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## CAN THE FORGER BE IDENTIFIED FROM HIS HANDWRITING?

Ordway Hilton

The author is an Examiner of Questioned Documents with office and laboratory in New York City. His work in this field started in 1938 with his appointment as Document Examiner, Chicago Police Scientific Crime Detection Laboratory, followed by duty as a Handwriting Identification Specialist, Naval Intelligence Service, during World War II. In 1946 he became associated with Elbridge W. Stein, Examiner of Questioned Documents, New York City, and in 1951 succeeded to their joint practice. Mr. Hilton is a member of the American Society of Questioned Document Examiners and also of the American Academy of Forensic Sciences. This article is a condensation of a paper presented at the Atlanta meeting (1952) of the Academy.—MANAGING DIRECTOR.

The writer of a forged signature can be identified from examination of his known handwriting but only under rather special circumstances. The qualifying portions of this statement may surprise many readers. There is a rather widespread belief that document examiners can identify the writer of any forgery from specimens of his handwriting. Unfortunately, in a great many instances this is far from true. It seems appropriate, therefore, to consider this problem, paying particular attention to those cases in which the forger can be identified, but also looking into those more common instances when he cannot.

In this discussion the terms "forgery" and "forged signature" describe any unauthorized signature written by some other person than whose name it represents. These forgeries may be of two general classes, those which attempt to simulate or imitate a true signature and those which make no effort to duplicate a genuine signature but are only the name signed by some other person. When it has been determined that either class of forgery is not genuine, the question is almost invariably raised: "Can you tell who wrote the forgery?"

This question may be answered affirmatively when the forged signature is not an imitation. In criminal investigations this is a common type of signature found on fraudulent checks. With them the passer of the check depends upon his ability to gain the confidence of the person cashing it, obtain his money or merchandise, and depart before the fraud is discovered. If the signature to the check is merely written off in normal handwriting of the person preparing it, a sufficient amount of his writing permits an accurate identification. Thus, the forger can be identified from his handwriting provided the forged signature is written as he usually writes and not in imitation of another person's handwriting.

The more common forgery, however, is one in which an attempt is made to imitate another person's signature. With these problems it is

very unlikely that the forger can be identified from his handwriting. If the signature is simulated freehand, that is, purely by imitation and not by a tracing process, there is the very rare instance when the writer leaves enough of his own writing habits in the fraudulent signature to allow a qualified or partial identification, but it is the exception rather than the rule. If the signature is a tracing, its fraudulent nature usually can be determined, but the person who prepared the tracing cannot be identified regardless of how much of his genuine writing is available.

#### WHEN IDENTIFICATION IS POSSIBLE

A number of cases are investigated in which the forger makes no attempt whatsoever to imitate a genuine signature. The fraudulent check problem has already been cited, but from time to time investigations center around fictitious signatures to hotel registrations, to applications for licenses and services, to purchases of merchandise. These signatures often have a similar part in a fraudulent scheme to that assumed by an imitated forgery in other cases. In any event it is important to know exactly under what conditions the writers of these signatures can be identified.

There are two requirements which must be satisfied before a positive identification can be made. First of all, the forged signature must have been written in the natural handwriting of the forger. Signatures for the most part are short, and even a moderate degree of disguise may prevent accurate identification of a single specimen. The second condition is the need for a very large quantity of the forger's known writing. One or two specimens of his signature alone are virtually useless for solving the problem. If a large quantity of day to day general writing is not available, then naturally written request specimens of the forged name must be obtained. Only under these conditions is identification of the forger possible.

Identification of any written material is established by a like combination of a number of personal writing habits in both the questioned and known writing. Never can it rest upon one or two prominent or unusual characteristics alone. With a fraudulent signature, generally containing only a few letters, it becomes imperative for all of its writing habits and qualities to be found in the suspect's normal handwriting in order to achieve a positive identification. This statement should not be interpreted to mean that a rare characteristic of the suspect's writing cannot form a part of the identification, if it is present in the fraudulent signature. Any writing habit, however unusual within a writer's scope, helps to in-

dividualize his handwriting. When it appears in the forged signature too, it is a further link in the chain of evidence which connects the two writings. Thus, the interwoven pattern of identifying attributes common to both the forged signature and the suspect's writing, entirely devoid of any significantly different habits, serves as the basis upon which the identification rests.

