

it. I would cite as a possible analogy an eyewitness. We still interview an eyewitness to a bank robbery although he may have taken three aspirin, or he may have taken a drink of alcohol, but we still accept the information which he gives us, and then we attempt to confirm it by other investigation. We treat our polygraph in the same light.

Mr. MOSS. Let's take your analogy. Certainly there is a lot more research on the reliability of eyewitnesses than there is on the reliability of the channel on respiration in the polygraph.

Mr. CONRAD. Research with regard to what?

Mr. MOSS. The reliability of observation by a human being, of some physical phenomenon, whether it is someone hitting someone over the head with a club or shooting them. And I recognize the fallibility of this type of evidence, because you can have five eyewitnesses and five different versions.

Mr. CONRAD. That is right, sir.

Mr. MOSS. Which merely goes again to prove the unreliability of human beings. And yet we have, not in the FBI, but we have, if my information is correct, some agencies and some American businesses that regard this as almost a precise instrument. And it is only taking one small part of this human being and trying to measure that.

Mr. CONRAD. Well, we have already indicated we do not regard it as having sufficient precision that it can be relied on in that way.

Mr. MOSS. I recognize that. But here we have one agency where the average of its personnel, from the standpoint of education and preparation, is way above that of the other agencies using this device. Your training goes to men who are already far more skilled at interrogation and investigation than the average of some of the other departments of Government. You place less reliance on the polygraph than they do. These areas, which are of interest to me and I think to my colleagues on the committee, are areas which clearly you have not explored, where you are not prepared to give an answer, or make a judgment. I think this is important to the committee in establishing the bounds of this problem of polygraphs and their use.

Mr. CONRAD. My only point, Mr. Chairman, was simply the one that in the way in which the FBI uses the polygraph, it really wouldn't make too much difference to us whether the examinee has had three aspirins or not. We take the information and fit it in with all of the other information available at our disposal.

Mr. MOSS. It would only make a difference if at that point this might become the deciding factor in a case where you determined not to move ahead.

Mr. CONRAD. It would never do that in our work, sir.

Mr. MOSS. All right. If you would never make it the deciding factor, then your statement is clearly correct.

Mr. MOHR. That is correct, sir.

Mr. MOSS. Mr. Kass?

Mr. KASS. Mr. Herndon, when a person lies, can his respiration on the chart go up?

Mr. HERNDON. It can.

Mr. KASS. Can it go down?

Mr. HERNDON. It can.

Mr. KASS. Can his galvanic skin response go up and down?