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USE OF POLYGRAPHS BY THE  
FEDERAL GOVERNMENT

(Preliminary Study)



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[Committee Print]

USE OF POLYGRAPHS BY THE FEDERAL GOVERNMENT

(Preliminary Study)

I. PREFACE

The Federal Government's use of the so-called lie-detector device, more properly referred to as the polygraph, has become a topic of increasing controversy in recent years. Serious questions have been raised both by public officials and private citizens regarding the reliability of the device and the propriety of its use.

Consultation with the Library of Congress disclosed that no study of the Federal Government's use of polygraphs has ever been made by the Congress, by any agency of the executive branch, or by private researchers. In April 1963, Congressman William L. Dawson, chairman of the House Government Operations Committee directed the Foreign Operations and Government Information Subcommittee to study the Federal Government's use of polygraphs. After an analysis of the available polygraph literature and interviews with experts, the subcommittee prepared a questionnaire which was sent to 58 Federal agencies. Some advisory boards and semipermanent committees whose limited organization and functions obviously precluded the use of polygraphs were omitted from the inquiry. The subcommittee's questionnaire and letter transmitting it follow:

FOREIGN OPERATIONS AND GOVERNMENT  
INFORMATION SUBCOMMITTEE,  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D.C., June 11, 1963.*

DEAR MR. ———: The Foreign Operations and Government Information Subcommittee, at the direction of House Government Operations Committee Chairman William L. Dawson, is looking into the use of polygraphs by Federal agencies. The survey is being undertaken in keeping with the committee's duty to study the operation of Government activities at all levels with a view to determining economy and efficiency.

In this connection, please furnish full and complete answers to each item in the enclosed questionnaire which is being sent to the heads of all executive departments and independent agencies. Responses are to cover all subordinate organizations within each agency. Within some individual departments and independent agencies more than one major subordinate organization may use polygraphs for different purposes or under different procedures. In that event, please break down the requested data by major subordinate organizations in addition to providing an agencywide compilation.

If any portion of the questionnaire seems unclear, please contact the subcommittee staff for advice or explanation.

In order that the subcommittee can prepare a timely report on the matter, please provide the requested information by July 31, 1963.

Sincerely,

JOHN E. Moss, *Chairman.*

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QUESTIONNAIRE ON POLYGRAPH USAGE

1. Does your agency possess or make use of polygraphs or other so-called lie detection devices? (If major subordinate organizations within your agency engage in such activity, please list all those organizations.)

2. Briefly explain your agency's general procedures governing the use of such devices and answer the following specific questions. (Please explain procedures and indicate if they are covered by regulation in connection with each question. If more than one major subordinate organization within the agency is affected, provide separate responses for each.)

(a) For what specific purposes are these devices used (i.e., employment interviews, security clearance processing, suspected improper conduct of duties, or other purposes)?

(b) Are the devices used in every instance involving those purposes listed in answer to question (a)?

(c) What weight is given the data resulting from tests by these devices, or refusals to take such tests, in relation to other types of investigative information?

(d) Who makes the initial determination to use such devices, and is this initial determination subject to review by higher authority in each case?

(e) Is the physical and mental condition of each person to be tested considered to determine suitability to take such a test?

(f) What disposition is made of data derived from such tests given to persons connected with your agency (i.e., retained in affected individuals' personnel files, retained separately, etc.)?

(g) Are the findings of such tests made available to the individuals who take the tests?

(h) Is there a right of appeal in cases of adverse findings?

(i) Is access to such data restricted and, if so, what classification or other designation is applied to the data?

(j) If a person connected with your agency refuses to take such a test, is that refusal reflected in any way whatsoever in the individual's personnel records?

(k) Does your agency maintain special facilities, such as specially designed rooms, for the performance of such tests? Briefly describe such facilities and how they are equipped. Furnish photographs, if available.

(l) How many polygraph tests or examinations involving similar devices were conducted by your agency in fiscal 1963?

(m) How many such tests were conducted by other agencies, public or private, at the request of your agency during fiscal 1963?

3. Please enumerate, by job title and grade, all employees of your agency who are authorized to conduct polygraph or similar tests and list their salary costs for fiscal 1963. In addition, please answer the following:

(a) How many of these persons have, as their primary duty, the conducting of such tests?

(b) What are the minimum qualifications required of those persons within your agency authorized to conduct such tests?

(c) Describe any training program your agency provides to train its own employees, or employees of other Federal agencies, in conducting such tests.

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(d) Does your agency send employees to outside agencies or schools, public or private, for training in such testing? If so, please provide the name and address of the training facility.

4. How many polygraphs and other so-called lie detection devices are the property of your agency?

(a) Please list the total acquisition cost of all such devices.

(b) Please estimate the total annual maintenance costs of such devices and indicate whether maintenance is performed by agency personnel or by outside sources.

(c) If your agency leases such devices, or contracts with other public or private agencies to perform such tests, please provide the total costs for such activity during fiscal 1963.

(d) Please estimate all additional expenses attributable to such testing, such as travel expenses for examiners to and from location of tests, internal and external training programs, and all other costs.

5. Please provide two copies each of all intra-agency directives, administrative orders, rules, regulations and/or instructions governing the use of such devices within your agency.

## II. SUMMARY OF FEDERAL POLYGRAPH USE

In response to the subcommittee questionnaire, 19 Federal agencies reported that their policies permitted the use of polygraphs in carrying out Government business. The replies of these 19 agencies, broken down by their constituent units which use the device, are shown in tabular form at the end of this section. The following narrative explains the terms used in the table and provides a general analysis of the data.

### A. PURPOSES FOR USING POLYGRAPHS

1. *Security.*—Cited by 14 of the 19 agencies, the most frequently reported purpose for the Government's use of polygraphs involves security matters. In this context security ranged from investigation of security leaks to operational uses in intelligence and counterintelligence activities.

The number of defense organizations included among the 19 users underlines the important role the instrument plays in the many-sided efforts to safeguard the Nation's security. Each of the military services was accounted for, with the Intelligence Corps and the military police both reporting polygraph use within the Army, and the Marine Corps and naval intelligence answering the roll within the Navy Department. The Office of Special Investigations was the sole reported Air Force user. Civilian components of the Defense Establishment also were well represented. The Central Intelligence Agency reported extensive polygraph use, as did the National Security Agency. Also within the Defense Department, the Defense Atomic Support Agency and the Defense Supply Agency acknowledged use of the instrument. Several nondefense agencies also indicated that their activities in the security field involved use of polygraphs.

2. *Criminal.*—Investigation of criminal law infractions was listed by 10 agencies as an area in which polygraphs are employed. Private citizens as well as Federal employees came within the scope of such investigations. The Agriculture Department, for instance, has considered the results of polygraph tests conducted outside the Government in investigating cases of alleged fraudulent transactions with the Agricultural Marketing Service.

3. *Misconduct.*—Investigation of employee misconduct was a reason given by eight agencies for utilizing polygraphs. This category included offenses not considered to be criminal violations.

4. *Personnel screening.*—The Central Intelligence Agency and the National Security Agency indicated that polygraph testing is included as a routine part of preemployment personnel screening. The armed services also reported a similar use during fiscal 1963 in connection with the program of enlisting Cuban refugees. This was a unique situation, however, since the military normally does not employ the device in recruitment or induction processing.

5. *Medical measurements.*—The Health, Education, and Welfare Department reported that three of its bureaus—the National In-

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stitutes of Health, the Public Health Service, and St. Elizabeths Hospital in the District of Columbia—used polygraphs for medical purposes. As a device which measures pulse rates, respiration rates, and blood pressure, the polygraph has been used to record the reactions of patients under anesthesia.

The device also has found use in cases involving patients with mental or neurological disorders. More frequently, it has been employed on animals undergoing experiment.

**B. EXTENT OF POLYGRAPH USE**

Except for the personnel screening category, the user agencies declared that polygraphs were not used in every case. The Atomic Energy Commission, for instance, said that the device was involved in processing only 1 of 29,300 security clearances processed during fiscal 1963. Similarly, the machine was employed in 0.14 percent of the FBI investigative matters handled in fiscal 1962.

The frequency of polygraph use in Air Force investigations varied from once in every 43 cases in 1959 to once every 18 cases in 1962. The Internal Revenue Service, which restricts polygraph tests to employees who request them, reported such tests were used in fewer than 10 cases in the last 10 years.

Other agencies indicated that investigative techniques affected the extent of polygraph use. The Defense Atomic Support Agency said the device is used normally "to gain information not otherwise attainable by other investigative techniques." The Coast Guard replied that polygraph tests are administered when "there is conflicting evidence, [or] the subject requests an examination, or it appears that an examination would materially aid the investigation." The Post Office Department limits the device to "cases of more than average importance where the investigation is at a standstill because the inspector cannot prove a suspect guilty or eliminate him from suspicion even though he has exhausted all normal investigative techniques."

Several agencies referred to the polygraph as an investigative "tool" or "aid" which was used "seldom" or "on rare occasions."

In the area of personnel screening, the two agencies concerned—the CIA and the National Security Agency—were not clear as to the exact extent of polygraph utilization. The CIA flatly answered that "all applicants and employees are afforded polygraph examinations as part of security screening procedures" while also implying a less-than-mandatory practice by saying that a refusal to take a test would be "considered along with other information developed in processing an applicant." The NSA advised that polygraph interviews are a required part of preemployment processing for all civilian applicants. After becoming a NSA employee, however, a person is subjected to such a test only in connection with matters "extensively investigated but difficult to resolve." In the past, polygraph examinations have not been required of military personnel before their acceptance for assignment to NSA.

**C. POLYGRAPH TESTS CONDUCTED DURING FISCAL 1963**

The Federal Government conducted 19,122 polygraph tests during 1963, according to the answers to the subcommittee's questionnaire.



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And this amount did not include the thousands of tests which the CIA and NSA gave to "all applicants and employees," since the agencies claimed the number of tests must be classified as "security" information.

The information compiled by the subcommittee showed the Army to be the heaviest Government user of polygraphs. During fiscal 1963, the Army conducted roughly 12,500 tests or more than half of all those reported by the Government. Screening of Cuban enlistees, a situation presumably unique to the period reported, accounted for 3,494 Army tests with the polygraph. The Federal Bureau of Investigation reported 2,314 tests.

D. POLYGRAPH TESTS REQUESTED DURING FISCAL 1963

Not all Government units using polygraphs maintain their own, specialized staffs and facilities to carry out the tests. On some occasions, agencies do not have their own equipment or operators available at the scene of investigations.

During fiscal 1963, these conditions led to 322 polygraph tests being requested by Federal agencies. The Post Office Department accounted for 134 requests while the Secret Service requested 110 tests.

Although there was uniform reluctance to specify the agencies to which the requests were directed, it was generally implied that such matters remained within the Federal Government. The General Services Administration, however, requested 10 tests during the year and indicated that an unspecified number of these were performed by local law enforcement agencies.

E. POLYGRAPHS OWNED BY THE FEDERAL GOVERNMENT

A total of 512 polygraphs or other so-called lie-detection devices were reported as owned by the Federal Government at an estimated acquisition cost of \$428,066. This does not include the CIA and NAA which claimed that the number and acquisition value of the polygraphs they possess is classified as security information.

The Army led the statistics in this department, possessing 261 devices which cost an estimated \$182,700. The Navy Department was next with 86 machines, including 9 owned by the Marine Corps, followed by the Air Force with 72 and the FBI with 48. The Post Office Department reported they own 17 "lie-detection" devices, 13 of which were acquired more than 10 years ago and employ only a one-phase, skin resistance detection procedure. The Post Office Department stated that they intend to dispose of these one-phase instruments in the current fiscal year. (See illustration, pp. ==.)

F. AUTHORIZED POLYGRAPH OPERATORS WITHIN THE GOVERNMENT

Federal agencies reported 639 employees are authorized to conduct polygraph tests. Their salaries during fiscal 1963 amounted to slightly more than \$4.3 million. However, administering polygraph examinations is only one of many assigned duties to the great majority of these Federal workers. For example, the FBI reported that the 46 special agents authorized to perform polygraph tests spend an estimated 6 percent of their time on such activity. Accordingly, the FBI con-

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tended that only 6 percent of the agents' \$616,667 annual salaries—or \$37,000 per year—can be directly attributed to work involving the polygraph. On this same point, authorized Army military policemen devote less than 5 percent of their time to polygraph activities, averaging 1.8 tests per month for each examiner. Post Office Department inspectors reportedly average less than 3 percent of their total effort with the device and the Secret Service attributes less than 1 percent of the total operators' salaries to work involving the machine.

The National Security Agency is the sole organization indicating that handling polygraph tests is the primary duty of any of its employees.

Numerically, the Army again was highest, reporting 358 polygraph operators on its rolls in fiscal 1963. The Navy Department followed with 106 examiners—86 assigned to naval intelligence and 20 to the Marines. Next on the list was the Air Force with 73 authorized operators.

Once more these figures do not include CIA and NSA which claim they are exempted by statute from disclosing information regarding the number and salaries of their employees. CIA claims as authority 50 U.S.C. 403(g),<sup>1</sup> and NSA claims as authority section 6 of Public Law 86-36 (50 U.S.C. 402 note).<sup>2</sup>

## G. OTHER ANNUAL COSTS

More than \$56,000 a year in costs related to polygraph use was reported by the 19 agencies. This figure is a bare minimum, as such costs were very sketchily estimated due to widely varying record-keeping. Intended to be included in this category were training and travel expenses of polygraph operators, maintenance of the polygraph machines, and similar recurring costs. In addition, the Air Force reported an expenditure of \$24,953 during fiscal 1961 for a contract with Fordham University (N.Y.) on studies in lie detection.

## H. SAFEGUARDS FOR INDIVIDUALS

Included in the subcommittee questionnaire were several queries designed to reveal the steps taken to safeguard the rights of individuals who undergo polygraph tests. In this regard the agencies were asked what relative weight is accorded polygraph test results or refusals to be so tested, whether the use of polygraphs is subject to review, whether tests results are available to the individual, whether an avenue of appeal exists, and whether an individual's physical and mental condition are considered.

1. *Effect of refusals.*—In response, every agency provided assurances of one form or another that polygraph tests are given only with voluntary consent from the person to be tested. Even in the employment screening programs of the CIA and the NSA, where polygraph tests

<sup>1</sup> 50 U.S.C. 403(g) states: "In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 403(d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of section 654 of Title 5, and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 947(b) of Title 5."

<sup>2</sup> Sec. 6(a) Except as provided in subsection (b) of this section, nothing in this Act or any other law (including, but not limited to, the first section and section 2 of the Act of August 28, 1935 (5 U.S.C. 654)) shall be construed to require the disclosure of the organization or any function of the National Security Agency, of any information with respect to the activities thereof, or of the names, titles, salaries, or number of the persons employed by such agency.

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approach the point of being mandatory, applicants may refuse to submit to polygraph testing. Whether a refusal would dim a job applicant's chances is not clear. The CIA simply said that refusals would be "considered along with other information developed \* \* \*" while the NSA indicated an applicant's refusal would require "more exhaustive investigation."

A number of agencies expressly declared that refusals do not prejudice the outcome of an investigation. The Air Force, for example, stated "no inference is or may be made from \* \* \* refusals" while the Army military police assured that "failure to volunteer for an examination is not construed as a tacit admission of guilt." Similarly, the Defense Atomic Support Agency said that a refusal "cannot be construed as an admission or even a partial admission of guilt" and the Post Office Department asserted the refusals cannot form the "basis for any recommendation."

While the Marine Corps went along with most agencies in saying a refusal "is not considered as proof or evidence of facts sought to be confirmed," the Office of Naval Intelligence thought otherwise. "It is safe to say," stated ONI, "that this Office realize [sic] that some subjects refuse to submit to examination on the basis of moral scruples which they consider valid, in other cases a refusal may be considered a tacit admission of guilt."

The Defense Supply Agency also had some doubts about refusals. "While only limited significance is attached to data developed by the polygraph test," DSA said, "in a clear-cut 'did-you-or-didn't-you' situation refusal \* \* \* is considered as an unfavorable reflection on the credibility of the individual's statement."

A member of the District of Columbia's Metropolitan Police Department can be ordered to take a polygraph test, and be subject to disciplinary action if the order is disobeyed, but for any other suspect a refusal "can be given no weight as to guilt or innocence."

With the exception of the District of Columbia Police Department, all agencies reported that refusals by employees to take polygraph tests are not noted in their personnel records, although such matters might be mentioned in investigative reports.

*2. Weight accorded polygraph test results.*—No agency admitted attaching great significance to the results of polygraph examinations, but there were indications that such tests influence at least the course of investigations.

The Atomic Energy Commission reported that polygraph test results alone were not conclusive but if they were at variance with the findings of field investigations, additional fieldwork would be carried out to resolve the discrepancies. The Defense Atomic Support Agency and the General Services Administration stressed that they attached no weight to such test results without confirmation by subsequent admissions.

The results are not used by the National Security Agency in "reaching any finding" but only to "identify areas in which the individual should be questioned further." In a similar vein the National Aeronautics and Space Administration said the device is used "for formulating additional investigative coverage."

A balanced statement on this point was issued by the FBI, which said the "polygraph can be helpful to implement an interrogation and provide investigative direction but it must not be relied on solely or used as a substitute for logical investigation."

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The Internal Revenue Service seemed inclined to give the individual being tested the benefit of the doubt. "Where such test is favorable to the subject, it might be given considerable weight," IRS said. "When the test is unfavorable, it would simply be considered with all other information \* \* \*."

The polygraph was felt to be "an invaluable investigative aid" by the Office of Naval Intelligence, which also cautioned that "an accuracy rate of 70 percent is considered optimum."

3. *Review of polygraph use.*—Almost all of the 19 agencies indicated that use of polygraphs is subject to review by authorities higher than those persons immediately involved in handling investigations.

One reported exception to this review practice was the CIA. That Agency apparently considers a system of review for each instance of polygraph utilization as unnecessary since the Director of Central Intelligence has established the policy that "all applicants and employees will be afforded polygraph examinations as part of security screening procedures."

Likewise, polygraph tests are a required part of the National Security Agency's preemployment processing of civilian applicants, and there is no process to review each applicant's case to determine whether the testing is appropriate. However, there is a system for reviewing the decision to test NSA employees.

While the Defense Supply Agency maintains a review process for all recommended tests in criminal investigations, security operations are handled differently. The use of polygraphs in DSA security matters is decided, without subsequent review, by the intelligence officer in charge at the field activity concerned or at DSA headquarters in Washington.

4. *Availability of results to individuals tested.*—Five agencies—Central Intelligence Agency, Defense Supply Agency, Department of the Air Force, National Security Agency, and the Federal Bureau of Investigation—indicated they do not make known the results to individuals undergoing polygraph examinations. All other agencies using the machine said they either routinely advise the individual tested of the results or provide the information upon request.

5. *Appeals of polygraph test results.*—A number of agencies reported that they have no system permitting the appeal of adverse polygraph test results. Most of these agencies reasoned that an appeal limited to the results of polygraph tests is unnecessary since no action is taken against individuals solely on the basis of such examinations; however, these agencies went on to say that any administrative action resulting from an investigation would be subject to appeal.

The District of Columbia Metropolitan Police Department answered that the right of administrative appeal does not apply in its uses of the machine "since all criminal cases must ultimately be presented to a court of law and the results of polygraph examinations are not admissible in these courts."

But a sizable number of agencies and their components said they provide a means of appeal, usually by conducting a new test with a different operator. Agencies allowing an appeal or reexamination of some sort are the Army, the Marine Corps, the Coast Guard, the Internal Revenue Service, the Secret Service, the U.S. Information Agency, and the U.S. Park Police of the Interior Department.

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6. *Consideration of physical and mental conditions.*—Each agency reporting the use of polygraphs, and all of their affected units, informed the subcommittee that consideration is given to the physical and mental conditions of individuals to be tested.

A few agencies, including the Air Force, the Commerce Department, the Defense Atomic Support Agency, the National Security Agency, and the State Department, said they obtain professional medical advice when there is a question of physical or mental suitability to undergo polygraph tests.

While most other agencies simply indicated that consideration is accorded, few further details were volunteered. The Post Office Department, for example, noted that "susceptibility tests are given to determine \* \* \* mental suitability." Similarly, Naval Intelligence said: "It is well understood the physical-mental conditions of many subjects will render them unsuitable as testing subjects either on a temporal or permanent basis."

The U.S. Information Agency was slightly more specific, stating that the matter "is left to the professionalization of the [polygraph] operator."

I. QUALIFICATIONS OF GOVERNMENT POLYGRAPH OPERATORS

In order to ascertain the qualifications of the polygraph operators within the Federal Government, the subcommittee asked those 11 agencies that employed polygraph operators for a breakdown of the minimum requirements for the operators. Included among the criteria were age, education, grade or rank, years of investigative experience, any character investigation or agency check, and type of special polygraph training.

1. *Minimum age.*—Although most agencies have set 25 years as the minimum age for a polygraph operator, the District of Columbia Metropolitan Police Department allows a policeman aged 21 to conduct the polygraph tests. The Coast Guard minimum age is 22, while CIA "prefers" their operators to be 30 years old. There is no minimum age requirement in the FBI, but all examiners must be Special Agents and the minimum age for such an agent is 23 years.

2. *Educational requirements.*—The educational requirements for polygraph operators in the Federal Government vary from agency to agency. The minimum requirement is a high school degree, although an Army military policeman must have 2 years of college education before becoming eligible to perform polygraph tests. CIA, NSA, FBI, Office of Naval Intelligence, and the Secret Service all require a college degree.

3. *Grade or rank.*—The minimum grade or rank requirement for polygraph operators varies greatly throughout the Government. The District of Columbia Metropolitan Police Department has no special requirement, while the Central Intelligence Agency requires its polygraph operators to be a GS-11 (with base annual salary of \$9,004). The FBI requires its polygraph operators to be a Special Agent, which has the grade of GS-10 (\$8,450). Other grade or rank requirements include: Army Intelligence, E-5 (\$4,738); Army Military Police, warrant officer (\$6,632), NSA, GS-11 (\$9,004); and Post Office Department, PFS-13 (\$12,639).<sup>2</sup>

<sup>2</sup> Salaries derived from tables found on p. 13415, Congressional Record, Aug. 6, 1963.

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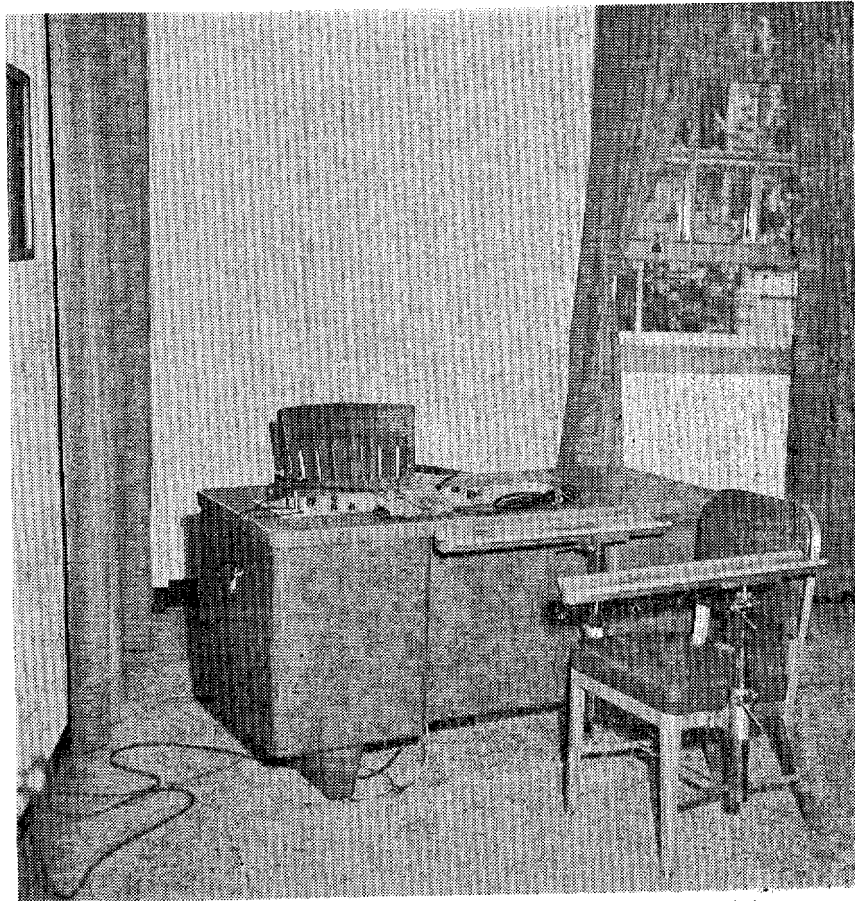
4. *Investigative experience.* Three agencies--the District of Columbia Metropolitan Police Department, the FBI, and the Marine Corps--have no minimum requirement for years of investigative experience. The remainder of the agencies employing polygraph operators vary in their requirements from 1 year to 5 years.

5. *Agency check or character investigation.*—All prospective polygraph operators within the Federal Government must be given either an agency check or a background investigation prior to approval as an operator. NSA reports that all applicants for polygraph operator must pass a polygraph screening test.

6. *Training program.*—The majority of agencies that employ polygraph operators train them at the Army Provost Marshal General School, Fort Gordon, Ga. The Coast Guard and the Post Office Department also make use of a private source of instruction—the National Training Center of Lie Detection in New York. CIA requires polygraph trainees to take an internal academic course for 5 weeks plus an additional 4 months on-the-job training. The FBI also conducts an internal training course and advanced training seminars.

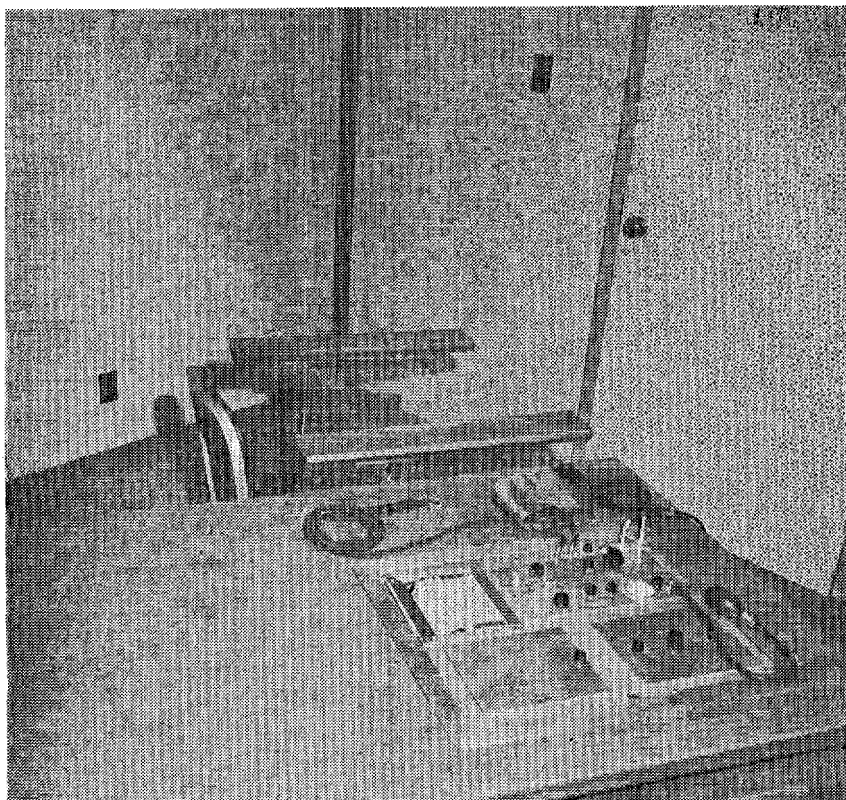
7. *Other requirements.*—No one agency can be compared with any other in their "other requirements" for authorizing a polygraph operator. The requirements range from a thorough understanding of communism (NSA), foreign language fluency and physical ability to travel extensively (CIA), to emotional stability and lack of distracting scars or impediments (Air Force).

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The Polygraph Apparatus and Specially Adapted Furnishings—The machine is installed in the desk. Special arms rests on subject's chair are designed to lessen movement from lack of comfort.

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Marine Corps Polygraph Interrogation Room—As recommended, room is relatively bare and free of distractions. Acoustical wall surface indicates sound proofing. Two-way mirror on left. Subject's chair is turned away from the window, a possible source of distraction.



