

"The good guys always win. They always win in the end. That's my firm conviction."

So says America's most controversial document examiner, who has scored a lot of convictions and earned a few enemies in his 50 years behind the magnifying glass.

By Rudy Maxa

The court case back in the early '30s involved some shady land dealings by a prominent Washingtonian. He had manipulated the purchase and sale of real estate into a personal fortune, but not without violating a few federal laws. And, later after the financier had been indicted, an FBI investigation turned up documents that had been forged for courtroom use in his defense. A messy trail followed, and the Washingtonian, who was accustomed to taking dinner at such fine restaurants as the old Occidental, was shunted off to prison to sample simpler fare.

Today, the man who orchestrated the investigation, which resulted in a 15-year prison term for the defendant, puffs on his pipe in his Northwest Washington home, looks out the window at a summer rain and chuckles.

"Yes," he says, "he was a wealthy man before that. His wife . . . she sure had a lot of jewels."

Charles Appel is a document examiner. His is a world concerned with slight flaws, sly erasures, and aging inks. For half a century, first at the FBI and now as an independent document examiner, Appel has watched frauds frustrated, spies captured, kidnapers handcuffed and fortunes lost—all as a result of his understanding of handwriting, inks, papers and typewriters.

Document examining is not to be confused with the more crowded field of handwriting analysis, which tries to discern a writer's personality from his penmanship. Document examiners vouch for the authenticity of writing and signatures on the basis of certain observable characteristics, such as letter formation or types of ink.

The work is tedious and exacting. Years, maybe decades, pass before a document examiner acquires the confidence and reputation that allow him to face hostile cross-examination in a court weighing decisions that sometimes involve millions of dollars, lengthy jail sentences, lofty reputations.

Since his childhood in Washington in the late 1800s, Appel has served 25 years with the FBI and is in the midst of his 24th year as an independent

document examiner involved in cases whose main figures read like a Who's Who of Past and Present Controversial People: Thomas Dodd, Clay Shaw, Bruno Hauptmann, Aristotle Onassis, Howard Hughes and more.

And he has been around long enough to see numerous hard wheelers and fast dealers come and go. "You can describe me as balding with freckles," Appel laughs, "and I give a fierce impression because I'm old and wrinkled."

But despite his 77 years, Appel reconstructs past cases from a microfilm memory, and he moves with the spryness of a cat. Last month, Appel was standing on a crowded, humid bus when a young man offered him a seat. "Sit down yourself!" Appel told him and wondered if he might look ill or faint. Irritation replaced worry when a young woman looked up from her seat and asked if he would like her place.

"Now that was an overweening insult," Appel says, and he told the woman exactly that.

Despite his years in a profession that rewards suspicion, Appel has found at least one thing to believe: "The good guys always win. They always win in the end. That's my firm conviction."

Like that Florida murder a while back. Two men entered the grounds of a wealthy estate, knocked on the back door and shot and killed the maid who answered their knock. The killers sent extortion notes to the family demanding payment for protection against a second shooting. All the extortion notes the family received were lettered with the aid of a template. All except one.

Somebody got careless, Appel hypothesizes, and hurriedly addressed an envelope in long-hand. The suspected killers were captured at a money drop, but the state had to build a case against the two men who thought they had made no mistakes. The single most important piece of evidence was the envelope addressed in long-hand that Appel matched with a sample piece of one of the defendants' handwriting. The two men were convicted.

That is the way it has been during most of Appel's life: his fights have been in the courtroom, not in the field. Even when he was an FBI special agent, fellow agents called him "the man with the green eyeshade," not the one with the blazing gun. While most agents were out tracking war-

time spies and saboteurs, Appel supplied supporting fire from the FBI labs.

But for all his experience and years in the profession, Charles Appel is regarded skeptically by some other document examiners. With some, the opinion is insinuated. Paul Osborn, a prominent New York examiner, says he could "recommend 20 or 30" experts in the country but he was "sorry I could not include Mr. Appel." Others state their opinion more bluntly. Jim Miller, chief of the questioned document lab of the Metropolitan Police Department, says "the general feeling seems to be that Charlie should just hang it up."

Appel, who thinks he knows why he has earned the animosity of the normally tightly-knit national community of document examiners, considers himself above the storm when on a case.

His office is a small room in the front of the older home he and his family have occupied since VE Day. On his desk, near the green eyeshade—that he really does wear while working—is a box filled with large, brown envelopes. They contain handwriting samples relevant to the four or five cases he is usually studying at any given time.

