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Polygraph Hypocrisy

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Last month Sen. Richard Shelby of Alabama, ranking Republican on the Senate Select Committee on Intelligence, set about investigating an apparent congressional leak. It involved a National Security Agency intercept of a telephone conversation in Arabic conducted on Sept. 10, 2001, and proclaiming that the following day was to be "zero hour."

Unable to find the source of the leak themselves, the chairmen of the House and Senate intelligence committees, Rep. Porter J. Goss (R-Fla.) and Sen. Bob Graham (D-Fla.), asked the FBI for assistance, pledging the full cooperation of committee members and their staffs.

And that is what the FBI was getting -- until the FBI took a step that is pretty much routine in investigations of this kind: It requested that certain key figures take polygraph examination -- in this case members of Congress. They refused.

"I don't know who among us would take a lie-detector test," said Sen. Shelby. "First of all, they're not even admissible in court, and second of all, the leadership [of both parties] have told us not to do that."

This from the man who recently created a massive program to polygraph some 15,000 scientists at Department of Energy laboratories and to remove their security clearances if they declined. In 2000, when he was then chairman of the Senate intelligence panel, Shelby was outraged over possible loss of nuclear weapons data from Los Alamos National Labs to China. Determined to find "the spy" (no spy has ever been found), Shelby dramatically expanded the use of polygraphs at the National Laboratories (Sandia, Los Alamos and Livermore) by crafting amendments to the defense authorization bill. At the last minute, in conference, he inserted language that prevented the secretary of energy from waiving the polygraph under any circumstances.

This action by Shelby was taken in the face of a slew of scientific evidence showing that polygraphs are useless or worse in ferreting out spies. Indeed, as senior management and technical staff at each of the labs informed Congress, an unfocused, widespread use of polygraphs would actually undermine national security by demoralizing staff and forcing some scientists to quit doing unique work in protest, or because of "false positives," which are ubiquitous in the world of polygraphing. This is precisely what has occurred.

Shelby is not alone, of course, in once placing blind faith in the accuracy of the polygraph; few members of Congress dare question the longstanding tradition of polygraphing everyone who works at the CIA or in other sensitive national security positions, such as the nuclear weapons program at the Department of Energy.

But every first-year medical student knows that the four parameters measured by the polygraph -- blood pressure, pulse, sweat production and breathing rate -- are affected by an uncountable myriad of emotions: joy, hate, elation, sadness, anxiety, depression and so forth. Dozens of studies conducted in psychology departments and medical schools all over the world have shown that the polygraph cannot distinguish between truth-telling and lying. Claims from polygraphers notwithstanding, no evidence exists that they can find spies.

Double agents Aldrich Ames, Karl Koecher, Larry Wu-Tai Chin and Ana Belen Montes all passed their polygraphs before doing tremendous damage that led, among other things, to the deaths of American operatives overseas.

Ironically, there is some possibility the polygraph can produce useful evidence when it is used in a highly targeted and restricted fashion, as it might be against congressional committee members and staffers. But it is this particular variant of use that Shelby and some of his colleagues now resist so indignantly.

Many innocent people have had their lives and careers ruined by thoughtless interrogation initiated during randomized or otherwise misused polygraphy: David King, a 20-year Navy veteran, was held in prison for nearly a year and a half and subjected to multiple polygraphs, some lasting as long as 19 hours. Mark Mullah, a career FBI agent, was the subject of a massive nighttime surprise search of his home, followed by a review of every financial record, appointment book, personal calendar, daily "to-do" list, personal diary and piece of correspondence that he had -- all as a result of a "positive" polygraph test. Nothing was ever proved, and his FBI badge was restored, but his career was destroyed, and he was never again above suspicion -- all because a polygrapher with 10 weeks of training asserted that he lied. In most states, barbers must have 26 weeks of training before earning a license to cut hair.

Shelby and others on the Hill are now asserting separation of powers as their rationale for refusing the polygraph; after all, they claim, it's unconstitutional to have an executive branch agency polygraphing legislative branch officials. That won't wash. It's not who's doing the polygraph that bothers self-serving officials but rather their having to be subjected to a degrading, largely useless test that, on occasion, randomly turns up "positive."

But perhaps some good will come of this episode if at long last, the current display of Congress's hypocrisy accomplishes what the

overwhelming weight of scientific evidence has not: the discrediting of the polygraph as a valid counterintelligence tool.

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