

THE WHITE HOUSE
WASHINGTON

Memorandum to the Heads of Departments and Agencies

Use of the Polygraph in the Executive Branch

On the basis of a comprehensive review of the use of the polygraph in the Executive Branch, I am convinced that action is necessary to prevent unwarranted intrusions into the privacy of individuals.

Hereafter, use of the polygraph is prohibited with the following limited exceptions:

A. Use of the Polygraph in Personnel Investigations and Intelligence Operations

An Executive Department or Agency (such as Central Intelligence Agency and certain components of the Department of Defense) which has an intelligence or counter-intelligence mission directly affecting the national security may use the polygraph for employment screening and personnel investigations, and in intelligence and counter-intelligence operations, only after complying with the following procedures:

The executive agency must submit to the Chairman of the Civil Service Commission a statement setting forth the nature of its mission. The Chairman shall then determine whether the agency has an intelligence or counter-intelligence mission directly affecting the national security. If he so finds, the following shall apply:

(1) The agency shall prepare regulations and directives governing the use of the polygraph in intelligence and counter-intelligence operations which must be approved by the head of that agency.

(2) The agency shall prepare regulations and directives governing the use of the polygraph in employment screening and personnel investigations which must be reviewed by the Chairman of the Civil Service Commission. These regulations shall contain as a minimum:

- a. Specific purposes for which the polygraph may be used, the types of positions for which it will be used, and the officials authorized to approve such examinations.

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- b. A directive that a person to be examined must be informed as far in advance as possible of the intent to use the polygraph and of --
- (i) Other devices or aids to the interrogation which may be used simultaneously with the polygraph, such as voice recordings, etc.
 - (ii) His privilege against self-incrimination and his right to consult with legal counsel or to secure other professional assistance prior to the examination.
 - (iii) The effect of the polygraph examination or his refusal to take such examination on his eligibility for employment. He should be informed that refusal to consent to a polygraph examination will not be made a part of his personnel file.
 - (iv) The characteristics and nature of the polygraph device and examination, including an explanation of the physical operations of the device, the procedures to be followed during the examination, and the disposition of information developed.
 - (v) The general areas of all questions to be asked during an examination.
- c. A directive that no polygraph examination will be given unless the person to be examined has voluntarily consented in writing to be examined after having been informed of the above, (i) through (v).
- d. A directive that questions to be asked during a polygraph examination must have specific relevance to the subject of the particular inquiry.
- e. Adequate standards for the selection and training of examiners, keeping in mind the Government's objective of insuring protection for the subject of an examination and the accuracy of polygraph results.

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B. Use of the Polygraph in Criminal Investigations

Executive departments and agencies shall not use the polygraph in aid of criminal investigations without first promulgating regulations or directives governing such use which have been approved by the Attorney General. Such regulations and directives must include as a minimum:

1. The range of criminal matters in which the polygraph will be used.
2. A statement that no polygraph examination will be given unless the person to be examined has voluntarily consented in writing after being fully informed of:
 - (a) his privilege against self-incrimination,
 - (b) his right to consult a lawyer prior to the examination,
 - (c) his right to refuse to submit to the examination, and
 - (d) the characteristics and nature of the polygraph machine and examination including an explanation of the physical operations of the machine, the procedures to be followed during the examination, and the disposition of information developed from an examination.
3. An affirmation that in the case of an employee of the Federal Government refusal to consent to a polygraph examination will not lead to any adverse action against him and will not be made a part of his personnel file.
4. Adequate standards for the selection and training of examiners, keeping in mind the Government's objective of insuring protection for the subject of an examination and the accuracy of polygraph results.

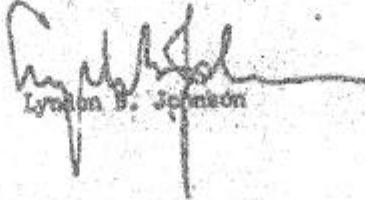
C. Use of the Polygraph in Research and Development

The polygraph may be used to record physiologic variables in bona fide research and development projects. For those bona fide research and development projects in which the recorded results are interpreted to make any judgment about the subject being polygraphed other than an assessment of his psycho-physiologic state, the requirements of Parts A and B of this memorandum, including the review by the Chairman of the Civil Service Commission or the Attorney General shall be applicable.

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The head of each Executive Department and Agency which uses the polygraph must satisfy himself of the reliability and validity of his polygraph procedures. Projects undertaken to determine the reliability and validity of the polygraph as an aid to interrogation shall be expedited. The Office of Science and Technology shall collate and distribute the results of such studies.

Departments and agencies currently using the polygraph under regulations approved by the head of the department or agency may continue to use the polygraph pending review of their respective regulations as specified in Parts A and B of this memorandum by the Chairmen of the Civil Service Commission or the Attorney General, as appropriate, provided such department or agency regulations are consistent with the policies set forth in this memorandum.


Lyndon B. Johnson