III. TABLE OF AGENCY REPLIES  
The Federal Government's use of polygraphs

Agency	Purpose	Tests performed during fiscal 1963	Tests performed during fiscal 1965	Polygraphs owned	Acquisition cost	Authorized polygraph operators	Salary costs during fiscal 1963	Other annual costs, fiscal 1963	Age	Education	Grade or rank	Minimum qualifications for polygraph operators	Years of experience	Agency check investigation	Training program	Other requirements	Use subject to higher review	Results available to case	Test results subject to appeal	Formal permission for use
Architecture Department	Criminal	0	0	0		0											Yes	Yes	No	No
Arms Control and Disarmament Agency	Security and personal screening	0	0	0		0											Yes	Yes	No	No
Army Intelligence	Security and personal screening	18,094	0	148		182	\$799,380		25	High school	E-5 (staff sergeant)	3 years of superior to outstanding 1. 3 years of superior to outstanding 2. 1. 4 years of superior to outstanding 3. 1. 4 years of superior to outstanding 4. Passed intelligence course.	3	Yes	Army MP school, Fort Gordon, Ga.	1. 4 years of superior to outstanding 2. 1. 4 years of superior to outstanding 3. 1. 4 years of superior to outstanding 4. Passed intelligence course.	Yes	Yes	No	No
4 - Military police	Criminal	14,400	0	118	\$182,700	206	\$685,310	\$18,270	25	2 years, college	Warrant officer	3	Yes	do	1. U.S. citizen 2. No court convictions for 3. 1. 4 years of superior to outstanding 4. Passed intelligence course.	Yes	Yes	Yes	Yes	
Atomic Energy Commission	Security and criminal	11,288	1	72	\$2,185	72	\$44,766	\$8,297	25	High school	E-5 (staff sergeant)	5	Yes	Army MP school	1. Demonstrated interrogative proficiency 2. Understand human nature, social behavior 3. Personality stable 4. Artistic 5. Free of distracting scars or impediments 6. Physically able for extensive travel.	Yes	Yes	No	Yes	
Central Intelligence Agency	Security and personal screening	0	0	0		0											Yes	Yes	No	No
Defense Department	Security and personal screening	140	2	0	3,440	3	10,016	1,864	30	College degree	GS-11	1	Yes	Internal 3 weeks' academic 4 months' on-the-job training	1. 4 years of superior to outstanding 2. 1. 4 years of superior to outstanding 3. 1. 4 years of superior to outstanding 4. Passed intelligence course.	Yes	Yes	No	Yes	
1. Defense Atomic Support Agency	Security and criminal	0	0	0		0											Yes	Yes	No	No
2. Defense Supply Agency	Security and personal screening	0	0	0		0											Yes	Yes	No	No
3. National Security Agency	Security and personal screening	0	0	0		0											Yes	Yes	No	No
4 - Bureau of Columbia Metropolitan Police	Criminal	250	0	3	3,100	6	50,425	60	21	High school	No special requirements	No set period	Yes	Army MP school	None	Selected on basis of maturity and soundness of judgment.	Yes	Yes	No	No
1. Office of Naval Intelligence	Security and misconduct	0	10	11	0	0											Yes	Yes	No	No
2. National Institutes of Health	Medical measurements	0	0	0	20,000	0											Yes	Yes	No	No
3. Federal Bureau of Investigation	Criminal and misconduct	0	0	0		0											Yes	Yes	No	No
4 - Federal Bureau of Investigation	Criminal and misconduct	2,314	0	48	85,626	46	\$1,016,967	125	25	College degree	Special agent	No set period	Yes	Internal course plus seminars	1. Be recommended by superior 2. Thorough understanding of human behavior 3. Ability to maintain detached and objective attitude 4. Ability to withstand job pressures 5. Ability to withstand job pressures 6. Feasibility of personality and appropriate to establish and maintain rapport 7. Excellent command of English.	Yes	Yes	No	No	
1. National Archives and Space Administration	Security and misconduct	0	0	0		0											Yes	Yes	No	No
2. State Department	Security and misconduct	1,200	0	77	62,525	98	758,825	5,400	25	College degree	PG-4	1.5	Yes	Internal	History of meaningful investigation experience	Selected on basis of maturity and soundness of judgment.	Yes	Yes	No	No
1. Office of Naval Intelligence	Security and criminal	812	1	9	13,990	20	112,474	380	25	High school	E-5	No set period	Yes	Army MP school	No court convictions; mental and physical stability; proficiency in criminal investigations with special aptitude for interrogation.	Yes	Yes	No	No	
2. Marine Corps	Criminal	388	0	17	5,000	16	217,940	1,100	30	High school	PPS-13	3 to 5 years	Yes	Army MP school, George Washington, Calif. National Training Center of Ft. Belvoir, New York	1. 4 years of superior to outstanding 2. 1. 4 years of superior to outstanding 3. 1. 4 years of superior to outstanding 4. Passed intelligence course.	Yes	Yes	No	No	
1. State Department	Security, criminal, and misconduct	0	0	0		0											Yes	Yes	No	No
2. Treasury Department	Security and misconduct	171	18	9	12,130	13	74,210	135	22	High school	E-5	1	Yes	Army MP School of New York Center of the Dece-100	Selected on basis of maturity and soundness of judgment.	Yes	Yes	Yes	Yes	
3. Internal Revenue Service	Security and misconduct	0	0	0		0											Yes	Yes	No	No
4. Narcotics Bureau	Criminal and misconduct	0	0	0		0											Yes	Yes	No	No
U.S. Information Agency	Security and misconduct	0	1	1	4,880	18	181,400	550	25-40	College degree	GS-9 to GS-12	3	Yes	Army MP School	Demonstrated interest and aptitude	Yes	Yes	No	No	
Total		19,122	322	612	458,065	650	4,324,919	56,280									Yes	Yes	No	No

\* Same as Army (both Intelligence Corps and Military Police are attached to DASA).  
† Not a field unit.  
‡ No statistics maintained.  
§ Only \$2,000 attributable to polygraph work.

#### IV. AGENCY REPLIES

The following 39 Federal agencies reported that their policies or practices did not provide for the use of polygraphs:

- American Battle Monuments Commission
- Bureau of the Budget
- Civil Aeronautics Board
- Civil Rights Commission
- Civil Service Commission
- Export-Import Bank
- Farm Credit Administration
- Federal Aviation Agency
- Federal Coal Mine Safety Board of Review
- Federal Communications Commission
- Federal Deposit Insurance Corporation
- Federal Home Loan Bank Board
- Federal Maritime Commission
- Federal Mediation and Conciliation Service
- Federal Power Commission
- Federal Reserve Board
- Federal Trade Commission
- Foreign Claims Settlement Commission
- Housing and Home Finance Agency
- Indian Claims Commission
- Interstate Commerce Commission
- Labor Department
- National Capital Housing Authority
- National Capital Transportation Authority
- National Labor Relations Board
- National Mediation Board
- National Science Foundation
- Office of Emergency Planning
- Railroad Retirement Board
- Renegotiation Board
- St. Lawrence Seaway Development Corporation
- Securities and Exchange Commission
- Selective Service System
- Small Business Administration
- Smithsonian Institution
- Subversive Activities Control Board
- Tariff Commission
- Tennessee Valley Authority
- Veterans Administration

The replies of the agencies reporting the use of polygraphs follow.

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REPLY FROM THE DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE,  
*Washington, August 1, 1963.*

HON. JOHN E. MOSS,  
*Chairman, Subcommittee on Foreign Operations and Government  
Information, Committee on Government Operations, House of  
Representatives.*

DEAR MR. MOSS: Pursuant to your request of June 11, 1963, regarding use of polygraph by the Department of Agriculture, we have completed a survey of each agency and staff office in the Department. This survey disclosed that no agency or staff office either owns or possesses polygraph equipment nor do they have qualified polygraph operators. Neither the Department nor subordinate agencies or staff offices have issued directives, administrative orders, rules, regulations, and/or instructions concerning polygraph utilization.

Our survey disclosed only two instances in which the polygraph has been used. Both instances occurred in connection with Agricultural Marketing Service (AMS) investigations as follows:

1. An investigation by AMS in September 1959 involved a federally licensed weighman who admitted falsifying a truck grain receipt which resulted in the issuance of a fraudulent U.S. warehouse receipt. At the request of his employer, the weighman submitted to a polygraph examination which was performed on July 21, 1959, by John E. Reid & Associates, 600 South Michigan Avenue, Chicago, Ill. The results of this examination were included in our report; however, it was performed prior to our active participation in the investigation and was neither at our request nor expense.

Criminal prosecution was declined by the Department of Justice since there was no loss to the Government; the Federal license was revoked, and the subject individual lost his position with the firm.

2. An investigation by AMS in March 1960 involved a licensed grain storage warehouse in St. Louis, Mo. It was developed that the warehouse had lost about \$85,000 through falsely represented grain deliveries; i.e., less grain was delivered than was recorded and paid for. Information developed indicated that employees of the firm may have been in collusion with persons operating outside the firm and polygraph examinations were given a number of these employees. These were given by a George Haney, reportedly a qualified polygraph operator, and were given at the suggestion of AMS Internal Audit Division. However, we did not incur the expense of these examinations although the results were made available to us and were used in our report.

An analysis of this case by the Office of the General Counsel determined that sufficient evidence for successful prosecution had not been obtained and the file was closed.

Sincerely,

JOSEPH M. ROBERTSON,  
*Administrative Assistant Secretary.*

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REPLY FROM THE ARMS CONTROL AND DISARMAMENT  
AGENCY

ARMS CONTROL AND DISARMAMENT AGENCY,  
Washington, July 29, 1963.

Hon. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcom-  
mittee, House of Representatives.*

DEAR MR. CHAIRMAN: As requested in your letter of June 11, 1963,  
there is enclosed herewith the response of the Agency to the question-  
naire on polygraph usage submitted by your subcommittee.

Sincerely yours,

WILLIAM C. FOSTER.

REPLY TO QUESTIONNAIRE ON POLYGRAPH USAGE SUBMITTED BY THE  
FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOM-  
MITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS OF THE  
HOUSE OF REPRESENTATIVES, DATED JUNE 11, 1963

1. The Arms Control and Disarmament Agency (ACDA) does not  
possess a polygraph or any other of the so-called lie-detection devices.  
Since its establishment in September 1961 the Agency has not had  
occasion to arrange for the use of any such devices.

2. ACDA has had no occasion to arrange for the use of any of these  
devices and it has neither formal procedures nor plans for establishing  
formal procedures in this area. If an occasion were to arise where  
the use of a polygraph examination appeared to be in the best interests  
of the Government, the Agency would request the Department of  
State, which performs many administrative services for ACDA, to  
arrange the interview.

(a) The only situation in which we can conceive using this type of  
equipment would be an instance in which an employee has been  
accused of committing a serious act of security interest and investiga-  
tion has failed to resolve the issues of doubt.

(b) No. As indicated above, a polygraph examination would be  
considered in specific serious cases of security interest on a voluntary  
basis to assist in the resolution of particularly difficult employee cases.  
It would be undertaken only if authorized by the Director.

(c) If the result of the examination indicated the employee has  
lied and may have committed the act as alleged, but the employee  
continues to deny having done so, further investigation of the issue  
would be scheduled. In this type of case the employee undoubtedly  
would be assigned to the least sensitive position available in the  
Agency, pending completion of such investigation.

Since arrangement for polygraph examination would be undertaken  
only on a voluntary basis, there could be no refusals per se.

(d) In appropriate instances, the Agency security officer would  
submit recommendation to the Director that the Department of  
State be requested, under section 41 of Public Law 87-297, to arrange  
for a polygraph examination under that Department's practices and  
procedures.

(e) Whatever the current practices of the Department of State  
are concerning the physical and mental condition of the employee  
would govern. Since the Department of State is also submitting

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responses to this questionnaire, we have not attempted to describe its procedures herein.

(f) The report of findings furnished by the Department of State would be filed in the Agency security file of the employee.

(g) As a matter of general practice the Agency would advise the employee of the result of the examination unless requested by the Department of State not to do so.

(h) As indicated in item (c), there would probably be no adverse action taken solely on the basis of an adverse polygraph examination. Under such circumstances there would, of course, be no necessity for appeal.

(i) Results of polygraph examinations would be classified by the Department of State and honored by ACDA.

(j) No.

(k) No.

(l) None.

(m) None.

3. There are no employees of ACDA authorized to conduct polygraph or other similar tests.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

4. As indicated previously, ACDA has no polygraph or other of the so-called lie-detector devices.

(a) Not applicable.

(b) Not applicable.

(c) None.

(d) None.

5. As indicated previously, ACDA has no directives, administrative orders, rules, regulations, or instructions governing the use of such devices.

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REPLY FROM THE ATOMIC ENERGY COMMISSION

ATOMIC ENERGY COMMISSION,  
Washington, D.C., August 2, 1963.

HON. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives.*

DEAR MR. MOSS: Reference is made to your letter of June 11, 1963, enclosing a questionnaire concerning the use of polygraph techniques by the U.S. Atomic Energy Commission.

Attached are the responses of each numbered item of the questionnaire.

Sincerely yours,

A. R. LUEDECKE, *General Manager.*

RESPONSES TO QUESTIONS REGARDING USE OF POLYGRAPH DEVICES

1. The Atomic Energy Commission does not own or lease polygraph equipment or other so-called lie-detection devices. The Commission

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does however, make infrequent and carefully restricted use of the polygraph examination in security cases, as set forth more fully below.

2. The polygraph may be used, on a voluntary basis (i.e., with the consent of the individual involved), only after the General Manager approves its use in a particular case in connection with making a determination as to an individual's eligibility for access to classified information (security clearance). Use of the polygraph is controlled within the framework of procedures established for determining eligibility for Atomic Energy Commission access authorization (security clearance). Such procedures require that in those cases where information—received through investigation, interview, or otherwise—raises a question concerning an individual's eligibility for access authorization, the Atomic Energy Commission Office concerned refers the case to the Director, Division of Security, AEC Headquarters, for further consideration. Normally, this consideration will consist of authorizing an interview to inquire into specific areas of concern or initiation of further investigation to extend certain information. Should these procedures fail to provide adequate information, and the Director of Security believes that lie-detection techniques will assist in the resolution of certain information or allegations contained in the case, based on a recommendation from the office concerned, he may recommend the use of this technique to the General Manager, AEC Headquarters. If after review of the entire record, the General Manager approves this recommendation, he may authorize the use of a polygraph device.

The authorization is forwarded to the AEC office concerned by the Director of Security after he has satisfied himself as to the reputation, experience, and capability of a testing operator.

The use of this technique is so limited within the program and since control thereof is governed within the framework of existing procedures, no special regulations have been issued.

(a) The Atomic Energy Commission makes use of the polygraph examination solely for security-clearance purposes.

(b) The device is not used in every case involving a determination of access eligibility. On the contrary, in fiscal year 1963, it was used in only 1 out of a total of 29,300 cases that were processed (see 2(l) and 2(m) below).

(c) In applying AEC security criteria, the decision as to access authorization "is a comprehensive, commonsense judgment, made after consideration of all the relevant information, favorable or unfavorable, as to whether the granting of access authorization would endanger the common defense and security and would be clearly consistent with the national interest." (10 C.F.R., pt. 10, sec. 10.10(a).) In this light, polygraph findings furnished by a competent and qualified polygraph examiner are not regarded by the Commission as conclusive evidence. Instead, they are treated as relevant information whose weight is determined in the light of other information developed during the security investigation as a whole. If the data obtained by the polygraph examination are at variance with information developed during the initial field investigation, additional field investigation is generally sought in an attempt to resolve the discrepancy. Where test data indicate that an individual is willing to make certain admissions, a written statement is obtained immediately following the test. As stated above, the test is administered solely on

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a voluntary basis; i.e., with the consent of the individual. Refusal on the part of an individual to take such a test is not considered derogatory and does not prejudice the further processing of his case in any way.

(d) The security director of each field office, through the field manager, may initially recommend use of the polygraph to the Director of Security, Headquarters, who may endorse such recommendation to the General Manager. Only the General Manager has authority to approve its use.

(e) The physical and mental condition of an individual to be tested is considered. In the past fiscal year 1963, which saw only one case where the polygraph was employed (see 2(b) above), the examination was postponed to a later date because of these considerations.

(f) The data derived from such tests are retained in the individual's security file which is stored in the offices of the Division of Security. Dissemination of the security file and information contained therein is carefully controlled.

(g) The findings resulting from the examination are made known to the individual.

(h) Should an adverse finding, coupled with other information evaluated as being of a substantially derogatory nature, raise doubt as to an individual's eligibility for access, such individual would be notified by letter of the specific grounds giving rise to such doubt. Upon receipt of the notification letter, the individual may request a hearing before an Atomic Energy Commission personnel security board. The right to a hearing and general procedures relating thereto, including appeal, are set forth in the Commission's rules and regulations, part 10 "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or Defense Information," a copy of which is enclosed.

(i) Access to such data is limited as indicated in paragraph 2(f), above; the data is treated as privileged information between the individual involved and the AEC.

(j) No record concerning an individual's refusal to undergo a lie-detector examination is made in the individual's personnel records.

(k) The Atomic Energy Commission has no such facilities. The facilities and personnel of other Government agencies or departments are utilized by the Atomic Energy Commission.

(l) No tests or examination of this type were conducted by the Atomic Energy Commission during fiscal year 1963.

(m) One such test was conducted by another Government agency at the request of the Atomic Energy Commission during fiscal year 1963. The test was favorable and the individual retained his access authorization.

3. The Atomic Energy Commission has no employees authorized to conduct polygraph or other similar-type tests.

4. As indicated previously in paragraph 1, the Atomic Energy Commission possesses no such devices.

5. Two copies of the "Atomic Energy Commission Criteria and Procedures for Determining Eligibility for Access to Restricted Data and Defense Information" within which the use of the polygraph is controlled are attached.

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REPLY FROM THE CENTRAL INTELLIGENCE AGENCY

CENTRAL INTELLIGENCE AGENCY,  
Washington, D.C., August 8, 1963.

HON. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives.*

DEAR MR. CHAIRMAN: In reply to your letter of June 11, 1963, I am forwarding herewith answers to your questionnaire on polygraph usage.

Our response to the questionnaire has been prepared in close collaboration with the subcommittee staff whose assistance has been most helpful. As discussed with the staff, we have not included the information requested in paragraph 5; however, I can assure you that the procedures referred to in answer to questions 2(a), 2(f), 2(h), 3(a), and 3(b) are set forth in detail in appropriate Agency regulations and directives.

Your cooperation and understanding in this matter is sincerely appreciated.

Faithfully yours,

MARSHALL S. CARTER,  
*Lieutenant General, U.S. Army,*  
*Acting Director.*

1. Yes, under the Director of Security.

2 (a) All applicants and employees are afforded polygraph examinations as a part of security screening procedures. They are asked questions concerning possible membership in the Communist Party, past or present Communist sympathies or associations, past and present foreign connections, falsification of their personnel history statement, and a category of questions dealing with blackmail potential.

(b) Yes.

(c) The results of polygraph interviews or the refusal to take such tests are considered along with all other information developed in the processing of an applicant for employment.

(d) The Director of Central Intelligence established the policy that all applicants and employees will be afforded a polygraph interview as a part of the security clearance process in support of his statutory responsibility to protect intelligence sources and methods.

(e) Yes.

(f) The data derived from polygraph interviews are maintained in special security files apart from the regular security files and under no circumstances made a part of or referred to in any way in the personnel files.

(g) The findings or conclusions are not made available to the individual.

(h) Adverse personnel actions are subject to appeal under the provisions of the Agency personnel regulations.

(i) Access to all polygraph information is severely restricted to senior officials with action responsibility.

(j) No.

(k) Yes, they are designed to enable an interview to be conducted under as close to the ideal situation as possible; i.e., privacy, in an



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uncluttered area with no telephone or other disturbances which might interrupt the course of the interview.

(l) See final paragraph.

(m) The Central Intelligence Agency conducts all its own tests.

3. See final paragraph.

(a) All who are authorized to conduct polygraph tests do so as a full-time job.

(b) Qualifications for candidates:

(1) College degree or its equivalent in work experience in one or more of such closely related fields as investigative, police administration, psychology, political science, and physiology.

(2) Preferably of a maturity consistent with about 30 years of age.

(3) Preferably with oral fluency in one or more foreign languages.

(4) Physically qualified to meet Agency requirements including extensive travel.

(c) The Central Intelligence Agency, under its centrally controlled program, trains its own polygraph examiners. The training course covers—

(1) History and introduction to polygraph.

(2) Mechanics of the polygraph.

(3) Chart interpretation.

(4) Interview techniques.

The academic phase of Central Intelligence Agency's training covers 5 weeks with approximately 4 months on-the-job training.

(d) No.

4. See final paragraph.

The numbers, job assignments, and duties of employees of the Central Intelligence Agency are classified information. In keeping therewith answers to questions 2(e), 3, 4, 4(a), 4(b), 4(c), and 4(d) have not been provided herein.

REPLY FROM THE DEPARTMENT OF COMMERCE

THE ASSISTANT SECRETARY OF COMMERCE,  
*Washington, D.C., June 26, 1963.*

HON. JOHN E. MOSS,

*Chairman, Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives.*

DEAR MR. CHAIRMAN: This is in further reply to your letter of June 11, 1963, to Secretary Hodges concerning the use of polygraphs in Federal agencies.

There are set forth below answers to the questionnaire on polygraph usage. The answers have been numbered to correspond to each numbered question, the questions not being repeated for the sake of brevity.

1. The Department of Commerce does not possess a polygraph or any other so-called lie-detection device, nor as a general practice do we make use of such devices.

2. We have no written procedures or regulations covering the use of such devices. However, a check of our records for the past 10 years reflects that on the basis of specific requests made by the employees

USE OF POLYGRAPHS BY THE FEDERAL GOVERNMENT 23

involved, a polygraph was used in four cases involving either security or suitability matters.

(a) A polygraph was used by this Department in two cases involving security clearances and two cases involving allegations of personal misconduct.

(b) No.

(c) The results of the tests in the cases where a polygraph was used were considered in the light of other information developed during the investigation of the employees involved. Final action taken in no instance was based solely on the result of the polygraph test.

(d) In the cases where a polygraph was used in this Department, the employee involved in the individual case initially requested that he be permitted to submit to such a test. Final decision and approval for the use of the device was made on secretarial level.

(e) No professional advice was sought in any of the cases mentioned. However, if there had been any indication of physical or mental weakness or disability, or the need of such advice, it would have been arranged.

(f) The actual machine tapes reflecting the results of the tests are retained by the agency giving the test. The summary report setting forth the conclusions reached, which is received by this Department, is filed in the investigative file in our Office of Investigations and Security.

(g) Yes.

(h) In the event adverse action is taken on the basis of the overall file, including the polygraph test, the employee would have the right of appeal to which he is entitled under the removal proceedings used.

(i) Such data would be protected in accordance with the classification placed on it by the agency giving the test. If no classification has been assigned by that agency, the Department administratively restricts its use to authorized departmental officials only.

(j) We have never directed or requested an employee to take such a test.

(k) No.

(l) None.

(m) Two.

3. No employee in the Department of Commerce is trained or authorized to conduct polygraph or similar tests.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

4. None. See 1, page 1.

(a) Not applicable.

(b) Not applicable.

(c) The Government agencies giving the test referred to above have done so on a courtesy basis at no cost to the Department of Commerce.

(d) Not applicable.

5. See 2, page 1.

If you desire any further information concerning this matter, please do not hesitate to call upon me.

Sincerely yours,

HERBERT W. KLOTZ.

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REPLY FROM THE DEPARTMENT OF DEFENSE

OFFICE OF THE SECRETARY OF DEFENSE,  
August 5, 1963.

Hon. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee,  
Committee on Government Operations, House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of June 11, 1963, for detailed information on the use of the polygraph in the Department of Defense.

The military departments and other concerned components of the Department of Defense have provided answers to the survey questionnaire which was enclosed with your letter.

In the Office of the Secretary of Defense, a polygraph may be used only with the personal consent of the Secretary of Defense. The polygraph was not used in the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the Defense Intelligence Agency during fiscal year 1963. None of these organizations possess any polygraph or other lie-detection devices.

We trust that the enclosed materials will satisfy the requirements of the subcommittee.

Sincerely yours,

DAVID E. MCGIFFERT,  
*Assistant to the Secretary (Legislative Affairs).*

DEPARTMENT OF THE AIR FORCE

1. Does your agency possess or make use of polygraphs or other so-called lie-detection devices? (If major subordinate organizations within your agency engage in such activity, please list all those organizations.)

Comment. Within the Air Force the agency which primarily employs the use of the polygraph is the Office of Special Investigations, the Inspector General, USAF.

2. Briefly explain your agency's general procedures governing the use of such devices and answer the following specific questions. (Please explain procedures and indicate if they are covered by regulation in connection with each question. If more than one major subordinate organization within the agency is affected, provide separate responses for each.)

Comment. Within the Air Force the general procedures governing the use of the polygraph are set forth in chapter 2, "Office of Special Investigations Manual 124-1." There are no other Air Force publications or regulations setting forth the manner in which this technique will be employed. Attached are two copies of the OSI directive pertaining to the use of the lie detector.

(a) For what specific purposes are these devices used (i.e., employment interviews, security-clearance processing, suspected improper conduct of duties, or other purposes)?

Comment. The Air Force use of the lie detector is outlined by paragraphs 2-2-3 and 2-2-13 of OSIM 124-1. It will be noted that OSI utilizes this technique primarily in criminal and counterintelligence investigations. It is not the policy to utilize this technique for preemployment or interim employment interviews nor is it utilized

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for routine security clearance or background processing or investigations.

(b) Are the devices used in every instance involving those purposes listed in answer to question (a)?

Comment. The application of the technique is not used in every OSI investigation. In fact, the ratio of use of the lie-detector techniques for the preceding 5 years by OSI, in substantive cases is as follows: 1958, 1 in 27 cases; 1959, 1 in 43 cases; 1960, 1 in 32 cases; 1961, 1 in 23 cases; 1962, 1 in 18 cases.

(c) What weight is given the data resulting from tests by these devices, or refusals to take such tests, in relation to other types of investigative information?

Comment. The Air Force considers the application of this technique as an investigative aid and no legal evidentiary weight may be given to the results of these examinations. In regard to those individuals who decline to be administered polygraph examinations, no inference is or may be made from such refusals.

(d) Who makes the initial determination to use such devices, and is this initial determination subject to review by higher authority in each case?

Comment. The OSI policy as set forth in paragraph 2-2-13, OSIM 124-1, gives the determining authority for the employment of lie-detector examinations to the Director, OSI, his Deputy Directors, and the OSI district commanders. In general, the district commanders have been delegated the authority to authorize lie-detector examinations in all criminal investigations within their geographical jurisdictions with several minor exceptions (e.g., cases involving children). Paragraph 2-2-4, OSIM 124-1, sets forth those cases in which the specific approval by the OSI Directorate is required prior to administering lie-detector examinations. In essence, all counter-intelligence and personnel investigations come within this category of obtaining prior approval from the OSI Directorate.

(e) Is the physical and mental condition of each person to be tested considered to determine suitability to take such a test?

Comment. Consideration of the examinee's physical and mental condition at the time of the examination is of definite concern to the examiner. All OSI examiners follow the tenets of the U.S. Army Lie-Detector School, Fort Gordon, Ga. The subject of each examinee's mental and physical well-being is thoroughly inquired into prior to each examination. Further, embodied into each examination are questions designed to determine the individual's physical and mental ability to react. If the examiner believes that an individual is not mentally or physically capable of rendering adequate responses to the questions to be asked, or of undergoing the testing generally because of some limitation, the examination is not administered. (For further reference on this subject note par. 2-2-15, OSIM 124-1.)

(f) What disposition is made of data derived from such tests given to persons connected with your agency (i.e., retained in affected individuals' personnel files, retained separately, etc.)?

Comment. All lie-detector charts and allied data containing the questions asked, the statement of consent signed by the testee and the examiner's opinion are retained in the OSI investigation case file to which the examination pertains. Dissemination of the charts and allied data are never made outside OSI channels. However, a sum-

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mary of the examiner's opinion is incorporated into the OSI investigative report and this report is forwarded to the commander concerned with the total investigation. (Note pars. 2-2-25 and 2-2-26, OSIM 124-1.)

(g) Are the findings of such tests made available to the individuals who take the tests?

Comment. It is OSI's policy that generally the lie-detector examiner's opinion will not be given to the individuals taking the examination. (Note par. 2-2-25D, OSIM 124-1.)

(h) Is there a right of appeal in cases of adverse findings?

Comment. The Air Force does not consider lie-detector examiner's opinions as legal evidentiary material. Consequently, there would be no cause for appeal since the test results do not affect the status of an individual examined.

(i) Is access to such data restricted and, if so, what classification or other designation is applied to the data?

Comment. The lie-detector charts and allied data may assume the same security classification as that assigned to the entire investigative case. However, as stated above, lie-detector charts and allied data are not disseminated outside of OSI channels.

(j) If a person connected with your agency refuses to take such a test, is that refusal reflected in any way whatsoever in the individual's personnel records?

Comment. The results of lie-detector examinations are not entered on personnel records. The refusal of an individual to be administered an examination likewise is not entered on personnel records. The only notation of the results or the refusal of any individual to take a lie-detector examination would be embodied into the report of investigation concerning the matter under inquiry.

(k) Does your agency maintain special facilities, such as specially designed rooms, for the performance of such tests? Briefly describe such facilities and how they are equipped. Furnish photographs, if available.

Comment. The Air Force Office of Special Investigations does not maintain any specially designed lie-detector interview rooms. Most OSI offices maintain rooms for the purpose of interviewing personnel; however, none of these rooms are equipped with permanent lie-detector equipment. OSI utilizes only portable lie-detector equipment which may be set up on a desk or table in any room which affords the necessary privacy and quiet, at any Air Force installation.

(l) How many polygraph tests or examinations involving similar devices were conducted by your agency in fiscal 1963?

Comment. The statistics for fiscal 1963 cannot be compiled at this writing since fiscal 1963 total statistics are not available as yet. However, for the calendar year 1962, OSI examined 1,238 individuals in 725 separate substantive investigations.

(m) How many such tests were conducted by other agencies, public or private, at the request of your agency during fiscal 1963?

Comment. The OSI does not maintain statistics on the number of examinations conducted for them by other agencies. The number of such requests would be minimal since all but one of the OSI district offices have assigned lie-detector personnel. Further, such examinations if conducted by other agencies would probably involve criminal investigative cases. (Note par. 2-2-7, OSIM 124-1.)

