

criminal cases will be limited to those where there are serious crimes and the standard used is where the sentence is in excess of a year.

Mr. RUMSFELD. So by specifically using the word "disciplinary" in his statement he was drawing a distinction between disciplinary and criminal.

Mr. SKALLERUP. Question of degree.

Mr. RUMSFELD. Right. In your statement you say:

By way of general comment, it is recognized that the directive is a first step toward bringing polygraph examinations under appropriate controls.

I would hate to think that this directive was really the first step. Certainly in the past it has not been without controls and guidelines as to their use.

Mr. SKALLERUP. What is your question?

Mr. RUMSFELD. The statement, I think, could leave the hopefully erroneous conclusions that this was the first step in doing anything about saying that this investigative technique, or employment technique, was used intelligently and bring it under appropriate controls. It is hard for me to believe that the Department of Defense has been functioning without controls or guidelines as to the use of this, just as the background check or medical examinations or psychological testing or anything else.

Mr. SKALLERUP. Well, as I said in my statement:

This is the first comprehensive directive of the Department of Defense regulating the use of the polygraph.

Prior to the issuance of this directive there were regulations of the military departments, which purported to control the use of the polygraph. We found those regulations inadequate, and as a consequence, this directive was developed.

Mr. RUMSFELD. I have included some comments in my questions which were to some extent conclusions. Just to satisfy myself, is it correct that before and as a result of this directive, the Department of Defense uses the polygraph as an investigative technique and not as a lie detector; is this correct?

Mr. SKALLERUP. That is correct.

Mr. RUMSFELD. And that this has been the practice, and certainly every other bit of testimony we have received on this subcommittee, has been that it should be used as just one of many techniques in trying to ascertain certain information. Do you feel that when you use the words "first step" it implies there might be a second step. Do you feel there would be any serious damage to the Department of Defense in the event that you were denied this particular device as one of many techniques used in investigations or in your employment process or any other way that it may be used?

Mr. SKALLERUP. We considered that as an alternative at the time we prepared the directive and it was considered to be inappropriate to ban the use of the polygraph. What we have tried to do is provide a degree of assurance that it is used responsibly and used in proper circumstances.

Mr. RUMSFELD. So your testimony would be then that the Department of Defense considers the use of the polygraph necessary in the conduct of your activities on behalf of the people of this country?

Mr. SKALLERUP. Yes; within the areas set forth in the directive.