With a forged signature identification may still be possible despite some slight divergencies between the known and questioned writing, but here is a danger point which must be approached with great caution. Differences must have a logical or common sense explanation, they must not be the kind which point toward two individual writers. The cautious, competent examiner hesitates to identify definitely the writer of a non-imitated forgery if there are unexplained differences. The identification of a forger by his handwriting is an extremely difficult problem, but when the forger does not imitate a genuine signature a solution may still be achieved.

#### ILLUSTRATIVE CASES

At this point a brief discussion of two illustrative identifications is in order. Both cases were important trials in which definite and convincing evidence could be given.

*People of the State of New York vs. James A. Sullivan.* James A. Sullivan was indicted, tried, and convicted of forging three signatures, "C. J. Arnold," to a Certificate for Doing Business under an Assumed Name. Under the laws of the State of New York it is necessary for the principals involved in any business using a trade name to personally sign a certificate. In this particular instance Sullivan, in order to obtain telephone service for gambling interests, created a fictitious business and a fictitious principal, C. J. Arnold. He was tried by a jury in Westchester County and found guilty, principally on the basis of the testimony of handwriting examiners that the defendant Sullivan had written the name "C. J. Arnold" on three copies of a business certificate. (See Figure 1.) The conviction was sustained by the New York Court of Appeals.

There existed no C. J. Arnold, and thus there was no genuine signature to imitate. Sullivan merely wrote in his natural handwriting the three signatures "C. J. Arnold." Great quantities of his writing were available, including various written resolutions submitted by him while a member of the Common Council of the City of Yonkers, pages of bookkeeping records which he kept in the course of his daily employment, and his own signatures.

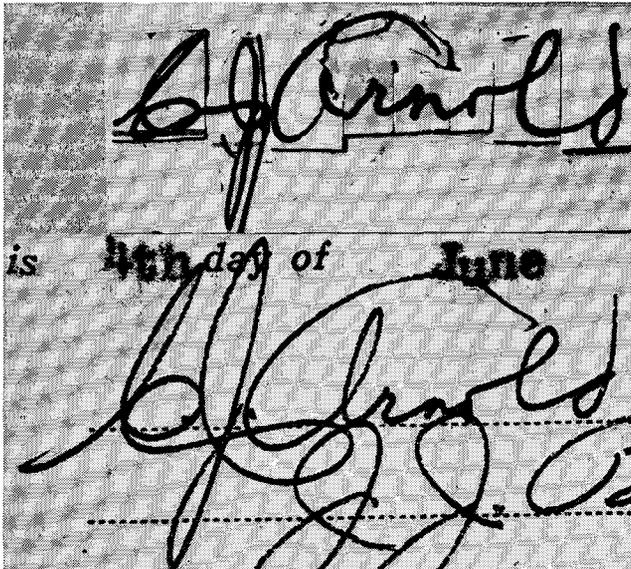


Figure 1.

A composite signature (top) made up from Sullivan's writing compared with one of the three forged signatures.

The three signatures "C. J. Arnold" were filled with Sullivan's individual writing characteristics, his natural freedom of writing, his usual writing skill, and his highly personal habits of letter formation. Figure 2, one of a series of court exhibits, shows three variant details of his highly personal "n" both in his general writing (left "Standard") and the three Arnold signatures (center column), together with Sullivan's personal habits of form and manner of connecting the "ol's" (right "Standard") which likewise occurred in the Arnold signatures.

In order to summarize briefly all of Sullivan's personal writing characteristics, a composite signature is compared in Figure 1 with one of the Arnold signatures. This composite signature was made by assembling letters found in Sullivan's general writing to form the name "C. J. Arnold." The comparison shows the marked similarity between his writing and the Arnold signature. Thus, through a detailed study of Sullivan's handwriting and the Arnold signatures it was possible to establish with certainty that he had forged these signatures.

*People of the State of New York vs. James Caruth.* James Caruth had undertaken some reconstruction work for a Lillian Johnson, owner of a bar and grill in New York City. In order to finance this remodeling, Miss Johnson executed a series of notes payable to Caruth which he took to a neighborhood bank and discounted. Some months later,

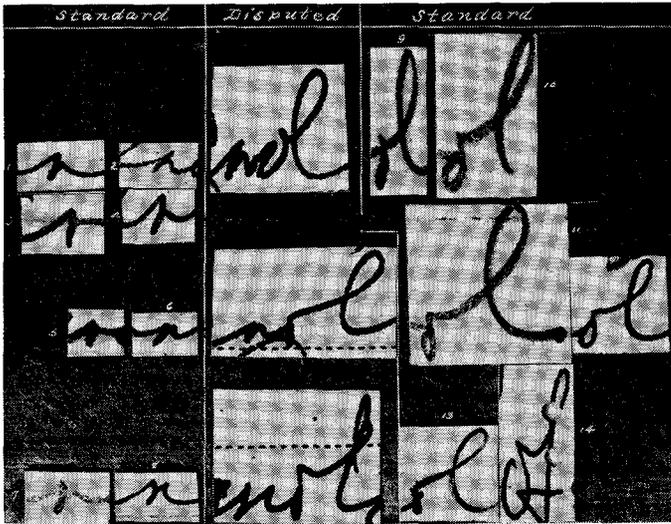


Figure 2.