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3. Please enumerate, by job title and grade, all employees of your agency who are authorized to conduct polygraph or similar tests and list their salary costs for fiscal 1963. In addition, please answer the following:

Comment. The following is a breakdown of all OSI agents who are authorized to administer polygraph examinations and their salaries:

Total and assignment	Number	Rank	Salary	Total
Assigned to the United States:				
Special agent.....	10	Major.....	\$11,119	\$111,190
Do.....	5	Captain.....	9,079	45,395
Do.....	7	Chief warrant officer.....	7,313	51,191
Do.....	1	Chief master sergeant.....	6,565	6,565
Do.....	2	Staff master sergeant.....	5,798	11,596
Do.....	11	Master sergeant.....	5,408	59,488
Do.....	14	Technical sergeant.....	4,793	67,102
Total.....	50			352,527
Assigned to U.S. Air Forces in Europe:				
Special agent.....	1	Major.....	11,119	11,119
Do.....	1	Chief warrant officer.....	7,313	7,313
Do.....	1	Chief master sergeant.....	6,565	6,565
Do.....	2	Master sergeant.....	5,408	10,816
Do.....	8	Technical sergeant.....	4,793	38,344
Total.....	13			74,157
Assigned to Pacific Air Forces:				
Special agent.....	2	Major.....	11,119	22,238
Do.....	2	Chief warrant officer.....	7,313	14,626
Do.....	4	Master sergeant.....	5,408	21,632
Do.....	2	Technical sergeant.....	4,793	9,586
Total.....	10			68,082
Grand total.....	73			494,766

(a) How many of these persons have, as their primary duty, the conducting of such tests?

Comment. None of the above agents have as their primary duty the administering of lie detector examinations. All of the above agents have been trained as lie-detector examiners and utilize this specialized training in conjunction with their assigned primary investigative duties. All of the above agents, with the exception of one, are special agents assigned to OSI operational field offices in which they perform assigned investigative duties. The one exception as stated above is a captain assigned to the staff of the OSI directorate as the polygraph supervisor. He is responsible for the staff supervision of all lie-detector activities conducted by OSI worldwide. He insures through comprehensive analysis, study, training, research, and liaison that OSI has the best available lie-detector operation, equipment, and trained professional personnel to provide effective and efficient worldwide service.

(b) What are the minimum qualifications required of those persons within your agency authorized to conduct such tests?

Comment. OSI applicants for lie-detector examiners training must meet the following minimum requirements:

- (1) Staff sergeant through captain.
- (2) Not less than 25 years of age.
- (3) High school graduate and a graduate of the basic USAF special investigations course.
- (4) Five years diversified investigative experience, three of which must have been with OSI.

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(5) Have signed an indefinite statement or have 2 years retainability after graduation.

(6) Must have demonstrated a definite interest in complaint type investigations.

(7) Must have demonstrated proficiency as an interrogator by actual case experience.

(8) Must have a practical understanding of human nature, be able to "get along" with people and should be generally well liked by associates.

(9) Must be mature with an even temperament, emotionally stable, capable of making intelligent decisions, and have demonstrated the ability to assume responsibility.

(10) Must have a good command of the English language and be free of visible scars, tics, speech impediments, etc.

The administration of lie-detector examinations by OSI personnel is restricted to those special agents who have successfully completed the U.S. Army lie detector examiner's course of instructions, Fort Gordon, Ga., and who are currently listed in the records of the OSI directorate as being qualified lie-detector examiners.

(c) Describe any training program your agency provides to train its own employees, or employees of other Federal agencies, in conducting such tests.

Comment. All OSI examiners receive their basic or primary lie-detector training at the U.S. Army Lie Detector School, Fort Gordon, Ga. In addition, the OSI conducts an annual seminar, of 1 week duration, for its examiners. This course is designated to acquaint and familiarize the examiners with the latest developments and techniques in the state of the art. Additionally, examiners attend various regional courses and seminars offered by universities and other recognized schools.

(d) Does your agency send employees to outside agencies or schools, public or private, for training in such testing? If so, please provide the name and address of the training facility.

Comment. Selected OSI examiners have attended short courses offered on lie detection by the University of Oklahoma, Norman, Okla., the National Training Center of Lie Detection, New York, N.Y., and the Academy for Scientific Interrogation, secretary, Post Office Box 1042, Madera, Calif.

4. How many polygraphs and other so-called lie detection devices are the property of your agency?

Comment. The OSI possesses a total of 72 polygraph instruments.

(a) Please list the total acquisition cost of all such devices.

Comment. Total acquisition cost of the 72 instruments presently in use, \$82,185.

(b) Please estimate the total annual maintenance costs of such devices and indicate whether maintenance is performed by agency personnel or outside sources.

Comment. The total cost of repair of the assigned lie-detector instruments is estimated at \$3,600, annually. Minor repairs such as replacing tubes, are performed by the individual examiners. Intricate repairs are performed by electronic shops at various Air Force bases to which examiners are assigned. As part of the maintenance program, the United Testing Laboratory, Monterey, Calif., has a contract to repair 12 of the older model instruments, for \$75 per unit. Fiscal

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1964 procurement contracts have been let for the purchase of 10 new instruments at an approximate cost of \$1,215 per unit. These instruments will be for replacement of the older nonrepairable models.

(c) If your agency leases such devices, or contracts with other public or private agencies to perform such tests, please provide the total costs for such activity during fiscal 1963.

Comment. The Air Force does not lease any lie-detector instruments, nor does it contract for the performance of examinations.

(d) Please estimate all additional expenses attributable to such testing, such as travel expenses for examiners to and from location of tests, internal and external training programs, and all other costs.

Comment. The travel expenses for all examiners for fiscal 1963 in the performance of the OSI lie detector program is estimated at \$12,150. The basic and advanced training curriculum costs for the lie-detector examiners during fiscal 1963 is estimated to be \$12,547.

5. Please provide two copies each of all intra-agency directives, administrative orders, rules, regulations, and/or instructions governing the use of such devices within your agency.

Comment. Attached are two copies of chapter 2, OSIM 124-1, entitled "Lie Detection" and a handbook entitled "Lie or Truth."

NOTE.—Regulation on "Lie Detection" follows and handbook "Lie or Truth" is available in the subcommittee file.

[Office of Special Investigations Manual 124-1, September 1, 1962]

CHAPTER 2—LIE DETECTION

SECTION A—INTRODUCTION

2-2-1. General.

The lie-detection instrument, commonly referred to as the "lie detector," is designed to record a subject's breathing pattern, blood pressure, pulse rate, and his resistance to a very small electrical current. Additionally, it records changes and variations in these facts which may occur during a test—the degree and nature of the changes being the criteria for detecting deception.

(a) The theory and art of lie detection is predicated upon the principle that individuals usually have certain physiological reactions when not telling the truth, particularly if the truth might produce a serious or undesirable effect on their personal welfare. The reactions are primarily involuntary in character and usually cannot be controlled. This theory presupposes that the subject is mentally and physically capable of reacting to the implications of an incriminating question.

(b) The lie-detector equipment currently used by OSI records on chart paper certain physiological manifestations which accompany these reactions. From a study of these recordings, the examiner can give one of four opinions:

- (1) That the examinee was truthful in his answers to all questions.
- (2) That the examinee was untruthful in answers to certain questions.



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(3) That the truthfulness in answers to certain questions could not be determined.

(4) That the charts failed to reflect sufficient significant information upon which to base an opinion and, therefore, were inconclusive.

(c) Because of the human factors involved, investigators are cautioned that the lie-detector examination is not infallible. Although the examiner may conclude that a particular examinee was truthful or untruthful in his answers to pertinent questions about the offense under investigation, the investigator should, nevertheless, carefully consider and develop any additional information which has a bearing on the guilt or innocence of the examinee.

(d) *Examination.*—Those procedures subsequent to the time the subject is introduced to the examiner by the investigator until dismissed, generally consisting of the pre-test interview, test(s), and post-test interview phases.

(e) *Test.*—The charts produced from any one set of questions. A test may consist of two or more charts, dependent upon the number of times the same set of questions is asked.

2-2-2. *Components of the Lie Detector and Their Functions.*

The lie-detector instrument normally used by OSI has four components:

(a) *Pneumograph.*—This component records the breathing pattern of the subject. A rubber convoluted tube is fastened around the subject's upper trunk. One end of the tube is sealed and the other end is connected to the instrument by means of a rubber tube. As the subject inhales and exhales, the tube stretches and contracts. This movement produces pressure changes which are transmitted to a tambour consisting of hollow stacks, or bellows, constructed of thin metal and situated below the panel of the instrument. These pressure changes cause the tambour to contract or distend; the motion of its free end is transmitted to a pivot shaft, the upper extremity of which carries a recording pen.

(b) *Galvanograph.*—This component records the changes in the skin resistance to electricity. The component consists of an electrical device for recording the changes or variations in the conductance of external current between the palmar and dorsal surfaces of the subject's hand or fingers, to which are attached electrodes charged with a very small current of electricity.

(c) *Cardio-sphygmograph.*—This component, commonly referred to as the "cardio component," records the pulse rate and blood pressure changes of the subject. A blood pressure cuff, similar to those used in the medical profession is fastened around the upper arm. The cuff is then inflated with air. The undulation of the blood vessels, during the pulse cycle, causes corresponding changes in the air pressure inside the cuff. These changes in pressure are transmitted through a small rubber tube to the recording apparatus, which in turn records the rise and fall of the pressure on the

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chart paper. Some instruments are also equipped with a smaller blood pressure cuff which is designed for use on the wrist rather than the upper arm. The principle of operation of the wrist cuff is identical with that of the arm cuff.

(d) *Kymograph*.—This component is a motor driven apparatus. Its function is to move the chart paper under the recording pens at a regulated rate of speed.

*2-2-3. Uses of the Lie Detector.*

The primary purpose of the lie detector is to detect and record those physiological changes in the body which are indicative of deception. As such, the lie detector is used as a technical aid in the investigation. Among the more common circumstances in which the lie detector would be used are the following:

(a) To aid in determining whether a person has pertinent knowledge of a particular offense under investigation.

(b) To determine the truthfulness of statements made by a suspect, victim, complainant, informant, and/or witnesses in connection with a particular offense.

(c) To obtain information leading to the location of evidence, individuals, or sites of offenses.

SECTION B—POLICY

*2-2-4. Examinations Requiring Directorate Approval*

(a) The specific approval of the Washington Directorate Staff or the appropriate oversea Deputy Director will be obtained for all proposed lie detector examinations in connection with the following:

(1) Personnel security investigations.

(2) Children (See par. 2-2-9).

(3) Other than OSI investigations. (See par. 2-2-10.)

(4) Examinations of individuals subsequent to trial by court-martial for the offense in question. (See par. 2-2-11.)

(5) To assist Article 32 investigating officers and administrative boards other than court-martial review Boards (See par. 2-2-12.)

(b) The specific approval of the Washington Directorate Staff will be required in all counterintelligence investigations with the following exceptions:

(1) In counterintelligence investigations being conducted at the request of the commander in chief, USAFE/PACAF, the oversea Deputy Directors may authorize approval.

(2) If during the conduct of a counterintelligence investigation immediate approval is required, and cannot await Washington Staff approval, the oversea Deputy Director may authorize such action.

(3) Counterintelligence investigations in which the oversea district and the Deputy Director concerned have been notified by the Washington Staff that the Deputy Director has received specific supervisory responsibility.

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(4) 70(33) and 71 case type investigations.

(c) Specific approval of the Director is required prior to administering an examination to Air Force Academy Cadets.

*2-2-5. Authority*

Authorization for lie-detector examinations in matters other than those set forth is the personal responsibility of the district commander.

*2-2-6. Persons Authorized to Conduct Examinations*

Lie-detector examinations by OSI personnel will be restricted to those special agents who have successfully completed an approved course of lie-detector training and are currently listed in the records of the Directorate as being qualified.

*2-2-7. Use of Facilities of Other Agencies*

When use of OSI facilities is not practical, the lie-detector services of duly constituted law-enforcement agencies may be used provided such services have been determined to be reliable and do not entail the payment of a fee by the Air Force. The use of these services in connection with OSI matters, however, is subject to the restrictions outlined above, and AFR 205-1.

*2-2-8. Examinations of Female Subjects*

Whenever possible, a female witness should be present during all phases of the examination of a female. (See par. 2-1-19.) This includes the pretest interview, the test and the post-test interview as well as any other time the examiner is with the female. The witness may observe the examination through a two-way mirror, if available. The examination room should be wired for sound, so that the witness may also hear. If a two-way mirror is not available, the witness may be seated in the examination room out of the sight of the subject, but within hearing distance of the subject and the examiner. The witness must be afforded the opportunity of hearing and seeing the procedures utilized by the examiner; this principle will apply in every case.

*2-2-9. Examination of Children*

Children are not, ordinarily, fit subjects for lie-detector examination. Only under most unusual circumstances, and then only after approval has been obtained from the Directorate, will children be examined by OSI lie-detector examiners. OSI has a special responsibility in the questioning of children, particularly when they are principals or victims in serious crimes. Under no circumstances should questioning or examination of a child be undertaken prior to soliciting advice of a competent medical officer. (See ch. 3, pt. 2, OSIM 124-2.) The Directorate approval will contain specific instructions as to the manner in which the test is to be administered.

*2-2-10. Use of Lie Detector in Other Than OSI Investigations*

District commanders within ConUS may authorize the temporary utilization of OSI lie-detector equipment and per-

sonnel to provide assistance to investigative or law enforcement agencies within the Department of Defense (DOD), to members of the IIC and to other Federal and State investigative and law-enforcement agencies in instances where there is a specific DOD interest. When a district commander is requested to furnish lie-detector services in matters in which there is no specific DOD interest, except IIC members, he will diplomatically decline the request unless he determines that there are unusual or cogent reasons for acceding to the request. In the latter event, he will immediately transmit the request, pertinent facts, and his recommendation to the Directorate, ATTN: AFISIG. The requester will be advised by the district commander that Directorate approval is required. Upon receipt of a decision from the Directorate, the district commander will notify the requester promptly.

(a) Outside the ConUS, requests by foreign military, security, law-enforcement, or investigative agencies for the use of OSI lie-detector services or demonstrations will be first discussed with the local CAS Station Chief for his comments. Such requests, pertinent facts, CAS comments, and recommendations will then be forwarded to the appropriate oversea Deputy Director for final approval.

*2-2-11. Lie Detector Examination of Individuals Subsequent to Trial by Court-Martial.*

Only in rare instances, and then only with prior directorate approval, will a district office honor a request for lie-detector examination of an individual *after* he has been court-martialed for the offense in question. A district commander should diplomatically decline such requests unless he determines there are cogent reasons for acceding to the request. It is the policy of the Directorate to coordinate such matters with The Judge Advocate General, USAF, before a determination is made as to whether approval should be granted. An examination by OSI in such an instance has a tendency to create in the minds of individuals concerned a feeling of "cleared or not cleared by OSI," irrespective of the decision rendered by the Court. In a recent Air Force JAG Bulletin, The Judge Advocate General, USAF, has stated the following relative to post-trial lie-detector examinations and similar tests:

"Recent developments in military law have emphasized the requirement that convening authorities must apply a correct standard of proof in acting upon court-martial findings. In essence, this standard requires that convening authorities must be satisfied beyond a reasonable doubt that a finding of guilty is established by competent evidence of record. Post-trial requests for approval of lie-detector tests or the administration of truth serum or similar tests to an accused relative to the adjudicated issues of the case, made by a convening authority prior to taking his action, might well be construed as indicating that he is not satisfied as to guilt of such accused beyond a reasonable doubt. If a convening

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authority has a doubt of serious enough proportions to cause him to take action of the kind discussed herein, he should take action to disapprove the findings of guilty and dismiss the charges. Staff Judge Advocates are requested to bring this subject to the attention of convening authorities in order that they may be apprised of the possible legal effect of requests of this nature in the circumstance stated above." (AF JAB Bull. No. 186, February 28, 1958.)

*2-2-12. Use of Lie Detector Facilities To Assist Article 32 Investigating Officers and Administrative Boards Other Than Court-Martial Review Boards.*

Requests from Air Force commanders to assist Article 32 investigating officers and administrative boards (other than Court-Martial Review Boards) by conducting lie-detector examinations will be referred to the Directorate for approval. Requests to assist court-martial reviewing authorities through conducting of lie-detector examinations subsequent to trial is discussed in paragraph 2-2-11.

SECTION C—GENERAL

*2-2-13. Determining the Need for the Lie Detector Examination.*

The determining authority (e.g., Director, oversea Deputy Director, or district commander), being personally responsible, must thoroughly review all aspects of the case before making his decision to use the lie detector.

(a) *Seriousness of the Offense.*—Except in very unusual circumstances the use of the lie detector will be reserved for serious offenses and counterintelligence matters. Serious offenses include murder, rape, robbery, housebreaking, arson, assault involving serious bodily harm, and most serious cases of larceny. Although homosexuality is not normally considered to be a serious offense from a criminal viewpoint, it is to be considered as a serious offense from a security viewpoint and should be included in the list of serious offenses.

(b) *Necessity for the Examination.*—The lie detector will not be used as a substitute for other logical investigative procedures. The determining authority should evaluate all aspects of the matter and assure himself that the use of the lie detector is justified, prior to authorizing the examination.

(c) *The Proposed Subject.*—Only those persons believed to possess information necessary to the resolution of the main issue should be considered for the examination.

*2-2-14. Responsibility of the Investigator*

The investigator is normally the first person to realize that a lie-detector examination may be helpful to the investigation. In this regard, it is important that he understands certain aspects of lie-detector examination procedure. He must bear in mind, however, that the final decision or whether to use the lie detector will be made by the determining authority.

(a) *Being Aware of Existing Policies.*—It is necessary that each investigator be fully aware of all existing policies con-

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cering the use of the lie detector. The criteria expressed above will serve adequately as a basis for the initial determination as to the need for the examination.

(b) *Obtaining the Consent of the Proposed Subject.*—A person cannot be forced to submit to a lie-detector examination and his voluntary consent must be obtained. However, before the investigator attempts to determine whether the person will consent, the investigator must ascertain whether the determining authority approves the need for the examination. After the need for the examination has been approved, the investigator will then ask the person whether he is willing to take a lie-detector examination; if feasible, his consent should be obtained, in writing, at this time.

(c) *Determining the Proposed Subject's Availability.*—If there is to be a delay in giving the examination, the investigator should advise the proposed subject's commander and ascertain whether the subject will be available for the examination. This will assure the presence of the subject when the examiner arrives for the examination.

(d) *Furnishing Background Information Relative to the Investigation.*—Prior to the lie-detector examination, the investigator should personally brief the examiner concerning all pertinent facts in the case and the results of the investigation to date. The lack of this information by the examiner may preclude the examiner from detecting deception on some point important to the solution of the case. Without this information the examiner might become involved in nonessential and irrelevant matters.

(e) *Furnishing Background Information Concerning the Subject.*—The investigator must furnish background information concerning the subject to the examiner prior to the lie-detector examination because this information will assist the examiner in engaging a reticent subject in conversation. It will also create a decided psychological advantage in favor of the examiner if the subject recognizes that the examiner possesses detailed knowledge of his background. Without the subject's knowledge the investigator should attempt to develop the following items of background information and furnish same to the examiner before the examination:

- (1) Name, grade, service number, and organization.
- (2) Date and place of birth.
- (3) Duty assignment and specific information concerning same.
- (4) Extent of formal education (include location of schools).
- (5) Marital status to include the names of the spouse and children, if appropriate.
- (6) Names of mother and father and whether living or deceased.
- (7) Permanent home address.
- (8) Civilian occupations.
- (9) Hobbies and sports interests.
- (10) Information relative to any derogatory information, however trivial, in his background.

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(11) Information regarding any illnesses, particularly those which might affect the circulatory, respiratory, or nervous systems.

(12) Information regarding any medical or psychiatric treatment or consultation.

(13) Other information which the investigator feels might be useful to the examiner.

(f) *Being Available During the Examination.*—An investigator who is thoroughly familiar with the investigation, preferably the agent to whom the investigation is assigned, should be present, to assist the examiner. The investigator will be available to take any statement which the subject may elect to give after the examination is concluded.

*2-2-15. Mental and Physical Fitness of the Subject*

Persons to be examined should have had adequate food and rest before the examination; should be in good physical condition; and mentally capable of distinguishing right from wrong. They should be free from ailments such as colds which may affect the respiratory system. They should not, at the time of the examination, be under the effects of alcohol, narcotics, drugs, stimulants, or sedatives. If there is any doubt as to the mental or physical condition of a person, he should be examined by a doctor prior to the lie-detector examination. If such a medical examination of a member of the military be deemed advisable, arrangements should be made through the appropriate commander. If medical examination of a civilian is deemed advisable, arrangements should be made through appropriate commander or civilian authorities. (See also sec. C, ch. 1, this part.)

*2-2-16. Test Question Construction*

Choice of words in preparing lie-detector tests is of cardinal importance to a successful examination. The questions must be clear, simple, direct, and understood by the subject. They must be in keeping with his cultural and intellectual background. Strict attention must be given to the phrasing and selection of control questions which are used for determination of subject's mental and physical ability to react. Examiners will not use, as questions in examinations, inquiries dealing with subject's sexual activities with members of the opposite sex, nor will degrading or absurdly worded questions of any nature be used. Questions of this nature are not necessary to the successful conduct of a lie-detector examination.

*2-2-17. Use of Interpreter*

When a language barrier exists between the examiner and the person to be examined, a qualified interpreter will be utilized during the examination. The interpreter must be briefed on the case and trained by the examiner in these duties. During this training, the importance of the provisions of paragraph 2-2-16 should be stressed in order that the interpreter may assist the examiner in the formulation of the test questions.

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SECTION D—FACILITIES

*2-2-18. Administration of the Lie Detector Facilities*

The OSI lie-detector program is administered by AFISIG and it is that office's responsibility to assure that districts are provided adequate lie-detector equipment and examiners. Districts not authorized, or temporarily not possessing such facilities, may request lie-detector service from the nearest district having such facilities or utilize the facilities of other agencies in accordance with paragraphs 2-2-7 and 3-1-22. Technical inquiries or those concerning allocations of lie-detector examiners, equipment, training, or support, other than supplies or repair, will be made directly to AFISIG.

*2-2-19. The Examination Room*

The primary consideration for a lie-detector examination room is privacy. Privacy is a key psychological factor contributing to a successful examination. An examinee is more likely to divulge factual data if the examination is free from interference. Generally, a suitable interrogation room is satisfactory for lie-detector examinations.

SECTION E—ADMINISTRATION

*2-2-20. Requests for Directorate Approval*

Requests for directorate approval of lie-detector examinations as required in paragraph 2-2-4 will include the title of the case, district, Directorate or appropriate oversea Deputy Director case file number, a summary of the pertinent facts, the name, age, and sex of the person to be examined, the reason the examination is considered necessary, and any special factors, pro and con, which should be considered by the Directorate or oversea Deputy Director in determining whether approval should be granted.

*2-2-21. Interdistrict Requests*

When a lie-detector examination service from another district is desired, the district commander will communicate with the appropriate district possessing such facilities. Telephonic requests are authorized in urgent cases; however, such requests will be confirmed in writing. The requesting district should furnish the following information:

- (a) Title of case and case file number.
- (b) Number of persons to be examined.
- (c) That such persons have consented to submit to examination.
- (d) That the commander concerned has assured the presence of the person(s) for the examination.
- (e) Brief summary of the investigation to include the nature, scope, and the basis for determining the need for the examination.
- (f) Directorate approval when applicable.
- (g) Any other information which would be useful to the district receiving the request, as, for example, unusual time requirements.



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*2-2-22. Scheduling and Responsibility for Adequacy of Examinations*

The preferred time of the day and the amount of time expended to administer a thorough examination is contingent on many variables. However, examinations will normally be administered only during daylight duty hours, night-shift workers excluded, and all the actual testing will be conducted in as brief a period of time as is technically feasible. Pretest and post-test interviews will conform to the provisions of part 2, chapter 1, of this manual. *The assigned examiner will assume the responsibility for the proper scheduling as well as insuring that all technical and legal aspects of the total examination conform to established OSI policy and procedures.*

*2-2-23. Emergency Need for Lie Detector Service*

If a district is unable to obtain lie-detector service in accordance with the provisions of this chapter, within the ConUS, the concerned district will contact the Directorate, districts within USAFE will contact District 70, and districts within PACAF will contact AFISI-C.

*2-2-24. Case Credit and Filing of Reports*

Each time a Lie Detector Examination Report is rendered, a case type number 72 will be opened by the district office to which the examiner is permanently assigned. In all instances the district office to which the examiner is permanently assigned will be the permanent repository for the filing of charts, graphs, interrogation logs, statements of consent, and other documents allied to a lie-detector examination. Since the lie-detector examination is considered a technical service, case credit for a 72 case will be taken by a district on its Monthly Activity Report *only when the lie-detector examination is the sole investigative effort expended.* In such instances, the district to which the lie-detector examiner is permanently assigned will be considered the office of origin, and it will be that district which will take case credit. In the event there is other investigative effort expended in addition to the lie-detector examination, then only the regular type number will be used for the purpose of obtaining case credit, and the 72 file will be opened and closed administratively for the purpose of providing a permanent repository for the lie-detector files. The administratively opened and closed 72 files will be cross-indexed with the investigations to which they pertain, and one copy of the Lie Detector Examination Report, without charts and allied data, will be filed as a serial of the related case file.

*2-2-25. Lie Detector Examination Report*

(a) A Lie Detector Examination Report will be prepared by the examiner on *all* persons examined. Sufficient copies of the report will be prepared to comply with the distribution outlined in (9) below. The Lie Detector Examination Report will serve as a permanent record of the examination as well

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as a means of informing persons of the results of the examination. A detailed discussion of the report follows:

(1) *Format*.—The general format of the sample reports (attachments 6, 7, and 8) will be followed for the purpose of uniformity. Form letters will not be used. While brevity is desirable, the report must contain all the facts necessary to reflect an accurate description of the examination.

(2) *File Number*.—When an active investigation is being conducted by a district, the case file number of the examiner's district will be listed as shown in the sample report. In the event a lie-detector examination is the only investigative effort expended, a type 72 rather than another type number will be shown, followed parenthetically by the identity of the agency for which the examination was administered. *Example*: 72-(6)-10 (Army-MPCI).

(3) *Examinee*.—The name and identifying data of the person(s) examined will be listed. A separate examination report must be prepared on each examinee whose charts reflect specific reactions indicative of deception. A consolidated report may be submitted if the examinations pertain to the same matter and all of the listed examinees' charts disclosed no untruthful reactions to basically the same questions (attachment 7).

(4) *Reference*.—The reference will normally consist of that data which is set forth in the Title block of an investigative case file to which the examination pertains. However, if the examination does not relate to an OSI investigation, the communication requesting the lie-detector examination will be listed as the reference to include complete identifying data.

(5) *Administrative*.—Under this heading the following information will be set forth: Identity of the requester; date of the request; date, time, and place of the examination; identity of the observer, if any; statement concerning the reading and advising of the examinee's rights; statement that the examinee executed a Statement of Consent; location of the Statement of Consent, charts and related data together with a statement that these items may be obtained by competent authority upon request.

(6) *Background Data*.—Under this heading a brief summary of the investigation to include the nature, scope, and the basis for determining the need for the examination will be set forth.

(7) *The Examination*.—Under this caption a brief résumé of the examination to include the pretest interview and type examinations conducted will be set forth. Relevant questions and answers given thereto during the examination must be listed.

(8) *Results of the Examination*.—This paragraph will state the opinion of the examiner based on the examination. This opinion will be limited to one of the four opinions set forth in paragraph 2-2-1b. An opinion that the examinee was untruthful in his answers to certain questions will be expanded to indicate the specific questions to which his

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answers indicated deceptive reactions. This paragraph will also include the degree of cooperation of the examinee and the results of any pre- or post-test interrogation. Other information or comments may be included in this part of the examiner's report if they pertain to the examiner's analysis of the charts.

(9) *Distribution.*—

(a) In cases where examiner's district is office of origin: Two copies of report to examiner's district with all charts, statement of consent, allied papers, and interrogation log.

One copy of report to directorate with copy of statement of consent and list of all questions asked.

(b) In cases where examiner's district is not office of origin:

Two copies of report to office of origin with original statement of consent.

Two copies of report to examiner's district, with copy of statement of consent, all charts and allied test papers.

One copy of report to directorate with copy of statement of consent and a list of all questions asked.

(c) When only "72" case files are involved:

Two copies of report to requesting agency with *copy* of statement of consent.

One copy for examiner's district with original copy of statement of consent, all charts, allied papers, and interrogation log(s).

One copy to directorate with copy of statement of consent and list of all questions.

Information copies will be included at the discretion of the district commander.

(d) Under no circumstances will the subject of the examination be promised or furnished a written report of the results of the examination, and only to the extent required in conducting post-test interviews will be informed orally of the results of the examination.

(10) *Signature.*—Each copy of the report will be signed by the examiner. The report will be forwarded to the requester by letter of transmittal signed by the examiner's district commander.

(b) OSI Form 76, "Lie Detector Examination (Examiner's Data)," will be prepared on all persons examined and attached to the charts for filing purposes (attachment 11).

2-2-26. *Reporting Lie Detector Examination in an OSI Investigation*

It will be the responsibility of the examiner to provide an insert for the report of investigation to the controlling agent. This insert will be copied in toto into the report of investigation. The insert will include the examiner's name, date and place of examination, the opinion of the examiner based upon the results of the examination(s), the results of any post-test interrogation, the location of the Lie Detector Examination Report and related data, and a statement that the report will

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be made available to proper authority upon request. The Lie Detector Examination report will not be copied verbatim in the investigative report. Only those relevant questions asked and the answers given to which specific responses were noted and which are pertinent to the investigation will be set forth in the investigative report.

