

Mr. Friedman -

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J. B. J.

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MEMORANDUM FOR THE CHIEF OF STAFF

16 December 1952

SUBJECT: Report of Ad Hoc Committee re use of Polygraph

1. There appears to be ample evidence in the subject report as to the value of the polygraph in bringing out facts bearing upon the security of individuals. Some question arises, however, as to the extent to which it can be safely and properly used in connection with security clearances. It would appear that before the use of the polygraph can be extended as proposed throughout the agency, a better legal and ethical foundation than now exists may have to be established for its employment.

2. From an ethical point of view, it seems to me that there is more to be said in justification of the use of the polygraph on prospective employees than on persons who are already employed. In the former case, submission to a polygraph test can be made a condition of employment, like any other specified requirement, and thereby placed on an entirely voluntary basis. In other words, the person affected is completely free to choose whether or not he wishes to accept employment under the conditions imposed, and he suffers no disadvantage other than ineligibility if he refuses to submit to the polygraph test. If, however, the requirement is imposed on established employees and especially older employees, they may find themselves virtually forced to submit to avoid jeopardizing their jobs, regardless of whether their opposition is on the grounds of possible self-incrimination or merely on those of conscientious objection.

3. This situation is especially true of military personnel. Unlike the civilian employees, the vast majority of military individuals do not come into the work on a voluntary basis. They are simply ordered. It is difficult to see, therefore, how we can apply the polygraph test to them on any general scale and still adhere strictly to the idea of voluntary submission.

4. The objections which have been brought to my attention against the polygraph seem to stem almost entirely from the use of admissions resulting from the "blackmail" questions in judging moral character. Whether an individual has or has not engaged in espionage, violated Public Law 511, disregarded his security oath, or falsified his P. H. S. are fairly straightforward questions to which definitive answers can be given. Such questions bear directly on the purpose of the security investigation, and hence, are more generally accepted as being in the public interest. But questions which delve into matters of sexual behavior and other psychological aspects of conduct may, and frequently do, bring forth revelations which actually have questionable bearing upon security and may place the individual in an embarrassing and self-degrading position. Furthermore, the evaluation of the information thus brought forth requires the exercise of extremely careful judgment on what may be tenuous grounds.

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5. In considering the evidence on which rejections of prospective employees have been made, I have felt that standards could be used for prospective employees which might not be applicable to established employees for the simple reason that in the case of the former, where questions of moral conduct are involved, one could decide with less impunity that certain risks need not be taken. As far as established employees are concerned, the question arises as to whether we are endeavoring to maintain the highest moral standards by rules of conventional conduct or whether we are merely interested in whether or not our security is really compromised or in serious danger. Without questioning the desirability of the first aim, I believe there may be some serious differences of view as to where our real rights and responsibilities lie.

6. There is perhaps no denying that people of low moral character are more likely to represent risk than those of higher character. Nevertheless, unless care is exercised to avoid creating unnecessary embarrassment, or infringement of individual rights, by what may be regarded as shot-gun methods of invading the privacy of individuals, our whole polygraph program may be jeopardized.

7. It is possible that we may be on safer ground if we merely require of established employees that they give a positive or negative answer periodically to questions which bear directly on security, namely:

- a. Have they engaged directly or indirectly in espionage activities?
- b. Have they knowingly violated Public Law 513?
- c. Have they knowingly violated their security oath?
- d. Have they knowingly falsified their P.H.S. in any respect which bears upon security?

The problem of exploring these questions is then a matter for the investigative agencies charged by law with counter-espionage activities.

8. In conclusion I might emphasize that my purpose is not to question the worth of the polygraph, but merely to suggest that its real value can be defeated by imprudent use. As I see it, the polygraph can be used to establish definite insecurity by questions such as those in paragraph 7 above. It can also be used to establish potential security hazards. The first can be accomplished in a more or less straightforward manner, and opposition to its use in this manner would probably be relatively slight.

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The second use, however, involves numerous debatable issues, ranging from the fallibility of human judgment to matters of ethics and law. There might be some advantage, therefore, in confining use of the polygraph on established employees to the determination of actual insecurity, at least until it is more generally accepted and some of the more controversial issues have been settled in its favor.

J. N. WENGER
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Vice Director

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