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Abstract. This article presents several complexities in assessing the validity of the polygraph as lie detector dependent on the construct of a distinctive lie response.

On April 25, 2001, an oral statement by a psychologist before the United States Judiciary Committee presented the case that the polygraph as lie detector lacks what is commonly termed acceptable scientific validity. However, the statement may have inadvertently presented several complexities in assessing the polygraph's validity or lack thereof dependent on the construct of a distinctive lie response.

"There is no distinctive lie response". Or so asserted the psychologist. This simple assertion masks a number of possibilities. There is no lie response that is identical for all people all the time. There is no lie response that is identical for all people some of the time. There is no lie response that is identical for some people all the time or some of the time. There is no lie response that is identical for any individual all the time or some of the time. There is no lie response that is identical for all the people, some of the people, or any individual for any particular time. All these and other possibilities cannot be adequately assessed because behavioral sciences research yields such a small number of possible lie responses that have been assessed as lie responses. In fact, only several particular sorts of lie detector via psychophysiology under a small number of administrative modes have been somewhat assessed.

The matter becomes further complicated by the very construct of truth as applied to human psychology. As with the construct of memory, that of truth is too often incorrectly conceived as black or white, objective, and like a photograph or tape recording that can be compared with a myriad of contenders. However, behavioral sciences research suggests that, as with the construct of memory, truth is multi-layered and ever-changing. It depends on a number of multi-layered and ever-changing storylines about the individual. These storylines are carried around by the individual about whom the truth is being assessed. As well, these storylines contain content bearing on all other individuals, groups, organizations, inanimate objects, abstract concepts as they reflect on the individual about whom the truth is being assessed.

There is still the matter of the phenomenological or psychophysiological experience of lying. Based on the complexities of the construct of the truth, establishing the truth through the polygraph as some black or white, objective, photograph or tape recording might seem a more than formidable challenge. Of what use would be identifying an experience of lying? If dealing with phenomenological experience, the polygrapher would still have to differentiate among situations wherein the individual being assessed is caught in the petard of worldviews on lying--e.g., what should be considered a lie by the individual and others and what would serve as the elicitor of the phenomenological experience. The truth could elicit a lying experience, a lie an experience of truth. On the other hand, when dealing with psychophysiological experience, can the polygrapher and the constituted political authority controlling the polygrapher negatively sanction an individual who is betrayed by a consistent biology that is either related only to epistemological and metaphysical stances or not related to the phenomenological

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experience of lying? With both phenomenology and psychophysiology, the polygrapher is impeded by asymmetric levels of analysis and nomological linkages.

It would seem that both supporters and opponents of the polygraph--save for those already captured by polygraph-related salaries, prestige, and power--might need to first resolve some very basic issues before considering further advocacy. (See Elaad, E., Ginton, A., & Ben-Shakhar, G. (1998). The role of prior expectations in polygraph examiners decisions. *Psychology, Crime, and Law*, 4, 1-16; Goldzband, M.G. (1999). Polygraphy revisited: U.S. v. Scheffer. *Journal of the American Academy of Psychiatry and the Law*, 27, 133-142; Iacono, W. (April 25, 2001). Oral statement regarding polygraph screening of federal employees and job applicants. "Issues Surrounding the Use of Polygraphs." Submitted to the U.S. Senate Judiciary Committee Hearing. http://www.fas.org/sgp/congress/2001/042501_iacono.html; Saxe, L., & Ben-Shakhar, G. (1999). Admissibility of polygraph tests: The application of scientific standards post-Daubert. *Psychology, Public Policy, & Law*, 5, 203-223; Seymour, T.L., Seifert, C.M., Shafto, M.G., & Mosmann, A.L. (2000). Using response time measures to assess "guilty knowledge." *Journal of Applied Psychology*, 85, 30-37.) (Keywords: Deception, Lie Detector, Polygraph.)