Comparisons of portions of the three Arnold signatures (center) with Sullivan's handwriting (left and right).

after Miss Johnson had paid off these notes, the bank came forth with a second series of notes bearing her signature which they had also discounted for Caruth. Miss Johnson denied signing these notes, and ultimately the matter was investigated by the district attorney.

Caruth was apprehended and indicted for forgery. The signatures were clearly not Miss Johnson's for they did not even attempt to imitate her writing. The problem then became one of determining whether Caruth had forged these notes himself.

Upon apprehension Caruth asserted his innocence and set about to do everything he could to establish it. He insisted upon furnishing the assistant prosecutor with a quantity of his handwriting, with the request that it would be submitted to a handwriting expert. He prepared various specimens of his own signature and other writings, including a number of specimen signatures "L. Johnson." This was Caruth's downfall; he wrote himself right into jail. The "L. Johnson" signatures contained the same habits of slant, alignment, and letter formation as the forgery. Figure 3 shows a forged note signature with three of the "L. Johnson" specimens written by Caruth. Observe particularly the form of the "L," the form and slant of the "J," as compared with the second standard, the form of the "o" and its connection to the "h," the variations in slant in the "on," and the abrupt turn in the connecting stroke between the "h" and the "n" as indicated by arrows in the forged signa-

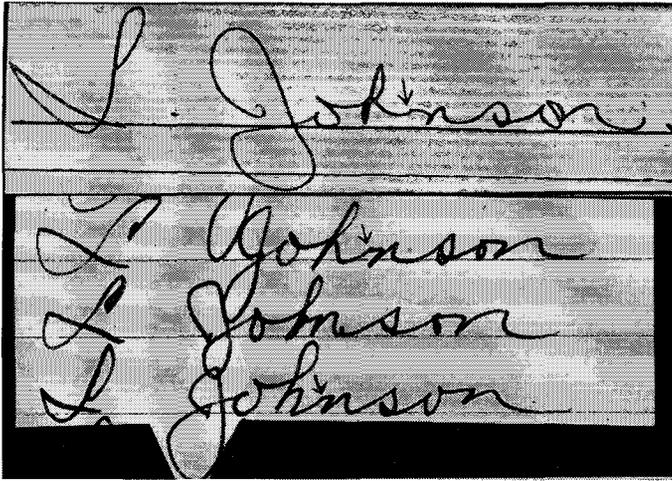


Figure 3.

A forged note signature (top) compared with three request specimens written by Caruth. After a demonstration of these and other similarities, the jury found Caruth guilty of forgery.

### PITFALLS

In considering this subject it is only proper to look carefully at the various pitfalls which confront the examiner when he is called upon to identify the forger from his handwriting. It has already been stated that this identification problem is among the most difficult and is a more frequent source of error than almost any other handwriting problem. Disregard of the dangers that confront the examiner can easily cause him to be mistaken. These include:

1. Inadequate standards.
2. A tendency to discount differences as either being representative of disguise or chance variation.
3. An identification based only on general handwriting habits and not upon individual ones.
4. The influence of the surrounding circumstances, that is, factors which have no part in the handwriting identification.

Let us consider these points briefly.

*Inadequate Standards.* With only a very limited amount of known handwriting the standards may not be truly representative of the suspect's writing habits. This would be especially true if they were written under unusual writing conditions. Chance variations in these standards may assume undue importance, causing error in the identification; while if a larger quantity of known handwriting was available, it would

appear at once that the suspect could not have written the forged signature. More often, though, when the standards are limited the error is one of not identifying the guilty person. Identification of the forger from his handwriting requires far greater quantities of handwriting than are necessary to show that the signature is not genuine,<sup>1</sup> and it is always risky to base an opinion on a rather limited amount of handwriting. Unless the similarity between the forged signature and the forger's writing is so great that no significant differences exist, an identification must be cautiously approached.

