Information for the Prosecution:

Head Lawyer Checklist:

* Opening Statement
* 3 Witness Questions/Responses
* 3 pieces of evidence
* Closing Statement
* Cross-Examination Questions

**Trial Roles:**

Head Lawyer:

Opening Statement: Legal Counsel: Legal Counsel:

Tommasco Caccini: Lawyer: Legal Counsel:

Ptolemy: Lawyer: Legal Counsel:

Pope Urban VIII: Lawyer: Legal Counsel:

Closing Statement: Legal Counsel: Legal Counsel:

Suggestions for evidence:

1. Galileo’s book
2. Poster of the Ptolemaic universe
3. Bible (I have one)
4. Various letters by Galileo at: *http://law2.umkc.edu/faculty/projects/ftrials/galileo/letters.html*

*\*If you think of something else, let me know*.

**Pope Urban VIII, Witness for the Prosecution**

I was born in Florence, where my father’s family were merchants. I graduated from the Collegio

Romano and then earned a doctor of law degree from the University of Pisa. I was fortunate to be

able to rise rapidly in the Church hierarchy. In 1606, I was appointed cardinal, and with the death of

Pope Gregory XV in 1623, I was elected Pope.

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In the early days of my reign, I did have discussions with Galileo on Copernican thought; I was

genuinely interested in Galileo’s ideas. On at least two occasions, I did assure Galileo that as long as I

remained Pope, the memory of Copernicus had nothing to fear. However, in all those discussions, I

did make it clear that Galileo must speak hypothetically, not absolutely, about the Copernican views.

However, once I read Galileo’s *Dialogue*, I was convinced that it was nothing but a thinly veiled

brief for the Copernican model, something I had expressly forbidden. Galileo had deceived me, violated

the injunction of 1616, and deserves to be punished for his disobedience.

**Tommaso Caccini, Witness for the Prosecution**

My name is Father Tommaso Caccini, and I am a Dominican monk. I have been aware of Galileo

Galilei and his heretical beliefs for a long time. On December 20, 1614, I preached a sermon in

Florence that condemned Galileo and his views on Copernican theory. Yes, I stated that

Copernicanism was either heretical or very close to it. It is clear that Copernicus’s sun-centered system

contradicts Holy Scripture’s description of an earth-centered system. For instance, in Joshua

10:13, the Scripture says, “So the sun stood still in the midst of heaven” and in Isaiah 40:22, it speaks

of “the heavens stretched out as a curtain” above “the circle of the earth.”

In March of 1615, I traveled to Rome and denounced Galileo before the Pope. In my deposition at

that time, I reported that Florence was full of followers of Galileo, who denied miracles occurred,

claimed God was an accident, and espoused Copernican views. Rome had the intelligence to take

action at that time to stop Galileo and the spread of his lies.

I was present when the Pope admonished Galileo in 1616 and enjoined, that is prohibited, Galileo

from teaching, defending, or discussing the idea that the earth moved around the sun. Galileo agreed

to this injunction in 1616 and has now, through his latest book, *Dialogue*, violated the Injunction of

the Holy Catholic Church. He must be punished severely.

Scriptural References Relevant to the Trial of Galileo
(King James Version of the Bible/ **Douay-Rheims Catholic Bible**)

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| **Joshua 10 (Verse 13):** And the sun stood still, and the moon stayed, until the people had avenged themselves upon their enemies. Is not this written in the book of Jasher? ***So the sun stood still in the midst of heaven***, and hasted not to go down about a whole day.  [King James]*13* And the sun and the moon stood still, till the people revenged themselves of their enemies. Is not this written in the book of the just? **So the sun stood still in the midst of heaven**, and hasted not to go down the space of one day. [Catholic]**Psalm 19 (Verses 1-5)** 1 The heavens declare the glory of God; and **the firmament sheweth his handywork.** 2 Day unto day uttereth speech, and night unto night sheweth knowledge. 3 There is no speech nor language, where their voice is not heard. 4 Their line is gone out through all the earth, and their words to the end of the world. **In them hath he set a tabernacle for the sun,** 5 **Which is as a bridegroom coming out of his chamber**, and rejoiceth as a strong man to run a race.  [KJV]**Psalm 104 (Verses 1-5)** 1 Bless the LORD, O my soul. O LORD my God, thou art very great; thou art clothed with honour and majesty. 2 Who coverest thyself with light as with a garment: who stretchest out the heavens like a curtain: 3 Who layeth the beams of his chambers in the waters: who maketh the clouds his chariot: who walketh upon the wings of the wind: 4 Who maketh his angels spirits; his ministers a flaming fire: 5 ***Who laid the foundations of the earth, that it should not be removed for ever****.* [KJV] **Isaiah 40 (Verse 22):** 22 ***It is he that sitteth upon the circle of the earth***, and the inhabitants thereof are as grasshoppers; ***that stretcheth out the heavens as a curtain, and spreadeth them out as a tent to dwell in***:  [King James]*22* It is he that sitteth upon the globe of the earth, and the inhabitants thereof are as locusts: ***he that stretcheth out the heavens as nothing, and spreadeth them out as a tent to dwell in.*** [Catholic] |