*2-2-27. Lie Detector Examiner's Monthly Statistical Report*

OSI Form 77, "Monthly Report of Lie Detector Examinations" (see attachment 9) is designed to include sufficient information upon which to base future requirements for lie-detector facilities and/or personnel and further serves to indicate the effectiveness of the lie-detector program. A single copy of the report will be submitted to the directorate (ATTN: AFISI). The report will be submitted by each district and Directorate irrespective of whether or not an instrument and/or examiner is assigned. Only one report will be submitted by each district, regardless of the number of examiners assigned. Negative reports are required. The form (attachment 9) is self-explanatory and is designed to furnish the maximum information on all examinations conducted either by or for OSI. The Remarks Section of this form may be used to report difficulties encountered, new techniques, cases of special interest, and any other information which may be considered of interest to the lie-detector program in general.

*2-2-28. Travel of Lie-Detector Examiners*

The district commander concerned will issue blanket travel orders on a monthly basis authorizing his lie-detector examiners to travel, with excess baggage, anywhere within the area served by the district to which he is assigned. Travel by military or commercial transportation or private automobile is authorized. Funds from an Advance of Funds Account may be utilized when necessary in accordance with the provisions of AFM 124-3. Examiners on TDY will always personally "hand-carry" their lie-detector instrument. While travelling via commercial or military transportation the instrument will normally *not* be checked with regular baggage.

*2-2-29. Supplies and Repairs*

(a) Lie-detector examiners will be responsible for maintaining lie-detector equipment in proper operating condition. Insofar as possible, component parts and expendable supplies required for the operation of the lie-detection set should be requisitioned through the logistical support base. If the logistical support base cannot furnish the necessary supplies requested, immediate action should be taken to advise the 1005th Special Investigations Group, AFISIME. The request for assistance to the 1005th SIGp should include the reason supplies could not be obtained from the logistical support base and indicate the complete nomenclature and other pertinent information of the supplies required.

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(b) The following procedures are established for depot repair and/or calibration:

(1) District offices will advise 1005th Special Investigations Group, AFISIME, when a lie detector is beyond the repair capabilities of the host support base. Information submitted will include the instrument model number, serial number, nature of malfunction, and parts which may require repair or replacement.

(2) The 1005th SIGp, AFISIME, will make necessary arrangements with the repair facility for repair and/or calibration as required and furnish the district office with appropriate instructions for shipment of the lie detector.

(1) District offices will advise 1005th Special Investigations Group, AFISIME, when a lie detector is beyond the repair capabilities of the host support base. Information submitted will include the instrument model number, serial number, nature of malfunction, and parts which may require repair or replacement.

(2) The 1005th SIGp, AFISIME, will make necessary arrangements with the repair facility at Olmstead Air Force Base for repair and/or calibration as required and furnish the district office with appropriate instructions for shipment of the lie detector.

SECTION F--LEGAL ASPECTS

*2-2-30. Admissibility of Evidence*

The following legal principles apply to lie-detector examinations of persons who have committed or are suspected of having committed an offense under investigation.

(a) *Examiner's Opinion.*—Generally, opinion testimony of lie-detector examiners is not admissible as evidence in a criminal prosecution, civilian or military.

(b) *Written Statements.*—Written statements obtained during a lie-detector examination are admissible provided the provisions of Article 31, UCMJ, or the Fifth Amendment to the Constitution have been satisfied.

(c) *Oral Statements.*—Oral statements obtained during a lie-detector examination are admissible provided the provisions of Article 31, UCMJ, or the Fifth Amendment to the Constitution have been satisfied.

*2-2-31. Rights of Persons Under Article 31, UCMJ, or 5th Amendment*

The lie-detector examiner will advise the examinee of the nature of the offense and will read and explain Article 31, UCMJ, or the Fifth Amendment to the Constitution, whichever is appropriate, to the examinee prior to a lie-detector examination. In addition, the examinee will be advised that he is under no obligation to submit to a lie-detector examination and that his consent to do so must be entirely voluntary. See chapter 1, this part for detailed information.

*2-2-32. Statement of Consent for Lie Detector Examination*

Prior to the examination, the subject will be asked by the examiner to execute OSI Form 75, "Statement of Consent" (see attachment 10) attesting to his voluntary submission to examination. *Under no circumstances* will the examination proceed until such statement is accomplished and subject has agreed to reply orally and audibly to the questions asked. Examinations will not be administered to individuals who agree to take the examination only under the condition that they be permitted to remain mute during the testing. The execution of the Statement of Consent must be witnessed, preferably by the investigator. A Statement of Consent will be obtained by the examiner even though such a statement had been previously obtained by the investigator. Statement of Consent (attachment 10) will be utilized in all lie-detector examinations.

(a) Prior to the examination of foreign personnel a statement of consent, patterned after OSI Form 75, in the individual's native language will be obtained. A subsequent change to this manual will reflect an approved format for this purpose.

*2-2-33. Required Reference*

Throughout every stage of the examination and the pre-test and post-test interviews there must be full compliance with all pertinent provisions of chapter 1, this part. In this connection, particular attention is invited to section C (Special Precautions), section D (Interrogation Log), and section F (Legal Matters and OSI Policy) in the cited chapter.

*2-2-34. Selected References*

The following references are provided for those who wish to broaden their knowledge of the subject:

Title	Author	Publisher
"The Lie Detector Test".....	W. M. Marston...	Richard R. Smith, New York, 1938.
"The Instrumental Detection of Deception."	D. C. Lee.....	Charles C. Thomas, Springfield, Ill., 1953.
"Lie Detection and Criminal Interrogation."	Embau and Reid...	The Williams & Wilkins Co., Baltimore, Md., 1953.
"Academy Lectures on Lie Detection," vol. I and vol. II.	V. A. Leonard....	Charles C. Thomas, Springfield, Ill.
"Lie or Truth, a Lie Detector Handbook."	AFISIG.....	OSI.

## DEPARTMENT OF THE ARMY

Question 1. Does your agency possess or make use of polygraphs or other so-called lie detection devices? (If major subordinate organizations within your agency engage in such activity, please list all those organizations.)

Answer. The Department of the Army does possess polygraphs. The Army uses these machines in the Army Intelligence units and the Military Police units attached to each continental U.S. army and each major oversea command.

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Question 2. Briefly explain your agency's general procedures governing the use of such devices and answer the following specific questions. (Please explain procedures and indicate if they are covered by regulation in connection with each question. If more than one major subordinate organization within the agency is affected, provide separate responses for each.)

Answer. Army Intelligence: Army Intelligence units employ the polygraph as an aid to investigation in connection with personnel security investigations, complaint investigation (suspected espionage, sabotage, and subversion), the screening of military personnel to determine eligibility for training which requires access to cryptologic material, prerecruitment examination of Cuban enlistees, tactical operations, and as a means of assisting in operations with counter-intelligence personnel. It is used only on a voluntary basis. The policies and procedures governing the use of the polygraph by Army Intelligence are contained in FM 30-17, "Counterintelligence Operations" (tab A).

Military Police: The procedures which govern the use of the lie detector by the Military Police are prescribed in AR 195-21, "Criminal Investigation" (tab B), and in TB PMG-22, "Lie Detector" (tab C). The polygraph is used as an aid in determining deception in the course of a criminal investigation. It is used only on a voluntary basis only after all other investigative techniques have been exhausted. The circumstances of each case or incident are evaluated to determine whether a polygraph test should be made. All tests are conducted under the supervision of provost marshals and Military Police commanders.

Question 2(a). For what specific purposes are these devices used? (i.e., employment interviews, security clearance processing, suspected improper conduct of duties, or other purposes).

Answer. Army Intelligence: Army Intelligence units use the polygraph for the following purposes:

(1) Personnel security investigations:

(a) As a means of attempting to resolve conflicting suitability or loyalty information when the exploitation of leads through other investigative techniques has been exhausted. (AR 381-130, "Counterintelligence Investigations Supervision and Control" (tab D); AR 604-5, "Clearance of Personnel for Access to Classified Defense Information and Material" (tab E), and AR 604-10, "Military Personnel Security Program" (tab F)).

(b) Investigation of aliens being cleared for access to defense information. A polygraph examination is used to cover those portions of a background investigation which cannot be investigated because of geographical or political considerations (e.g., relatives or previous residence in a Sino-Soviet bloc country) (AR 604-5 (tab E) and AR 614-280, "Assignment and Supervision of Enlisted Aliens" (tab G)).

(2) Screening of military personnel: The polygraph is used to assist in selecting eligible personnel for training which requires access to cryptologic material.

(3) Complaint investigations: The polygraph is used to investigate acts or alleged acts or incidents of espionage, sabotage,

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treason, sedition, or subversion, primarily in oversea areas. (AR 381-130 (tab D) and AR 604-10 (tab F).)

(4) Tactical operations: As an aid to investigation, the polygraph examination can be used in the interrogation of prisoners of war, refugees, displaced persons, and local enemy sympathizers who have been selected for specific intelligence exploitation. (FM 30-15, "Intelligence interrogation" (tab H) and FM 30-17 (tab A).)

(5) Prerecruitment examination of Cuban enlistees: In support of the Department of the Army Cuban enlistment program the polygraph is used to verify personnel data of Cuban enlistees prior to their acceptance into the Army, since ordinary means of verifying such data are unavailable.

(6) As a means to assist in the counterintelligence program.

**Military Police:** The polygraph is used by the U.S. Army Military Police as a technical aid in criminal investigations.

**Question 2(b).** Are the devices used in every instance involving those purposes listed in answer to question (a)?

**Answer. Army Intelligence:** No. As an aid to personnel security and complaint investigation, the polygraph is used selectively and only on a voluntary basis when all other investigative leads have been exhausted. It is used for screening of military personnel for determining eligibility for voluntary training for certain cryptologic specialties. Polygraph examinations were administered to all Cuban enlistees. The polygraph is used on a selective voluntary basis in tactical operations and in the counterintelligence program.

**Military Police:** No. A polygraph examination is used only on a voluntary basis when all investigative leads have been exhausted and it has been established that such an examination would be materially important in the conduct of a criminal investigation.

**Question 2(c).** What weight is given the data resulting from tests by these devices, or refusals to take such tests, in relation to other types of investigative information?

**Answer. Army Intelligence:** No special weight is given to data obtained from a polygraph examination. The polygraph examination is only considered a part of an investigation. A security clearance is never denied or revoked solely because of the result of a polygraph examination. Failure to volunteer for a polygraph examination is never used as a basis for denying or revoking a clearance. Further, no adverse determination of any kind is made against a person solely because he has not volunteered to submit to a polygraph examination.

**Military Police:** No special weight is given to data obtained from a polygraph examination. The polygraph examination is only considered a part of an investigation. Failure to volunteer for an examination is not construed as a tacit admission of guilt.

**Question 2(d).** Who makes the initial determination to use such devices, and is this initial determination subject to review by higher authority in each case?

**Answer. Army Intelligence:** Determination to use the polygraph:

(1) General: Normally, it is the senior intelligence officer of the command acting on behalf of the commander who authorizes the use of the polygraph after an individual requests or volunteers for an examination. Where the initial determination to use the polygraph is made by the senior intelligence officer of the com-



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mand, review of this decision is not usually made since it is one of this officer's delegated authorities. If a polygraph examination is conducted pursuant to Department of the Army directive or is performed at the request of a major commander, the initial determination is made at that level.

(2) For cases listed under answer 2(a)(1)(a) and 2(a)(3) the G-2 (the senior intelligence officer) of the major command authorizes the use of the polygraph.

(3) For cases listed under answer 2(a)(1)(b) and 2(a)(5) the Intelligence Corps units conduct polygraph examinations in accordance with the policy established by the Deputy Chief of Staff for Personnel or Deputy Chief of Staff for Military Operations, DA.

(4) For cases listed under answer 2(a)(2), the Intelligence Corps units perform polygraph examinations based on the request of the Commanding General, USCONARC.

(5) For cases listed under paragraph 2(a)(4) and 2(a)(6), the determination to conduct polygraph examinations is made by the senior Intelligence Corps officer acting on behalf of the tactical commander.

Military Police: The criminal investigator assigned to the case, normally at a particular phase of the investigation, makes the initial recommendation that a polygraph examination be given to a subject of the investigation. Each recommendation is reviewed by the commander or his authorized representative, normally the provost marshal, a commissioned officer, who, on the basis of facts available, makes the determination whether or not a polygraph examination should be conducted in the investigation concerned.

Question 2(e). Is the physical and mental condition of each person to be tested considered to determine suitability to take such a test?

Answer. Army Intelligence and Military Police: Yes. The physical and mental condition of each person to be examined is considered before a test is administered (see FM 30-17, par. 81, "Selecting Test Subjects" (tab M), AR 195-21, par. 3, "Procedure" (tab B), and TB PMG 22, par. 7, "Selecting Test Subjects" (tab C).

Question 2(f). What disposition is made of data derived from such tests given to persons connected with your agency (i.e., retained in affected individuals' personnel files, retained separately, etc.)?

Answer. Army Intelligence: A narrative report of an examination made in connection with personnel security, complaint investigations or a prerecruitment testing program is forwarded to the requesting agency which, in turn, incorporates this report with all other reports of investigation. These investigative files are eventually forwarded to the U.S. Army Counterintelligence Records Facility, but do not become a part of an individual's personnel records. When the polygraph is used in tactical operations or used in connection with certain foreign employees, the results of the polygraph examination are normally retained in the investigative files of the Army Intelligence unit conducting the examination, but do not become a part of an individual's personnel records.

Military Police: Data derived from polygraph examinations is recorded in the Military Police or CID office responsible for conducting the investigation. In addition, the polygraph examiner prepares a brief report of his findings which is included with and remains part of

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the basic investigation report. Such data is not filed in personnel records. The investigation report itself is eventually forwarded to the U.S. Army Military Police Repository for Criminal Investigation Reports.

**Question 2(g).** Are the findings of such tests made available to the individuals who take the tests?

**Answer.** Army Intelligence: Normally, the findings of such tests are not disclosed to the individual taking the test unless it serves the purpose of futhering the investigation. However, there is no prohibition against the disclosure of findings of a polygraph examination to the person examined. The results will be disclosed to the person tested if he requests them.

Military Police: Same answer as Army Intelligence.

**Question 2(h).** Is there a right of appeal in cases of adverse findings?

**Answer.** Army Intelligence and Military Police: A polygraph examination is considered only a part of an entire investigation. No special weight attaches to the polygraph results. Adverse action in any particular case is a product of the entire investigation, of which a polygraph examination (if administered) constitutes only a part. Therefore, it cannot be said that adverse findings which one would appeal are ever based solely on the result of a polygraph test. However, if a person tested objects to the manner in which the test is conducted or, having obtained the test results, disputes their accuracy, he can request a reexamination by the same or another examiner. If the product of an entire investigation, of which the result of a polygraph examination is a part, becomes the basis for adverse action against an individual, that individual may, if he chooses, pursue whatever channels of appeal are normally available to any person against whom similar adverse action is taken, whether a polygraph examination was employed in the course of the investigation or not.

**Question 2(i).** Is access to such data restricted and, if so, what classification or other designation is applied to the data?

**Answer.** Army Intelligence and Military Police: Polygraph reports are classified in accordance with the classification given the matter investigated. All reports are strictly controlled, and use of these reports or any material therefrom is based on an appropriate clearance (if the classification of the material investigated requires classification of the report) and a need to know.

**Question 2(j).** If a person connected with your agency refused to take such a test, is that refusal reflected in any way whatsoever in the individual's personnel records?

**Answer.** Army Intelligence: No. Reports of refusal are not placed in any personnel files. The investigator will include a statement of this fact in his investigation report. The investigation report itself, after it becomes part of a completed investigative file, will be forwarded to the U.S. Army Counterintelligence Record Facility.

Military Police: No. A person's refusal of a polygraph examination is not reflected in personnel records. The investigator would include a statement of this fact in his investigation report. The investigation report itself is eventually forwarded to the U.S. Army Military Police Repository for Criminal Investigation Reports.

**Question 2(k).** Does your agency maintain special facilities, such as specially designed rooms, for the performance of such tests? Briefly

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describe such facilities and how they are equipped. Furnish photographs, if available.

Answer. Army intelligence and military police: Yes. Polygraph examinations are conducted in private, in a room which is normally soundproofed and equipped with simple furnishings. (A photo of a typical polygraph examination room is attached as tab I.)

Question 2(l). How many polygraph tests or examinations involving similar devices were conducted by your agency in fiscal 1963?

Answer. Army intelligence: There were approximately 1,500 polygraph examinations conducted in conjunction with the personnel security program during fiscal year 1963. There were an additional 3,100 examinations conducted in the screening of military personnel to determine eligibility for training which requires access to cryptologic material and the counterintelligence programs in fiscal year 1963.

Military police: The total figures for fiscal year 1963 are not available at this time. However, during the first three quarters of fiscal year 1963 a total of 3,387 polygraph examinations were conducted by the U.S. Army Military Police.

Army intelligence and military police: In addition, there were 3,494 polygraph examinations conducted by Army Intelligence and Military Police Corps in conjunction with the Cuban enlistment program.

Question 2(m). How many such tests were conducted by other agencies, public or private, at the request of your agency during fiscal 1963?

Answer. Army intelligence and military police: None.

Question 3. Please enumerate, by job title and grade, all employees of your agency who are authorized to conduct polygraph or similar tests and list their salary costs for fiscal 1963.

Answer. Army intelligence: From among Army intelligence personnel, 43 officers, 44 warrant officers, and 65 enlisted men have been trained to conduct polygraph examinations as an additional duty in connection with counterintelligence activities. Based on available data, the grade breakdown of these 152 examiners is as follows:

Grade:	Number	Grade—Continued	Number
Lieutenant colonel.....	4	Warrant officer (W-1).....	4
Major.....	18	Sergeant major (E-9).....	3
Captain.....	13	Master sergeant (E-8).....	37
1st lieutenant.....	7	Sergeant 1st class (E-7).....	20
2d lieutenant.....	1	Staff sergeant (E-6).....	3
Chief warrant officer (W-4)....	15	Sergeant (E-5).....	1
Chief warrant officer (W-3)....	22	Corporal (E-4).....	1
Chief warrant officer (W-2)....	3		

The annual salary cost for the personnel listed above totals \$799,836. This salary represents the annual base pay of the 152 Army intelligence personnel who periodically conduct polygraph examinations in conjunction with counterintelligence operations and investigations. Since most of these 152 personnel do not have the administration of polygraph tests as a primary duty, what portion of their salary cost is attributable to the administration of polygraph examinations cannot be accurately estimated.

Military Police: There are 150 warrant officers and 56 enlisted men authorized to administer polygraph examinations in connection with criminal investigation. These persons are full-time criminal investigators, who have been especially trained to administer polygraph

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examinations as an additional duty, when and if required. Based on available data, the grade breakdown of these 206 examiners is as follows:

Rank:	Number	Rank—Continued	Number
Chief warrant officer (W-4)---	19	Warrant officer (W-1)-----	30
Chief warrant officer (W-3)---	46	Specialist, 7th class (E-7)-----	35
Chief warrant officer (W-2)---	55	Specialist, 6th class (E-6)-----	21

The annual salary cost for the personnel listed above totals \$988,300. However, these personnel do not have administration of polygraph examinations as a primary duty and spend less than 5 percent of their overall duty time in conducting polygraph tests. (During fiscal year 1963, examinations conducted averaged 1.8 examinations per examiner per month.) Therefore, what portion of the salary cost is attributable to the administration of polygraph examinations cannot be accurately estimated.

Complete Army pay tables are enclosed at tab J.

Question 3(a). How many of these persons have, as their primary duty, the conducting of such tests?

Answer. Army intelligence: The Army intelligence units worldwide have an authorized strength requirement for 146 polygraph examiners. However, Army intelligence units use only 25 polygraph examiners on a full-time basis. The other qualified examiners have additional investigative duties.

Military Police: None of the Military Police who operate polygraphs have the administration of such tests as a primary duty. All Military Police criminal investigators receive primary assignments to criminal investigation duties.

Question 3(b). What are the minimum qualifications required of those persons within your agency authorized to conduct such tests?

Answer. Army intelligence: Minimum qualifications for personnel selected for polygraph training at the Provost Marshal General School, Fort Gordon, Ga., are—

- (1) U.S. citizenship.
- (2) No history of mental disorder, including pathological personality disorders.
- (3) Suitable character, loyalty, integrity, reputation, sobriety, discretion, and stability as established by a character investigation.
- (4) No convictions by a civil court for offenses other than minor traffic violations.
- (5) No convictions by a general or special court martial.
- (6) Minimum age, 25.
- (7) Education: High school graduate, preferably a college graduate with training in psychology.
- (8) Military grade, E-5.
- (9) Military experience: Minimum of 3 years interrogation or investigative experience in the Intelligence Corps and must have superior to outstanding ratings for the previous 3 years.
- (10) Language proficiency: Passing scores on the Army language aptitude test, or a rating of fair on Army language proficiency test in one or more languages.

Intelligence Corps personnel must successfully complete the PMG polygraph course at the PMG School prior to being assigned in an authorized examiner position. New operators will receive on-the-job

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training under the supervision of an experienced operator before being permitted to conduct an unsupervised examination.

Military Police: The minimum standards of qualification for polygraph examiners are prescribed in AR 195-11, "Criminal Investigation, Accreditation of Military Police Criminal Investigators." Some pertinent prerequisites are as follows:

- (1) U.S. citizenship.
- (2) No history of mental disorder, including pathological personality disorders.
- (3) Suitable character, loyalty, integrity, reputation, sobriety, discretion, and stability, as established by a character investigation.
- (4) No convictions by a civil court for offenses other than minor traffic violations.
- (5) No convictions by a general or special court-martial.
- (6) Minimum age, 25 years.
- (7) Minimum of 3 years military service.
- (8) Successful completion of the criminal investigation course at the U.S. Army Military Police School, Fort Gordon, Ga.
- (9) Minimum of 1 year experience as an accredited criminal investigator.
- (10) Successful completion of the lie-detector examiners course at the U.S. Army Military Police School, Fort Gordon, Ga.

Question 3(c). Describe any training program your agency provides to train its own employees, or employees of other Federal agencies, in conducting such tests.

Answer. Army Intelligence and Military Police: A syllabus of the training program required for accreditation as a polygraph examiner, administered at Fort Gordon, Ga., appears at tab L.

Question 3(d). Does your agency send employees to outside agencies or schools, public or private, for training in such testing? If so, please provide the name and address of the training facility.

Answer. Army Intelligence and Military Police: Neither Army intelligence nor the military police send personnel to outside agencies for polygraph training.

Question 4. How many polygraphs and other so-called lie-detection devices are the property of your agency?

Answer. The Department of the Army presently owns 261 polygraph sets. Of these Army intelligence employs 143 sets and the military police employ 118.

Question 4(a). Please list the total acquisition cost of all such devices.

Answer. The total acquisition cost of the Army's polygraph units cannot be accurately determined, because these units have been procured at various times throughout a 15-year period of generally declining costs. A precise acquisition cost estimate would require an Army-wide inventory. However, based on current procurement costs (about \$700 per set), the total cost of acquisition of the Army's 261 polygraph sets would be \$182,700.

Question 4(b). Please estimate the total annual maintenance costs of such devices and indicate whether maintenance is performed by agency personnel or by outside sources.

Answer. Army intelligence and military police: The estimated annual cost of maintenance on the polygraph is not made a matter of specific record since the polygraph instrument is an item of signal

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equipment. As such, any repairs are done by the local U.S. Army Signal Corps and handled in the same manner as any other U.S. Army electronic device requiring repair. However, total annual maintenance cost per machine can be reasonably estimated to be about \$70, based on field experience.

Question 4(c). If your agency leases such devices, or contracts with other public or private agencies to perform such tests, please provide the total costs for such activity during fiscal 1963.

Answer. The Department of the Army does not lease polygraphs or contract with other public or private agencies to perform polygraph tests.

Question 4(d). Please estimate all additional expenses attributable to such testing, such as travel expenses for examiners to and from location of tests, internal and external training programs, and all other costs.

Answer. Army Intelligence and Military Police: The specific expenses attributable to travel of examiners and other miscellaneous costs associated with conducting examinations are not available as such statistics are not maintained. All official duty travel and miscellaneous costs associated therewith are subject to statutory and budget limitations.

Question 5. Please provide two copies each of all intraagency directives, administrative orders, rules, regulations, and/or instructions governing the use of such devices within your agency.

Answer. The requested regulations and exhibits are attached.

EXHIBIT A--FIELD MANUAL NO. 30-17

COUNTERINTELLIGENCE OPERATIONS, INTELLIGENCE CORPS  
US ARMY

PART 2, SEPTEMBER 20, 1961

Chapter 3

*Section II. Evidence*

26d. *Other forms of evidence.*—Not all items of evidence can be categorized as exclusively documentary, physical, or testimonial. Scientific tests and lie-detector or truth-serum results are examples of such items. Photographs and sound recordings also may be treated as special forms of evidence.

26d(2). *Lie detectors and truth serums.*—The results of lie-detector and truth-serum examinations are generally inadmissible as evidence. These two items are useful as investigative aids but courts reject them as evidence.

*Section III. Interviews and Interrogation*

46. *Lie detector.*—The lie detector is frequently used as an aid to interrogations in complaint investigations and special operations. A brief discussion of its application is included in chapter 5. It is discussed in greater detail in FM 30-15 and in TB PMG 22. Trained lie-detector examiners are assigned to counterintelligence units in accordance with appropriate TOE or TD.

## Chapter 5

*Section I. General*

64e. *Lie detection.*—The use of the lie detector as an aid to investigation, particularly in the interrogation of suspects, is a technical investigative technique of growing importance. Lie-detector examiners are provided in the TOE and TD for counterintelligence units at most levels of operation.

*Section V. The Lie Detector*

78. *General.*—The lie detector is an investigative aid and should never be used as a substitute for good interrogation. It may be used to further the interrogation or investigation and furnish an indication as to attempts at deception. The lie detector itself is only an instrument which records physiological responses as stimulated by emotion. However, through the employment of proper investigative and interrogation techniques, the examination of the average subject will produce valuable information. Through the use of the lie detector certain physiological phenomena such as blood pressure, pulse, respiration, and electrodermal (skin) response can be scientifically recorded. When properly diagnosed by a competent examiner, these findings may indicate whether a person is telling the truth or not. As such, and as an aid to interrogations, this instrument has been of considerable value in the field of counterintelligence. The psychological impact on a guilty person, deriving from anticipated employment of the lie detector, is often a valuable aid to the interrogator in the pretest stages of interrogation. All personnel engaged in investigations should be familiar with the lie detector's capabilities and limitations. Trained lie-detector examiners are provided in the TOE and TD of most counterintelligence units. See AR 195-21, TB PMG 22 and FM 30-15.

80a. *General.*—The test consists of a series of questions asked a person and the simultaneous recording by the lie-detector set of the person's body changes in response to these questions. The test is based on the fact that physical changes occur in a normal person who lies. The test does not actually detect lies, but rather it produces a record (chart) of the physiological byproducts of a person's emotional responses during the test. Through examination of this chart, the trained examiner may detect a person's attempt to tell a lie and to conceal it.

80b. *Emotional factors.*—Numerous emotions may be involved and appear on the charts as physiological responses. In detection of deception the emotion which is particularly involved is that of fear—fear of being detected in the telling of a lie. For such responses to appear during the examination, there must be an awareness or consciousness of guilt.

80c. *The guilty person.*—

- (1) Aware of the fact that he is attempting deception, the guilty person responds emotionally, causing a physiological reaction which appears during the exami-

nation. Here, the subject may fear being caught in a lie, ruined socially, or imprisoned.

(2) The guilty person may feel certain that the test will reveal his attempt to lie, but he may not want to appear guilty by refusing to take the test. When he is in this frame of mind, he may tell the truth, even before the test begins.

(3) During the test, the guilty person's fears usually tend to increase to a certain point, beyond which his responses decrease.

80d. *The innocent person.*—

(1) Generally, the innocent person tries to cooperate because he wants to prove his innocence. He may be curious and volunteer just to find out what the test is about. He may sometimes want to attract attention to himself.

(2) During the test an innocent person may respond to certain questions, but the responses will not be of the same degree or duration as those of the subject who attempts deception. Those responses which do occur will tend to diminish as the test continues.

81. *Selecting test subjects.*—Certain mental and physical conditions may influence a person's suitability as a test subject and affect his reactions during the test. The lie detector examiner decides whether or not a person is fit to take the test, but does not attempt a psychiatric or medical examination of the subject. It is important that he consider the following:

81a(1). *Permanent physical illness.*—Certain heart conditions and breathing disorders sometimes make a person unfit to take the test. The condition may be recognized during the early part of the test.

81a(2). A highly nervous or excitable person may be unfit.

81b. *Temporary physical illness.*—A person who is intoxicated, injured, or suffering pain or discomfort is unfit to be tested. Extreme physical or mental fatigue and certain ills, such as colds, coughing spells, hay fever, asthma, hiccups, and severe allergies, may influence a person's suitability as a test subject.

81c. *Mental illness.*—Mentally deficient and insane persons cannot be tested. Persons of very low intelligence may be difficult to test successfully. Often they display little moral sense or fear of being caught in an offense or lie, or to understand the purpose and procedure of the test. If the examiner believes a subject is mentally deficient, insane, or physically ill, he should so inform the agency or office requesting the examination so that action can be taken to have the subject examined by competent medical authorities.