*Differences Are Disguise.* In any fraudulent signature in which no attempt is made to imitate another's writing, there is always a likelihood that the writer may attempt to change his own handwriting. In a signature made up in a large measure of capital letters he can be quite successful. If the fraudulent signature contains disguise the chance of his identification is greatly lessened. On the other hand, differences which might be attributed to disguise because of their poor quality of execution may actually be the natural writing of a writer of less skill than the present suspect. If there are indications that the forged signature contains elements of disguise, there is less likelihood that the forger can be identified, and the conservative and scientific document examiner may find it necessary to qualify his identification or refrain from any at all.

*General Writing Habits.* By far the most common errors in the identification of the forger arise out of overemphasis of general writing characteristics which are common to both the suspect's writing and the forged signature. By general characteristics are meant those writing habits which are part of a basic writing system or which are modifications of the system of writing found among so large a group of writers that they have only slight identification value. These might include an open top "o" and "a" or a looped "t" form, which occur in many rapid, careless handwritings. When an unexperienced or unscientific examiner discounts the differences between the known and forged signature as disguise and then makes his identification on the basis of three or four general similarities, error is almost certain. General similarities can certainly form a part of the basic identification, but there must be a very unique combination of them and of the individual or personal writing habits, with no fundamental differences, in order for the identification to be accurate.

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1. The writer has discussed in detail the requirements for adequate standards in "The Collection of Writing Standards" Jr. Crim. L. and Criminology, Vol. 32, No. 2, pp. 241-56 (July-Aug. 1941).

*Surrounding Circumstances.* It is not uncommon for an aggressive investigator to submit a signature forgery case to the examiner pointing out evidence other than the handwriting which seems to clearly establish the suspect's guilt. The investigator will want to detail all of these extraneous circumstances to show how clear and convincing is this proof. More than one case is on record in which a person was accused by eyewitnesses of writing a forged signature when it could be shown clearly from an examination of his handwriting that he did not write it. Furthermore, these findings were subsequently substantiated by the confession of the guilty person.

Extraneous factors which incriminate the suspect have no place in the document examiner's consideration. He must base his identification entirely upon the handwriting and those conditions under which it was written. If he cannot find sufficient similarity between the suspect's writing and the forged signature for him to make an identification without the assistance of other evidence, then he has no place as a witness against the suspect.

#### NO IDENTIFICATION POSSIBLE

It is appropriate to consider briefly those instances in which the forger cannot be identified. Full understanding of these conditions leads to a better appreciation of the pitfalls which surround any attempt to identify the forger from his handwriting.

If there is any effort to imitate a genuine signature, the chances of identification of the forger from his handwriting are almost negligible. Why is this so? Imitating the writing of another person is one of the most effective ways to disguise one's own handwriting. In an imitated forgery the writing movement is no longer free and natural. Other habits, especially letter forms, represent a simulation of another's writing, or else they are strongly influenced by the effort. The forger may not be successful in accurately imitating the signature, but he has greatly modified his own free, natural writing. The more accurate the imitation is, the fewer of the forger's own writing habits remain.

In a simulated signature which is not traced there may be somewhat wide divergencies between it and the genuine signatures. It is to be expected that these divergencies should occur at points where the forger's writing habits differ from those of the model signature. Generally these divergencies are of a hybrid nature. They are composed of elements of the forger's writing habits modified to some degree by the handwriting which he is attempting to imitate. Unfortunately, they are

seldom sufficiently clear-cut or representative of the forger's writing to permit their interpretation as the basis of a scientific identification of him.

In the case of a traced forgery the tracing and the model signatures are not generally identical in form and outline, but they certainly are very close to one another. The great weakness of a traced forgery is its slow, unnatural execution. There is a further quality when compared with the model signature that marks it as a tracing. At prominent points in the signature the two outlines constantly tend to return to a common course. Traced signatures are not written; they are drawn. Consequently, writing habits of the person preparing them are lost, and identification of him becomes impossible.

#### SUMMARY

The identification of a forger by his handwriting can be accomplished under certain exacting conditions. If the disputed signature is written in his natural handwriting and is not an imitation of another person's signature, identification may be possible. It requires an ample quantity of the suspect's handwriting, handwriting which may be of a general nature or which may consist of specially prepared specimens using the same names as the disputed signature. On the other hand, if the forged signature is an imitation, the likelihood of identification is very remote, and in most cases the forger cannot be identified from his own handwriting. The entire problem is an extremely difficult one, and if not handled carefully and cautiously, can lead to serious errors.