

USE OF POLYGRAPHS AS "LIE DETECTORS"
BY THE FEDERAL GOVERNMENT
(Part 4—Testimony of Post Office Department Witnesses)

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HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON
GOVERNMENT OPERATIONS
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH CONGRESS
SECOND SESSION

MAY 13, 1964

Printed for the use of the
Committee on Government Operations



22550953

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1964

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USE OF POLYGRAPHS AS "LIE DETECTORS" IN THE FEDERAL GOVERNMENT

(Part 4—Testimony of Post Office Department Witnesses)

WEDNESDAY, MAY 13, 1964

HOUSE OF REPRESENTATIVES,
FOREIGN OPERATIONS AND
GOVERNMENT INFORMATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 1501-B, Longworth Office Building, Hon. John E. Moss (chairman of the subcommittee) presiding.

Present: Representatives John E. Moss, Porter Hardy, Jr., Henry S. Reuss, and George Meader.

Staff members present: Samuel J. Archibald, staff administrator; Benny L. Kass, counsel; Jack Matteson, chief investigator; and Marvin G. Weinbaum, investigator.

Mr. Moss. The subcommittee will be in order.

This morning the subcommittee, in continuing its investigation into the use of polygraphs by Federal agencies and departments, will hear from representatives of the Post Office Department, headed by Chief Inspector Montague.

Mr. Montague, I understand you have Mr. Baleiko and Mr. Brown with you.

Mr. MONTAGUE. Yes, sir.

Mr. Moss. Will all three of you testify?

Mr. MONTAGUE. Yes, sir.

Mr. Moss. Will you stand and be sworn?

Do you and each of you swear that the testimony you are about to give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BALEIKO. Yes, sir.

Mr. MONTAGUE. Yes, sir.

Mr. BROWN. Yes, sir.

Mr. Moss. Identify yourselves for the record.

TESTIMONY OF HENRY B. MONTAGUE, CHIEF U.S. POSTAL INSPECTOR; ACCOMPANIED BY FRANCIS W. BALEIKO, POSTAL INSPECTOR, POSTAL INSPECTION SERVICE; AND MARLIN W. BROWN, DIRECTOR, MAIL LOSS AND DEPREDAATION DIVISION, BUREAU OF THE CHIEF POSTAL INSPECTOR, POST OFFICE DEPARTMENT

Mr. MONTAGUE. Henry B. Montague, Chief Postal Inspector.

Mr. BALEIKO. Francis W. Baleiko, postal inspector.

Mr. BROWN. Marlin W. Brown, division head of the Chief Inspector's Bureau.

Mr. MOSS. Do any of you have a statement?

Mr. MONTAGUE. No, sir.

Mr. MOSS. Mr. Kass?

Mr. KASS. Mr. Baleiko, you said you were a postal inspector?

Mr. BALEIKO. Yes, sir.

Mr. KASS. What region?

Mr. BALEIKO. The Chicago division.

Mr. KASS. Mr. Montague, what use does the Post Office Department make of the polygraph?

Mr. MONTAGUE. We use it only in cases relating to violations of the postal laws, criminal violations.

Mr. KASS. Mr. Montague, what type of polygraphs do you have in the Post Office Department?

Mr. MONTAGUE. Presently we have six machines, two of them Deceptographs and four of them Keeler machines. The two Deceptographs are standard machines. The four Keelers are portables. They are three-phase machines.

Up until about the first of this year we had 15 machines which were 1-phase B. & W. machines.

Mr. KASS. What is a B. & W. machine?

Mr. MONTAGUE. I will defer to Mr. Baleiko on what B. & W. means.

Mr. BALEIKO. B. & W. is called a psychogalvanometer, produced by a manufacturer in Indiana.

Is there anything else you want to know?

Mr. KASS. Psychogalvanometer? Will you explain what that means for the record?

Mr. BALEIKO. That is a name that appears on the instrument. I do not know what the manufacturer implied by that term.

Mr. KASS. What does it measure?

Mr. BALEIKO. It measures variations in skin resistance, primarily.

Mr. KASS. Primarily? What else does it measure?

Mr. BALEIKO. Nothing else.

Mr. KASS. Does it measure blood pressure, pulse?

Mr. BALEIKO. No, sir.

Mr. KASS. Does it measure respiration?

Mr. BALEIKO. No, sir.

Mr. KASS. Do you have the galvanometers or GSR's or other machines in the Post Office Department now?

Mr. BALEIKO. No, sir.

Mr. KASS. Where are they?

Mr. BALEIKO. They have been disposed of in accordance with instructions issued by the Chief Inspector some time back.

Mr. MONTAGUE. We gave instructions to our inspectors in charge that in view of the procedure which we had set up, that these machines would be disposed of in accordance with our instructions, which means that they would be turned over to a property officer, at the regional office for disposition. If they could be sold, they would be sold; otherwise, they would be disposed of as scrap.

Mr. KASS. Do you know where they are now?

Mr. MONTAGUE. We know they have been disposed of, but I don't know whether there might be still some of them around somewhere, no. I can't say that. We have had no occasion to check that.

Mr. KASS. Could you supply for the record who bought these B. & W. machines?

Mr. MONTAGUE. I didn't say they were bought. If we can determine how they were disposed of, we can supply that for the record, yes.

Mr. KASS. Would you, please?

Mr. MONTAGUE. Yes.

Mr. HARDY. You certainly ought to be able to find out what happened to the things. If they weren't disposed of, who dismantled them? This is Government property, and there ought to be some rather clear indication as to what happened to them. I don't think there ought to be any difficulty of being sure that we get for the record just exactly what did happen to them.

Mr. MONTAGUE. We can obtain that information. We will supply it for the record.

Mr. Moss. We will hold the record at this point to receive that information.

(The information to be furnished follows:)

Six B. & W. machines had no salvage value and were disposed of as scrap in accordance with GSA and Post Office Department regulations.

Four B. & W. machines were turned over to GSA and were disposed of as follows:

One to Tennessee State Education Agency.

One to Clermont County, Ohio, Department of Health, Education, and Welfare.

One to Minnesota State Agency for Surplus Property.

One to 13th District Office of Naval Intelligence, Seattle, Wash.

Two B. & W. machines were turned over to GSA, but we have not yet been advised as to final disposal action.

Three B. & W. machines are being held pending receipt of disposal instructions from GSA.

(In instances where disposal has been or will be through GSA we will give notice to GSA as to reason for disposal by Postal Inspection Service.)

Mr. KASS. Mr. Montague, whose determination was it to dispose of the GSR's?

Mr. MONTAGUE. Mine.

Mr. KASS. It was yours?

Mr. MONTAGUE. Yes, sir.

Mr. KASS. When was this determination made?

Mr. MONTAGUE. It was made in an interval between December 1961 and December 1963. In December 1961—well, I am getting a little ahead.

I became Chief Inspector in February 1961, and there were policies to be set as far as my administration as Chief Inspector would be concerned. One of them was what to do in the area of lie detection. In late 1961 we asked Inspector Baleiko, who is one of our experienced

operators, to look into this whole situation, to tell us whether or not we should retain the capability as far as lie detection operation is concerned, or whether we should get out of it. If we should stay in it, we wanted his recommendations as to which is the best equipment.

Based on his analysis and his recommendations, we decided that we would retain the capability, but that we would obtain six up-to-date machines, which are three-phase machines. Then we decided that instead of having an inspector trained on the use of the machine in each of our 15 divisions, that we would split the country into 6 sections for this purpose. We selected six inspectors who were then given formal training and provided with the up-to-date equipment on lie detection.

Mr. KASS. So then your decision, based on Mr. Baleiko's recommendations, took approximately 2 years, from December 1961 to December 1963. How long had you been using the B. & W. and the galvanometer prior to that time?

Mr. MONTAGUE. They were put into use in the Postal Inspection Service in late 1950.

Mr. KASS. And from late 1950 until December 1963, this was the only type of polygraph machine used in the Post Office Department?

Mr. MONTAGUE. That is correct.

Mr. KASS. Do you know how many cases were given on the B. & W. during that 13-year period?

Mr. MONTAGUE. No. We don't have statistics on that. Our report for fiscal 1963 shows that there were approximately 475 tests altogether that year.

Mr. KASS. That was only on the B. & W.?

Mr. MONTAGUE. No. That was 475 tests altogether; 338 of those were given by inspectors, and they would have been on the B. & W. machine.

Mr. KASS. What about the other 143, I think you said?

Mr. MONTAGUE. The other approximately 137 were given by outside agencies.

Mr. KASS. Could you identify these outside agencies?

Mr. MONTAGUE. I don't have the names of the agencies available here. It depends on where the case is being investigated. When it is going to be made by an outside agency, the inspector would select the best qualified man in the area and ask him if he would make the test.

Mr. KASS. The best qualified man in the area by whose determination?

Mr. MONTAGUE. Postal inspectors are professional law enforcement investigators, and as in any other profession, we know who are the qualified people to take care of certain phases of our work. We know who are the qualified people in our areas on lie detection are, whether it is another Federal agency or whether it is a local agency. The inspector knows this, and if he doesn't know it, he will get advice on it. He goes to the man selected and asks if he will conduct the test.

Also, there is another feature involved. While we show that these outside tests were made, we list them in our statistics furnished to this committee as requests, many times there was joint jurisdiction in these cases. For example, we have a robbery of a post office in a community and normally the man who committed this crime does not rob only post offices. He also robs other businesses in the community—perhaps

a gas station, a hardware store, some other type of business. The local police are investigating those crimes and we know it. We know from the modus operandi that it is the same person. So the postal inspector and the police work together in the case. Perhaps the crimes committed against the State law are more numerous and considered to be more important than the crime that we have. In such circumstances, it would be considered that the police have a primary interest. They might decide to give a lie detector test, independent of the inspector's decision or request.

We have included such cases in our statistics.

Mr. KASS. You say normally the individual will not only rob a post office, but he may go around robbing department stores and gasoline stations?

Mr. MONTAGUE. That is correct.

Mr. KASS. How do you know this?

Mr. MONTAGUE. We know it from experience. Sometimes you have a thief who preys solely on post offices, but that is unusual. They generally also hold up or rob other places.

Mr. KASS. Mr. Montague, does the Post Office Department maintain a list of recommended polygraph operators outside of the Federal Government?

Mr. MONTAGUE. We don't maintain such a list. Our men in the area know who they are, though, from associating with them, from attending law enforcement meetings. From attending professional meetings of various types, you get this information. It is part of the profession, part of the business that you know this.

Mr. KASS. Mr. Montague, are these limited to other Federal agencies?

Mr. MONTAGUE. No.

Mr. KASS. Are these limited to State and local police agencies?

Mr. MONTAGUE. It could be State and local agencies, and it could also be a local university where they have a qualified lie detector operator or someone who teaches a course in it.

Mr. KASS. Could it also be a private polygraph examiner?

Mr. MONTAGUE. We have not gone out and engaged a private examiner to whom we had to pay a fee for any examination of this kind, to my knowledge.

Mr. KASS. But without a fee, have you also used private polygraph examiners?

Mr. MONTAGUE. I don't know of any case offhand. [Turning to Mr. Brown and Mr. Baleiko:] Do either of you know of any such case?

Mr. BROWN. Unless you would consider a professor in police science or something of that sort as a private individual.

Mr. KASS. He would have to be a private individual or he is a part of the Federal Government or the State government.

Mr. BROWN. That would be true. There have been several instances like that, not numerous, but several.

Mr. KASS. And these have been without a fee?

Mr. BROWN. So far as I know; yes.

Mr. KASS. Could you supply for the record the information of those individuals that have given polygraph exams outside of the local and State organizations and outside of the other Federal organizations? Mr. Chairman, could we get that for the record?

Mr. Moss. Yes. If there is no objection, the record will be held open at this point for that information.

(The information follows:)

In December 1961 and April 1964, in separate cases, Prof. R. L. Holcomb, Department of Public Affairs, Iowa State University, Iowa City, Iowa, gave polygraph examinations at requests of postal inspectors. No fees were charged. In October 1961, on request of a postal inspector in connection with an investigation of Treasury checks stolen from the mails, an individual (a nonpostal employee) was given a polygraph examination by Mr. F. W. Quinn of Quinn & Associates, Greensboro, N.C. A fee of \$35 was paid.

Mr. Moss. Mr. Hardy?

Mr. HARDY. Can I clear up a question brought up by Mr. Kass? In connection with these polygraph tests that are given by other agencies in cases in which the post office is interested—I gather this is what you were talking about, Mr. Montague, a moment ago—

Mr. MONTAGUE. Yes, sir.

Mr. HARDY. You said, or at least I understood you to say, that you had included those tests in your enumeration of the lie detector tests given by others than Department personnel, even though the examinations were conducted by the other agencies strictly in their own interest. Is that correct?

Well, assume the local police department has arrested somebody for some criminal act or alleged act, and they put him through a lie detector test, didn't I understand you to say that if he was also involved in a postal investigation that you would include that lie detector examination in your records?

Mr. MONTAGUE. That is correct. Where a joint investigation was being made by local police and an inspector.

Mr. HARDY. I wanted to understand that it was a joint investigation. That is what I hadn't understood from your previous testimony.

Mr. MONTAGUE. Where it is a joint investigation, yes, sir, where our service would be looking for the thief because of the robbery of the post office, and they would be looking for him because of other local robberies.

Mr. HARDY. In those situations, is the polygraph test conducted on the basis of the questions in which you are interested or strictly on the basis of the aspects of the case with which the local police are involved?

Mr. MONTAGUE. The questions in which we are interested would be included, that is, the inspector—

Mr. HARDY. Are you sure of that? Is that done in every case, or are you just picking up information which is supplied by the local police concerning their examination of a particular suspect?

