

Our Genes / Our Choices

Genes on Trial



Attorney Johnnie Cochran and Dr. David Goldman, neurogeneticist, in the roles of lawyer and scientific witness for a fictitious man from Tracy Island charged with murder, try to determine the impact research on behavioral genetics will have on the law.

DEAN HAMER:

People that have the variant of the gene that he has are on average more likely to be alcoholic.

JOHNNIE COCHRAN:

All right. Can you assign a percentage to this?

DEAN HAMER:

Yeah, about twice as likely. Instead of having a five percent average probability, it's about a ten percent probability.

JOHNNIE COCHRAN:

And this is because he's a Tracy Islander, is that right?

DEAN HAMER:

Well, we think the same gene does the same thing to other people, but we're not really sure about that yet, the numbers might be different in different communities.

JOHNNIE COCHRAN:

Dr. Goldman, would your opinions, with regard to this variant, be any different?

DAVID GOLDMAN:

Johnnie. Can I call you Johnnie?

JOHNNIE COCHRAN:

You know, please call me Johnnie.

DAVID GOLDMAN:

The key will not be the genetic variant. The key will be the alcoholism diagnosis. So I think the first thing would be a very careful clinical history. And to go into detail about the drinking behaviors of your client. We might add the genetics on top of that. In particular the family history.

JOHNNIE COCHRAN:

But are you prepared to testify for this young man if I can satisfy the court through the preliminary process that this is a viable, scientific witness? Are you willing to come and do that?

DAVID GOLDMAN:

Yes, if everything is redone. I mean there has to be...

CHARLES OGLETREE:

Let's assume that's done.

DAVID GOLDMAN:

The genetic testing needs to be done under certain conditions that were not done in the original laboratory testing.

JOHNNIE COCHRAN:

All right.

DAVID GOLDMAN:

Actually, quite deliberately.

CHARLES OGLETREE:

Miss Toensing, you know you've got a very sympathetic victim here. And you are worried now about Mr. Cochran. He's going to put this DNA defense in, in effect.

VICTORIA TOENSING:

Yeah. "If the gene fits, you must acquit."