

## Other Areas of Practice

# Making a case for the truth fairy | Marcel Strigberger

By Marcel Strigberger



Marcel Strigberger

(November 13, 2020, 2:40 PM EST) -- "You can't handle the truth!" This is the iconic line from the film, *A Few Good Men*. Col. Nathan Jessup (Jack Nicholson) bellowed these words to Lt. Daniel Kaffee (Tom Cruise) during Kaffee's intense cross examination. Given COVID-19, I find myself like many of us, watching old movies.

After hearing the line anew, I started thinking about truth and honesty. I noticed there is a myriad of expressions surrounding these concepts.

For starters, children use a cute phrase when they feel they have been deceived. I recall once promising to take my then-young son Gabriel to a hockey game. Unfortunately, something urgent came up and I had to cancel. Gabriel was very understanding. He exclaimed, "Liar, liar, pants on fire!"

Although I did not share his assessment of my integrity, Gabriel's comment got me thinking. Perhaps adults should be as explicit and candid as children when confronting dishonesty. It would be refreshing, for example, for a judge to comment in his or her reasons, "I totally reject the defendant's evidence. Liar, liar, pants on fire!"

It would certainly get the defendant to look at his pants.

And if his pants were consumed by fire, he might now be in a position to tell the naked truth.

People do not like to be called out for being dishonest. Consider that ubiquitous Wild West movie saloon poker scene in which some Johnny Ringo pulls four aces. This does not sit well with some Colorado Kid, who is also holding an ace. When the Kid simply clears his throat, Ringo says, "You callin' me a liar?" If the Kid even blinks, they're both be out on the street pronto, a quick gunfight away from Boot Hill. (European version: Gaming room in Paris. The outraged Count Montiago slaps the face of the insulting Baron de Grenoble with his glove challenging him to a duel at dawn. Weapons to be chosen then.)

People are forever trying fervently to convince others that they are honest. A common plea is, "I swear on a stack of Bibles."

Swearing on even one Bible is a very solemn occasion. But which nefarious place can you possibly be banished to if you lie after swearing on a stack of Bibles? The Bates Motel?

Then there is the guy who swears up and down. I imagine this clown in front of a judge and jury, taking a Bible into his hands and uttering the oath while doing five deep squats. Now, who can discredit this individual?

And we have the philosopher. When challenged, he'll say, "Why would I lie?"

Maybe because he can't handle the truth. Not even a grain of truth.

Let us not forget the people who are so convinced of their honesty that they invite disaster to be visited upon themselves if they are lying. They say, "Cross my heart and hope to die."

Some are more specific: "May I be struck by a bolt of lightning."

I believe these people must be taken seriously. I have yet to be in a courtroom and see a bolt of lightning head straight for the witness box.

They are bolder than the chickens who direct the consequences of their dishonesty to others. I am talking about the witness who says, "I swear on my children."

Others are really bold and even weird with someone else's children or even pets, if they are called out for some indiscretion. They'll say, "It's true" or "I'll be a monkey's uncle."

I generally suspect these people's integrity. They likely engage in monkey business.

Some folks view honesty from different elevations. They may be on the level. Others may be even more honest, on a higher level, being aboveboard. I actually respect these people, as they are likely transparent, putting their cards on the table.

Then we have the sports-minded people. He is as straight as an arrow.

This one sometimes makes me uneasy. If arrows were as straight as some of these straight shooters claim they are, if I were William Tell's son there is no way I would stand there with that apple on my head.

This topic makes me think of Robert Ripley. How could he have sounded credible in a witness box? Which judge would have bought any of his evidence?

REGISTRAR: Sir, state your name.

RIPLEY: Robert Ripley, believe it or not.

JUDGE (thinking): Right!

And let us not forget the son of all big liars, Pinocchio. I would say the invention of the century (next to a COVID-19 vaccine), would be a fairy that could stand near a witness and ensure his nose grows whenever he lies. It would certainly speed up court trials. It might even put many lawyers out of a job. But that is OK. I mean it. Scout's honour.

Interestingly Wikipedia also notes a survey of the most honest occupations. Lawyers? Good guess. But wrong. It's nurses. Who knew? Even with Wiki's endorsement, I doubt most lawyers when they have a nurse to cross-examine will tell the judge, "We have Florence Nightingale here. It's OK. No questions."

Certainly, nurses may score high on the integrity list. But speaking of nurses, that brings me full circle back to Jack Nicholson. I am reminded of his role as R.P. McMurphy in *One Flew Over the Cuckoo's Nest*. His run-in with Nurse Ratched spooks me. She may have been honest, but I would think twice about crossing her, as I would not care to come down with an unexpected lobotomy.

And how prevalent is hanky panky in the justice system? A law school professor once told me "In Canada, lying in court is second only to hockey as our national sport." I can't say. Given the pandemic, I'd give that honour to Zooming.

An old proverb reads, "Children and fools tell the truth." Interesting how they have no problem handling it.

*Marcel Strigberger retired from his Greater Toronto Area litigation practice and continues the more serious business of humorous author and speaker. Visit [www.marcelshumour.com](http://www.marcelshumour.com). Follow him @MarcelSHumour.*

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