Mr. MONTAGUE. Where it is a joint investigation, and this action is taken, then questions would be supplied by the inspector so that the man could also be questioned about the post office robbery. Sometimes it develops that the best evidence is with regard to the post office robbery and he is prosecuted on that basis. Other times, the best evidence is on the State case and he is prosecuted in the State.

Mr. HARDY. Could I ask a question about the B. & W. machine?

Mr. Moss. Certainly.

Mr. HARDY. Is that properly characterized as a polygraph?

Mr. BALEIKO. No, sir.

Mr. HARDY. That makes only one graph; is that right?

Mr. BALEIKO. That is right. It doesn't necessarily make one graph. You read a dial on that type instrument, although I understand there are some improved models where they might create a chart of this one phase.

Mr. HARDY. When did the Post Office Department first start using those?

Mr. MONTAGUE. In 1950.

Mr. HARDY. 1950?

Mr. MONTAGUE. Yes, sir.

Mr. HARDY. That has been a long time ago, to be using something that is the weakest among the so-called lie detectors, if I understand the thing.

I have one other question.

Does the Post Office Department use the General Services Administration for the disposal of surplus equipment?

Mr. MONTAGUE. Yes, sir.

Mr. HARDY. Then how does it happen that you disposed of these lie detector things through your own operations instead of through GSA?

Mr. MONTAGUE. This is the manner in which our service disposes of it, to the property officer in the regional office. He may dispose of it then through GSA. He handles all the surplus property, not just from our—

Mr. HARDY. Do you have special statutory authority to dispose of surplus of your own without going through GSA? What did we set up GSA for, is what is in the back of my head. This thing you were discussing a while ago, frankly, I have the impression that you have a very loose disposal arrangement and I hope it is not so.

Mr. MONTAGUE. It isn't so. The position in the region is specifically for that purpose. It is an administrative position to handle surplus equipment, and then to dispose of it in the most profitable manner possible. If it can be sold, that is done, or if it can be sent to a place where it can be used, that is done.

But I would like to point out there that these machines were 13 years old and they cost about \$175 each to start with, back in 1950.

Mr. HARDY. They may not have had any particular value. As a matter of fact, I doubt that they had any when you got them. But at any rate, you did have them and some of us who helped to establish the General Services Administration thought that one of the functions which we were providing for them was the handling and disposing of things of this kind.

Anyway, I think I am going to want to know a little more about this and why the GSA was not brought into the picture. What is the specific statutory authority that the Post Office Department has for disposal of this equipment is the remaining question.

Thank you.

Mr. MOSS. The staff will be instructed to develop that information and supply it to Mr. Hardy for inclusion in the record.

(The information referred to appears as appendix 30, p. 505.)

Mr. MOSS. Mr. Meader?

Mr. MEADER. Mr. Montague, I noticed that there were 475 polygraph examinations given during fiscal year 1963.

Mr. MONTAGUE. Yes, sir.

Mr. MEADER. How many of those were of postal employees?

Mr. MONTAGUE. 289.

Mr. MEADER. With respect to those given postal employees, were they all given by polygraph operators employed by the Department, the Post Office Department, or were some of them given by outsiders, local police, or other polygraph operators?

Mr. MONTAGUE. 254 of them were given by postal inspectors. Only 35 were given by outside operators.

Mr. MEADER. Of the nonpostal employees—that would be how many? There were 254 polygraph examinations given to people who were not employed by the Post Office Department?

Mr. MONTAGUE. No. There were 254 postal employees examined by postal inspectors.

Mr. MEADER. So out of the remainder, of the 475, that would be 221 nonpostal employees?

Mr. MONTAGUE. That would be about 186 nonpostal employees.

Mr. MEADER. I subtract 254 from 475 and get 221.

Mr. MONTAGUE. The breakdown, Congressman, is 254 postal employees by postal inspectors, 84 others by postal inspectors, 35 postal employees by other examiners, and 102 other people by other examiners. That will give the 475.

Mr. MEADER. In any of these 475 instances have polygraph examinations disclosed deception, where subsequent investigation showed there was complete innocence?

Mr. MONTAGUE. I have no knowledge of any such case. There has been no case of that nature brought to my attention. Mr. Baleiko, in fiscal 1963 made 70 percent of the tests which were given by postal inspectors. I would ask if he has any knowledge of such an incident.

Mr. BALEIKO. Not to my knowledge. We never had one that was proven otherwise.

Mr. MEADER. Let me see if I can get at it this way: Out of the 475 examinations, how many resulted in disclosing innocence and how many resulted in action of one kind or another, disciplinary action, or criminal action?

Mr. BALEIKO. I don't have the exact figures. I would say that in that number that we are discussing right now, it would be 90 percent innocence, clearance, noninvolvement, or no guilty knowledge.

Mr. MEADER. Ninety percent?

Mr. BALEIKO. Yes. This figure includes a large number of employees—shall I mention that?

Mr. MONTAGUE. I will mention that case. It so happens that fiscal 1963 is an unusually large year for examinations of this type. In August 1962, which is in the fiscal year, we had a million-and-a-half-dollar holdup near Plymouth, Mass. That is a case of major importance.

In that case, we gave 158 of the 475 examinations; 118 of them were to postal employees and 40 of them were to nonemployees. That means that of the tests given by postal inspectors in fiscal 1963, 47 percent were in relation to this case. Of the total number of tests given, 33 percent of them were in relation to this one case.

These tests were not given because we felt these people were guilty; that is, the postal employees. But what frequently happens in a case of this kind is that you have a questionable area and you want to eliminate it. In this instance, many employees would have knowledge of

the handling of the large registry shipments and unwittingly some may have given information. Someone may have come to the employee and asked questions about the registry shipments, or an employee may have been out in a group and said something about it. It was only to resolve this issue that the employees were questioned; that is, to determine whether in some way information had gotten out, to test their memory on what had actually happened.

A test is not always given to determine guilt of a crime. It is also given to resolve some phase of an investigation—in order to clear up something that hasn't been settled so that you can go on to other things. The Plymouth investigation is one of the big cases that affects these statistics in fiscal 1963.

Mr. MEADER. Let's stick to that case a moment. I would like to follow it up a moment. What was the result of this inquiry in the Plymouth case? Did you ascertain where the loopholes were or how the information got out? What did you find out? Was the use of the polygraph of any assistance to you in investigating that holdup?

Mr. MONTAGUE. That case has not yet been presented to a grand jury. It is still in the investigative stages. We are not in a position where we can talk about all the findings—all the determinations—that were made. I think we can say that the possibility of some leaks was disclosed.

Mr. MEADER. Was the polygraph of material assistance in making that determination?

Mr. MONTAGUE. Yes; it was.

Mr. MEADER. You feel that you would have been handicapped if you had not been able to use the polygraph in this investigation?

Mr. MONTAGUE. I think so; yes, sir.

Mr. MEADER. That is all.

Mr. MOSS. Let's take a little closer look at these 118 tests given in connection with the Plymouth robbery. Were these tests given by postal inspectors?

Mr. MONTAGUE. By Postal Inspector Baleiko; yes, sir.

Mr. MOSS. And at this time you were using the galvanometer?

Mr. BALEIKO. No, sir.

Mr. MOSS. What machine were you using?

Mr. BALEIKO. The Stoelting Deceptograph, which is a polygraph-type instrument, a three-phase instrument.

Mr. MOSS. When did you first acquire your Deceptograph?

Mr. BALEIKO. That was in January 1962; I believe.

Mr. MOSS. So you had had the Deceptographs for a period of about 8 months at the time that this series of examinations was begun. Now were these employees all operating in postal facilities in the Plymouth area?

Mr. BALEIKO. Yes; they were involved either by their close proximity to the registry section, or the truck operations from Hyannis to Boston each of which would be involved in this particular money shipment. Having been drivers or guards on these trucks, they would have been aware that something unusual was coming from Hyannis periodically.

Mr. MOSS. How voluntary was the participation of these employees in those tests?

Mr. BALEIKO. Completely voluntary. Before we went into that investigation using the polygraph, we knew that because of the pos-

sibly wide dissemination of information concerning money shipments, we would talk to many employees, and prior to undertaking the use of the polygraph in that case, we talked to their organization representatives and laid out the questions we would ask, told them that no other questions involving anything of a personal nature would be included, and we obtained their wholehearted cooperation and support, finally, of course, depending upon the subjects' willingness to take it.

Mr. MOSS. Did any refuse to take it?

Mr. BALEIKO. No, sir.

Mr. MOSS. Had they refused, would there have been any stigma attached to the refusal?

Mr. BALEIKO. No, sir.

Mr. MOSS. Would they have been subjected to more penetrating investigation?

Mr. BALEIKO. I don't know. The investigators—they might consider aspects of the man's background.

Mr. MOSS. As postal inspector, what would your course have been?

Mr. MONTAGUE. May I answer that?

Mr. BALEIKO. Yes.

Mr. MONTAGUE. I think that would depend on the circumstances. It would depend on whether there was some other evidence that would give you a reason to pursue it further. However, we well know that there are people who will refuse to take a lie detector test for many reasons: One, they figure that almost any question asked might cause difficulty—they figure they are nervous and perhaps the machine is going to show they are lying when they are not.

Mr. MOSS. Can the machine show if they are lying?

Mr. BALEIKO. The machine will indicate an emotional disturbance has occurred when relevant questions are asked if it is an area that might be of concern to the subject.

Mr. MOSS. Is it always an emotional disturbance?

Mr. BALEIKO. I consider it emotional, physiological.

Mr. MOSS. Are you aware that the experts appearing before this committee in a panel just a little over a week ago merely regarded it as a physiological—well, not even a reaction. I believe Dr. John Lacey went to rather extreme lengths in spelling out the problem of the cyclical variation in blood pressures which, undetermined by the operators, could indicate a reaction where no reaction had, in fact, taken place.

Are you cognizant of this type of reading?

Mr. BALEIKO. I have heard and read papers on it. I haven't formed any opinion. I keep up with the developments as I can. I imagine that it is a progressive field. There always will be new material that will be brought into the picture which will be of assistance to polygraph examiners.

Mr. MOSS. But you have at the moment no idea as to what the reaction might have been if the employees at this point refused to take the polygraph?

Mr. BALEIKO. My only function in that particular case was to conduct the polygraph examinations. I gave the results to the inspectors that were in charge of it. That was my only function in the investigation.

Mr. MOSS. What disposition has been made of the record of the polygraph in these 118 cases?

Mr. BALEIKO. They are in the files in Boston, so far as I know.

Mr. MOSS. In other words, you retain this material in the files?

Mr. BALEIKO. In the investigators' files; yes.

Mr. MONTAGUE. They are in the files covering the investigation, Congressman. That is still a very active investigation.

Mr. MOSS. Are they cross-referenced to the employees' records?

Mr. MONTAGUE. No.

Mr. MOSS. They would not become at any time the basis for judgment about the employee?

Mr. MONTAGUE. No, sir. I should say here that a lie detector test does not become in any case part of an employee's personal file.

Mr. MEADER. May I ask a question?

Mr. MOSS. Yes, Mr. Meader.

Mr. MEADER. Am I clear, Mr. Montague, that the polygraph that has been used by the Post Office Department was solely for investigation and not for employee examination or fitness of employee, not even in your inspection service?

Mr. MONTAGUE. That is correct. We use it only in connection with investigations of violations of postal laws; nothing else.

Mr. MEADER. And it never has been used for hiring of employees or prescreening of employees?

Mr. MONTAGUE. No, sir.

Mr. MEADER. Is there a regulation against it? How does that occur?

Mr. MONTAGUE. No, sir; it just hasn't been used. In our security investigations, we depend on what is on the record concerning the person.

Mr. MOSS. Before I return to Mr. Kass, I have just one other question. You indicated that in seeking to have tests given by other than inspectors, the inspector would have knowledge of the best qualified operators available in that area.

Mr. MONTAGUE. Yes, sir.

Mr. MOSS. Has the inspection service any criteria for qualifying an operator?

Mr. MONTAGUE. Let me put it this way: I was the postal inspector in charge at New York for 10 years before becoming Chief Inspector, and as such, I had to make the decision as to whether a lie detector test should be given, where the Inspector felt that it was in order. If a test for some reason was going to be made by someone outside our service, the Inspector would discuss with me the available operators, tell me their qualifications, what work they had done, and what their reputations were in the community, and particularly, among lie detector people. Our men know these people because of being involved with the U.S. attorneys in court cases. They know what testimony is given. They know who testifies, and they know what the reputation is, the same as one doctor knows what another doctor's reputation is. This is the way the determination is made.

Mr. MOSS. Of course, a doctor usually knows the school the other doctor graduated from, the type of residency he has had, the basic professional qualifications, from the standpoint of education and training.

Do your operators have knowledge of the basic professional qualifications, and the academic qualifications of the polygraph operators? Do you know where they graduated from or where they took their training in the use of polygraphs?

Mr. MONTAGUE. If there was any question in our minds, we would do the same as we do in all other investigations. We would go to someone who is qualified to know, someone in a university. For example, in New York we would probably go to N.Y.U. or Fordham.

Mr. MOSS. Let's take a more remote community where there is no university and where there is not a very large police department. You do have post offices in such communities and you do have crimes occur in those post offices?

Mr. MONTAGUE. Yes, sir.

Mr. MOSS. So where in New York you might have vast resources to draw upon, in some more remote area you might not have those same resources. This is the thing that troubles me. The best qualified operator in New York might, indeed, be well qualified, but the best qualified operator in some less populous area might be very meagerly or inadequately qualified and still constitute the best qualified man available in that community.

That is why it seems to me that if we are to use these, the Department should have a criteria at least spelling out minimums that would match its own qualification requirements for its own operators. Is that unreasonable?

Mr. MONTAGUE. No, that is a good suggestion, Congressman. We can very well incorporate it into our instructions.

Mr. MOSS. Mr. Kass.

