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Letters

Court's role is to resolve disputes

The letter from Peter Newman regarding the recent Supreme Court decision on scientific evidence ("A case of supreme ignorance?" SN: 10/16/93, p.243) misses the point. It is not the function of the court to decide what constitutes scientific truth, any more than it is the function of science to resolve private disputes. The scientific community may withhold judgment on a theory pending further study, but the courts do not have that option. Disputes must be resolved, one way or the other, in a timely manner.

The question is whether, in resolving a dispute, scientific evidence may be admitted in spite of the fact that it has not yet been published. This is a difficult question, because injustice is likely to result from either answer. If such evidence is admitted, a pharmaceutical company may be held liable for injuries based on preliminary research that, on further research, proves to be irreproducible. But if publication is required for admissibility, an

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Cover: Researchers are just beginning to unravel the intricacies of Einstein's general theory of relativity. The illustration shows a set of approximate solutions to Einstein's equations, suggesting that under certain conditions spacetime can oscillate chaotically. (Illustration: David Hobill, Univ. of Calgary)

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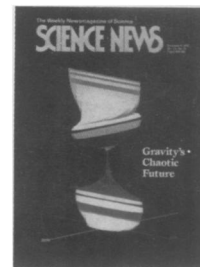
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Science Service, which publishes SCIENCE NEWS, is a nonprofit corporation founded in 1921. It gratefully accepts tax-deductible contributions and bequests to assist its efforts to increase the public understanding of science, with special emphasis on young people. More recently, it has included in its mission increasing scientific literacy among members of underrepresented groups. Through its Youth Programs it administers the International Science and Engineering Fair, the Science Talent Search for the Westinghouse Science Scholarships, and publishes and distributes the *Directory of Student Science Training Programs for Precollege Students*.

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innocent person may be sent to prison because perfectly valid research on some new identification technique has not yet been published.

I am not sure I agree with the way this dilemma was resolved by the court. I am quite sure, however, that the motivation for the decision was a desire for justice, not "distrust, or lack of understanding, of the process of scientific challenge and verification."

Stephen W. Premo
Santa Cruz, Calif.

Mr. Newman's observations and criticisms are not lost upon all of us in the judiciary. I have observed jury decisions that contradict the basic laws of physics, and "experts" seem to be available to swear to almost anything for a fee. Most objective observers would agree that this is a problem area.

Perhaps what is needed is an initiative from the scientific community to provide education in the scientific process and the peer review system to the judiciary. The California Judicial College, reputed to be the best state judicial education program in the nation, contains no

instruction whatever in this area.

Overtures from respected scientific organizations to those involved in judicial education would not so necessarily be disregarded as the dismay evidenced in Mr. Newman's letter suggests.

John Zebrowski
Judge of the Los Angeles Superior Court
Los Angeles, Calif.

I do not disagree with Newman, but in the interest of historical accuracy, I want to point out that nobody ever was burned as a witch at Salem. Some people were hung as witches, many were jailed, but nobody was ever so much as singed.

Gaylord Briley
North Conway, N.H.

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