With its walls casually decorated with mementos, and the cardboard box filing system, Appel's office is starkly different from the offices that send envelopes bearing return addresses such as General Motors, RCA, Westinghouse, Prudential . . . corporate clients of the man who wants to make sure the good guys keep winning.

The son of a plumber, Charles Appel grew up on a farm near what is now the busy intersection of 14th Street and Park Road NW. He went to Texas for one of his first jobs, as clerk for the Texas Power and Light Co. When World War I began, Appel entered the young field of aviation, but the war ended before his training did. He returned to his hometown and entered Georgetown University's Law School.

Armed with a law degree, young and optimistic, Appel opened his own private practice. But the nation's capital was full of lawyers and Appel began to depend on moonlighting with the State Department's visa section for a steady income. In

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Photograph by Frank Johnston

1924, two years after being admitted to the D.C. bar, Appel found steady employment as an FBI special agent. And seven years later, in 1931, he started to become an expert in the field that would eventually introduce him to his present wife and a new, consuming vocation.

In the profession of law enforcement in 1931, anyone who "messed around with a magnifying glass was considered a 'college type,' not very practical," Appel recalls. So they weren't exactly standing in line when Northwestern University decided to offer a rather unusual course concerned with the scientific examination of documents.

With J. Edgar Hoover's permission, Appel enrolled in one of the first courses, recording all the lectures in shorthand and later typing each day's notes so he could repeat the course to agents later in Washington. Following his days of instruction, Appel took the final exam and scored the highest mark in his class. The young FBI agent's reward was an autographed copy of the course's text, "Questioned Documents," written by one of the deans in the small world of document examiners: Albert S. Osborn. It was a pleasant beginning of an association with the Osborn family that would have its ironic and its heated moments.

Albert S. Osborn, or "old man Osborn," as Appel sometimes refers to the man who autographed his textbook, began a New York firm in 1905 that is still in existence today. His two grandsons, Paul and Russell, now run the office along with their father, Albert D. Osborn.

A great influence on his field, Albert S. founded a professional society and the family's firm, which is to the document examining business what Tiffany is to the jewelry business.

Appel tells of a World War I sabotage case the federal government had brought against the Germans (16 years after the war's end). The FBI retained a well-respected document examiner to testify on the authenticity of a crucial note written by a suspected saboteur. His written report was favorable to the prosecution. But Albert S. took the stand for the defense and claimed the note could not be genuine on the basis that the blue ink used to write the note was not 16 years old. The government's expert promptly declined to take the stand, in effect, repudiating his written report. Appel, who had retained the government's witness, maintains to this day that it was the elder Osborn's overwhelming professional reputation that induced the government's man to change his mind.

For the last half century, Charles Appel, document examiner, has been looking for forged signatures and suspicious erasures with a sharp eye and some help from modern science. There is no perfect forgery, he says, but he's seen some good tries.

But Appel's "good guys" still won. Unconvinced of Osborn's conclusions, Appel took the note in question to an eminent ink chemist at the National Bureau of Standards who said there was no chemical reason it couldn't be 16 years old. The government added that opinion to its case and eventually won.

Since that time, members of the Osborn family have crossed paths with Appel several times and both the Osborns and Appel choose their words carefully when they talk about each other.

"Document examining is a scientific endeavor," Paul Osborn says. "As a consequence, there is usually very little conflict between experts. But, of course, we have some sour apples in our field just as journalists have in theirs. While Mr. Appel, I don't say he is . . . ah . . . I'm not going to say anything about him but it's just that there are many, many people who find themselves testifying in conflict with Mr. Appel."

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Appel, on the other side of the fence, just chuckles and recalls the Clifford Irving affair. Osborn Associates was the document examining firm McGraw-Hill and Life retained to test the authenticity of the letters the later convicted hoaxer Irving had presented as those of Howard Hughes. After comparing the letters supplied by Irving with alleged specimens of Hughes's handwriting photographed in Las Vegas, Osborn Associates rendered the following "preliminary" opinion:

"Both the specimen and questioned documents reveal great speed and fluency of writing. Yet the questioned documents accurately reflect in every detail the genuine forms and habit variations thereof which make up the basis handwriting identity of the author of the specimen documents. Moreover, in spite of the prodigious quantity of writing contained in the questioned documents, careful study has failed to reveal any features which raise the slightest question as to the

common identity of all the specimen and questioned signatures and continuous writing," the report stated.

"These basic factors, we believe, make it impossible as a practical matter, based on our years of experience in the field of questioned handwriting and signatures, that anyone other than the writer of the specimens could have written the questioned signatures and continuous writing."

