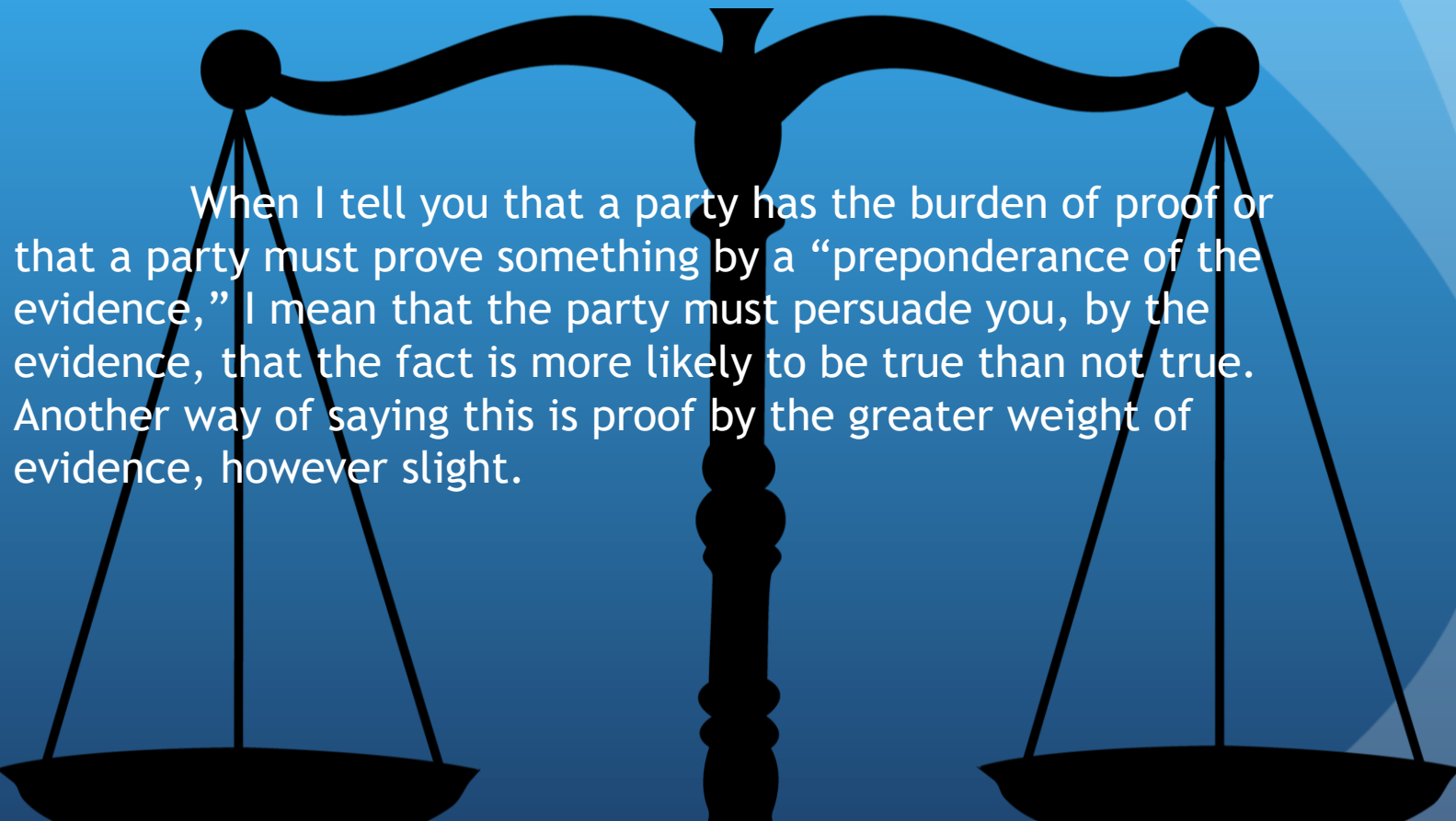


Testimony

What do we mean when we say,
“I know the Church is True.”