Consultant's Report on Copernicanism
(February 24, 1616)
*Catholic theologians were asked by the Roman Inquisition to evaluate the Copernican theory.*
*Their assessment follows:*

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| A decree of February 19, 1616, summoned Qualifiers of the Holy Office and required them to give their opinion on the two following propositions in Galileo's work on the solar spots.  (The assessment was made in Rome, on Wednesday, February 24, 1616.) Proposition to be assessed:  (1) The sun is the center of the world and wholly immovable from its place.  **Assessment:** This proposition was unanimously declared "foolish and absurd. philosophically and formally heretical inasmuch as it expressly contradicts the doctrine of the Holy Scripture in many passages, both in their literal meaning and according to the general interpretation of the Holy Fathers and the doctors of theology." (2) The earth is not the center of the world, nor immovable, but it moves as a whole, also with diurnal motion.  **Assessment:** This proposition was unanimously declared "deserving of the like censure in philosophy, and as regards theological truth, to be at least erroneous in faith."  |

**How to make an opening and closing statement:**

**Opening Statement**

1. Prepare by reviewing your case and your opponent's case carefully. Outline your position and your opponent's position. List all of the evidence that supports your position and that supports your opponent's position. Determine how the evidence you expect your opponent to present actually supports your position, is faulty or proves a fact. Consider how you will prove your position is still correct, if the opponent's evidence proves a particular fact.
2. Pretend that your opening statement is a map and that you will be explaining where you will be traveling in your case and the purpose of your trip. Outline your opening speech. Tell the judge or jury what you will say, say it, and then tell them what you said.
3. Explain what you intend to prove. State what evidence you will introduce during the trial to prove it. Include a statement of the evidence you expect your opponent to present and show how that actually supports your case, how the evidence does not support the underlying fact your opponent argues it does, or how that fact can exist, but your position is still the correct position.
4. Practice your opening statement. Have someone critique you, if possible. Ask to approach the bench if your opponent objects to your opening statement in front of a jury. Argue the point in front of the judge, rather than in front of the Jury.

**Closing Statement**

1. Outline the highlights of your closing argument before the trial begins. Remain flexible in case new evidence is presented during the trial. Change your closing statement, as necessary, during the trial if evidence is presented that you did not expect.
2. Use a forceful and direct first and last sentence; maintain eye contact with the judge or jury. Explain any legal terminology to the jury without talking down to them.
3. Outline the relevant [law](http://www.ehow.com/legal/) and explain how both the evidence presented during the trial and the law support your position. Emphasize key exhibits and key testimony. Refer back to your opening statement and the evidence you stated you would present and the fact that you did present that evidence. End the closing statement by making a forceful statement about why your position is correct by law and supported by the evidence.

**Did Galileo have Proof of the Earth's Movement?**



In order to understand the investigation process and Galilei's trail we recommend to look at - [Lexicon Galileo's trial](http://muse.tau.ac.il/museum/galileo/Lexicon_trial.html).

In 1615, the Special Theological Advisory Committee determined that [the Copernican theory](http://muse.tau.ac.il/museum/galileo/heliocentric.html) according to which the earth revolves around the sun, was "philosophically foolish," i.e., physically foolish (See [the ban on the Heliocentric theory](http://muse.tau.ac.il/museum/galileo/prohibition_helioce.html)). How did the Church scholars arrive at a conclusion that is so extreme and strange from our point of view, given that we know that the sun does indeed revolve around the earth. In order to understand the prohibition of the Copernican theory, we must become acquainted with the physical and astronomical claims for and against it. It seems that Galileo and the rest of those supporting the Copernican theory did not have convincing arguments in favor of the earth's movement. In his [*Dialogue Concerning the Two Chief World Systems*](http://muse.tau.ac.il/museum/galileo/publication_dialogue.html) [Galileo](http://muse.tau.ac.il/museum/galileo/galileo.html) managed to show that the movement of the earth is possible, but he did not succeed in showing that it was necessary.



