



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

IN REPLY REFER TO
Ser 009D/367202

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MEMORANDUM FOR THE ACTING CHAIRMAN, DIRECTOR, CENTRAL
INTELLIGENCE, SECURITY COMMITTEE

Subj: Proposed Requirements for Use of the Polygraph in
DCID 1/14

Encl: (1) Sensitive Access Examination

1. The use of the polygraph has been a much studied concept. Numerous studies and hearings, both public and private, have probed its use and its implications on society, individual freedom and privacy. The results have, almost universally, been critical of the polygraph and condemn its proliferation. Repeatedly professionals have challenged its accuracy and, with equal concern, the professional standards of many polygraph examiners. The intrusion into the innermost privacy of the individual has been the most vexing aspect of polygraph usage. This issue, more than any other, demands attention and resolution. It clearly overshadows any question concerning the amount of resources needed to implement a polygraph program.

2. There are two main forces of opinion favorable to the use of polygraph. The first has developed with the gnawing concern that the background investigation, as currently conducted within DOD, has been diluted in terms of scope and meaningful content. The perception exists that adjudicators are forced to accept less information upon which to make security clearance determinations. Additionally, the cost and time required to conduct background investigations have become painfully apparent. From this body of opinion has flowed, almost naturally, a series of questions which lead to exploration of less costly and more timely sources of information.

3. The second body of opinion rests principally with those now using the polygraph and who naturally serve as proponents of the technique. This group is capable of producing impressive statistical information. Such statistics invariably reflect accuracy ratings of 90 to 95 percent. Also, the use of polygraph to screen personnel in private industry has grown enormously. It has acquired the reputation of being a scientific method to detect deception.

Subj: Proposed Requirements for Use of the Polygraph in
DCID 1/14

4. Conditions within the community are ripe for convergence of these two bodies of opinion. The temptation to adapt a quick, inexpensive, surefire alternative is compelling. From a more dangerous perspective, voices of legitimate concern or dissent may be muted in the quest for expediency.

5. Opponents of the polygraph usually have two primary objections. The first involves the alleged accuracy of the polygraph. The second is that the polygraph examination is conducted in such a way as to deprive the individual of any control regarding the divulgence of personal information. Successful polygraph technique normally entails a pre-examination and, finally, a post-examination interview. The pre-examination interview is designed to condition the subject of the examination to the infallibility of the instrument. Such conditioning is thereafter continually reinforced. An insidious control is thus exerted over the subject which, optimally, will evoke measurable levels of stress response which, in turn, are interpreted by the examiner as indicative of either deception or non-deception. In the event of the former, the cycle is repeated until the questionable area is resolved. With each evolution, the control exerted over the subject is likely to grow.

6. The Committee on Government Operations of the House of Representatives, in hearings regarding use of the polygraph, noted "...inherent chilling effect upon individuals subjected to such examinations..." and recommended that they no longer be used by Federal agencies for any purpose. The Privacy Protection Study Commission, created by the Privacy Act of 1974, reported to the President and Congress on 12 July 1977, a comprehensive report which in part, recommended that "... Federal law be enacted or amended to forbid an employer from using the polygraph... to gather information from an applicant or employee."

7. Professor Alan F. Westlin, a noted author and researcher on the subject of individual privacy, provided excellent material for consideration in decisions regarding use of the polygraph. Although he will admit of instances "...where crucial interests of national security are involved, and issues of judicially determined guilt or inner sense are not present..." that may justify the use of the polygraph, he is both quick and precise in distinguishing the issues of national security from those of suitability (i.e., 'life style') questions.

