

A JUSTICE PRIMER

THIRD EDITION

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❧ P R E F A C E ❧

TO THE

SECOND EDITION

In the spring of 2015, Canon Press published the first edition of *A Justice Primer*. In December of 2015 it was widely publicized that portions of the book contained some plagiarized material. I immediately took full responsibility for the problem and publicly acknowledged and apologized for my careless but culpable mistakes, having used some old material from a sermon that had not been properly cited in my notes at the time. As a result, I did not recognize that the material was not my own. *It was my obligation to be sure that this did not happen.* My co-author, Douglas Wilson, also apologized. And Canon Press publicly apologized, immediately pulled the book from publication, and conducted a thorough review. They “determined that the plagiarism in *A Justice Primer* was not the result of intentional malice.” A few of the items that had been pointed out turned out to be minor citation

errors that were easily corrected. The remaining material (less than four hundred words), has been deleted or re-written for this second edition.

Sincerely,
RANDY BOOTH

EDITORIAL NOTE

As this book was written by two authors, an appendix in this edition identifies the *primary* author of each major section.

EVERYDAY JUSTICE

God is just, and since we are made in His image, we too long for justice. Every child knows this early on, and thus it is common to hear the claim that something “isn’t fair.” C.S. Lewis observed, “Justice means much more than the sort of thing that goes on in law courts. It is the old name for everything we should now call ‘fairness’; it includes honesty, give and take, truthfulness, keeping promises, and all that side of life.”¹

The demands of justice press us continually. We are called upon to render justice day in and day out: husbands and wives, parents and children, friends with friends, neighbors with neighbors, employers and employees, elders, judges, and juries. Everyone wants justice while few are well-equipped to render it. Nevertheless, doing justice is essential to all of our relationships within our families, churches, schools, businesses, and the civil realm. We

1. C. S. Lewis, *Mere Christianity* (New York: Macmillan, 1952), 76.

want justice for ourselves (tempered with mercy) but we are often careless with dispensing it to others. Our interest in justice is deep: because God is just, because we are created in His image, because we desire to be treated justly, and because we are obligated to treat others justly. This built-in sense of justice drives us back to its source. C.S. Lewis wrestled with the centrality of justice as he wrestled with God Himself:

My argument against God was that the universe seemed so cruel and unjust. But how had I got this idea of just and unjust? A man does not call a line crooked unless he has some idea of a straight line. What was I comparing this universe with when I called it unjust? If the whole show was bad and senseless from A to Z, so to speak, why did I, who was supposed to be part of the show, find myself in such a violent reaction against it? A man feels wet when he falls into water because man is not a water animal: a fish would not feel wet. Of course, I could have given up my idea of justice by saying it was nothing but a private idea of my own. But if I did that, then my argument against God collapsed too—for the argument depended on saying that the world really was unjust, not simply that it did not happen to please my private fancies. Thus in the very act of trying to prove that God did not exist—in other words, that the whole of reality was senseless—I found I was

CONFLICT AND JUSTICE

Who is wise and understanding among you? Let him show by good conduct that his works are done in the meekness of wisdom. But if you have bitter envy and self-seeking in your hearts, do not boast and lie against the truth. This wisdom does not descend from above, but is earthly, sensual, demonic. For where envy and self-seeking exist, confusion and every evil thing are there. But the wisdom that is from above is first pure, then peaceable, gentle, willing to yield, full of mercy and good fruits, without partiality and without hypocrisy. Now the fruit of righteousness is sown in peace by those who make peace.

JAMES 3:13–18

The history of man is one of conflict—whether past conflict or conflict lying in wait.¹ This conflict is but the fruit of the deep root of envy. “He has it and I want it, and even if I don’t really want it, I don’t want him to have it.” The perfect (i.e., mature) man,

1. We are speaking here of moral conflict that arises from sin. There is a different kind of “conflict” or dispute that is centered on the “facts” of a matter (e.g., “It was raining this time last week.” “No, it wasn’t.”).

