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The Truth, the Whole Truth, and Nothing But the Truth

As we can all attest, we have heard these words repeated over and over again, throughout our professional careers in court proceedings, as witnesses to a crime prepare to take the stand and testify [truthfully] about the events, circumstances, and actions they observed in the criminal trial of the accused. We too as either officers of the law or officers of the court, swear that our testimony will be truthful. The intent of these swearing-in rituals (fundamentally) is to remind those involved in the trial proceedings that the situation has changed from the casual, to the very serious deliberation of guilt or innocence that could affect the freedom of the accused, and in some cases determine their continued existence as a living being. Under such circumstances, there is no room for inaccuracy, speculation, conjecture, or intentional false statements by any witness testifying in behalf of either the state, or the accused. In fact, the justice system, as we know it, breaks down instantly when someone lies about what they saw, what they heard, or who did what to whom.

JusticeAcademy.org

The Justice Academy serves as a national repository and portal for instructional programs and specialized training materials that are produced by law enforcement agencies, prosecutors, and the courts and makes these educational assets available to the general law enforcement community, at no charge.

JusticeAcademy.org also sponsors comprehensive research into a variety of issues relative to the law and justice professions, as well as authoring and advancing national strategic initiatives that deal with specific challenges. The intention of this service is to support professional development, personal advancement, and departmental competency of the law and justice community, as well as to serve as a mechanism for the proliferation of exemplary training resources nationwide.

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Some would argue that intentionally misrepresenting the facts has become so common place and so acute in modern society that it is time for new laws to be enacted that demand that the truth and ethical conduct be extended beyond the courtroom.

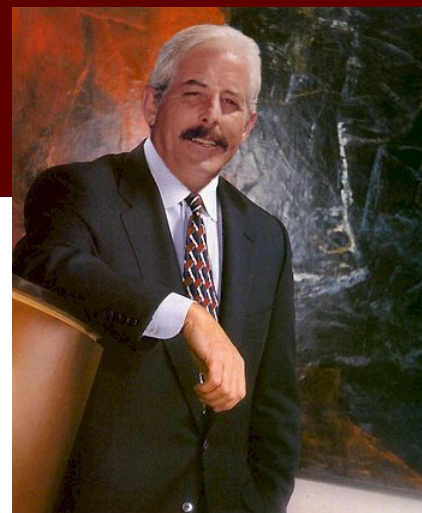
A person's willingness to overtly lie to the media, for example, recently created a firestorm across this nation, even though it turns out based on forensic evidence, that the so-called witness either intentionally lied about the circumstances of the event [while on camera], or failed to disclose the whole truth within their characterization of the behavior of the "victim" toward the police during the incident. It is curious to consider that when presented with the formality of a Grand Jury investigation into the events of that day, and the prospect of a perjury charge for making false statements within a court of law, along with the five-year prison sentence that would likely be imposed as a result of an untrue representation of events, the story changes, but the damage has already been done.

"The truth, the whole truth, and nothing but the truth, so help you God" doesn't represent a casual reminder of the importance of speaking the truth, but was specifically crafted for use in a trial to assert that all three facets of the statement are considered by the witness and affirmed. Failure to meet the obligation to assure that each facet is achieved during your testimony is not just problematic to the institutions of humankind, but there was an intentional goal to remind a witness that even

though deception may not be discovered here on earth, it will be judged by God (eventually) as intentional deceit. You might wonder why the reference to the divine was included within this swearing in ceremony. It seems safe to presume that it bears witness to the ninth commandment; as cited in Exodus 20:2-17 and Deuteronomy 5:6-21, which says "You shall not bear false witness against your neighbor". The Quran also contains relevant passages dealing with the importance of truth. Quran 2:42 says, "And do not cloak (and confuse) the truth with falsehood". Similarly, in Quran 3:16 we see it expressed as "... and invoke the curse of God on those who lie". So even way back then, they understood the importance of ethics to society and the importance of truth to justice, but does this requirement only apply within the courtroom, or is it time to extend the requirement to the court of public opinion as well.

Since state legislatures are tasked with the responsibility of enacting new laws that meet the standards of contemporary living in order to assure social harmony and justice, and given the ubiquitous nature of modern day news reporting either through radio, television, or social media, and finally in consideration of the inflammatory impact that intentional misrepresentation of the facts can have on a global audience, is it time that the legislatures of our nation take action to create new laws that prescribe universal standards for truthfulness and punishments for intentional misrepresentations of the truth to the media, or by the media?

About the Author:



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2010—2016

Hal Campbell currently serves as the Executive Director of JusticeAcademy.org. He also serves as a member of the teaching faculty for the University of Maryland concentrating in the areas of public policy strategy, criminal law, constitutional law, justice administration, empirical analyses, and higher education.

Judge Campbell recently concluded a term of service as a member of the judiciary in the State of Montana. His appointment to the bench was bestowed by the Montana Supreme Court, Commission on Courts of Limited Jurisdiction. Prior to this appointment to the bench, he served for over twenty-five years as a tenured professor and department chair with the California State University. His public policy and law enforcement experience includes a variety of senior management positions with the Los Angeles County Sheriff's Department. From 1978 to 1989 he held positions in the department including Law Enforcement Planning Coordinator, Chief Analyst, and began his career as a Deputy Sheriff.



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