

HISTORY ON TRIAL: THE REVOLUTION

BE *the* JURY



a MOCK TRIALS SERIES *by*
THE RENDELL CENTER
for CIVICS & CIVIC ENGAGEMENT

The CROWN KING GEORGE III

KING GEORGE III ruled Great Britain from 1760 to 1820, during one of the most turbulent eras in British and American history. As tensions with the American colonies grew, he backed Parliament's efforts to assert authority across the Atlantic—supporting taxes and policies that many colonists believed violated their rights as English subjects. To some, he was a tyrant. To others, a monarch defending his empire. In this courtroom, the jury will weigh the actions of the Crown itself and render the final verdict.

The CIVILIAN ACCUSED BETSY ROSS

According to popular American tradition, Philadelphia upholsterer **BETSY ROSS** sewed the first American flag in 1776 after meeting with George Washington and members of the Continental Congress. Whether legend or fact, Ross represents the countless ordinary citizens who supported the revolutionary cause with courage and skill. During the war, she made flags, repaired uniforms and continued her work in the British-occupied city. In this mock trial, Betsy Ross stands at the center of a legal storm—her actions raising a provocative question: Could sewing a flag for the colonies be considered treason against the Crown?



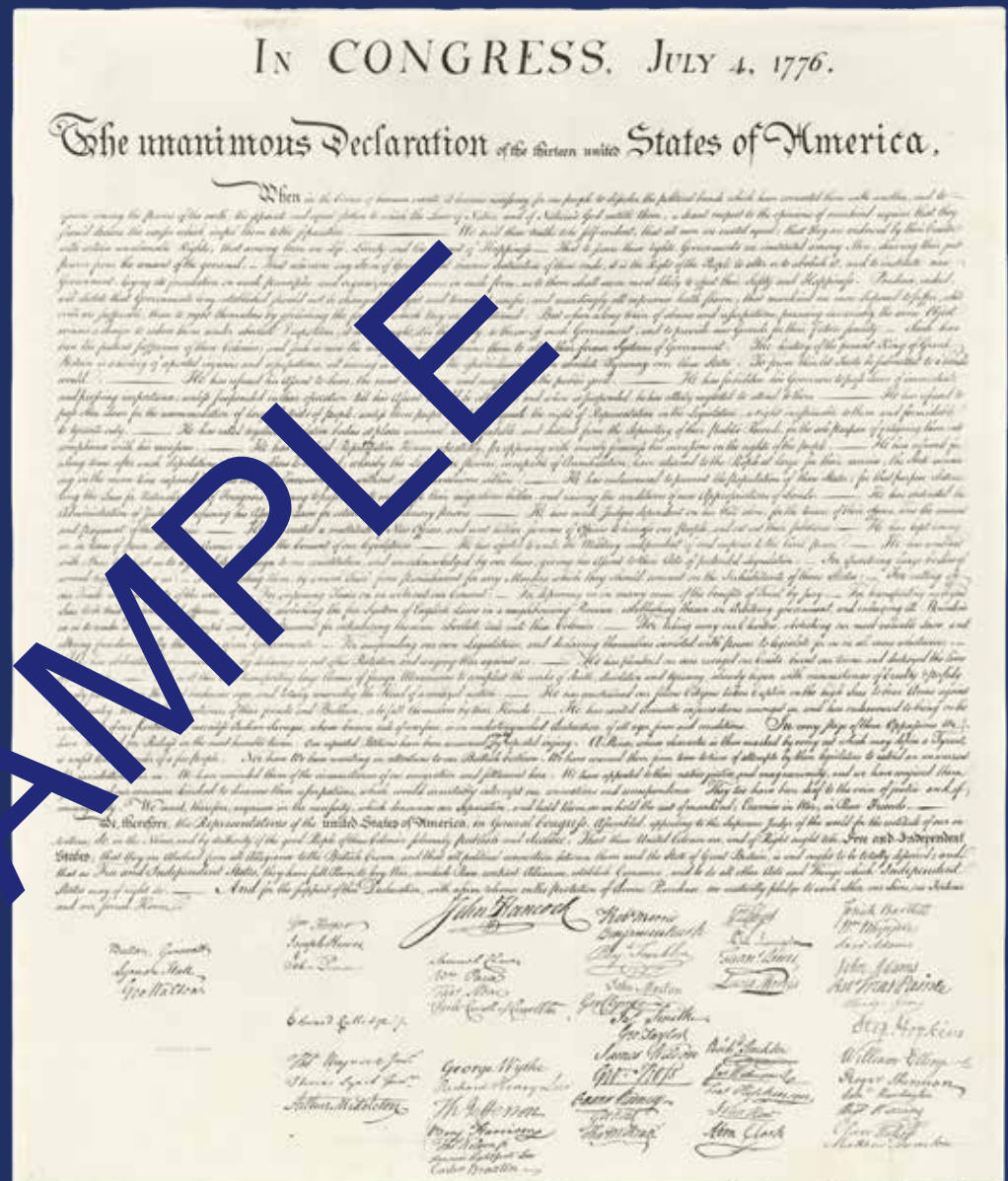
from THE DECLARATION of INDEPENDENCE

“*We* HOLD THESE TRUTHS to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

The IDEA

that CHANGED EVERYTHING

IN 1776, THESE WORDS SHOCKED the world. They declared that rights do not come from a king or government but belong to all people, though the nation had yet to uphold that ideal. The idea was revolutionary. For centuries, kings ruled most nations without regard for the people. The Declaration turned that reality upside down. It argued government exists to protect the natural rights of the people, not control them. If a government violates those rights, the people may challenge it. Everything that follows in the Declaration presents the case against King George III. The charge: tyranny. The evidence: history. Now: the case.



