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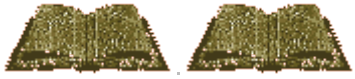

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DOCUMENTS CAN SAY IT ALL!

Questioned Documents: A Lawyer's Handbook *by* Jay Levinson
Academic Press, Harcourt Place, 32 Jamestown Road, London NW1 7BY, UK; 217 Pages: ISBN 0-12-445490-9: Hardback edition, 2001: Price £46.95

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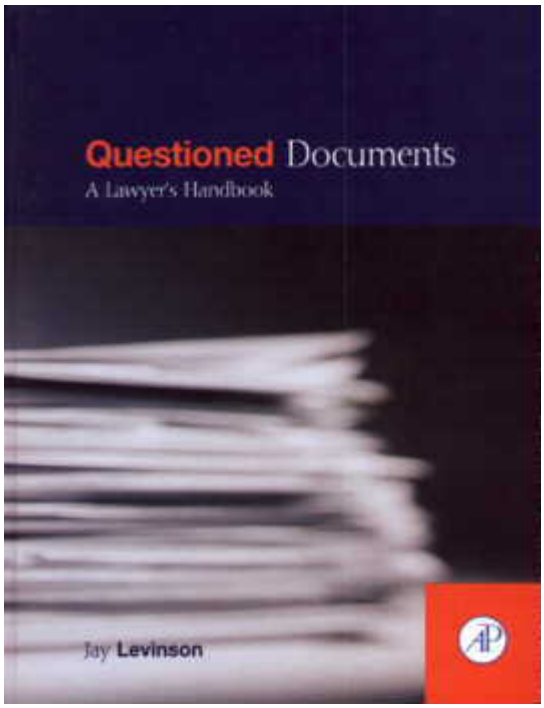


Jay Levinson



Jay Levinson, the author of this book, received his BA, MA and PhD degrees from New York University where he specialized in Near Eastern Studies. Dr. Levinson has worked for the US Central Intelligence Agency till 1981, when he joined Israel Police. He has published more than 80 articles and papers dealing with document examination and forensic science. He has also given instruction in document examination in more than 20 countries and as an invited lecturer at several universities.

This winter he shall be publishing another book, (also with Academic Press). The name of this book is *Response to Transportation Disasters*. This has been his second career.

After September 11, 2001 terrorist acts in New York, the Jewish Community asked him to travel to New York to assist them with the identification of Jews.

Readers wanting to read an online interview with him, may want to the linked page (001 jay).

When I was studying German language from Max Müller Bhawan, New Delhi, way back in 1980, one fine day our language teacher told us a great German quote, which translates in English roughly like this, "Documents, documents, documents! We are flooded with documents from birth till death." Indeed at the very moment a person is born, a birth certificate is made, and a death certificate has to be obtained by legal successors in order to complete various formalities after the death of an individual. In between these two periods, we see all types of documents playing roles in our lives - school leaving certificates, college degrees, bank passbooks, cheque books, driving

license, share and bond certificates, credit cards, deeds, letters, telegrams - even dog license applications! And there is a potential for fraud in each of these cases.

View this book on Amazon

How does one know if a particular document is genuine or not? Obviously the document has to be given to a document examiner who would examine it scientifically and let us know if that document was indeed genuine. Should a lawyer know about some of the procedures he employs to achieve this? To be sure, it does help him to ask the right questions during cross-examinations. But how does he gain knowledge about the procedures in a non-technical language that he understands?

Excerpts

In their practice, document examiners frequently have to collect specimen handwriting for making comparisons. To ensure that in the sample obtained the writer writes all the letters of the alphabet (both in lower and upper case), as well as numerals, the so called "London Letter" was devised by Osborn. We all know about the famous pangram "A quick brown fox jumps over the lazy dog", but the London letter is a kind of "*Superpangram*" giving all letters both in lower and upper case as well as all nine numerals. The following is the text of the London Letter which appears on page 38.

London Letter

Our London business is good, but Vienna and Berlin are quiet. Mr. D. Lloyd has gone to Switzerland, and I hope for good news. He will be there for a week at 1496 Zermatt St. and then goes to Turin and Rome and will join Col. Parry and arrive at Athens, Greece, Nov. 27th or Dec. 2nd. Letters there should be addressed: King James Blvd. 3580. We expect Charles E. Fuller Tuesday, Dr. L. McQuaid and Robt. Unger, Esq., left on the "X.Y." Express tonight.

Some examiners however feel that the language in the "London Letter" is too artificial and stilted, posing difficulties for the writer and requiring excessive concentration on the text (particularly when dictated but permissible to present in printed or typewritten form), so over the years several variations have been developed. An example of an "improvement" is the "Idaho Letter" that was published by Osborn in the 1920s. This letter too appears on page 38.

