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CAN YOU TELL the WHOLE TRUTH?

STARTLING INCONSISTENCIES OF STATEMENTS MADE ON THE WITNESS STAND BY HONEST MEN



Professor Hugo Munsterberg.



IT WAS near the close of a celebrated murder trial and the accused man had been testifying in his own behalf.

Dark, indeed, seemed the case against him; so seemingly direct and entirely damaging was the evidence produced by the prosecution that the prisoner's lawyer and friends had abandoned hope, virtually. So no objection was interposed when a famous scientist requested permission to test the prisoner's story by the new method of experimental psychology.

It seemed extremely simple, that test—so simple that scarcely a person in the crowded court room understood what was going on. Only a list of some one hundred words called off by the prisoner's lawyer from a slip of paper handed him by the man of science. The prisoner was requested to respond as promptly as possible to each word with the idea it brought into his mind.

At the end of the test the scientist bowed to the prosecuting attorney. "The man is innocent," he said.

"But what of the testimony of these witnesses?" responded the astonished prosecutor. "Some of them virtually saw the crime committed."

"Few witnesses," replied the man of science gravely, "tell the whole truth on the witness stand, no matter how conscientious they may be or what their honesty of purpose. Many innocent men are being continually convicted upon testimony honestly given, but entirely wrong."

ONLY an imaginary court scene is the above, because, under existing systems of jurisprudence, such a test, conducted in such a way, would probably be deemed irregular; and yet it would bring more clearly before the public mind than anything else the extreme weakness of so-called direct testimony in the witness box.

Indeed, the most important question raised by modern psychologists is not "Do we speak the whole truth?" but "Can we speak the whole truth?" Because, with the most honest intentions possible, a person may tell, under oath, what may be very far from actual fact.

It may not be his fault at all, but simply

the result of his peculiar mental processes.

A great many persons, no doubt, fail to appreciate the force of the old saying, that circumstantial evidence, linked up in strong chains, is the strongest kind of evidence. They would prefer the testimony of eye witnesses.

And yet every man who has studied the subject knows that a half dozen people, looking at the same thing at the same time, are likely to describe it in a half dozen different ways.

A great deal of entertaining and convincing evidence along this line has been collected by Professor Hugo Munsterberg, of Harvard University, and recently published in his book called "On the Witness Stand: Essays on Psychology and Crime."

OBSERVERS ALL VARY

From notes covering cases during a number of years, Professor Munsterberg has drawn a number of interesting incidents, all tending to show the unreliability of memory and the fallibility of direct testimony.

He tells of an automobile accident which brought the persons concerned into court. The witnesses had no interest in the matter, except to tell simply the whole truth.

One swore that the road was dry and dusty, the other that it had been raining and that the road was muddy. One declared that the automobile was running slowly, the other that it was going as fast as any automobile he had ever seen. One declared that there were only two or three persons on the village road, others that a large number of men, women and children were passing along.

All the witnesses in the case were highly respectable, reputable people, having, as stated, no personal interest in the matter at issue.

Another court case was the outcome of a riot in a hall, and it was essential to ascertain the number of persons gathered there. Only forty had been invited.

Some of the witnesses insisted that there were not more than twenty persons present. Others were just as positive that they saw more than a hundred.

In a Bowery fight, one witness declared that a rowdy had beaten his companion over the head with a beer mug, which he held in his hand. Others said the two were separated by a table, and that the mug had been hurled through the air six or seven feet.

Some passengers on a railroad train witnessed the brutal whipping of a child by a man.

Some were positive that the man was smoothly shaven, wore a hat, and was standing. Others were equally positive that he had a full beard, wore no hat, and was sitting on a bench.

Some time ago Professor Munsterberg conducted an interesting test with the students of his class in Harvard. Taking part were several hundred young men, most of them between 20 and 23 years old.

He showed them a large sheet of white cardboard, on which he had pasted fifty little black squares in irregular order. This was exposed to view for five seconds, and the students were asked to write how many black spots were on the sheet.

The answers varied between twenty-five and 500. There were more answers of over 100 than there were below fifty. Yet every student except three felt able to give a positive statement, and was reasonably certain his statement was correct.

Here, then, were highly trained, careful observers, whose attention was concentrated on the subject at hand. Is it any wonder that untrained, casual observers so frequently make conflicting statements in court?

A number of other students were asked to give the time, in seconds, which passed between two loud clicks. The time was ten seconds, and the answers varied between half a second and sixty seconds. A great many of the students judged forty-five seconds to be the correct time.

STUDENTS FAR FROM EXACT

The experiment was repeated, with three seconds elapsing between the clicks. This time the answers varied between half a second and fifteen seconds.

At another time Professor Munsterberg experimented with direct comparisons by the eye. He had on the platform a large clock with a white dial, over which one black pointer moved once around in five seconds.

He made the clock go for a minute, asked the observers to watch carefully the rapidity of the hand, and to describe, by comparison with moving objects, its speed. The list of responses included the following ideas:

- Man walking slowly.
- An accommodation train.
- Man riding a bicycle.
- Trotting dog.
- An electric car.
- An express train.
- Goldfish in water.
- The fastest automobile speed.
- As slowly as a snail.

And these different answers, too, were given

by intelligent young men of training and habits of observation.

Professor Munsterberg bears testimony to his own unreliability as a witness. While he was away from the city with his family during the summer his home was entered by burglars, and when the latter were captured he was called into court as a witness.

He declared, under oath, that the burglars had entered his house through a cellar window, and told of the rooms they had visited. "To prove," he said, "in answer to a direct question, that they had been there at night, I told that I had found drops of candle wax on the second floor. To show that they intended to return, I reported that they had left a large mantle clock, packed in wrapping paper, on the dining-room table. Finally, as to the amount of clothes that they had taken, I asserted that the burglars did not get more than a certified list, which I had given the police."

"Only a few days later I found that every one of these statements was wrong. They had not entered through the window, but had broken the lock of the cellar door. The clock was not packed by them in wrapping paper, but in a tablecloth. The candle droppings were not on the second floor, but in the attic. The list of lost garments was to be increased by seven more pieces. While my story, under oath, spoke always of two burglars, I do not know that there was more than one."

"How did all these mistakes occur? I have no right to excuse myself on the plea of a bad memory. During the last eighteen years I have delivered about 3000 university lectures. For those 3000 coherent addresses I had not once a single written or printed line, or any notes, on the platform, and yet there has never been a moment when I have had to stop for a name or for the connection of a thought."

"Of course, I had not made any careful examination of the house. I had rushed in from the seashore as soon as the police had notified me, in the fear that valuable contents of the house might have been destroyed or plundered. When I saw that they had treated me mildly, I had taken only a superficial survey."

"That a clock was lying on the table, packed ready to be taken away, had impressed itself on my mind. But that it was packed in a tablecloth—"

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