Jury Civil Instruction



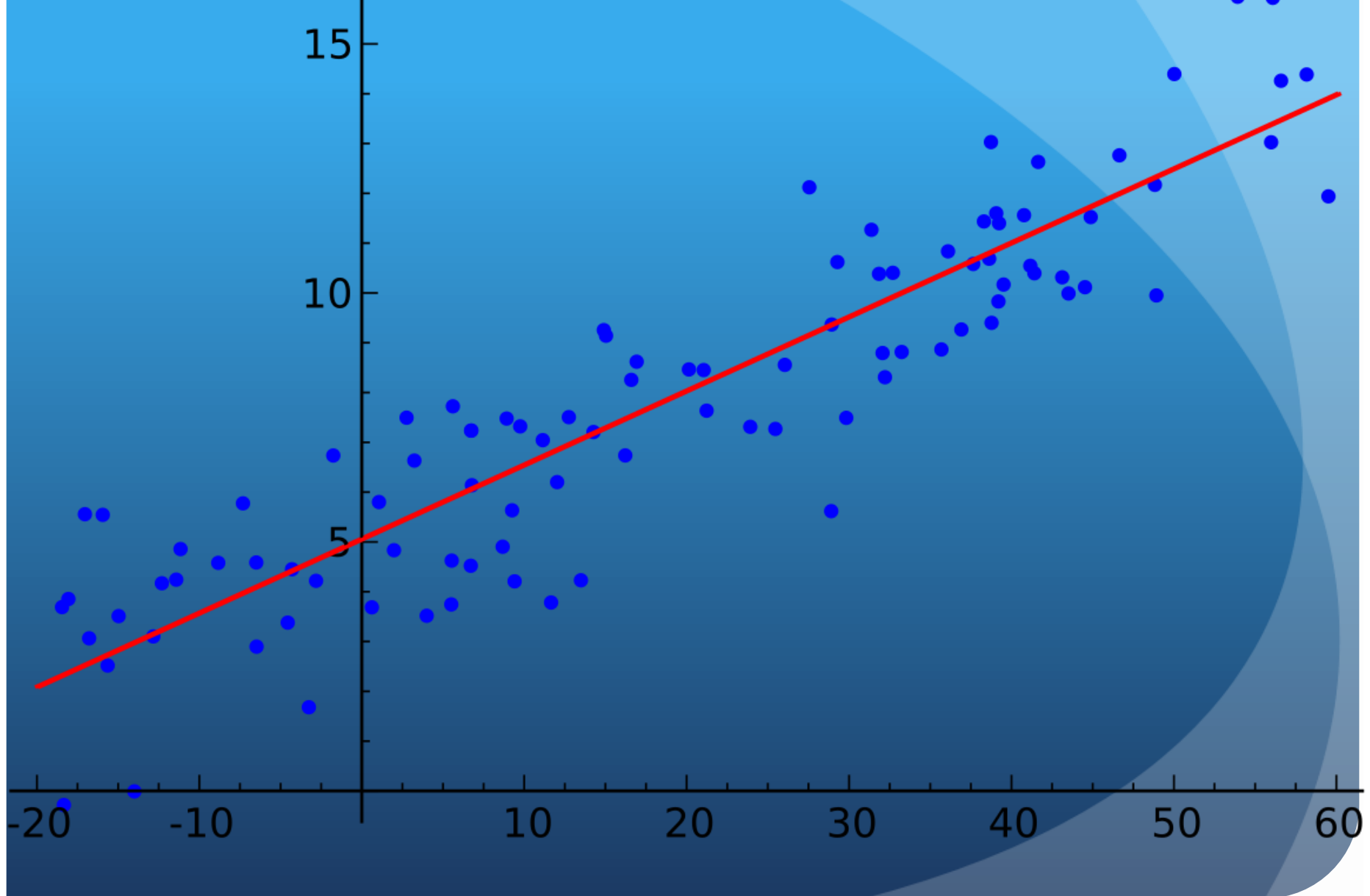
When I tell you that a party has the burden of proof or that a party must prove something by a “preponderance of the evidence,” I mean that the party must persuade you, by the evidence, that the fact is more likely to be true than not true. Another way of saying this is proof by the greater weight of evidence, however slight.

