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Assisted and Guided Signatures

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POLICE SCIENCE

ASSISTED AND GUIDED SIGNATURES

CLARK SELLERS

The author, an examiner of questioned documents, Los Angeles, California, is one of the outstanding consultants in this field of work. Mr. Sellers has contributed from time to time to this journal, is a Past-President of the American Society of Questioned Document Examiners, a Fellow of the American Academy of Forensic Sciences. This paper was presented last August at the annual meeting of the American Society of Questioned Document Examiners.—EDITOR.

The question as to whether a signature is a genuine guided-hand signature or an outright forgery frequently poses an exceptionally difficult problem. This is a phase of questioned document work in which the unqualified or the charlatan often gives testimony that is contrary to the facts. Even the most experienced and highest-qualified expert must tread this field with great circumspection.

A signature in which abnormalities occur because the hand of the genuine writer has been assisted or guided may be erroneously attacked as a forgery. On the other hand, a forged signature may be incorrectly accepted as genuine on the grounds that the abnormalities are due to its having been written while another person guided the hand of the writer.

Much of the difficulty in determining whether such signatures are genuine or forged arises from the fact that both guided-hand and forged signatures usually contain abnormal characteristics such as restricted movements, tremulous, hesitant strokes, and variations or differences from the normal genuine signatures. The answer to such a question lies in accurate observation and correct interpretation. Correct interpretation is the key to the problem for even after having made accurate observations it may still be very difficult to correctly interpret the evidence because of the nature of the abnormalities.

The problem may be further complicated by incorrect testimony of an eye witness as to what occurred in the writing of an assisted or guided signature. Such a witness in the mistaken belief that it is improper, unethical, or illegal to assist another person in writing his signature, may give testimony which is not in accordance with the facts. For example, he may claim that no one

assisted the writer, or that the writer was assisted only to the extent of having a pen placed in his hand, or that the writer's hand was merely steadied by another person; whereas the fact may be that the person assisting dominated the hand of the writer throughout the writing act.

It should not be assumed that all signatures alleged to be guided signatures are forgeries. Because of illness, illiteracy, weakness, poor eyesight or blindness, paralysis, extreme nervousness, injury, or decrepitude some persons may need assistance in writing their signatures.

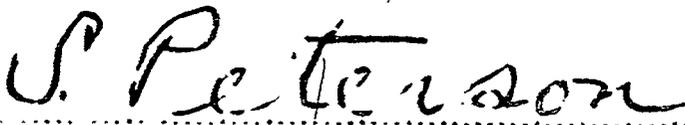
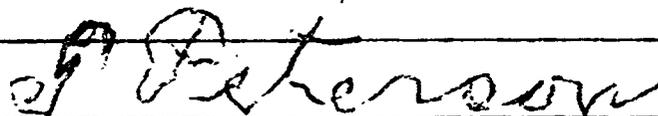
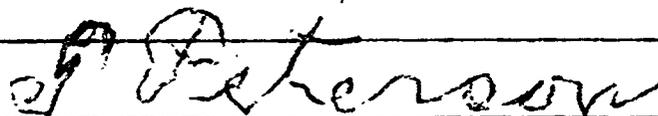
An assisted or guided signature may be entirely genuine and legal irrespective of the extent to which the hand of the genuine writer may have been dominated in the writing performance, provided the person aided specifically requested such assistance, or acquiesced in the assistance. There are numerous court decisions to this effect. In a guided signature, the dominant hand usually registers the greater number of writing characteristics, hence such a signature may include more characteristics of the guider than of the guided. If the hand of the genuine writer is merely steadied and not actually guided, the characteristics may be entirely his, depending of course on the degree of interference with the normal writing movements.

It should be kept in mind that when two persons attempt to write with one guiding the other's hand there may be so much writing conflict that such an abnormal signature is written that it is impossible to form a definite conclusion as to who did the writing.

A person accustomed to having his hand guided may become mentally and physically conditioned to this procedure so that the writing characteristics in the resultant signature will be preponderantly


S. PETERSON, also known as SVAN PETERSON.

n.


 (1) 
 (2) 



A Guided Signature

1. The questioned will signature; 2. A genuine guided signature; 3. A genuine guided signature; 4. An unguided genuine signature.

The will signature is genuine in which S. Peterson, who was almost blind, attempted to write his signature by having his lawyer in the presence of three bank officials guide his hand to the starting point. Mr. Peterson then began to sign his name and wrote the first letter "S" but made such a botch of it that he requested further assistance, whereupon his lawyer guided his almost passive hand in writing the name Peterson. Mr. Peterson in signing documents often requested some one to guide his hand. See signatures two and three above for specimens of Peterson's signature, in which his almost passive hand was guided.

those of the guider, with probably fewer indications that the signature has been guided. In the case of a person whose hand has been guided in signing many documents, it may be possible to obtain guided-hand standards for comparison. A comparison of such standards with the questioned signature may greatly increase the probability of reaching a definite and correct conclusion. (See illustration.)

If the person doing the guiding and the one whose hand is guided both attempt to dominate the writing act, erratic writing will result, since it is almost impossible for the hands of two different persons to smoothly perform the same task together. This is especially true of an act as complicated as handwriting. Every writer develops individual writing habits in the formation of

letters. This usually applies also to the size, spacing, slant, alignment, beginning and ending strokes of letters, as well as to speed and skill.

