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Forensic linguists make a science of syntax

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Wife killer Brian David Hummert never intended to rat himself out. But in the end, his own written words - picked over by a forensic linguist - did just that.

Hummert was convicted of first-degree murder by a Pennsylvania jury in 2006 after Hofstra University linguistics professor Robert Leonard, serving as an expert for the prosecution, provided evidence that undermined a grand ruse that Hummert had created to cover up the crime. Leonard established striking syntactical similarities between Hummert's writing and a series of letters supposedly written by a man stalking his wife and a "serial killer" who wrote letters to police claiming credit for the murder.

"We noticed, after a lot of study, that there was a fairly interesting - and very rare - rhetorical device used in both the serial killer and stalker letters," Leonard told Lawyers USA.

The author of those letters had a "grammatical tic" of never contracting positive verbs. That is, instead of saying "I'm," he always wrote "I am." It was a practice shared by Hummert, the fictional stalker and the fictional serial killer. Based in part of Leonard's expert testimony, the jury Hummert convicted of murdering his wife and he is now serving a life sentence.

The Hummert case exemplifies the increasing role that professional linguists have in resolving legal disputes - civil as well as criminal.

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Forensic linguists point out, however, that much of their work for lawyers is more advisory.

"Sometimes we just teach the attorney enough linguistics to present the

evidence himself," Leonard said.

They also emphasized that it is not the linguist's job to help the attorney win the case....

Roger Shuy, considered by many to be the dean of forensic linguists in the U.S., agrees.

"Winning and losing is not an issue to me," said Shuy. "I'm not an advocate; I just analyze the data. If the lawyers can use it, then great."

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Analyzing police tapes

Shuy, who retired from teaching at Georgetown Law School 12 years ago and is now working as a consultant in Missoula, Mont., has been a forensic linguist on more than 500 cases and written seven books on the subject.

In recent years, he's gravitated toward criminal matters, helping defense lawyers analyze tape recordings made by undercover police officers and cooperating witnesses.

Shuy's specialty is "discourse analysis" - determining what is on a person's mind based on what subjects he raises in the course of a conversation. It is used most often in criminal cases involving secretly recorded conversations.

He listens to the tapes and lists the topics that are raised, who raised them and what the responses are. He then subjects them to linguistic analysis from a variety of perspectives.

"Just as medical experts are used to describe and define what is on an X-ray, so linguistic experts describe and define what is in a tape-recorded conversation," he wrote in his chapter of the 2001 book, *Forensic Linguistics*.

"The linguist cannot know for sure what the speakers' intentions really are, but a careful examination of the topics they bring up gives a useful snap-shot of what they are thinking about, what is foremost in their minds and, perhaps even more important, what is not on their minds. Likewise, a careful analysis of the responses that given persons make to the topics introduced by others offers a similar clue to their agendas and intentions."

For example, Shuy was hired to analyze a taped conversation between an informant and a man who was accused of hiring someone to kill his wife. An analysis of the conversation showed that while the informant was persistent

in raising the topic, responses of the accused showed he had little interest in the subject.

Shuy said that his focus on taped conversations is not a passion shared by many forensic linguists.

"Large chunks of conversation are things that most linguists don't like to fiddle with. It's big and messy and takes a lot of time. But I love it."

He said that he rarely performs document analyses anymore, but one of his most famous cases involved a kidnapping in which the police asked Shuy to look at a ransom note. When he was done, he asked them if they had any well-educated suspects from Akron, Ohio.

They did, and Shuy's analysis led to the man's arrest.

Shuy's seemingly Sherlock Holmes style conclusion was based on the fact that the note contained misspellings, such as "kops," while more complicated words were spelled correctly. Shuy deduced that the note was written by an educated person trying to portray himself as poorly educated.

As for his Akron conclusion, Shuy was struck by the kidnapper's demand that the ransom money be placed at a specific intersection "next to the devil's strip." He happened to know that "devil's strip" - an area of grass between the road and the sidewalk - is a term used only in Akron, Ohio.

It's the kind of information that good linguists file away for possible future use.

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