy LeMay's credibility as a witness and build your case to try to get LeMay to admit to the arguments in your statement.
 - Consider LeMay's campaign in the European theater to lead precision bombing missions on German military targets.
 - Consider LeMay's ability to solve the problems presented in both the European Theater and China-Burma-India Campaign without resorting to widespread civilian casualties.
- Introduce Plaintiff Exhibit A, an eyewitness account to the bombings. Consider reading the most crucial piece aloud to the court.
- Introduce Plaintiff Exhibit B, the images of the bodies.
- Consider LeMay's post-war career and public statements.
- Remember that General LeMay is not going to be a cooperative witness.
- Remember that the defense team cannot ask leading questions. A leading question is a question that is looking for a specific answer. Object if they do so.
 - Example of a leading question: "Isn't it true, General, that you saw burned out drill presses in the neighborhoods when you drove through them?"
 - Example of correct question: "What did you see then?"
- When finished questioning the witness, say, "Your honor, the plaintiff rests."



Photograph, *International Court of Justice hearing in the case of "Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece),"* March 23, 2011, International Court of Justice.

Pre-Trial Assignment: Defense Attorney / Cross-Examination Questions

In preparation for the mock trial, you need to develop a list of at least 20 questions you want to ask General LeMay. Bring in two copies of your homework – one to submit to your teacher and one to use for the trial.

Create for yourself a one-page list of your questions. Use the materials provided and do a little research to develop your understanding at a deeper level.

Plaintiff Attorney Role Sheet (Japan) cont.

Closing Statement

Lawyer(s) Responsible: _____

You will have up to five minutes to present a closing statement. Revisit each of the key points presented in your opening statement and explain how they were proven by the testimony before the court. You want to mention any major mistakes by the other side. Start with, "May it please the court..."

Pre-Trial Assignment: Plaintiff Attorney / Closing Statement

In preparation for the mock trial, you need to develop your closing argument. Bring in two copies of your homework – one to submit to your teacher and one to use for the trial.

Create for yourself a one-page outline of your major arguments. Use the materials provided and do a little research to develop your understanding at a deeper level. Leave space on your page to add your notes on how to rebut the arguments made by the opposition.

Objections

Lawyer(s) Responsible: _____

You are responsible for keeping the defense playing by the rules of the court. You are encouraged to object to the other side as often as you can. Not only does this throw off their rhythm and get them flustered, but it can also destroy a line of questions.

Pre-Trial Assignment: Plaintiff Attorney / Objections

In preparation for the mock trial, you need to understand the rules of objections.

Create for yourself a one-page "cheat sheet" reviewing the rules of objections. Use the materials provided and do a little research to develop your understanding at a deeper level. Then complete the Objections Practice Sheet to help prepare.

Hint: Use this to help the lawyers on your team avoid the common pitfalls that lead to objections.