81d. *Other considerations.*—A person who has been treated or questioned improperly prior to the test may not be a fit subject for the test. A person who is emotionally upset or under the influence of a sedative should not be tested while he is in such a condition. A person who is unduly afraid of the test may also present a problem. Proper treatment and



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a clear explanation of the test will usually overcome these difficulties.

81e. *Pretended ills.*—Some persons may seek to evade or postpone the test by pretending a mental or physical illness or some other defect which they feel will make it difficult or impossible for them to be tested.

81f. *Use of drugs.*—The use of certain drugs by a person may affect his reaction on the lie detector. The examiner should be alert for symptoms which may indicate that subject is under the influence of such drugs. When the investigator has advance knowledge that subject has ingested drugs, he should so advise the examiner prior to the test.

82. *Treatment of the subject.*—Success of a test depends in part on how the subject was treated before he was asked to take the test, the manner in which he was asked to take the test, and his treatment while awaiting the test.

82a. *Routine questioning.*—A proper interview seldom affects the test results. However, the investigator should use commonsense about the length and persistence of questioning. The subject should be made to feel that he is suspected because of the evidence rather than because of any personal factors. The investigator should not reveal details of an offense to a person who may be asked to take the test. Tricks and bluffs should not be attempted during interrogation prior to a lie detector examination. If the subject discovers a trick or bluff, he may become so upset and suspicious that the purpose of the test may be defeated even before it is started.

82b. *Asking a person to take the test.*—The investigator should—

(1) Learn enough about the test so that he can describe it to a person who has been misinformed or knows little or nothing about it.

(2) Suggest the test as a means for the suspect to indicate his innocence.

(3) Stress the test's capability of indicating, through recorded responses, whether a person is attempting deception.

(4) Assure each person that the examiner is qualified and impartial toward all involved in the case.

(5) Avoid any claim for the machine or the examiner that is not supported by fact.

83a. *Preparation for the test.*—

(1) Planning test questions: The examiner prepares the test questions based on information obtained from the investigator. General facts, theories and suspicions are not enough; the examiner needs detailed, verified facts.

(2) Whenever possible, the investigator should inform the examiner of the unpublicized facts of the offense, particularly those known only to the victim, the offender, and the investigator.

83b. *The examination room.*—

(1) The examination must be conducted in a quiet, private place. In this regard the examination room is

very important. If possible two rooms should be provided; one as the examination room proper, the other as a combination waiting room and office. The examination room should be plainly furnished and contain only a desk, chair for the subject, and a chair for the examiner. The subject's chair should face a wall which is blank or otherwise free from distractions. Further, this room should be soundproofed to eliminate extraneous noises. If located in a warm climate, air-conditioning should be installed. A two-way mirror should be placed in one wall to allow for observation when a witness is needed.

(2) The waiting room should contain comfortable chairs, a desk for the examiner, and other equipment which creates a professional impression.

83c. *Arrangements for witnesses.*—Normally, only the examiner and subject should be present in the room during the test, but there should be witnesses to the test particularly when a woman is being examined (AR 600-110). Witnesses should observe the tests through two-way mirrors and listen through concealed microphones.

83d. *Informing the subject of his legal rights.*—Before subjecting him to the test, subject should have expressed a willingness to take the examination. He also should have been advised of his legal rights against self-incrimination.

84a. *Use of interpreters.*—At times, the examiner must resort to the use of an interpreter. The interpreter must be fluent in the two languages used so that his translation will be accurate and in the proper idiom. He should also be experienced in investigative questioning.

84b. The interpreter should possess a security clearance equivalent to the security classification of the facts surrounding the examination and the information that may be revealed as a result of the examination.

84c. The interpreter should understand how the test works and what can be accomplished by it. The test should be practiced, in private, until the interpreter understands the procedure. The interpreter should be briefed on the facts of the case.

84d. All test questions should be prepared and translated before the test. Procedures for using an interpreter during the test are similar to those followed in interviews and interrogations, except that the interpreter asks the prepared questions at a predetermined signal from the examiner who is operating the machine.

85. *Avoidable mistakes.*—Most unsatisfactory lie detector examinations are due mainly to unfitness of the subjects and lack of preparation by examiners and investigators. The investigator should keep the following in mind:

(a) Do not wait until the last minute to ask a person to take a test. The test should not be used as a last resort after all other methods have failed.

(b) Do not tell a suspect everything known about the offense or about him.

(c) Do not fail to research and analyze the case before asking a person to take the test. Faulty or incomplete preparation is a pitfall. The background information on each subject should be as complete as possible.

(d) Do not fail to consult the examiner when in doubt about a person's fitness to take the test. If there is still a doubt, the examiner should consult a medical officer.

(e) Never describe the lie detector as infallible.

(f) Never tell anyone that the lie detector set will decide whether he is innocent or guilty. The courts will make that decision. The lie detector is used to help detect deception, not to determine guilt.

86. *Reports, records, and charts.*—

(a) Lie detector examiner's data and question sheet (DA form 19-63): The investigator will coordinate with the examiner to aid in the preparation of that portion of the form headed "Details of Incident" and will assist the examiner in preparing questions for the examination. The examiner will complete the remainder of the form. Data and question sheets will be filed in the office to which the lie detecting set is issued. They will be maintained for 2 years after date of examination and then destroyed, unless the office of file is instructed otherwise by the control office.

(b) Test charts: Lie detector charts will be interpreted only by the examiner who conducted the examination. They will not be made a part of the investigative report and will be maintained for 2 years after date of examination and then destroyed, unless the office of file is instructed otherwise by the control office.

(c) Card-index file: The examiner should keep a card-index file on all persons he tests. The file should be compact and easily portable. It should include date and circumstances pertaining to each examination, together with identity and location of all related reports.

(d) Statement of consent (DA form 19-85)—

(1) When this statement of consent form is used, subject should be advised of his existing rights prior to signing. The United States citizen will be advised of his rights under Article 31 of the Uniform Code of Military Justice, or the fifth amendment to the Constitution, as appropriate.

(2) Two copies of this form should be signed by the subject, one copy transmitted with the lie detector report to the headquarters requesting the test, and the other kept by the examiner for his files.

(3) When deemed necessary this form may be modified for use in areas outside the continental limits of the United States. When modified, it will be in the language in which the examination is conducted, as well as in English.

(e) Agent reports: The use of Agent Reports to record the results of a lie detector examination is discussed in Chapter 8.

## Chapter 8

*Section II. The Agent Report*

136. *Lie detector examination report.*—A lie-detector examination report will be prepared by the operator conducting an examination. When the examiner is a Special Agent, an Agent Report will be used. This Agent Report will be designated with the heading "LIE DETECTOR EXAMINATION." The report will begin with the report heading in upper case letters in parentheses. When the examiner is not a Special Agent, he will prepare his own report of the examination which will be attached as an exhibit to an Agent Report prepared by the Special Agent requesting the examination. The lie-detector examination report will include, but not be limited to the following:

136a. *Introductory element.*—First include the report heading; date of examination; name of subject of examination (if other than Subject, add all possible identifying data concerning the person examined); and the place of examination. Next include the purpose of the requesting agency. In addition, when deemed necessary, the introductory element will also include comments relating to—

- (1) The Subject being advised of his rights and agreeing, in writing to submit to the test (par. 86d).
- (2) The language in which the test was conducted.
- (3) The identity (including nationality and position) of the interpreter, if used.

*Sample.*—(Lie-detector examination) On November 12, 1959, a lie-detector examination of Helmut Schmidt, born June 11, 1901, in Leipzig, Germany, was conducted in Frankfurt a/Main, Germany, at the request of CO, Region III, 66th CIC Group, Frankfurt. Schmidt, who was advised of his rights, and who agreed in writing (Exhibit II) to submit voluntarily, was examined on a (specify machine used) to determine his association with \* \* \*. The test, conducted in the German language, proceeded as follows:

136b. *Pre-Test Interview.*—This next paragraph of the report will begin on the second line below the introductory element. This portion of the report should contain the pertinent information developed by the examiner.

136c. *The Test.*—Here should follow a listing of all relevant questions used during the test, and the subject's answers. When the examination is conducted in a foreign language, the test questions will be recorded in that language with the English translation.

136d. *Results.*—The final paragraph or paragraphs of the report should include the examiner's opinions of the test results. This includes his analysis of the chart and his observations of the subject during the test. When deception is detected, additional paragraphs should contain the results of a post-test interview and of the reexamination on the lie detector.

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EXHIBIT B: ARMY REGULATION--195-21, DEPARTMENT OF THE ARMY

May 31, 1957

CRIMINAL INVESTIGATION--UTILIZATION OF LIE DETECTING SET AN/USS-2( )

	<i>Paragraph</i>
General.....	1
Supervision.....	2
Procedure.....	3
Operators.....	4
Statement of Consent.....	5
Charts and reports.....	6
Maintenance and replacements.....	7

1. *General.* (a) These regulations govern the utilization of the Lie Detecting Set AN/USS-2( ), hereinafter referred to as the set, used in the Criminal Investigation Program of the Military Police Corps.

b. The set may be used as an aid in determining deception in the course of an investigation. It will not be used as a substitute for approved criminal investigative techniques.

2. *Supervision.* Provost marshals and military police commanders are responsible for the proper utilization of the set as prescribed herein. It will be operated only by personnel who have been accredited as operators by The Provost Marshal General.

3. *Procedure.* (a) An examination will not be given until sufficient facts of the investigation have been established to enable the operator to construct adequate objective and comprehensive questions.

(b) The operator will concern himself solely with the detection of deception that is pertinent to the investigation and will not attempt a psychiatric or physical diagnosis of the subject.

(c) An explanation of the nature of the examination will be given to the subject prior to beginning the examination.

(d) No person will be required to submit to a lie detecting set examination without his consent. No indication will be given to an individual that refusal to submit to an examination will be construed to mean a tacit admission of guilt.

(e) Criminal investigators should not subject a person to prolonged interrogation just prior to an examination.

(f) An examination will not be given when it is apparent that the subject is mentally or physically fatigued.

(g) No person will be examined with the set while obviously emotionally upset, intoxicated, under the influence of a sedative, or is known to have a mental disorder or to be addicted to drugs or marijuana.

(h) No person will be examined with the set while experiencing physical discomfort of significant magnitude or while possessing physical disabilities or defects which, by themselves, might cause an abnormal response to be recorded.

(i) Under no circumstances will operators allow themselves to be identified as other than military police personnel.

4. *Operators.* (a) Only selected warrant officers, noncommissioned officers, and specialists will be authorized to

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operate the set and then only after successfully passing a course of instruction in the operation of the set approved by The Provost Marshal General.

(b) Personnel who are selected for training will—

(1) Be warrant officers (MOS 9322), master sergeants, or master specialists (MOS 953.1).

(2) Be currently accredited by The Provost Marshal General as criminal investigators.

(3) Have attained a minimum age of 25 years.

(4) Have been assigned to criminal investigative duties for a period of 1 year prior to selection for training.

(c) Waivers for any of the requirements set forth in (b) above may be granted by The Provost Marshal General.

(d) Personnel who satisfactorily complete the prescribed course of instruction may be accredited by The Provost Marshal General to operate the set.

(e) A new criminal investigator credential card with an appropriate entry will be issued by The Provost Marshal General to all personnel authorized to operate the set.

(f) Authority to operate the set will be withdrawn when an operator—

(1) Has his criminal investigative credentials withdrawn for cause or administrative reasons.

(2) Uses or permits the set to be used for an unauthorized purpose.

(3) Indicates a lack of ability or aptitude to operate the set.

(4) Fails to maintain the set properly.

5. *Statement of Consent.* DA Form 1985 (Lie Detector Examination Statement of Consent) will be read and signed by each person prior to submitting to a lie detecting set examination. The statement of consent will be listed as an exhibit of the report of investigation concerned. One copy will be attached to the local file copy of the report. The remaining copy will be attached to the copy of the report forwarded to the United States Army Military Police Repository for Criminal Investigation Reports.

6. (Changed June 20, 1958) *Charts, Data, and Question Sheets, and Reports.* a. *General.*

(1) When applicable, records generated as a result of a request for a lie detector examination will be protected in accordance with AR 345-15 or classified in accordance with AR 380-5.

(2) Lie detecting charts will be interpreted only by the operator conducting the examination. They will not be made a part of the criminal investigation report and will be destroyed 1 year after the end of the calendar year in which the report of investigation to which they pertain has been closed or completed.

(b) *Lie Detector Operator's Data and Question Sheet (DA Form 19-63).*—The investigator will prepare that portion of the form headed "Details of Incident" and will assist the operator in preparing questions for the examination. The operator will complete the remainder of the form. Data

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and question sheets will be filed in the office to which the lie detecting set is issued and destroyed 1 year after the end of the calendar year in which the report of investigation to which it pertains has been closed or completed.

(c) *Lie Detector Examination Report (DA Form 19-64).*—A lie detector examination report will be prepared by the operator and will be attached as an exhibit to the pertinent military police report of investigation. This report is exempt from reports control under the provisions of paragraph 17s, AR 335-15.

7. *Maintenance and replacements.*—(a) The set is a standard Signal Corps item of issue. Spare parts and expendable supplies will be requisitioned through normal Signal Corps supply channels.

(b) Lie detecting sets will be maintained only by authorized operators to the extent of, and in accordance with, the instructions they have received during their training. All maintenance and/or repairs above organizational level will be accomplished by Signal Corps field and depot maintenance personnel.

(c) When the set is being moved or transported, precautions will be taken to reduce shock and avoid damage.

[AG 413.6 (29 April 57)PMGT]

By Order of *Wilber M. Brucker*, Secretary of the Army:

MAXWELL D. TAYLOR,  
*General, United States Army, Chief of Staff.*

EXHIBIT C.—ARMY REGULATIONS 604-5, DEPARTMENT OF THE ARMY, 21 MAY 1962

PERSONNEL SECURITY CLEARANCE

Clearance of Personnel for Access to Classified Defense Information and Material

*Section I. General*

1. *Purpose.*—These regulations prescribe the policy and establish the procedures for the granting, denial, suspension, or revocation of security clearances to Department of the Army personnel for access to classified defense information including Restricted Data and cryptographic information

\* \* \* \* \*

4. *Definitions.*

\* \* \* \* \*

(n) *Lie detecting set examination.*—For the purpose of these regulations, a lie detecting set examination is an examination of an individual on a voluntary basis conducted by qualified operators using the Lie Detecting Set AN/USS-2(C) or other lie detecting instruments or equipment approved by the Department of the Army. The examination, as a minimum, will consist of verification of questionable and critical information contained in the Statement of Personal History (DD Form 398) or Immigrant Alien

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ORIGINAL DOCUMENT MISSING PAGE(S):

pgs 61 thru 68



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security investigations, and may be authorized for use in misdemeanor investigations.

(b) No. Only a small percentage of investigations involve the use of a polygraph.

(c) The polygraph data is used for the limited purpose of evaluating the credence of statements made by the examinee. Indication of deception on the polygraph is never considered as evidence of guilt, and neither legal nor administrative action is based upon such indications. Under no circumstances may a person be subjected to a polygraph examination without his consent. Refusal to be examined with a lie-detector device, is not considered as proof or evidence of facts sought to be confirmed.

(d) This headquarters has delegated authority to field commanders to control the use of polygraphs. Whereas the orders vary among the several commands, use of the polygraph is not permitted without the express permission of the field commander or a designated staff officer after consideration of the factors involved in the particular case.

(e) Yes.

(f) Charts of polygraph examinations are retained in the files of the office of the provost marshal. The examination charts are not furnished to any other agency. The report of the examiner is furnished to the requesting authority. There is no requirement that a record of a polygraph examination be kept in an individual's personnel file. In rare instances these reports may become a part of an independent investigative or administrative proceeding.

(g) Yes. In addition, a copy of the examiner's report is normally furnished to the individual's counsel, where applicable.

(h) Normally there is no provision made for appeals. However, should circumstances justify, a reexamination may be conducted. Since no action is ever based on an indication of deception on the polygraph, there appears to be no necessity for an appeal provision.

(i) Charts are normally maintained in the files of the office of the provost marshal and are not made available to personnel other than the qualified examiner on a need-to-know basis. The examiner's report is furnished to the requesting authority. Information contained in the examiner's report is available only on a need-to-know basis. No security classification is assigned to either the charts or the examiner's reports.

(j) No. See subparagraph (f), above.

(k) Yes. Each command which utilizes polygraphic equipment maintains a separate room in which examinations are conducted. While not standardized, these rooms are generally similar in that they contain only the polygraph, which is built into a desk, and chairs for the examiner and examinee. Some of these rooms are equipped with one-way observation mirrors, all are well lighted and ventilated. Pictures of typical rooms are attached.

(l) 812.

(m) 1.

3. One major, \$9,988; 2 E-8, \$6,240; 8 E-7, \$5,167; 5 E-6, \$5,040; 3 E-5, \$4,560; 1 GS-12 (investigator), \$9,790.

(a) None.

(b) Minimum qualifications for polygraph examiners are: pay grade E-5 or above, experienced in military police duties, no convictions by special or general court-martial, no civil convictions with the ex-

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ception of minor traffic violations, GCT score of 110, high school graduate or equivalent, normal color perception, appropriate security clearance, minimum age of 25, with demonstrated mental and moral stability and be a graduate of the criminal investigations course, U.S. Army Provost Marshal General's School, Fort Gordon, Ga. In addition, operators receive training in military justice, investigative methods, military police criminal investigation program, military police organizations and functions, scientific aids to investigation, military police raids, provost marshal statistical reports, military law, introduction to the field of lie detection, lie detector examination, mechanical training, physiology, psychology, and techniques for detecting deception.

(c) None.

(d) Yes. Lie detector course, Provost Marshal General's School, Fort Gordon, Ga., and in one case, the Gormac, polygraph examiner course, Alhambra, Calif.

4. 9.

(a) \$13,060.52.

(b) \$360 maintenance normally performed by assigned personnel.

(c) None.

(d) None.

5. Two copies of CMC letter DK-mps of July 5, 1960, are attached.

DEPARTMENT OF THE NAVY,  
HEADQUARTERS, U.S. MARINE CORPS,  
*Washington, D.C., June 24, 1954.*

From: Commandant of the Marine Corps.

Subject: Lie-detector equipment, use of.

1. The lie-detecting set, model AN/USS-2 ( ), has been adopted as a Marine Corps item for use at certain designated posts and stations. This equipment should be available in the very near future.

2. It is realized that lie detecting equipment when used in capable hands is of valuable assistance in investigative work. The following instructions will be complied with in the use of lie-detecting equipment:

(a) The equipment will be used only in investigations involving serious offenses. By serious offenses it is meant those offenses punishable under the authority of the Uniform Code of Military Justice by confinement for more than 1 year.

(b) Only those persons will be subjected to the test who voluntarily agree to such examinations.

(c) In the examination of any person the provisions of article 31, Uniform Code of Military Justice, and the fifth amendment to the Constitution of the United States will be adhered to.

R. H. RIDGELY, JR.  
(By direction).

DEPARTMENT OF THE NAVY,  
HEADQUARTERS, U.S. MARINE CORPS,  
*Washington, D.C., July 5, 1960.*

From: Commandant of the Marine Corps.

Subject: Lie-detector equipment, use of.

Reference (a) CMC letter of June 24, 1954, same subject.

1. Reference (a) placed restrictions on the use of lie-detector equipment held by your command.

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2. These restrictions have been reviewed and are considered no longer necessary with the exception that only those persons who voluntarily agree to the examination will be subject to testing with lie-detector equipment.

3. Reference (a), accordingly, is canceled.

A. LARSON  
(By direction).

DEFENSE ATOMIC SUPPORT AGENCY

(The following paragraph numbers correspond to the numbered questions on the committee's questionnaire form)

1. The following organizations within Headquarters Field Command possess polygraph equipment:

- (a) 901st Intelligence Corps Detachment (901st INTC DET)
- (b) 46th Military Police Detachment, Criminal Investigation, (46th MP DET CI)

2. In general, the polygraph is used in furtherance of complaint and background investigations. Results of polygraph examinations are used to assist in establishing the veracity of statements or degree of implication of individuals involved in investigations. Prior to a polygraph examination, the subject of the examination is advised of his rights under the fifth amendment to the Constitution or article 31, Uniform Code of Military Justice, and must complete a lie detector examination-certificate of consent (DA form 19-85). The subject is then apprised of the questions to be asked during the examination to insure that he fully understands them. Upon completion of the examination, a post examination interview is conducted. If deception to any of the questions asked during the examination is indicated, the post examination interview is used to gain additional information about the circumstances surrounding the questionable area. If no deception is indicated, the post examination interview is used to advise the subject of the results of the examination. The procedures utilized in the conduct of polygraph examinations indicated above are in consonance with FM 30-17, FM 30-15, AR 195-21 and TB PMG 22. (See exhibit IV.)

(a) The polygraph is used in cases involving:

- (1) Falsification of statements of personal history (DD form 398).
- (2) Falsification of sworn statements made during the conduct of an investigation.
- (3) Homosexual activity.
- (4) Persons suspected of having committed a crime punishable under Uniform Code of Military Justice.
- (5) To obtain leads to the facts of an offense, the location of stolen goods and the whereabouts of wanted persons.
- (6) Disaffection.
- (7) Association with criminal elements.
- (8) Communist affiliation.
- (9) Lost classified documents.
- (10) Suspected sabotage.

(b) The polygraph is not used in every investigation indicated in referenced paragraph 2(a). Normally the device is used to gain information not otherwise attainable by other investigative techniques.

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(c) No weight is given data resulting from polygraph tests unless they are confirmed by admissions or other investigative procedures. A person's refusal to take a test cannot be construed as an admission or even a partial admission of guilt. (Reference par 3(d), AR 195-21.)

(d) The initial recommendation for employment of the polygraph is made by the agent in charge of the investigation. Determination as to its use is made by the commanding officer of the detachment, and is subject to the approval of higher authority. Occasionally, higher authority will direct that, with the consent of the subject, a polygraph examination be conducted.

(e) During the pretest interview conducted by the polygraph operator, the subject is questioned regarding his physical and mental condition and history and the medical history of his close blood relatives. In the event it appears that the subject's physical or mental condition might not be conducive to an examination, the subject is referred to competent medical authority for a determination as to the advisability of the polygraph examination. (See par. 81, FM 30-17 and pars. 3(e)-(h), AR 195-21.)

(f) 901st INTC DET: The results of the polygraph examinations are recorded in Agent Reports (DA Form 341). Included with the report as an exhibit, is the lie detector examination—certificate of consent. The report with exhibit is forwarded to the requesting agency for ultimate inclusion in the subject's intelligence and security file. Other reports, records and charts pertaining to the examination are retained by the examining agency in accordance with paragraph 86, FM 30-17. (See pars. 86 and 136, FM 30-17.)

46th MP DET CI: The results of the polygraph examination are recorded on DA form 19-64, lie detector examination report and, when applicable, included in the military police report of investigation, DA form 19-65, as an exhibit. Also attached as an exhibit is the lie detector examination certificate of consent, DA form 19-85. This report is forwarded to the commanding officer of the unit concerned for his information only, with an information copy furnished the Field Command Security Office. Other reports, records and charts pertaining to the examination are retained by this office in accordance with paragraphs 5 and 6, AR 195-21.

(g) Findings of the polygraph examinations are made available to the subject.

(h) There is no appeal to the findings of polygraph examinations, since such findings are not used as a basis for administrative or punitive action. The polygraph examination is an investigative technique used to lead to evidence which is legally sufficient.

(i) As a minimum, reports of polygraph examinations are afforded a protective marking of "For Official Use Only" to limit dissemination to persons who have an official need to know (AR 345-15). In the event the examination contains defense information it is marked with the appropriate security classification and protected accordingly (AR 380-5 and par. 131, FM 30-17).

(j) Refusal to take polygraph examination is recorded on an agent report (DA form 341) and is included in the subject's intelligence and security file maintained by FCSO. In the case of criminal investigations a record of refusal is made in the report of investigation.

(k) The 901st INTC DET has two rooms (exhibits I and II) measuring approximately 12 by 12 feet which are used for the conduct

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of routine interviews and polygraph examinations. These rooms are soundproofed, carpeted, and equipped with an observation mirror and sound recording equipment (see par. 83, FM 30-17).

The 46th MP DET CI has one room (exhibit III) measuring approximately 12 by 15 feet which is used for the conduct of routine interviews and polygraph examinations. This room is semisoundproofed, carpeted, and equipped with an observation mirror and sound recording equipment. (See par. 10, TB PMG 22.)

(l) During the fiscal year 1963, 901st INTC DET conducted 37 polygraph examinations. Of this number, two examinations were conducted for the 112th Intelligence Group, Albuquerque, N. Mex.; two for the Office of Naval Intelligence, Albuquerque, N. Mex.; one for the Atomic Energy Commission, Albuquerque, N. Mex.; and six for Army Materiel Command (Wingate Army Depot).

During the fiscal year 1963, 46th MP DET CI conducted 103 polygraph examinations. Of this number, five examinations were conducted for the Office of Naval Intelligence, Albuquerque, N. Mex.; five for Army Materiel Command (White Sands Missile Range); one for Air Police, Holloman Air Force Base; and one for 112th Intelligence Group, Albuquerque, N. Mex.

(m) No polygraph examinations were conducted by other agencies at the request of these organizations.

3. (a) Personnel authorized to conduct polygraph examinations in the 901st INTC DET are as follows:

Job title	Grade	Salary per annum
Officer in charge, operational control, S2/S3 Section.....	CWO, W3..	\$7,800
Military intelligence specialist.....	S. Sgt, E6..	4,680

(b) Personnel authorized to conduct polygraph examinations in 46th MP DET CI are as follows:

Job title	Grade	Salary per annum
Criminal investigator.....	CWO-2.....	\$6,576

None of the personnel listed above has the primary duty of polygraph operator.

Minimum qualification for polygraph operators is successful completion of the Lie Detector Course, Provost Marshal General School, Fort Gordon, Ga. (See par. 4, AR 195-21.)

(c) No unit training program for polygraph operators is conducted in these organizations.

(d) In addition to the training at the school indicated in referenced paragraph 3(b), detachment polygraph operators attend the annual Southwestern Polygraph Clinic sponsored by the University of Oklahoma, Norman, Okla. Purpose of the clinic is to acquaint operators with the latest equipment and techniques.

4. The 901st INTC DET is authorized two polygraphs, one Stoelting Deceptograph, AN/USS 2D, and one Stoelting Deceptograph, AN/USS 2B. (See TA 95, FC, DASA, 30 Apr 63, and letter AGAO-S 413.6, G2-M, DA TAG, Washington 25, D.C., 5 Apr 52.)

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46th MP DET CI is authorized one lie detector AN/USS 2B, Stoelting Deceptograph. (Reference TOE 19-500D, line item number 623910.)

(a) Total acquisition cost of the Deceptographs for 901st INTC DET is \$2,270.00. Total acquisition cost for the Deceptograph for 46th MP DET CI is \$1,170.00.

(b) Maintenance of the polygraph is performed by 901st INTC DET personnel at an estimated cost of \$75 per annum. Estimated total maintenance cost per annum for 46th MP DET CI is \$50. Maintenance is performed by detachment personnel. (Reference paragraph 7b, AR 195-21.)

(c) These organizations do not lease polygraphs nor do they contract with other agencies for the performance of polygraph examinations.

(d) Average annual additional expenses attributable to polygraph examinations are as follows:

901st INTC DET:	
Attendance at the polygraph clinic.....	\$232
Travel incident to examinations at other locations.....	425
Transportation and per diem expense for training of operators at the Provost Marshal General School.....	420
Total.....	1,092
46th MP DET CI:	
Attendance at polygraph clinics.....	277
Expendable supplies.....	25
Travel incident to examinations at other locations.....	45
Transportation and per diem for expenses for training of operators at Provost Marshal General School (1 man returned July 1, 1963).....	420
Total.....	767

5. Two copies of all intraagency directives, regulations and instructions governing the use of polygraphs within DASA are attached as exhibit IV.

PART IV.—USE OF THE LIE DETECTOR

1. References

- (a) AR 195-21
- (b) AR 600-110
- (c) TM 11-5538
- (d) TB PMG 22

2. Procedure:

(a) The lie detecting set will be used as an aid to interrogation in the course of an investigation and not as a substitute for employment of other investigative techniques.

(b) The lie detector operator will conduct lie detector examinations in accordance with policy outlined in AR 195-21 and TB PMG 22.

(c) No person shall be required to submit to a lie detector examination without his written consent. This consent will be recorded on a lie detector examination statement of consent form (DA Form 19-85) in two copies. In addition to the above, female personnel will be treated in accordance with AR 600-110.

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(d) An examination of a suspected homosexual will not be undertaken unless there is an allegation of an overt act of homosexual behavior.

(e) No person will be examined who is significantly fatigued, emotionally upset, intoxicated, under sedation, mentally disordered, addicted to drugs or experiencing physical discomfort, or who possesses physical defects such as extreme high blood pressure, which might cause an abnormal response. The lie detector examiner will determine whether or not the conditions under which the examinations are conducted meet the criteria necessary to conduct a successful test.

(f) Lie detector operators will not examine anyone solely for the purpose of assisting civil police investigating a crime concerned solely with civilians (ref. pt. III, par. 2). However, anyone may be examined in connection with any case that is within the jurisdiction of the CID detachment, or any investigation for an official military purpose (ref. pt. I, par. 2).

