



US SUPREME COURT DECISIONS REGARDING HANDWRITING AS FORENSIC EVIDENCE OR TOOLS FOR EMPLOYEE SCREENING

In 1973 the Supreme Court held that the Fourth Amendment is not violated by a compelled production of 'physical characteristics' that are constantly exposed to the public. The court stated: "Handwriting, like speech, is repeatedly shown to the public and there is no more expectation of privacy in the physical characteristics of a person's script than there is in the tone of his voice."

(United States v Mara, 410 U.S. 19, 41 LW 4185 (1973))

In another case, the Supreme Court held that the physical characteristics of a person's voice or handwriting or facial characteristics, being constantly exposed to the public view, are not within the protection of the Fourth Amendment.

(United States v Dionisio, 410 U.S. 1, 41 LW 4180 (1973))

The Supreme Court also held that the compelled production of handwriting exemplars does not violate the Fifth Amendment privilege against self-incrimination. Moreover, the court stated: "A mere handwriting exemplar, in contrast to the content of what is written, like the words or body itself, is an identifying characteristic outside (Fifth Amendment) protection."

(Gilbert v California, 388 U.S. 263 (1967))

Yet another ruling: "Handwriting is behavior in public – no intrusion into privacy."

(United States v Sydney W. Rosinsky, FR.P249,F2d No. 2, March 7, 1977)

Excerpt taken from letter written by the **Equal Employment Opportunity Commission**, Washington, D.C. 20606

"Under Title VII of the Civil Rights Act of 1964, as amended, Graphoanalysis (Handwriting Analysis) or any other employee selection procedure may be used, as long as such a procedure has no adverse impact on a particular group of applicants."