

## Case Brief

Evidence unit 6: best evidence rule

1/28/15

### Identity of Case

Meyers v. United States, 171 F.2d 800 (D.C. Cir. 1948)

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### Summary of Facts/Procedural History

Lamarre and Meyers were jointly indicted for violation of a perjury statute for their testimony before a subcommittee of the US Senate constituted to investigate some defense program. Lamarre pleaded guilty. Meyer's guilt depends on Lamarre's false statements to the committee, because his conviction is based on affirming Lamarre's statement that Meyers did not have a financial interest when Meyers in fact did have a financial interest...

Lamarre's testimony before the subcommittee was given to the court based on eyewitness testimony from people at the subcommittee meeting. Defendant objected on the grounds that there was a transcript of the meeting that would be better evidence.

### Statement of the Issue

Should the eyewitness testimony be excluded as not the best evidence, and the transcript introduced instead?

### Holding

Decision: the evidence is fine, a trial transcript is not a "writing" for the purposes of the best evidence rule.

### Reasoning

That is a simple enough conclusion, it is a recording. Although the dissent raises a really good point:

Given both an accurate stenographic transcription of a witness' testimony during a two-day hearing and the recollection of one of thae complainants as to the substance of that testimony, the latter is not admissible. The transcript is available and is, as a matter of simple, indisputable fact, the best evidence.

**BUT THESE AREN'T DOCUMENTS!!!!!! OR WRITINGS!!!!!!**

Judge engages in a discussion of the usefulness of the rule and how it should be applied in the modern era.

1. As between two observers of an event, the law will not accept the evidence of one and exclude that of the other, because the law cannot say which is more accurate.
2. Between a document itself and a description of it, the law accepts the former and rejects the latter because the latter is subject to frailties.
3. The best way to apply this to the modern world and the present case: the law accepts the certain and rejects the uncertainties.

## Evaluation

I kind of like the dissent. Would require some tweaking of the best evidence rule but in a way that makes it more workable and more in line with how it is interpreted in practice.