What were the main claims of the astronomers and natural philosophers (physicists) who supported [the geocentric theory](http://muse.tau.ac.il/museum/galileo/geocentric.html)? These people worked within the framework of [Aristotelian physics](http://muse.tau.ac.il/museum/galileo/aristotle%27s_physics.html) and they were the ones behind the Theological Advisory Committee's decision. True to his method, [Aristotle](http://muse.tau.ac.il/museum/galileo/aristo.html) showed that the earth is at the center of the world and does not revolve around the sun or any other star. Aristotle's proof was based on the well known fact that all heavy objects fall to the ground. The ground prevents these objects from moving toward the center of the earth. All heavy bodies, claimed Aristotle, strive to reach the center of the world. But the center of the world is already occupied by another heavy body, i.e., the earth. Because the earth is made of heavy material, the center of the earth unites with the center of the world. In other words, all objects fall to the center of the world and are stopped by the earth. There is no reason to justify the movement of the earth, which is a heavy body, around a distant center, when the earth is already located in the natural place of heavy objects, i.e., at the center of the world. The planets, however, are made from ethereal matter, lighter than any substance known on earth, and this is the reason why they are in the sky, and capable of rotating around the earth.

The Copernicans contended that the planets are heavy, and that not all heavy bodies strive to reach the center of the world. Contrary to the Aristotelians, they could not explain how the planets revolve around the sun. At most, Galileo only succeeded in showing that the Aristotelian explanation is unacceptable. Galileo concentrated on refuting the Aristotelian theory, mainly by discussing the similarities between the stars and the earth, and presenting changes in the heavens, contrary to the Aristotelian claim that the celestial ether never changes. His [telescopic](http://muse.tau.ac.il/museum/galileo/telescope.html) observations of the moon were central to his explanation that the planets are made from matter similar to that of the earth, and that the same physical laws prevail in both heaven and earth. If the planets too are made of heavy material, this refutes the Aristotelian claim that all heavy bodies strive to reach the center of the universe, for here we have various heavy bodies which do not move toward the center of the earth.



The supporters of the geocentric theory had an explanation for the movement of the stars. The fact that they were made of ether explained their circular motion. The supporters of the Copernican theory had to explain why the stars moved, but until the time of [Newton's](http://muse.tau.ac.il/museum/galileo/isaac_newton.html) explanation, they did not have a convincing claim. Galileo, however showed that periodic movement was a natural property of bodies which will continue their motion. [The law of inertia](http://muse.tau.ac.il/museum/galileo/the_law_of_inertia.html) showed that bodies will continue their uniform movement, and [the pendulum](http://muse.tau.ac.il/museum/galileo/pendulum.html) served as an example of a heavy body constantly moving at a changing velocity. Galileo's new mechanics served as the basis for refuting the Aristotelian claims regarding the movement of the earth. With regard to the question of the supporters of the geocentric theory then, why, if the earth moves, do we not feel that motion? They claimed that the fact that we do not feel the motion indicates that the earth does not move. Galileo responded to this central claim in [the Dialogue](http://muse.tau.ac.il/museum/galileo/the_dialogue.html) by means of [the ship example](http://muse.tau.ac.il/museum/galileo/the_sailing_ship.html) and the law of inertia. He showed that we do not feel periodic motion. Galileo ignored the fact that the earth's motion is not uniform. Newton showed how the motion of the earth may be felt, although its effect is small. It should be remembered that in 1616, when the Copernican theory was rejected, Galileo has still not published his claims that the motion cannot be felt, which contradict Aristotelian physics.



Those who objected to [the Copernican theory](http://muse.tau.ac.il/museum/galileo/heliocentric.html) also raised an observational, astronomical claim against this theory. As the earth revolves around the sun, the distance from the sun of various places in the world changes from winter to summer, so that the difference from winter to summer is equal to the diameter of the earth's orbit around the sun. Thus, if we look from the earth to a star (whose place in the heavens is fixed) we should see it at a somewhat different angle in summer and in winter, in the same way that we see a distant building from different angles when we stand in two different places.



The change in the star's angle of sight is called parallax. According to the Copernican theory a parallax should have been observed, but it was not observed. Copernicus and his followers explained that it was not observed because the stars are very distant, so that the distance traveled by the earth from summer to winter, is negligible when compared to its enormous distance from the stars. Those who subscribed to the Copernican theory claimed that this was the reason why astronomers had not observed this phenomenon. A parallax was first observed in 1838, almost 300 years after the publication of [Copernicus](http://muse.tau.ac.il/museum/galileo/copernicus.html)' *De Revolutionibus Orbitum*. The angle of change is so small that it does not exceed the second of an arc, i.e., less than one millionth of an arc. It's no wonder that they failed to notice such a small change in the seventeenth century.

