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EDITORIAL

Scientific Evidence in Court

Science. Dr. Noitall, you are one of the great judicial innovators, the man who fought for “nolo contendere,” the man who invented “objection overruled,” the man who first introduced eyewitness testimony.

Noitall. A vast understatement of my true worth.

Science. Have you any new ideas for improving the legal system?

Noitall. I am trying to get arithmetic accepted as scientific evidence.

Science. But all judges know that $2 + 2 = 4$. That isn't controversial.

Noitall. Quite the contrary. You ivory tower scientists believe $2 + 2 = 4$, but judges know that those who calculate revenues for the federal budget believe $2 + 2 = 5$ and those who calculate expenses for the federal budget believe $2 + 2 = 3$. These are hard-headed, practical men and women. So why should judges believe $2 + 2 = 4$?

Science. But any schoolchild knows $2 + 2 = 4$.

Noitall. Has the National Academy of Sciences ever said $2 + 2 = 4$ or sent out a survey to get a consensus?

Science. Of course not. They'd be laughed out of office.

Noitall. Just as I expected: No consensus. I have a scientist in Bellevue, New York, who says $2 + 2 = 5$ and another in Napa, California, who says $2 + 2 = 3$, adding to my doubts.

Science. But those are the addresses of mental institutions. Are your correspondents sane?

Noitall. What an outrageous question! These people have their civil rights and the right to express an opinion. They may be mentally disturbed, but they should be treated with dignity.

Science. But how is the judicial system ever likely to work if logical processes are not followed?

Noitall. You scientists simply don't understand the legal system. It is designed for long trials and eloquent speeches and lawyers who charge by the hour. Nothing could be more damaging to the system than brief, incontrovertible evidence.

Science. So you think there is little chance of getting arithmetic introduced into courtroom trials immediately?

Noitall. No chance at all for all of mathematics; $2 + 2 = 4$ is complicated enough and very controversial. Any attempt to include subjects such as division, subtraction, and multiplication along with addition would doom the entire reform movement for our lifetime.

Science. But these are the elementary processes of arithmetic, widely accepted and respected in the entire scientific community.

Noitall. I have read a book by the eminent mathematician Lewis Carroll, who calls these subdivisions of mathematics “Ambition, Distraction, Uglification, and Derision.”* Certainly not a respectful attitude.

Science. But psychiatric testimony is accepted in courts, and it is far less established than mathematics or DNA tests.

Noitall. Yes. But psychiatrists are unanimous in wanting psychiatric testimony in court. They don't always agree on diagnosis, but they all like other psychiatrists to testify. Can't you arithmetic types get unanimity?

Science. So the judicial system is not a system to get at the truth as simply as possible.

Noitall. Finally you understand. The judicial system is an adversarial system in which clever lawyers match wits with one another. If a lawyer defending a mobster murderer can show a technical discrepancy that gets his client free, the lawyer is widely admired even though a killer has been freed.

Science. Then will the courts accept arithmetic?

Noitall. Of course—just as they have accepted fingerprints and DNA, but only after years of argument and the belief that it will lengthen trials and add drama. Truth has its place, but only if due process and judicial precedent are on its side.

Daniel E. Koshland Jr.

*L. Carroll (Charles Lutwidge Dodgson), *Alice's Adventures in Wonderland* (1865).