

CONFIDENTIAL FILING

The POLYGRAPH

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SECURITY

FEBRUARY 1984

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
13-2-84							
16-2-84							
28-3-84							
17-5-84							
8-8-84							
<p>PREM 19/1373</p>							



FUE

CM

10 DOWNING STREET

From the Private Secretary

8 August, 1984

Thank you for your letter of 7 August enclosing a draft reply which Lady Young proposes to send to Mr. Ron Leighton, MP, who had asked that the Director of GCHQ should appear before the Employment Select Committee to give evidence about the Polygraph. The Prime Minister is content that Lady Young should take this line.

(Timothy Flesher)

P. Ricketts, Esq.,
Foreign and Commonwealth Office.

ff



Foreign and Commonwealth Office

London SW1A 2AH

7 August 1984

Prime Minister:

Dear Charles,

Yes

Agree this line?

Polygraph

AT 7/8.

I enclose a copy of a letter from Mr Ron Leighton MP, Chairman of the Employment Select Committee to Sir Geoffrey Howe, asking that the Director, GCHQ, or one of his staff and one of the Government's polygraph testers should appear before the Committee to give evidence.

I enclose a draft reply for Lady Young, in Sir Geoffrey's absence, to send to Mr Leighton declining his request. This draft has been cleared with the Cabinet Office, GCHQ and the Security Service. I should be grateful to know whether the Prime Minister is content with the proposed reply.

Yours ever,

Peter Ricketts

(P F Ricketts)
Private Secretary

C D Powell Esq
10 Downing Street



COMMITTEE OFFICE
 HOUSE OF COMMONS
 LONDON SW1A 0AA
 01-219 (Direct Line)
 01-219 3000 (Switchboard)

395
 (2) *Pass for adv/diff reply by 1/8*
 ✓ *R/S*
R/S/hady Young
30/7

THE EMPLOYMENT COMMITTEE

Sir Geoffrey

26 July 1984

The Employment Committee have been engaged over the last few months in an inquiry into the implications for industrial relations and employment of the introduction of the polygraph. Our interest is in the implications for the UK labour market as a whole, not any particular sector. Nevertheless the matter of the introduction of the polygraph at GCHQ has been raised in written and oral evidence by the CCSU. We do not wish in any way to trespass in matters of national security, but there are certain practical questions arising out of the evidence we have received where the experience at GCHQ could be of assistance to us in our general inquiry. We therefore wish to seek information on certain aspects of the pilot scheme which is being introduced at GCHQ, and have obtained the agreement of the Foreign Affairs Committee to approach you in the matter.

The polygraph is only a machine and its usefulness depends entirely on the skilled interpretation by the polygrapher of the graphs it produces. We know of no polygraphers at present operating in the United Kingdom other than those at GCHQ, and would welcome the assistance of one of them in studying the use of the machine. We should like to have information about the qualifications and training of polygraphers as well as the methods of operation, and would therefore be grateful if the Director of GCHQ or other appropriate official, together with a polygrapher, could come before us to give oral evidence at a mutually convenient date. We might also wish to invite you or one of your Ministerial colleagues to give oral evidence later.

<i>zc 21/13</i>		
RECEIVED IN REGISTRY		
31 JUL 1984		
DESK OFFICER		REGISTRY
INDEX	PA	Action Taken

Sir Ronald
 RON LEIGHTON
 Chairman

Rt. Hon. Sir Geoffrey Howe QC, MP,
 Secretary of State for Foreign and Commonwealth Affairs,
 House of Commons.

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM

Baroness Young

Reference

DEPARTMENT:

TEL. NO:

SECURITY CLASSIFICATION

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

TO:

Ron Leighton Esq MP
House of Commons
LONDON SW1

Your Reference

Copies to:

PRIVACY MARKING

.....In Confidence

CAVEAT.....

SUBJECT:

In Geoffrey Howe's absence I am replying to your letter of 26 July.

As you know, the Security Commission recommended that a pilot scheme should be introduced to test the feasibility of using polygraph examinations in security screening in the intelligence and security agencies. The Government have accepted this recommendation and the test is under way. The pilot scheme will take about two years and it is not until this is complete and the results evaluated that the Government will be in a position to make an assessment of the polygraph's utility in the limited area of intelligence and security.

Responsibility for conducting the polygraph pilot scheme lies with the Security Service. So far there are no staff at GCHQ trained in the use of the polygraph. In view of this I do not think that either the Director of GCHQ or any of his staff could at this stage make a useful contribution to the work of your Committee.

Enclosures—flag(s).....



~~Ref~~
Bulky framed
24/5

Tim
Will you get advice
on this from the Home
Office please

NOTE FROM JOHN GORST MP ON THE EVIDENCE OF POLYGRAPH SECURITY SERVICES AT THE SELECT COMMITTEE ON 16th MAY 1984.

