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FORGED SIGNATURES MORE SKILLFULLY WRITTEN THAN THE TRUE SIGNATURES

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The general rule is that a forgery is an *inferior* imitation of a genuine signature, *poorer* in execution than the true article in various ways. However, now and then one encounters a forgery where one or more aspects of the spurious signature are *superior* to the genuine from a penmanship standpoint. This paper will discuss the conditions found and various factors involved in such cases. It will deal with signatures only rather than with handwriting in general. Naturally, many of the topics discussed apply to general body writing as well as to signatures.

When a superior penman forges the signature of an inferior penman without any attempt to duplicate or copy it, it is a natural consequence that the counterfeit will be superior to the authentic in penmanship. Such a consequence however may also result in certain respects where there is a deliberate attempt to copy a signature being used as a model, if the forger is a better penman than the true writer.

It is natural to expect that when a decrepit genuine signature such as that of an aged or

infirm person is imitated, the product resulting may well be superior in penmanship because the better penmanship of the forger creeps into the performance. Such superior forgery however can also result from the imitation of an average normal adult signature where the forger is a better writer than the forger.

Likewise the forgery of the signature of an illiterate or semi-literate person may be found to be superior to the true signature. Some forgeries of illegible or semi-legible genuine signatures may also possess superior legibility or purity of letter forms, as well as other excelling features.

The superior penmanship in all these cases may be found in the form or design features of the signature, or in the line quality or execution features, or both. In some cases, where the form features excel, the line quality suffers; in some others where the line quality excels, the form features may vary from the genuine.

Form features in which the forgery may excel the genuine may be found in the following aspects: correctness and precision of letter forms;

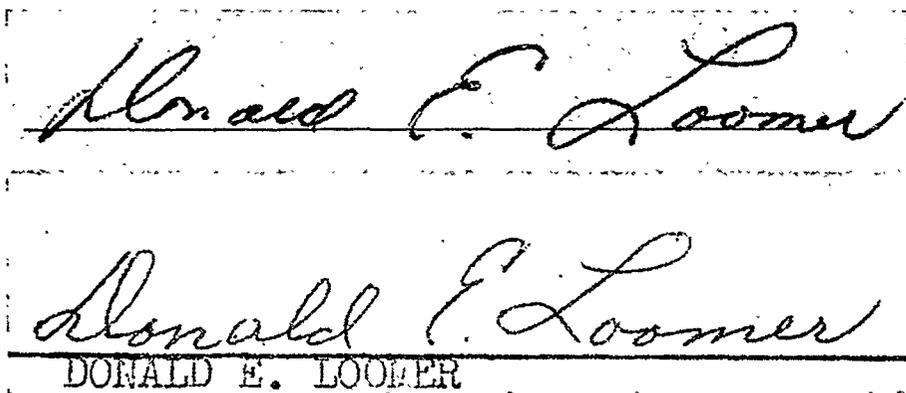


Figure 1

Upper: Genuine signature of Donald E. Loomer.

Lower: Disputed will signature. The letters are more precisely and correctly formed from a penmanship standpoint.

symmetry and artistic quality; roundness of writing; propriety and uniformity of spacing; uniformity of slant; legibility (correctness of formation and separation of component parts); completeness of beginning and finishing strokes; alignment (figure 1).

Execution or line quality features which may excel include penmanship skill and control displayed; smoothness of curves and straight lines (precision of direction); speed and fluency; firmness and boldness; variation and delicacy of shading or pen pressure.

In these cases this very superiority, if undeniable, is of course itself strong evidence of forgery.

Surprisingly, these "superior" forgeries often contain shading or pen pressure characteristics which are quite natural and thus correspond closely to the genuine in this respect. This is no doubt due to the fact that this class of forged signature is closer to the natural writing of the forger than the usual slower, more closely imitated forgery, where the pen pressure is dully uniform.

In all cases the superior features were accompanied by features which were inferior or deficient by comparison with the true signatures and also by features that deviated from the genuine signatures though not inferior. These deficient and variant aspects constituted further evidence of forgery in addition to the superior aspects, as well as being strong independent evidence of forgery in themselves.

These deficiencies and deviations included the following features: minute tremor; abnormal pen lifts or separations; patching or retouching; lack of the speed, freedom, dash, and carelessness of the genuine; dull uniformity of pen pressure (lack of natural shading); difference in letter forms; misinterpretation of letter forms or stroke sequences; wrong proportions of highs to lows and of height to width; different alignment or position of signature.

Some of the features of superiority were correlated with the features of inferiority or deficiency. For example, the faster the writing, the greater the form variance; and the converse.

As to how these "superior" forgeries are produced, it seems likely that the majority result from the free-hand copying process, also known as the "simulation" process. This system involves greater freedom of action than the more restricting tracing process and thus allows the superior

penmanship of the forger to be evidenced in the forgery.

However it is also clear that such a result may be produced by the tracing process. This is easy to understand where the tracing is made carelessly or too rapidly or where the genuine signature being traced is decrepit, infirm, or poorly written. Divergence from the model seemingly tends to make the letters more orthodox and perfect in shape, aside from the skill of the forger.

In such a tracing some of the letter forms may nonetheless be misexecuted or misinterpreted due to the nature of the tracing process, where some of the details of the letter forms or stroke sequences of the true signature are often obscured, whether by the intervening paper in the direct-tracing, look-through process or by the successive difficulties of the two-step carbon, pencil, or indentation outline method.

Such other features as the presence or absence of penlifts, letter separations or connections, and direction of strokes in the genuine signature may be mistaken in the forgery.