Mr. KASS. Mr. Baleiko, you said you gave all the polygraph exams in the so-called great mail robbery in Plymouth?

Mr. BALEIKO. Yes, sir; so far as I know.

Mr. KASS. Were these polygraph examinations given in any particular location?

Mr. BALEIKO. In an office in the Federal Building in Boston.

Mr. KASS. In a specially prepared polygraph room?

Mr. BALEIKO. No, it was an office that was vacant at the time. It was not what you would call a specially prepared polygraph interrogation room, if you have reference to some of the typical polygraph examination rooms that might be used by police or other agencies. It was an office room.

Mr. KASS. Were there any two-way mirrors?

Mr. BALEIKO. No, sir.

Mr. KASS. Were there any recording devices present?

Mr. BALEIKO. No, sir.

Mr. KASS. Are there any such devices in the Post Office Department?

Mr. MONTAGUE. We have no special facilities. We do not use such rooms. We do not make recordings of polygraph examinations.

Mr. MOSS. What type of lighting did it have, incandescent or fluorescent?

Mr. BALEIKO. Fluorescent.

Mr. MOSS. Are you aware of the fact that expert testimony before this committee indicates that fluorescent lighting can interfere with the normal operating pattern of these devices?

Mr. BALEIKO. I know that it can have an effect in some instances on the GSR. The output of the light fixture, itself, can become involved in the galvanometer reaction, either make it inactive or else produce erratic charting. Being aware of that, it is taken into consideration.

Mr. MOSS. How do you take it into consideration? Is it something you measure or is it a matter of judgment?

Mr. BALEIKO. No, sir; it is not measured, nor is it a matter of judgment. I didn't use the lights. All the tests were run during the daytime. There was no nighttime testing involved where the lights had to be used. If the situation arises wherein I might conduct a polygraph examination after hours, I use a desk light, somewhat removed from the instrument. The critical area for a fluorescent fixture is anywhere above or below your instrument. Then the GSR tracing can be affected by the output of an appliance or fixture.

Mr. MOSS. I asked the questions because most of the Federal Buildings that I go into—in fact all of them here in the House of Representatives, both in the Capitol and in the office buildings—we burn the lights in the daytime.

Mr. MEADER. But not in the White House.

Mr. MOSS. We have an effort to achieve economy there at the moment.

Mr. MONTAGUE. Congressman, I will have to change something that I said earlier. I didn't realize that Inspector Baleiko had his three-phase machine for half of fiscal year 1963.

Mr. BROWN. January 1962.

Mr. MONTAGUE. (to Mr. Baleiko). You had it for all of fiscal 1963?

Mr. BALEIKO. Yes, sir.

Mr. MONTAGUE. He was the only one who had it for all of fiscal 1963. There was another inspector who had it for 3 months of 1963. Outside of that, it was the B. & W. that was used. But this inspector did, as I said previously, conduct 70 percent of the tests which were given by postal inspectors in fiscal 1963, and he had the three-phase machine.

I would like to tell about a case which I think has a little human interest, and because the single-phase machine has been disparaged to some degree. I don't mean to say that we are in favor of the B. & W. The fact that we changed to a three-phase machine shows that we think it is a better machine and it is all we are using now.

But the single-phase machine was not completely without worth. In the hands of a competent operator, it could be beneficial. I just want to cite this one case.

In New York, in the 1950's, and I don't recall the exact date, but I remember the case because I was then the inspector in charge, we had a holdup in the late afternoon, or it was just as the office was closing, at Bryant Station. A man walked up to the counter and put a note over to the clerk to turn over his money or he would be shot.

The holdup man made some kind of motion to indicate that he had a gun. The money was turned over. The robber got out of the station. In fact, it was so near closing time that the guard was at the door and let him out. The thief immediately ran, and the clerk didn't give the alarm until he was already outside.

We followed normal investigative procedure and brought the postal clerk to the police station where he looked over the so-called mug book, to see if he could pick out a likely suspect. He picked out a picture. It happened to be a former postal clerk who would

have knowledge of postal operations. The suspect was left-handed, the man who took the money had also given indications of being left handed. The thief had reached into the window with his left hand and he had done other things with his left hand.

The suspect was unemployed at the time. He hung around 42d Street. The robber was supposed to have been wearing a gray suit. Two inspectors went up to the suspect's home. They talked to him. He showed them what clothes he had. The only suit he had was a gray suit. He was then partially personally identified—a qualified identification by the clerk.

Our detector examiner at New York gave the suspect a test on the B. & W. and the test showed he had no knowledge of the crime. On the basis of that, the inspectors let him go, even though they had the partial identification and circumstantial evidence.

Two months following that, on a Saturday afternoon, a man walked into our Washington division headquarters and gave himself up as the one who perpetrated this crime, someone entirely different from the suspect. This is a case where the machine was accurate about the suspect and was the means or cause of freeing him of any suspicion of this crime.

Mr. Moss. I think that is very interesting, but I would submit to you that that is not in any sense a scientific evaluation. You might have achieved the same result with a mimeograph machine. It is my understanding—and I will admit that my knowledge of this comes only from witnesses before this committee, and the reading that I have had to do in connection with preparation for this investigation—that not too much is known about the causes or the significance of the flow of electrical current over the skin. That is the only thing measured by the galvanometer.

Mr. Cleve Backster, and I believe, Mr. Baleiko, you would recognize him—

Mr. BALEIKO. I know him personally very well.

Mr. Moss. You would recognize him as being very active in the use and promotion of the use of polygraphs—

Mr. BALEIKO. And a very dedicated man.

Mr. Moss. And he expressed the judgment that the galvanometer was virtually worthless, before this committee. So the fact is that you have here a coincidence. To have scientific significance, it must be repeatable under similar circumstances, and you must undertake some research to establish whether it is or is not a significant fact.

Further investigation on your part might also have cleared the person and, in my judgment, would have been a more valid clearing than that arrived at as a result of the judgment of an operator using only a galvanometer.

Mr. REUSS. Mr. Chairman—

Mr. Moss. Mr. Reuss.

Mr. REUSS. I don't want to be ungracious about this example, Mr. Montague, but while I think the testimony of all three of you gentlemen up to now reflects great credit upon yourself and the service, if I were in your position I wouldn't boast about this particular one because what really cleared the man was that later on you found the guy who really had done it. I would be appalled to think that for 12 years the Postal Inspection Department was letting people go and

not examining them any more because one of your 15 galvanometers disclosed no erratic skin reflexes, since we have had testimony that the thing is substantially worthless as a practical crime detection device.

This makes me wonder about how many participants in the Plymouth robbery, for instance, may be walking the streets today because an instrument said they were innocent.

Mr. MONTAGUE. The deceptograph, which is a three-phase machine, was used by Inspector Baleiko at Plymouth—

Mr. REUSS. Leave Plymouth aside, but take the 12 years in which these 15 one-phase machines were going strong. If you were closing the file on people because they didn't display a positive reaction, I would recommend that you go back on some of those unsolved crimes and apply normal shoe leather police methods.

Mr. MONTAGUE. Congressman, I cited this case only to show that at least in this instance the lie detector was correct. In any instance, whether it shows positive or negative, it is not conclusive evidence, whether it is a one-phase or three-phase machine. You have to develop your evidence outside of the lie detector. That is, the evidence you present in court. You don't present anything that you get from a lie detector in court or any place else. It is only an assist in an investigation. It isn't used only to try to show you who the guilty person is, but it is also used to show you who the innocent people are.

Mr. REUSS. I don't want to prolong this, but this was my fear. I am interested not only in protecting the civil rights of the innocent, but seeing that the guilty are found. I have several times during our investigation been surprised at the blitheness with which law enforcement officers, after giving somebody a lie detector test, which discloses no positive findings, then sort of call off the investigation, or at least don't pursue it very vigorously.

I suggest that these lie detectors, in addition to other damage that they may do, may actually impede rational criminal investigation because they lull into a false sense of security the inspectors and officers who are supposed to pursue these people. But we each have our views on it. I just wanted to express mine.

Mr. HARDY. I think I would observe that I had a reaction similar to yours, Henry.

Mr. Montague, I noted one comment that you made about this illustration that you gave. You said it relieved the man of suspicion, I think. If it did that, it surprises me that any investigator would accept that as conclusive. The thing that it did, as far as I would be concerned, would be to demonstrate that it hadn't given a thing extra to go on. But certainly the fact that he happened to pass the galvanometer test wouldn't relieve him of suspicion.

He might have had one gray suit. He might have been lefthanded, but in the absence of something else, you didn't have anything that you could press a case on anyway, did you?

Mr. MONTAGUE. No; it was all circumstantial evidence.

Mr. HARDY. That is exactly right. He wasn't relieved of suspicion. You just didn't have anything further to go on, or at least that would seem so to me.

Mr. MEADER. Didn't you say that the clerk who handed over the money identified him?

Mr. MONTAGUE. That is correct. He identified a picture as being the man, and then in a personal view of him gave a qualified identification. I said it was circumstantial evidence.

Mr. HARDY. Actually, I have known some people who are so proficient in lying that I think the machine would react if they told the truth.

Mr. REUSS. Mr. Montague, you testified that the postal service does not use two-way mirrors in its polygraph work; is that correct?

Mr. MONTAGUE. That is correct.

Mr. REUSS. It is a fact, however, that the postal service does use two-way mirrors to observe postal employees in the washroom, is it not?

Mr. MONTAGUE. You are referring to lookouts in post offices, I believe.

Mr. REUSS. Yes.

Mr. MONTAGUE. I think you are narrowing the field, Congressman. Lookouts are in post offices so that if a depredation is occurring an inspector can go in and observe the handling of the mail.

Mr. REUSS. Isn't it a fact that in many postal stations you have two-way mirrors so that a postal inspector or someone under his control can observe employees while they are using the toilets?

Mr. MONTAGUE. That is correct. The reason for that is that sometimes thieves put letters in their pockets and then go into the toilet rooms, open the letters, put the money in their pockets, and flush the envelopes down the toilets.

Mr. REUSS. I appreciate the problem you have: A rifler of the mails at a post office has the problem of what to do with the envelope and the toilet is always an attractive way of solving this.

Let me ask about this a little further. Do your inspectors maintain surveillance over the ladies' washroom?

Mr. MONTAGUE. No.

Mr. REUSS. They do not?

Mr. MONTAGUE. No.

Mr. REUSS. Do you have matrons who do that?

Mr. MONTAGUE. No.

Mr. REUSS. Are you familiar with the matter which I understood existed in the post office for a number of years involving the Hilltop Post Office in the city of Milwaukee?

Mr. MONTAGUE. No, I am not.

Mr. REUSS. That involved this practice, and I was particularly disturbed. Not only was there a two-way mirror in which the male employees of the post office were observed as they used the washroom, but there were no barriers at all between the toilets. Furthermore, this room gave upon the employees lunchroom, which I found unethical and pointed out to the post office. At that time, I urged the post office to continue, if it wished, its surveillance of employees, but to have the peephole at a level which would permit the use of the normal wooden barrier between the toilets so that there could be some privacy and let the inspector look down from above.

Finally, something was done. But I wondered what the practice was today. Was any reform achieved by this?

Mr. MOSS. We will have to have order.

Mr. REUSS. This is an important matter.

Mr. MONTAGUE. We have lookouts in post offices—

Mr. REUSS. Let me say that I entirely agree with the need for lookout surveillance.

Mr. MONTAGUE. They have been there, as far as I know, ever since the post office has been established, because of the inviolability of the mail. In big offices, particularly, where there are thousands and millions of letters a day, you have to have some means of observing. Lookouts are used only in depredation cases. This is in cases of theft of the mail. For no other reason.

Mr. REUSS. They are used, of course, from time to time, whether or not a depredation has been committed, I would assume.

Mr. MONTAGUE. Only in investigations of thefts of mail. That is the only time a lookout is used. They are used only in that connection; no other.

Mr. REUSS. Do you mean where there has been a series of thefts?

Mr. MONTAGUE. Yes. Where we have letters that are either mailed in that post office and are not accounted for, or where they are for delivery in that post office and not accounted for. We investigate the possible theft of the mail. That is the only time, the only connection, in which a lookout is used.

Mr. REUSS. There is no reason why you can't, through some such surveillance method, keep tabs on possible thefts of the mail through observation in the washroom and at the same time, by appropriate architecture, give a degree of privacy to the person using the particular toilet, and also give a degree of privacy to postal employees whose sole lunchroom facility may be in the room right next door to the toilet room.

Mr. MONTAGUE. I think there was probably a mistake in that instance, Congressman, putting the two so close together. Of course, the policy as to how a toilet room will be constructed is in the Bureau of Facilities, and I don't know what has been done in regard to that.

Mr. REUSS. Are they still pretty open air, so to speak?

Mr. MONTAGUE. As far as I know, they are; yes.

Mr. REUSS. Well, some day we might want to shift our inquiry to the Bureau of Facilities.

Mr. MOSS. Mr. Kass?

Mr. KASS. Mr. Baleiko, you stated that in this Plymouth, Mass., robbery, all the individuals taking the polygraph exam did so on a voluntary basis; is that correct?

Mr. BALEIKO. Yes, sir.

Mr. KASS. Did the Post Office Department pay anybody to take a polygraph exam?

Mr. BALEIKO. No, sir. Of all employees that I talked to, and a number of nonemployees, no one was paid to take a polygraph examination.

Mr. KASS. I don't mean the postal employees. I mean the other suspects who were nonpostal employees.

Mr. BALEIKO. To take a polygraph exam?

Mr. KASS. This has been alleged in a Saturday Evening Post article. I don't know if you are aware of it. It is an article dated April 13, 1963, entitled "Hilarious Fun For the Highwaymen." It is the alleged story of the Plymouth, Mass., robbery.

Mr. BALEIKO. That is a good, descriptive term.

