

Witnesses of the Book of Mormon — Insights Episode 18: Is Eyewitness Testimony Reliable?

Camry Bagley Fox: Welcome to our series on the witnesses of the Book of Mormon. My name is Camry Bagley Fox. In today's episode we are going to discuss some criticisms of eyewitness testimony. This form of evidence is crucial in courts of law across the world and nation, and yet, many believe that it is deeply unreliable.

We will also discuss memory, and what influences our memory. Both subjects have bearing on the reliability of the testimonies of the Book of Mormon witnesses.

Our featured interview is with Dr. Jeffrey M. Bradshaw, a senior research scientist at the Florida Institute for Human and Machine Cognition.

Jeffrey M. Bradshaw: I really can't speak as a historian or an expert in law, that's outside my expertise, but let me say, give an opinion, it's just a, just an opinion of somebody who weighs data that we get from different sources.

We have a lot of technology these days that can be used in the courtroom. We have different kinds of digital photo-photography, and video recordings, audio recordings, we have forensic evidence of different kinds, fingerprints and so forth. But all those suffer from one limitation, that is, they're specific and they're immediate. There's really no context of interpretation. That's why I think that eyewitness testimony is never going to be completely replaced in the courtroom or anywhere else.

JB, cont'd: In eyewitness testimony, context is everything. That context of interpretation, that a human can provide, that we can't get through technology or through forensic evidence alone. I remember seeing some time ago a photograph of a person who is violently pushing another person, and then the didactic moment, the teaching moment, they showed a different view of that picture, with an oncoming car, and that person was actually doing the other a kindness by getting them out of harm's way.

Eyewitness testimony, then, it's strength, is in the evaluation, the long-term perspective, and the fact it tries to take in the entire context, not just the specific and the immediate.

There are people who believe that eyewitness testimony is so flawed that it's almost completely worthless. If that were the case, you'd have to ask yourself, with what would we replace it? Would it be with technology? That's a good question. I'm really a technology advocate. And there'd be nobody happier than me if we could come up with some kind of camera that can testify truthfully about exactly what happened on the scene of a crime, or even better yet, a supernatural experience such as those of the three witnesses.

The truth is, of all the things I listed, none of them is even remotely feasible in our current set of circumstances. But humans bring an aspect of judgement and context, and of understanding the whole for the parts, temporally and otherwise that we don't get with any other form of evidence.

Title up: How does Memory affect Eyewitnesses Testimony?

JB, cont'd: One fact of life is that all of us forget things. In fact, we sometimes hardly remember that we forgot something, and then have to be reminded of it later. I get reminded of that often, in my family. But people forget different kinds of things, and people remember different kinds of things.

We tend to remember things that are important to us. What kinds of things get watered down with time? Well, basically anything can, over time. And it isn't just a weakening of the memory, it's a changing of the memory. When a lawyer asks a leading question about, 'How fast were the cars going when they BUMPED into each other,' versus, 'How fast were they going when they SMASHED into each other,' it creates a picture in our mind. We can't distinguish completely, that picture that arises in our mind from the real event, they get mixed together, just like trying to put drops of milk in a glass of water. The water's still there, but you can't separate the milk from the water anymore.

We don't remember the source of those, where those memories came from. So it happens, that when we're in the association with other people talking about what they saw, we're going to pick up things, and our memories are going to change. But in the case of the core events of the three witnesses, I think those core memories changed remarkably little. Why is that the case?

Well, in general, time does work against memory. But here we have something very fortunate. Number one, that memory was written down very early, which is one of the reasons we're asked to keep journals. Those things we write, even the very night of the event, are much more accurate than something we write months later. That testimony was written down early, and agreed to by the three witnesses, that's the good side. Now, maybe that's compromised a bit by it, because those three witnesses were associated with each other for a while. They told the same stories, they shared their experiences with each other.

So it's true that Martin may have picked up some details, that he'd forgotten about or viewed differently, from David, and Oliver differently from the others. When we talk about the witnesses, we might want to think a little bit about what make something memorable, and what doesn't. And how do certain extremely memorable events, perhaps even distort memory?

JB, cont'd: Let me just talk about both the situation the viewers and their state of mind.

In the case of the situation, we have a very interesting, early description, I think it was December of 1829, just a few months after the experience, of a letter penned by Oliver Cowdery on behalf of Martin Harris. So, we assume it expresses both of their feelings. The

question of the writer, was, 'Were you just being duped? You know, was there somebody behind the curtain manipulating strings?'

And he says, 'It was a clear day, clear weather, and we were out in the open in a field with nobody around for miles. And we saw things in a way that we couldn't have been duped by any machinations of, of people behind the scenes.'

