

were instances where the person receiving the polygraph examination was not advised that there was a two-way mirror?

Mr. KASS. Yes, sir. In fact, that is the reason for the Vance memorandum and this directive.

Mr. RUMSFELD. And this is the departure that was taken in the directive, then?

Mr. KASS. Yes, sir.

Mr. RUMSFELD. I see.

Mr. KASS. Mr. Skallerup, returning to Mr. King's question on the use of polygraph evidence in military tribunals, is the polygraph also used in evidence in administrative type hearings?

Mr. SKALLERUP. I have no direct knowledge of the details of those administrative proceedings. The one proceeding of which I have direct knowledge is the one involving the granting of access to persons in industry, and in those cases, where polygraph examinations were conducted, in no instance did Government counsel bring forth evidence or testimony to the fact that a polygraph examination was conducted.

There have been instances where, in these same proceedings, where the applicant has independently obtained the services of a polygraph operator and brought into testimony the opinion of the polygraph operator. But this was done on the applicant's motion, not on the Government's motion.

Mr. KASS. Mr. Chairman, because of time limitations, I would like permission to insert in the record at this point the Defense Department answer to question 16 of the subcommittee's questionnaire on the use of polygraphs.

The question was: "Has your agency ever been involved in any legal or administrative matter involving the use of the polygraph or any other so-called lie detection device?"

Mr. King. Is there objection? Without objection, it will be received into evidence.

(The document referred to follows:)

DEPARTMENT OF DEFENSE ANSWER TO QUESTION 16 OF THE SUBCOMMITTEE'S QUESTIONNAIRE ON THE USE OF POLYGRAPHS

16. Has your agency ever been involved in any legal or administrative matter involving the use of the polygraph or any other so-called lie detection device? (This question is intended to elicit any reference, regardless of degree of use, to the polygraph in these judicial or administrative proceedings.)

(a) If your agency holds administrative hearings, are any references to polygraph examinations admitted in evidence?

(b) If the answer to question 16(a) is in the affirmative, is the polygraph operator made available for examination and cross-examination purposes?

(c) Are polygraph charts and other related documents admitted in evidence in these administrative hearings?

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PMG: In fiscal year 1964, a Military Police Corps polygraph examiner conducted six examinations preliminary to administrative board proceedings. In each instance cited above, the results of the examinations were not used as evidence in the hearings, no testimony concerning the polygraph examinations was heard by the board except that in one instance a respondent asked the board for a polygraph examination. Even in this case, the polygraph examiner did not appear before the board in this or any other proceedings, and no other reference to a polygraph examination appeared in the records of board proceedings.

ACSI: Army Intelligence has not been involved in any legal or administrative matter involving the use of the polygraph or any other so-called lie detection device.