Mr. KASS. It was alleged in this article that an individual was given the polygraph exam for which "they"—and I assume the "they" means the Post Office Department—insisted on paying him \$50. Then they fastened a tiny radio transmitter to his back and sent him around to talk to "some of the suspects."

Mr. BALEIKO. Absolutely not.

Mr. KASS. This is not true?

Mr. BALEIKO. No.

Mr. KASS. Mr. Baleiko, how many polygraph examiners are there in the Post Office Department today?

Mr. MONTAGUE. I will answer that question. There are six.

Mr. KASS. Mr. Montague, how have they been trained?

Mr. MONTAGUE. Mr. Baleiko had his training back in 1948 at the Keeler School in Chicago. Two attended the Backster School of Lie Detection in New York. Two attended the U.S. Army Provost Marshal School at Fort Gordon, Ga. One attended Gormac in Pasadena, Calif.

Mr. KASS. Backster School is run by Mr. Cleve Backster?

Mr. MONTAGUE. Yes, sir.

Mr. KASS. What is Gormac?

Mr. MONTAGUE. Gormac is a school which was recommended to our people on the west coast. I believe Mr. Brown may have some information on it.

Mr. BROWN. Yes. We had had a list of two or three schools on the west coast. We wanted to send a man out there because he was from the California area, and for economic reasons it was best to keep him there, when sending him to school. One of our assistant inspectors in charge made an investigation of the two or three on the list. According to the information that he was able to obtain, here, again, by inquiry of people who would know the qualified schools in the area, and his own investigation of the schools, he decided that the Gormac was the best. Gormac is operated by a man named Douglas Gourley, who is the vice president of Gormac, and a professor and head of the Department of Police Science and Administration at Los Angeles State College.

Mr. KASS. You gave a very vague description of who picked the school and under whose recommendations. Could you, for the record, explain who was the postal inspector that picked the school and under whose recommendations did he accept it?

Mr. MONTAGUE. Our assistant inspector in charge, stationed at Los Angeles, Jim Hudson.

Mr. KASS. Is he a polygraph examiner?

Mr. MONTAGUE. No, he is not a polygraph examiner, but he is one of our supervisors in the San Francisco division. He is well acquainted in all law enforcement circles in California. He knows well of all the courses in criminology that are conducted by the various colleges in California. He, from these enforcement associates, obtained recommendations. It was on that basis that this school was recommended.

Mr. KASS. You stated for economic reasons, Mr. Brown. How much does it cost to send an individual to the Gormac School?

Mr. BROWN. The tuition cost was \$575.

Mr. KASS. That includes the whole package?

Mr. BROWN. Yes, sir.

Mr. KASS. At the end of how long a period does he become a polygraph examiner?

Mr. BROWN. The course is 4 weeks, including half-day on Saturdays, and several night sessions.

Mr. KASS. Mr. Brown, how much does it cost you to send an individual to the Fort Gordon, Ga., school?

Mr. BROWN. There is no cost involved there.

Mr. KASS. There is no cost involved?

Mr. BROWN. No, sir.

Mr. KASS. Would it have been cheaper to send this individual to the Fort Gordon School?

Mr. BROWN. I had in mind the expenses, per diem, and travel from California to Gordon and remaining there.

Mr. MONTAGUE (to Mr. Brown). In addition to that, isn't there a waiting list?

Mr. BROWN. There is also a quota for Gordon.

Mr. MONTAGUE. And it was also the expediency of the situation, that is, we wanted to have an inspector get formal training in a good school. Of course, this school is on the west coast where the inspector is located.

Mr. KASS. How much does it cost you to send an individual to the Backster School?

Mr. BROWN. \$525.

Mr. KASS. So the Government spent \$1,050 for these two individuals to go to the Backster School?

Mr. BROWN. Yes, sir.

Mr. KASS. How long is the Backster School?

Mr. BROWN. The Backster School is 6 weeks.

Mr. MOSS. Let's establish something here. On the completion of the course at the Gormac School, did you then regard—was it a postal inspector?

Mr. MONTAGUE. Yes, sir.

Mr. MOSS. Did you then regard him as a qualified polygraph operator?

Mr. MONTAGUE. He is qualified to give tests. Up until now he hasn't had too much experience at it since the machine was assigned to him only in February 1964. In fact, four of our six men received their machines in February 1964. That is just a few months ago.

Mr. MOSS. So that the record will show, regardless of when they received their machine, that upon the completion of a 4-week course, the Post Office Department then regards the inspector as fully qualified on his own to give polygraph or make polygraph examinations?

Mr. MONTAGUE. Yes, sir. That is the purpose of the school, to qualify him for that.

Mr. MOSS. You are aware, I assume, of the testimony given by many witnesses before this committee. I believe I speak the consensus of those witnesses, that they would not regard such a person as qualified? Mr. Backster would not regard them as qualified unless they worked under an experienced polygraph operator for an extended period of time. Mr. Reid and Mr. Lindberg, of Reid & Associates in Chicago, would not consider him qualified unless he worked under supervision for an extended period of time. Professor Inbau, of the Northwestern School of Law would not consider him qualified.

Without exception, the group of psychiatrists and neurophysiologists who appeared before the committee would not regard such a

person as qualified. This is without any prejudice to a further independent evaluation of the whole procedure, but merely accepting the views of those who regard polygraphs as valid instruments. They would not regard your personnel as qualified to give examinations independently.

Mr. MONTAGUE. Congressman, Mr. Baleiko has been giving lie detector tests since 1950.

Mr. MOSS. I wonder if at this point, Mr. Montague, for the sake of this record, you will clarify your use of "lie detector tests." There is no lie detector, is there? You cannot buy a lie detector, can you?

Mr. BALEIKO. No.

Mr. MOSS. You can buy a polygraph?

Mr. BALEIKO. That is correct.

Mr. MOSS. And it does not tell you this person is truthful, or reliable, or untruthful or unreliable, does it? It merely gives you certain physiological actions or reactions representing some function of the human body, not fully understood even by the best informed in the research field. Am I correct?

Mr. BALEIKO. That is the professional attitude; yes, sir.

Mr. MOSS. And when you take this device and you have a human operator, if there is a lie detector, that human operator is the lie detector, making judgments on the basis of the readings secured on the graphs of this machine.

Mr. BALEIKO. That is what you would call an experienced polygraph examiner; yes, sir.

Mr. MOSS. I think we should make it very clear here that in your use of the term "lie detectors" it should be understood that it is not an established fact that such is available.

You may continue. I am sorry for the interruption. You may continue.

Mr. MONTAGUE. As with any of our investigation programs, be it fraud or depredation work, or any other, our plans would contemplate that we have training conferences of the inspectors who are engaged in this type of work, and, in addition, as Mr. Baleiko has done over the years, they would attend seminars and professional conferences which are held at periodic intervals throughout the country.

Mr. MOSS. Let's see what we do at these training conferences. You now have polygraphs. A graph is actually produced on graph paper. You can sit down and with the questions as a key, you can analyze the graph and discuss the independent views of the operators.

But this is a recent development in the post office. You previously had the B. & W. machine.

Mr. MONTAGUE. That is right.

Mr. MOSS. I suppose if it was anything, it was a unigraph, a monograph, or whatever you might call it. Well, it wasn't a graph. You didn't produce anything, did you?

Mr. MONTAGUE. No, sir.

Mr. MOSS. You had a meter. So you couldn't duplicate in a training conference any meter readings, could you? Using the B. & W. there could only be a flash judgment on the part of the operator. He couldn't sit down and carefully study a graph and attempt to relate it to the questions, making a careful, studied evaluation. He had only the flick of the meter as an indication.

What do you discuss in these training sessions and what have you discussed?

Mr. MONTAGUE. Wherever we bring men in for any training session, and it would be the same in this, we would give the men an opportunity to discuss the problems with which they have been faced, to have a conference leader who would test them out on how they are operating the machine. We have called for reports by July 30 as to what problems they have had in operating these machines and these will be evaluated.

We will probably depend on Mr. Baleiko to a great extent to lead the conferences of this kind and to make evaluations?

Mr. MOSS. This is something that is going to occur?

Mr. MONTAGUE. Yes, sir.

Mr. MOSS. But you have had 13 or 14 years, almost, for use of some sort of mechanical or electrical device to aid you in determining the truthfulness of the persons interrogated by postal inspectors. So it is for this period that we must make some evaluation of the adequacy of training, and the validity of methods employed.

How could you review the operators' use of the B. & W. machine?

Mr. MONTAGUE. I am talking now about the current system after the men received their training in the various schools. They had their machines assigned to them just about 3 months ago. Previously, initially, the men who were to operate the B. & W. machines were brought into two different places for instruction conferences. They were given the instructions. They then went into the field for a couple of months, after which they came back again for further conferences.

That was back in 1950. Since then there has been a lot of development in this equipment, much of it recently.

Mr. MOSS. But not in the Post Office Department until 1962?

Mr. MONTAGUE. Anyone who was a detector operator up until now had on-the-job training. Any inspector who was being selected to operate a machine was placed under instruction of an inspector who had been trained in it and was given at least 6 months on-the-job training in the use of the detector, until the more experienced man was satisfied.

Mr. MOSS. Now we have a very confused record. A few moments ago, in an effort to clarify the record, you responded to my question as to whether or not you regarded a graduate as immediately competent to give examinations, and you indicated you so regarded him. Now you are saying that you have an on-the-job training program.

Mr. MONTAGUE. Yes, Congressman. I had referred just prior to that to the men going to school and getting their machines. I was talking about the current program and what the current program will be.

Mr. MOSS. All right. When does the current program begin and the old one terminate?

Mr. MONTAGUE. It has begun. These men have had their formal training. They are giving lie detector tests. We have instructions out to these men to submit reports by July 30 to tell us what problems they have, what the difficulties have been. We will have those analyzed. It is our intention to then call the inspectors in here for a conference of whatever length may be required and go over these things, and let Mr. Baleiko test them out.

Mr. MOSS. Are these the mechanical difficulties, the functional difficulties?

Mr. MONTAGUE. Difficulties of any kind.

Mr. MOSS. The fact is, though, that they are not under supervision in the giving of or making of examinations at the present time. They independently operate the machines and make their own judgments as to the person being examined.

Mr. MONTAGUE. That is correct.

Mr. MOSS. Then this is a postaudit of problems, and if they have to audit, is there a discussion anywhere?

Mr. MONTAGUE. Yes; they have their training programs, and, in addition, they would be authorized to attend other seminars and conferences which may be held in their various areas.

Mr. MOSS. In polygraph operations?

Mr. MONTAGUE. Yes, sir.

Mr. MOSS. Are there such seminars?

Mr. BALEIKO. Yes, sir.

Mr. MOSS. Who conducts it?

Mr. BALEIKO. The University of Oklahoma has one annually, a very good course, a short course.

Mr. MOSS. Will you bring the Pasadena operator into Oklahoma for this?

Mr. BALEIKO. He hasn't been in the field long enough, but I imagine he will be informed of these seminars, and given the opportunities to attend.

Mr. MOSS. You presume that he will. You either have a policy or you have not. He will or he will not.

Mr. BALEIKO. I believe I have made some reference to that in a report I submitted, that it would be beneficial to join polygraph examiners organizations.

Mr. MOSS. We are faced here with a recommendation and not a policy, then, are we not?

Mr. MONTAGUE. I am stating what the policy is and will be. That is within my area of responsibility.

Mr. MOSS. More precisely, you are stating what the policy will be?

Mr. MONTAGUE. Yes, sir.

Mr. MOSS. And the policy up until they received the new machines was not that which you are now relating?

Mr. MONTAGUE. No. It was on-the-job training under an experienced inspector at that time.

Mr. MOSS. On-the-job training under an experienced inspector who was not a polygraph operator?

Mr. MONTAGUE. Who was an operator of the B. & W.

Mr. MOSS. Were all of your inspectors operators of the B. & W.?

Mr. MONTAGUE. No. We had one man in each of our 15 divisions. That was passed down by on-the-job training from 1950.

Mr. MOSS. In other words, let us take a case. Let us take the inspector in San Francisco. He operated the B. & W. machine and he gave on-the-job training to subordinates or associates. Is that correct?

Mr. MONTAGUE. He gave on-the-job training to some other inspector who might be selected to operate the lie detector. We never had more than—

Mr. MOSS. We have established that there is no lie detector, so we are talking of the B. & W. machine.

Mr. MONTAGUE. All right, the B. & W. machine. We had only one man designated in each of the 15 divisions.

Mr. MOSS. What training did he have?

Mr. MONTAGUE. Back in 1950 they had training conferences here and at another location in the country.

Mr. MOSS. Let us not go back so far. Let us go back to 1960. What training did he have in 1960?

Mr. MONTAGUE. That is how it started, from 1950. The men who were given the training at that time—if they were going to be replaced on lie detection work—would start training somebody else. We did not train a lot of inspectors to do this; there wasn't any reason for it. It was just where there was going to be a replacement, or where you wanted to have a man in reserve.

You might have one additional man in a division trained, and it was on-the-job training.

Mr. MOSS. Let us take this basic man that you started with in 1950. What training did he have? There were 15 of them.

Mr. MONTAGUE. I was not here in Washington so I can't say positively.

Mr. MOSS. Were either of your associates here?

Mr. BALEIKO. I was; yes, sir.

Mr. MOSS. What training was given in 1950?

Mr. BALEIKO. The training consisted of two conferences, dissemination of brochures, reading matter and a handbook, I guess, published by the manufacturer and his representative.

Mr. MOSS. It was self-help?

Mr. BALEIKO. Very much so; yes, sir.

Mr. MOSS. And the manufacturer attended?

Mr. BALEIKO. The manufacturer attended the conference and conducted the session.

Mr. MOSS. He showed you how to operate it. Did he give you instructions in human physiology?

Mr. BALEIKO. No; he did not.

Mr. MOSS. Is it not rather essential, if you are going to operate this?