Jury Criminal Instruction

- BURDEN OF PROOF

- The government has the burden of proving [the defendant] guilty beyond a reasonable doubt, and if it fails to do so you must acquit [him].
- While the government's burden of proof is a strict or heavy burden, it is not necessary that [the defendant's] guilt be proved beyond all possible doubt. It is only required that the government's proof exclude any "reasonable doubt" concerning [the defendant's] guilt. A "reasonable doubt" is a doubt based on reason and thoughtful analysis, after careful and impartial consideration of all the evidence in the case.
- Proof beyond a reasonable doubt, therefore, is proof of such a convincing character that you would be willing to rely and act upon it in the most important of your own affairs. If you are convinced that [the defendant] has been proved guilty beyond a reasonable doubt, find [him] guilty. If you are not so convinced, find [him] not guilty
-

Regression Analysis



Hypothetical Fact Scenario

- Hernandez is in a bar talking with Jason.
- A number of people see him wearing a T-shirt with colors of Mexico
- Jason and Hernandez were heard arguing about 11:30 pm, when Jason left.
- One person hears Hernandez shout to Jason, “if you don’t pay me, you’ll pay for it.
- Hernandez leaves the bar at between 12:00 am and 12:10 am according to three witnesses.
- At 12:30 am Jason is found dead in an alley way about 25 minutes on foot from bar.
- One witness saw a person fleeing who was wearing a red and white shirt.
- A gun was found at the scene that had Hernandez’ finger prints on it.

Enough to find guilty beyond reasonable doubt?

- MORE FACTS:
- Hernandez had been in an accident, injured his leg and could walk only very slowly.
- Hernandez reported his gun had been stolen a week earlier, verified by police.
- The DNA from blood found on Jason fingernails did not match Hernandez' DNA

Guilty

Not Guilty



Continuum of Certainty

- Think
- Feeling
- Hope
- Believe
- Trust
- Accept
- Want it to be
- Convinced
- Know
- Confident
- Certain
- Beyond Doubt

Objective

Subjective

Mountain Meadows

Unfair Boss

Golden Plates

Unfaithful Spouse

Happy Marriage

Church Growth

Mission

Felling of Well Being

Book of Mormon

Home Teacher/Ministers

3 Witnesses

Patriarchal Blessing

Baptism Feeling

Fraud

Never Come Back

Objective

Golden
Plates

Distractions

Mountain Meadows

UNFAIR
BOSS

Unfaithful
Spouse

Happy Marriage

Church Growth

Mission

Felling of Well Being

Book of Mormon

Home Teacher/Ministers

3 Witnesses

Patriarchal Blessing

Baptism Feeling

Fraud

Never Come Back

Subjective

Hebrews 11:1

Now faith is the substance of things hoped for, the evidence of things not seen.

Alma 32:17-18

Yea, there are many who do say: If thou wilt show unto us a ^asign from heaven, then we shall know of a surety; then we shall believe.

Now I ask, is this faith? Behold, I say unto you, Nay; for if a man knoweth a thing he hath no cause to ^abelieve, for he knoweth it.

Alma 32: 20-23

- 20 Now of this thing ye must judge. Behold, I say unto you, that it is on the one hand even as it is on the other; and it shall be unto every man according to his work.
- 21 And now as I said concerning faith—^afaith is not to have a perfect knowledge of things; therefore if ye have faith ye ^bhope for things which are ^cnot seen, which are true.
- 22 And now, behold, I say unto you, and I would that ye should remember, that God is ^amerciful unto all who believe on his name; therefore he desireth, in the first place, that ye should believe, yea, even on his word.
- 23 And now, he imparteth his word by angels unto men, yea, ^anot only men but women also. Now this is not all; little ^bchildren do have words given unto them many times, which ^cconfound the wise and the learned.

