Law of the Land

By Jeremy Harrell

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When nouns and verbs lead to 30-to-life

Especially with the near ubiquity of television shows Law & Order and CSI, most evildoers have learned they need to wear gloves when committing crimes, lest they leave behind a tell-tale fingerprint for investigators.

But they'd probably have a harder time concealing their grammar, and that's where forensic linguists come in. Robert Leonard, a Hofstra University linguistics professor and director of the school's Forensic Linguistics Project, recalls a Pennsylvania murder case in which the authorities were baffled by two notes claiming responsibility for the same crime. The notes appeared to be written by two different hands, but Leonard, brought on to analyze the writing, noticed a similarity between the two.

In both cases, the bad guy never used contractions for positive statements. In both notes, for instance, the writer wrote "it is" and never "it's." On the other hand, the writer contracted negative statements – "don't" in place of "do not," for example. And with that observation, Leonard realized he'd cracked the case, a discovery that he said still makes his hair stand on end.

"This guy was going to die or spend the rest of his life in jail because he never contracted positive statements and sometimes contracted negative statements," Leonard says.

Leonard's mentor, Roger Shuy, an emeritus professor of linguistics at Georgetown University and the progenitor of forensic linguistics field, likes to tell a story about a case involving a ransom note. Shuy read the note, Leonard says, and immediately asked investigators whether the suspect list included a well-educated man from Akron, Ohio. Yes, it did, and the cops nabbed their perp posthaste.

How did Shuy know? First, the suspect misspelled easy words such as "cops" but correctly spelled more difficult words such as "precious," Leonard says. That

demonstrated for Shuy that the suspect was trying to hide his intelligence. As for the Akron thing, the suspect used the phrase "devil's strip" to describe the small patch of land between a sidewalk and a curb. (He instructed his readers to leave the money in a mailbox in the devil's strip.) That phrase is native to Akron, apparently.

"So little of what we do with language is under our conscious control," Leonard says. "If you're trained, you can look beneath the surface."

Hofstra is offering an opportunity for more people to learn how to see patterns and meaning in routine speech and writing. On April 19, Leonard and James R. Fitzgerald, a specialist from the FBI's Behavioral Analysis Unit, will talk about the emerging field of forensic linguistics and its applications to courtrooms and lawyers. Fitzgerald's talk will draw on FBI cases, including instances where forensic linguistics helped thwart terrorist acts.

Leonard says he's worked on more than 30 cases, and not all of them involve Sherlock Holmes-style sleuthing over mysterious letters. More often, Leonard provides expert testimony on more mundane disputes, such as advising lawyers on whether the language of a contract says what the author wants it to say.

"Typically, things don't go to trial, especially when you have a strong expert statement," Leonard says.

For someone fascinated by language, the legal world provides plenty of fertile ground. "In the legal system, everything is language," he says. "Even things that aren't actually language are transmitted through language. A ballistics expert has to testify in English."

The field is still emerging, though, and not everything forensic linguists do is admissible in court. The linguists can present data, but they can't give opinions about the data, for instance.

But that's more than enough for Hofstra Law School, which has called on the Forensic Linguistics Project to provide expert testimony in law school clinic cases.