THE DECLARATION OF INDEPENDENCE: 1823 ENGRAVING BY WILLIAM J. STONE
COURTESY OF THE NATIONAL ARCHIVES

HISTORY ON TRIAL: THE REVOLUTION

BE *the* JURY

SAMPLE

Historical Note

THIS BOOK IS BASED ON REAL EVENTS, people and ideas from American history. Many of the words and arguments come from primary sources.

To bring these moments to life, the editors have adapted scenes, dialogue and roles. In some cases, individuals appear in roles or positions they did not hold at the exact moment portrayed. These choices are intentional and help readers explore history, understand its complexity and engage more deeply with the principles at the heart of America's founding.

In addition, this book draws from both Common Law traditions and the modern American judicial system. The editors have adapted certain elements for clarity and accessibility, while keeping the structure of the trials—including the roles of judges, attorneys, witnesses and jurors—true to how courts operate in the United States today. This approach helps readers examine historical events, better understand the judicial system, and see how judges and juries evaluate legal arguments and reach decisions.

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EDITED BY
SALLY FLAHERTY ★ LUCY NOLAND ★ BETH SPECKER



Archimedes' Printing Shoppe & Sundry Goodes

BE *the* JURY HISTORY ON TRIAL: THE REVOLUTION

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| Summary: 1776. The charge: tyranny. The People of America put their king on trial.

Hear the witnesses, weigh the evidence and decide: Guilty ... or not guilty?

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First Edition

PRINTED IN THE UNITED STATES OF AMERICA



To the students who have stepped—and will step—into the roles of lawyers, witnesses and jurors with curiosity and courage.

You remind us that history is not just read, but explored—and that justice comes to life through your voices.

And to the teachers, lawyers and judges who guide you, strengthening the foundation of our democracy one classroom at a time.

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INTRODUCTION

HOW TO USE THIS BOOK

Welcome to the world of civics! This book is your guide to how the United States criminal courtroom works. It's designed to be fun and easy to use.

Before you enter the courtroom, here are a few tips to help you use the book.

👉 **SECTION TOPICS** are in the page headers. Look at the top of each page. The section topic appears in the upper corners so you know what part of the book you are reading.

👉 **GLOSSARY TERMS** are in bold text with a star (★) the first time they appear in the book. When you see **bold text★**, it indicates an important term. You can find its meaning in the Glossary at the back of the book.

👉 **LOOK FOR “CIVICS CHECK!” AND “HISTORY CHECK!”** callouts. Throughout the book, you'll see special boxes with helpful tips, quick facts and ideas that help explain important civics concepts.

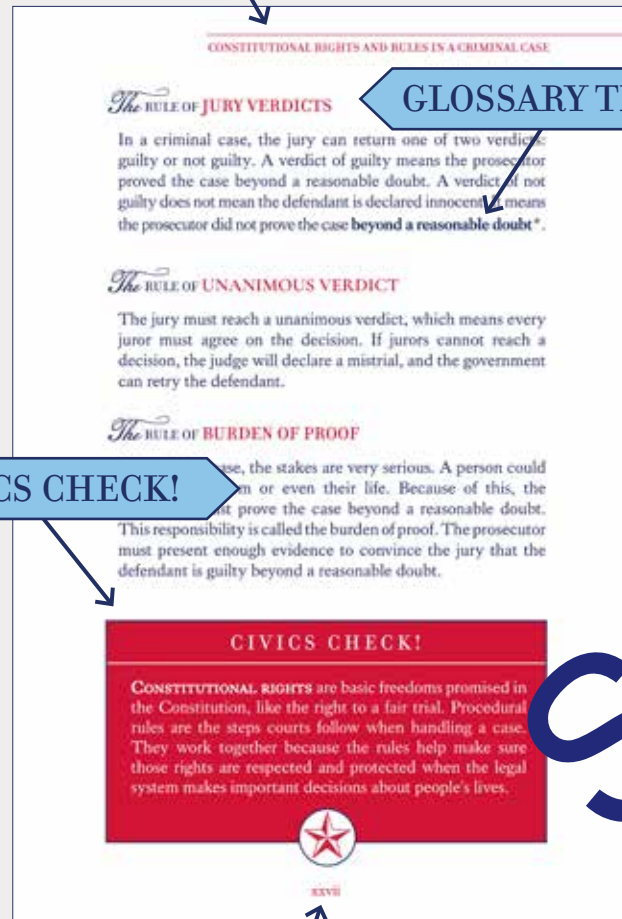
👉 **PAGE NUMBERS** are easy to find. Most pages have a number centered at the bottom so you can quickly find your place. Title or some picture pages don't have numbers.

SECTION TOPIC

GLOSSARY TERM

CIVICS CHECK!

PAGE NUMBER



ALL RISE!

THE TRIAL OF KING GEORGE III V. BETSY ROSS

BAILIFF
All rise! All persons having business before this court, draw
The Court
residing.

THE CHARGE

JUDGE
You may be seated. Today, we will hear the case of the
Crown versus Betsy Griscom Ross. Mrs. Ross stands
accused of treason against the Crown for creating a flag for
the rebellious colonies that have taken up arms against His
Majesty. I will remind you that treason is providing support
to those actively opposing or threatening the authority of
the king.

BRACKETED TEXT

Prosecution, please

PROSECUTION LAWYER
Your Honor, my name is [student name], and I represent the
Crown, King George III.

JUDGE
Defense, please introduce yourself.

DEFENSE LAWYER
Your Honor, my name is [student name], and I represent the
defendant, Betsy Ross of Philadelphia.