In retrospect, Russell Osborn, grandson of the founder of the family firm, says that the questioned documents and signatures were written by someone other than the author of the specimens. After its favorable written report, Osborn Associates continued to collect documents and specimens and changed its mind. The documents and signatures McGraw-Hill thought had come from Hughes were forged, Osborn Associates decided.

Paul Osborn, Russell's brother, later told the press his firm had been under extreme pressure to deliver an answer to McGraw-Hill and Life when they submit-

ted their favorable report. Their early investigations had been conducted in a highly unusual way, he said, and it was not until the firm collected more specimens and documents that they realized Hughes had not written the documents and signatures Irving claimed he had.

Paul Osborn's defense amuses Appel. On the basis of the endorsed checks reproduced in a weekly news magazine, Appel says he immediately noticed the signature "H. R. Hughes" did not have the right designs. The capital "R" as written by Hughes shows a design that has "a big loop on the left side, a descending loop. And Irving's didn't have that."

But, then again, Appel has had more experience than most with the signature of the elusive Howard Hughes. He was hired to testify on the authenticity of Hughes' signature during the extended litigation between Hughes and TWA. Later, Appel's involvement grew thicker when he was retained by Robert Maheu, Hughes' chief operator in Las Vegas

Appel had done work for Maheu before. Both were former FBI agents. And before Hughes recruited him, Maheu had run a private investigative company in Washington that performed delicate tasks for people inside and outside of the city who could pay his fee. He had used Appel's expertise, according to Appel.

Now, in Las Vegas, Appel testified Hughes' signature had been written by someone else on the bottom of a power of attorney that sought to oust Maheu. Then came a long letter written in longhand, ostensibly from Hughes, asking why Maheu was raising so much objection to the power of attorney, why he was not out of the picture entirely, in accordance with his orders. This time Appel had some bad news for his client. The text of the letter, Appel told Maheu, was written by Hughes. But he didn't think the signature was. An examiner for the other side disagreed and the court ruled against Maheu, leaving him to begin his multi-million dollar suit for dam-

ages. Appel would not be surprised if he is called in to testify in that fight, also.

When he is working, Appel dons his green eyeshade and keeps his microscope near. He takes the samples of the handwriting provided by a suspected forger and begins making copies in his own longhand. He makes 20 copies, sometimes more, in an effort to get the feel of the forger's motion habits, the sense of the way he forms his letters. He notes particularly the spacing between, say, the first and last name or the middle initial and the rest of the signature.

Then Appel takes the suspected forgeries and does the same: he copies the signatures in longhand until he gets the "feel" of the way they were written, the way the writer held his pen. He then enlarges the samples and suspected forgeries in his darkroom basement, looking for similarities: elongated letters, tails, or other distinguishing characteristics in a complicated letter such as a capital "G," which each

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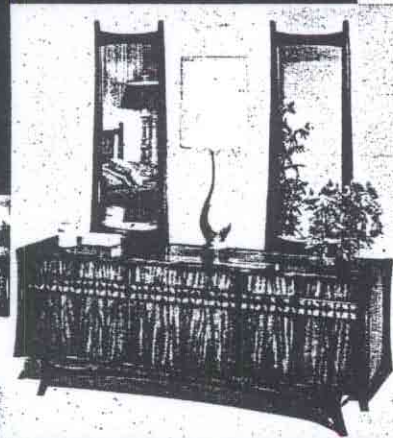
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person usually writes in a slightly different way.

It is not a job for an impatient man. Appel, who loves to read Mickey Spillane stories, doesn't think Mike Hammer could do it.

Certain other document examiners say unkind things about Charles Appel—but only behind the cloak of anonymity.

"He has very, very convincing mannerisms. But he is very opinionated and strong-willed. The feeling is that he has been off the beam sometimes."

"He has been in opposition more times than is usually the case."

"For a long time, I think, he had an inside track. He was the only document examiner who was a retired FBI agent and that helped him. I regard him with mixed emotions. I wish I could say more."

"He's just not delivering the goods. Everyone was amazed when Maheu hired him."

In addition to their profession, their desire to remain unnamed and their feelings toward Appel, the above-quoted examiners have another thing in common: they are all members of the American Society of Questioned Document Examiners. Appel is not.

The minimum standards for associate membership in the by-invitation-only society are strict enough to eliminate any casual "handwriting analysts" or less-than-serious examiners. (Some 100 Americans work as full-time document examiners; most served apprenticeships in law enforcement agencies.)

Shortly after his retirement from the FBI, Appel says he was asked to join. But one part of the rules of conduct of the society bothered him. As a matter of fact, his strong objection to that particular clause was soon to put him in bitter opposition to most of the document examining industry.

