

Spring 1934

Briefer Contributions--Identification in the Argentine Republic

Luis Reyna Almandos

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Luis Reyna Almandos, Briefer Contributions--Identification in the Argentine Republic, 24 *Am. Inst. Crim. L. & Criminology* 1098 (1933-1934)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

BRIEFER CONTRIBUTIONS

IDENTIFICATION IN THE ARGENTINE REPUBLIC¹

DR. LUIS REYNA ALMANDOS²

The provisional government of the Argentine Republic which grew out of the revolution of September 6, 1930, by decree of January 28, 1931, gave to me the task of drafting a project for a national registry of identification "for purposes of crime prevention." In March, I submitted to the Ministry of the Interior, at that time headed by Dr. Matias G. Sánchez Sorondo, who initiated the idea, fully motivated project for such a national registry. This project contains 54 articles divided into seven chapters in which are analyzed the constitutional powers of the chief executive to impose equal obligations on all citizens and inhabitants of the country without consideration for the territorial limits or the sovereignty of the states of the union, and as a result of which the central government of the nation may place into operation laws which, similar to military conscription, require federal and not state action.

The Scientific Basis

The basis for the new bureau or registry is the finger print system of Juan Vucetich, invented by him in 1891 and used since September 1st of that year in the identification service of La Plata (state of Buenos Aires). This system has

¹Translated from the original manuscript by T. Plazinski, Bureau of Social Hygiene, Inc., New York City.

²Editor-in-chief: *Revista de Identificación y Ciencia Penal* and director of the Vucetich Museum of La Plata.

since that time been adopted in the Argentine Republic, Chile, Uruguay, Brazil and other countries of South America, as well as by Mexico, Norway, Spain, France, Belgium, Italy, and other nations either under the name of its original inventor or under that of one of the modifiers such as Bertino, Daae, Gasti, and others. Article 32 of the project adopts the system mentioned, the essential elements of which must not be changed.

These elements are:

1. The prints of the ten fingers of each person on a card 9 x 20 centimeters in size, the same which has been used since 1891 and never changed as to form and dimensions.
2. The classification of these prints designed and adopted in 1896 according to the well-known classes based on four fundamental types, the *arch* (A for the thumb, 1. for the other fingers); the *inside loop* (I for the thumb, 2. for the other fingers); the *outside loop* (E for the thumb, 3. for the other fingers); the *whorl* (V for the thumb, 4. for the other fingers).

The reason for prohibiting any change in the system is due to the fact that during 40 years of experience and in spite of the fact that finger print bureaus have been organized such as that of the federal police which contains more than two million cards, identification by the means of the 4 types of Vucetich has never given rise to an error due to the system itself.

Article 32 in question permits modification of the system only in case the growth of the file necessitates it, in which case considerations of simplicity, easy handling, clearness, and precision shall govern the modification. However, the basic classification, A E I V 1, 2, 3, 4, shall remain intact and subclassifications must be based upon them. The changes permitted refer to the subclassification of the largest classes, the loops and the whorl. This subclassification can be obtained in various ways, for instance, by Galton's ridge counting system as used by Henry, by the sub-classes of Vucetich, and by other methods either separately or combined. By these means as many sub-classes can be obtained as will be necessary for a file containing many millions of cards, while it is at the same time absolutely certain that—assuming that the central registry is staffed by an intelligent and honest personnel—the identity of each person may always be ascertained in spite of the number of cards in the files.

Article 33 contains rules regarding the appointment of a technical staff. These rules must be rigorously observed with as great care as is used for the appointment of bank employees whose balances must always be faultlessly exact. For the purpose of securing the greatest efficiency on the part of the identification experts in their various functions (such as the taking of finger prints, particularly in the more remote identification centers, the classification of the prints and the searches in the central registry in the capital, etc.) the project proposes the organization of a special training school (Articles 39 and 47). However, the Argentine Republic at the present time possesses a very large number of persons cap-

able of taking and classifying finger prints according to the Vucetich system because, as has been said, this system has been used for forty years and has become so general in its application that there exists probably no locality with a police department where the latter does not possess at least one member charged with the taking of finger prints. Moreover, since 1911, by law of Congress the identification of military conscripts and of voters is accomplished by the system mentioned and for this reason there are numerous persons who have or are now well acquainted with it.

The project proposes the introduction of a new professional title, that of "public identification expert," and proposes also a department of technical-legal investigation (Article 39). In support of these provisions, Chapter 8 states:

"Such work [the technical instruction of the staff] must be planned and carefully put into effect Never can the insistence be too strong on the absolute necessity of having finger prints taken in a neat manner, each one of them being put into the place indicated on the card"

The proper functioning of the registry will necessarily result from careful selection of the technical staff and a rigorous control thereof.