PROSECUTION OPENING STATEMENT

MUST STAND
Prosecution, are you ready to give your opening statement?

The SCRIPT | 11

A QUICK LOOK AT THE TRIAL

Now let's step inside the courtroom! Here are a few things to watch for as the trial begins.

👉 **ALL RISE!** Everyone in the courtroom stands to show respect for the law when the judge enters or leaves.

👉 At the start of the trial, the judge reads **THE CHARGE** against the accused. This tells the court why the trial is being held.

👉 The **BRACKETED TEXT** is your cue! Replace it with the name of the student playing the role. If you see directions like [Approach the bench.] or [Sighs.], act them out and have fun with it!

👉 During the trial, anyone speaking to the judge or the jury **MUST STAND**.

You're ready to start exploring the world of criminal trials. Court is in session. Let the trial begin. Have fun being the jury!



JUDGE RENDELL WITH STUDENTS AT THE JAMES A. BYRNE U.S. COURTHOUSE, PHILADELPHIA

I REMEMBER IT LIKE it was yesterday. The scene: a courtroom in the James A. Byrne U.S. Courthouse in Philadelphia. I was on the bench presiding.

A group of students arrived dressed for the occasion—some in blazers and dresses, others in simple costumes representing historical characters.

The fifth graders stepped into what must have seemed to them a grand and imposing space. For a moment, they looked around in ... well, I'd say awe. Some of them could barely see over the podium. But from the moment this mock trial began, they made the courtroom their own.

The room quickly came alive. Student attorneys delivered opening statements with confidence and conviction. Witnesses took the stand to testify about historical events. Lawyers questioned the witnesses carefully, asking direct questions and then challenging testimony through cross-examination.

I will never forget one girl in particular who approached the bench and politely asked, “May I move around the well of the courtroom?” With permission granted, she began her opening statement with the passion of a seasoned attorney.

The most powerful moment came when the jury left the courtroom to deliberate. I watched as they engaged in thoughtful discussions about the evidence and arguments. They debated fairness, weighed credibility and worked together to reach a verdict. Their dialogue revealed something remarkable: They were experiencing firsthand the power and responsibility of jurors in our judicial system.

At the Rendell Center for Civics and Civic Engagement, we believe the best way to understand civics and historical events is not only by reading about them, but by experiencing them. This book brings that philosophy to life through history-based mock trials designed especially for elementary school students.

For more than a decade, the Rendell Center has conducted these trials in classrooms across the Commonwealth of Pennsylvania, often with the assistance of volunteer lawyers and judges who work directly with students to prepare their cases. In many instances, the experience culminates in something even more powerful: students presenting their trial in an actual courtroom before a real judge.

Moments like these inspired us to create this book so more classes, families and after-school programs can experience the power of a history-based mock trial. We hope teachers and students will explore these trials and invite lawyers or judges to assist and even take the class to a courthouse for the final presentation.

The trials in this book place students directly into the drama of America's founding. They will examine the case of Benedict Arnold, accused of treason for sewing a new American flag for the revolutionaries. They will also consider a bold and provocative question: Should the King of England be tried for tyranny based on the charges listed in the Declaration of Independence?

Through these trials, students step into the roles of lawyers, witnesses, jurors and judges. Each script includes a historical background that helps students understand the people, events and issues at stake. The goal is not simply to reenact history but to investigate it, question it and think critically about it.

Mock trials offer a powerful form of experiential learning—learning by doing. Instead of listening passively, students analyze evidence, question witnesses, evaluate arguments and reach decisions. In the process, they develop essential skills such as critical thinking, public speaking, collaboration and respectful debate. Most importantly, they begin to understand how the rule of law works and why it matters in a democracy.

Trial simulations immerse students in the past and bring history vividly to life. Historical figures become more than names in a textbook; they become real people facing difficult choices. Students begin to see that debate, disagreement and courage shaped the founding of our nation.

These mock trials also introduce a central principle of American democracy: Citizens can and should question power. Justice must be examined through evidence and reason. While we have taken some creative latitude in designing these trials, our goal is to spark curiosity and encourage students to explore both our nation's history and the workings of the judicial system.

We hope that these lessons will inspire students to see themselves as part of the continuing story of American democracy.

After all, the future of our nation may well begin in moments like that first one I witnessed: when a group of fifth graders walked into a courtroom, looked around in awe and then stepped forward to put history on trial.

Marjorie O. Rendell

Senior Judge, U.S. Court of Appeals for the Third Circuit
Philadelphia, Pennsylvania
March 2026



LADY JUSTICE, SYMBOLIZING THE AMERICAN LEGAL SYSTEM, AT INDEPENDENCE HALL

THE AMERICAN LEGAL SYSTEM brings people together in court to examine evidence, hear arguments and make sure everyone gets a fair hearing.