Idaho Letter

Dear Zach:

Well, the old class of "16" is through at last. You ask where the boys are to be. Val Brown goes on the 24th to Harvard for law. Don't forget to address him as "Esq." Ted Updike has taken a position with the N.Y. N.H. & H.R.R., 892 Ladd Ave., Fall River, Mass. And Jack McQuade with the D.L. & W. at Jersey City., N.J., 400 E. 6th St. Wm. Fellows just left for a department store position in Washington; his address is 735 South G Street. At last accounts Dr. Max King was to go to Johns Hopkins for a Ph.D. degree. Think of that! Elliot goes to Xenia, Ohio, to be a Y.M.C.A. secretary. I stay here for the present. What do you do next? How about Idaho?

Yours truly and Good-bye,

Well, till now there was no book in the market on document examination written specifically for the lawyers. The book under review fulfils this need admirably well.

As I thumbed through the pages of this book, I was indeed struck with the simplicity of language the author uses to convey his ideas. And despite having kept the technical language at a minimum, the author does not seem to have left any major ideas out of this book. Indeed it makes such an interesting reading that I would imagine even a layman trying to know about how documents are examined would enjoy reading it.

Many people think document examination just involves matching handwriting. This is not so. Indeed the book discusses all sorts of documents including type-written documents, documents coming from office printers, other office machines such as faxes, photocopiers and even photography.

...The book discusses not just handwriting, but all kinds of documents including type-written documents, PC printed documents, faxes, photographs - indeed anything that involves paper of some kind!...

There are chapters on writing inks, dyes, pens, pencils, paper, and even on fingerprints appearing on various documents. There is a separate chapter on the various equipment the document examiner uses in his day-to-day practice. There are six useful appendices giving additional information. For instance one appendix gives sample questions which lawyers can profitably use in courts. Another gives a list of useful publications in the field and yet another discusses various Questioned document organizations.

The book starts with a historical survey of questioned document examination. There are anecdotal stories of authenticating documents since the earliest of times, but in fact the scientific examination of document started only about a century ago. Faint traces could be found somewhat earlier. In 1562 for instance the English Parliament decreed forgery as a statutory offense. In fact in 1634, it was made a capital offense. Various court rulings in the following years put Document Examination on a firm footing. For instance, the question as to who is actually competent to compare documents has vexed courts right from the beginning.

Initially this right was given to the jury. In 1864, a British court ruled that the function of a document examiner is merely to point out similarities or differences between two specimens of writing. The actual decision whether a particular writing can be assigned to a given person or not should be left to the court. In 1918, a Canadian court ruled that it is competent for a judge and jury to compare the handwriting of a disputed document.

The first major case in England that involved document testimony was the Adolph Beck case (we have incidentally run the details of this case in an earlier review of a different book). A history of document testimony in the US is given too, which makes very interesting reading. The first document examiner of note to emerge from USA was Albert Sherman Osborn (1858-1946), who lived in New Jersey. He began his career as an instructor in penmanship, but when he was just 29 years of age (in 1887), he shifted his attention to document examination. From 1914 onwards, a large group of document examiners would gather at his home every year to discuss professional matters. This was the group that ultimately became the American Society of Questioned Document Examiners on 2 September 1942. Osborn's son and other family members also became document examiners, and now they have a large practice in the USA and have a large website of their own.

Excerpts (Sample Court Questions)

The book is primarily meant for lawyers, and thus gives a number of questions lawyers can use when cross-questioning the rival expert. The following sample questions appear on page 184.

DISQUALIFYING THE WITNESS

Q. *Are you a member of any professional organization*?
A. Yes, I am a member of the International X Society.

Q. *Can you tell me what qualifies you to be a member*?
A. Yes, I have paid an initiation fee and I have paid dues for the past five years.

Q. *Are there any other requirements to be a member*?
A. No.

Q. *Have you ever passed a proficiency test*?
A. No.

Q. *Have you ever been certified as a document examiner*?
A. No.

Q. *Have you ever worked under a trained examiner*?
A. No.

Q. *Who did train you*?
A. I took a correspondence course from the American Correspondence School.

Q. *Perhaps you can tell us a little about this school.*
A. Yes, they offer courses in some one hundred disciplines.

Q. *All related to documents*?
A. No. These courses range from mechanics to weather forecasting.

Q. *Is document examination your main profession*?
A. No. I am a full-time teacher of geography.

Q. *How many document cases did you examine last year*?
A. Three or four.

Q. *And do you feel that is sufficient to maintain your skills*?
A. Yes.

Q. *Have you ever published an article*?
A. No.

Q. *Have you ever presented a paper at a conference*?
A. No.

Are there ethical issues involved in document examination too? Yes, says the author on page 24. The examiner should never be influenced by financial interests or the desire of an investigator to reach a particular conclusion. More importantly he should not ask "smart" questions from his colleagues just to discredit their otherwise reliable testimony. So document examination is not just a hard core science; it involves delicate ethical questions too, which the document examiner should take care of.

