

EDITORIALS

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COMMENTARY

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Junking junk science

A federal judge has just made it official: Connie Chung is wearing no clothes. All right, that's not exactly what U.S. District Judge Robert Jones, who is charged with overseeing breast implant litigation in Oregon, said. But that's one inescapable inference to be drawn from his recent sweeping ruling: that plaintiffs were unable to produce any "scientifically valid" evidence linking breast implants with systemic disease.

Connie Chung, you will recall, is the reporter who pushed the breast implant scare into the headlines, terrifying millions of American women with a segment she did in 1990 on CBS's "Face to Face With Connie Chung," in which Miss Chung profiled five women who believed breast implants had made them sick. Miss Chung presented, as an article in the Forbes Media Critic recently pointed out, "no review of the available scientific data; no interview with medical professionals who might challenge the link." Nor did Miss Chung mention that the two doctors who claimed breast implants were dangerous were paid medical experts for plaintiffs' lawyers.

Connie Chung's slipshod approach to this issue was more typical of reporters than not. Much of the media — especially women's

magazines and tabloid TV — loves stories like these, for they nicely blend feminist with Victorian images of women, with the added bonus of a big bucks climax.

You know: Brave women with debilitating illness caused by evil corporations seek justice for all, instant wealth for themselves. "Queen for a Day" has nothing on these stories for sheer entertainment value.

But it turns out that the media's strangely uniform (i.e., uniformly mistaken) coverage of the breast implant story was no accident: Trial lawyers with millions at stake launched a spectacularly successful PR campaign to saturate the media with stories of women injured by implants. One Houston law firm's PR campaign, according to the Forbes Media Critic, emphasized the importance of "developing target lists of medical and feature reporters in each city" and "scheduling one-on-one interviews" so "each reporter can make the story her own."

In other words, trial lawyers dangled easy and tempting media packages; harried reporters swallowed the bait whole.

Up until now, judges have been strangely reluctant to interfere with the story line by requiring plaintiffs to produce sound scientific evidence that the products in multimillion-dollar product liability suits actually cause the illnesses attributed to them. That climate of judicial diffidence is now



changing, and not just for breast implant cases.

"The only advocates of 'junk science' left are this strange coalition of post-modernist critics who distrust the very concept of 'good science' and people with bad court cases," said Walter Olson, a Manhattan Institute senior fellow and author of "The Litigation Explosion." Courts, he said, are now taking a renewed interest in the difference between good science and bad science.

It's about time. As Dr. Marcia Angell, editor of the New England Journal of Medicine, points out, the cost of allowing junk science in the courtroom is high. Silicone is also used in many other medical devices, including artificial heart valves, artificial joints, pacemaker wires and kidney dialysis shunts. "Manufacturers of these devices may stop making them," Dr. Angell notes, "if they believe they can be targets of

mass lawsuits without evidence their products are harmful."

Not to mention the incalculable loss of future life-saving medical innovation, as companies move away from an industry in which a corporation can be bankrupted by lawsuits despite a scientific consensus that its product is safe.

Cokie Roberts said it best in an Aug. 17, 1995, broadcast. At first the breast implant story seemed

black and white: Innocent women injured by greedy corporations. "For most of us," she admitted, "that's where the story ended. It seems we had it all wrong."

Sometimes — but only sometimes — the truth will triumph.

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