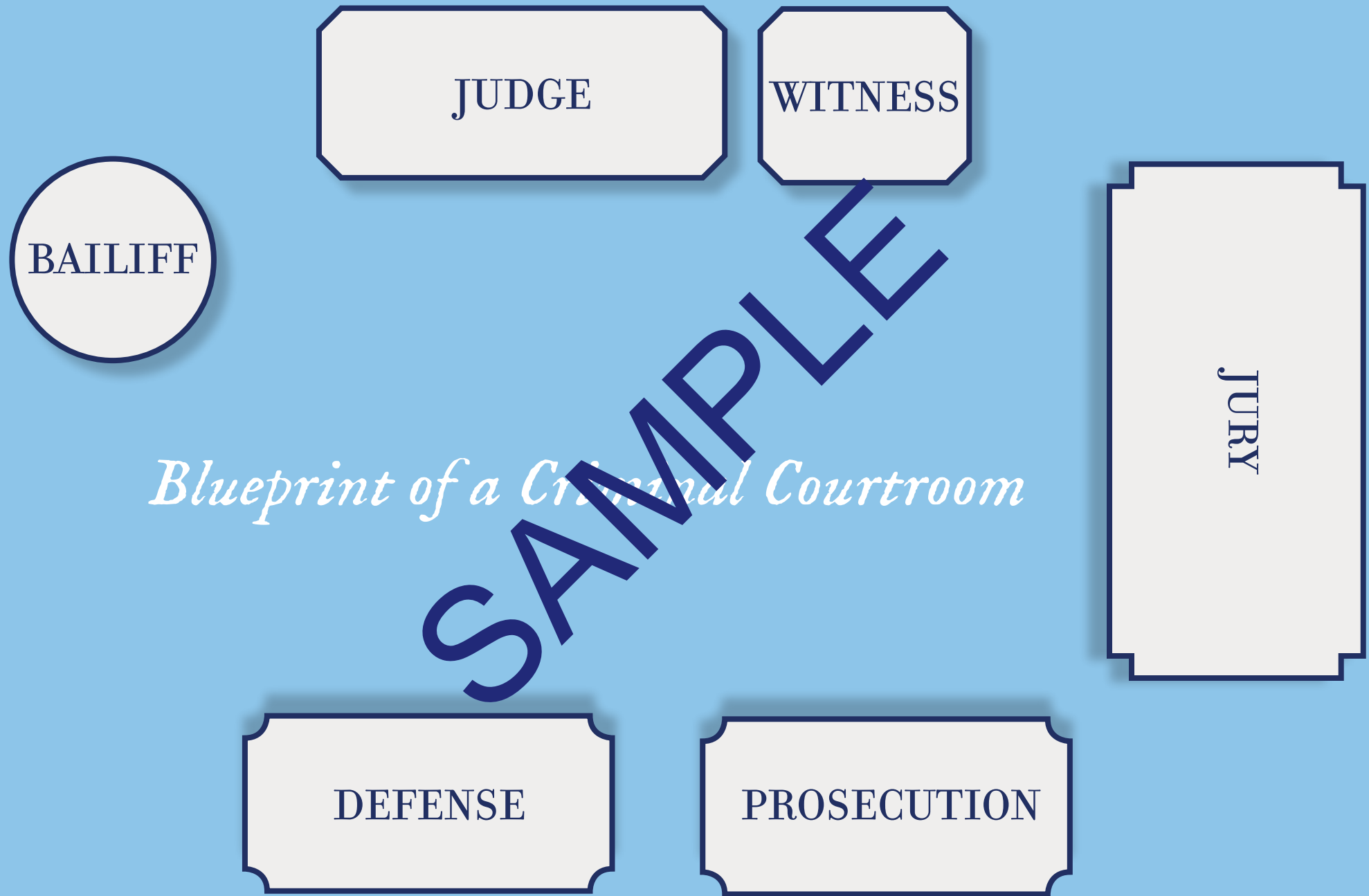
It grew out of English legal traditions. The United States Constitution and Bill of Rights anchored it. The American legal system ensures that everyone must follow the same laws. A judge makes sure a person is treated fairly and that all sides of a story can be heard. Witnesses give information based on what they know about the case. The accused can testify to give their side of the story, but no one forces them to do so. The jury listens to all the information presented by both sides. Jurors then decide whether the **defendant*** is guilty or not guilty—the **verdict***.

If someone says a person committed a crime, it is their job to prove it. In court, that job belongs to the prosecutor. This responsibility is called the **burden of proof***. The defense does not have to prove anything. However, the defense usually presents evidence to show the prosecution has not met its burden of proof.

Lawyers will begin with an opening statement. An opening statement is the lawyer's chance to explain what they think the case is about. Then, they'll question each witness. Next up? It's time for the evidence—both for and against the accused. Lawyers wrap up everything with closing arguments. A closing argument is when each lawyer reminds the jury why the evidence supports their side.

The future of the defendant depends on the jury's decision. Is the verdict guilty or not guilty?

Fun fact: The testimonies you're about to hear are taken from words the witnesses actually used during their lifetimes.



JUDGE

The judge (one person) **presides*** over the trial and oversees the presentations of both sides. The judge keeps the trial moving smoothly and respectfully. See “Responsibilities of the Judge” in the following section.

BAILIFF

The bailiff (one person) keeps the courtroom organized and swears in the witnesses before they testify. The bailiff also escorts the jury to their deliberation room. The foreperson of the jury (definition below) will give the bailiff the verdict. The bailiff then gives the verdict to the judge without reading it. See “Responsibilities of the Bailiff” in the following section.

FOREPERSON *of the* JURY

The foreperson (one person) organizes the jury and ensures that everyone on the jury has the opportunity to voice an opinion. The foreperson calls for a vote on whether the defendant is guilty or not guilty, and once a verdict is reached, the foreperson gives the bailiff the verdict. The foreperson is a member of the jury and also participates in the discussion and votes on the verdict.

JURY

The jury (multiple people) listens to all the evidence. Based on the facts presented, the jury applies the law as instructed by the judge, **deliberates***, votes until they all agree on whether the defendant is guilty or not guilty, and gives the verdict to the bailiff. See “Responsibilities of the Jury” in the following section.

PROSECUTION LAWYER(S)

Prosecution lawyers represent the state or the federal government. The prosecution must prove that the defendant is guilty of the crime. The prosecution team questions witnesses and conducts opening and closing statements. See “Responsibilities of the Lawyers” in the following section.