Subj: Proposed Requirements for Use of the Polygraph in
DCID 1/14

8. The requirement to protect Sensitive Compartmented Information (SCI) - particularly from espionage - is uncontroverted. A requirement exists to gather sufficient information about an SCI candidate to ensure that authorizing access to SCI is clearly consistent with the interest of national security. There is little controversy concerning the necessity of the government to assure itself that those to whom SCI is entrusted are not in the employ of a person, organization or foreign power with aims and interests inimical to those of the United States. Controversy, however, grows in direct proportion to the expansion of the professed need for assurances concerning other facets of an individual's background. To the extent assurance concerning an individual's loyalty - used in the purest sense - cannot be obtained through use of traditional methods, a case can be made for limited use of the polygraph. An individual's drinking habits, financial status and sexual mores have a vague and, at least, questionable linkage to loyalty; more appropriately, they relate to suitability. For this reason, life style questions, however oblique or delicately phrased, must be clearly and absolutely proscribed if the polygraph is ultimately to be approved for use in the process of adjudicating applicants for SCI access.

9. It must be recognized that SCI access is not a condition of employment for most of the personnel in the Department of the Navy. Military personnel, in particular, who may be authorized access to SCI, generally retain it only for a few years, depending on their assignment. It must be assumed that not all employees will submit voluntarily to a polygraph examination as a condition of access to SCI. Concerns are that the examination will produce an adverse effect on their careers. Some personnel may find the polygraph demeaning of the trust placed in them, and some may refuse as a means of avoiding undesirable assignments. In this context, what would be the effect of a refusal to submit to polygraph examination? Would SCI access be denied and thus would a promotion or job opportunity be denied?

10. The decision to use the polygraph, even in the most constrained manner, requires the government to incur enormous social and moral responsibilities. The selection, training and oversight of polygraph operators is imperative. It might be said that the very qualification essential to a competent, successful polygraph examiner (i.e. experience

Subj: Proposed Requirements for Use of the Polygraph in
DCID 1/14

as a careful, tenacious interrogator) are those which threaten to instill abuse into any polygraph program. The strongest advocate of the polygraph will, albeit reluctantly, agree that the device is less than perfect; debate focuses on the degree of imperfection. The adoption of polygraph will carry the responsibility to ensure reasonable and unbiased level of review that can capably balance the needs of national security against the privacy and protection of the individual. Specifically, the Department of the Navy (DON) will be required to significantly enhance its adjudication capability and program funding must be nothing less than complete; failure to do so will force laxities, shortcuts and, ultimately, abuse.

11. Adoption of the Investigative Standards Working Group (ISWG) proposals would require a considerable expansion of the polygraph program in the DON. It is estimated that the first year program personnel and support costs would be 109 personnel and \$4,154,072. Given the limited availability of trained polygraph examiners and personnel who would represent good candidates for such a program, in combination with currently limited facilities to provide training, a relatively long start-up time should be anticipated. The life span of a polygraph examiner is estimated to be 3-4 years. Whether or not this life span could be extended, the "burnout" rate in the polygraph speciality remains a problem. When considered in conjunction with training problems, conceivably a situation could result in which the proposed program could never be fully implemented.

12. In view of the above, it is recommended that no further consideration be given to the ISWG proposals for use of polygraph. As an alternative, it is recommended that an amendment to DCID 1/14 allow the use of the polygraph at the discretion of each Senior Intelligence Officer with the polygraph scope limited to a sensitive access examination as set forth in enclosure (1). The discretionary use of the polygraph would be to assure the eligibility of an individual nominee for access to sensitive intelligence operations or sensitive intelligence source and method data; or in cases of compelling need, to permit interim accesses to prevent delays in assignment.

13. Finally, perhaps the most difficult problem inherent in any polygraph program is that it carries a subtle abrogation of one of the most fundamental rights of every American

Subj: Proposed Requirements for Use of the Polygraph in
DCID 1/14

citizen - protection from being forced to bear witness against oneself. The argument raised in counterpoint (i.e., that the polygraph examination is wholly voluntary) falls apart upon examination. It is voluntary only to the point that one accedes to it either to obtain or retain employment. That a security clearance is not a right but a unique privilege is unchallenged. Extreme caution must be exercised concerning the initiative of any practice or procedure which is controversial but justified under the banner of "national security".



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DCI Security Committee