

## THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH Proverbs 6:16-19

"The LORD hates six things; in fact, seven are detestable to Him: <sup>17</sup> arrogant eyes, a lying tongue, hands that shed innocent blood, <sup>18</sup> a heart that plots wicked schemes, feet eager to run to evil, <sup>19</sup> a lying witness who gives false testimony, and one who stirs up trouble among brothers."

### INTRODUCTION

Do you think concepts of "truthfulness" and "honesty" have been changing drastically in our society? A 2004 Zogby poll of American college seniors found 97% believed professors gave them a good education in ethics. Asked to name an ethical lesson they were taught, 73% responded, "What is right or wrong depends on differences in individual values and cultural diversity." This may sound fair until you face the consequences of such lame ethics. In May of 2016, a Louisville, KY, teacher presented his high school junior English class with this scenario: "Your boyfriend or girlfriend has committed a felony"—like burglary, a hit-and-run accident, vandalism, theft, or assault—"during which other people were badly harmed. Should you or should you not turn him or her into the police?" Not a single student said they would "snitch." They'd rather lie than betray their beloved. None expressed any concern about those "harmed" by this crime. This teacher realized these juniors suffered from a "broken moral compass" that made their personal interests the center of their moral universe. Were they the one "badly harmed," would they believe it was the duty of anyone with knowledge of this crime to turn in the guilty party? If we help someone guilty of a felony escape justice, we become an "accessory after the fact." Arizona criminal law makes no distinction between aid and assistance before or after a crime has been committed. By shielding someone guilty of a felony, we could receive the same punishment as the person who actually did the crime.

Today's message, The Truth, the Whole Truth, and Nothing But the Truth, will explore The Concept of Legal Justice in the American Community and The Concept of Legal Justice in the Christian Community.

### I. THE CONCEPT OF LEGAL JUSTICE IN THE AMERICAN COMMUNITY

**Proverbs 6:19** targets as behavior our "LORD hates" as "detestable" ("totally offensive and disgusting"): "a lying witness who gives false testimony." The Hebrew text lists two nouns; the second makes more specific the meaning of the first noun. The most faithful translation would be, "a lying witness, a perjurer." The simplest way to define "perjury" is "lying under [what?] oath." Arizona Statute defines "perjury" as "willful and corrupt taking of a false oath in regard to a material matter in a judicial proceeding." If asked to state your age on the witness stand and you say, "50" when you're really "60," it would not be considered perjury unless your age is a key factor in proving the case. It might affect your credibility as a witness, but you would face no legal penalty for fudging about your age, where you were born, your height, or other personal matters. But after having taken an oath to tell the truth in a courtroom proceeding you make a false statement material to the case at hand that could affect the outcome of the case, this would be perjury.

Perjury is a serious crime. In Arizona, "a false sworn statement" is "a class 6 felony" punishable by up to a year in prison for a first offense. Federal law prescribes up to 5 years in prison. A prosecutor once asked a defendant in court, "Did you kill the victim?" "No, I did not." The prosecutor pressed him asking, "Do you know what the penalties for perjury are in this State?" "Yes, I do, and they are a whole lot better than the penalty for murder." Prosecutors often warn of perjury's consequences. Prosecution for perjury is rare. Statements of interpretation of fact are not perjury. People often unwittingly make inaccurate statements; not deliberately. Individuals may have honest but mistaken beliefs about certain facts or their recollection may be faulty. To be convicted of perjury one must have had the intention to commit the act or to induce others to perjure themselves; both of which are extremely difficult to prove. In family law, those who don't make false statements, as in custody battles, are rare, but few are prosecuted. As Christians, should the remote possibility of being prosecuted for judicial perjury have any bearing upon our testimony?

In addition to courtroom perjury, the United States Legal Code (Title 18, Part 1, Ch. 47, Sec. 1001), along with State Statutes, incorporate what's commonly called a "false statements" law. It can be violated by lying about an issue that's "within the jurisdiction of the executive, legislative, or judicial branch of the Government," or the jurisdiction of a state government, even if we're not under oath. For example, a number of financial documents include a statement like this one from the Arizona State tax return: "Under penalties of perjury, I declare that to the best of my knowledge and belief, they are true, correct, and complete," to which we subscribe by our signature. False-statements laws are typically used against people who lie to government investigators or who file false documents with government agencies (as applications for benefits). Yet, prosecution and conviction for violations of the "false statements" law rarely succeed. As Christians, should the remote possibility we might be prosecuted for making a false statement have any bearing upon our statements? Why not? Because regardless of whether government agencies ever detect or punish our perjury, who will know about and punish it? God, who "hates a lying witness, a perjurer."

