CERN celebrates end to a period of uncertainty

[MUNICH] Amid a spirit of unusual cheer, the council of the Geneva-based European Laboratory for Particle Physics (CERN) last month elected Luciano Maiani as its next director-general from 1999. Maiani is head of Italy's Institute of Nuclear Physics, the national research council for particle physics, and head of the CERN council.

CERN has managed to shed the gloom that overshadowed its Christmas last year when member states voted to cut its budget, thereby threatening the future of the planned Large Hadron Collider (LHC), a multi-billion dollar project (see *Nature* 384, 203; 1996).

Since then, the present director-general of CERN, Christopher Llewellyn Smith, has signed several agreements with non-member states, notably with the United States and Japan. These agreements are geared to enable the LHC to be constructed on time.

In addition, a cost-saving plan to offer CERN staff extra holidays in lieu of pay has proved an unexpected success. More than 1,500 staff have taken advantage of the scheme, and the savings are being converted into 37 new positions for young scientists.

The CERN council also agreed to extend the life of the Large Electron-Positron Collider (LEP) programme for one year beyond 1999, provided that SFr50 million (US\$35 million) can be raised from outside sources. Maiani, who is a professor of theoretical physics at La Sapienza University in Rome, says that the scientific case for LEP is now very strong, and as director-general he will make it a priority to find the money.

His first priority, he says, will be to ensure the smooth construction of the LHC. "But it is important to ensure that the scientific life of CERN continues in the period of LHC construction," he says. The extension to LEP is an important part of this.

He will also try to develop other experiments with outside resources, such as the proposed neutrino beam which would run from CERN to southern Italy. The experiment's goal is to determine whether neutrinos have mass.

To accept the post of director-general, Maiani has had to step down as head of the CERN council. This post has been taken by Hans Eschelbacher, an experimental nuclear physicist who has worked for many years in German science policy.

New man: Maiani takes over in 1999

Alison Abbott

Court affirms judges' right to reject 'junk science'

[WASHINGTON] The US Supreme Court last month unanimously affirmed the right of trial judges to disallow scientific testimony they believe to be flawed. The decision may cut down on the use of so-called 'junk science' in the courtroom.

A decision handed down on 15 December reversed a ruling by a federal appeals court that a lower court judge had acted improperly in disallowing expert testimony linking polychlorinated biphenyls (PCBs) to cancer.

In the original case, an individual, Robert Joiner, sued General Electric and two other manufacturers of PCBs, claiming they had caused his lung cancer. But the judge threw out testimony from experts on Joiner's side, arguing that the epidemiological and animal studies on which the experts relied had failed to make a convincing connection between PCB exposure and Joiner's particular cancer.

In backing the original judge, the Supreme Court said that any judge's decision to admit or exclude expert scientific evidence should stand, unless it constituted an "abuse of discretion" or gross error of judgement. The court also said that the original judge was right to throw out the Joiner studies.

Legal experts say that the Supreme Court's position is important because it clears up an area of ambiguity from a 1993 decision on scientific evidence. Until now, judges were generally expected to admit any evidence based on legitimate scientific

methodology — even if its conclusions seemed unbelievable or if the methodology was not well suited to the question.

Last month's decision appears to give judges freedom to consider both methodology and conclusions, just as a scientist might in judging the quality of research.

The court's willingness to take on this issue surprised some legal experts, and makes the case "more important for scientists than I thought it was going to be", says Bert Black, an attorney with the Dallas firm Hughes and Luce. Black co-chairs the National Conference of Lawyers and Scientists, set up in 1974 by the American Association for the Advancement of Science (AAAS) and the American Bar Association.

Courts rely increasingly on expert scientific testimony, particularly in cases involving product liability and the health impact of toxic substances. Black says that not allowing judges to evaluate a scientific study's conclusions would lower the quality of their rulings.

Judges may now have to do more homework in areas of scientific complexity. In a separate concurrence to the Supreme Court's opinion, Justice Stephen Breyer wrote that judges should routinely seek the advice of scientists through pre-trial hearings, expert witnesses and specially-trained law clerks. Black says the AAAS is trying to set up a clearing-house of scientific experts willing to advise courts.

Tony Reichhardt

Council resigns as ANZAAS wind-up fails

[SYDNEY] The entire council of the Australian and New Zealand Association for the Advancement of Science (ANZAAS) has resigned after its recommendation to dissolve the organization failed to win sufficient support from members.

Membership of the 109-year-old ANZAAS numbered thousands in the 1980s but is now down to about 400. Annual congresses, once its main source of revenue, have attracted few paying delegates in recent years (see *Nature* 389, 532; 1997).

But a move to wind up the organization was opposed at a heavily attended special meeting, held in eight main Australian cities before Christmas and linked by phone.

Motions presented by the state divisions of New South Wales and Tasmania that ANZAAS should continue, but with its focus shifting from national to regional activities, were supported by simple majorities. The votes, however, were not binding on council members, who argued that there was no alternative to winding up the association.

Bruce McKellar, who chairs the association, then put two resolutions legally required to wind up the organization. One was to approve dissolution, the other to transfer assets of A\$100,000 (US\$65,000) and some functions to a foundation run by the Australian Academy of Science.

This move was supported by ANZAAS president Sir Gustav Nossal, the former director of the Walter and Eliza Hall Institute of Medical Research in Melbourne. But although both motions secured simple majorities, each failed to achieve the three-quarters of the votes required under ANZAAS's constitution.

The departure of council members means a reshaping of ANZAAS may now take place. But some state divisions which voted against carrying on are likely to drop out. These include Victoria where McKellar, a theoretical physicist, resigned as dean of science in the University of Melbourne after a recent external review was highly critical of his administration.

Peter Pockley