DEFENSE LAWYER(S)

Defense attorneys represent the accused, also called the defendant. The defense team questions witnesses and conducts opening and closing statements. See “Responsibilities of the Lawyers” in the following section.

WITNESSES

A witness is a person who has information to help the prosecution or the defense and is called to give evidence in court. This information is called testimony. Witnesses answer questions, and they promise that what they say is true. Giving a false statement—lying—is a crime called perjury. There are two types of witnesses:

FACT WITNESSES testify about what they observed using their senses (what they saw, heard, smelled or touched).

EXPERT WITNESSES have a high degree of knowledge in a specific area for the case. (These are the only witnesses allowed to give their opinions in the trial.)

RESPONSIBILITIES *of the* JUDGE

- ★ The judge enters the courtroom after all participants have arrived and the bailiff has announced that court is in session.
- ★ The judge presides over the trial.
 - ☆ The judge keeps the trial moving smoothly and respectfully, following the law. The judge is like a referee, making sure each side follows the rules.
 - ☆ The judge gives the jury instructions on the law and explains their responsibilities before they begin deliberating.
- ★ The judge is the first to leave the courtroom.

RESPONSIBILITIES *of the* BAILIFF

- ★ The bailiff keeps the courtroom organized and safe.
- ★ At the beginning of the trial, before the judge walks in, the bailiff will say, “All rise! The Court of the Honorable (judge’s name) is now in session.”
 - ☆ The bailiff swears in each witness before they start testifying.
 - ☆ The bailiff will tell each witness to raise their right hand and ask them, “Do you promise to tell the truth, the whole truth and nothing but the truth?”
 - ☆ The witness will reply, “I do.”
- ★ The bailiff escorts the jury to their deliberation room.

- ★ The bailiff communicates with the jury foreperson and monitors the jury’s progress.
- ★ The bailiff takes the written verdict from the foreperson and gives it to the judge.
- ★ After the judge reads the verdict, the bailiff closes court by saying, “All rise! The Court of the Honorable (judge’s name) is now closed.”

RESPONSIBILITIES *of the* JURY

- ★ Normally, a jury for a criminal case has 12 members, but the jury for this mock trial can have any number of members.
- ★ The jury listens to all the evidence presented by both sides, which includes the testimony of witnesses. The judge instructs the jury on the law. The jury decides what facts they believe are true and applies the law to those facts.
- ★ The jury will listen carefully to the judge’s instructions.
- ★ Jurors will elect one member to be the foreperson. The foreperson communicates with the bailiff.
- ★ Based on the evidence, the jury will deliberate and vote, and then give their verdict to the bailiff.
- ★ In a criminal trial, the verdict must be **unanimous**^{*}. In a civil case, the verdict is determined by a **majority**^{*} vote.

RESPONSIBILITIES *of the* LAWYERS

- ★ Both lawyers have a responsibility to vigorously represent their clients to the fullest extent of the law.
- ★ The prosecution and the defense have different obligations to their clients.
 - ☆ The prosecutor's client is the state or federal government. In other words, the prosecutor's client is all the people in the state or the country. What's key here is that the prosecutor's client is not the victim or the victim's family.
 - ☆ The defense attorney's obligation is to just one person: the defendant. The defense's job is to poke holes in the prosecutor's case, creating doubt.
- ★ Both lawyers investigate the case before going to trial, prepare witnesses and gather evidence.
- ★ At trial, each side presents its case and gives an opening statement, calls witnesses, presents evidence, cross-examines witnesses and ultimately presents a closing argument.

CIVICS CHECK!

JURY TRIALS have ancient roots. Around 2000 BCE, Egyptians had jury-like panels that decided disputes. Fast forward to 600 BCE, and Athenians had citizen panels—sometimes in the hundreds—deciding law and fact. In 1215, the Magna Carta established the idea of “judgment by peers.”



THE BAILIFF DELIVERS THE JURY'S VERDICT TO JUDGE RENDELL

The RIGHT TO BE **PRESUMED INNOCENT**

In the American justice system, a defendant is presumed innocent. This means the jury must start the trial believing the defendant did not commit the crime. The prosecutor must prove that the defendant is guilty.

The RIGHT TO **REMAIN SILENT**

A defendant has the right to remain silent, and that silence cannot be used against them in court.

The RIGHT TO **COUNSEL**

A defendant in a criminal case has the right to a lawyer. If the defendant cannot afford a lawyer, the government must provide one. However, in a civil case, the government does not provide a lawyer.

The RIGHT TO A **PUBLIC JURY TRIAL**

In a criminal case, the defendant has the right to a trial by jury. These criminal trials are public. Because the government does not hold them in secret, people can watch the process to help make sure the system is fair.

The RIGHT TO BE **TRIED ONLY ONCE (DOUBLE JEOPARDY)**

The Constitution protects people from double jeopardy. This means the prosecution cannot try a person twice for the same crime. If a jury returns a verdict of not guilty, the prosecution cannot try the case again. It doesn't matter if new evidence is found or the defendant later confesses. A defendant who is found guilty may **appeal**^{*} and ask for a new trial or be **exonerated**^{*}.

The RULE OF **JURY VERDICTS**

In a criminal case, the jury can return one of two verdicts: guilty or not guilty. A verdict of guilty means the prosecutor proved the case beyond a reasonable doubt. A verdict of not guilty does not mean the defendant is declared innocent. It means the prosecutor did not prove the case **beyond a reasonable doubt**^{*}.

The RULE OF **UNANIMOUS VERDICT**

The jury must reach a unanimous verdict, which means every juror must agree on the decision. If jurors cannot reach a decision, the judge will declare a mistrial, and the government can't try the defendant.