Frank Moore, in *Coffee Shop Theology* (1998), described an incident from his childhood. A teacher who needed to be out of the classroom for part of a day left an assignment to be completed in her absence. Frank didn't regard himself as a rebellious youth, but he joined the frenzied activity that began almost as soon as the teacher left the room. He stated, "the entire classroom was transformed almost magically into a world of chaos." When one girl spoke up, "You guys better get quiet and work on the assignment," many students blurted out or thought, "Oh yeah? What are you going to do about it?" The girl held up a piece of paper with all their names on it and said, "The teacher appointed me to take names, and when she gets back, I'm going to show her this." Her reply was "like hitting the pause button on the VCR," because of how quickly their misbehavior stopped!

The Lord's power of retribution may not be as immediate as this teacher's, but His consequences could prove far more devastating for perjury. Fear of the Lord is what used to uphold the integrity of most legal testimony and statements in the American legal tradition; not the prospect of civil penalties that recent history has demonstrated is woefully inadequate to safeguard truth. The word "oath" derives from the Anglo-Saxons of England, who used oaths to swear fealty to feudal lords and to ensure honesty during legal proceedings and transactions. The phrase "the truth, the whole truth, and nothing but the truth" is believed to have initially been coined in Old English, and to have become a staple of English trials by approximately the 13<sup>th</sup> century. Despite the early addition of witness oaths to the English common law tradition, however, witnesses faced no civil penalties for perjury until the mid-16<sup>th</sup> century. Prior to that, the specter of God's vengeance alone seemed enough to coax witnesses into telling the unvarnished truth.

George Washington's Farewell Address to the nation, September 19, 1796, stressed God's crucial role in maintaining a just legal system. "Let it simply be asked," he stated, "Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education . . . , reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle."

U.S. Courts no longer strictly require oaths to contain a religious element. Early Quakers were the first Americans to object to the witness oath. They misapplied **James 5:12**: "Now above all, my brothers, do not swear, either by heaven or by earth or with any other oath." This was intended to limit hypocritical oath taking in everyday conversation. A man who'd been neglecting his wife told her one evening, "God is my witness I'll do anything you ask to prove how much I truly love you. I would climb the highest mountains to be near you. I would swim the widest oceans to find gifts worthy of you. I would cross burning deserts to rescue you if you were ever taken from me." His wife interrupted his torrent of oaths by asking him, "But will you do the dishes for me?" God knows if we'd be true to our word in everyday matters, oath taking would be unnecessary. But God expects us to swear an oath in legal matters, for we are invoking

His curse should we lie. "Fear the LORD your God and serve Him. Hold fast to Him and take your oaths in His name" (**Deuteronomy 10:20**, NIV). Quakers understand that by their "affirmation" to tell the truth, they invoke God's judgment upon them if they lie. This used to be commonly understood when witnesses were asked to add these words to the end of their oath to tell the truth, "so help me God." They understood this to mean they were invoking God's blessing to help them declare the truth and His curse should they lie.

A typical affirmation now used in U.S. District Courts, to which atheists or anyone can swear, is: "You do affirm that all the testimony you are about to give in the case now before the court will be the truth, the whole truth, and nothing but the truth; this you do affirm under the pains and penalties of perjury?" What pains and what penalties? Recent misguided rulings of federal courts play into the hands of unscrupulous defense attorneys by overly narrowing the prospects of perjury conviction. This has now made it almost certain people can escape legal penalties for perjury. Today's standard of personal integrity in the American community is, "You're only guilty of lying if you are caught and convicted." Don Castleman, a Wake Forest University School of Law professor, in his 2004 article, "Has the Law Made Liars of Us All?" cites the old joke, "How can you tell if a lawyer is lying? Easy; see if his lips are moving." Castleman observes lawyers now mostly live by the standard, "avoid provable lies," instead of insisting they and their clients must "tell the truth." He believes corruptions within our legal system have caused a general decline in the nation's morality as they have become broadly applied outside of the legal profession.

## II. THE CONCEPT OF LEGAL JUSTICE IN THE CHRISTIAN COMMUNITY

*Tangled Webs: How False Statements are Undermining America* (2011), by Pulitzer Prize winning journalist James B. Stewart, contends a perjury epidemic is undermining not only the very foundation of our courts, but the honor code upon which academia, business, medicine, and government depend. Where do we stand as followers of Christ regarding the "truth decay" sweeping our nation? Professor Castleman warns, "Has society discarded honesty and fairness as the benchmarks of behavior, . . . with only bare technical rules [to guide them] rather than any sort of moral compass? . . . [M]any seem to have long since succumbed to a cynicism that all of life, certainly business life, is like a lawsuit or a negotiation and that one's conduct is not important, only the outcome. It is no longer important to be right, only to win."

