

MARCH 5, 2023

CHURCH OF CHRIST



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SCHEDULE OF SERVICES

SUNDAY:

Bible Classes.....9:45 a.m.

Morning Worship.....10:30 a.m.

Evening Worship.....6:00 p.m.

WEDNESDAY:

Bible Classes.....6:00 p.m.

Minister, John Keith

(304) 266-9027

WELCOME!

We invite you to all of our services.

“...the churches of Christ salute you” (Romans 16:16)

PRESUMPTION OF INNOCENCE

Dave Miller, Ph.D.

Modern American politics has become increasingly characterized by “dirty tricks” and smear tactics that are intended to torpedo a candidate’s election potential. These days the usual accusation pertains to sexual matters—“unwanted sexual advances” and the like. One cannot help but be skeptical of such allegations since the accusers fixate on **sexual** matters—not other criminal behaviors. On the one hand, there are politicians whose checkered pasts deserve to be brought to light due to relevant reflection on suitability for office. On the other hand, political opponents seek to discredit an otherwise innocent and qualified candidate—not

merely digging up legitimate concerns from his past, but fabricating charges and “evidence” for no other reason than they disagree with his views (e.g., on abortion). Regardless of one’s political affiliation, such circumstances ought to be distasteful.

More troubling than even these tactics is the seemingly widespread acceptance of the idea that a mere accusation constitutes adequate proof of guilt. The longstanding, bedrock adage of “innocent until proven guilty” has fallen by the wayside in the minds of many. Many individuals appear so deluded by their political and moral ideology that they have literally come to redefine the meaning and nature of “justice,” “fairness,” and “impartiality.” They have jettisoned any sense of what it means to be dispassionate, emotionless, and evenhanded in assessing truth. Indeed, if an accusation is accompanied by the presence of tears, the accusation becomes more credible and the likelihood of its veracity becomes certain. Tears carry more weight than truth. “Due process” is defined as giving a hearing to the accusation and then accepting it at face value as true.

The concept of “presumed innocent until proven guilty”¹ is inherent in just law and self-evidently true. The accuser has the obligation to prove the accusation beyond a reasonable doubt. In the 1895 U.S. Supreme Court case *Coffin vs. United States*, writing the opinion of the Court, Justice White included the following observation:

Ammianus Marcellinus relates an anecdote of the Emperor Julian which illustrates the enforcement of this principle in the Roman law. Numerius, the Governor of Narbonensis, was on trial before the emperor, and, contrary to the usage in criminal cases, the trial was public. Numerius contented himself with denying his guilt, and there was not sufficient proof against him. His adversary, Delphidius, “a passionate man,” seeing that the failure of the accusation was inevitable, could not restrain himself, and exclaimed, “Oh, illustrious Caesar, if it is sufficient to deny, what hereafter will become of the guilty?” to which Julian replied, “If it suffices to accuse, **what will become of the innocent?**”²

The American Founders agreed with this assessment of the presumption of innocence and often quoted the highly respected English jurist William Blackstone on the matter: “all presumptive evidence of felony should be admitted cautiously, for the law holds that it is better that ten guilty persons escape than that one innocent suffer.”³

Apart from the legal system that has characterized American civilization from the beginning, the Bible speaks definitively regarding presumption of innocence. Indeed, the notion of “innocent until proven guilty” is inherent in the nature of God. Giving credence to an accusation without proof is evidence of blind prejudice and irrational human emotion rather than logic and reason. One wonders if those women who are quick to believe an unsubstantiated accusation made against a public official would react the same way if their own teenage sons were the recipients of similar allegations.

The bedrock truth that undergirded God’s law for Israel regarding criminal behavior centered on the presence of **multiple** witnesses:

Whoever kills a person, the murderer shall be put to death on the testimony of witnesses; but **one witness is not sufficient testimony** against a person for the death penalty (Numbers 35:30).

Whoever is deserving of death shall be put to death on the testimony of two or three witnesses; he shall not be put to death on the testimony of **one witness** (Deuteronomy 17:6).

These verses are adamant in their insistence that no one should be convicted on the basis of a single witness. This principle is carried over into church law in the New Testament (Matthew 18:16; 2 Corinthians 13:1; 1 Timothy 5:19; Hebrews 10:28; Revelation 11:3; Cf. Matthew 26:60; John 5:31; 10:37).

It is important to understand that the minimum two witnesses did not refer to a single witness who passes along his observations to another individual who then acts as a second witness. Rather, these verses require two or more **independent** witnesses, i.e., they were

personal eye-witnesses to the alleged event. Nor do these verses justify bringing forward multiple witnesses to separate incidents (“me too”). The fact that a bank robber robs three separate banks on different occasions does not qualify a single witness from each bank robbery to serve as the “two or more witnesses.” There must be two or more eyewitnesses to the **same** event. God was so adamant on this point that He prescribed harsh penalties for violations of it:

One witness shall not rise against a man concerning any iniquity or any sin that he commits; by the mouth of two or three witnesses the matter shall be established. If a false witness rises against any man to testify against him of wrongdoing, then both men in the controversy shall stand before the LORD, before the priests and the judges who serve in those days. And the judges shall make careful inquiry, and indeed, **if the witness is a false witness, who has testified falsely against his brother, then you shall do to him as he thought to have done to his brother**; so you shall put away the evil from among you. And those who remain shall hear and fear, and hereafter they shall not again commit such evil among you (Deuteronomy 19:15-20).