(g) The person who requests the examination will be in the observation room during the entire test so as to be readily available during the examination to clarify questionable points. He will also be prepared to take a written statement from the subject. This person will also complete the front side of the lie detector operator's data and question sheet (DA Form 19-63), except for the lie detector file number. The personal data and background of the subject will be obtained from the subject's personnel files.

(h) Only persons authorized by the provost marshal general will administer lie detector examinations.

3. *Charts and reports:*

(a) A lie detector examiner's report (DA Form 19-64) will be rendered on each examination. This report will be attached as an exhibit to the pertinent military police report of investigation.

(b) Lie detector reports, charts, and all allied papers will be classified according to existing regulations.

(c) A copy of each lie detector examiner's report (DA Form 19-64) together with the original lie detector chart, lie detector operator's data and question sheet (DA Form 19-63) and second copy of statement of consent (DA Form 19-85) will be filed in the lie detector report file.

(d) The original statement of consent (DA Form 19-85) will be attached to the copy of the pertinent report of investigation which is forwarded to the repository.

(e) First echelon maintenance of the lie detector set is the responsibility of the lie detector operator. A record of this maintenance will be kept on file in the lie detector room.

DEFENSE SUPPLY AGENCY

(The following paragraph numbers correspond to the numbered questions on the committee's questionnaire form.)

1. The Defense Supply Agency does not possess any polygraph equipment nor does it conduct polygraph examinations. Results of polygraph examinations conducted by a military department or law-enforcement agency are used during the course of specific criminal investigations and considered in isolated cases by DSA in making security determinations.

2. Polygraph examinations are requested and employed as an investigative aid supplementing normal criminal investigative techniques which develop basic facts. The lie detector operators are governed by the administering agency's rules and regulations. Individuals are warned of their rights prior to any form of questioning and may be requested to take a lie detector examination where facts or information have been developed indicating the individuals may possess pertinent information. Individuals are asked to sign a statement agreeing to this type of examination before it is given. All counterintelligence investigations of DSA personnel are performed by Army, Navy, and Air Force investigators. Polygraph examinations of DSA personnel are not a routine aspect of such investigations but are only undertaken when this agency specifically requests them. In those cases polygraph examinations of DSA personnel are requested only as a means of resolving conflicting statements made by a person under security investigation or to determine the credibility of such statements when they do not conform to facts or allegations developed in the course of an investigation. Such examinations are used as an ancillary check, and not as a means of ascertaining information which was not otherwise developed in the course of the routine investigation. The only instance in which polygraphs are used in a primary rather than ancillary role is as a means of investigating such persons as immigrant aliens for whom, because of geographical, political, or other considerations, it is not possible to complete a routine background investigation.

(a) Polygraph examinations are used as an aid in criminal, counterintelligence, and security investigations.

(b) Polygraph examinations are not used in every instance or in a routine manner, but only as an aid in those cases where DSA specifically requests the examination.

(c) The Defense Supply Agency's experience with polygraph examinations as an aid in security and intelligence work has been unsatisfactory because of difficulty in interpreting the results. The more vague the charge, the more inconclusive the results. Wherever possible, more reliable information is used. While only limited significance is attached to data developed by the polygraph test, in a clear-cut "did-you-or-didn't-you" situation, refusal of an individual to submit to a polygraph is considered as an unfavorable reflection on the credibility of the individual's statement. In criminal investigations, physiological responses recorded during the examination which indicate the possibility of knowledge concerning a given situation serve as the basis for further normal investigation.

(d) In security operations the intelligence officer at Headquarters DSA and at a major field activity normally determines when to request a polygraph test. Such determinations are not reviewed by



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higher authority. In criminal investigations an examination would normally be recommended by the investigator and approved by the provost marshal or similar staff officer of a major field activity.

(e) DSA relies on the judgment of the personnel of the department or agency administering the polygraph examination in determining the physical and mental condition and suitability of the person to be tested.

(f) Polygraph examination data is retained in the investigative or security file, never in the individual's personnel file.

(g) The findings of the polygraph examination are not made available to the individuals who take the test since the results of an examination are generally used in connection with further criminal investigation rather than as the basis for administrative or criminal action.

(h) No specific "appeal" procedures are provided for persons who take a polygraph test since the results are generally used in connection with further investigation. To the extent, however, that results of a polygraph examination are used in criminal proceedings or adverse personnel actions they are subject to the rules of procedure, evidence, challenge, refutation, etc., governing the proceeding in which they are used.

(i) Polygraph examination results are marked "For official use only" and are made available only to those who have a need to know in the performance of official duties. In the case of security examinations, this is normally restricted to the intelligence officer and the commanding officer of the activity.

(j) Refusal to take a polygraph examination is not reflected in the individual's personnel records.

(k) No special facilities are maintained by DSA for the performance of polygraph tests.

(l) No polygraph tests were conducted by DSA in fiscal year 1963.

(m) Seven polygraph examinations were conducted by other agencies at the request of DAS during fiscal year 1963.

3. No DSA employees are authorized to conduct polygraph tests.

4. DSA does not have any polygraph devices.

5. Since DSA does not conduct polygraph examinations but relies on other agencies for this assistance, the regulations and procedures of the administering agency are followed as a guide. DSA Regulation 5210.6 does, however, mention the use of polygraph examinations in connection with the clearance of DSA personnel for access to defense information. Paragraph IV, B, 3, c (p. 6) provides that lie-detector examinations may be used for the purpose of determining an alien's eligibility for limited access to classified information when a background investigation cannot be completed in all its aspects.

(An excerpt of this regulation follows):

c. *Investigation.*—The minimum scope of the investigation to be conducted for the purpose of granting a limited access authorization under the provisions of the DSAR's will include:

(1) Such components of a background investigation (par. III, enclosure 1, DSAR 5210.2) that can be accomplished, plus a check of the files of the Central Intelligence Agency.

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(2) A lie detector examination to cover that portion of the individual's life which cannot be investigated because of geographical, political, or other considerations.

THE NATIONAL SECURITY AGENCY

1. The National Security Agency does possess and make use of polygraph equipment as an aid to certain interviews. These interviews are conducted by personnel of the Office of Security.

2. The extremely sensitive nature of the information and work of the National Security Agency requires that most careful appraisal be given to the employment and clearance of its personnel. An interview with the aid of a polygraph conducted by a professionally trained operator is required of all prospective civilian employees as one step in the preemployment processing designed for the collection of data upon which an appraisal may be made of the individual's eligibility for employment and access to classified information. The conduct of interviews with the aid of a polygraph is prescribed by regulation.

(a) The primary purpose of the interview in which the polygraph is utilized is to provide data which may be used with that collected from other sources in an appraisal of an applicant for employment to determine his eligibility for access to sensitive classified information. In rare instances, the polygraph may be utilized during interview of an employee with regard to a matter of security concern which has been extensively investigated but difficult to resolve. In instances of this nature, the polygraph is employed only as a last resort with the approval of the Director of Security or higher authority and the willing consent of the employee.

(b) A security interview with the aid of a polygraph is required of all candidates for the sensitive positions within the National Security Agency as part of preemployment processing. With respect to interviews of employees, use of the polygraph depends upon the circumstances, the willingness of the employee to consent to such an interview, and the approval of the Director of Security or higher authority.

(c) To be favorably considered for employment and access to sensitive classified information, each applicant must successfully complete a security interview with the aid of a polygraph. Recordings of physiological reaction made by the polygraph machine in the course of an interview are not utilized in reaching any finding with respect to the questions for which an individual is providing a response. The recording by the machine assists the interviewer in identifying areas in which the individual should be questioned further. Information furnished by the individual to the interviewer prior to, during and subsequent to the utilization of the polygraph machine is considered along with that from all other sources in the appraisal of the individual's eligibility for employment and access. The refusal of an employee to be interviewed with the aid of a polygraph is not considered to be prejudicial to the employee in any way. Information obtained from an applicant or employee during the course of such an interview is utilized in connection with other investigation action as appropriate.

(d) The use of an interview with the aid of a polygraph for all civilian applicants as one preemployment step is a requirement of the National Security Agency with the approval of the Department of

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Defense. The determination that an employee may be interviewed with the aid of a polygraph may be made by the Director of Security, subject to review by the Director of the National Security Agency. In the case of employee interviews, the employee himself must also freely and voluntarily consent before such an interview may be conducted.

(e) In connection with each interview with the aid of a polygraph, the physical and mental condition of the person is a definite consideration. The Agency's Medical Center is available and utilized for professional consultation whenever there is any question in this area.

(f) Supplementary personal history data and other information furnished by the individual to the interviewer is incorporated into a written report of the interview which is maintained in the individual's security file under strict control.

(g) The individual is not specifically advised of the results of the interview with the aid of a polygraph. The information obtained during the security interview with the aid of a polygraph is combined with all that which is collected from other processing and investigative sources and utilized in making a determination of the individual's eligibility for employment and access.

(h) An adverse finding regarding the qualifications of an applicant for employment and access is based upon an appraisal of all the information collected through the various preemployment processing procedures. There is no finding based on the recordings of the instrument during interview conducted with the aid of a polygraph, although the information furnished by the individual to the interviewer is utilized. Appeal procedures are not provided for applicants. In the case of employees, any adverse finding is based upon the complete results of all investigative processes. Disciplinary action resulting from an adverse finding may be appealed under the provisions and protection of applicable statutes and regulations.

(i) Reports of interviews conducted with the aid of a polygraph, as such, are not classified unless specific information is contained therein which warrants a security classification on its own merit. However, all reports of such interviews are treated as privileged information and their release is strictly controlled.

(j) Before an employee of the National Security Agency may be interviewed with the aid of a polygraph he must voluntarily consent to such an interview. Refusal by the employee to consent to such an interview may not be used in a manner prejudicial to the individual. While notation as to the circumstances of an employee's refusal to consent to an interview with the aid of a polygraph may be made a part of the investigation being conducted, no reference to the refusal is reflected in any way in the employee's personnel file. Normally, refusal to assent to such an interview will require more exhaustive investigation.

(k) The National Security Agency has several interview rooms, identical in size, decor, and equipment. Every effort is made to establish and maintain a professional atmosphere free of outside distractions.

(l) The number of interviews conducted with the aid of a polygraph during fiscal year 1963 must be considered as classified security information.

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(m) No other agency, public or private, conducted interviews at the request of this Agency in fiscal year 1963.

3. The number of persons authorized to conduct polygraph interviews is considered to be classified security information. Section 6 of Public Law 86-36 (50 U.S.C. 402 note) exempts the Agency from requirements to disclose the organization or any function of the Agency, any information with respect to its activities, or the names, titles, salaries, or numbers of persons employed by the Agency.

(a) The number of persons who have as their primary duty the conduct of polygraph interviews is considered to be classified security information and also falls within the exemptions cited above.

(b) The Agency's minimum qualifications for persons conducting interviews with the aid of a polygraph are: At least 25 years of age; a degree from an accredited college or 2 years of college plus 4 years of military or civilian experience as an investigator, interviewer, or employee in other allied fields which require meeting the public; satisfactory completion of a course in polygraph training at an accredited polygraph school; clear demonstration of traits of maturity, good judgment, tact, objectivity, and the ability to conduct an unbiased interview. The minimum grade level in this Agency for polygraph examiners is GS-11. GS-12 represents the journeyman level, and GS-13 the senior specialist level of polygraph examiner.

(c) The National Security Agency does not conduct its own basic training program in techniques of interview with the aid of a polygraph. However, each Agency employee who is to be utilized in the conduct of such interviews must satisfactorily complete a course in polygraph training at an accredited school and a 6-month period of on-the-job training. During this period the employee is critically observed and closely monitored by supervisors and is furnished appropriate guidance, direction, and assistance.

(d) During the fiscal year 1963 the National Security Agency utilized the instructional program at the National Training Center of Lie Detection, suite 404, 165 West 45th Street, New York, N.Y., and the Provost Marshal General School, Fort Gordon, Ga.

4. The information as to the number of polygraph equipments possessed by the National Security Agency is considered classified security information and was covered by the exemption cited in response to question 3, above.

(a) The cost of acquisition of these equipments is considered classified security information.

(b) Minor cleaning, adjusting, and repairs of instruments are performed by personnel of the National Security Agency. Instruments requiring major repairs are returned to the manufacturer for that purpose.

(c) The National Security Agency does not lease polygraph instruments nor does it contract other private or public agencies to conduct interviews with the aid of a polygraph.

(d) The information regarding the expenses attributed to testing is considered classified security information.

5. The National Security Agency has an extensive program of controls with respect to the utilization of the polygraph in connection with security interviews, including policy statements, regulations, and operating procedures. These documents are classified in accordance with established security requirements for defense information which must be protected in the interest of national security.

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REPLY FROM THE DISTRICT OF COLUMBIA

BOARD OF COMMISSIONERS,  
DISTRICT OF COLUMBIA,  
Washington, D.C., July 19, 1963.

Mr. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee of the Committee on Government Operations, House Office Building.*

DEAR MR. MOSS: This is in reply to your letter of June 11, 1963, in which you requested information on the use of polygraphs in the District government.

The only agency in the District government using polygraphs is the Metropolitan Police Department. A copy of Chief Murray's replies to your questionnaire is enclosed for your information and disposition.

Sincerely yours,

WALTER N. TOBRINER, *President.*

METROPOLITAN POLICE DEPARTMENT,  
*July 10, 1963.*

Mr. CLIFFORD K. DODD,  
*Personnel Office.*

DEAR MR. DODD: In compliance with your request of June 24, 1963, relative to the use of the polygraph by this Department, the following information is supplied, being keyed to questions in the subcommittee questionnaire.

1. Yes. Use limited to certain qualified criminal cases.  
2. The polygraph is used by this Department as an investigative aid in the criminal cases reported to the Department. It is never used as a substitute for a thorough and complete investigation.

(a) The primary purpose is as an investigative aid in criminal cases. It is not used for job screening, as a prerequisite for job employment or security clearance processing. It has also been used in a few instances where members of the Department have been suspected of improper conduct that could in itself be a criminal violation.

(b) No.

(c) The weight given to the results of such tests varies from case to case, depending on the reason for the giving of such an examination in any criminal case. As to refusal to take such an examination, all persons are fully advised of their right of refusal and any refusal can be given no weight as to guilt or innocence. The testing requires cooperation by the subject and a form indicating voluntary taking of the test and prior advice regarding refusal, is used. Such tests supplement other investigative procedures.

(d) The individual polygraph examiner reviews the facts of each criminal case with the investigator who makes a request and determines if the need for such an examination is present. All requests for examinations and polygraph examinations are controlled by and subject to review by the Chief of Detectives.

(e) Yes.

(f) Results of each examination are given to the investigating officer who made the request for the test. All charts and other data are kept on file in the polygraph section, separate and apart from any other records in the Police Department.

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(g) Yes.

(h) The right of "administrative" appeal does not apply in the use made by this Department, since all criminal cases must ultimately be presented to a court of law and the results of polygraph examinations are not admissible in these courts.

(i) Access to all polygraph data is restricted to authorized persons only. No classification as such is attached to this data. Existing laws and departmental regulations govern the actions of officers (all polygraph examiners are police officers) as to discussing any case currently under investigation, or prior to its presentment in a court of law.

(j) Members of the Department are not requested to submit to a polygraph examination, unless a criminal violation or a serious breach of conduct has occurred, and then only after a thorough investigation has been made and the need for a polygraph examination has been determined by an official of such rank as designated by the Chief of Police to conduct the investigation. Departmental regulations require members to obey the order of a superior officer and it is possible that an officer could be cited for refusal of an order to submit to an examination.

(k) The giving of a polygraph examination has, as a basic premise, that it be conducted under controlled conditions. This means sound-proofed rooms and complete privacy. This Department has such a room, sound proofed, air conditioned, and with a rug on the floor to further reduce noise. The room is equipped with microphones and a two-way mirror to an adjacent observation room. This permits observation by sight and hearing and is particularly appropriate in any examination given to a female witness.

(l) 350 examinations.

(m) None.

3. Lieutenant, general assignment squad, \$9,475; detective sergeant, narcotic squad, \$9,390; detective sergeant, safe squad, \$8,790; detective, homicide squad, \$7,590; detective, check and fraud squad, \$7,590; detective, general assignment squad, \$7,590.

(a) All polygraph examiners are assigned to detective division squads and their primary duty is that of every other member of that squad. Their giving of polygraph examinations is in addition to their other duties. They are not given any additional compensation for their polygraph examinations, many of which are given on the officer's own or off-duty time.

(b) All examiners must be police officers of this Department. All must be experienced investigators. The Chief of Detectives selects applicants based upon their ability as investigators, education, character, understanding of human relations, and after successful completion of a recognized course in polygraph training they are authorized to conduct examinations.

(c) This Department does not train any polygraph examiners.

(d) This Department has sent all of the past and current examiners to the Provost Marshal General's School at Fort Gordon, Ga. This course runs for 9 weeks, and covers not only the fundamentals of the instrument, but such related subjects as physiology and psychology.

4. This Department owns two desk model Stoelting "Deceptograph" polygraph instruments, and one portable Stoelting "Deceptograph" polygraph. All three of these instruments have a minimum of three components, and are true polygraphs.

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(a) The portable instrument was purchased in 1951 at an approximate cost of \$500. Each of the desk models cost \$1,300 each and are 2 and 3 years old, respectively.

(b) In 10 years, approximately \$100 has been expended for the maintenance of these instruments, or about \$10 per year. All maintenance is performed by the examiners, who are trained in instrument repair.

(c) Not applicable.

(d) The only other cost necessary for the operation of the polygraphs is the purchase of the chart paper used, which amounts to about \$50 per year.

5. As previously indicated, use of the polygraph by the Metropolitan Police Department is as an investigative aid in criminal investigations and no administrative orders or intra-agency directives have been issued relating specifically to use of these instruments. Investigations are conducted in compliance with general rules and regulations of the Department and in accordance with procedures acceptable in our courts.

Trusting this will be satisfactory for your purpose, I am,

Very truly yours,

ROBERT V. MURRAY, *Chief of Police.*

REPLY FROM THE GENERAL SERVICES ADMINISTRATION

GENERAL SERVICES ADMINISTRATION,  
*Washington, D.C., July 22, 1963.*

Hon. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives.*

DEAR MR. MOSS: Further reference is made to your letter of June 11, 1963, concerning the use of polygraphs or other so-called lie detecting devices by General Services Administration. The information and data requested have been assembled in the attached memorandum report, which conforms to the format of the two-page questionnaire which accompanied your letter.

The memorandum report indicates that GSA has only one polygraph in its possession. This machine, which was recently acquired as excess property, is not in working condition and has never been used by GSA. Details regarding it are furnished in the memorandum report under paragraph 4.

There are no GSA employees authorized to conduct polygraph or similar tests. Polygraphs are not used in connection with employment interviews. The personnel files do not contain any data derived from such tests, or record the refusal of an employee to take such a test.

The Compliance Division, Office of Finance and Administration, is the only segment of GSA which has requested other agencies to conduct polygraph tests. Such requests were made on 10 occasions during fiscal year 1963 incident to investigations of alleged misconduct by GSA employees. On one occasion, prior to fiscal year 1963, a polygraph test was requested in connection with a security

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clearance processing. All data resulting from polygraph tests remain in the possession of the Compliance Division.

I trust the information in the memorandum report may be helpful to you.

Sincerely yours,

BERNARD L. BOUTIN, *Administrator.*

MEMORANDUM REPORT

1. The Compliance Division, Office of Finance and Administration, is the only segment of General Services Administration which possesses or makes use of polygraphs or other so-called lie detection devices. The only polygraph in the possession of the Compliance Division is one which was acquired recently after being declared excess by another Government agency. Further details regarding this machine appear under paragraph 4 below.

The Compliance Division has, on a few occasions, requested other agencies to conduct polygraph tests. These are the only requests of this nature which have emanated from GSA.

2. As GSA, except for the Compliance Division, does not possess nor make use of polygraph or other so-called lie detection devices, no general procedures have been established. The Compliance Division regards the polygraph test as one of many investigative techniques. The procedures of the Compliance Division are outlined in detail below in the answers to specific questions.

(a) Polygraph tests are not used in connection with employment interviews.

On only one occasion has a polygraph test been used during a security clearance processing.

Polygraph tests have been used during investigations of alleged improper conduct by GSA employees on infrequent occasions.

(b) Polygraph tests are very seldom used for any purpose. There are no occasions when the use of a polygraph is mandatory.

(c) No weight is given the data resulting from a polygraph test unless there is a subsequent admission from the person taking the test.

(d) The initial determination to request a polygraph test is made by the special agent in charge of a Compliance Division regional office, subject to review by the Director of the Compliance Division.

A request incident to a security clearance processing may be initiated by a security specialist subject to review by the GSA security officer.

(e) The physical and mental condition of a person is always considered prior to requesting the individual to voluntarily take a polygraph test.

(f) The data derived from polygraph tests is always retained in the files of the Compliance Division. It is never placed in any employee's personnel file.

(g) The persons who have taken polygraph tests are informed orally of the results during subsequent interviews.

(h) Employees always have their administrative right of appeal in cases of adverse findings.

(i) The data resulting from polygraph tests is not given a security classification but is considered administratively confidential.

(j) Refusal to take a polygraph test is never reflected in any way whatsoever in an individual's personnel record.



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(k) GSA maintains no special facilities for polygraph tests.

(l) No polygraph tests or examinations involving similar devices were conducted by GSA in fiscal year 1963.

(m) On 10 occasions during fiscal year 1963, the Compliance Division requested other agencies to conduct polygraph tests in connection with investigations of alleged misconduct by GSA employees.

3. There are no GSA employees authorized to conduct polygraph or similar tests.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

4. The one polygraph in the possession of the Compliance Division was declared excess by another Government agency and has not been in working condition since it was acquired. It is being examined to determine if it can be repaired. The machine, if repaired, will be available for the use of qualified personnel of other agencies who may conduct tests at the request of the Compliance Division. Some may prefer, of course, to use their own equipment.

No attempt will be made to qualify GSA personnel to conduct polygraph tests. The expense involved would not be justified by the few occasions such tests are required. The cooperation received from other agencies is very satisfactory.

(a) GSA acquired the one polygraph in its possession after it was declared excess by another Government agency. The transfer papers indicate the original acquisition cost was \$1,170.

(b) The above polygraph was acquired on March 28, 1963, and is being examined to see if it can be repaired.

(c) GSA does not lease polygraphs nor contract for other agencies to perform polygraph tests.

On the few occasions when the Compliance Division requested polygraph tests they were performed gratis by local law enforcement agencies, investigative units of the armed services and other Government agencies.

(d) No expenses are attributable to polygraph tests requested by GSA. No travel expenses have been involved in the tests requested to date.

5. No intraagency directives, administrative orders, rules, regulations, and/or instructions governing the use of polygraphs or similar devices have been issued by GSA.

The personnel of the Compliance Division have been orally instructed to contact the Director of the Compliance Division before requesting a polygraph test. All facets of the individual case being investigated are thoroughly discussed and appropriate instructions are then issued by the Director. The use of polygraphs has been discussed at conferences of the special agents in charge.

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REPLY FROM THE DEPARTMENT OF HEALTH,  
EDUCATION AND WELFARE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
*Washington, D.C., July 26, 1963.*

Hon. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your letter of June 11, 1963, concerning the use of polygraphs or other so-called lie detection devices.

The Department of Health, Education, and Welfare does not use polygraphs or similar instruments which may serve as lie detectors for any administrative purpose such as employment interviews, security or misconduct investigations, etc. Lie detector tests are never given to employees or prospective employees. We have therefore not completed the detailed questionnaire attached to your letter since we do not carry on activities of the kind contemplated.

The function of lie detection is only one specialized use to which polygraphs or similar instruments which record certain physiological processes such as pulse rate, respiration rate, blood pressure and so on may be put. Instruments of this kind have a more generalized use in experimental medicine. Three units in the Department: the National Institutes of Health; St. Elizabeths Hospital; and the Public Health Service Hospital at Fort Worth, Tex., have polygraphs or related instruments. These instruments are used most frequently on animals undergoing experiment. They are also used on human beings to record the physiological reactions of patients under anesthesia, and in some cases in connection with patients with mental or neurological disorders who are under study. They are never used as lie detectors. In every case whether involving animals or humans the use of the instrument is directed by physicians or professional psychologists.

The Department owns a total of eight polygraphs which are used for the purposes stated above. They were acquired at a total cost of approximately \$20,000. In addition, we own nine instruments called oscillographs which can be used for the same purposes as polygraphs.

The total acquisition cost of these instruments was approximately \$27,000. Routine maintenance of these instruments is usually done by the staff of the laboratory in which they are used. Costs for outside servicing have been minimal.

Please let me know if there is any additional information which you need.

Sincerely,

ANTHONY J. CELEBRIZZE, *Secretary.*

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REPLY FROM THE DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,  
Washington, D.C., July 8, 1963.

Hon. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Subcommittee of the  
Committee on Government Operations.*

DEAR MR. MOSS: This is in response to your letter of June 11, 1963, requesting information concerning the use of polygraphs or other lie detection devices in the Department of the Interior.

The U.S. Park Police of the National Park Service is the only agency in this Department which makes use of polygraph tests and then only on a very limited basis. These tests are conducted by other Government agencies at the specific request of the U.S. Park Police in each instance.

Enclosed, in the format of the questionnaire transmitted with your letter, is our report describing in detail the usage made of polygraph tests in the Department of the Interior.

Sincerely yours,

D. OTIS BEASLEY,  
*Administrative Assistant Secretary.*

QUESTIONNAIRE ON POLYGRAPH USAGE

1. The U.S. Park Police does not possess any polygraph or other lie-detection devices. They do occasionally request polygraph tests through other agencies who have such equipment.

2. Requests to have polygraph tests made received from members of the force are submitted to the Chief of U.S. Park Police. If the Chief approves the request, arrangements are made by the U.S. Park Police with other Government or enforcement agencies to conduct such tests. Tests conducted for U.S. Park Police are made in accordance with the regulations of the cooperating agency who conducts the test.

(a) Polygraph tests are sometimes requested in connection with investigation of criminal offenses and occasionally for investigation of serious personnel complaints.

(b) These devices are not used in every instance listed in question (a). Polygraph tests are seldom used by Park Police, and they are used only with consent of the person to be tested.

(c) Polygraph tests are used to corroborate statements made in previous interrogation. Results of the tests are never used as evidence in court. Refusal to take such tests is not constructed to be an indication of guilt.

(d) The initial determination to request a polygraph test is made by the officer conducting an investigation. The request must be submitted to the Chief of U.S. Park Police for approval.

(e) The physical and mental condition of each person to be tested is considered. Requests for tests of persons obviously not in good physical or mental condition would not be made. Final determination as to suitability of the person's condition to undergo polygraph testing would be made by the expert administering the test under rules of his agency.

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(f) Data derived pertaining to a criminal offense is filed in the criminal case folder. Data pertaining to investigation of a member's conduct is filed in the affected member's personnel folder, or separately, if deemed appropriate.

(g) Findings of such tests are made available to individuals who take such tests.

(h) The right of appeal would be honored in the case of adverse findings upon request.

(i) Access to such data is restricted. Such information could be obtained only by duly authorized agency requesting such, by going through proper legal procedure. Such information included in personnel files is restricted to officials authorized to inspect such files.

(j) The fact would be noted in investigative reports pertaining to the incident.

(k) The U.S. Park Police have no facilities nor equipment for conducting such tests.

(l) No polygraph tests were conducted by the U.S. Park Police in fiscal 1963.

(m) One test in connection with a criminal case was conducted by another Government agency not affiliated with the Department of Interior—at the request of the U.S. Park Police during fiscal 1963.

3. Question No. 3 and subparagraphs (a), (b), (c), (d), do not apply to the U.S. Park Police personnel. The force has no polygraph equipment nor operators.

4. No polygraphs or other so-called lie detector devices are possessed by the U.S. Park Police.

(a) This paragraph does not apply.

(b) This paragraph does not apply.

(c) The U.S. Park Police do not lease or contract with either public or private agencies for the performance of such tests. Such tests are made upon request as a cooperative service by other Government agencies. No costs are incurred.

(d) No expenses are incurred by the U.S. Park Police in the conducting of polygraph or lie-detection tests.

5. The Department of the Interior has no internal directives, regulations, or instructions governing the use of polygraph devices. The Park Police operate under standing verbal orders to clear requests for polygraph tests with the Chief of the Park Police Force.

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REPLY FROM THE DEPARTMENT OF JUSTICE: FEDERAL  
BUREAU OF INVESTIGATION

DEPARTMENT OF JUSTICE,  
Washington, D.C., July 16, 1963.

Hon. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee,  
Committee on Government Operations, House of Representatives.*

DEAR MR. CHAIRMAN: This refers to your letter of June 11, 1963, addressed to the Attorney General, requesting information on the use of polygraph equipment in the Department of Justice.

USE OF POLYGRAPHS BY THE FEDERAL GOVERNMENT 89

This is to advise you that the only branch of the Department which owns or uses polygraph machines is the Federal Bureau of Investigation. The Director of that Bureau has advised me that he has been in communication with your subcommittee and has furnished information concerning the FBI's use of the polygraph.

Sincerely,

S. A. ANDRETTA,  
*Administrative Assistant Attorney General.*

FEDERAL BUREAU OF INVESTIGATION,  
*Washington, D.C., July 22, 1963.*

1. Does your agency possess or make use of polygraphs or other so-called lie-detection devices? (If major subordinate organizations within your agency engage in such activity, please list all those organizations.)

Yes.

2. Briefly explain your agency's general procedures governing the use of such devices and answer the following specific questions. (Please explain procedures and indicate if they are covered by regulation in connection with each question. If more than one major subordinate organization within the agency is affected, provide separate responses for each.)

