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Book of Mormon Witnesses and Their Testimony Meet Legal Standards

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Abstract: The Old Testament law of witnesses was approved by Paul the Apostle, Hammurabi, and Utah code: by the mouth of two or three witnesses shall the matter be established. The Three Witnesses and Eight Witnesses of the Book of Mormon fulfill this criteria. The most important witness for which there is no substitute is the Holy Ghost who witnesses to the very soul of man.

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EVERY intelligent person desires to know the facts in any given situation. No one should condemn or approve without knowing the facts. If not personally present to see or "witness" an event, one must depend upon others who were present for information. To furnish such information or facts is the function of witnesses.

The Old Testament law required that "at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established" (Deut. 19:15). And Paul approved the same rule of procedure in New Testament times (II Cor. 13:1).

Hammurabi (about 2000 B.C.) set up tribunals in which witnesses could testify. Down through history and into our common and statutory law have come tribunals set up to hear evidence and establish facts.

The Utah Code provides that "all persons, without exception, otherwise than as specified in the next two sections, who, having organs of sense can perceive, and perceiving can make known their perceptions to others, may be witnesses" (Sec. 104-49-1 UCA 1943). However, persons "of unsound mind at the time of their appearance for examination," and "children under ten years of age who appear incapable

of receiving just impressions of the facts respecting which they are examined, or of relating them truly," may not be witnesses.

In this discussion we shall analyze the competency and credibility of the eleven witnesses of the Book of Mormon from a legal standpoint. Our inquiry is, were the eleven witnesses to The Book of Mormon competent and credible according to legal standards, and is their testimony worthy of belief?

In speaking of competency, we have in mind those qualifications which make a witness legally fit to testify in a court of justice. A credible witness is a person competent to testify, and who is worthy of belief.

It may be said, as a general rule, that there is a presumption in the absence of competent evidence to the contrary, that people act in good faith, with honest purposes, and one who charges bad faith or dishonest motives has the burden of proving his contentions. Then, too, every person is assumed to be normal in mind and body until the contrary is proved, and every person is presumed to possess good character. And, character may be proved by general reputation.

Generally speaking, testimony affirmative and positive in its na-

ture is considered stronger than mere negative testimony. And, as a rule, witnesses are presumed to have testified truthfully. A court or jury has no right arbitrarily, or because of mere caprice, to reject the testimony of a witness who has not been impeached or discredited.

The problem of what constitutes competent and credible testimony is interwoven with the question of competency and credibility of witnesses. In our quest for truth, we should try to obtain from honest witnesses testimony based upon information derived from direct observation and experience.

According to the foregoing legal standards, were the eleven witnesses to The Book of Mormon competent, credible witnesses?

OLIVER Cowdery, David Whitmer, and Martin Harris, the three witnesses, were all normal, successful men, endowed with more than average intelligence. In June 1829, when these men claimed they saw the plates, Oliver Cowdery was twenty-two years of age, with a reputable background as a farmer, clerk, and school teacher. That he was measurably better educated than the average man of his time is conclusively shown by the fact that he wrote in a very legible hand practically the whole text of The Book of Mormon as he heard it from the lips of Joseph Smith. Later he was admitted to the bar and served as a prosecuting attorney in the State of Michigan. We know that he possessed unusual power as a descriptive and narrative writer, as is evidenced from his description of the restoration of the Aaronic Priest-

hood (See ROBERTS, *A Comprehensive History of the Church*, I, page 178, footnote 5). The clarity and orderliness of his mind are also shown in the impressive discourses which he delivered (See, for example, D.H.C. II, page 194, "General Charge to the Twelve").

Certainly such a man would have been a highly competent and credible witness before any tribunal.

David Whitmer was twenty-four years of age when he gave his testimony in 1829 in support of the authenticity and divinity of The Book of Mormon. His father served in the Revolutionary War, and with a God-fearing companion of excellent character, reared a family of five sons and two daughters as strict Presbyterians. David, throughout his life, was industrious and honest, and bore an untarnished reputation for integrity and veracity. Indeed, the *Richmond Conservator*, published in David Whitmer's home town, carried a statement signed by a score of leading business and professional men in which they certified, "we have been long and intimately acquainted with him and know him to be a man of the highest integrity, and of undoubted truth and veracity" (NIBLEY, *The Witnesses of the Book of Mormon*, page 89). At the time of his death, the *Richmond Democrat* referred to David Whitmer as honest and upright in all his dealings (*Ibid.*, page 104). Furthermore, it is evident from Mr. Whitmer's writings that he was a man of unusual intelligence and capacity (See "Address to All Believers in Christ").

Martin Harris in 1829 was forty-six years of age—a successful farmer

who was able to borrow \$3,000 in cash. He owned his own farm, and was generally recognized as a prosperous citizen. He frequently hired Joseph Smith on the Harris farm. Obviously, he was not illiterate because he copied in his own handwriting, from the spoken words of Joseph Smith, 116 pages from the sacred records.