When declaring, "God hates a lying witness who gives false testimony," Solomon undoubtedly had the Ninth Commandment in mind (**Exodus 20:16**, ESV): "'You shall not bear false witness against your neighbor.'" But Solomon may also have had in mind the Third Commandment: "'You shall not take the name of the LORD your God in vain, for the Lord will not hold him guiltless who takes His name in vain'" (**Exodus 20:7**, ESV). This commandment, in Hebrew usage, prohibits us from three actions: Using God's name with evil intention, using God's name in a way that empties it of its proper value (as by profanity abusing God's name or the expression, "Oh my God," which should be a prayerful appeal for God's aid, not a hollow exclamation said with no thought of God), and associating God's name with a false report or a lie. Aren't we all tempted, at times, to fudge on telling "the truth, the whole truth, and nothing but the truth"? Christians may even stoop so low as to invoke God's name to impress upon others the "honesty" of what we know are lies. God wants us to understand if we abandon the truth, He takes it personally as though we'd abandoned Him. God commands us in **Leviticus 19:11-12**, "'You must not act deceptively or lie to one another. You must not swear falsely by My name, profaning the name of your God; I am the Lord.'"

## CONCLUSION

How truthful are you willing to be, whether or not you are giving testimony under oath? Lawyers were not prepared for what a Southern grandma told them one day in court. They should not have expected less from this fearless Christian woman when the small-town prosecuting attorney called her as his first witness. Trying to appear kindly to the jury, the prosecutor approached her and warmly asked, "Mrs. Johnson, you know me, don't you?" She responded, "Why, yes, I do know you, Mr. Williams. I've known you since you were a young boy, and frankly, you've been a big disappointment to me. You lie, you cheat on your wife,

and you manipulate people and talk about them behind their backs. You think you're a big shot when you haven't the brains to realize you never will amount to anything more than a two-bit paper pusher. Yes, I know you." The lawyer was stunned! Not knowing what else to do, he pointed across the room and asked, "Mrs. Johnson, do you know the defense attorney?" She again replied, "Why, yes, I do. I've known Mr. Bradley since he was a youngster, too. He's lazy, bigoted, and he has a drinking problem. He can't build a normal relationship with anyone and his law practice is one of the worst in the entire state. Not to mention he cheated on his wife with three different women. One of them was your wife. Yes, I know him." The defense attorney almost died. The judge then asked both counselors to approach the bench. In a very quiet voice, he said to them, "If either of you idiots asks her if she knows me, I'll send you to the electric chair!"

A critical temptation we may face as Christians, concerning legal testimony, is to refrain from being fully truthful from the desire to escape what we think are unbearable consequences. English Protestant reformer Hugh Latimer faced this temptation, when confronted with the probable loss of his life. In the years 1553-58, Queen Mary, daughter of Henry VIII and wife of Philip II of Spain, sought to reimpose the corrupt Catholicism of the Middle Ages upon England as its national Church. At his trial in ecclesiastical court, Hugh Latimer refused to resort to verbal or legal trickery when asked if he would subscribe to what he knew were unbiblical articles of faith. His volume of *Twenty-Seven Sermons* (1555) reveals Christians of his day lived by what had become a "common saying amongst us, 'Say the truth and shame the devil.'" This saying prevailed among the general English population, as well. William Shakespeare's play, *Henry IV*, written in 1597, urges, "O, while you live, tell truth and shame the devil."

As the fire was lit to execute him and fellow reformer Nicholas Ridley in 1555, Latimer said to him, "Be of good cheer, Master Ridley, and play the man. We shall light this day a candle by God's grace in England as I trust shall never be put out!"

As America continues its slide into Biblical apostasy, the notion, "you're wrong only if you're caught," has become the standard of conduct in the general population. It's also now commonplace among professed Christians to believe it's better to "tell lies and shame the Lord" if it means paying higher fees or taxes, or to suffer penalties for being thoroughly truthful and honest, or if we are rewarded more by ignoring justice than upholding it. Such Christians don't consciously think they are shaming the Lord, of course; they just believe because the legal and business worlds are now so godless and "everyone else is doing it" (meaning being dishonest), why should they lose out by living strictly by Christian values? What do you believe? Will you make a fresh commitment to "tell the truth and shame the devil," or will you live as though you believe it's okay to "tell lies and shame the Lord"?