(a) For what specific purposes are these devices used? (i.e., employment interviews, security-clearance processing, suspected improper conduct of duties, or other purposes.)

The FBI uses the polygraph as an investigative aid in carefully selected cases involving criminal and security violations in which the FBI has primary jurisdiction. All persons interviewed with the polygraph sign voluntary waivers indicating their willingness to be interviewed with this device. The FBI does not use the polygraph in interviewing job applicants or general personnel screening.

(b) Are the devices used in every instance involving those purposes listed in answer to question (a)?

No; only selected cases. During fiscal year 1962 the FBI handled 637,090 investigative matters. Polygraph technique was utilized in 912 investigative matters. Therefore, use of the polygraph is 0.14 percent of total investigative matters.

(c) What weight is given the data resulting from tests by these devices, or refusals to take such tests, in relation to other types of investigative information?

The FBI's official position with regard to polygraph results is that although the polygraph is often referred to as a "lie detector," it is not in fact such a device. The instrument is designed to record under proper stimuli emotional responses which may indicate and accompany deception. It must be clearly understood that emotional disturbances observed during a polygraph test can and may be prompted by anger, fear, violent dislike, et cetera. The polygraph operator must be extremely skilled, conservative, and objective. The FBI feels that the polygraph technique is not sufficiently precise to permit absolute judgments of guilt or nonguilt without qualifications. The polygraph is used as an investigative aid and the results must be considered within the context of a complete investigation. The polygraph can be helpful to implement an interrogation and provide investigative

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direction but it must not be relied on solely or used as a substitute for logical investigation.

(d) Who makes the initial determination to use such devices, and is this initial determination subject to review by higher authority in each case?

Requests to use the polygraph originate from the special agent in charge of the field division where the subject resides. These cases are reviewed and passed on by the assistant director level at the seat of government and reviewed at assistant to director level.

(e) Is the physical and mental condition of each person to be tested considered to determine suitability to take such a test?

Yes.

(f) What disposition is made of data derived from such tests given to persons connected with your agency (i.e., retained in affected individuals' personnel files, retained separately, etc.)?

As pointed out above, the polygraph is not used for personnel screening.

(g) Are the findings of such tests made available to the individuals who take the tests?

No.

(h) Is there a right of appeal in cases of adverse findings?

Not applicable since the polygraph is not used for personnel screening.

(i) Is access to such data restricted and, if so, what classification or other designation is applied to the data?

Polygraph data is maintained in substantive investigative casefiles and, therefore, is of a confidential character under departmental order 260-62 dated January 19, 1962 (previously DO 3229).

(j) If a person connected with your agency refuses to take such a test, is that refusal reflected in any way whatsoever in the individual's personnel records?

As indicated above the polygraph is not used for applicant and general personnel screening.

(k) Does your agency maintain special facilities, such as specially designed rooms, for the performance of such tests? Briefly describe such facilities and how they are equipped. Furnish photographs, if available.

No.

(l) How many polygraph tests or examinations involving similar devices were conducted by your agency in fiscal 1963?

During fiscal year 1963, the Bureau utilized the polygraph technique in 1,030 investigative matters and examined 2,314 individuals (June 1963 estimated).

(m) How many such tests were conducted by other agencies, public or private, at the request of your agency during fiscal 1963?

None.

3. Please enumerate, by job title and grade, all employees of your agency who are authorized to conduct polygraph or similar tests and list their salary costs for fiscal 1963. In addition, please answer the following:

During fiscal year 1963 the Federal Bureau of Investigation had 46 trained polygraph operators, but only 40 actually conducted polygraph examinations. Only a portion of the time of the 40 who actually conducted polygraph examinations was spent on this work, at an

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estimated cost of \$37,000, or 6 percent of the total annual salary cost of the 46 trained operators.

(a) How many of these persons have, as their primary duty, the conducting of such tests?

None.

(b) What are the minimum qualifications required of those persons within your agency authorized to conduct such tests?

(1) Age. No minimum age for polygraph examiners has been set; however, all examiners must be special agents. Minimum age for special agents is 23 years. In actuality the minimum age of agents trained has been 30 years.

(2) Education: All special agent examiners have a minimum of a 4-year resident college degree and many have advanced degrees.

(3) Grade or rank: Special agent.

(4) Years of investigative experience: No minimum years of investigative experience has been set; however, in actuality the minimum experience has been 5 years. Most examiners had at least 10 years investigative experience prior to polygraph training.

(5) Agency check or character investigation required: Yes.

(6) Type of special polygraph training: Internal training course and advanced training seminars.

(7) Other requirements: All candidates for polygraph training have to be recommended by their field special agent in charge and must have demonstrated excellent interrogation ability.

(c) Describe any training program your agency provides to train its own employees, or employees of other Federal agencies, in conducting such tests.

The initial training is given by our own agency and lasts approximately 2 weeks following which the examiners undergo on-the-job training for approximately 1 year under close supervision of the seat of Government during which time each of their examinations is reviewed by a qualified supervisor. The polygraph serves as a supplemental tool to assist the already high interrogation skill of our examiners.

(d) Does your agency send employees to outside agencies or schools, public or private, for training in such testing? If so, please provide the name and address of the training facility.

No.

4. How many polygraphs and other so-called lie detection devices are the property of your agency?

The FBI presently has 48 polygraph instruments, 8 of which represent experimental, research, and training equipment.

(a) Please list the total acquisition cost of all such devices.

Total acquisition cost of all instruments is approximately \$38,426.50.

(b) Please estimate the total annual maintenance costs of such devices and indicate whether maintenance is performed by agency personnel or by outside sources.

Estimated annual maintenance cost: \$125. Maintenance performed by own personnel.

(c) If your agency leases such devices, or contracts with other public or private agencies to perform such tests, please provide the total costs for such activity during fiscal 1963.

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The FBI does not lease polygraphs or contract with other public or private agencies to perform such tests.

(d) Please estimate all additional expenses attributable to such testing, such as travel expenses for examiners to and from location of tests, internal and external training programs, and all other costs.

For the selected agents this training is part of regular agent refresher courses. Since their polygraph assignments are incidental to their other duties as special agents, no cost breakdown is maintained.

5. Please provide two copies each of all intra-agency directives, administrative orders, rules, regulations, and/or instructions governing the use of such devices within your agency.

Set forth below, which for the most part has been furnished in our reply to the above questions, is a summary of instructions governing use of the polygraph within the FBI.

Lie detectors are instruments for recording physiological changes such as blood pressure, pulse, respiratory, and electrodermal responses.

Conclusion from polygraph test are not admissible as evidence; statements made while polygraph utilized are admissible evidence.

Polygraphs and agents trained as examiners are located in key offices.

Polygraph used in selected cases consistent with investigative requirements.

Headquarters must authorize polygraph use in every instance.

All persons interviewed with polygraph must give voluntary written consent.

FBI will not authorize polygraph use by outside agency in Bureau case or make available Bureau polygraph to outside agency.

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REPLY FROM THE NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,  
*Washington, D.C., July 26, 1963.*

HON. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Sub-  
committee, Committee on Government Operations, House of  
Representatives.*

DEAR MR. CHAIRMAN: This is in further reply to your letter of June 11, 1963, concerning the study the subcommittee is making on the use of polygraphs by Federal agencies and enclosing a questionnaire on polygraph usage.

We have had a thorough investigation of this matter made at headquarters and field installations of the National Aeronautics and Space Administration. I am advised that the answers to your questions are as follows:

Question 1. Does your agency possess or make use of polygraphs or other so-called lie detection devices? (If major subordinate organizations within your agency engage in such activity, please list all those organizations.)

Answer. The National Aeronautics and Space Administration does not possess polygraph or other so-called lie detection devices. Since its creation in 1958, NASA has utilized polygraph examinations on two occasions. On one occasion, the NASA-Flight Research



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Center used the polygraph services supplied by a private firm. On the other occasion, NASA Headquarters utilized the polygraph services of another Government agency.

Question 2. Briefly explain your agency's general procedures governing the use of such devices and answer the following specific questions. (Please explain procedures and indicate if they are covered by regulation in connection with each question. If more than one major subordinate organization within the agency is affected, provide separate responses for each.)

Answer. Use of the polygraph by the NASA-Flight Research Center in 1961 was without prior headquarters knowledge or approval. It resulted in oral instructions to security personnel in all NASA installations, requiring that future use of the polygraph must be justified to, and approved by, NASA Headquarters. In practice, the Director of Security or the Director of Inspections is authorized to disapprove the use of such devices, or to forward the recommendation to use the device to the Director of Administration or higher headquarters authority for final determination. No regulations have been issued in this area.

Question (a). For what specific purposes are these devices used? (i.e., employment interviews, security clearance processing, suspected improper conduct of duties, or other purposes.)

Answer. The device has been used, as an investigative aid only, in one case involving suspected intentional damage to Government property at the Flight Research Center, and in another case at NASA Headquarters involving suspected theft by NASA employees.

Question (b). Are the devices used in every instance involving those purposes listed in answer to question a?

Answer. No. Only two cases in the history of NASA.

Question. (c) What weight is given the data resulting from tests by these devices, or refusals to take such tests, in relation to other types of investigative information?

Answer. Neither the data resulting from polygraph examinations, nor refusal to take such examinations, constitute bases for management actions. Polygraph data are utilized for formulating additional investigative coverage.

Question. (d) Who makes the initial determination to use such devices, and is this initial determination subject to review by higher authority in each case?

Answer. Security officers or inspectors to their division directors, and upon the director's concurrence the recommendation is made to the Director of Administration or higher headquarters authority for final determination.

Question. (e) Is the physical and mental condition of each person to be tested considered to determine suitability to take such a test?

Answer. Yes.

Question. (f) What disposition is made of data derived from such tests given to persons connected with your agency (i.e., retained in affected individuals' personnel files, retained separately, etc.)?

Answer. Original test data and the examiner's report, supplied by a private firm, are maintained in the NASA investigative files. Original data derived from tests given by another Government agency are retained by that agency. Copies of the examiner's reports are maintained in the NASA investigative files.

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Question (g). Are the findings of such tests made available to the individuals who take the tests?

Answer. Original test data and the examiner's report are not made available to the individual who takes the test. The results of the test are discussed with the individual by the examiner and, on occasion, by NASA investigative personnel.

Question (h). Is there a right of appeal in cases of adverse findings?

Answer. Examiners' reports reflecting adverse findings as a result of polygraph examinations do not constitute the basis for adverse management actions. The findings have been utilized only as one of several investigative tools in conducting investigations.

Question (i). Is access to such data restricted and, if so, what classification or other designation is applied to the data?

Answer. Access to such data, and to reports derived therefrom, is severely limited on a strict "need to know" basis, to appropriate security, investigative, and management officials. No security classification is assigned unless the information revealed warrants security classification under the standards of Executive Order 10501, as amended, which was not the case in the examinations referred to above.

Question (j). If a person connected with your agency refuses to take such a test, is that refusal reflected in any way whatsoever in the individual's personnel records?

Answer. No, it would not be.

Questions (k). Does your agency maintain special facilities, such as specially designed rooms, for the performance of such tests? Briefly describe such facilities and how they are equipped. Furnish photographs, if available.

Answer. No such special facilities are maintained.

Question (l). How many polygraph tests or examinations involving similar devices were conducted by your agency in fiscal 1963?

Answer. None.

Question (m). How many such tests were conducted by other agencies, public or private, at the request of your agency during fiscal 1963?

Answer. None.

Question 3. Please enumerate, by job title and grade, all employees of your agency who are authorized to conduct polygraph or similar tests and list their salary costs for fiscal 1963.

Answer. No NASA employees are authorized to conduct such tests. Accordingly, the remaining questions in this paragraph are not applicable.

Question 4. How many polygraphs and other so-called lie-detection devices are the property of your agency?

Answer. NASA does not possess polygraph or other so-called lie-detection devices, and has not leased or contracted with other public or private agencies to perform such tests during fiscal year 1963. Accordingly, the remaining questions in this paragraph are not applicable.

Question 5. Please provide two copies of all intra-agency directives, administrative orders, rules, regulations and/or instructions governing the use of such devices within your agency.

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Answer. No written regulations, directives, etc., have been issued. If we can be of further assistance to you, please let us know.

Sincerely yours,

JAMES E. WEBB, *Administrator.*

REPLY FROM THE POST OFFICE DEPARTMENT

OFFICE OF THE POSTMASTER GENERAL,  
*Washington, D.C., July 26, 1963.*

Hon. JOHN E. MOSS,  
*House of Representatives.*

DEAR CONGRESSMAN: Further reference is made to your letter of June 11 concerning the survey being conducted by the Foreign Operations and Government Information Subcommittee about the use of polygraphs by Federal agencies.

Attached are two copies of the list of questions received with your letter. An answer has been inserted after each question on the lists.

With kind regards.

Sincerely yours,

J. EDWARD DAY,  
*Postmaster General.*

QUESTIONNAIRE ON POLYGRAPH USAGE

1. Does your agency possess or make use of polygraphs or other so-called lie-detection devices? (If major subordinate organizations within your agency engage in such activity, please list all those organizations.)

The Postal Inspection Service is the only agency in the Post Office Department which uses lie detectors.

2. Briefly explain your agency's general procedures governing the use of such devices and answer the following specific questions. (Please explain procedures and indicate if they are covered by regulation in connection with each question. If more than one major subordinate organization within the agency is affected, provide separate responses for each.)

General procedures governing use of lie detectors are set forth in response to question No. 5.

(a) For what specific purposes are these devices used? (I.e., employment interviews, security clearance processing, suspected improper conduct of duties, or other purposes.)

Investigation of violations of postal laws.

(b) Are the devices used in every instance involving those purposes listed in answer to question (a)?

No, only as set forth in regulations (answer to question 5).

(c) What weight is given the data resulting from tests by these devices, or refusals to take such tests, in relation to other types of investigative information?

Refusal to take a test does not in itself carry any weight or become the basis for any recommendation. Where a test indicates guilt, the postal inspector will frequently be able to elicit an admission. In a substantial number of instances, tests confirm other investigative information.

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(d) Who makes the initial determination to use such devices, and is this initial determination subject to review by higher authority in each case?

Postal inspector charged with the investigation of the case, except that authority to give tests to postal employees must first be cleared with the postal inspector in charge, who is his immediate supervisor.

(e) Is the physical and mental condition of each person to be tested considered to determine suitability to take such a test?

Yes. Susceptibility tests are given to determine the mental suitability to take a lie-detector test.

(f) What disposition is made of data derived from such tests given to persons connected with your agency (i.e., retained in affected individuals' personnel files, retained separately, etc.)?

Results of any test given a postal employee are retained in the files of the case, which is treated as confidential.

(g) Are the findings of such tests made available to the individuals who take the tests?

Yes.

(h) Is there a right of appeal in cases of adverse findings?

Not applicable. No adverse action against a postal employee is based solely on the findings of a lie-detector test.

(i) Is access to such data restricted and, if so, what classification or other designation is applied to the data?

Results of tests are kept in the case files of the investigation which are treated as confidential.

(j) If a person connected with your agency refuses to take such a test, is that refusal reflected in any way whatsoever in the individual's personnel records?

A postal employee's refusal to take a test in connection with an investigation of a postal law violation would not be reflected in his personnel records.

(k) Does your agency maintain special facilities, such as specially designed rooms, for the performance of such tests? Briefly describe such facilities and how they are equipped. Furnish photographs, if available.

No.

(l) How many polygraph tests or examinations involving similar devices were conducted by your agency in fiscal 1963?

Three hundred and thirty-eight.

(m) How many such tests were conducted by other agencies, public or private, at the request of your agency during fiscal 1963?

One hundred and thirty-four.

3. Please enumerate, by job title and grade, all employees of your agency who are authorized to conduct polygraph or similar tests and list their salary costs for fiscal 1963.

In fiscal year 1963, the Director of the Bureau Identification Laboratory, who is in GS level 14 with a salary of \$14,120, 12 postal inspectors in PFS level 14 with salaries of \$13,545, 1 with a salary of \$13,190, 1 with \$12,125, and 1 in PFS level 16 with a salary of \$15,965 gave lie-detector tests as part of their regular duties. On an average less than 3 percent of their time was spent on such examinations.

In addition, please answer the following:

(a) How many of these persons have, as their primary duty, the conducting of such tests?

None.

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(b) What are the minimum qualifications required of those persons within your agency authorized to conduct such tests?

Under present procedures, a postal inspector must meet the following requirements before being considered as qualified to conduct polygraph tests:

(1) Experience and demonstrated ability in criminal investigation work.

(2) Completion of a formal course of training at a recognized school, such as the U.S. Provost Marshal General's School, Fort Gordon, Ga.

(c) Describe any training program your agency provides to train its own employees, or employees of other Federal agencies, in conducting such tests.

None.

(d) Does your agency send employees to outside agencies or schools, public or private, for training in such testing? If so, please provide the name and address of the training facility.

U.S. Army Military Police School, Fort Gordon, Ga.; National Training Center of Lie Detection, 165 West 46th Street, New York, N.Y.; Gormac, Pasadena, Calif.

4. How many polygraphs and other so-called lie-detection devices are the property of your agency?

Seventeen; however, 13 of these machines were acquired more than 10 years ago, and employ only a one-phase detection procedure, i.e., skin resistance. It is intended to dispose of these machines in the current fiscal year. Our program contemplates eventual use of six machines which would be three-phase instruments, measuring skin resistance, respiration patterns, and blood pressure.

(a) Please list the total acquisition cost of all such devices.

About \$5,500.

(b) Please estimate the total annual maintenance costs of such devices and indicate whether maintenance is performed by agency personnel or by outside sources.

About \$100 by outside sources.

(c) If your agency leases such devices, or contracts with other public or private agencies to perform such tests, please provide the total costs for such activity during fiscal 1963.

Not applicable.

(d) Please estimate all additional expenses attributable to such testing, such as travel expenses for examiners to and from location of tests, internal and external training programs, and all other costs.

About \$1,000.

5. Please provide two copies each of all intra-agency directives, administrative orders, rules, regulations and/or instructions governing the use of such devices within your agency.

The following instructions to postal inspectors govern the use of lie detectors:

"The major use of the lie detector should normally be in criminal cases of more than average importance where investigation is at a standstill because the inspector cannot prove a suspect guilty or eliminate him from suspicion even though he has exhausted all normal investigative techniques.

"The foregoing will also apply to cases involving postal employees; however, requests for such examinations will continue to be cleared

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through the inspector in charge, or in his absence, his deputy or assistant."

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REPLY FROM THE DEPARTMENT OF STATE

DEPARTMENT OF STATE,  
Washington, July 30, 1963.

HON. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee of the Committee on Government Operations, House of Representatives.*

DEAR MR. CHAIRMAN: I am again pleased to refer to your letter to the Secretary forwarded on June 11, 1963, and to which I made an interim reply on June 19, 1963. Since my last letter to you, a complete study has been made and the following data are offered in direct response to the questions of interest to your committee:

For your convenience we shall repeat the questions you proposed with a definitive answer to each.

QUESTIONNAIRE ON POLYGRAPH USAGE

Question 1. Does your agency possess or make use of polygraphs or other so-called lie detection devices? (If major subordinate organizations within your agency engage in such activity, please list all these organizations.)

Answer. The Department of State does not possess or maintain polygraph devices or other so-called lie detection devices. On rare occasions, and concerning incumbent employees only, polygraph facilities are employed on a consulting basis with other agencies of the executive branch. The Office of Security is the organization which handles these matters on behalf of the Department when necessary.

Question 2. Briefly explain your agency's general procedures governing the use of such devices and answer the following specific questions. (Please explain procedures and indicate if they are covered by regulation in connection with each question. If more than one major subordinate organization within the agency is affected, provide separate responses for each.)

Answer. When an investigation being processed by the Office of Security, Division of Investigations, reaches the point where resolution is not possible with normal investigative procedures the use of polygraph testing is considered. Initial consideration normally falls within the purview of a branch chief (GS-13) who discusses and reviews the full implications of the investigation concerned with the Chief, Division of Investigations (GS-15). If the Chief, Division of Investigations feels that the polygraph testing procedure is not advisable he may independently impose a negative decision. If the Division Chief has a positive reaction he takes the entire file which contains all investigative reports to the Deputy Assistant Secretary for Security and briefs that officer fully on the details at hand. The Deputy Assistant Secretary for Security may decide the next action independently on a positive or negative basis or, at his discretion, may take the matter to a higher echelon which would be the Deputy Under Secretary for Administration. When a positive decision is made the Deputy Assistant Secretary for Security, or his designee,

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reviews the need for polygraph testing with a substantive official of another executive agency and asks for the assistance of a qualified polygraph operator who will provide operational equipment owned and maintained by the consulting agency. When agreement on timing is established the proposed polygraph operator is briefed on the background of the investigative situation and concerning the individual involved. The briefing of the polygraph technician is normally done by the branch chief, Division of Investigations, who originally recommended the polygraph testing procedure, and who has personally directed or otherwise become acquainted with all other facets of the investigation. The final arrangements of timing for the tests are made at this time. The branch chief then obtains agreement of the person to be tested as to the time and date for the test. There are no written regulations pertaining to the procedure which has been described and the Office of Security is the only subordinate organization within the Department of State which is concerned with polygraph testing.

Question (a). For what specific purposes are these devices used? (i.e., employment interviews, security clearance processing, suspected improper conduct of duties, or other purposes).

Answer. Polygraph tests are conducted when incumbent employees are charged with or suspected of improper conduct which may be in violation of law or, more frequently, which may be in violation of regulations under the Foreign Service Act or civil service regulations. The polygraph procedure may also be employed when allegations are received which point to possible penetration or compromise of classified information by a foreign government through or concerning an individual incumbent.

Question (b). Are the devices used in every instance involving those purposes listed in answer to question (a)?

Answer. No.

Question (c). What weight is given the data resulting from tests by these devices, or refusals to take such tests, in relation to other types of investigative information?

Answer. The data obtained by polygraph testing, or an individual's refusal to take such a test, is weighed on an equitable basis in relation to all other investigative material in the possession of the Office of Security.

Question (d). Who makes the initial determination to use such devices, and is this initial determination subject to review by higher authority in each case?

Answer. An initial recommendation pertaining to the employment of a polygraph procedure is normally made by a branch chief functioning under the Chief, Division of Investigations, Office of Security. In each case where the recommendation is made, a referral is made to the Deputy Assistant Secretary for Security who may make a final determination or refer the matter to a higher echelon (Deputy Under Secretary level) if he deems such action to be necessary.

Question (e). Is the physical and mental condition of each person to be tested considered to determine suitability to take such a test?

Answer. Yes, if there is any question of a physiological or psychological problem a referral is made to the Department of State Medical Division or to other competent medical authority.

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Question (f). What disposition is made of data derived from such tests given to persons connected with your agency (i.e., retained in affected individuals' personnel files, retained separately, etc.)?

Answer. The test data are retained in a separate and restricted file within the Office of Security and are not included as a part of the affected individuals' personnel file.

Question (g). Are the findings of such tests made available to the individuals who take the tests?

Answer. There are no written reports concerning the findings made available to the tested individuals. The polygraph operators discuss test results with the affected individuals and inconsistencies would be discussed further with them by security officers who are processing the action concerned.

Question (h). Is there a right of appeal in cases of adverse findings?

Answer. Adverse findings are not made based solely upon a polygraph test. As indicated earlier in this report the testing procedure relates only to incumbent employees and, therefore, any action which a tested person might consider adverse and related to the polygraph procedure would be subject to appeal under civil service or Foreign Service regulations.

Question (i). Is access to such data restricted and, if so, what classification or other designation is applied to the data?

Answer. The access to such data are restricted within the Office of Security. If the data relates to morals information it is separately maintained in the secure files of the Chief, Special Investigations Branch, Division of Investigations, Office of Security. If a penetration or compromise type of case is involved that file is maintained in the secure files of the Chief, Special Assignments Branch, Division of Investigations, Office of Security. The minimum classification given to such material is the administrative control of "Limited Official Use." However, in the majority of cases handled material of defense classifications would be involved and the instant results of the polygraph testing therefore would most often range from "Confidential" through "Secret" classifications.

Question (j). If a person connected with your agency refused to take such a test, is that refusal reflected in any way whatsoever in the individual's personnel records?

Answer. The refusal to take a polygraph test is not in any way reflected in the individual's personnel file nor is the refusal to take a test noted in the personnel file of the individual concerned. The information is retained in the restricted security files as described in our answer to question (2i.)

It should be noted that a polygraph examination is not given to an incumbent employee unless he or she voluntarily agrees to submit. In each individual case, a signed and witnessed statement of voluntary agreement is obtained from the person to be examined. Two copies of that statement are attached as exhibit I for your examination.

Question (k). Does your agency maintain special facilities, such as specially designed rooms, for the performance of such tests? Briefly describe such facilities and how they are equipped. Furnish photographs, if available.

Answer. No special facilities are maintained within the Department of State for polygraph testing. A normally designed conference room



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within the Department of State is used for the polygraph testing procedure. We have no photographs available.

Question (l). How many polygraph tests or examinations involving similar devices were conducted by your agency in fiscal 1963?

Answer. During the fiscal year of 1963 a total of 17 tests were given which included 16 subjects, 1 testing procedure was done a second time. In each of these cases the tests were conducted on a consultant basis with other Federal agencies.

Question (m). How many such tests were conducted by other agencies, public or private, at the request of your agency during fiscal 1963?

Answer. All 17 listed in the foregoing question were conducted by other Federal agencies on a consultant basis.

Question 3. Please enumerate, by job title and grade, all employees of your agency who are authorized to conduct polygraph or similar tests and list their salary costs for fiscal 1963. In addition, please answer the following:

Answer. The Department of State does not employ persons who function as polygraph operators or as operators of any other "lie detection" device. This answer will automatically respond to questions a, b, c, and d.

Question 4. How many polygraphs and other so-called lie detection devices are the property of your agency?

Answer. None, which automatically answers questions a, b, and d.

Question (c). If your agency leases such devices or contracts with other public or private agencies to perform such tests, please provide the total costs for such activity during fiscal 1963.

Answer. There is no charge to the Department of State on the occasions that consulting services are done by other executive agencies on a favor basis.

Question 5. Please provide two copies each of all intra-agency directives, administrative orders, rules, regulations and/or instructions governing the use of such devices within your agency.

Answer. In that any polygraph testing done on a consulting basis has the individual approval and direction of the Deputy Assistant Secretary for Security relating to each case, the Officer of Security has not issued any broad directives in this regard. We do note, however, that under date of April 15, 1959, we did send an office letter instruction to our special agents in charge throughout the United States under the subject "Polygraph Examinations." We quote that instruction for you.

"Under certain circumstances incumbents of the Department are offered the opportunity to volunteer for a polygraph (lie detector) examination in cases where a question of sexual deviation develops. Such examinations are generally conducted under the supervision of the Special Investigations Branch of SY/I. Only in rare instances are such examinations administered outside the Department and then only with the specific concurrence, including approval of the facilities and operator to be utilized, of headquarters.

"Department policy precludes administering polygraph examinations to applicants for employment."

Please let me know if I may be of any further assistance to you.

Sincerely,

FREDERICK G. DUTTON,  
Assistant Secretary.

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DEPARTMENT OF STATE

OFFICE OF SECURITY

I, \_\_\_\_\_, an employee of \_\_\_\_\_, of my own free will and volition, without any duress, promises, or influence, hereby volunteer for a polygraph examination. The polygraph operation has been thoroughly explained to me. I have been informed that if I refuse to take a polygraph examination, this refusal would in no way be held against me nor would any opinions be formed with reference to my guilt or innocence in the current investigation by reason of such refusal. I have been informed also that the polygraph machine, more commonly known as a lie detector, is solely a scientific aid to determine scope of any further investigation that might be necessary, and that the results of the test are not considered as conclusive evidence either for or against me.

Signed: \_\_\_\_\_

Witness:  
\_\_\_\_\_  
\_\_\_\_\_

REPLY FROM THE TREASURY DEPARTMENT

TREASURY DEPARTMENT,  
Washington, July 31, 1963.

HON. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee, House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your letter of June 11, 1963, regarding the survey being undertaken in the use of polygraphs by Federal agencies by the Foreign Operations and Government Information Subcommittee.

Attached are the answers to the items in the questionnaire which you enclosed on this subject. These responses cover all subordinate organizations within the Department of the Treasury which possess or make use of polygraph or other so-called lie-detection devices.

Sincerely yours,

A. E. WEATHERBEE,  
*Administrative Assistant Secretary.*

U.S. COAST GUARD,  
July 19, 1963.

Memorandum to Administrative Assistant Secretary.

From: Commandant, U.S. Coast Guard.

Subject: Use of polygraphs by the Coast Guard.

In response to Administrative Bulletin No. 63-38 dated June 14, 1963, requesting information on the use of polygraphs, the following are answers to the questionnaire, numbered to conform with the questions:

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1. The Coast Guard possesses and utilizes polygraphs in nine intelligence offices located in Boston, New York, Norfolk, Miami, New Orleans, Cleveland, Los Angeles, Seattle, and Honolulu. Polygraph equipment of other agencies is utilized as circumstances warrant in five intelligence offices in St. Louis, San Francisco, Juneau, Baltimore, and Washington.

2. The polygraph is used as a scientific investigative aid. During an investigation if it appears that a polygraph examination will be useful and serve a definite purpose, the investigator discusses the possibility with the polygraph examiner and the intelligence officer. Should an examination be indicated, the subject is asked to consent to the examination and is advised of his constitutional rights.