Alma 32: 26-27

- 26 Now, as I said concerning faith—that it was not a perfect knowledge—even so it is with my words. Ye cannot know of their surety at first, unto perfection, any more than faith is a perfect knowledge.
- 27 But behold, if ye will awake and arouse your faculties, even to an experiment upon my words, and exercise a particle of faith, yea, even if ye can no more than ^adesire to believe, let this desire work in you, even until ye believe in a manner that ye can give place for a portion of my words.

Alma 32: 26-27

- 26 Now, as I said concerning faith—that it was not a perfect knowledge—even so it is with my words. Ye cannot know of their surety at first, unto perfection, any more than faith is a perfect knowledge.
- 27 But behold, if ye will awake and arouse your faculties, even to an experiment upon my words, and exercise a particle of faith, yea, even if ye can no more than ^adesire to believe, let this desire work in you, even until ye believe in a manner that ye can give place for a portion of my words.

Alma 32: 28

28 Now, we will compare the word unto a seed. Now, if ye give place, that a seed may be planted in your heart, behold, if it be a true seed, or a good seed, if ye do not cast it out by your unbelief, that ye will resist the Spirit of the Lord, behold, it will begin to swell within your breasts; and when you feel these swelling motions, ye will begin to say within yourselves—It must needs be that this is a good seed, or that the word is good, for it beginneth to enlarge my soul; yea, it beginneth to enlighten my understanding, yea, it beginneth to be delicious to me.

Alma 32: 32-34

- 33 And now, behold, because ye have tried the experiment, and planted the seed, and it swelleth and sprouteth, and beginneth to grow, ye must needs know that the seed is good.
- 34 And now, behold, is your ^aknowledge ^bperfect? Yea, your knowledge is perfect in that thing, and your ^cfaith is dormant; and this because you know, for ye know that the word hath swelled your souls, and ye also know that it hath sprouted up, that your understanding doth begin to be enlightened, and your ^dmind doth begin to expand.

Alma 32: 35-36

- 35 O then, is not this real? I say unto you, Yea, because it is ^alight; and whatsoever is light, is ^bgood, because it is discernible, therefore ye must know that it is good; and now behold, after ye have tasted this light is your knowledge perfect?
- 36 Behold I say unto you, Nay; neither must ye lay aside your faith, for ye have only exercised your faith to plant the seed that ye might try the experiment to know if the seed was good.

What is seed in experiment?

Not “faith”

The seed to be planted is the “WORD.”

What does Alma mean by the Word?

Alma 32: 42-42

41 But if ye will nourish the word, yea, nourish the tree as it beginneth to grow, by your faith with great diligence, and with ^apatience, looking forward to the fruit thereof, it shall take root; and behold it shall be a tree ^bspringing up unto everlasting life.

42 And because of your ^adiligence and your faith and your patience with the word in nourishing it, that it may take root in you, behold, by and by ye shall pluck the ^bfruit thereof, which is most precious, which is sweet above all that is sweet, and which is white above all that is white, yea, and pure above all that is pure; and ye shall feast upon this fruit even until ye are filled, that ye hunger not, neither shall ye thirst.

I Nephi 1:20

- I, Nephi, will show unto you that the tender ^cmercies of the Lord are over all those whom he hath chosen, because of their faith, to make them mighty even unto the power of ^ddeliverance.

Moroni 10: 3-5

- 3 Behold, I would exhort you that when ye shall read these things, if it be wisdom in God that ye should read them, that ye would remember how ^amerciful the Lord hath been unto the children of men, from the creation of Adam even down until the time that ye shall receive these things, and ^bponder it in your ^chearts.
- 4 And when ye shall receive these things, I would exhort you that ye would ^aask God, the Eternal Father, in the name of Christ, if these things are not ^btrue; and if ye shall ask with a ^csincere heart, with ^dreal intent, having ^efaith in Christ, he will ^fmanifest the ^gtruth of it unto you, by the power of the Holy Ghost.
- 5 And by the power of the Holy Ghost ye may ^aknow the ^btruth of all things.