Mr. BALEIKO. That is correct. That is a basic instruction.

Mr. MOSS. So you really had very inadequate training as operators of these B. & W. devices?

Mr. BALEIKO. There was much reliance placed in the selection of the men, that they have knowledge of human behavior and psychology. That was a basic point in the selection of the men.

Mr. MOSS. Had they had a course in psychology, we will say at a university?

Mr. BALEIKO. Some of them must have had; yes, sir. I did not know their personal history. I was another one of the inspectors that was in the program.

Mr. MOSS. This might have been part of their makeup and it could well have been completely lacking.

Mr. BALEIKO. I do not know, sir, because I do not know what instructions were issued to the inspectors in charge, except to make a careful selection of the personnel.

Mr. MOSS. Then this was a very informal procedure, was it not?

Mr. MONTAGUE. May I say this, Congressman: Each one of the men selected was an experienced criminal investigator of long standing who had a very good record and was well respected in his division.

In my opinion, there is no better course in psychology than criminal investigation—practical, on-the-job training. This is where you learn more about human nature and psychology than you do anywhere else.

Mr. Moss. All right, Mr. Montague, you have had many years of this. I want first to stipulate for this record that I have a very high regard for the postal inspection service. I believe that it operates with great efficiency in practically all areas.

I am not attempting to detract at all from its very fine record. But what do you know about human psychology as it produces physiological reactions in a human being?

Mr. MONTAGUE. Well, you do learn that when you talk to another person, with or without a polygraph, you can pretty well size up whether or not he is telling the truth, and you can evaluate persons. This comes from experience.

Mr. Moss. When his hands start to sweat, what deduction do you make?

Mr. MONTAGUE. It might mean he is nervous.

Mr. Moss. It might mean he is nervous?

Mr. MONTAGUE. Yes.

Mr. Moss. Might it mean that he is ill?

Mr. MONTAGUE. It could mean that he is ill, yes.

Mr. Moss. Might it mean that he has taken some medication? You have been measuring this for almost 13 years and taking it as an indication of truthfulness. What does it mean?

Mr. MONTAGUE. I have not been operating a B. & W., but I will ask Mr. Baleiko to answer.

Mr. Moss. What does it mean?

Mr. BALEIKO. Well, I guess they are looking for the answer to that, Congressman.

Mr. Moss. We do not know what it means, do we?

Mr. BALEIKO. Nobody really knows. There are many theories.

Mr. Moss. All we know is that the man appears to be perspiring in the palms of his hands. I am doing it right now. I feel that I am very truthful. But I would probably get a pretty good reading on one of these devices, would I not?

Mr. BALEIKO. I would think so. You might be susceptible to it.

Mr. Moss. And this might make you, if you were interrogating me, bear down much more heavily, and—in effect—say, "All right, Joe, come along now. You know very well you are guilty." Is that not right?

Mr. BALEIKO. That could be a mistake that somebody could make; yes, sir.

Mr. Moss. There is a high degree of probability that such a mistake would be made. So let us relate this value, and I do not question the value of experience in criminal investigation, in understanding the outward signs, readily discernible to the eye, of human behavior.

But I question very seriously that it gives you any insight into physiological functions of the human body. They are extremely complex. Would you agree?

Mr. MONTAGUE. I agree.

Mr. Moss. And this is essentially a device reading physiological function. That is all it does. Even the polygraph, even the nine phases that Dr. Lacey has in his machine at the Fel's Institute.

I understand they can put many more channels on it and all they do is to bring to the operator's attention the fact that the body is functioning. So we really have had in the postal service up to this point no real training program.

Mr. MONTAGUE. I can't agree with that, Congressman, because it was on-the-job training, and we had some very capable and qualified men. It has not come to my attention that they made any mistakes. If they had been unqualified, if they had not been doing their job, there would have been indications along the line somewhere of mistakes.

Mr. Moss. What objective analysis has the inspection service made of results obtained either from the B. & W. the deceptograph, or the Keeler machine?

Mr. MONTAGUE. Do you mean with respect to operation in our own service?

Mr. Moss. Yes.

Mr. MONTAGUE. We have not had opportunity yet to evaluate the operation of the new machines. We will do so. But with regard to a test formerly being given on a B. & W. machine, or the new machine for that matter, the postal inspector in charge of the division would know about it. An inspector, when he finishes his investigation, has to make a report on the case, to tell what was done.

So the inspector in charge not only knows that an inspector is going to give the test, but he is probably personally informed as to the outcome and what occurred. Then there is a postaudit through the report.

In every investigation we make, there is a report. So we also have this control and this evaluation of what is being accomplished.

Mr. Moss. Mr. Baleiko, have you ever given a B. & W. test with negative results to a person subsequently found to have been implicated in a crime involving the postal service?

Mr. BALEIKO. Not to my knowledge; no, sir.

Mr. Moss. Have you ever analyzed the records of the inspectors to determine whether such has occurred? Have you ever objectively sought this information?

Mr. BALEIKO. None was brought to my attention. I did not act as a coordinator in the sense that I reviewed others' reports; no, sir.

Mr. Moss. Mr. Montague, has the inspector service ever made an analysis?

Mr. MONTAGUE. I do not think I understand the question, Congressman.

Mr. Moss. You apparently regard the use of this device as fairly infallible?

Mr. MONTAGUE. No, I did not say that and I do not mean to.

Mr. Moss. You know of an instance where an innocent individual gave a positive reading, and your associates know of no instance where a guilty individual gave a negative reading. This must have been the judgment arrived at because of some study or evaluation.

Has such study or evaluation been made?

Mr. MONTAGUE. I have no knowledge of such an evaluation having been made. With regard to my mention of a mistake, I feel quite certain that if an injustice had been done to anyone in connection with any of these tests, we would have known about it, we would have heard about it, and I have not heard about any cases.

Mr. Moss. It seems to me if the Government is going to use anything with the fallible characteristics of mechanical devices to determine truthfulness, it should undertake—through some appropriate inshop research or evaluation—a study to know whether the device is worth the dollar it costs.

Mr. MONTAGUE. What we have put in, moneywise, is very nominal, I feel. The machines which we are currently using cost about \$7,080, altogether.

In our report to your committee, we listed 16 inspectors as having been polygraph examiners, but we showed that they devoted about 3 percent of their time to this work. Overall, this would be about half the time of one man for a year being devoted to such work.

Mr. Moss. I realize that. The inspection service has not invested a lot of money. But this seems to be a growing field in Government. The committee's responses from the departments and agencies indicate that we are now reaching near the \$5 million annual cost figure and that we continue to acquire new and more costly devices.

Thus far, in the course of the investigation by this subcommittee we have found no agency which has undertaken the type of evaluation which, in my judgment at least—and I do not presume now to speak for the committee—should have been made and should be currently made, if we are to continue to acquire these devices and expand the use of them.

Mr. MONTAGUE. Our cost for our present program, was \$7,080 for the machines, in the neighborhood of \$2,000 for instruction expenses, and I think that we will not spend over \$10,000 a year for the polygraph program.

We gave about 475 polygraph tests in fiscal 1963, but that was a much larger number than normally conducted because of the Plymouth, Mass., investigation. Normally, we would probably run in the neighborhood of 300 or less tests in a year, and it would take, overall, about half the time of one inspector. The program is nominal, as far as our Service is concerned. Results are not used as evidence in court. They are used to clear up areas which will help us to get the investigation completed.

For example, in some instances, and we use the machine only in cases of more than average importance—I would think that the majority of our cases involve registered mail, as did the Plymouth, Mass., case. As there, you have employees who know that they are supposed to handle the mail in a certain way, and when the inspector asks, "How did you handle that piece of mail?" some will say that they did it according to the way the instructions require.

You don't suspect them of doing anything wrong, but you want to test their memories as to whether or not they are positive they actually handled it that way, because this could be crucial in the investigation. If they handled it that way, then you are going to go in one direction of your investigation. If they made a mistake and handled it some other way, you are going to go in another direction in your investigation.

This is what some of the tests are for. They are not always to show if a man is guilty or innocent. This is part of the criminal investigation, and it is to eliminate some of the avenues that you might be led up without any beneficial results.

Mr. Moss. I appreciate that fact. But you still do not know the worth of the machine because you have not studied it. You can only assume.

Mr. MONTAGUE. Well, we do know that we have had benefits from it. We may not have evaluated it in the way you outlined, but we do know that we have had benefits from it.

Mr. HARDY. Mr. Chairman?

Mr. Moss. Mr. Hardy?

Mr. HARDY. To follow up on this line of questioning, Mr. Montague, you gave us a case a while ago where you said that the suspect had been relieved of suspicion by the use of the machine. You gave us one case where subsequently there was someone else who was found guilty.

Mr. MONTAGUE. Yes, sir.

Mr. HARDY. Have you not made any effort to determine whether anybody that was suspected to be innocent by virtue of one of these tests was later found guilty?

Mr. MONTAGUE. Yes; that has happened, Congressman, because the test is not the end. The test is only one of the means that you may use to try to accomplish your investigation.

Mr. HARDY. I understand that. But Mr. Moss has been trying to determine the extent to which you may have evaluated the reliability of these gadgets. I was listening rather carefully, because I had hoped that somewhere along the line you had made some effort to determine the extent to which it has been accurate or had been misleading. Of course, it may have some uses in weeding out or reducing the avenues of investigation. Maybe it does serve some purpose there. I do not want to discount that aspect of it.

But I think in order to determine the reliability of it, you will have to know something about the number of instances in which it has produced true or false, either positives or negatives.

Mr. MONTAGUE. I agree that it would be worthwhile to do that, and we can do it and we will do it. On the other hand, we know from working with it every day that it does have benefits. You don't stop to evaluate everything that you work with every day. You know you use it. You know it is of benefit to you. That is the way this situation is. When you work with it every day, if it is no good you throw it out; you do not use it.

Mr. HARDY. I do not know. Sometimes we have thrown out things that have been good and sometimes we have kept things that have misled us a long time, I have found out, in some of my associations with other agencies. I want to get to another aspect of this thing.

We have talked about these training courses, and the different schools to which your personnel have been sent. We have talked about on-the-job training. We have talked about refresher courses. We have talked about seminars. We have tried to determine what the current policy of the Department is. I have had the feeling that we have been developing policy here this morning in some of your answers.

Do you have that feeling, too?

Mr. MONTAGUE. No; Congressman, you are forgetting that we told the committee that this is a new program. We gave you copies of our instructions. We told you the machines were obtained in February for these men. We told you what our intentions are. This is our policy with regard to all types of investigations.

Mr. HARDY. I am trying to see if I can understand what your intentions are, whether you have really established any policy in that regard. Do not misunderstand me, if you are developing some worthwhile policy here this morning, I think that is fine. But I do not think that we ought to try to understand something has been going on. For instance, you talk about on-the-job training. In the early part of the testimony I got the impression that there has been some extensive on-the-job training in the past. But now I get the impression that this is something about to start.

Mr. MONTAGUE. There was on-the-job training in the past because we had the one-phase machines and we had men who had been trained and had gained experience in it back in 1950. There was on-the-job training with regard to those machines.

Now we are starting with an entirely new machine.

Mr. HARDY. The on-the-job training does not mean anything to me unless we have some indication as to really what it consisted of.

Did a man, after he had taken his training course—I do not know how long it was for the B. & W. machine—did he have a competent and qualified—if there were such, and I doubt that there were—operator of this B. & W. machine assist him over a long period of time?

Mr. MONTAGUE. Yes.

Mr. HARDY. We have talked so much here that I do not know whether this is really concrete or whether we are just reaching into a hat for what was supposed to have happened.

Do you know, as a matter of fact, that for a period of—well, somebody mentioned a year, I think you did—for a period after the course was completed that actually the fellow who was going to become an expert had with him someone who was a qualified operator?

Mr. MONTAGUE. Yes; that was up until we started with our new machines. But now we have a three-phase machine and the inspectors who are trained in it are the first ones to get such training.

So we do not have experienced men who can give on-the-job training in this machine. These are the first men to get this training. In the future, there is no doubt we will use these men to give on-the-job training to people who may follow. But as of now we do not have people who had previously received training in these particular machines, who can give on-the-job training in them.

Mr. HARDY. You have six of those; is that right?

Mr. MONTAGUE. That is correct.

Mr. HARDY. You have six of those, so actually they are not receiving any on-the-job training, are they?

Mr. MONTAGUE. No; they are not.

Mr. HARDY. I got the impression that they were. This is an even more complicated machine than the others. So they are getting their on-the-job training by attending seminars, carrying along these graphs with them and interpreting them; is that what they are doing?

Mr. MONTAGUE. That is correct, they will be. But some of these men were B. & W. operators also. They did have the training on that machine.

Mr. HARDY. For whatever that amounts to.

Mr. MOSS. Would you yield at that point?

Mr. HARDY. Yes, Mr. Chairman.

Mr. Moss. Is it not a problem—and I think I will address this question to Mr. Baleiko—is there not a problem in converting from the single-phase to the three phase? Dr. Kubis—and I believe you recognize him as an expert in this field—a qualified M.D., a psychologist, and who has done a lot of research, indicated that there is a tendency on the part of operators to build a reliance on one dominant feature of the machine, the galvanometer, for instance. They feel more secure in relying upon it than they might the reading of respiration. Where you have men who have been operating solely with the galvanometer is there the probability here of a tendency to continue reliance upon the galvanometer?

Mr. BALEIKO. I hope not. I do not know, if anybody has a weakness for something he probably will make it his pet. But a man who is considering all aspects—that is why you have a three-phase machine, so it will give you other criteria to judge.

If I have anything to do with instituting some guidelines, I will probably furnish something along those lines and the chief might consider them in our program of training as it continues.

Mr. MOSS. Thank you. Mr. Hardy.

Mr. HARDY. How many of these six operators that you have now for the polygraph machines actually were experienced in the use of the B. & W. machine?

