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SUSPECTED DOCUMENT DIAGNOSIS HOSPITAL

ALBERT S. OSBORN†

There is urgent need in this broad land for a diagnosis hospital for the early examination of suspected documents. Fraudulent documents are passed as genuine, and genuine documents are sometimes successfully attacked, because there is no one available who has the necessary technical knowledge and the special experience required to answer these unusual questions. Many of these problems can be quickly solved by the qualified specialist who has had the necessary experience.

No doubt free service of this kind would be abused by the undeserving, but it is not probable that an intelligent document specialist would often be imposed upon. This service would no doubt be especially welcomed by judges who are obliged to answer many of these puzzling questions after hearing conflicting testimony. This *amicus curiae* service would, of course, be only of an advisory character and in many instances could easily be rendered. As a matter of fact, free service of this kind has been given for some years in a long distance and haphazard way, and the suggestion here made has actually grown out of experience in cases of this kind. In criminal cases it is especially important that accusations of crime should not be based upon the opinions of inexperienced handwriting examiners. Serious errors of this kind have recently been made by accusing, or actually convicting, the innocent and no doubt many guilty suspects have escaped punishment.

One of the difficulties in these problems is that unqualified performers are not able properly to appraise their varying difficulties. An examiner with little knowledge undertakes to answer positively a question that the specialist of the highest degree of ability would hesitate to answer. The amount of the standard writing, or of the disputed writing in a case, may be too limited on which to base an opinion, but the inexperienced performer does not know this. Errors are especially liable to be made when writing is disguised or is written, not in script letters, but in the form of pen or pencil printing.

This printed writing problem may be entirely new to an un-

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trained examiner, in which case he is about as apt to be wrong as right. There are alleged forgery problems of extreme difficulty and that can only be correctly solved by one who has had extended experience involving matters of exactly the same nature. There are many witnesses who testify on these subjects who are no better qualified than the ordinary juror, and little, if any, dependence should be placed upon their testimony.

A new and important problem in these days is that of suspected typewriting, especially in documents that purport to be several years of age. Surprising facts in these cases are now quite frequently uncovered, but without the necessary knowledge and reference material an examiner is helpless.

This suspected document service would no doubt be especially appreciated by district attorneys and prosecuting officers located where this technical assistance is not available and where advance funds are not in hand, but where a decision must be made either to prosecute or not to prosecute. In many, if not most, of these cases information on a problem would not, as a rule, be followed by testimony but would furnish advance assurance that error was not being committed.

There are now qualified document specialists in various parts of this country who no doubt would, in proper cases, furnish special information without charge for the service. Although none of them have been consulted, the eight nationally known handwriting experts who testified in the noted Lindbergh-Hauptmann case would no doubt, under proper conditions, render assistance of this kind.

There also are certain civil cases in which special service of this kind would no doubt be justified, but it might be difficult to determine when the conditions warranted it. There are those without funds who suspect that a document is fraudulent, or others may have in hand a document that may furnish a basis for a legitimate claim, but these inquirers are not able to pay a large fee for an opinion that may be unfavorable. If in these cases references are supplied and definite details are recited, no doubt assistance could sometimes be given. If the conditions did not seem to warrant it, the specialist could of course answer, "I cannot examine your case," or the reply might be, "Ask some responsible person in your community to write me in detail about your case." These same answers could, under proper conditions, of course be given to prosecutors.

It may be difficult to devise an unobjectionable procedure for inaugurating this special service, but if it could be done it would no doubt tend to promote justice.