

Mr. RUMSFELD. Exactly. There is a bill that has been introduced by Congressman Gallagher which I am sure you are familiar with, which I suppose could be summarized by saying that it rather dramatically restricts the use of polygraph and requires the head or acting head of an executive department or agency to make a specific determination with respect to its purchase or use, and to supply a written report on it.

In view of the directive, and in view of your answers today, it would seem to me that this would unnecessarily restrict your use of the polygraph and put a tremendous burden on the Department of Defense with respect to the conduct of your responsibilities in the Government. Is this your conclusion, or do you disagree with that?

Mr. SKALLERUP. I am not prepared to discuss this particular piece of legislation to which you refer. I know the Department has prepared a position. I believe it is currently being coordinated with the Bureau of the Budget and I think it would be more desirable if we were to wait until that letter were sent to the chairman of the committee.

Mr. RUMSFELD. That is all I have, Mr. Chairman.

Mr. KING. I have one question I would like to ask, Mr. Skallerup, a rather frank question. Is it possible that a polygraph in effect becomes a club over the head of an employee used either intentionally or unintentionally?

Now what I have in mind is this. Practically everybody has something in his background that he is not particularly anxious to have come to light. This isn't because most people are criminal; not at all. It is simply that we all have quirks and idiosyncracies, and we all make mistakes. As we get older we are perfectly happy to leave our mistakes where they are, and go on to new things. Well now, isn't it possible that an employee who is perfectly innocent, perfectly competent, and making a very fine contribution to the U.S. Government, but faced with the possibility of subjecting himself to a polygraph test, in which perhaps some of these aspects of his life are going to come out that he would much prefer remain buried, isn't it possible that, faced with such an alternative, he might just say, "The heck with it, I am going to resign rather than go through all of that business"? So that in effect the use or possible use of the polygraph has become a club over his head. Isn't it also possible that certain administrators, knowing this to be a fact, might actually use this as a threat in order to force somebody out of the service?

Mr. SKALLERUP. I think it is highly unlikely that it could be used under those circumstances, in view of the provisions of the directive here. In the first instance, I will recognize that the polygraph does add certain stress to an interrogation which would not be there without the polygraph. But under the terms of the directive, an individual is not obligated to take the polygraph examination; one may choose to decline.

Mr. KING. But if you will pardon my interjecting, the very declining might in itself constitute an adverse reflection on the employee. And since he does not want to have that adverse reflection cast upon him, he might withdraw before he has to actually refuse.

Mr. SKALLERUP. We are getting into a rather subjective area of what is going on in a particular employee's mind. I should think