

EXHIBIT 37—REPLY FROM THE DEPARTMENT OF JUSTICE: FEDERAL BUREAU OF INVESTIGATION

DEPARTMENT OF JUSTICE,
Washington, D.C., July 16, 1963.

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

DEAR MR. CHAIRMAN: This refers to your letter of June 11, 1963, addressed to the Attorney General, requesting information on the use of polygraph equipment in the Department of Justice.

This is to advise you that the only branch of the Department which owns or uses polygraph machines is the Federal Bureau of Investigation. The Director of that Bureau has advised me that he has been in communication with your Subcommittee and has furnished information concerning the FBI's use of the polygraph.

Sincerely,

S. A. ANDRETTA,
Administrative Assistant Attorney General.

FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., July 22, 1963.

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

Yes.

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

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

The FBI uses the polygraph as an investigative aid in carefully selected cases involving criminal and security violations in which the FBI has primary jurisdiction. All persons interviewed with the polygraph sign voluntary waivers indicating their willingness to be interviewed with this device. The FBI does not use the polygraph in interviewing job applicants or general personnel screening.

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

No; only selected cases. During fiscal year 1962 the FBI handled 637,090 investigative matters. Polygraph technique was utilized in 912 investigative matters. Therefore, use of the polygraph is 0.14 percent of total investigative matters.

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

The FBI's official position with regard to polygraph results is that although the polygraph is often referred to as a "lie detector," it is not in fact such a device. The instrument is designed to record under proper stimuli emotional responses which may indicate and accompany deception. It must be clearly understood that emotional disturbances observed during a polygraph test can and may be prompted by anger, fear, violent dislike, et cetera. The polygraph operator must be extremely skilled, conservative, and objective. The FBI feels that the polygraph technique is not sufficiently precise to permit absolute judgments of guilt or nonguilt without qualifications. The polygraph is used as an investigative aid and the results must be considered within the context of a complete investigation. The polygraph can be helpful to implement an interrogation and provide investigative direction but it must not be relied on solely or used as a substitute for logical investigation.

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

Requests to use the polygraph originate from the special agent in charge of the field division where the subject resides. These cases are reviewed and passed on by the assistant director level at the seat of government and reviewed at assistant to director level.