One wonders if this legislation were in effect in America today, would we have so many accusers speaking out without adequate evidence. Indeed, God declared: “Keep far from a false charge, and do not kill the innocent and righteous, for I will not acquit the wicked” (Exodus 23:7).

Under the Law of Moses, a woman subjected to sexual assault was under obligation to scream so that she could be rescued by those nearby. Otherwise, she was a consensual participant. The only exception to this requirement was if the sexual assault occurred in a secluded place (outside of town) where no witnesses or rescuers were available or able to come to her aid (Deuteronomy 22:22-27).

Also under the Old Law, Cities of Refuge were established to facilitate a person’s avoiding vengeance implemented by the kinfolk of the person he may have killed. He was permitted to flee to the city where he would be protected until guilt or innocence could be established. Hence, he was innocent until **proven** guilty. If he was assumed guilty at the outset, there would have been no reason to provide a city of refuge to determine otherwise.

Observe that with the advancement of scientific criminology, specifically the discoveries pertaining to DNA evidence, many convicted individuals have been exonerated. Oftentimes, they were originally convicted solely on the testimony of a single witness—a circumstance that violates God’s directives for ascertaining guilt. If God’s thinking had been employed, the innocent individual never would have been convicted in the first place.

But these principles imply that those guilty of heinous crimes will occasionally, perhaps even often, be allowed to go free. Nevertheless, in God’s sight, accusing and convicting an innocent person is a great miscarriage of justice. Recall the words of Blackstone and Emperor Caesar Julian: “It is better that ten guilty persons escape than that one innocent suffer”; “If it suffices to accuse, what will become of the innocent?”

ENDNOTES¹ A phrase attributed to English barrister, politician, and judge William Garrow. See Kenneth Pennington (2003), “Innocent Until Proven Guilty: The Origins of a Legal Maxim,” *The Jurist: Studies in Church Law and Ministry*, 106[63]; Richard Braby and John Hostettler (2010), *Sir William Garrow: His Life, His Times and Fight for Justice* (Loddon, England: Waterside Press); *Coffin v. United States*, 156 U.S. 432 (1895), <https://supreme.justia.com/cases/federal/us/156/432/>. The court stated: “A charge that there cannot be a conviction unless the proof shows guilt beyond a reasonable doubt does not so entirely embody the statement of presumption of innocence as to justify the court in refusing, when requested, to instruct the jury concerning such presumption, which is a conclusion drawn by the law in favor of the citizen by virtue whereof, when brought to trial upon a criminal charge, he must be acquitted unless he is proven to be guilty.”² **Ibid.**, emp. added.³ Sir William Blackstone (1893), *Commentaries on the Laws of England in Four Books* (Philadelphia, PA: J.B. Lippincott), IV.XXVII.V. Published November 11, 2018 <https://apologeticspress.org/presumption-of-innocence-5622/>

Welcome!

We are thankful for your presence. To our visitors, please fill out one of the blue cards and place it in one the collection plates.

This morning we welcome **Barry Boverie** from

Mid-western Children's Home .

There will be song service this evening.

Wednesday Bible Study: Revelation 11:10f.

ANNOUNCEMENTS:

- Remember to set your clocks forward Saturday night ...
- **Rick Lambert** is to have a scan tomorrow and if things look well, the 2nd phase of chemo will commence on Wednesday.
- Prayers are requested by the Starrett's for the family of one of Josh Starrett's 8th-grade students at East Muskingum Middles School, **Levi Tysinger**, 14, who was tragically killed in an ATV accident Thursday evening.



REMINDER:

- ❖ **Men's Day** at *Norval Park* on Saturday, March 18, 9 am—1:30 pm.
- ❖ Our *Gospel Meeting* will be May 21-25 with **Phil Grear**.
- ❖ Men's Encouragement Day here, October 7, 2023, with **Roger Rush**.

IN OUR PRAYERS: Diann Bachmann, Betsy Cook, Erma Endly, Mike & Karen Grove, Cathy Jackson, Bruce & Kim Johnson, Gary Jones, Rick Lambert, Jody Main, Carol Mitchell, Bev Singleton, Linda Steele, Helena Tewksbury, Jean Whitley, and Randy Yost.

SHUT-INS:
Debbie Jones,
Nancy Love,

FAMILY AND FRIENDS: **Weston Boulet** (great-grandson of Shirley Patterson), **Betty Cox** (Diann Bachmann's sister), **Melanie Harper**, **T.J. Hart**, **Trudy Kerby**, **Colleen Kiester** (Mo Smith's sister), **Bob Main** (Bill Main's brother), **Linda Potts** (Joyce Starrett's sister-in-law), **Kellie Price** (Richard Mayo's cousin), **Addy Reed**, **Rodney Reeves** (Erica Cunningham's father), **John Rockhold**, **Leatha Warner** (Erma Endly's daughter-in-law), the U.S.A., **Ukraine** and remember to pray for one another.

AM STUDY	SUNDAY AM	SUNDAY PM	WED. STUDY	GIVING (\$2,460)
34	53	36	21	\$2,094