

SEP 30 1967

FOIAb3b

CLAYTON FRITCHEY

*Testimony a Withering Blow to Lie Detector*

It's hard to say what will finally become of the Senate's new proclamation of privacy for federal employees, because the bill has yet to pass the House, but come what may it has dealt the polygraph machine (lie detector) a withering blow.

The legislation ultimately could protect federal workers from all kinds of prying into the most intimate recesses of their private lives. Even if it falls short of this, however, it has speeded the end of the polygraph, which has been used so indiscriminately in government hiring and firing.

During the Senate hearings, the testimony against the lie detector, both as to its abuse and unreliability, was so devastating that its further use, outside of government as well as in, will undoubtedly be curtailed, irrespective of whether the House approves the Senate bill.

Federal discontinuance is certain to accelerate a similar trend at the state and local levels. A number of states, in fact, have already adopted statutes comparable to the one

in Massachusetts, which says, "No employer shall require or subject any employe to any lie detector test as a condition of employment or continued employment." Oregon, Rhode Island and Hawaii have similar proscriptions. More are on the way.

It is reported that no court in the land, state or federal, will now permit a polygraph test to be admitted in evidence. The reason for this, according to Sen. Sam J. Ervin D.-N.C., a former judge, is that "the machine is of the most dubious value." It cannot interpret itself, he points out, "but must be interpreted by an operator. The machine merely measures physiological reactions such as blood pressure, the pumping of adrenalin by the adrenal glands into the bloodstream and the like, as a result of excitement and stimulation."

While presiding over a murder trial, the former judge said he had given "close study" to polygraph tests when the prosecution tried to introduce them as evidence. "I came to the conclusion,"

he says, "that a brazen liar can pass a polygraph test with out any difficulty, but that a nervous or excitable individual, or an individual who resents being insulted, no matter how truthful he may be, is not likely to do so."

This view is supported by the Warren Commission, which said, "In evaluating the polygraph, due consideration must be given to the fact that a physiological response may be caused by factors other than deception, such as fear, anxiety, neurosis, dislike and other emotions. There are no valid statistics as to the reliability of the polygraph."

FBI Director J. Edgar Hoover is already on record against the polygraph for personnel purposes. Labor unions are also beginning to protest against its use.

The AFL-CIO Executive Council has "deplored" them "not only because their claims to reliability are dubious, but because they infringe on the fundamental rights of American citizens to personal privacy. Neither the government nor private employers should

be permitted to engage in this sort of police state surveillance of the lives of individual citizens."

Only the CIA and the armed forces National Security Agency resisted the Senate legislation, which prompted Sen. Hruska, R-Neb., to accuse them of being the "greatest transgressors" in using the polygraph. "What they want," says Sen. Ervin, "is to stand above the law."

The Civil Service Commission, on the other hand, has been showing a growing respect for the private lives of Federal employees. It has just quietly, but efficiently, reprimanded one of its investigators for "improperly" inquiring into a report that an applicant had borne a child out of wedlock.

"This fact in itself," the Commission assured Congress, "is not considered a disqualification." And it added, "The youthful mistakes of naive, immature adolescents are not perpetually held against them in our considerations."

© 1967

CPYRGHT