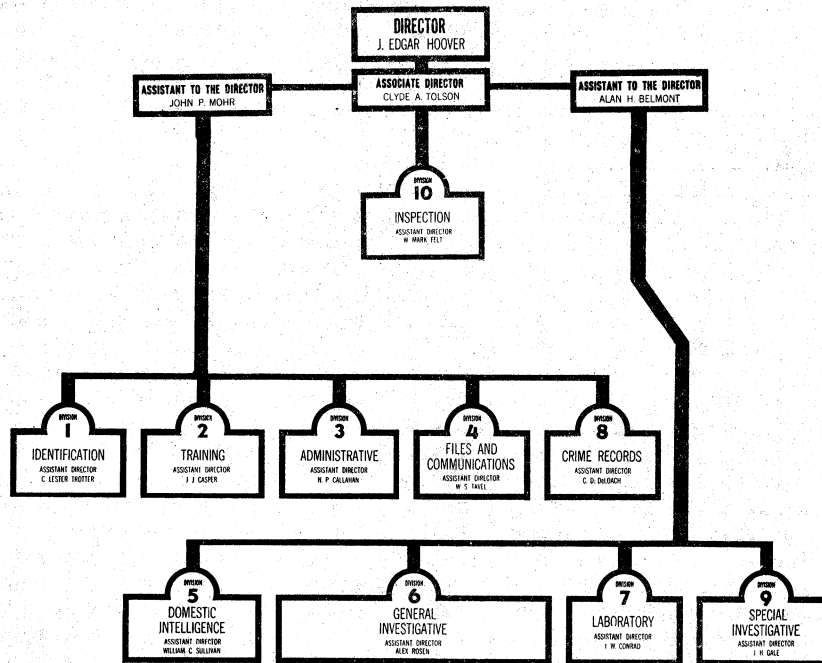


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Mr. KASS. But what does the Associate Director look at in trying to make his decision?

Mr. MOHR. Well, he would—

Mr. KASS. Can you give us an example?

Mr. MOHR. Give you what?

Mr. KASS. Can you give the committee an example of a hypothetical case, where the polygraph would not be used, and a hypothetical case where the Associate Director would make a decision to use the polygraph?

Mr. MOHR. To give an extreme example would be where the person to be examined is one who, shall we say, is mentally disturbed, or the investigation has shown he is mentally incompetent. We certainly wouldn't give one to such an individual.

Mr. KASS. Mr. Mohr, does the FBI make the determination that the person is mentally incompetent?

Mr. MOHR. No, we do not. The investigative agent would conduct an appropriate investigation to determine the overall competency of the individual. That would be one of the factors he is required to consider in making his initial recommendation to the seat of government.

Mr. KASS. To digress for a moment on the question of mental incompetency, Mr. Herndon, can a person who is mentally incompetent take a polygraph examination?

Mr. HERNDON. He can take it, but he should not.

Mr. KASS. Why not?