In an established tracing case reported by Dr. Wilson R. Harrison of Great Britain (*Suspect Documents*, p. 381) a tracing was made from a genuine signature which was decrepit and shaky due to age and infirmity. The tracing possessed a line quality and many letter forms superior to the genuine signature. Pressure characteristics were also registered quite favorably, a fountain pen having been used. The superiority of the forgery here was clearly a result of the superior penmanship skill of the forger.

From a causal standpoint, a different class of forgery more skillful than the genuine results from the use by the forger of an out-dated model signature characteristic of an earlier period when the genuine writer wrote a better signature. The superiority of the forgery is due to the fact that as of the date of the forged document the genuine writer had deteriorated in penmanship skill and wrote a poorer signature than some years previous. The forger was not aware that even a few years may make a considerable difference in a person's signature due to accident, illness, or old age, and assumed that *any* genuine signature would be satisfactory to use as a model.

In some cases it is alleged that the questioned signature was written under some unusual condition such as writing in bed or with another person assisting or guiding the hand of the purported signer. One expects to find in genuine

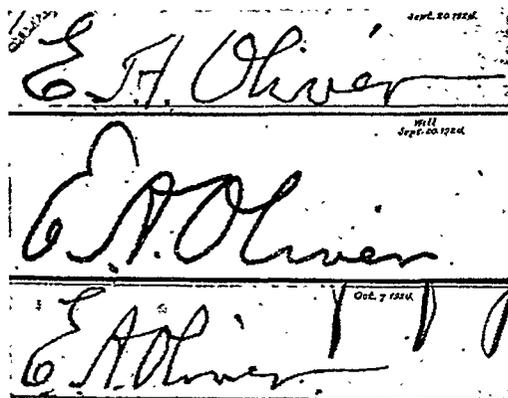


Figure 2

Upper and lower: Genuine signatures of E. A. Oliver.

Middle: Questioned will signature held to be a forgery. Note the precision of the strokes and letter forms. It was alleged Oliver's hand was guided in writing this signature. (Photograph from the files of Elbridge W. Stein).

signatures written under such circumstances a writing inferior in quality to the usual signature of the writer. But examination may reveal a signature noticeably superior to the normal exemplars, with none of the distortions and evidences of impediment in the writing act characterizing such unusual signatures if truly written under those conditions. Such evidence points forcefully toward forgery. Where such allegation is made, any evidence of good pen control, smoothness, skillful shading, careful attention to the writing act, or of precision such as the exact joining of separated strokes may be highly incompatible with the alleged conditions.

In *Questioned Documents*, Second Edition (p. 310) Albert S. Osborn reports a case handled by Elbridge W. Stein in which it was alleged that the hand of a testator was assisted or guided in writing a will signature. From the illustration shown (figure 2) however it is clear that the will signature is superior in line quality, smoothness, roundness of letters, spacing, alignment, and in the formation of a number of letters, by comparison with the accompanying exemplar signature. It is deficient however in shading or pen pressure variation, in proportions of highs to lows, in the locations of stroke separations, and in differences in some letter forms.

In addition and most importantly, it was free of the distortions, discontinuities, incoordinations, and other conditions one would expect to find in a guided-hand signature. In the words of the court,

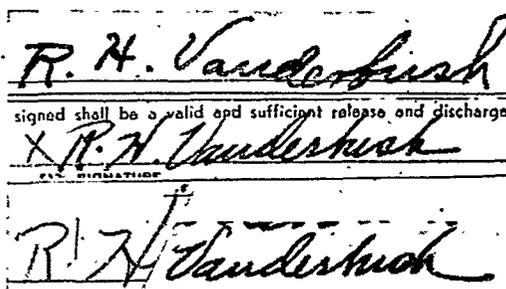


Figure 3

Upper: Genuine signature of R. H. Vanderbush.
Middle: Disputed signature, displaying superiority of control.

Lower: Writing of actual writer of disputed signature.

"There is no evidence in the disputed signature that the pen was raised, or the motion stopped or interrupted. This condition is wholly at variance with two hands attempting to write. . . . Two mental conceptions cannot produce such a perfect signature." The signature was declared and held to be an outright forgery.

From the standpoint of examination the question arises, is it more difficult than usual to detect a forgery where it is superior in quality in many respects to the genuine signature? The answer is in actuality to the contrary. It is ordinarily no more difficult than in the usual forgery case and less difficult than is the case with some where the spurious product approximates the true signature more closely in quality and in letter forms. This is true for the reason that the superiority itself is a pronounced deviation from the attributes of the genuine signatures, fully as much as the conditions found in the usual forgery by comparison with the exemplars. And as pointed out, in addition to the features of superiority there are almost without exception found certain other features of inferiority, deficiency, and deviation such as are found in the usual forgery.

A highly material question often asked by clients in connection with forgery cases is: If this signature proves to be a forgery, can it be determined who forged it? As is known, this is usually not possible with a small amount of writing, such as a signature, which is closely imitated, due to the fact that the forger is not writing his normal hand which contains his own identifying characteristics but is drawing a picture of someone else's writing which does not often contain any of the forger's own characteristics. In the case of forgeries more skillfully written than the genuine signatures however,

there appears to be a better chance than usual to identify the forger, due to the greater freedom with which the forgery is performed. If the forgery varies far enough from the genuine signature and toward the forger's own writing, it will be possible to identify him (figure 3). And this happens more often in these cases. In five such cases handled in the past three years it has been possible to identify the forger in two of them.

As in all cases involving a possible criminal charge, however, it is necessary to weigh this question very carefully, giving the suspect the benefit of any doubt. In many cases it will be possible only to say whether or not a suspect's writing is superior to the genuine signature, indicating whether he could have produced the forgery or not.