Clearly the three witnesses were not mere "nobodies"; they were men among men, competent and credible according to the highest legal standards. Should there be any doubt that the testimony given by such men should be accorded full credit? Surely they were honest in their convictions, and men whose background insured the veracity of their statements.

WHAT was their testimony? Solemnly they bore testimony to the world that they saw the plates from which The Book of Mormon was translated, and observed the engravings upon the plates. To that extent their testimony is the same as that of the eight witnesses. However, critics and skeptics throw up their hands and shout "impossible!" when the three witnesses testify that the plates in question were exhibited to them by a heavenly messenger, and that they heard the voice of God assure them that the plates were translated by the gift and power of our Heavenly Father. There is no doubt but that in a court of law, witnesses cannot give testimony upon which the divinity of a claim can be determined, but men who witness an event in broad daylight and give testimony based upon the exercise of their own vision, hearing

and feeling, certainly must be believed when they attest that they saw, heard, and felt certain things. Any court would have to receive their testimony to that extent.

In law, no statement is granted greater sanctity than that made on the deathbed. Men facing the final hour of dissolution have a high and solemn respect for truth and recognize their responsibility as never before toward their Maker. Each of the three witnesses reaffirmed his testimony concerning the divinity of The Book of Mormon upon his deathbed.

The eight witnesses were likewise men of intelligence and integrity. They were honest, honorable, and reliable. The theory that these men conspired with the three witnesses to fabricate testimony concerning such a solemn experience as that about which they testified, is overwhelmingly discredited by the abundance of evidence as to their honesty and integrity. They were not victims of hallucinations. Their testimony was of the matter-of-fact kind; that they saw and handled the plates and observed their workmanship, and the engravings thereon.

The eight witnesses—Christian Whitmer, Jacob Whitmer, Peter Whitmer, Jr., John Whitmer, Hiram Page, Joseph Smith, Sr., Hyrum Smith, and Samuel H. Smith, were good men—intelligent, industrious, and honest. The four Whitmers were the sons of Peter and Mary Musselman Whitmer, and brothers of David Whitmer. They ranged in age from twenty to thirty-one years when they saw and inspected the plates from which The Book of Mormon was translated.

One of Jacob Whitmer's sons became a lawyer and mayor in his home town, Richmond, Missouri. John was sufficiently well trained to become the first historian of the Church, and became the owner of extensive land and livestock holdings. Christian and Peter, Jr. both died within a few years after giving their statement, but they, with their brothers, remained loyal and unshaken in their testimony.

HIRAM Page became a physician and surgeon, and practiced in New York and Canada. He had a family of nine children. He reaffirmed his testimony numerous times. He died staunch in that testimony. Joseph Smith, Sr., one of the finest Christian gentlemen of his generation, was the father of ten children, including the Prophet Joseph. He was an honest farmer, and he and his wife gave their lives for the truth as they saw it.

Of Hyrum Smith it was truthfully said, "He lived so far beyond the ordinary walk of man that even the tongue of the vilest slanderer could not touch his reputation. He lived Godly and he died Godly."

Samuel H. Smith, the remaining witness, was the brother of the Prophet Joseph and the Patriarch Hyrum, and the son of Joseph Smith, Sr. Of him it was deservedly said, "If ever there lived a good man upon the earth, Samuel H. Smith was that person."

We then have eleven men of more than ordinary intelligence,

honest and dependable in their background and reputation, solemnly voicing and writing the fact that they saw the plates from which The Book of Mormon was translated, and inspected them to the extent that they became conclusively convinced that that record was all that it purported to be. On one occasion they all stood up before a congregation of men bearing the Holy Priesthood, held up their hands together, and unitedly bore solemn testimony to the truthfulness and divinity of The Book of Mormon based upon their personal knowledge (NIBLEY, *Witnesses to The Book of Mormon*, page 24). Such testimony must be accepted by unbiased investigators. These witnesses, after the lapse of one hundred twenty-two years, stand before the world unimpeached, and unimpeachable.

In conclusion, it must be observed that there is no substitute for a genuine, burning testimony in the individual soul concerning the divinity of The Book of Mormon, and this discussion makes no claim to any theory that the divinity of The Book of Mormon can be established in a court of law. It is hoped only to give new underpinning and support to testimonies based upon intangible, spiritual evidence. It may also assist those who have not achieved full assurance of the divinity of the latter day work, for truly the witnesses of The Book of Mormon made a case worthy of acceptance in tribunals of earthly origin set up to determine facts.

Note: This article, by Elder David J. Wilson, offers supplementary material to class leaders for the theology lesson, page 555, in this issue of the Magazine, entitled "The Witnesses to The Book of Mormon."