Mr. MONTAGUE. Three I am positive of, Congressman; Mr. Baleiko, Inspector Shea at New York, and Inspector Farrell in Cincinnati.

(To Mr. Brown:) Do you know whether any of the other three?

Mr. BROWN. No.

Mr. HARDY. Then, actually, half of your force has had some previous experience with the single-phase gadget.

Mr. MONTAGUE. That is correct.

Mr. HARDY. We were talking awhile ago about refresher training courses. Is this something that is going to happen in the future or has that happened in the past?

Mr. MONTAGUE. It has happened in the past with every phase of our investigative responsibilities. As I said, the fraud investigations—

Mr. HARDY. I am just talking about the operation of these machines now.

Mr. MONTAGUE. No, there were no refresher courses with regard to these machines because they were handled by the on-the-job training within the division. So there was no refresher course bringing them into Washington. Although, our men did belong to professional organizations, such as Mr. Baleiko, and did attend seminars outside. Also, some of them received further training outside.

For example, at New York, I know that the inspector who was there took a 1-year course at NYU, and it covered psychology as well as all of the other subjects which you mentioned, Mr. Chairman, that might be important in connection with the use of the B. & W. machine.

Mr. MOSS. Did it cover psychology as it relates to responses under such machines?

Mr. MONTAGUE. Yes.

Mr. MOSS. There are many courses in psychology.

Mr. MONTAGUE. No; the principal thrust of this course was the operation of the polygraph machine.

Mr. HARDY. Having gotten rid of your B. & W. machines, you wind up now with six of the newer type ones, with three operators who previously had experience with the B. & W. and three brandnew ones who have just completed these courses and have been operating these things for 2 or 3 months.

Is that correct?

Mr. MONTAGUE. Yes, sir; that is correct.

Mr. HARDY. What are your specific plans for refresher courses? I am talking about these machines now. Let us not confuse it with your normal training of your inspectors, of your refresher courses for inspectors.

What specific plans do you have for refresher courses for these operators?

Mr. MONTAGUE. As I mentioned previously we had sent out instructions to the inspectors and we want reports on these by July 30. We did that for the purpose of getting the reports in here and evaluating the operation of the machines. We used Mr. Baleiko's services, as I explained, back in 1961 to evaluate this whole situation, and it was as a result of that that we went into this program. It is my intention to use him to evaluate these reports when they come in, to decide what has to be taken care of in any refresher training program, and then get these men in here for that purpose.

Mr. HARDY. Mr. Chairman, I think it might be helpful if we had a copy of the specific instructions that Mr. Montague sent out to the six operators.

Mr. Moss. Mr. Montague, will you supply that for the record at this point?

Mr. MONTAGUE. Yes, sir.

(The information to be furnished follows:)

JANUARY 30, 1964.

E. G. McKAY,
Inspector in charge,
Atlanta, Ga.

DEAR MR. McKAY: Referring to M.B. 306, it will be appreciated if you will have Inspector W. J. Penley submit a report in about 6 months furnishing the following information regarding the operation of the polygraph assigned to him:

1. Brief summary of each case in which the polygraph was used, and results.
2. Amount of time spent on giving examinations.
3. Any problems encountered in the operation of the machine.
4. Comments of general interest regarding the program, as well as suggestions, and recommendations for any changes in procedures.

Sincerely yours,

H. B. MONTAGUE,
Chief Inspector.

Identical letters, except for names, were sent on the same date to the postal inspectors in charge at Chicago, Ill.; Cincinnati, Ohio; New York, N.Y.; Philadelphia, Pa.; and San Francisco, Calif.

Mr. HARDY. I think I can understand that, in the absence of having received this report, you would not have thus far been able to establish an agenda for a training course or a refresher training course.

Mr. MONTAGUE. We have not. We have not established any agenda.

Mr. HARDY. Reference has been made to seminars. You have not been in this operation long enough to have your people attend any seminars on this kind of machine, have you?

Mr. MONTAGUE. Not on this particular machine. But Mr. Baleiko can tell you that within the past 2 years—you have attended three separate seminars, as I recall, have you not?

Mr. BALEIKO. Yes.

Mr. MONTAGUE. Who sponsored them?

Mr. BALEIKO. The University of Oklahoma sponsored the one a year ago in March, and then the Academy for Scientific Interrogation held one in New Orleans last August. The American Academy of Polygraph Examiners also had one last September. I attended that.

Mr. MOSS. Mr. Baleiko, when you attended them, you had 15 operators. How many of the 15 attended?

Mr. BALEIKO. This is limited to members of the academy, and as far as I know there was no other member in the academy.

Mr. MOSS. Did you attend these under Government sponsorship?

Mr. BALEIKO. Some at Chicago I did on my own. I took annual leave and attended on my own. But the last three I requested to attend as a postal inspector and I obtained permission to do so.

Mr. MOSS. Did other postal inspector-operators attend?

Mr. BALEIKO. I didn't mean—

Mr. MOSS. What I wanted to say is that here again we are not faced with a defined program, but one that may occur rather than shall occur. On these seminars, you may or you may not participate.

Mr. BALEIKO. That is correct.

Mr. MOSS. It is not part of a planned program of instruction, further instruction, for the inspector-operators of these devices. Am I correct?

Mr. BALEIKO. Yes; we have not been able to formulate one until initial information is obtained in that first report.

Mr. HARDY. Let me understand what the seminars that you attended consist of. Did they relate strictly to lie detection procedures and the use of these machines?

Mr. BALEIKO. No. You may have somebody give a paper on the physiological aspects of criminal interrogation, with or without the instrument. You may have Mr. John Reid or Mr. Harrelson, from the Keeler's school there, or their representatives, give their papers. Cleve Backster attends almost all of them.

All the aspects of criminal interrogation, whether it is with or without instrumentation, are usually covered in the discourses that are programed.

Mr. HARDY. These are broad subjects that you deal with in these seminars. This is criminal investigations.

Mr. BALEIKO. They are aimed especially at polygraph operators.

Mr. HARDY. It does not specialize on polygraph operators?

Mr. BALEIKO. No; I would say it is especially aimed at polygraph operators. In fact, the Academy of Scientific Interrogation seminars are for polygraph examiners. The University of Oklahoma gave their course for polygraph examiners. Cleve Backster was there and demonstrated with slides and charts, and interpretations of results, for those in attendance.

They deal with actual physiological and other aspects of polygraph examinations.

Mr. Moss. I would like to express the hope that the communication in those seminars was more understandable than that achieved at our first hearing.

Mr. HARDY. I will join with that.

The observation I was about to make is this, that with these broad subjects you must have felt considerably handicapped by the Post Office Department if they only gave you one of these B. & W. machines to monkey with.

Mr. BALEIKO. I had an interest in the polygraph even though the other machine was assigned to our division. I kept my hand in polygraph operations.

Mr. HARDY. But the seminar, insofar as the seminar is concerned, as it applied to the operation of a polygraph, did not help you in your postal work because you did not have a polygraph machine to operate.

Mr. BALEIKO. I had polygraph machines available to me in the event I wanted to use one.

Mr. HARDY. Did you ever use them in postal interrogations?

Mr. BALEIKO. I used the machines that were available in the Secret Service; yes, sir.

Mr. HARDY. So you used the Secret Service machine but you had not even been checked out in that. You just picked this up out of a hobby?

Mr. BALEIKO. Picked what up, sir?

Mr. HARDY. The polygraph. You were officially assigned a B. & W. machine.

Mr. BALEIKO. Yes, but I was trained in the Keeler method. I was a Keeler school graduate.

Mr. HARDY. Then the Post Office Department should not have been using your talents for training, and then just give you a dinky thing like that.

Mr. BALEIKO. I had no choice in the matter.

Mr. HARDY. I appreciate that.

Mr. MONTAGUE. Congressman, this has been a small part in our over-all operation, with the half time of one man for the year. In 1963, nine of our divisions had no tests given by an inspector. And five divisions had no tests whatsoever. So you see, for some of the men there was no reason to have refresher courses because machines were not being used.

Mr. HARDY. That is a good point. I do not know whether they got any good out of the refresher courses anyway. Apparently not many of them went. They were evidently concerned with other aspects of investigation which may be just as effective.

Anyway, Mr. Chairman, I think we have demonstrated here that if the Department is going to proceed in the use of these machines, I would hope that they would develop some rather definite policy which will be clearly spelled out and not just by the haphazard methods we have been running around Robin Hood's barn on today.

These things may have some useful purpose and I do not mean to discount that. But I think that we ought to know a little bit more about how we are using them and about the competence of the people that are using them.

As far as these seminars are concerned, have you had any in which you could evaluate the graphs that have been made? You did not have the machines that were making the graphs.

Mr. BALEIKO. If you had your graphs there and the questions that were formulated, you always had people you could consult with at the seminars.

Mr. HARDY. But you did not have any graphs because you had nothing but the B. & W. machines, unless somebody else had made them for you.

Mr. BALEIKO. No, I was able to run polygraph tests.

Mr. HARDY. How many did you actually have? How many did you actually run on the polygraph machines during this period of time, Mr. Baleiko?

Mr. BALEIKO. I would estimate between 1948 and 1950, before the B. & W.'s were furnished, I had conducted about 175-180 polygraphic tests.

Mr. HARDY. That was between 1948 and 1950. That was a long time ago.

Mr. BALEIKO. Yes, sir.

Mr. HARDY. After you got rid of the B. & W.'s, how many actual graphs did you make?

Mr. BALEIKO. I would estimate maybe five a year. I did not run that many polygraph tests then.

Mr. HARDY. Was there anything to indicate how many of these tests that you referred to earlier were made with polygraphs and how many were made with the B. & W. gadget?

Mr. BALEIKO. I was the only examiner that had polygraph training. I was the only one that could be concerned with the polygraph.

Mr. HARDY. But you did not even have a polygraph to use unless you borrowed one.

Mr. BALEIKO. That is true. One was available to me, and that was the only way I could use it. It was not our machine.

Mr. MONTAGUE. Congressman, in answer to the question you just asked, the statistics we gave the committee were for fiscal year 1963, and as was developed during the questions here, Mr. Baleiko did have his Deceptograph machine all during that fiscal year. He made 233 of the tests which were made by inspectors that year. That represented 70 percent of the tests made by inspectors. So 70 percent of the tests made in this year were on the three-phase polygraph machine.

Mr. HARDY. Thank you, sir.

Mr. MONTAGUE. If I may, I would again like to make the point that perhaps one of the reasons why some of our policy does not seem to be so clear is that in the beginning I mentioned that we had the investigation by Inspector Baleiko made in 1961 to determine whether we should maintain or retain the capability of operating the polygraph machine. And if it was decided that we should, then to give our inspectors formal training and get good equipment, to go to it in the proper way, or else get out of the program completely.

We decided that it would be beneficial for us to continue to have this capability. That is why we went into this program. It is new; it has not had a chance to develop yet. But I think it is in line with what this committee has been suggesting, that we do not use a one-phase machine, that we do have qualified operators, that they be properly trained.

This is our goal.

Mr. HARDY. That is good. I have no objection to your developing policy as you go. Maybe that is the only way you can do it. You have not been very long with this particular type of polygraph machine. I think the committee, though, is going to be interested in finding out what you do in connection with the establishment of policy and seeing that that policy is carried out. Your policy is no good unless it is carried out. The so-called on-the-job training is no good unless you have a qualified operator doing the training.

Thank you.

Mr. MOSS. Mr. KASS?

Mr. KASS. You stated earlier that a postal inspector always knows when a polygraph examination is being given; is that correct?

Mr. MONTAGUE. Always knows? In what relation are we talking about it?

Mr. KASS. I was quoting your language.

Mr. MONTAGUE. In what context did I state that?

Mr. KASS. Let me ask the question another way. Who makes the decision in the postal inspection service to give a polygraph examination?

Mr. MONTAGUE. The inspector handling the investigation makes the decision as to whether or not he feels it is necessary. If it involves a postal employee, then in all such cases he has to talk to his inspector in charge and tell him what the case is about, and why he thinks the test is necessary, and get the approval of the inspector in charge or the deputy or assistant in the division, one of those three.

However, under this program where we have six operators, the inspector in charge will have to be informed in practically every case because arrangements will have to be made for one of these six men to travel to the place where the test is to be given.

Mr. KASS. Do you make a distinction between a postal employee and a person outside of the Department, as far as who is to be notified?

Mr. MONTAGUE. We have up to now; yes, sir.

Mr. KASS. Is that contained in Miscellaneous Bulletin No. 306, dated December 12, 1963?

Mr. MONTAGUE. Yes, sir.

Mr. KASS. Mr. MOSS, I would like to insert the bulletin into the record.

Mr. MOSS. Is there objection?

If not, it will be inserted in the record. (See exhibit 29, p. 504.)

Mr. KASS. Is this your only regulation or bulletin?

Mr. MONTAGUE. That is the only existing bulletin.

Mr. KASS. That is the only bulletin pertaining to polygraphs. In paragraph 4 it states that—

Polygraph examinations may be called for in criminal cases of more than average importance where investigation is at a standstill because an inspector cannot prove a suspect guilty or eliminate him from suspicion. * * *

Then it continues.

Does the polygraph then come in to prove the suspect guilty?

Mr. MONTAGUE. It does not prove the suspect guilty, but it could serve to eliminate some innocent people. We quite often have a situation where, to get back to our registered letter, again, five or six people may have had access to it. When the investigator talks to them, they all have reasonable stories as to what they did and what

they were doing, and where they were. Each one is involved in the handling of the letter which is under investigation. Each one on the surface is a likely suspect. You talk to each one and you develop no evidence by the normal interrogation means.

You ask, "Are you willing to take a lie detector test?" and most times the operators have found, that not only are those involved willing but they want to take a lie detector test, because those who are not guilty of anything want to be freed of any suspicion. They want to be absolved of blame.

