

**PRESENTATION  
OF  
MR. MANAGER CHABOT**

**JANUARY 15, 1999**

# **THE LAW OF PERJURY**

# **ELEMENTS OF PERJURY**

- (1) oath**
- (2) intent**
- (3) falsity**
- (4) materiality**

# **THE OATH**

**INTENT**

**You were always there when she was there, right? We were never really alone.**

**You could see and hear everything, right?**

**Monica came on to me, and I never touched her, right?**

**She wanted to have sex with me, and I can't do that.**

**FALSITY**

# **MATERIALITY**

# **LEGAL SMOKE SCREEN:**

**Bronston**

## **State of Mind**

**“Because we believe that the crime of perjury depends not only upon the clarity of the questioning itself, but also upon the knowledge and reasonable understanding of the testifier as to what is meant by the questioning, we hold that a defendant may be found guilty of perjury if a jury could find beyond a reasonable doubt from the evidence presented that the defendant knew what the question meant and gave knowingly untruthful and materially misleading answers in response.”**

***United States v. DeZarn,***

**157, F.3d 1042 (6th Cir. 1998).**

**Prosecution for perjury is not barred under Bronston “whenever some ambiguity can be found by an implausibly strained reading of the question” posed.**

***United States v. Doherty***

**867 F.2d 47, 69 (1st Cir. 1989)**

# **LEGAL SMOKE SCREEN:**

## **2 Witness Rule**

**The language of section 1623 expressly provides that “it shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence.”**

# **LEGAL SMOKE SCREEN:**

## **Language of Article I**

**“Independent of the abominable Insult which Perjury offers to the divine Being, there is no Crime more extensively pernicious to Society. It discolours and poisons the Streams of Justice, and by substituting Falsehood for Truth, saps the Foundations of personal and public Rights - Controversies of various kinds exist at all Times, and in all Communities. To decide them, Courts of Justice are instituted - their Decisions must be regulated by Evidence, and the greater part of Evidence will always consist of the Testimony of witnesses. This Testimony is given under those solemn obligations which an appeal to the God of Truth impose; and if oaths should cease to be held sacred, our dearest and most valuable Rights would become insecure.”**