Jesus Christ, was selfless. The immature and fallen man is autonomous and selfish. Adam and Eve envied God, and herein the first conflict erupted. They wanted to be as God; to at least be His peers. This conflict between Creator and creature led to a separation of mankind from God, from life to death.

When confronted with his sin, Adam compounded the conflict by pointing his accusing finger at Eve and ultimately blaming God for having given him such a wife. Together (in time), they would fill the earth with like-minded immature accusers.² A long string of conflicts ensued and has since comprised the story of man. “Then the LORD saw that the wickedness of man was great in the earth, and that every intent of the thoughts of his heart was only evil continually” (Gen. 6:5).

We live in a time when envy has been turned into a virtue. Jesus told the parable about the workers hired at different times of the day to make a spiritual point directed at envy (Matt. 20:1–16). But we take the side of the workers who labored through the day and would tend to see this as the basis of a class-action lawsuit. Nevertheless, Scripture declares, “A sound heart is the life of the flesh: but envy the rottenness of the bones” (Prov. 14:30). What motivated Joseph’s brothers to seek his elimination? Stephen answers the question clearly for us. “And

2. Immaturity and selfishness are synonymous. Two two-year-olds in a room with one toy is the picture of immaturity or selfishness. Jesus is the picture of maturity, laying down His life for His friends.

STANDARDS OF JUSTICE

*Righteousness and justice are the foundation of Your throne;
Mercy and truth go before Your face.*

PSALM 89:14

In the Supreme Court Building in Lausanne, Switzerland hangs a painting by Robert Paul titled *Justice Lifts the Nations*. Justice points her sword at a book that is labeled, “the Word of God.”¹ God’s law is perfect, and it provides the perfect standards for justice. God is just. Justice is one of His attributes, a part of His holy character. As Greg Bahnsen put it, “The law is a transcript of God’s character, one’s response to the law is one’s response to God himself.”² It therefore establishes the standards of justice for those made in His image. One of the ways we express love for God and for our neighbors is

1. Francis A. Schaeffer, *How Should We Then Live* (Old Tappan, NJ: Fleming H. Revell, 1976), 106.

2. Greg L. Bahnsen, “The Theonomic Reformed Approach to Law and Gospel,” *Five Views on Law and Gospel*, ed. Stanley N. Gundry (Grand Rapids: Zondervan, 1996), 94.

by upholding those standards; by doing justice and righteousness. “By this we know that we love the children of God, when we love God and keep His commandments. For this is the love of God, that we keep His commandments. And His commandments are not burdensome” (1 John 5:2–3). Doing right, protecting the innocent, and promoting the good are some of the goals of justice.

The infallible standards of justice include all of God’s Word. None of His requirements is unjust, either too lenient or too harsh. The Bible provides a universal standard for all men, in all times and in all places. There is no double standard. As Bahnsen has observed, the Pharisees attempted to escape this by overlooking the weightier matters of the law, such as justice, mercy, and faith (Matt. 23:23–24). But Jesus tells us that in so doing, they were “blind leaders of the blind” who transgressed God’s law by supplanting it with their own traditions (Matt. 15:3–6, 14).³

A SENSE OF JUSTICE

Having been made in the image of God, every child is born with a powerful sense of justice or fairness. God’s law is written in our hearts. However, we are also fallen and sinful creatures and thus our sense of justice has been perverted. It is slanted toward ourselves. Therefore, we are incapable (in ourselves) of establishing and maintaining true justice. We love ourselves, but not God and

3. Greg L. Bahnsen, *By This Standard: The Authority of God’s Law for Today* (Tyler, TX: Institute for Christian Economics, 1985), 30–31.

JURISDICTION AND AUTHORITY

Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God. Therefore whoever resists the authority resists the ordinance of God, and those who resist will bring judgment on themselves.