The supporters of the moving earth theory managed to show that the movement of the earth was possible, but not that the earth actually moves. In his *Dialogue*, Galileo attempted to explain the ebb and flow of the tide as a by-product of the earth's movement, thus proving this movement according to its cause. However, Galileo's explanation was problematic, and few were convinced. Galileo's followers ultimately rejected this explanation which does not conform with Newton's physics. Newton was the man who supplied crucial proof in favor of the heliocentric theory.

**List of** [**objections**](http://en.wikipedia.org/wiki/Objection_%28law%29) in [American law](http://en.wikipedia.org/wiki/American_law):

Proper reasons for objecting to a question asked of a witness include:

* *Ambiguous*, *confusing*, *misleading*, *vague*, *unintelligible*: the question is not clear and precise enough for the witness to properly answer
* [*Arguing the law*](http://en.wikipedia.org/w/index.php?title=Arguing_the_law&action=edit&redlink=1): counsel is instructing the jury on the law.
* [*Argumentative*](http://en.wikipedia.org/wiki/Argumentative): the question makes an argument rather than asking a question
* *Asked and answered*: when the *same attorney* continues to ask the same question and they have already received an answer. Usually seen after direct, but not always.
* *Asks the jury to prejudge the evidence*: the jury cannot promise to vote a certain way, even if certain facts are proved.
* *Asking a question which is not related to an intelligent exercise of a* [*peremptory challenge*](http://en.wikipedia.org/wiki/Peremptory_challenge) *or challenge for cause*: if opposing counsel asks such a question during [voir dire](http://en.wikipedia.org/wiki/Voir_dire).
* *Assumes facts not in evidence*: the question assumes something as true for which no evidence has been shown
* *Badgering*: counsel is antagonizing the witness in order to provoke a response, either by asking questions without giving the witness an opportunity to answer or by openly mocking the witness.
* [*Best evidence rule*](http://en.wikipedia.org/wiki/Best_evidence_rule): requires that the original source of evidence is required if available; for example, rather than asking a witness about the contents of a document, the actual document should be entered into evidence
* *Beyond the scope*: A question asked during cross-examination has to be within the scope of direct, and so on.
* *Calls for a* [*conclusion*](http://en.wikipedia.org/wiki/Conclusion): the question asks for an opinion rather than facts
* *Calls for speculation*: the question asks the witness to guess the answer rather than to rely on known facts
* [*Compound question*](http://en.wikipedia.org/wiki/Compound_question): multiple questions asked together
* [*Hearsay*](http://en.wikipedia.org/wiki/Hearsay_in_English_law): the witness does not know the answer personally but heard it from another
* *Incompetent*: the witness is not qualified to answer the question
* *Inflammatory*: the question is intended to cause [prejudice](http://en.wikipedia.org/wiki/Prejudice)
* [*Leading question*](http://en.wikipedia.org/wiki/Leading_question) (Direct examination only): the question suggests the answer to the witness. Leading questions are permitted if the attorney conducting the examination has received permission to treat the witness as a [hostile witness](http://en.wikipedia.org/wiki/Hostile_witness). Leading questions are also permitted on cross-examination, as witnesses called by the opposing party are presumed hostile.
* *Narrative*: the question asks the witness to relate a story rather than state specific facts
* [*Privilege*](http://en.wikipedia.org/wiki/Privilege): the witness may be protected by law from answering the question
* [*Irrelevant*](http://en.wikipedia.org/wiki/Relevance_%28law%29) or [*immaterial*](http://en.wikipedia.org/wiki/Materiality_%28law%29): the question is not about the issues in the trial

Proper reasons for objecting to material evidence include:

* [*Lack of foundation*](http://en.wikipedia.org/wiki/Lay_a_foundation): the evidence lacks testimony as to its authenticity or source
* [*Fruit of the poisonous tree*](http://en.wikipedia.org/wiki/Fruit_of_the_poisonous_tree): the evidence was obtained illegally, or the investigative methods leading to its discovery were illegal

Proper reasons for objecting to a witness's answer include:

* *Narrative*: the witness is relating a story in response to a question that does not call for one
* *Non-responsive*: the witness's response constitutes an answer to a question other than the one that was asked, or no answer at all

Example: “Did your mother call?” “Ya. *She called at 3:00*." Opposing counsel can object to the latter part of this statement, since it answers a question that was not asked. With some concern for annoying the court, counsel will selectively use this to prevent a witness from getting into self-serving answers.

* *Nothing pending*: the witness continues to speak on matters irrelevant to the question.