In a guided-hand signature, when one writer tries to begin a letter with an up stroke and the other person tries to begin it with a down stroke, or when the guided hand attempts to form a letter one way and the guiding hand tries to form it another way, or when one person writes faster, larger, or more slanted than the other, it is inevitable that such opposite movements will cause a marked conflict between the two persons for control of the pen. This struggle accounts for the false beginnings, grotesque characters, erratic strokes often found in a guided signature. In the conflict to control the pen, especially in getting started to write, the pen may contact or jab the

paper in one or more places, making superfluous ink marks. Such extraneous marks are frequently in the area of the first letter of a name or after a pen lift, and may have a highly significant bearing in answering the question as to whether the signature was guided. False beginnings, grotesque characters, erratic strokes may be the strongest proof that the signature is a guided one.

Because of the very nature of the crime of forgery, the forger naturally tries to avoid anything which would arouse suspicion. His objective is to have the forged signature look exactly like that of the genuine writer. It is not likely he would be satisfied with grotesque, erratic letters, and would therefore patch up such a signature or rewrite it in an effort to have it assume the same appearance as the genuine signature. On the other hand the writer of a genuine guided signature would normally not be concerned with the pictorial appearance of the writing, and therefore would not be likely to change or patch a letter to make it look more genuine.

Great care should be exercised to avoid jumping to a premature conclusion respecting a guided signature. Generally, a guided signature shows the conflict previously described, but it should be kept in mind that the conflict of two hands may be greatly lessened if the person whose hand is being guided remains passive and permits the other person to dominate the writing act. This is not apt to occur unless the writer is accustomed to having his hand guided and has learned to allow his hand to remain passive. Under such circumstances the resulting signature may not contain any of the handwriting habits of the genuine writer but will probably include some of those of the person who does the guiding. It must be realized, however, that even a passive hand may be so much of an impediment as to interfere with the normal handwriting movements of the guider, resulting in an abnormal or awkward-appearing signature.

Anything which tends to restrict the hand in writing makes it difficult or impossible to write a normal signature. The rhythm and habitual writing impulses of the assisted person may be broken up by merely having the hand of some one else resting on his hand or arm to steady it. This alone may cause him to write more slowly and less skillfully than customary, producing a signature that is neither as smooth nor as legible as the writer's normal unaided signature. Such a signa-

ture may vary from an almost normal writing to an illegible scrawl.

The question sometimes arises as to when a guided signature is a forgery. If fraud is attempted by guiding the inert hand of an unconscious person, or the hand of one who does not know what is being done, or the hand of one who has been purposely deceived as to what he is signing, or the hand of one who is forced to submit to having his hand guided against his will, obviously such writing should be declared invalid. The legal question has to do with whether the person who is being assisted has the necessary mental capacity, knows what is transpiring, and agrees to it.

Assistance may range all the way from merely steadying the hand to outright forceful guiding of the hand. The signature may be written while the genuine writer himself simply rests his hand on the hand or arm of the person doing the writing, or grasps the end of the pen while the other person writes his name.

There has been some discussion in court and in the literature on the subject as to the meaning of various terms such as "assist", "steady", "guide". These terms have been employed somewhat interchangeably especially the words "assist" and "guide", but usage seems to indicate that "guide" implies to supply the controlling or dominant force in guiding the other's hand, that "assist" implies to help to some degree without actually guiding the writing hand, and that "steady" means to hold the hand or arm only firmly enough to steady a trembling hand.

If possible, information should be sought as to the extent of the assistance, using the above definitions as a guide.

As has been indicated, poor eyesight or blindness may make it difficult or impossible to write one's signature unassisted. Such a writer may require someone to guide his hand to the proper starting point; he may need further help in following a line, and may desire still further aid in forming the letters of his name. Under these conditions it is not unusual or unnatural that a signature may be assisted or guided.

Conflict for control of the pen in a guided signature usually results in one or more of the following characteristics: grotesque letters, erratic strokes, clumsiness, illegibility, hesitant line quality, sharp angles, marked incoordination, irregular pressure, puncturing the paper with the pen, abrupt changes in direction, uneven spacing,

uneven alignment, unnecessary and extraneous strokes, tremor, weak lines, disconnections, pen-stops at unnatural places, and poorer penmanship than normal.

An unguided signature usually contains evidence that the writer had unimpeded control of the pen, characterized by such qualities as smoothness, rhythm, fluency, graduated shading, flying beginning and ending strokes; also an unguided signature may have minute and carefully made retouchings that show the writer had complete and unimpeded control of the pen.

It should always be borne in mind that hesitant, tremulous, inconsistent strokes in a *forged* signature are sometimes "excused" by the claim that they are due to the signature having been written while someone guided the hand of the genuine writer. Such a claim should be subjected to the severest scrutiny. Alleged witnesses should be minutely questioned as to the surrounding conditions, position of the person whose hand was allegedly guided and position of the person who did the guiding, the amount of assistance rendered, the position of the pen in the respective hand, the kind of writing instrument used, position of the paper, and the writing background. They should also be questioned as to why the person needed

assistance in writing his signature, whether this was the first time the writer had his hand guided, whether he was in the habit of having his hand guided and, if so, where such signatures can be found. Further, the physical condition of the writer on the date of the writing should be carefully investigated.

If the claimed writing conditions can be ascertained it will usually be possible to tell from the evidence in the writing if the handwriting squares with those conditions.

In dealing with an alleged guided signature it is usually helpful to make tests in which one person guides the hand of another. Such tests should be made under writing conditions as similar as possible to the claimed conditions under which the questioned signature was written. Properly made tests may show the improbability or even the impossibility of its having been written under the circumstances described. On the other hand, these tests may corroborate the truthfulness of the claim.

The truth as to what occurred in an alleged guided signature problem must be found in the evidence itself. In matters of justice there is no presumption that animated witnesses speak more truthfully than silent circumstances.