The RULE OF **BURDEN OF PROOF**

In a criminal case, the stakes are very serious. A person could lose their freedom or even their life. Because of this, the prosecutor must prove the case beyond a reasonable doubt. This responsibility is called the burden of proof. The prosecutor must present enough evidence to convince the jury that the defendant is guilty beyond a reasonable doubt.

CIVICS CHECK!

CONSTITUTIONAL RIGHTS are basic freedoms promised in the Constitution, like the right to a fair trial. Procedural rules are the steps courts follow when handling a case. They work together because the rules help make sure those rights are respected and protected when the legal system makes important decisions about people's lives.





A CONFRONTATION IN BRITISH-OCCUPIED PHILADELPHIA

A History-Based Mock Trial

MAKING A FLAG

THE CROWN OF KING GEORGE III

Versus

ELIZABETH (BETSY) GRISCOM ROSS



MOCK TRIAL 1: A CASE OF TREASON AGAINST BETSY ROSS



The Scene

1777: As revolution stirs in Philadelphia, Betsy Ross stitches history with needle and thread. In June, the Continental Congress adopts the Stars and Stripes as its banner. Months later, British General William Howe captures the city. General George Washington strikes back at Germantown. Through fog and smoke, the new nation's colors fly into battle.



The Case

THE CROWN of KING GEORGE III
Versus ELIZABETH GRISCOM ROSS

The British government has charged ELIZABETH (BETSY) GRISCOM ROSS with treason against the Crown* KING GEORGE III of Great Britain, France and Ireland. Specifically, the government accuses her of betraying the King and England by creating a flag for the rebellious colonies that have taken up arms against His Majesty. A flag has long served as a powerful symbol, rallying people around shared causes. This flag has encouraged violence and acts of war against the King and England. So, by creating the flag, the defendant has committed treason against her King and her country, Great Britain.



PROSECUTION WITNESSES

GENERAL SIR WILLIAM HOWE
commander in chief of British
land forces in North America

MAJOR JOHN ANDRÉ
the British Army's chief administrative
and intelligence officer

*Witnesses
for the Crown*

DEFENSE WITNESSES

BETSY ROSS
owner of a sewing and upholstery shop
on Arch Street, Philadelphia

ROBERT MORRIS
Philadelphia merchant and a Pennsylvania
representative to the Continental Congress

SARAH (SALLY) FRANKLIN BACHE
(pronounced *bays*h)
neighbor of Betsy Ross and the daughter
of Benjamin Franklin

REVEREND MR. WILLIAM WHITE
assistant **rector*** of Philadelphia's Christ Church
and chaplain to the Continental Congress

*Witnesses
for Betsy Ross*



GENERAL SIR WILLIAM HOWE, BY RICHARD PURCELL, 1777. ORIGINAL IN THE ANNE S. K. BROWN MILITARY HISTORY COLLECTION AT BROWN UNIVERSITY.

To whom it may concern:

I am Sir William Howe, commander in chief of the British Army in North America. Through many years of military service to the Crown, it has been my duty to enforce the Treason Act of 1351.

I have observed conduct in the field, and I know what it takes to lead an army. An army depends upon its flag. A flag rallies the troops, steadies their resolve and directs movement in battle. As the flag moves,

so do the soldiers: forward, left or right. Without it, confusion reigns. A flag is essential to order in war.

The rebels now march under a new flag. I have seen it—red, white and blue—the colors of our **Union Jack**^{*}. It bears stripes and stars and is far superior to their earlier banners. It has, regrettably, energized the rebels. Such a flag required skill beyond that of common soldiers.

General Sir William Howe

HISTORY CHECK!

As the Revolutionary War raged in 1778, **GENERAL SIR WILLIAM HOWE**'s officers threw him a huge farewell party in Philadelphia, complete with fireworks, medieval-style jousting and a boat parade.



To whom it may concern:

I am Major John André. I serve in the **Intelligence Office**^{*} of His Majesty's forces. One of my duties is to lead patrols in Philadelphia to find traitors.

After seeing a new flag displayed by the rebels at the **Battle of Germantown**^{*}, we searched for who made it. Our investigation took us to Mrs. Ross's Sewing and Upholstery Shop on Arch Street in Philadelphia.

In her shop, we saw scraps of red, white and blue fabric. Large bolts of blue and red wool bunting cloth were on the shelves. It's the exact kind of fabric used for flags and in the exact same colors as the rebel flag.

When we entered, Mrs. Ross was very reluctant to cooperate. She did nothing to aid her defense. She remained silent.

Major John André

HISTORY CHECK!

MAJOR JOHN ANDRÉ was widely admired, even by Americans like Alexander Hamilton. However, his role in Benedict Arnold's plan to betray the Continental Army led to his capture and execution.



MAJOR JOHN ANDRÉ, ARTIST UNKNOWN, 1780. ORIGINAL IN THE LIBRARY OF CONGRESS RARE BOOK AND SPECIAL COLLECTIONS DIVISION.



NO KNOWN PORTRAIT OF BETSY ROSS EXISTS—ONLY THE TOOLS OF HER TRADE.

To whom it may concern:

I am Elizabeth Griscom Ross; most people know me as Betsy. I live on Arch Street, where I own a sewing and upholstery shop. As an **upholsterer**^{*}, I craft goods from fabric for anyone in the city who can pay. I take a great deal of pride in my work.

My husband, John Ross, served in the Continental Army until his death on January 21, 1776. His uncle, George Ross, is a Pennsylvania delegate to the Continental Congress in Philadelphia. Uncle George signed the Declaration of Independence in July 1776.