Is Not This Real

When I ask students or average Church members about Alma 32, their spontaneous response suggests that they read it as a treatise on how a lesser intellectual state (faith) eventually gives way to a greater intellectual state (knowledge). I think this is a mistaken reading, which I will try to show.

Joseph M . Spencer, “Is Not This Real,” *BYU Studies, Quarterly* 58, No.2 (2019)

What is the Word

“The word or seed is thus the angelic announcement of the Son of God’s atoning work, however this may actually come to an individual.”

Spencer, *id.*

Knowledge and Faith

Here is the interesting thing: Alma says knowledge mobilizes one's further exercise of faith. When he asks if the experimenter's knowledge is perfect in general (rather than just "in that thing"), he answers, "Nay; neither must ye lay aside your faith" (32:36). Here, **crucially, faith goes beyond knowledge**. Faith's first efforts, in fact, yield a bit of knowledge, but it is minimal, **just enough to spur us to invest our faith in the word in a genuinely productive way**.

Spencer, *id.*

Korihor's Critique of Christians

From Korihor's perspective, then, either Christians unwisely believe that they have knowledge when they do not (the assumption being that knowledge derives primarily from direct experience), or they are consciously oriented by something other than knowledge (such as faith) when they ought to be oriented by knowledge. Korihor thus presents to Nephite Christians a kind of dichotomy. Either **you are deluded because you think you know what you definitely do not know**, or **you are deluded because you knowingly orient yourself to something other than knowledge**. Either way, Nephite Christians are foolish, frenzied, and deranged.

Spencer, *id.*

Korihor' Challenge to Alma

[Alma] can (1) defend the idea that one can know the truth about traditional claims or (2) explain why something other than knowledge, such as faith, is preferable as a point of orientation.

- Spencer, *id.*

Alma's Answer in Chapter 30

39 Now Alma said unto him: Will ye deny again that there is a God, and also deny the Christ? For behold, I say unto you, I know there is a God, and also that Christ shall come.

40 And now what evidence have ye that there is no ^aGod, or that Christ cometh not? I say unto you that ye have none, save it be your word only.

Alma's Second Answer

41 But, behold, I have all things as a ^atestimony that these things are true; and ye also have all things as a testimony unto you that they are true; and will ye deny them? Believest thou that these things are true?

42 Behold, I know that thou ^abelievest, but thou art possessed with a ^blying spirit, and ye have put ^coff the Spirit of God that it may have no place in you; but the devil has power over you, and he doth carry you about, working devices that he may destroy the children of God.

43 And now Korihor said unto Alma: If thou wilt show me a ^asign, that I may be convinced that there is a God, yea, show unto me that he hath power, and then will I be convinced of the truth of thy words.

Alma's Further Answer: Chapter 36

Chiasmus in Alma 36

My son give ear to my words (v. 1)
Keep the commandments and ye shall prosper in the land (v. 1)
Do as I have done (v. 2)
Remember the captivity of our fathers (v. 2)
They were in bondage (v. 2)
He surely did deliver them (v. 2)
Trust in God (v. 3)
Supported in trials, troubles, and afflictions (v. 3)
Lifted up at the last day (v. 3)
I know this not of myself but of God (v. 4)
Born of God (v. 5)
I sought to destroy the church (vv. 6–9)
My limbs were paralyzed (v. 10)
Fear of being in the presence of God (vv. 14–15)
Pains of a damned soul (v. 16)
Harrowed up by the memory of sins (v. 17)
I remembered Jesus Christ, a son of God (v. 17)
I cried, Jesus Christ, son of God (v. 18)
Harrowed by the memory of sins no more (v. 19)
Joy as exceeding as was the pain (v. 20)
Long to be in the presence of God (v. 22)
My limbs received strength again (v. 23)
I labored to bring souls to repentance (v. 24)
Born of God (v. 26)
Therefore my knowledge is of God (v. 26)
Supported under trials, troubles, and afflictions (v. 26)
Trust in him (v. 27)
He will deliver me (v. 27)
And raise me up at the last day (v. 28)
As God brought our fathers out of bondage and captivity (vv. 28–29)
Retain a remembrance of their captivity (v. 29)
Know as I do know (v. 30)
Keep the commandments and ye shall prosper in the land (v. 30)
This according to his word (v. 30).