ROMANS 13:1–2

“Jurisdiction refers to the bounds and limits of a source of legal authority.”¹ This might include geography, government, and political or relational authority. The various spheres of authority have specific jurisdiction, or limits over who they are responsible for. For example, parents have authority and jurisdiction over the children of their own household, but not over the children in the household next door; elders have authority and jurisdiction over their local church but not over the

1. “Overview of the Types of Jurisdictions,” Laws.com, <http://court.laws.com/jurisdiction> (accessed August 1, 2018).

church down the street; and the state of Texas has authority and jurisdiction over her residents but not over the residents of Idaho. Moreover, authorities are also limited in the kinds of matters they may adjudicate. In other words, some things are simply none of our business, and we need to stay out of them altogether.

Authorities and jurisdictions do sometimes overlap, and thus there are often multiple parties who have a legitimate interest in a matter of justice. In such a case there is usually a hierarchy of authority that determines who has the primary jurisdiction. It is the duty of an authority that has jurisdiction to administer justice to all who are under his authority. This is why an unjust judge is a terror to those under his authority and jurisdiction.

Our notion of what is just often looks different from a distance. The thirty-thousand-foot aerial view lacks precision. And while it might be correct in its perception, that distant point of view is not the same as those with front-row seats. Those with authority and jurisdiction are in a position to see, hear, learn, compel, limit, and evaluate the evidence and then to implement the safeguards necessary to achieve justice. Authority can say yes or no, permitted or not permitted, sustained or overruled. Authority is essential to the process of justice but is always limited in its jurisdiction. It is easy for those in the cheap seats to question the call at second base, especially when the call goes against their team. But, in the end, being “subject to the governing authorities” means honoring their decisions.

ACCUSED AND ACCUSER

*Do not keep silent,
O God of my praise!
For the mouth of the wicked and the mouth of the deceitful
Have opened against me;
They have spoken against me with a lying tongue.
They have also surrounded me with words of hatred,
And fought against me without a cause.
In return for my love they are my accusers,
But I give myself to prayer.
Thus they have rewarded me evil for good,
And hatred for my love.*

PSALM 109:1-5

We commonly talk about the rights of the accused in matters of justice. But in the tangled web of human experience, the accuser can rapidly become the accused. Then what do we do? Often, if we like what an accuser under authority is doing, we call him a whistleblower. If we don't like it, we call him a treacherous sneak. But we should not call him anything until we know.

The first thing to do, especially for all internet observers, is to maintain a heart check that will keep partisan interests out of any situation. When someone accuses someone else, and someone else makes a counteraccusation back, the thing we must not do is take up sides based on other partisan considerations. Suppose a paedobaptist accuses a credobaptist minister of embezzlement. I am not to lean in the direction of the accuser because of our shared exegesis on the covenant. Take this a step further. Suppose an accusation is made against someone who is my personal adversary, someone I believe has wronged me in the past. I get word, say, that a parishioner has accused this particular pastor, who has previously come after me, of something nefarious. If my response were, “How sad. It was just a matter of time,” I would be wronging that pastor in a grievous way. Keeping partisan interests out of it is a protection for both accuser and accused. It prevents us from being a participant in a seller’s market—ready to believe some dirt for other reasons.

Let us set down two principles as we come to the rights of an accuser specifically. For our purposes here, we are assuming an accuser of established authority. If the accuser is in authority, then we do not have to worry much about their rights. The Sanhedrin accused Jesus, and at least as far as human judgment was concerned, they did not have to worry about retaliation. He was the Lamb led to slaughter. (Of course, we are leaving out of consideration here the days of vengeance that fell in AD 70.)

CHARGES AND LIES

Indeed, let God be true but every man a liar.

As it is written:

*“That You may be justified in Your words,
and may overcome when You are judged.”*

ROMANS 3:4

When Christians collide with each other and get themselves into “sociological events” (i.e., conflicts), one of the first things to disappear is a sense of measured justice. When this happens, it is not the case that there is no sense of justice, because all the principles of justice can still be articulated, appealed to, and explained if the circumstance has to do with something that was done to *them*. The sin involved can be seen in the profound refusal to apply those same principles in the other direction.

The prophet says that God requires of us this: to do justice, to love mercy, and to walk humbly with Him. What does it mean to “do justly”? The Bible has a great

deal to say about this, and we will start with one example that comes up a lot.