I must support myself and have never turned away a job. My customers include British soldiers and colonists alike. I have made many items, including a flag for those who oppose Britain and the King. I am, above all, a businesswoman. The work I do does not reflect my personal loyalties, only my need to support my family.

Elizabeth Griscom Ross

HISTORY CHECK!

BETSY ROSS met with George Washington, Robert Morris and George Ross to design the first flag, her family later testified. But no written record from 1776 confirms it.



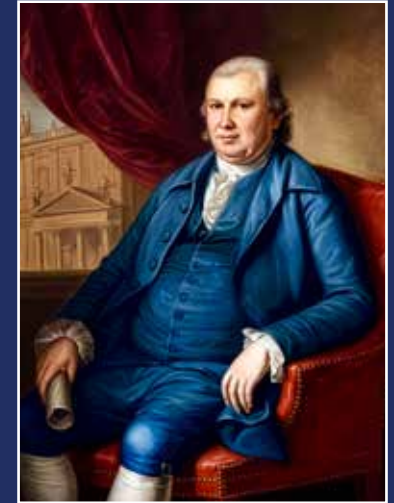
To whom it may concern:

I am Robert Morris, a merchant and a Pennsylvania delegate to the Second Continental Congress. I serve on several important committees working to establish this new nation. I own a fleet of merchant ships that bring goods from around the world to Philadelphia. Through this trade, I have been able to finance the Revolution.

I met George Ross through our work in Philadelphia. He recommended that I use the services of his niece, Betsy Ross, a skilled seamstress. She owns an upholstery and sewing shop on Arch Street.

I have visited Mrs. Ross many times to employ her services for myself and my family.

Robert Morris



ROBERT MORRIS, BY CHARLES WILLSON PEALE, 1782. ORIGINAL IN THE NEW ORLEANS MUSEUM OF ART.

HISTORY CHECK!

Known as the "financier of the American Revolution," **ROBERT MORRIS** used his wealth to support the cause when Congress ran out of funds. Years later, he went bankrupt, ending up broke.





MRS. RICHARD BACHE (SARAH FRANKLIN),
BY JOHN HOPPNER, 1793. ORIGINAL IN THE
METROPOLITAN MUSEUM OF ART.

To whom it may concern:

My name is Sarah Franklin Bache, though I'm called Sally. My father is Benjamin Franklin, who serves our nation as a statesman and diplomat. I live on Chestnut Street, two blocks from Betsy Ross, who lives and works on Arch Street.

Through our family businesses and my daily errands in our neighborhood, I pass her shop regularly. My mother ran our family's print shop and the post

office. My father is busy not only with his official work for our new nation but also with his many scientific experiments.

I have known Mrs. Ross for many years and trust her skill. As friends, I comforted her when her husband, John, was killed. She continues to survive by taking in any work she can find.

Sarah Franklin Bache

HISTORY CHECK!

SALLY FRANKLIN believed women should blend domestic skills with political activism. She spearheaded an effort to sew more than 2,200 shirts for the Continental Army during the Revolutionary War.



To whom it may concern:

I am William White, the assistant rector of Christ Church. I know many of the families in my congregation and visit them regularly. It is my duty to guide them and encourage them to live good and honorable lives.

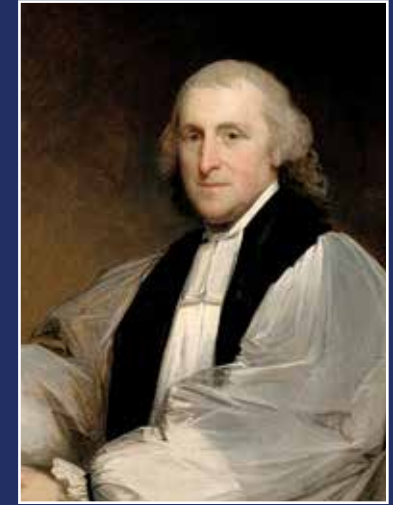
I also work at the State House to offer prayers and **counsel*** to the men meeting in Congress.

Many of the delegates are members of my congregation:

General Washington, Dr. Franklin and his family, Dr. Benjamin Rush, James Wilson and my brother-in-law, Robert Morris. I serve them in my role as minister and make myself available to others as well.

I conducted the funeral service for John Ross and offered comfort to his widow, Betsy. Mrs. Ross is a hardworking woman and the sole support of her household. She is a **God-fearing*** woman. I have nothing to say against her.

Reverend Mr. William White



BISHOP WILLIAM WHITE, BY GILBERT STUART,
CIRCA 1795. ORIGINAL IN THE PENNSYLVANIA
ACADEMY OF THE FINE ARTS.

HISTORY CHECK!

REVEREND MR. WILLIAM WHITE shaped the Episcopal Church in America. He modeled it after the new nation's government, replacing a single authority with a system of shared leadership.



★

The Trial

THE CROWN *of* KING GEORGE III
Versus ELIZABETH GRISCOM ROSS

★

BAILIFF

All rise! All persons having business before this court, draw near, give your attention, and you shall be heard. The Court is now in session. The Honorable [student name] presiding.

JUDGE

You may be seated. Today, we will hear the case of the Crown versus Betsy Griscom Ross. Mrs. Ross stands accused of treason against the Crown for creating a flag for the rebellious colonies that have taken up arms against His Majesty. I will remind you that treason is providing support to those actively opposing or threatening the authority of the King.

Prosecution, please introduce yourself.

PROSECUTION LAWYER

Your Honor, my name is [student name], and I represent the Crown, King George III.

JUDGE

Defense, please introduce yourself.

DEFENSE LAWYER

Your Honor, my name is [student name], and I represent the defendant, Betsy Ross of Philadelphia.