We have had cases where people asked to be permitted to take a lie detector test without any suggestion from the operator.

Mr. KASS. Mr. Montague, where the polygraph exam is given to a postal employee, what happens to that information? Is that put in his personnel file?

Mr. MONTAGUE. It is in the investigative file. It is not in the employee's personnel file.

Mr. KASS. Is any information put in the employee's file of a refusal to take the exam?

Mr. MONTAGUE. No.

Mr. KASS. Mr. Baleiko, you stated you would be running the seminars in the future.

Mr. BALEIKO. No, I said I would propose, maybe, a program of such type, and I would like to take part in it as much as I can. The decision would be up to the Chief.

Mr. KASS. What is your training in polygraph?

Mr. BALEIKO. I have had considerable experience in all lie detection work since 1948. I have maintained an interest in reading all material I can on it, the actual operation of the instruments; I have had the experience now of having operated more than one type of instrument; I can talk about each one; I know the field, I think, and I have been in it. I can prepare notes. I can instruct.

Mr. KASS. Mr. Baleiko, can you review other operators' determinations?

Mr. BALEIKO. Providing the operation is standardized.

Mr. KASS. By standardized, do you mean by the zone comparison theory?

Mr. BALEIKO. If that method is used; yes.

Mr. KASS. Is that method taught in the Gormac School?

Mr. BALEIKO. I am not positive.

Mr. KASS. Could you supply that for the record?

Mr. BALEIKO. That could be obtained; yes.

(The information to be furnished follows:)

The Gormac School course for polygraph operation does include instruction in the zone comparison theory (Backster technique).

Mr. KASS. Are you familiar with the zone comparison theory?

Mr. BALEIKO. Yes.

Mr. KASS. Have you taken courses in it?

Mr. BALEIKO. No; no formal courses. I have acquired information and knowledge about it from the seminars.

Mr. KASS. From the seminars in Oklahoma and from Mr. Backster's slides?

Mr. BALEIKO. Yes; that is right.

Mr. KASS. What is your training so far as psychology courses?

Mr. BALEIKO. Formally, what I had in 1 year of college psychology.

Mr. KASS. What is your training in physiology courses?

Mr. BALEIKO. The same thing.

Mr. KASS. One year?

Mr. BALEIKO. Yes.

Mr. KASS. As regards to the polygraph or just in general terms?

Mr. BALEIKO. In general, and also what was taught in the Keeler school in connection with the course there. We had lectures on psychology and physiology, as they are applicable to the lie detection operation.

Mr. KASS. How long a course was at the Keeler school?

Mr. BALEIKO. A 6-week course.

Mr. KASS. What is your legal training?

Mr. BALEIKO. My knowledge of the legal aspects of the polygraph operation or otherwise was gained mostly from experience and the reading of papers on the subject.

Mr. KASS. Again, the same papers that were presented by the various experts?

Mr. BALEIKO. That is correct.

Mr. Moss. There is a quorum call in the House. It is necessary that the Members leave.

Gentlemen, I think we can dismiss you, that it will not be necessary to recall you. However, there will be some additional information that the committee will require. That will be contained in a request directed to you, Mr. Montague.

Mr. MONTAGUE. Yes, sir.

Mr. Moss. The record will be held open to receive it.

I thank you for your appearance.

The subcommittee is now adjourned.

(Whereupon, at 12:15 p.m., the subcommittee adjourned subject to call of the Chair.)

APPENDIXES

(Exhibits 1 through 26 appear in parts 1-3 of these hearings)

EXHIBIT 27A—BIOGRAPHICAL SKETCH OF HENRY B. MONTAGUE, CHIEF U.S. POSTAL INSPECTOR, POST OFFICE DEPARTMENT

Henry B. Montague, Chief U.S. Postal Inspector, was appointed to that position February 14, 1961. Mr. Montague was born November 28, 1911, at Beacon, N.Y., and attended primary schools in that city. He later attended New York University.

Mr. Montague entered the postal service as a substitute clerk at Poughkeepsie, N.Y., February 17, 1937. He worked his way up through clerical and supervisory ranks and was promoted to the position of postal inspector in 1942. From 1942 until 1951 he handled a wide variety of major postal inspection cases while assigned to the New York division. His investigations took him to many parts of the country.

In May 1951 Mr. Montague was made inspector in charge of the New York division, Postal Inspection Service. In that capacity he headed the postal inspectors covering the State of New York. He had wide responsibilities in the protection of the U.S. mails, in inspections of more than 1,700 post offices, in the prevention of crimes against the postal service and the apprehension of violators, and in many other administrative and law enforcement areas involving the postal service in New York State. He held the position of inspector in charge at New York until the time of his appointment as Chief Postal Inspector.

The Chief Inspector is married and has two daughters. The Montagues maintain their residence in Arlington, Va.

EXHIBIT 27B—BIOGRAPHICAL SKETCH OF FRANCIS W. BALEIKO, POSTAL INSPECTOR, POSTAL INSPECTION SERVICE, POST OFFICE DEPARTMENT

Francis W. Baleiko was born July 18, 1914, at Harvey, N. Dak. He received his high school education at Chicago, Ill., and attended Crane Junior College.

In November 1936, he entered on duty as a substitute clerk in the Chicago, Ill., post office subsequently advancing to the position of clerk in charge from which position he was appointed as postal inspector on January 8, 1949. For approximately 2 years prior to his appointment as an inspector, he assisted postal inspectors of the Chicago division in the conduct of inquiries relating to reported losses of mail.

Following completion of his training period as an inspector, Mr. Baleiko was assigned primarily to the conduct of criminal investigations, predominant among which were those relating to theft of mail. For more than 10 years he has been assigned on a full-time basis to the conduct of complex investigations relating to armed robberies, burglaries, and theft of mail in the Chicago division of the Inspection Service.

In 1948, Mr. Baleiko completed a course of instruction and qualified as an operator of the Keeler polygraph. He has continuously had responsibility for lie detector operation since 1950. He has maintained active membership in the Academy for Scientific Interrogation and has kept abreast of developments in the fields of lie detection and criminal interrogation through attendance at seminars held at Austin, Tex., in August 1958, at the University of Oklahoma, Norman, Okla., in March 1963, and at New Orleans, La., in August 1963.

EXHIBIT 27C—BIOGRAPHICAL SKETCH OF MARLIN W. BROWN, DIRECTOR, MAIL LOSS AND DEPREDATIONS DIVISION, BUREAU OF THE CHIEF POSTAL INSPECTOR, POST OFFICE DEPARTMENT

Marlin W. Brown was born May 8, 1912, at Baltimore, Md. He received his education at the Garey Army and Navy Preparatory School, Baltimore, and Charlotte Hall Academy, in Maryland.

In May 1931 he entered on duty with the postal service serving as a clerk-carrier, railway postal clerk, and sea post clerk until his appointment as a postal inspector on April 16, 1939.

Mr. Brown entered the military service on July 20, 1942, and was assigned to the Army postal service. He was honorably discharged on June 28, 1946, with the rank of lieutenant colonel. He continued to serve in the Army Reserve and currently holds the rank of colonel.

Mr. Brown has been primarily associated with depredation and related criminal investigations throughout his career as a postal inspector.

In August 1958, Mr. Brown was designated national coordinator of major service depredation investigations. On October 4, 1959, he was promoted to his current position of Director of the Mail Loss and Depredations Division at the headquarters of the Inspection Service in which capacity he is responsible for directing the investigative programs of the service relating to mail theft, armed robberies, burglaries, and certain other major postal crimes.

EXHIBIT 28—LETTER FROM H. B. MONTAGUE, CHIEF INSPECTOR, POST OFFICE DEPARTMENT, TO BENNY KASS, MARCH 24, 1964

POST OFFICE DEPARTMENT,
CHIEF POSTAL INSPECTOR,
Washington, D.C., March 24, 1964.

BENNY KASS,
House Government Information Subcommittee,
Rayburn Office Building,
Washington, D.C.

DEAR MR. KASS: This has reference to your inquiry concerning the use of lie detectors by this service.

In the attachment to our letter of July 26, 1963, to Hon. John E. Moss, it was stated (question 4) that we had 17 machines, but that 13 of them were acquired more than 10 years ago, and employed only a one-phase detection procedure. Of the remaining four, two were three-phase Stoelting polygraphs, and two were modern one-phase B. & W. machines, acquired more recently. This was the status of our lie detection equipment at the close of fiscal year 1963.

In fiscal year 1964 we purchased four Keeler polygraphs, all of them three-phase detection instruments, and have disposed of all one-phase machines. Accordingly, we now have in current use six 3-phase polygraphs on a service-wide basis which cost \$7,080. The six postal inspectors who operate them received formal training at recognized schools.

Sincerely yours,

H. B. MONTAGUE, *Chief Inspector.*

EXHIBIT 29—POST OFFICE DEPARTMENT MISCELLANEOUS BULLETIN

[Bulletin No. 306, Dec. 12, 1963]

POLYGRAPH PROGRAM

1. A total of six inspectors have completed formal training as polygraph operators. It is anticipated that all of them will be supplied with machines and in a position to give examinations beginning January 15, 1964, or shortly thereafter.

2. The divisions with polygraph examiners, and divisions to be served are as follows:

Examiner assigned to:

	<i>Divisions to be served</i>
Atlanta-----	Atlanta and Chattanooga.
Chicago-----	Chicago, Fort Worth, Kansas City, and St. Paul.
Cincinnati-----	Cincinnati and St. Louis.
New York-----	New York and Boston.
Philadelphia-----	Philadelphia and Washington.
San Francisco-----	San Francisco, Denver, and Seattle.

3. The foregoing are not intended to be arbitrary boundaries. If the polygraph operator serving a particular division is not available, the inspector may request assistance of the operator in the nearest division. Inspectors in the Chicago and New York Divisions are available now to give examinations. The Inspectors in Charge of the other four divisions will advise other divisions concerned in the event any problem is experienced which would prevent giving examinations commencing about January 15.

4. Polygraph examinations may be called for 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 be cleared through the Inspector in Charge, or in his absence, his deputy or assistant.

5. It is emphasized that the polygraph must not be used as a substitute for other normal investigative and factfinding procedures.

6. It is our desire to be self-sufficient as a service in providing technical support in criminal investigations, and the services of our operators should be used, especially in giving examinations to postal employees. We realize, however, that this may not be practicable in some instances, in view of urgency, distances involved, and cost of travel by our operators. In such instances polygraph examinations may be obtained locally where satisfactory arrangements are in effect.

7. B. & W. lie detectors, which were acquired about 10 years ago, may now be disposed of under accountable property procedures as specified in section 23, CIDH.

H. B. MONTAGUE, *Chief Inspector.*

EXHIBIT 30—LETTER FROM H. B. MONTAGUE, CHIEF INSPECTOR, POST OFFICE DEPARTMENT, TO HON. JOHN E. MOSS, JUNE 30, 1964, WITH ANSWERS TO QUESTIONS RE USE OF THE POLYGRAPH

POST OFFICE DEPARTMENT,
CHIEF POSTAL INSPECTOR,
Washington, D.C., June 30, 1964.

HON. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: In accordance with your letter of June 15, there is attached a statement containing answers to the questions asked regarding use of the polygraph.

Sincerely yours,

H. B. MONTAGUE, *Chief Inspector.*

1. What are the qualifications as polygraph operators of Prof. R. L. Holcomb, Department of Public Affairs, Iowa State University, Iowa City, Iowa, and Mr. F. W. Quinn, of Quinn & Associates, Greensboro, N.C.? (We are also referring to qualification of Mr. Clinton B. Hanscom and John E. Reid & Associates; see mention of them in our letter of June 19, 1964, in answer to question No. 6 in your letter of June 1, 1964.)

Prof. R. L. Holcomb, Department of Public Affairs, University of Iowa, Iowa City, Iowa:

Mr. Holcomb is 52 years of age and an assistant professor and Director of the Bureau of Police Science, at the University of Iowa. He is a member of the International Association of Chiefs of Police; the Iowa Association of Chiefs of Police and Peace Officers; the American Academy of Polygraph Examiners, and a past president and a member of the board of directors of the last named organization. He received a bachelor of general science degree from Iowa

State University, Ames, Iowa, in 1933, a masters degree in psychology from the State University of Iowa in 1936, and is a graduate of the School of Traffic Police Administration, Northwestern University, class of 1937. He was employed as a research assistant while studying for his masters degree at the University of Iowa. At Northwestern University he was acquainted with, and worked informally with Mr. Leonarde Keeler, head of the Crime Detection Relations School. Mr. Holcomb stated he actually began polygraph examinations in 1948, and estimated having given 3,000 examinations. He uses a Stoelting Polygraph. Through the University of Iowa, his services have been gratis to any government enforcement agency.

Mr. Freddie W. Quinn:

This service first learned of Mr. Quinn in 1957 when he was employed as chief investigator at Camp Lejeune, N.C. in a civilian capacity. He held that position for approximately 4 years and then went into business for himself in Greensboro, N.C. as Quinn & Associates. While at Camp Lejeune, Mr. Quinn operated the polygraph for the military service and enjoyed a good reputation. At Greensboro Mr. Quinn, besides handling private business, was employed for a time to give polygraph tests for the local police department.

Mr. Clinton B. Hanscom, director, Department of Police, University of Minnesota:

Mr. Hanscom is 61 years of age, and has been engaged in police work for about 40 years. He has been associated with the University of Minnesota for the past 30 years. His educational background is in the fields of business administration in which he holds an A.B. degree, and criminology. Also, he has several extension credits. He is a past president of the board of the Academy for Scientific Interrogations; a member of the American Academy of Polygraph Examiners, the American Academy of Forensic Sciences and other police and criminologist organizations. He originally studied the polygraph at Northwestern University for 11 months under Mr. Keeler. He has conducted extensive research in the field of interrogation and is considered to be extremely well qualified by members of law enforcement agencies in the Middle West. He is the author of a paper entitled "Modern Interrogation Techniques" which has been printed in seven languages and distributed to numerous police agencies throughout the world.