(a) The polygraph is primarily used as an investigative aid, when indicated, in cases of suspected violations of the Uniform Code of Military Justice. On a few occasions it has been used on civilians who held merchant mariners documents who were primary suspects in shipboard misconduct.

(b) The polygraph is not used in every case above but only in cases where there is conflicting evidence, the subject requests an examination, or it appears that an examination would materially aid the investigation. The examination is then only given after the subject has been fully advised of his constitutional rights and has given his written consent.

(c) No weight is given directly to the polygraph examination. It is used as an investivative aid and gives direction to the investigation. For example, emphasis may be directed in one area of an investigation due primarily to the results of the examination. No weight is given a suspect's refusal to take an examination.

(d) The determination to conduct a polygraph examination for Coast Guard personnel rests with the Chief, Intelligence and Law Enforcement Branch in each office. The Chief, Operations Division, makes the determination when persons other than Coast Guard personnel are examined.

(e) The physical and mental condition of the subject is considered in every case to determine the suitability to take the test.

(f) The data derived from polygraph examination is incorporated into the report of investigation of the case.

(g) Generally, the individual who takes the polygraph examination is apprised of the results.

(h) Although the polygraph examination is used only as an investigative aid and precipitates no personnel action, the subject has the right of appeal in all cases.

(i) Results of polygraph examinations become part of a report of investigation which is generally marked "For Official Use Only." There are some cases where the report of investigation would be classified "Confidential" or "Secret" depending on the content of the remainder of the report.

(j) A person's refusal to take a polygraph examination is in no way reflected in his personnel records.

(k) Some units have specially equipped rooms and others use regular offices. In all cases where an examination is being administered only the examiner and the subject are present. The specially equipped rooms are usually about 8 by 8 feet and void of all trimmings except the polygraph equipment and chairs for the examiner and the subject. Photographs of a typical room are enclosed.

(l) During fiscal 1963, the Coast Guard conducted 161 polygraph examinations for its own use and 10 at the request of other agencies.

(m) The Coast Guard had 18 polygraph examinations conducted for it by other agencies during fiscal 1963.

3. The Coast Guard has 13 polygraph examiners; 1 pay grade, E-9, salary \$7,630; 3 pay grade, E-7, salary \$6,280; 7 pay grade, E-6, salary \$5,460; and 2 pay grade, E-5, salary \$4,760.

(a) Conducting polygraph examinations is a collateral duty for the 13 investigators trained for this duty. There are none with this as a primary duty.

(b) Polygraph examiners are required to be selected investigators who have first graduated from the Treasury Law Enforcement Institute and then successfully passed the course of instructions at an accredited polygraph training institution.

(c) The Coast Guard has no program to train its own personnel in the operation of polygraph equipment.

(d) Coast Guard investigators are trained in the operation at either the National Training Center of Lie Detection, 165 West 46th Street, New York, N.Y., or the U.S. Army Military Police School, Fort Gordon, Ga.

4. The Coast Guard owns nine polygraphs.

(a) The acquisition cost of the Coast Guard-owned polygraphs was \$1,350 each.

(b) The annual maintenance cost of these polygraphs averages about \$15 per year. The maintenance is performed by the manufacturer's representative.

(c) The Coast Guard does not lease polygraph equipment, nor does it contract with public or private agencies to perform polygraph tests.

(d) There are no expenses directly attributable to polygraph examinations since they are all conducted as a part of an investigation. Tuition at the National Training Center of Lie Detection is \$525. There is no cost to the Coast Guard for training at the Army school at Fort Gordon. This training is received on a space available basis only.

5. Enclosed are two copies of Commandant Instruction 5520.2 governing the use of polygraphs.

E. J. ROLAND,

U.S. COAST GUARD,  
April 17, 1961.

Commandant Instruction No. 5520.2

Subject: Polygraph machines, use and operation of.

Reference: (a) Allowance Instruction No. 37-59.

1. *Purpose.*—To promulgate the Commandant's policy with regard to the use and operation of the polygraph machine.

2. *Discussion.*—Reference (a) authorized procurement of the polygraph (commonly but erroneously called lie detector) machine by district intelligence and law enforcement offices. This authorization recognized the value of the polygraph as a scientific, diagnostic aid to interrogation. The polygraph machine is an electrical-mechanical device used to detect and record various physiological changes which are induced in an individual by his emotional responses to certain questions, these responses being involuntary for the most part,

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Through proper use of the polygraph machine the qualified examiner can diagnose truth or deception through his interpretation of the physiological changes recorded by the machine. The machine itself cannot "detect" a lie or the truth. The usefulness of the machine is proportionate to the capability of the operator in both organizing and conducting an interrogation as well as interpreting the readings of the machine. It is not possible to assign percentages of accuracy to the polygraph machine, since it is the sum of the training and experience of the operator that determines the degree of success of the examination. The possibilities for misuse of a machine such as the polygraph are obvious, particularly if the operator is lacking in basic integrity. Even without dishonest intent, there may be a human inclination to rely too heavily on the polygraph to "make" a case or to "prove" guilt since the use of the polygraph is frequently easier than the long, arduous, and often boring legwork connected with a thorough investigation. The reliable operator then must have the basic integrity to insure that the machine and the results of his examination are not misused with either an honest or dishonest intent. Therefore the controlling factors in the polygraph technique are the ability, training, experience and integrity of the operator and not the quality, make, size, or complexity of the machine. It is apparent that misuse of the machine, or unreliable determinations made by poorly qualified operators could justifiably lead to adverse criticism of the machine and its use.

3. *Competency of polygraph operators.*—Because the polygraph technique is a diagnostic technique rather than an exact science wherein "truth" or "deception" can be read directly from a scale, there has been and is some controversy among those who have studied, operated, researched, and built polygraph machines for many years, as to the best techniques to be used, when various techniques should be used, the amount and types of training required for operators, etc. There are no uniform standards or minimum requirements of training and experience for operators, which are accepted on a national or international level. Therefore it is not possible to set inflexible standards of competence for polygraph operators in this instruction. A study of the training available in the nationally recognized schools on the polygraph technique indicate that at least 150 to 250 hours of instruction are given in a variety of subjects which usually include the following:

- (a) Mechanics and operation of the polygraph machine.
- (b) Anatomy and physiology.
- (c) Psychiatry and psychology.
- (d) Specific study of the human circulatory, respiration, nervous and endocrine systems.
- (e) Formulation of questions.
- (f) Interrogation techniques.
- (g) Chart interpretation.
- (h) Abnormal reactions.
- (i) Pretest interviewing.
- (j) Practice and actual use of the polygraph under supervision of instructors.
- (k) Legal aspects of the polygraph.
- (l) Test forms.
- (m) Polygraph interrogation techniques.
- (n) Professional ethics.

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In addition, there is usually an arrangement whereby the student can obtain advice, instruction, or assistance in interpretation of the actual polygraph charts which he may run after leaving the school, and while obtaining his initial solo experience as a polygraph examiner. It is considered essential that Coast Guard personnel operating the polygraph machine receive actual instruction in the polygraph technique at least comparable to that set forth above. For this reason all courses for the training of polygraph operators must be approved by the Commandant before being utilized to train Coast Guard polygraph operators.

4. *Selection of polygraph operators.*—From paragraph 1 it is apparent that considerable thought and care must be used in the selection of polygraph operators. Either of the two following qualifications may provide a good basis for a competent polygraph operator—a good basic education (college level); or considerable experience in investigative and interrogation techniques. In addition to having at least one of the above attributes a Coast Guard polygraph operator should possess the following qualifications:

- (a) Be of unimpeachable integrity.
- (b) Have good basic intelligence.
- (c) Be mature and possessed of good judgment.
- (d) Have a minimum of 1 year of investigative experience.
- (e) Possess an (XI) designator if enlisted.
- (f) Be currently assigned to intelligence duty.

Waivers of one or more of the qualifications listed under (d), (e), and (f) may be granted in cases where adequate justification exists.

5. *The Polygraph machine.*—There are a number of different makes and models of polygraph machine available on the market. They vary from a simple galvanometer type which measures psychogalvanic skin reflex (electrodermal response) to a five-graph machine which records blood pressure, pulse rate, respiration, psychogalvanic skin reflex, and muscular activity. By far the most common machines in use are three-element machines which record blood pressure, respiration and psychogalvanic skin reflex. In order that there may be some degree of standardization, machines purchased and used by the Coast Guard should be of this three-element variety. Many operators differ in opinion on the usefulness of the recording of psychogalvanic skin reflex—some relying almost wholly on this element for their conclusions and others disregarding it entirely. In many cases this latter extreme approach seems to stem from a lack of understanding of the use of this element and a lack of the patience necessary to obtain a satisfactory recording. Most experienced polygraph operators agree that the recording of the psychogalvanic skin reflex is useful in arriving at their conclusions and particularly so on certain types of subjects. It is expected that Coast Guard polygraph operators will become familiar with and master the techniques necessary to utilize the psychogalvanic skin reflex recording element. There are numerous makes and models of the three-element machine. Among them are several which can be fitted into a desk for stationary use, or removed and easily carried and transported as a portable machine. This type machine appears to be the most satisfactory for general Coast Guard use but no restriction is placed on procurement of any conventional type of three-element machine which will best serve the office for which it is purchased.

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6. *Use in investigations—*

(a) The polygraph is not a substitute for other investigative techniques, nor should its use be substituted for a thorough investigation using the more conventional techniques. In most cases the use of the polygraph should follow the remainder of the investigation done on a particular case. In some instances where there are several suspects, the evidence or circumstances indicate that one or more is guilty, but the evidence points equally to all, the polygraph may be used to eliminate the innocent. Even in such a case the knowledge that the guilty party is one of a relatively small and definite group implies that a considerable amount of investigation has already been done. The use of the polygraph for mass screening of large numbers of personnel at a unit is not desirable from a morale standpoint and should not be done. This rule might of course be waived where "all" of the personnel consist of only a few men at a small unit, and it is reasonably certain from facts developed in the preliminary investigation that one must be guilty.

(b) It is essential that the polygraph operator be thoroughly briefed in all aspects of a case and that he have all available information on the subject at his disposal. The investigators assigned to the case must assist the operator in this regard.

(c) During the course of an investigation, an investigator should never, except under very unusual circumstances, ask a person if he is willing to take a polygraph examination until the matter has been first discussed with the polygraph operator to determine whether such an examination is practicable under the circumstances.

(d) No person may be required to submit to a polygraph examination and an investigator must make it clearly understood to the person involved that submission to polygraph examination is a purely voluntary procedure. Investigators must further be extremely careful not to draw conclusions from the refusal of a person to submit to a polygraph examination since in many cases such refusal may result from reasons having nothing to do with the guilt or innocence of the person.

(e) Whenever a person is offered the opportunity to take a polygraph examination during an investigation, this fact should be included in the investigative report together with a statement as to whether the person "agreed to" or "declined" the test. If he agreed, the results of the test should be set forth in the investigative report, or, if not set forth, the reason for the omission should be given. For instance, the results might be appropriately omitted if the operator decided that the test was inconclusive.

(f) The results of a polygraph examination are not acceptable as evidence in most court jurisdictions. In those jurisdictions where polygraph results are admitted, it is usually by prior stipulation between opposing counsel that such results will be accepted. Therefore where other tangible evidence does not exist, the use of the polygraph might be futile and its use best omitted, unless it is felt that additional facts will develop in the polygraph examination which will lead to further productive investigation.

(g) The use of the polygraph technique for what it is, a scientific aid to interrogation, is encouraged. However, in each individual case

the advisability of its use should be carefully considered. In making such determination the following questions should be considered:

- (1) Is the person being considered for polygraph examination probably an acceptable subject for the polygraph technique?
- (2) Is it probable that the polygraph examination will produce useful and/or usable results?
- (3) Is other evidence already available, or obtainable, to support the polygraph examination results?
- (4) Will the use of the polygraph in the particular case arouse an unacceptable amount of criticism from any source?

7. *Polygraph examination report.*—

(a) Coast Guard polygraph operators shall prepare a report over their own signature of each polygraph examination conducted. When the examination is conducted in connection with a Coast Guard intelligence investigation a signed copy of this report should be made an "exhibit" in the report of investigation to support and supplement the investigator's remarks as required by paragraph 6(e).

(b) The polygraph examination report prepared by the polygraph operator may be brief and should be placed on Coast Guard letterhead stationery or appropriate locally prepared forms. It should contain as a minimum the following information:

- (1) Time and date.
- (2) Place (including city, State, address and/or name of building).
- (3) Name and "agency represented" of person who requested that the examination be given.
- (4) A notation to the effect that the person being examined had signed a "voluntary consent" statement to take the examination.
- (5) A list of relevant questions asked during the examination and the subject's answers thereto.
- (6) The conclusions of the examiner as to the truthfulness of the answers.
- (7) Remarks describing briefly the circumstances of the case, conditions under which the examination was given, etc.

(c) Each district office which has a polygraph machine shall maintain a file of the above described reports for future reference. This file shall also contain "voluntary consent" statements signed by the subjects of the polygraph examinations, signed acknowledgements of warning under article 31 of the U.C.M.J., and other papers relating to the examination.

8. *Use of polygraph examination results.*—(a) The results of polygraph examinations are not admissible in evidence before military courts-martial. However, the U.S. Military Court of Appeals has ruled that a "convening authority" may utilize polygraph examination results in determining as a matter of discretion to set aside findings of "guilty"; but where the record of trial has generated a doubt in the mind of the "convening authority" as to a finding of "guilty," he may not use the results of a polygraph examination to support a determination to approve the doubtful findings.

9. *Use of "other agency" equipment.*—(a) In those areas where the investigative workload does not justify the procurement of Coast Guard polygraph equipment and the training of operators, arrangements may be made to utilize the polygraph equipment and operators



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of other Federal, State, or local law enforcement agencies. When outside equipment is utilized the same considerations should attend its use, as if it were Coast Guard equipment. The criteria of paragraph 6 should be applied and reasonable assurance obtained that the operator of the equipment is well qualified.

10. *Providing polygraph services to outside agencies.*—(a) Polygraph examinations may be conducted for other Federal, State, or local law enforcement agencies when requested. However, considerable care should be observed when providing assistance to State or local law enforcement officials, that the particular circumstances of the case will not invite criticism from the aspect of using military forces or equipment to enforce civil law.

11. *Action.*—

(a) All intelligence and law enforcement officers will insure that the guidelines and principles set forth in this instruction are observed in the operation of Coast Guard polygraph machines, and in the selection and qualification of Coast Guard polygraph operators.

(b) All intelligence investigative personnel shall become familiar with the contents of this instruction.

12. *Effective date.*—(a) This instruction is effective upon receipt.

J. A. KERRINS,  
*Chief, Office of Operations.*

THE INTERNAL REVENUE SERVICE

INSPECTION SERVICE OF THE INTERNAL REVENUE SERVICE

The questions presented in the questionnaire dated June 11, 1963, from the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations, are answered as follows:

Question 1. The Inspection Service does not possess any "lie detection" devices. They have been used on rare occasions at the request of the person being interrogated.

Question 2. Since 1956, the Inspection Service has exercised a strict centralized control over the authorization of the use of lie detector tests. The most recent national office issuance on this subject, which was directed to all technical personnel of the Internal Security Division, national office and field, on January 11, 1963, reads as follows:

"No inspector is to initiate discussion of polygraph examinations with the subject of the investigation. If the individual under investigation brings up this subject and requests a polygraph examination, it should be explained that he must submit a written request for such examination.

"If the subject submits a written request, it will be forwarded to the national office with a transmittal memorandum from the regional inspector containing the following information:

"(a) A brief summary of the facts in the case;

"(b) A statement of justification for the use of the polygraph;

"(c) Name of the agency whose polygraph facilities can be used;

and

"(d) The name and technical qualifications of the operator.

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"After review of the information submitted, the national office will make a decision to approve or disapprove the use of the polygraph."

Question 2(a). As indicated in the above quoted instructions, the lie detection devices are used only when requested by the individual. Such devices could be used in investigations involving security clearance processing or suspected improper conduct.

Question 2(b). No. Inspection has had fewer than 10 cases in the last 10 years in which lie detectors have been used.

Question 2(c). Data from polygraph tests is evaluated together with all other pertinent information. Where such a test is favorable to the subject, it might be given considerable weight. Where the test is unfavorable to the subject it would simply be considered with all other information, favorable and unfavorable, concerning the subject.

Since polygraph tests are given only if requested by the subject of the investigation, we do not have the situation where a subject refuses to take such a test.

Question 2(d). As indicated above, polygraph tests are used only at the request of the subject of the investigation and upon approval of the national office. The Assistant Commissioner (Inspection) makes determination as to whether the request by the subject for a polygraph test should be granted.

Question 2(e). Yes, always.

Question 2(f). Data derived from a polygraph test is incorporated into the investigative report on that case. After any necessary referral to the regional commissioner or other official responsible for administrative decision in the case, such report is returned to inspection and retained in its files.

Question 2(g). Yes.

Question 2(h). Yes.

Question 2(i). Data concerning polygraph tests or any other investigative data is restricted to Government officials or employees on a strict need-to-know basis only.

Question 2(j). See answer to question 2c.

Question 2(k). No.

Question 2(l). None.

Question 2(m). None.

Question 3. No inspection service employees are authorized to conduct such tests.

Question 4. None.

U.S. GOVERNMENT MEMORANDUM

JANUARY 11, 1963.

To: Regional inspectors and chiefs of national office internal security branches.

From: Office of Assistant Commissioner (Inspection) I.S. Instructional Memo 63-1.

Subject: Use of unusual investigative techniques and referral of cases to U.S. attorney.

The purpose of this memorandum is to establish uniform procedures to be followed in presenting cases to the U.S. attorney, in the use of lie detectors—polygraph machines—and in surveillances.

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1. No case will be presented to a U.S. attorney for prosecutive opinion without first clearing with the regional inspector or assistant regional inspector (I.S.).

2. No inspector is to initiate discussion of polygraph examinations with the subject of the investigation. If the individual under investigation brings up this subject and requests a polygraph examination, it should be explained that he must submit a written request for such examination.

3. If the subject submits a written request, it will be forwarded to the national office with a transmittal memorandum from the regional inspector containing the following information:

- (a) A brief summary of the facts in the case;
  - (b) A statement of justification for the use of the polygraph;
  - (c) Name of the agency whose polygraph facilities can be used;
- and
- (d) The name and technical qualifications of the operator.

After review of the information submitted, the national office will make a decision to approve or disapprove the use of the polygraph.

4. Physical surveillances of all types must be approved by the assistant regional inspector (I.S.) or group supervisor. Permissible technical surveillances must have the approval of the regional inspector.

W. A. KOLAR,  
*Director, Internal Security Division.*

BUREAU OF NARCOTICS

JULY 31, 1953.

To: A. E. Weatherbee, Administrative Assistant Secretary.  
From: George H. Gaffney, assistant to the Commissioner.  
Subject: Use of polygraphs by the Bureau of Narcotics.

In reply to Administrative Bulletin No. 63-38, the following are the answers to the questionnaire which was attached to the bulletin:

1. The Bureau of Narcotics does not own any polygraph devices although we occasionally make use of such devices.

2(a). The Bureau of Narcotics infrequently uses polygraphs in connection with its criminal investigation activities. It does not use them in connection with any employee actions.

(b) No.

(c) In view of the general inadmissibility of polygraph evidence in criminal courts, the question is not applicable.

(d) The initial determination is made by the investigating narcotic agent, subject to the review of the district supervisor.

(e) Yes.

(f) Normally the graphs are retained by the examiner. A brief memorandum regarding the results of the test may be filed in the case jacket.

(g) Normally, yes.

(h) Not applicable.

(i) The data is restricted on the same basis as a criminal jacket file.

(j) Not applicable.

(k) No.

(l) Not applicable.

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(m) Less than 20.

3. None.

4. None.

5. None.

GEORGE H. GAFFNEY.

U.S. SECRET SERVICE

JULY 16, 1963.

To: Mr. A. E. Weatherbee, Administrative Assistant Secretary.

From: James J. Rowley, Chief, U.S. Secret Service.

Subject: Use of polygraphs by Federal agencies.

The following report is submitted in accordance with the request in Administrative Bulletin No. 63-38 of June 14, 1963.

For purpose of clarity, the questions listed on the questionnaire of the subcommittee are repeated with answers immediately under each question.

1. Does your agency possess or make use of polygraphs or other so-called lie-detection devices? (If major subordinate organizations within your agency engage in such activity, please list all those organizations.)

Yes.

2. Briefly explain your agency's general procedures governing the use of such devices and answer the following specific questions. (Please explain procedures and indicate if they are covered by regulation in connection with each question. If more than one major subordinate organization within the agency is affected, provide separate responses for each.)

General procedure for use entirely related to investigative activities of the Secret Service. Considered a valuable aid to other techniques in seeking solutions to cases, with consent of person involved.

(a) For what specific purposes are these devices used? (i.e., employment interviews, security clearance processing, suspected improper conduct of duties, or other purposes.)

Secret Service uses polygraph only in criminal cases. On occasion, it is made available to other Federal agencies in cases of alleged or suspected improper conduct when the consent of the person is obtained.

(b) Are the devices used in every instance involving those purposes listed in answer to question (a)?

No, only in selected cases where the circumstances indicate it may be useful in finding the truth.

(c) What weight is given the data resulting from tests by these devices, or refusals to take such tests, in relation to other types of investigative information?

Results are considered with all other factors in a case. The device is considered an aid to the investigation, not an end in itself.

(d) Who makes the initial determination to use such devices, and is this initial determination subject to review by higher authority in each case?

The initial determination is always made by the special agent in charge of the office where the test is given. His determination is subject to review by Secret Service inspectors, Deputy Chief, Chief, or other staff members.

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(e) Is the physical and mental condition of each person to be tested considered to determine suitability to take such a test?

Physical and mental condition of each subject is always considered as both have an important bearing on the test.

(f) What disposition is made of data derived from such tests given to persons connected with your agency (i.e., retained in affected individuals' personnel files, retained separately, etc.)?

Tests are not given to persons connected with the Secret Service.

(g) Are the findings of such tests made available to the individuals who take the tests?

Yes.

(h) Is there a right of appeal in cases of adverse findings?

The opinion of the examiner is conclusive, but the subject always has the right to request another test by a different examiner or on a different machine.

(i) Is access to such data restricted and, if so, what classification or other designation is applied to the data?

Access is restricted in that Service files are not available to anyone except Secret Service employees, or by permission of them. Such data is not classified unless the case is classified.

(j) If a person connected with your agency refuses to take such a test, is that refusal reflected in any way whatsoever in the individual's personnel records?

No.

(k) Does your agency maintain special facilities, such as specially designed rooms, for the performance of such tests? Briefly describe such facilities and how they are equipped. Furnish photographs, if available.

Yes. A small room with sound absorbing walls is used since the nature of the test requires a quiet place, free from outside distractions, for best results. Such a room ordinarily contains only the polygraph, a desk, and chairs.

(l) How many polygraph tests or examinations involving similar devices were conducted by your agency in fiscal 1963?

Sixty-one, all in criminal investigations. In addition, four examinations were conducted for other agencies in connection with alleged misconduct.

(m) How many such tests were conducted by other agencies, public or private, at the request of your agency during fiscal 1963?

One hundred and ten.

3. Please enumerate, by job title and grade, all employees of your agency who are authorized to conduct polygraph or similar tests and list their salary costs for fiscal 1963. In addition, please answer the following:

This Service has 18 qualified polygraph operators whose grades range from GS-11 to GS-14, but none of these employees are primarily engaged in this type of work. Job title, grade, and fiscal year 1963 salary costs are shown in the following list:

Special agents in charge of offices: <sup>1</sup>	
2, GS-13; 2, GS-12.....	\$42, 440
Assistant special agents in charge of offices: <sup>1</sup>	
1, GS-14; 2, GS-13; 1, GS-12.....	45, 360
Special agents:	
5, GS-12; 5, GS-11.....	97, 660

<sup>1</sup> These employees received their training while special agents and have since been promoted.

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Less than 1 percent of the above total annual salaries was expended for polygraph examinations.

The Secret Service does not have any employees whose primary duty is related to the use of the polygraph machine. This activity is a collateral duty of a limited number of special agents whose primary responsibilities relate to criminal investigative and protective duties.

(a) How many of these persons have, as their primary duty, the conducting of such tests?

None.

(b) What are the minimum qualifications required of those persons within your agency authorized to conduct such tests?

The Secret Service selects only special agents for training and use of the polygraph machine.

(c) Describe any training program your agency provides to train its own employees, or employees of other Federal agencies, in conducting such tests.

The Secret Service does not provide training for its own employees or employees of other Federal agencies in the use and operation of the polygraph machine.

(d) Does your agency send employees to outside agencies or schools, public or private, for training in such testing? If so, please provide the name and address of the training facility.

All training of this kind for special agents of the Secret Service is furnished by the Provost Marshal General's School, U.S. Army, Fort Gordon, Ga.

4. How many polygraphs and other so-called lie detection devices are the property of your agency?

Four.

(a) Please list the total acquisition cost of all such devices.  
\$4,980.

(b) Please estimate the total annual maintenance costs of such devices and indicate whether maintenance is performed by agency personnel or by outside sources.

Estimated \$150 annual maintenance cost. Maintenance by outside sources, usually the manufacturer.

(c) If your agency leases such devices, or contracts with other public or private agencies to perform such tests, please provide the total costs for such activity during fiscal 1963.

We have no such leases or contracts.

(d) Please estimate all additional expenses attributable to such testing, such as travel expenses for examiners to and from location of tests, internal and external training programs, and all other costs.

No additional expense is involved in testing or travel expenses for examiners. The only expense involved in the external training program is about \$400 per diem and travel costs ranging from \$50 to \$175, depending on the location from which the special agent travels to Georgia.

5. Please provide two copies each of all intra-agency directives, administrative orders, rules, regulations and/or instructions governing the use of such devices within your agency.

Instructions governing the use of the polygraph are set out in the Secret Service operating manual. This manual is required reading for every investigative employee and during his attendance at Secret

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Service schools, each employee is given an examination on his knowledge of its contents.

The following is quoted from the Secret Service manual:

"The polygraph has been used with remarkable success by many police departments and other law enforcement agencies. It is one of the many modern scientific means to more efficient law enforcement.

"Because of the intricate nature of the polygraph, it cannot be operated efficiently by any person who has not undergone an intensive training period under the guidance of experts. Certain special agents have been so trained and can be assigned to operate the instrument in the questioning of important suspects or offenders. Special agents in charge will consider the advisability of using the polygraph in important cases, bearing in mind that it is especially valuable in obtaining information as to the location of a plant or cache from any individual possessed of such information. It is necessary, however, that the subject consent to the polygraph test, and a written waiver in the following form will be obtained: 'I, (name), having been duly advised concerning my constitutional rights and with the full understanding that I need not subject myself to a polygraph examination do hereby waive any and all such rights and freely consent and agree to a polygraph examination, ordinarily known as a lie detector test. In granting this consent, I do so without fear or threat and no promises have been made to me.' The waiver will be signed and witnessed by two persons."

JAMES J. ROWLEY.

REPLY FROM THE U.S. INFORMATION AGENCY

U.S. INFORMATION AGENCY,  
Washington, July 9, 1963.

HON. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee of the Committee on Government Operations, House of Representatives.*

DEAR MR. CHAIRMAN: Responding to your letter of June 11, 1963, concerning the survey your subcommittee is making of the use of the polygraph by Federal agencies, the following is my reply to your enclosed questionnaire. My answers will coincide with the numerical breakdown of your attachment:

1. Our Agency makes use of the polygraph but does not possess one nor do we have any other so-called lie detection devices. It is used exclusively by our Office of Security in certain rare instances.

2. There are no Agency written procedures covering the use of the polygraph. It is used in certain cases where the employee under investigation categorically denies substantial charges of a security nature. The device is used only as a last resort to assist in resolving such conflicts and then only with the personal approval of the Director of the Office of Security.

(a) Employee security matters of alleged or suspected misconduct after all other investigative avenues have been explored.

(b) No. Only on rare occasions is the polygraph used.

(c) Our Office of Security is aware of the limitations of the polygraph but requests the employee to voluntarily undergo the test as

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a useful investigative aid in cases where the veracity of the employee may be at issue. In no instance is his possible refusal to take the examination permitted to influence the Agency's ultimate decision in the case. The voluntary nature of the examination is stressed in our discussions with the person under investigation.

(d) The initial recommendation is made by the Assistant Chief of the Investigations Division and in each instance is reviewed by the Chief of the Investigations Division, the Deputy Director of the Office of Security, and the final determination is personally made by the Director of that Office.

(e) No medical examination by a physician is administered, and the suitability determination of the employee to be tested is left to the professionalism of the operator.

(f) The data derived from a test is placed exclusively in the individual's security file.

(g) Written reports of such tests are not made available to individuals who submit to the tests but in most cases the operator of the machine or a member of the staff of our Office of Security verbally informs the employee of the results.

(h) Yes. The employee may appeal directly to the Director of the Agency if he desires to do so.

(i) Access to such data is restricted to the Office of Security and the Director, and the classification of the data would be dependent upon the material developed in relation to the national security interests.

(j) No.

(k) No.

(l) None.

(m) One polygraph examination was administered by a U.S. Government agency at our request.

3, 4, 5. The answer to each of these paragraphs is "no," for none is applicable to this Agency. We have no polygraph equipment and no persons trained in its use. As indicated above, in the rare instances where a polygraph is used in connection with one of our security investigations, it is administered at our request by another agency of Government which has persons authorized and expert in its use.

Sincerely,

DONALD M. WILSON, *Acting Director.*

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