The issue came to an acrimonious head in a New Orleans will case back in the 1950s. A will involving \$1.5 million was being contested on the basis that the paragraph containing the beneficiary's name was forged. The opposing law-

yers hired four document examiners to rebut that claim. All four contracted their services for a "fair and reasonable fee," mentioning no sum, though the lawyers assumed it would be substantial because of the eminence of each examiner.

After the case, the four submitted their bills, totaling \$89,000. The lawyers had not realized how substantial the bill would be. They refused to pay and were promptly sued by the examiners on the basis of "quantum merit," arguing that the court should allow them what they thought they were due. The lawyers were in an awkward position. They could not deprecate the very examiners they had extolled in court. So they asked Charles Appel to testify on the going rate for document examiners.

The four examiners said their fee was justified on the basis of the size of the case, the amount of dollars involved, the number of hours required and the verdict.

"I told them this was a fraud on the court," Appel recalls. "The moment an examiner predicates his fee on the outcome of the case, he becomes a party to that case. I said it was a fraud, illegal and downright immoral."

"I told the court when an examiner predicates his fee on the outcome of a case, it is a fraud, illegal and downright immoral."

Appel had not endeared himself to fellow examiners. The court reduced the fees of the examiners to \$250 a day, thus establishing the only court precedent on what an examiner's fair fee should or could be. On the basis of that decision, Appel raised his fee from \$160 a day to \$250 a day, or \$40 an hour, which is what he still charges.

The society's rules of conduct do mention the delicate question of fees. No member, it says, may charge a contingent fee—

meaning, no member shall determine his fee by the size or outcome of the case. However, the society does not rule out determination of fee after a case, after consideration of "the extent and character of the services rendered, the importance of the matter and the relation of the problem submitted to the controversy as a whole."

It is this point that has separated Appel from his fellow travelers. "My outlook is that anyone who subscribes to that constitution is opening himself up to the question in cross-examination: 'Will your fee be determined by the result of this case? You unconsciously make yourself an advocate.'"

Not so, say others. "Negotiation after the case, based on the value of services is proper and not the same as a contingency fee," says Ordway Hilton, a New York document examiner. "It has to be understood you're going to send a bill after the case and expect to be paid adequately. Now, I'm afraid that some people have abused this and have sent in bills larger if their client won."

Appel's unwillingness to concede that there is a way one can determine a fair and reasonable fee after a case has left him vulnerable to other criticism.

"I would ask any document examiner about whom I wanted to form an opinion not only about his membership in professional associations, but I would ask also about attendance of meetings and about participation in the programs, as by presenting papers," maintains Alwyn Cole, a well-respected examiner who lives in the Washington area.

Appel is not a member of a professional association, and has not recently attended any meetings, written any professional articles or delivered any pertinent addresses. But he has a book, he says, that he keeps locked up in his home. He thinks if he published it he might aid forgers. He'll leave it for his wife, he says. She'll know what to do with it when the right time comes.

Perhaps Appel's separa-

tion from other examiners can be explained in the words of Ronald Dick, a document examiner for the Secret Service. "It could be," Dick said, "he's just not a joiner."

It could be. His wife, Mary Appel, says he would rather be a host than a guest, though he does attend gatherings of the Society of Former FBI Agents. He has very definite ideas, not always the same as everybody else's, says his wife, about the way things should be done. He is a morning person, up before the summer light. He insists his wife have an egg each day, and he cooks it himself for her at breakfast.

"He's a real sterling character—a dedicated individual from the old school that we need more of," comments Downey Rice, a former FBI agent and now a lawyer in private practice. Rice and Appel have known each other since 1934, when both men started their careers at the FBI. "He can write your signature better than you can, with his left or right hand. He's still one of the best. I've been present at cases and I know that he's been checked from A to Lizzard and I've never heard him discredited in any cross-examination."

What is more likely to be brought up in cross-examination is the fact that Appel does not belong to a professional society. And each time, Charles Appel, the small, lean man with the thinning white hair, must recite for a courtroom his stubborn and passionate beliefs regarding examiners' fees.

They used to raise their eyebrows around the Bureau in 1945 when the middle-aged gentleman everybody called "Uncle Charlie" married a young woman he had been training to be a document examiner. The problem was she was just too . . . well, he was 27 years older than she. Why, when he was in law school, she had not even been born.

But Charles Appel smoked his pipe and went on living his life the way he thought it should be lived. He hasn't changed his brand of tobacco since then. And he hasn't, he says, seen any reason to change his style. ■