John E. Reid & Associates, Chicago, Ill.:

It is understood that Mr. John E. Reid has appeared before your committee and that you have a record of his qualifications as a polygraph operator.

2. What is the specific statutory authority for the Post Office Department to dispose of Government equipment without going through the General Services Administration?

GSA Regulation 1-IV-402.01 is the statutory authority involved. This regulation authorizes the abandonment, destruction, or donation to public bodies by an executive agency, after it has been affirmatively found, by a duly authorized official of such agency either that (1) such property has no commercial value, or (2) the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale.

3. Has the postal inspection service established minimum qualification requirements for commercial polygraph operators who do contract work with the service? Have these been incorporated into any bulletins or regulations? Provide two copies of any such instructions.

Those listed in answer to question 1 above are the only ones not members of Government agencies who have given polygraph tests at request of our agency over the past 10 years. However, a list of qualified polygraph operators in private practice is being compiled and completion is expected in the early part of September 1964. Use of such polygraph operators has been very limited in the past, and it is expected it will be on an even more restricted basis in the future. It is intended to disseminate a list of such qualified operators to inspectors.

4. During the course of the hearing, you stated: "Well, we do know that we have had benefits from it (the polygraph). We may not have evaluated it in the way you outlined, but we do know that we have had benefits from it." Please furnish a summary of the benefits which the Postal Inspection Service has derived from the polygraph.

In making my statement I had in mind cases of which the following are examples:

In a case involving a shortage of \$500 in a registered letter containing an official remittance from a postal station, investigation developed a suspect who denied the theft. The superintendent of the station presented a request to

the postal inspector that he and seven other employees including the suspect be given examinations. The examinations which were, of course, all taken voluntarily showed reactions of guilt on the part of the one considered as the logical suspect. He subsequently admitted the theft.

A relabeled parcel was noted in handling at a post office. Investigation established that the addressee was a postal employee in the parcel post section. The parcel was delivered to the address shown on the parcel. The employee accepted it there, and was promptly questioned about it. He denied knowledge of the parcel and volunteered to take a polygraph examination. During the preliminary talk while preparing to take the polygraph examination, he admitted he had addressed the parcel to himself.

A railroad baggageman was developed as a suspect in connection with the disappearance of a registered article containing \$8,000 in currency, and volunteered to take a polygraph examination which indicated guilty knowledge. However, he stoutly maintained his innocence. Most of the missing money was subsequently discovered packed in tin containers which were hidden behind loose rocks and dirt in his basement.

EXHIBIT 31—LETTER FROM CAPT. C. R. KEAR, JR., U.S. NAVY, TO BENNY KASS,
JUNE 17, 1964

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C.

MR. BENNY L. KASS,
*Counsel, Committee on Government Operations, Subcommittee on Foreign
Operations and Government Information, House of Representatives,
Washington, D.C.*

DEAR MR. KASS: This is in reply to your verbal request pertaining to a galvanometer (B-W machine) which was obtained by the District Intelligence Office, 13th Naval District, from the General Service Administration. Information from the Office of Naval Intelligence indicates that the District Intelligence Office, 13th Naval District was informed that the B-W machine was on the GSA availability list and one was obtained at no cost, and examined. At no time was consideration given to use this machine in any way in Naval Intelligence investigations. The machine was inoperable and was never used by any personnel in the District Intelligence Office. The B-W machine has been destroyed beyond use.

I hope this information answers your questions concerning this matter. Please inform me if I can be of further service.

Sincerely yours,

C. R. KEAR, JR.,
Captain, U.S. Navy, Deputy Chief.

EXHIBIT 32—STAFF MEMORANDUM FROM MARVIN G. WEINBAUM, INVESTIGATOR,
FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE, TO HON.
JOHN E. MOSS

A total of 305 polygraph examinations given at the request of the Federal Government in fiscal year 1963 were not, in fact, conducted by the requesting agency. A subcommittee inquiry of June 1, 1964, disclosed that 11 Federal agencies used the services of examiners from State and local governments, private firms, or other units of the Federal Government.

The overwhelming number of the "outside" examinations were performed by state and municipal police departments and other local law enforcement agencies. By using the services of state and local governments, the Federal Government incurred costs of only \$5.40 during fiscal year 1963 for a total of 228 polygraph examinations. The Post Office Department and the Secret Service, with requests for 115 and 79 tests, respectively, relied most on State and local governments.

Only the Secret Service reported using the services of a commercial firm for polygraph examinations in fiscal year 1963. John Reid & Associates of Chicago was paid \$50 for each of 18 tests, the costs being covered by the Federal Reserve Bank of San Francisco.

Ten of the eleven Federal agencies reported using the services of another agency within the Federal Government for 59 tests. Intelligence units of the Army, Navy, and Air Force were most frequently called upon.

Despite the low costs to Federal agencies for the services of "outside" examiners, it is questionable what has been purchased. No careful attempt was made to determine local examiners' training, or to see that their equipment and procedures conformed to high professional standards. The prime failure, however, rests with the Federal Government for having neglected to provide the necessary guidelines and standards.

EXHIBIT 33—STATEMENT SUBMITTED BY THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES ON THE USE OF THE POLYGRAPH BY FEDERAL AGENCIES

The extent and circumstances of the use of the polygraph in various aspects of Federal employment is sufficiently disturbing that the American Federation of Government Employees recommends that such use be completely discontinued.

This recommendation is made in the belief that use of the polygraph in hiring is not necessary and that whatever advantage might accrue to the Government is greatly outweighed by the instances of harm to the prospective employee which have occurred and may occur again if polygraph tests are continued.

When 19 out of 58 Federal agencies queried stated that they regularly used polygraph machines, there was significant evidence that the problem thus created is sufficiently widespread to call for remedial action. Furthermore, the fact that these 19 agencies own 512 machines and this equipment was used in 19,122 tests shows the extent of the application of polygraph technique to various situations arising in Government operations. The agencies reporting did not include the Central Intelligence Agency or the National Security Agency, both of which require polygraph machines to be used for employment screening.

The 19 agencies reporting the manner in which this equipment is used indicated that the tests are given only with the voluntary consent of the person to be tested. Even in the screening programs of CIA and NSA applicants may refuse to submit to polygraph testing, although such a refusal in CIA is considered along with other information developed and in NSA leads to more exhaustive investigation.

It seems clear that an employee may be penalized by submitting to a test that is improperly given or incorrectly interpreted. In the case of refusal he chances the implication that it is evidence that he has something to hide and therefore would not be a desirable employee.

Of paramount consideration in determining the course to be taken in dealing with polygraph technique is that a Federal agency should make the utmost effort to respect the rights of the individual who is being questioned while under consideration for prospective employment. It is a severe indictment of those using the polygraph unnecessarily as part of the recruiting procedure that individuals have been subjected to humiliating experiences. It is apparent from testimony already given to the House Government Operations Committee that polygraph tests are not appropriate to employment screening and that their use is completely indefensible in recruiting for the more routine type of position when security is not a factor.

Discussion of polygraph use by those who are deemed to be expert has raised some basic questions as to reliability of the machine as a means of testing the truthfulness of an individual. Analysis of committee testimony seems to indicate that polygraph testing as a truly scientific procedure is questionable. It appears to be better adapted to inducing a confession in the course of a criminal investigation. Seldom can its advocates clearly and reliably determine that a subject is truthful or deceptive unless the polygraph procedure has been followed by a confession by someone involved in a case. Thus its use has been termed a mental blackjack by those who declare its results are not reliable and measurements attempted are not valid.

It is understood that use of the polygraph as a diagnostic procedure has been relied upon for determining truth or deception by means of a course of several examinations. A great deal admittedly depends upon the examiner's interpretation of the responses obtained. And this fact points up the principal element in attempting to evaluate the polygraph, which is the adequacy of the individual conducting the test.

Discussions by recognized experts indicate that the person conducting the polygraph test must be someone with a good education background, having what is comparable to a college education. Mr. Fred E. Inbau, the law professor

trained in polygraph technique who made this observation, also stated that a suitable examiner implicitly must be a person of intelligence and maturity. In short, he must seek to protect the public interest and safeguard national security, and be particularly respectful of the rights of the individual.

It was stated by the same expert that possibly 80 percent of the users of the polygraph do not meet the standards for skillful and reliable technicians in this field. The proposal has been made that an interdepartmental committee should investigate the qualifications of examiners now practicing in the Federal service, and should suggest standards not only for the training of examiners but also should consider the type of questions to be asked and fix appropriate norms for conducting these tests. We concur heartily in the need for such an investigation.

Certainly standards of training and use must be substantially raised before any great measure of reliance can be placed on polygraph testing. Even then its utilization should be permitted under circumstances which permit maximum protection for the individual to be tested by such means.

As already stated, it seems highly desirable that the Federal Government abandon its use of the polygraph for the purpose of screening applicants for positions in the Federal service. In this respect, the Federal Government can well follow the example of Massachusetts and prohibit the use of the polygraph examination as a condition of employment.

To sum up our position: the American Federation of Government Employees urges the elimination of lie detection tests from preemployment investigation. We make such a recommendation because such tests are not a necessary part of that procedure. This is particularly true of hiring procedure for the more nearly routine type of work. Other techniques, if carefully and intelligently applied, are adequate for that purpose. If the polygraph is to be used at all in the Government service, its use should be confined to situations related to the detection of crime or involving the conduct of individuals as it pertains to what are truly matters of national security.

We are appreciative, Mr. Chairman, that we are enabled to submit these comments for the consideration of the committee.

EXHIBIT 34—STATEMENT OF GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. Chairman and members of the subcommittee, during the past several months, this subcommittee has been engaged in a significant inquiry into the utilization of polygraphs by Federal agencies. We desire to extend our commendation to you and your colleagues for your keen interest in this highly important and sensitive phase of personnel policy.

The Government Employees' Council has associated with it 29 unions, whose members are employed by the Federal Government. Some of these organizations consist solely of Federal workers; others have members in private industry and government. Together they represent an important cross-section of opinion among Federal postal, classified, and wage board employees.

The subcommittee's preliminary study of the subject revealed a widespread use of the device by various Federal agencies. On the basis of the number of polygraphs in use, the funds expended for administration of the tests, and the number of individuals to whom the tests were given, the subcommittee's inquiry assumes great importance.

Of equal concern, however, are the validity of the test results and the safeguards available to individuals who either consent or are required to undergo a polygraph examination.

Since some agencies employ the device in determining cases of alleged misconduct or criminal activities of employees, it is essential that a judgment be reached on the accuracy of the process and the protection of individual rights.

When we recall that an individual's ability to secure or retain a job in the Federal Government and his future character references may hinge in large measure on the findings of the polygraph examination, the necessity for certainty about the accuracy of the results becomes apparent.

It has been stated that not the lie detector machine, but the operator, is primarily responsible for the results of these examinations. The examiner must interpret the responses which the polygraph records. Thus, much depends upon the training and personal psychological stability of the operator.

Responses of the Federal agencies to the subcommittee's questionnaire reveals a wide variation in the qualifications required by examiners. Education, experience, training, and miscellaneous requirements covered a wide range.

Moreover, the subjective nature of the judgments made by the operator make it difficult to refer to norms, which will assure the individual undergoing the test that there will be an objective evaluation of his responses. Dr. H. B. Dearman and Dr. B. M. Smith in the May 1963 edition of the American Journal of Psychiatry described in detail a series of polygraph examinations administered by different persons to the same subject. Interpretations of the individual's responses differed widely.

An article in the Tennessee Law Review (22: 729, 1953) offers ranges of error in the use of polygraphs.

"Studies which have been made indicate that with highly trained and experienced examiners, we can expect incorrect judgment in 3 percent of the cases and inability to make a confident judgment in about 17 percent. Where trained examiners have less experience, we can expect incorrect analysis in at least 10 percent of the cases and ambiguous records in more than 20 percent."

The least that can be said is that the validity of polygraph findings is dubious. There is no clear-cut, compelling evidence to refute the opinion that the testee's physical and psychological reactions to the entire test procedure will influence the results contrary to the facts.

Other basic questions are involved, also. Should the individual to be tested have the benefit of a physical examination before undergoing a polygraph examination, and should the services of a qualified physician be available in the interpretative phase of the proceedings? Should the person be entitled to counsel, if he feels it necessary, before and during the examination? What are the legal implications of the polygraph to the rights of the individual citizen? What opportunity should be available to the individual who desires to contest the findings of the test? Should the results be made available to the person examined?

Where questions of security or alleged criminal violations are involved, the problem is much more difficult. Defense or security considerations indicate the welfare of the country as the principal consideration. At the same time, the Federal Government must be ever conscious of the desirability of preserving the basic rights of individual citizens.

To what extent are the results of polygraph tests the determining factor in a person's obtaining or retaining Federal employment? If they are only one tool among many to ascertain an individual's veracity and his suitability for Government employment, they can be dispensed with as unessential. If they are the factor upon which hangs a decision, conflicting opinions on their value makes their usefulness questionable.

The conclusion emerges that the conflicting views of the machine's accuracy, the wide variation in qualifications of operators, the serious implications of law and equity involved in its use warrant a moratorium on its application in pre-employment screening and noncriminal disciplinary procedures in the Federal Government. Until such time as a more meaningful evaluation of the scientific accuracy of the device can be made and the qualifications of operators can be standardized, there is no need to subject individuals to the psychological and other hazards now inherent in use of the equipment.

We urge that the subcommittee continue its review of the polygraph in Federal activities, with particular attention to the validity of lie detector test results.

Our organization appreciates the opportunity to offer these comments on a serious and vital question.

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