

And then still later, he changed the story back again and repudiated his alleged confession. And then still later, another party confessed to the crimes that Airman Anderson was alleged to have committed so that the upshot of it all was that the charges were dismissed, and he was given an honorable discharge from the service.

But this particular case, I think, brought the whole use of polygraphs rather dramatically to the attention of the public and of this subcommittee.

Now again, my question, is this committee to which you refer going into the matter of the accuracy of the polygraph, and in passing, would you like to comment on this case of Airman Anderson?

Mr. SKALLERUP. The committee will attempt to study that and develop some judgments in the matter. I personally feel that it is going to be a most difficult thing to accomplish. My own view is that the difficulty will be comparable to the problem you would have if you were going to assess the reliability of jury decisions and jury verdicts or the reliability of judges' fact-finding functions.

I say this essentially because the polygraph examiner as well as the jury and the judge are basically involved in making very subjective judgments. This is a very, very difficult thing to assess by reliable scientific measurement.

Mr. GRIFFIN. Would the chairman yield?

Mr. KING. Yes.

Mr. GRIFFIN. Certainly that would be true. I go back to my previous point, the limitation of polygraph use to a situation in which information can't be checked by any other means. I realize you seem to qualify that when I put the question. But it seems to me there are lots of circumstances in which the validity and accuracy could be checked if polygraph examination were used as an investigative tool not the only means.

The difficulty occurs when you rely exclusively on the polygraph as the method of developing information. Then you are out in an area where it is indefensible from most points of view.

Mr. SKALLERUP. I don't think we are really going to measure the validity of the polygraph machine. I believe what we will be able to do is develop an assessment of the effectiveness of a polygraph examination and when we do this, one must take into consideration the variations and degrees of competence among examiners. There will be good examiners and there will be others that won't be so good.

Mr. KING. Well, then, admitting as you do—and I think as everyone knows,—that the polygraph is far from perfect, far from precise in the scientific sense of the word—then aren't we saying in effect that its justification lies in the fact that something is better than nothing, and that a fragile instrument is better than no instrument. And on occasions, maybe frequently, it does give us some significant truths, so therein lies its justification, even though we recognize that it is imperfect and that occasionally there may be some error mixed up with the truth.

Is that correct?

Mr. SKALLERUP. I am in general agreement with you. We are really talking about factfinding here and reliability should be based essentially on the intellectual prowess of the interrogator.

The polygraph is used as a crutch by some interrogators. It is helpful in detecting responses that might not normally reach the eye.