



The Double Helix and the Law of Evidence

By David H. Kaye

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Bridging law, genetics, and statistics, this book is an authoritative history of the long and tortuous process by which DNA science has been integrated into the American legal system. In a history both scientifically sophisticated and comprehensible to the nonspecialist, **David H. Kaye** weaves together molecular biology, population genetics, the legal rules of evidence, and theories of statistical reasoning as he describes the struggles between prosecutors and defense counsel over the admissibility of genetic proof of identity. Combining scientific exposition with stories of criminal investigations, scientific and legal hubris, and distortions on all sides, Kaye shows how the adversary system exacerbated divisions among scientists, how lawyers and experts obfuscated some issues and clarified others, how probability and statistics were manipulated and misunderstood, and how the need to convince lay judges influenced the scientific research. Looking to the future, Kaye uses probability theory to clarify legal concepts of relevance and probative value, and describes alternatives to race-based DNA profile frequencies. Essential reading for lawyers, judges, and expert witnesses in DNA cases, *The Double Helix and the Law of Evidence* is an informative and provocative contribution to the interdisciplinary study of law and science.

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Editorial Review

Review

As the infamous *People v. Simpson* case showed, the question of how to interpret such genetic evidence has been contentious. Kaye offers a weighty but readable assessment of the science and the courtroom battles.
--Yale Alumni Magazine

The insightful and meticulous eye for detail, the coverage of both law and science (not forgetting the math), and the human tales of crimes and academic rivalries ensure the book will interest a medley of readers.
--Science, Nov. 12, 2010, p. 915

This unique history of the forensic use of genetic testing, and the controversies from the earliest days to the present, is both accurate and intelligible. An acknowledged authority in the field, David Kaye uses striking case histories and excellent analogies to make the scientific issues clear to a nonspecialist. It is an impressive achievement. (James F. Crow, University of Wisconsin–Madison)

From the intricacies of genetics and statistics, to the niceties of the law of evidence, Kaye's sure grasp of the field has produced a fascinating critical history, though one in which the technical details never become overbearing. Both lawyers and forensic scientists will learn much from Kaye's diligent work. (Mike Redmayne, London School of Economics and Political Science)

A cogent, fascinating history of the scientific and legal history of the most important breakthrough in the history of forensic science?DNA evidence. (David E. Bernstein, George Mason University School of Law)

The scope of Kaye's analysis, his insightful and meticulous eye for detail, the coverage of both law and science (not forgetting the math), and the spicing with human tales of crimes and academic rivalries combine to ensure the book will interest a medley of readers. As Kaye points out in his introduction, the power of DNA technology is now beyond dispute. However, media portrayals of this power are often inaccurate, while those professionals tasked with employing the technology may not possess a competent understanding of its actual strengths and limitations. The book could go a long way toward correcting these failures, were it to become essential reading for reporters, criminal investigators, legal professionals, and, ultimately, the public?who are most often characterized as demanding the increased use of DNA evidence by law enforcement. Further, Kaye's account may help forensic scientists who do not work with DNA to better understand the trials and tribulations that were weathered by forensic DNA profiling on the 'far from smooth' road to legal acceptance. With DNA hailed as the gold standard of forensic science, Kaye presents a lesson that bears learning by those disciplines or techniques currently struggling to sustain their integrity as a science and gain, or maintain, legal acceptance. DNA profiling did not become the gold standard overnight, and even gold can be tarnished if mistreated or mishandled... If we are to realize the full forensic potential of DNA to improve detection rates, convict the guilty, and exculpate the innocent, then everyone involved in the use of DNA profiling needs a proper appreciation of the technology's history, strengths, and weaknesses. This is what *The Double Helix and the Law of Evidence* provides... May the book get the wide readership it deserves. (Carole McCartney *Science* 2010-11-12)

Kaye is a law professor renowned for his meticulous attention to detail, careful argumentation and impressive technical mastery of statistical and scientific issues... *The Double Helix and the Law of Evidence* offers a detailed, authoritative accounting of the legal cases of this period and of scientific debates that ran in parallel in the pages of scientific journals. (Simon A. Cole *American Scientist* 2011-05-01)

From the Back Cover

- "From the intricacies of genetics and statistics to the niceties of the law of evidence, Kaye's sure grasp of the field has produced a fascinating critical history, though one in which the technical details never become overbearing. Both lawyers and forensic scientists will learn much from Kaye's diligent work." --Mike Redmayne, London School of Economics and Political Science.
- "A cogent, fascinating history of the most important breakthrough in the history of forensic science--DNA evidence." --David E. Bernstein, George Mason University School of Law

About the Author

David H. Kaye is Distinguished Professor of Law and Weiss Family Scholar, Penn State Dickinson School of Law; Graduate Faculty Member, Forensic Science Program, Penn State Eberly College of Science; and Regents' Professor Emeritus, Arizona State University.

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