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# Commentary on Department of Energy Polygraph Policy

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**Abstract:** This article provides commentary on recent revisions in the United States Department of Energy's polygraph policy.

On September 4, 2003, statements were released by a United States (US) Senator, the Chairman of the US National Research Council Committee To Review the Scientific Evidence on the Polygraph, and the US Deputy Secretary of Energy bearing on the most recent revisions of the US Department of Energy's (DOE) polygraph policy. For those who take scientific criteria to be a gold standard for any program and procedure(s) intended to help detect some combination of truth and deception, there is both good news and bad news.

Given a plethora of scientific reviews outside of DOE that generally yield little if any reliability and validity for various polygraph procedures, the good news is that the revised DOE policy directs that fewer people within or associated with DOE will be subjected to its screening polygraph program. Given these same reviews, the bad news is that only those people who will be working in the most sensitive areas and who, presumably, present the greatest risk for treachery if they violate security will continue to be subject to the DOE screening program. In other words, when faced with programs and procedures with extremely questionable scientific status, DOE authorities have decided to only use such programs and procedures with a population that presents the most risk. A review of the September 4th statement of the US Deputy Secretary of Energy may help illuminate the rationale behind this revision.

"There is something almost talismanic about polygraphs." The Secretary seems to be using the descriptor talismanic in the context of sacrosanct and magical beliefs that supporters and opponents of polygraph programs seem to exhibit. In addition, the Secretary places the descriptor in the context of his own experiencing of a screening polygraph—i.e., a subjective feeling that the process was beyond the rational. Perhaps, this very perceptive and conscious ascription of the talismanic to the polygraph is unconsciously at work in the decision to continue to provide for its use with those people who could conceivably commit the greatest violations of trust.

"....how little we actually know—in a scientific sense—about the theory and practice of polygraphs, either in support of or against the use of polygraphs in a variety of contexts." Actually, the independent scientific reviews of screening polygraphs have been uniformly supportive in being against polygraph usage. Later in the text, the Deputy Secretary rightly critiques the quality of scientific data pro and con. But absence of a negative (high quality negative information) is not necessarily a positive when there is also no significantly positive, scientific information on the screening polygraph. Yet the DOE revision still mandates the polygraph's use for screening.

"....a polygraph exam that is sensitive enough to raise the likelihood of 'catching' someone..." Unfortunately, unclassified government literature on what entails polygraph responsibility for identifying a violator or a person who is intending to violate security does not differentiate among cases wherein application of the polygraph and its interpretation as indicating deception was only serendipitously associated with catching someone. In other words, all true positives are considered true

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positives as opposed to false positives that turn out to be true for reasons having nothing to do with the polygraphic data and their interpretation. It certainly would be a rare procedure, indeed, that would never benefit from the base rate of security violators within a population. As well, the notion of sensitivity to deception has not systematically been analyzed in the context of guilty people who confess because they believe that the polygraph adequately detects deception. Surely, there will be fewer and fewer of such people as the word gets out about what screening polygraphs can and cannot do.

“False positives’....clearly affect the morale of those for whom such a result is reached, and at a certain number can plausibly be expected to affect the morale of a sizeable portion of the workforce.” Analysts of the latest DOE revision might wonder why, then, this risk of lowering morale has been chosen to apply only to those people who potentially represent the greatest negative consequence for a security violation.

“We will not take any ‘adverse personnel action’ solely based on the test results of polygraph examinations, [and].... It is also our policy that no adverse decision on ‘access’ to certain information or programs will be made solely on the basis of such test results.” At least implicitly admitting that problematic scientific status precludes total reliance on a program or procedure certainly is prudent. However, adding a potentially huge error factor to other sources of investigative and adjudicative data—each with its own problematic status—may actually be making matters worse not better as error factors synergistically enjoin to yield opinions of people even more contrary to US national security.

[We never] “‘know’ the person is loyal to the United States. All we ‘know’ is that we have not found any evidence of disloyalty.” Logic might suggest that we know that a person is loyal as easily as knowing that a person is disloyal. To assume greater difficulty for loyalty than disloyalty may engender an organizational psychology working against US national security through effects on morale, on opportunities to character assassinate others, and on impetus to focus on primary job tasks among other aspects of organizational functioning.

Conclusion. Supporters of US national security may best feel ambivalent about the most recent DOE revisions on use of the polygraph. When the talisman of national security intersects with that of the polygraph, the only sure observation is that there must be a better way. (See Domenici Commends DOE for Sharply Reducing Number of Employees Subject to Polygraph Testing. (September 4, 2003). News Release. [http://www.fas.org/irp/congress/2003\\_hr/090403mcslarrow.html](http://www.fas.org/irp/congress/2003_hr/090403mcslarrow.html); See Brief for Amicus Curiae: Committee of Concerned Social Scientists in Support of the Respondent. On Writ of Certiorari to the United States Court of Appeals for the Armed Forces. *United States of America v. Edward G. Scheffer*. In the Supreme Court of the United States. (October term 1997). No. 96-1133; Statement of the Honorable Kyle E. McSlarrow. (September 4, 2003). Department of Energy Polygraph Policy. Hearing Before the Senate Committee on Energy and Natural Resources. [http://www.fas.org/irp/congress/2003\\_hr/090403mcslarrow.html](http://www.fas.org/irp/congress/2003_hr/090403mcslarrow.html); Statement of Stephen E. Fienberg. (September 4, 2003). Department of Energy Policy. Hearing Before the Senate Committee on Energy and Natural Resources.)