The Functions of the Registry

The national registry should be established for the country as a whole and without regard for the subdivisions of the latter into states or provinces. Thus absolute territorial unity will be established. Such unity with its center in the capital is the condition *sine qua non* of the institution. The multiplicity of identification bureaus in the capital, the states and the national territories would render impossible the

satisfactory functioning of identification. At the present time there exist numerous finger print services scattered over the country; those of the police (14 state and 10 territorial departments, as well as local police), the military conscription bureaus, which also serve for election purposes and contain over three million finger print records, other finger print services, not counting private services maintained by banks etc. The diversity, the scattered location, and the absence of coordination of these services which lack any centralization run counter to the axiom that good identification is contingent on territorial unification. The project, therefore provides that finger prints shall be taken in each town or locality having a civil registry (*registro del estado civil*) located in the Mayor's office, and (Article 70) transmitted directly to the National Registry of Identification in the federal capital where these prints will be carefully classified, filed, and manipulated according to the Vucetich system and other rules necessitated by acceptable modifications thereof.

The project thus creates a finger print file (*Archivo dactiloscopico*) (Article 2, No. 3). This file is a fundamental requirement, the very essence of the registry and the source from which will spring all the results envisaged and regulated by the project. These results, corresponding to the different legal functions of the registry, are: (1) Penal identification which has for its end a check on recidivism and a basis for criminal statistics (Article 2, Nos. 2 and 4; Articles 25 and 30); (2) The residence file (Article 2, No. 5; Article 8, Nos. 11-22-23) the object of which is to follow constantly and without any violence to the person or his rights the

movements of all citizens and residents of the country and of those who enter or leave it (Article 2, No. 1). The interest which the government as well as individuals have in knowing the actual domicile of a citizen and information concerning his family, business and activities imposes on each person the duty to give immediate notice of a change in domicile to the "public identification expert" of the place of last residence as well as of the adopted one, the two experts in question then sending this notice of change to the central registry with a note concerning the new domicile on the identification card, pursuant to provisions of Article 8, No. 11 and regulations contained in the project. Thus in order to ascertain where a given person lives or is domiciled, it will be sufficient to file a single inquiry with the central registry without, as heretofore, having to apply to innumerable police authorities throughout the country. It stands to reason that these police authorities will at all times continue to render assistance to the central registry in keeping with the principle of coordination of administrative power and functions and also pursuant to the provisions of Article 44, 45 and 48 of the project. Accordingly, the residence file will become a large and active institution, no doubt very complicated, but its establishment is an urgent social necessity. (3) The permanent census of the population (Article 2, No. 6; and Article 31). This census is the natural result of the centralized accumulation of the individual cards of the inhabitants of the country. Since, according to Article 20, the death of each person must be communicated to the central registry by the chief of the civil registry in question, and accompanied with

the finger print card of the deceased (the identity card may be retained), the counting of the population could take place at any given moment by subtracting the total of identification cards retained because of the death of the person to whom they refer from the total of identification cards transmitted to the central registry. (4) The control over persons entering and leaving the country and over the identity of foreigners (Articles 8, 21 and 23) who apply for naturalization certificates; (5) The efficient ascertainment of civil status by means of a mathematically correct method of identifying individuals (Article 17 and Article 8, No. 10). (6) The permanent control of military conscription (Article 8, No. 14). (7) The permanent control of the franchise since, according to the law, the project places on all persons the duty to present his identification card in connection with all acts of juridical nature (Article 4). (8) Improved administrative efficiency by the identification of public employees. In this connection the project proposes in Article 24 that "for the exercise of all public functions the presentation of the identification certificate is obligatory. No salary or other emolument will be paid unless this requirement is complied with."

Identification Certificate

The essential function which may be considered as the very reason for the existence of the registry is the certificate of the identity of each person (Article 2, Nos. 1, 3, 9; Articles 10, 13, 16, 18 and others). This certification devolves upon the central registry assisted by the chiefs of the civil registries (public officials who are legally and constitutionally authorized to certify to the identity, the parentage, and the

civil status of the citizens) and by the public identification experts (after their professional status and their sphere of competency have been determined), all powers, however, relating to the function of certification being reserved for the central registry.

A certification of the identity of an individual begins at school age, that is, at the 7th year of life, but may be ordered to begin at an earlier date by the central executive authority of the country (Article 4). On the strength of convincing proofs and supported by documents as specified in Articles 5-7, each person is given a document which certifies him to be himself. This document in question contains in addition all necessary data relative to the bearer's civil status and other useful information (Article 8), it being expressly prohibited, however, to enter on this certificate any "fact or indication which refers or might be regarded as referring to the conduct of its owner." In this manner full protection is assured to the liberty and the honor of the citizens and the resident and the certificate of identity is absolutely and at all times free of any entry which directly or indirectly censures the morals of the bearer.

The project also contains provisions with regard to the validity, the nullification, the possession and the loss or confiscation of these certificates (Articles 11-16).

Finally, in order to meet the expenses of sustaining this registry, a tax is suggested which I have called the identification tax (Articles 36-42), the proceeds of which will be sufficient to establish and maintain the registry and which could constitute one of the greatest and most legitimate fiscal resources of the central state, to be distributed proportionally among the states.