When someone else says something that you believe to be untrue, what do we call that? In time of conflict, it is the easiest thing in the world to call it a lie, and this makes the other person “a liar.” When the traffic is going the other way, the choices aren’t so simple. *Then* we call it the truth, or a mistake, or a difference in interpretation. And this means, applying the Golden Rule, that the latter is the standard we should apply to others, even to those others with whom we are in conflict. Or, as Leonardo da Vinci put it, “Do unto others as if you were the others.”

A person is lying when two conditions exist. First, they are saying something that is untrue, and second, they know it to be untrue. If someone comes in and jokes that it is raining (because the sun is blazing hot) and yet someone inside who is a little gullible hears this and believes it, and then the second person goes down to the basement and tells someone there that it is raining, he is telling an untruth, but he is not telling a lie. The first person is telling a joke, not a lie. The second person is not lying because he honestly believes that what he is saying was true. The first person is not lying because his assumption is that everyone there will know the strict truth and take his manifestly untrue statement for what it is, a joke (although it’s not funny once you have to explain it like that). Someone tells a lie when he says something untrue, knowing it to be untrue, and seeks to get others to believe it, although it is untrue.

THE USE OF EVIDENCE

*The first one to plead his cause seems right,
until his neighbor comes and examines him.*

PROVERBS 18:17

W e must always be on the side of justice, but until justice has been determined by an appropriate hearing under an appropriate jurisdiction considering appropriate evidence, we are required to reserve judgment. We might think someone is guilty, but our opinion, weak or strong, is not the same thing as evidence. The presumption of innocence is a biblical notion, and without credible witnesses (i.e., evidence), we may not assume that because someone is accused of a horrible act, the accusation is sufficient in itself to draw a just conclusion. Good rules of evidence are designed to promote justice. Some evidence is allowed, like eyewitness testimony, while other evidence is excluded, like hearsay reports. Once the credible evidence is on the table we still have the important task of interpreting that evidence in an appropriate context and with sound rules in place.

There must be partiality in judgment, but the partiality is always toward God's standards of justice. There really are evil people and bad actors, and God's law stands opposed to such persons. Nevertheless, their guilt needs to be established prior to the verdict being delivered. Careful attention to the evidence must be given before a sentence is made. Judges make judgments, but just judges always regard the law first, and the rules of evidence are a part of that law. It is all too common for people to rush to judgment when they are in no position to know or evaluate all the evidence. A personal hunch is not capable of delivering justice and it is fully capable of doing an injustice.

Newspaper reports, internet blather, and other types of rumor mills are not reliable evidence. It is possible to be in possession of two percent of the evidence but to assume that you are in possession of it all. For genuine justice to be rendered, all the available evidence, the right kind of evidence, the proper interpretation of the evidence and wise judges are all necessary. Our brains want to fill in missing information and will frequently do so rather than acknowledge that we simply do not know. We often assume actions, motives, and reasons not in evidence. Reading between the lines is dangerous and prone to produce injustice.

Moreover, repeating bad evidence is not evidence. The fact that two people are convinced that someone is guilty does not make that person guilty, and he is no guiltier if ten people are convinced, and post it on Facebook, and

WITNESSES

You shall not circulate a false report. Do not put your hand with the wicked to be an unrighteous witness. You shall not follow a crowd to do evil; nor shall you testify in a dispute so as to turn aside after many to pervert justice.

EXODUS 23:1–2

Not bearing false witness is fundamental to biblical justice, although it is possible to *deliberately* bear false witness or *carelessly* bear false witness. While there is a qualitative difference between perjury and a mistake, the unjust effects on the innocent are similar. Honest, careful, and faithful testimony is a necessity. As we have established, this requires the opportunity for cross-examination and corroboration (Deut. 19:15). This is set forth again in Matthew 18:15–46: “Moreover if your brother sins against you, go and tell him his fault between you and him alone. If he hears you, you have gained your brother. But if he will not hear, take with you one or two more, that ‘by the mouth of two or

three witnesses every word may be established.”¹ It is the burden of the accuser (or the prosecutor of the accusation) to prove guilt.