What about their state of mind? Well, they were definitely prepared for the experience, they knew what was going to happen. As I recall, David was out working in the field, and Joseph said at some point, 'Come on. It's time now.' And they gathered themselves up and calmly walked out to the field, for their experience. There were no, frenzied singing and dancing and exclamations before the event, or hallucinatory drugs, or alcohol, as some might have supposed, really to induce such an experience. But they knelt down and prayed. In fact, it says, 'In a pattern that was previously agreed to, we agreed to pray one by one, seeking that manifestation. And that's when it happened.'

JB, cont'd: Now some might say, even though the three witnesses and Joseph Smith went out into the woods in a calm state of mind, they still had an expectation that could have caused them to have the kind of experience they had. There is an interesting confirmation in the, let's call them secondary witnesses, who saw the physical plates. We have the testimony of Joseph Smith's sister, Katherine, who was told, thrust the plates to her, to go hide them somewhere. And she recollected they were heavy.

We have the account of Josiah Stole, being handed the plates and told to put them through the window for safety. And he happened to see that they were uncovered a little bit, he was an inadvertent witness, let's say, to the plates.

The most impressive one to me, though, is Mary Whitmer, who deploring somewhat her condition at having to be labored with so much extra work, with all the extra people in the house, was on her way to the barn with no expectation of having seen anything. And then in that moment of divine kindness, she saw an angel in disguise, let's say, appear with her and show her the plates in return for her faithfulness.

To me, that's not only a very touching moment, but one that speaks to, the fact that, in her case at least, expectation was not even a factor. Even to the contrary, it was probably the last thing she was expecting to meet on the way to the barn.

Title up: Converging Lines of Evidence

In science, we talk about the notion of converging lines of evidence, that is, independent studies used with different stimuli, different kinds of approaches that reach the same result. In a way, the differences of personality of those three witnesses is something along the lines of scientific convergence of evidence. Here we have David Whitmer, the businessman, the no-nonsense sort of testimony that almost gets monotonous to listen to over and over, because he

relates the facts, 'just the facts, ma'am,' and doesn't really tell much about the impact on him, that's of course, of lesser importance.

We have here Martin Harris, who talks about his surety that they were real. That was what was personally important to him, because he had to know it wasn't a fraud. And then we have this very different personality in Oliver Cowdery, probably the most intelligent, the most articulate of the bunch, who had both this quality of being able to explain things in a clinical way that was very accurate to the facts, but also with lots of passion. He'd be your ideal news reporter, because he could both capture the event properly and convey it in a way that was interesting and entertaining.

JB, cont'd: With those converging lines of evidence, what's singular, and I think the same about all of them, is their integrity. These were men who didn't change the core of their testimony over the course of their lifetime even though it would've paid them to do it.

One question that comes up is, does it make a difference that there were 3 witnesses, rather than one. Of course. In a courtroom, we know intuitively, that if you, it's harder to get 2 people, or 3 people to agree, than it is to 1, to say something knowingly false. And so I think that plays into the factor.

In computer security, we have something called 'Two-factor authentication' which all of us have been plagued with of late, where you actually have to have two diverse witnesses, as it were, to the fact that you are the rightful owner of this password. And so there's no doubt that reduces the chances of fraud.

I think there's another dimension to that, though. Those of us who are believers, and have had spiritual experiences, dreams, or spiritual impressions of different kinds, know that that kind of knowledge, when it comes, comes in a different way than ordinary knowledge. It's combined with our intellect, it's combined with our senses, but it's impressed on the soul in a way that is, almost indelible.

I think that is an extra-terrestrial, extra-spiritual dimension of the witnesses' experiences that goes beyond the things that were just simply favorable to their memory. These were spiritual experiences. They were impressed in the soul, as Joseph F. Smith said, in a way that would not be forgotten as anything that merely comes through the eyes or the other senses.

Where does that leave me as a scientist? As a scientist I'm not an impartial witness. I'm a believer. But looking at it as a cognitive scientist, looking at it as somebody who's studied memory for many decades now, I hate to admit, this is something that I think is believable. At least, there's nothing I can point to that's an obvious flaw in the conditions under which they claimed to have made these experiences, other than if I were to be absolutely opposed to the idea of a God in Heaven.

If I had to be on the witness stand, I don't think that their witness is maybe, as a scientist, sufficient to prove that it couldn't be fraud, but I find no defect in their testimony.

This goes along with Austin Farr's famous statement, I guess, when I apply it to my personal situation, where he says, "Evidence does not create belief, but it creates the conditions under which belief may flourish."

What do I believe? I believe it was true, and I have to say that is because of my scientific training, although that creates conditions under which it makes it easier for me to believe and understand what happened, but I believe it because I know the integrity of the men, and that's been borne as a spiritual witness to me, and because I've read the book, and I know that it's a book that could not have come but from God.

JB, cont'd: I hope someday, to be judged half as faithful to my testimony, the personal witnesses I've had, than they were to theirs.