

that the information obtained in the course of a polygraph examination could be used in prosecution, if circumstances warranted it. You will note that provision is made to advise the individual in advance of his opportunity to consult counsel and obtain legal advice before taking the examination, and before taking the examination the party to be examined is advised of his rights under the self-incrimination clause of the fifth amendment, article 31 of the uniform code, and this.

I brought with me article 31 of the uniform code, and it is quite extensive. If you care, I would be pleased to put it into the record.

Mr. KING. Without objection, that will be made a part of the record. (See exhibit 46, p. 609.)

Mr. KING. Well, then, from what you say I get the impression, Mr. Skallerup, that the chief value of the polygraph in this situation is that it gives to the prosecuting officials one more tool with which to work in trying to line up their case against the defendant. This is just one more dimension that they have in which to operate. In other words, they subject the defendant to a polygraph examination and ask him a question, and get an answer. The machine indicates that this is an area of great disturbance to the interrogee, suggesting perhaps that he is lying or at least greatly disturbed over the matter.

So this is a "red flag" to the examiner, and he immediately goes into that in a little more depth in the hope that maybe he can come up with something fruitful. The polygraph was useful in that it did send up the red flag. It put him on notice that this is a possible area for fruitful research.

Is that correct?

Mr. SKALLERUP. That is a good description of the function, yes.

Mr. KING. As far as you know—you qualified your answer—but as far as you know, it is not used as substantive evidence at the trial?

Mr. SKALLERUP. That is my understanding.

Mr. KING. Certainly if the man objected to its use, I would assume that the privilege against self-incrimination would act as a complete barrier at that point. This is my understanding. I haven't researched the question lately, but I believe that is correct.

Now, do I understand from your statement that the DOD has appointed an investigating committee? You referred to that in your statement. It is composed of experts from the different branches of the service, and that they are now going into this whole matter?

Mr. SKALLERUP. That is correct.

Mr. KING. And that there will be forthcoming an official report on this soon; is that correct?

Mr. SKALLERUP. I can say yes, except as to the "soon." They are experiencing considerable difficulty in establishing standards by which to make the validation judgments. It will be some time, I believe, before they conclude their activities.

Mr. KING. Are they going into the matter of reliability?

Before you answer that, let me amplify my question a little bit. Not too long ago, we had before us the rather celebrated case involving Airman Gerald M. Anderson, stationed at the Mountain Home Air Force Base in Idaho, who was accused of committing two dastardly murders. As I remember the case, he was subjected to a polygraph. At first he maintained his innocence, and then later, because of the results of the test, he changed his story, presumably to make it consistent with the polygraph.