The importance of truthful, credible witnesses is seen in the Bible’s strong sanctions against perjury. To bear false witness before God is a form of blasphemy, since God Himself is just and false witness offends that justice. The biblical penalties for perjury require that the false witness receive the same penalty that the accused would have received had he been found guilty, up to and including death.² A witness is prohibited from shading or exaggerating the truth in order to achieve a certain outcome. This is a perversion of justice. Scrupulous honesty is essential (Exod. 23:1–3).

Witnesses are sometimes tempted to spin the facts in a certain direction because they are “concerned” that someone they “know” to be guilty “might get away with it.” Planting evidence becomes a way of helping the case reach a foregone conclusion, which is another way of perverting the justice process. This is often done on the informal level, taking things out of context and twisting words in support of an accusation. The apostle Peter

1. Also: “By the mouth of two or three witnesses every word shall be established” (2 Cor. 13:1). “Do not receive an accusation against an elder except from two or three witnesses” (1 Tim. 5:19). “Anyone who has rejected Moses’s law dies without mercy on the testimony of two or three witnesses” (Heb. 10:28).

2. See Leviticus 19:12; Deuteronomy 17:6–7; 19:16–21; Proverbs 19:5, 9; 25:18; Matthew 19:18; Mark 10:19; Luke 18:20; Romans 13:9.

IMPUTING MOTIVES AND JUSTICE

You shall not hate your brother in your heart. You shall surely rebuke your neighbor, and not bear sin because of him. You shall not take vengeance, nor bear any grudge against the children of your people, but you shall love your neighbor as yourself: I am the LORD.

LEVITICUS 19:17–18

Mysteries beg to be solved and, therefore, when one presents itself, our minds go on a mission to explain it. When the resolution is not plainly evident, our brains often attempt to fill in the gaps. Something was done or said, and the only interpretation we can come up with that makes any sense (to us) is that they *must have intended* to embarrass, seduce, tempt, twist, manipulate, or otherwise make our lives miserable. We have some of the story, but we feel compelled to read between the lines. Nevertheless, the blank space between the lines is *blank*, and thus the interpreter's imagination tends to fill it in and create a fiction. The temptation to

spin a story in our own favor and in opposition to an antagonist is great. God alone is the searcher and knower of hearts. Motives can be known only if they are revealed by the evidence and not by mere speculation or imputation.

The Bible teaches that there are both good and evil hearts, and that these hearts produce different kinds of behavior. Moreover, words themselves are a type of behavior, and they can and do reveal the kind of heart that produced them. Therefore, behavior certainly might be an indicator of motives. Nevertheless, good intentions can also pave the way to the bad place. A gossip might intend no harm, yet still unjustly damage a reputation. Both carelessness and malice (as well as many other sins) could lead to the sin of gossip. Malice, envy, and hate are separate sins that are harder to get at than, say, the sin or crime of false witness. And even those require their own credible evidence before justice can be rendered.

It is a valuable lesson to learn to refrain from judging the motives of others. This is a blessing beyond compare when it comes to cultivating a healthy marriage and family, and it is oil on troubled waters in many relational conflicts. But it is not an all-purpose cure-all. The apostle Paul said that as far as it concerned us, we were to be at peace with all men. But sometimes the other party does not cooperate, and you cannot be at peace with them. A refusal to impute motives does not automatically fix everything—but frequently it is a great help in not making things worse.

