

on the other hand some of them would stand up and say that this directive permits them to decline and no inference is to be drawn from his refusal to take the polygraph and stand on his own two feet. The directive is intended to preclude the polygraph from being used as a club, as you describe it.

Mr. KING: But apparently you will concede that without a carefully drawn regulation, such as the one you are referring to, this would be a possibility. In other words, this is a danger area that would concern us and without careful regulation of the use of the polygraph, then what I described a minute ago might be a possibility. This would be true; would it not?

Mr. SKALLERUP: Without a regulation of this kind, it could be used, say, coercively and prejudicially.

Mr. RUMSFELD: Mr. Chairman?

Mr. KING: Yes.

Mr. RUMSFELD: On that point, it seems to me that what has been said by Mr. King, and what you have agreed to, would in large part be equally true for a background check or a psychological test or a variety of other types of things that individuals could do to another individual, when they are in a position, higher on the ladder than someone else. And I don't believe that the polygraph in this case can be simply isolated out in this way.

But the point I think that comes up, and I just suggest it is this. What we are talking about is not every employee. We are talking about, as you indicated in your question, and you in your response, the employees set out in the directive, who are a very small number, and the question is, do the people of this country want individuals in the most sensitive positions who are even remote risks. I think that we have got to balance the interests of the country as a whole against the interests of one individual being in one job or another; namely, a very sensitive one, and that this is what we are really talking about, not all employees, but only those that are dealing with things that are of the utmost importance to this country.

Thank you.

Mr. KING: Mr. Kass?

Mr. KASS: Thank you, Mr. Chairman.

Mr. Skallerup, how long has the Defense Department been using the polygraph?

Mr. SKALLERUP: My recollection is that it was used as far back as 1948. I was not there at the time. This is based on hearsay.

Mr. KASS: I would like to read for the record part of a letter signed by Mr. Fubini for Dr. Harold Brown, the Director of Defense Research and Engineering. The letter is dated April 13, 1965. It is a memorandum, actually.

Despite the weight which has been placed on polygraph data in arriving at decisions of considerable importance, little, if anything, is known about what they contribute to the accuracy of an investigation.

Mr. Chairman, I would like permission to insert that entire memorandum into the record.

Mr. KING: Without objection, the entire memorandum will be inserted.

(The memorandum follows:)