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## SJU Convocation 2009

Thomas Q. Sibley

St. John's Univeristy, Minnesota, [tsibley@csbsju.edu](mailto:tsibley@csbsju.edu)

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Reasonable Doubt  
Thomas Q. Sibley

Welcome to St. John's and St. Ben's. I hope you are excited about the new experiences in store for you here. This summer I had a new experience I'd like to tell you about—I served on a jury. I see some valuable connections between jury deliberations and class discussions here. Besides, the trial makes a good story.

I thought that the lawyers would want to excuse me from the jury because I'd heard that they think professors, especially mathematicians, are harder to sway than everyday citizens. If I had really wanted to be eliminated, maybe I should have worn this funny hat and gown. But I was chosen.

The defendant was accused of stabbing a police informant as pay back for his “snitching” on some drug pushers. The people involved in this case were only slightly older than undergraduates here, but their lives were so different. The first thing the lawyers did when questioning many of the witnesses was have them admit to their convictions—which ranged from assault, fraud and theft to dealing drugs. In addition, a number of the witnesses had to admit lying to the police during the investigation of this case. It was much easier to believe the forensic scientist analyzing the blood on the knife blade than the informant who had been stabbed.

Why do we trust twelve ordinary citizens to determine the guilt or innocence of a defendant, rather than have expert judges decide? After all, jurors are subject to prejudices, as the trial in the novel *To Kill a Mockingbird* dramatically emphasizes. After the trial I discussed this question with the judge. His main point was that a group of people, even non-experts, do better hashing out the many details and conflicting statements, weighing which points matter most and ultimately deciding. At college you will similarly find that discussions can lead you to deeper understanding about some issues than lectures can.

TV crime shows, not too surprisingly, don't match real trials. The trial this summer lasted for four days instead of one hour with commercials. More importantly, some aspects that might have been important simply weren't addressed. For example, after the fight the police found the knife blade, but no handle. Wouldn't stabbing with just the blade tear up the stabber's hand? If instead the handle broke off, where was it? Did it have fingerprints? The police didn't get a search warrant, so unlike in a TV drama, we just don't know. Also the forensics people couldn't work the wonders portrayed on CSI shows. Although fingerprints might have been under the blood on the knife blade, the expert testified that hunting for them would destroy the DNA evidence of the blood, which was, as expected, from the informant.

So did the defendant actually stab him? Even harder, what was the intent of the defendant? The informant testified the defendant called him a “snitch,” yelled at him “Is this a good day to die?” and started the fight with the stabbing. But the informant had changed his story several times and had a long record of felonies. On the other side, the defendant’s lover and her sister said that they had just told the informant to leave, but he got angry and started the fight. But they also admitted that they had lied to the police several hours after the fight, saying they only heard some fighting in the back yard, but didn’t know who was fighting. Also the informant and the defendant’s lover had high alcohol levels during the fight. My wife can testify that I lost sleep worrying about whom to believe. The defendant never took the stand—but recall the law says that you can’t count that against the defendant.

After the witnesses and lawyers finished, it was the jury’s turn. I’m grateful that jury decisions aren’t just the sum of the inclinations of individual jurors. Indeed, if the defendant’s guilt had been determined by an opinion poll, he’d have been quickly convicted on everything. But the opinion of a majority isn’t enough. The jury must determine unanimously that the prosecution has proven the guilt beyond a reasonable doubt.

Jury deliberations feel like the ultimate in discussion groups. In many of your classes you’ll discuss texts you’ve read and experiences you’ve had. Discussions aren’t opinion polls. Don’t just state what you feel and then say, “Different people think differently.” You’ll need to lay out the evidence: How did the novelist evoke images and emotions? Where does the historical document support your ideas? Are there alternative explanations? When the information conflicts, how do you decide which counts more?

In successful discussions we learn by challenging and responding to each other. I still recall after twenty-some years a First Year Seminar discussion on the novel *Walden II* written by the noted psychologist B. F. Skinner. My students all disagreed with his arguments against free will. They had hunted for evidence and came to class ready to tear his arguments to shreds. To their surprise, every time one of them brought up a point, another student found an effective counter in the book. That discussion by a group of non-experts succeeded in a way that no lecture by an expert could in convincing them that Skinner had a valid point of view, even if they never believed it. At college the goal of discussion (and all our other work) is deeper understanding.

The goal of jury deliberations is much more sobering: determining guilt. All the jurors were convinced by the evidence that the defendant had done the stabbing. It took extended consideration to decide that his actions in the fight didn’t fit the legal definition of self defense. So, we did find the defendant guilty of second degree assault with a deadly weapon.

The other two charges depended on the defendant's intent: Did he intend to kill or seriously harm the informant? Was it in retaliation for informing? Here the evidence was mostly the testimony of unreliable witnesses against the testimony of other unreliable witnesses. We argued over what different witnesses said and what was reasonable given the evidence. After a thorough discussion we decided unanimously that the prosecution hadn't proven these charges beyond a reasonable doubt.

I'm confident that we reached a good verdict, but I know we couldn't have the certainty I demand in a mathematical proof. The defendant was possibly guilty of even more and just conceivably fought only in self defense. Human justice is messier than a chemistry experiment or a *Law and Order* show. But I now have a deep appreciation for the value of discussion—of a group of non-experts deliberating about an important issue. No one of us would have been as capable of rendering justice on our own as the twelve of us together.

An amazing opportunity for learning and growing starts for you today. You will meet wonderful people--students, professors and others—as well as engage many new ideas and acquire new skills. I hope you will bring your reasoning, enthusiasm, openness and questioning to these years so as to take full advantage of this time. Best wishe

2009 Convocation Address

by Dr. Thomas Sibley, Professor of Mathematics

St. John's Abbey Church, August 26, 2009, 9:00 a.m.