TRIAL BY INTERNET

*These six things the LORD hates,
Yes, seven are an abomination to Him:
A proud look,
A lying tongue,
Hands that shed innocent blood,
A heart that devises wicked plans,
Feet that are swift in running to evil,
A false witness who speaks lies,
And one who sows discord among brethren.*

PROVERBS 6:16–19

Most people believe that technology is a staunch friend. There are two reasons for this. First, technology is a friend. It makes life easier, cleaner, and longer. Can anyone ask more of a friend? Second, because of its lengthy, intimate, and inevitable relationship with culture, technology does not invite a close examination of its own consequences. It is the kind of friend that asks for trust and obedience, which most people are inclined to give because its gifts are truly bountiful. But, of course, there is a dark side to this friend. Its gifts are not without a heavy cost. Stated in the most dramatic terms, the accusation can be made that the uncontrolled growth of technology destroys the vital sources of our humanity. It creates a culture without a moral foundation. It undermines certain mental processes and social relations that make human life worth living. Technology, in sum, is both friend and enemy.

NEIL POSTMAN

The Bible tells us that the man who is able to tame the tongue is able to deal with anything. The tongue is a restless evil, James says, full of poison. It sets the world on fire and is set on fire by hell. As long as sin has been in the world, this has been true, but whenever new means of communication are developed, sin eagerly rushes in, often before cultural sanctification and manners catch up with it.

NEW APPLICATIONS OF GOD'S WORD

As a new technology, the internet has presented some fresh challenges to the world, and especially to the church. Technology enables men to do many things faster, bigger, and with less effort. In and of themselves, technologies are neither good nor evil. On the other hand, the men who make use of them *are* good or evil (or both). Explosives can move mountains or wipe out cities. The printing press was invented and was gloriously used by God to spread the availability of the Scriptures. But the same printing press made scurrilous broadsheets and pamphlets possible, and those applications were not slow in coming. The telephone was invented and made many wonderful things possible, but gossip and time-wasting chatter were right there as well.

Now we are dealing with the internet, email, and the like, and all the warnings that St. James gave us must be taken to heart in new ways. We are dealing with the electronic tongue, and we have not yet learned how to handle

CONTENT ATTRIBUTIONS

This appendix identifies which of the authors is primarily responsible for the sections denoted.

INTRODUCTION: EVERYDAY JUSTICE

Booth: p. 1 to p. 4, header “Not as Easy as It Might Seem”

Wilson: p. 4 header “Not as Easy as It Might Seem” to p. 5 “... does not allow for winging it.”

Booth: p. 5 “The Westminster Larger Catechism...” to p. 7 header “Injustice”

Wilson: p. 7 header “Injustice” to end of chapter

1: CONFLICT AND JUSTICE

Wilson: p. 13 to p. 16 “...‘anything done under the sun’ (Eccles. 9:5-6).”

Booth: p. 16 “The man who envies desires...” to p. 17 header “The Mystery of Scandal”

Wilson: p. 17 header “The Mystery of Scandal” to end of chapter

2: STANDARDS OF JUSTICE

Booth: p. 25 to p. 30 header “The Golden Rule as a General Rule”

Wilson: p. 30 header “The Golden Rule as a General Rule” to end of chapter

3: JURISDICTION AND AUTHORITY

Booth: p. 37 to p. 39 “...care must prevail.”

Wilson: p. 39 “What about the jurisdiction issues...” to end of chapter

4: ACCUSED AND ACCUSER

Wilson: p. 43 to p.49 “...that tells you something.”

Booth: p. 50 “Who is making...” to “mention their names?”

Wilson: p. 50 “And last, there is a common...” to p. 51 “This is a common problem all over the country.”

Booth: p. 51 “Spurgeon’s ‘John Ploughman’ wrote...” to p. 52 “...simply be round-filled.”

Wilson: p. 52 “For example:...” to p. 57 header “Further Guidelines Concerning Accusations”

Booth: p. 57 header “Further Guidelines Concerning Accusations” to end of chapter

5: CHARGES AND LIES

Wilson: p. 61 to p. 65 “...that should never be lightly assumed.”

Booth: p. 65 “In the midst of any controversy...” to p. 67 “...disregard the other truths.”

Wilson: p. 67 “Remember, this book has to do...” to end of chapter

6: THE USE OF EVIDENCE

Booth: p. 77 to p. 79 header “Tie Goes to the Runner”

Wilson: p. 79 header “Tie Goes to the Runner” to end of chapter