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“Illegal Motion”

by Jeffrey Kluger

In a startling development which promises to shake conventional notions regarding the state of the physical world, the Supreme Court in *Moore v. Berry*, 573 U.S. 206 (1978), struck down Sir Isaac Newton's Second Law of Motion as void for vagueness and not responsive to contemporary physio-legal needs. In a 5-4 opinion authored by Chief Justice Warren Burger, the court concluded that “the centuries old edict, ‘Objects at rest tend to remain at rest unless acted upon by an outside force,’ makes insufficient allowances for the changes inherent in a technological society.”

The case involved a rather commonplace traffic accident in which the plaintiff allegedly sustained “whiplash,” a frequent result of Newtonian physics as applied to rear-end collisions. After a judgment in favor of the plaintiff was upheld by the Fourth Circuit Court of Appeals, 624 F.2d 676 (1976), the Supreme Court granted certiorari, declaring that “we would be derelict in our duties were we to limit our potential authority to legislative doctrine alone. The guarantees of the United States Constitution do not arbitrarily stop at the laboratory door.” 550 U.S. 1011 (1977).

After ruling against the Newtonian dictum, the Court left it to the various state legislatures to draft original, conforming laws which “combine the best of the old and the new.” In a concurring opinion, Justice Thurgood Marshall suggested that the new laws need only state: “Objects at rest tend to remain at rest unless it is physically or commercially impracticable for them to do so.”

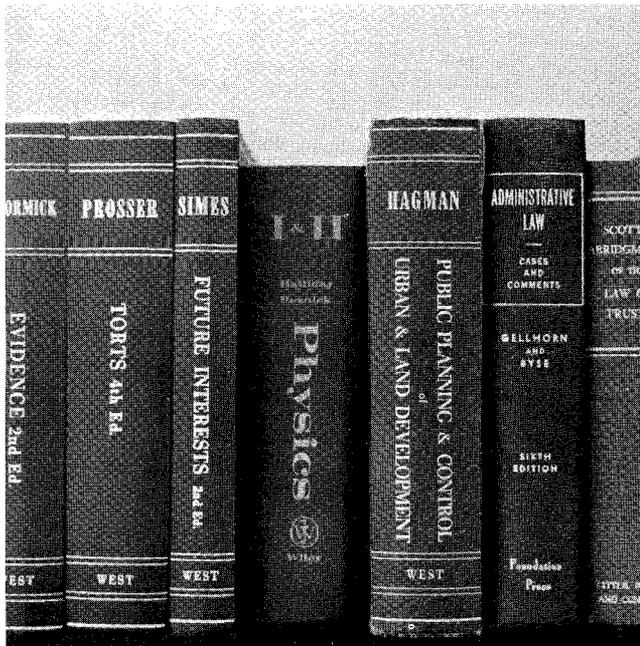


Photo by J.J.R.

In a strong dissenting opinion, Justice William Rehnquist condemned the majority ruling and cautioned the Court to maintain greater vigilance in the face of “the relentless intrusion of radical concepts into the mainstream of American sciences.” Rehnquist pointed to the “national trend towards systematic extermination of scientific ‘givens,’” and remarked “after the establishment of such a dangerous precedent, can horseless carriages and the abolition of bloodletting be far behind?”

The majority ruling will impact all but one of the fifty states. Louisiana, the lone jurisdiction which has never adopted Newtonian physics, was, according to a terse statement issued by its State Bar Association, “thoroughly vindicated by the Supreme Court’s action.” The pronouncement, perhaps overstating the magnitude of the decision, went on to predict that “this is only the beginning of a long awaited move towards simplifying the nation’s overly complex body of scientific ‘knowledge.’ Before long we hope to see a national judicial reappraisal of many of the sound doctrines by which we in Louisiana have long abided. Notably, we anticipate widespread acceptance of the existence of only four elements; fire, earth, air and water, and we look forward to universal belief in the empirically provable theory that the earth is a flat disc which sits at the center of the universe.”

The aftermath of the *Moore* decision promises to evidence a torrent of similarly complex litigation. A number of commercial airlines are already planning suits challenging the legality of several of the theories first advanced by physicist Albert Einstein. The airlines allege that the practical effect of Einstein’s relativity formulae is to prevent all matter—including airplanes—from attaining light speed. This, according to pre-trial briefs, is an unfair infringement upon open, competitive enterprise and thus illegal. The prospective plaintiffs are seeking a revision of the familiar equation, “energy equals mass times the speed of light squared,” ($E=MC^2$), and proposing instead the less stringent rule, “energy, in a reasonably competitive market, may equal mass times the speed of light squared.” Any new synthesis of Einsteinian doctrine would, of course, be required to conform with all pre-existing provisions of the Uniform Commercial Code.

Predictably, a number of scientific purists have objected to any involvement by the American system of social laws with the established system of physical laws. Significantly, the Nobel Prize Committee has warned that any advances in the area of physics which are achieved under the newly devised laws may be ineligible for award consideration. Dr. Sven Bjorgner, a member of the committee’s Executive Council, asked recently whether “scientific progress can truly be considered worthy of recognition by this organization when physical realities need no longer be overcome by patient, laborious experimentation, but rather by judicial and rhetorical gamesmanship. How monumental would the Wright Brothers’ achievement have seemed if instead of designing an airplane which was capable of flight under existing conditions, they had simply petitioned the courts for a restraining order enjoining the enforcement of traditional laws of gravity and parabolic trajectory?”

While it is unlikely that objections of this nature will ever be completely stilled, it is nevertheless apparent that calmer voices may soon accustom the public to the necessity of such judicial initiative. The argument might have been stated most succinctly last week by Herbert T. Norman, attorney for the *Moore* plaintiff, when he remarked, “Though we realize that what we have accomplished may rock the very foundations of the scientific community, we nonetheless maintain that the more compelling concern should be the perpetual expansion of the frontiers of justice, from the grandest of human endeavors to the tiniest of sub-nucleic particles.”