Signature forgery. (a) Forged signature and fingerprint (b)Authentic signature and fingerprint (This photograph appears on page 46 of the book)

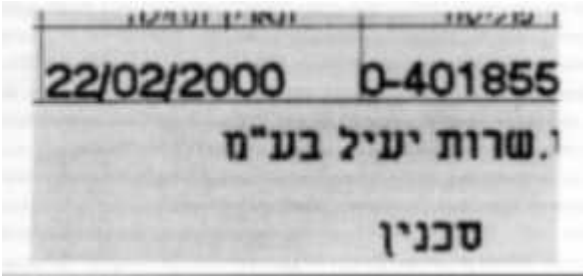


In the chapter on handwriting, the author tells us about the *class characteristics* and the *individualities*, and how they can be used to identify handwriting. There are useful sections on how signatures can be matched. An interesting photograph appears on page 46, which tells us how people in Nepal try to play a fast one on others. The book tells us that some people in Nepal give trouble to others for their vested interests, and feel proud simply if they are able to drag their adversaries in the court. A case is described (*Mr. Banti Lal vs. Rampat*) in which forged signatures and fingerprint were used to implicate the rival party.

Is there a thing called *Auto forgery*? Yes, indeed there is! Believe it or not, it is an instance where a person forges his own signatures! A person does this in order to be able to deny his own signatures at a later date. Such instances occur in cases of check endorsements, contracts, bills of sale, etc. And how does one detect such forgery? Well, the typical features of this type of writing are back-slant or unusually narrow or wide loops.

I found lot of useful information in chapters on typewriter identification and printers. Dot matrix printers are still used in several homes and offices. After explaining the concepts of 9 pin, 12 pin and other similar printers, the author goes on to describe more sophisticated ink jet and laser printers and how to detect forgeries based on those printers.

A 9-pin vertical column print head was used to fill in this car insurance certificate. There are seven pins on the base line and above. Two additional pins are below the base line (This photograph appears on page 83 of the book)



How does a typical 9-dot printer work? There are nine wires arranged from top to bottom. Wire number 1 is at the top and wire number 9 is at the bottom. If for instance a capital 'T' is to be printed this is how the printing process goes on: first of all the top wire strikes the ribbon making out just one dot at the top. Now the printer head moves on, and wire number one strikes the ribbon once more, making a dot adjacent to the first one, giving some semblance of a line at the top. The printer head moves forward once again and now wires number one to seven all strike at once. This stroke gives rise to the vertical bar of the 'T'. Now the printer head moves ahead and two more dots are imprinted by wire number one, completing the "umbrella" of the 'T'. Readers might be wondering what are wires number 8 and 9 meant for? Well they are meant for the lower loops of small letters such as "g" or "y". Definitely this understanding of how a printer works, helps to detect forgeries made on such printers. An interesting figure appears on page 83, which tells us how this understanding of printers can help one to detect forgery.

There are a number of things I liked about this book. One is the extra wide margins given at the side of the book. This allows for copious note making, which certainly I am fond of. And I would imagine people reading this book would prefer to make their own notes, or jot down their own related experiences. Most books do not allow for this kind of note making, but this book does. And I think this is a welcome change from the routine.

The book gives a number of side notes, references etc at relevant points, and these notes are given in the margin on that very page itself. Usually books give these notes either at the end of the chapter or at the end of the book, and more often than not, the reader prefers to just read on simply because it is too irritating to go back to the end of the book again and again and keep tracking the various notes. In this book, the relevant additional notes are given in the margins on the same page, which is very convenient for the readers.

The book gives a number of related web links too which the readers can refer to for additional information. For instance, on page 71, a number of we blinks appear related to further information on typewriters. There are links for CSA type wheels, IBM, Olivetti, and RaRo. On page 110, we find a website giving further information of Xerox pages and their forgeries.

Who would find the book most useful? Well, the title of the book would suggest that the book is mainly meant for lawyers. I am no lawyer; I am a forensic pathologist, and yet I thoroughly enjoyed this book. I would imagine, people like me, who have not been trained in document examination, and yet would like to know something about how documents are compared, would find this book interesting. And this could include forensic pathologists, forensic scientists from other arenas, students, general public and even crime writers who want to weave a story around questioned documents. And for document examiners themselves, this could be a good book not only for recapitulation, but also for sharing some of the author's own experiences.

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N.B. On overwhelming popular demand from the readers of this journal, we approached Jay Levinson for an online interview, and he graciously agreed. Readers wanting to read his interview may want to the linked page (001 jay).

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