My son give ear to my words (v. 1)

Keep the commandments and ye shall prosper in the land (v. 1)

Do as I have done (v. 2)

Remember the captivity of our fathers (v. 2)

They were in bondage (v. 2)

He surely did deliver them (v. 2)

Trust in God (v. 3)

Supported in trials, troubles, and afflictions (v. 3)

Lifted up at the last day (v. 3)

I know this not of myself but of God (v. 4)

Born of God (v. 5)

I sought to destroy the church (vv. 6-9)

My limbs were paralyzed (v. 10)

Fear of being in the presence of God (vv. 14-15)

Pains of a damned soul (v. 16)

Harrowed up by the memory of sins (v. 17)

I remembered Jesus Christ, a son of God (v. 17)

I cried, Jesus Christ, son of God (v. 18)

Harroved by the memory of sins no more (v. 19)
Joy as exceeding as was the pain (v. 20)
Long to be in the presence of God (v. 22)
My limbs received strength again (v. 23)
I labored to bring souls to repentance (v. 24)
Born of God (v. 26)
Therefore my knowledge is of God (v. 26)
Supported under trials, troubles, and afflictions (v. 26)
Trust in him (v. 27)
He will deliver me (v. 27)
And raise me up at the last day (v. 28)
As God brought our fathers out of bondage and captivity (vv. 28-29)
Retain a remembrance of their captivity (v. 29)
Know as I do know (v. 30)
Keep the commandments and ye shall prosper in the land (v. 30)
This according to his word (v. 30)

What Almo did not list

1. Korihor's demise.
2. Being miraculously saved.
3. Angel appearing to him.
4. Other list of "signs"

Alma's data points: 36: 16-19

16 And now, for three days and for three nights was I racked, even with the ^apains of a ^bdamned soul.

17 And it came to pass that as I was thus ^aracked with torment, while I was ^bharrowed up by the ^cmemory of my many sins, behold, I ^dremembered also to have heard my father prophesy unto the people concerning the coming of one Jesus Christ, a Son of God, to atone for the sins of the world.

18 Now, as my mind caught hold upon this thought, I cried within my heart: O Jesus, thou Son of God, ^ahave mercy on me, who am ^bin the ^cgall of bitterness, and am encircled about by the everlasting ^dchains of ^edeath.

19 And now, behold, when I thought this, I could remember my ^apains ^bno more; yea, I was harrowed up by the memory of my sins no more.

King Benjamin: Mosiah 4: 12-13

12 And behold, I say unto you that if ye do this ye shall always rejoice, and be filled with the ^alove of God, and always ^bretain a remission of your sins; and ye shall grow in the ^cknowledge of the glory of him that created you, or in the knowledge of that which is just and true.

13 And ye will not have a ^amind to injure one another, but to live ^bpeaceably, and to render to every man according to that which is his due.

What we mean: I know the Church is True

Objective

Subjective

Mountain Meadows

Substance to Poor
Succor those in Need

Children not go
hungry

Golden
Plates

No mind to
injure

Judge
Righeously

Live
peaceably

Happy Marriage

Faith of that
to come

Felling of Well Being

Every man his just due

Rejoice

3 Witnesses

Desire to do good

Rmember Christ

Fraud

Never Come Back