

The WAIS-III and WAIS-IV: *Dauber!* Motions Favor the Certainly False over the Approximately True

James R. Flynn

University of Otago, Dunedin, New Zealand

Daubers motions oppose adjusting IQ scores. They argue that the rate of IQ gains over time (the Flynn Effect) cannot be set at 0.3 points per year with scientific exactitude; therefore, the adjustment formula that rate implies is inadmissible in capital cases. This ignores the fact that there is universal agreement in the scientific community that there have been substantial gains and that, therefore, the worst possible option is to simply leave inflated IQ scores unadjusted. That would undermine equity entirely.

New data from the WAIS-IV are included in a meta-analysis of 14 combinations of Wechsler and Binet IQ tests. The overall average is a rate of 0.311 points per year; the average within Wechsler tests is 0.299 point per year. A new estimate of the extent to which the WAIS-III inflated IQs, even at the time it was normed, yields 1.65 points (rather than 2.34 points). However, two new studies comparing the WAIS-III to the Woodcock-Johnson III and the Kaufman Adolescent and Adult Intelligence Scale give huge estimates. It is recommended that WAIS-III scores be set aside and subjects tested on the WAIS-IV and the Stanford-Binet 5.

TETHERING THE ELEPHANT Capital Cases, IQ, and the Flynn Effect

James R. Flynn
University of Otago

Capital offenders cannot be executed if they are mentally retarded. Therefore, the IQ scores of offenders are important, and the U.S. 4th Circuit Court of Appeals has held that the Flynn effect is relevant to interpreting their IQ scores. The Flynn effect (IQ gains over time) means that different IQ tests will give different scores purely as a result of when the tests were normed. Because execution must not be a random result of what test defendants take, a formula is provided to convert IQ scores to a common metric: the norms current at the time the test was taken. The formula also includes a correction based on evidence that the Wechsler Adult Intelligence Scale—Third Edition inflates IQs because of sampling error. Given the inevitability that opposing experts will offer conflicting diagnoses, IQ scores merit special attention in capital cases.