PROSECUTION OPENING STATEMENT

JUDGE

Prosecution, are you ready to give your opening statement?

PROSECUTION LAWYER

We are, Your Honor.

JUDGE

Proceed.

PROSECUTION LAWYER

May it please the Court. Ladies and gentlemen of the jury, we are here today to prove beyond a reasonable doubt that Betsy Ross committed treason. She knowingly aided enemies of the British Crown by creating a powerful symbol for the rebels' militia, the so-called "American" flag. In doing so, she undermined the king's efforts to put down the rebellion. By creating a flag for the rebels, she created a symbol for their cause. A flag is not just a piece of cloth; it is a powerful symbol for a cause. In this case, it is a symbol of disloyalty to the king.

In fact, just weeks ago, hundreds of rebels rallied behind this flag. They attacked the king's soldiers just a few miles from this very courthouse in Germantown. The flag flew at the front of their army as they advanced. This attack is just one example of how this new "American" flag has become a symbol of rebellion and treason against the Crown.

Under British law, the king expects every one of his subjects to report any signs of treason. Mrs. Ross knew what the rebels asked her to create. She knew it would be used to rally troops to commit violence against the King's men. When she was asked to create this symbol of rebellion, her duty as a subject of the king required that she refuse. It required her to report this request to the king's officials. She did neither.

Knowing the enemy would use the flag to direct troops to injure and even kill the king's men, she willingly created this vital tool of rebellion. She has clearly committed treasonous acts against the Crown. We will prove it beyond a reasonable doubt.

We will call witnesses who will testify about the damage and destruction tied to the defendant's flag. We will show the physical evidence connecting the defendant to this flag. You will see that she knowingly broke the king's law through her acts of treason. She must pay the price set forth by British law.

At the end of this trial, we will ask you to follow the law and return a verdict of guilty.

DEFENSE OPENING STATEMENT**JUDGE**

Defense, your opening statement?

DEFENSE LAWYER

Yes, Your Honor.

Ladies and gentlemen of the jury, we will prove that Mrs. Ross was simply working at her upholstery and sewing shop. We've heard how a few pieces of red, white and blue cloth can scare King George. Apparently, according to the prosecution, sewing is an act of treason.

Many of the items Mrs. Ross sews are custom orders. She makes rugs, tablecloths, drapes and all kinds of items of any color to match exactly what her customers want. But

importantly, Mrs. Ross respects the privacy of every single one of her clients. No law requires Mrs. Ross to ask a client why they are ordering brown instead of black. Nor is there a law requiring Mrs. Ross to ask why a new mother has ordered a blue or pink blanket for her baby. And not one law requires Mrs. Ross to find out why a client might order a flag made of red, white, blue or purple, green and pink!

You will hear from witnesses who will testify regarding the defendant's character and her need to make a living. You will also hear from the defendant herself. Betsy Ross will tell you that, yes, she was paid to design and sew a flag, just as the king's men paid her to repair their uniforms. Taking up a needle and thread is not treason.

The Crown must carry the burden to prove beyond a reasonable doubt that Mrs. Ross is guilty of treason—a most serious offense. If I may be blunt, that's nothing but hogwash. What we will prove is that Mrs. Ross was simply doing her job. She took orders from friends, clients and neighbors, sewing what they wanted. She never violated their privacy by asking them why. *That* is not breaking the law. What that is, is simply a widow supporting herself.

JUDGE

Prosecution, you may call your first witness.

PROSECUTION WITNESSES

PROSECUTION LAWYER

The Crown calls General Sir William Howe to the stand.

BAILIFF

Raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

HOWE

I do.

PROSECUTION LAWYER

Please state your name and occupation.

HOWE

Sir William Howe, commander in chief of His Majesty's forces in North America.

PROSECUTION LAWYER

Your Honor, the defense has agreed that Sir William is an expert in British law.

JUDGE

Defense?

DEFENSE LAWYER

Yes, we have agreed to his expertise.

JUDGE

The witness is qualified as an expert in British law.

PROSECUTION LAWYER

Sir William, are you able to state what the Crown defines as treason in relation to aiding the enemy?

HOWE

The Treason Act of 1351 states that supporting those actively opposing or threatening the authority of the king is an act of treason. This includes aiding the enemy by providing money, supplies, shelter, information or any action that benefits the rebels during a conflict with the king.

PROSECUTION LAWYER

In your professional opinion, would the creation of a national symbol such as this “American” flag be a crime under the Treason Act of 1351?

HOWE

Yes.

PROSECUTION LAWYER

Please explain this.

HOWE

A flag is used in battle to show the front line of the army. By creating a flag, Mrs. Ross is supporting the enemy of the Crown.

A flag can also unite supporters of a cause or a leader. Both the British flags and the rebel flags show loyalty to a specific leader. But only the rebel flag supports a cause that seeks the overthrow of the Crown.

By making such a flag—the so-called “American” flag—a person would be encouraging loyalty to those who are rebelling.

PROSECUTION LAWYER

No further questions.

JUDGE

Defense may cross-examine.

DEFENSE LAWYER

Sir William, are you aware who was the monarch when the Treason Act of 1351 was passed?

HOWE

I am not.

DEFENSE LAWYER

It was under Edward III. That was more than 400 years ago. The American colonies did not even exist.

So, Sir William, how can a law created four centuries ago provide insight into today’s situation?

HOWE

Regardless of when it was written, the laws of England remain unless the British Parliament seeks to repeal them.

DEFENSE LAWYER

Isn’t it true that you are using this outdated law to serve your own purpose—to punish the citizens of Philadelphia?

HOWE

Yes.