PEEB

- (1) The refusal of Polygraph Security Services' witnesses to answer certain questions put to them^{*} raises a number of questions and doubts.
- (2) It may well be the fact that the witnesses were guided by only two impeccable motives: a desire to honour a commitment to treat the work they do for their clients as confidential; and a perfectly reasonable desire not to divulge information that could be useful to a competitor and damage their legitimate business interests.
- (3) However, the Select Committee also has legitimate interests. It needs to know not only how, why, to whom and with what results a polygraph service is offered, but also the motives and consequences of the user of those services - in particular, their effect on the user's employees.
- (4) The refusal of the witnesses to answer these and other questions must inhibit the balance of the Committee's inquiry.
- (5) There are other possible reasons why the witnesses may not have wished to answer the questions put to them. If this is, in fact, the case they could have considerable political significance.
- (6) In a written answer on 1st December 1983, the Prime Minister stated: "The pilot (polygraph) scheme will be carried out in the security service and at Government communications headquarters only.... The government have no intention of using it in any other context."
- (7) Nevertheless, witnesses told the Select Committee that the Home Office and a prison governor had acquiesced in a polygraph examination being carried out on a convicted murdererⁱⁿ prison.
- (8) In view of the refusal of the witnesses to answer questions, it is not possible to determine whether "liaison" between Polygraph Security Services, their clients and the police takes place on an informal, off-the-record basis. If it does, this would clearly flout the spirit of the Prime Minister's assurance to the House of Commons. (In this context, it is worthy of note that witnesses admitted that a polygraph examination

* A private company with strong American connections in the private sector of polygraph examining. It has been operating in the UK for about a year, the chairman is Sir George Terry, former Chief Constable of Sussex.

had led to the pinpointing of the culprit in a £45,000 theft after an unsuccessful police investigation).

(9) The Chairman of the Polygraph Security Services company is an ex-Chief Constable. It is reasonable to assume that his selection as chairman of the company owed something to his career experience of criminal investigation. And it is also plausible that his inside knowledge and contact with serving police authorities enables his company to benefit from some favourable treatment when an intractable police investigation occurs.

(10) If this were to be the case, it would constitute a back-door violation of the Prime Minister's assurance that there would be no other polygraph examinations in the public sector. It raises the important question as to whether the government might be condoning a pilot scheme to assess the viability of the polygraph for everyday police work through quasi-official channels.

(11) Another reason why the witnesses might not have wished to divulge the names of the clients to the Committee might be that they do not wish the Committee to know who recommended their services to clients - was it the police themselves? Or might the witnesses feel that if the Committee knew the nature of all the circumstances in which they have carried out polygraph examinations, some of the instances might be regarded as unacceptable?

(12) In short, without complete access to all the information about the company's activities, the Committee cannot judge the extent to which the use of the polygraph may develop, and whether it is being employed ethically, constitutionally or in a politically acceptable manner.

(13) On a different point - but still relevant to the refusal of the witnesses to give all the information asked of them - the witnesses asserted that their experience of polygraph testing had been 100% successful. Without complete access to the company's records, this important assertion of the reliability and validity of the polygraph has to be taken on trust.

(14) Of course, the claim may have been made in good faith and in the sincere belief that it is accurate. But it could still be open to a different interpretation. For example, suppose 24 people were examined in order to expose 1 fraudulent employee who was detected. Does this mean that the polygraph which established that 23 people had told the truth and that 1 person had lied was 100% successful in 24 investigations? or merely in 1 investigation?

17th May 1984

Polygraph Registration and Control

28 pm

Mr. Merlyn Rees (Morley and Leeds, South): I beg to move,

That leave be given to bring in a Bill to establish a polygraph registration and calibration organisation with powers to licence all polygraphs used in both the public and private sectors subject to certain exceptions; to establish a Commission of Members of the House of Commons serviced by an Office of Technology Assessment to oversee the use of such polygraphs in the public sector; and for connected purposes.

I raise the issue of the so-called lie detector now for two reasons. First, an experiment is about to take place at GCHQ Cheltenham with the use of a lie detector "for counter-intelligence examinations only," according to the Security Commission, and machines have been imported for that purpose.

Secondly, the use of the lie detector in the private sector is growing, with the setting up of a company or companies—I understand that one has been set up with a former chief constable on the board—to detect not spies but possible thieves in retailing, catering, jewellery and security companies, and that machines are being imported for that purpose. The growing use of the polygraph in the private and public sectors has implications for the individual citizen, especially if its use moves into the criminal justice system. This is an important issue on which Parliament should deliberate, give its view and legislate.

The machines attempt to detect anxiety, fear and anger by measuring blood pressure and skin conductivity. The measurements produce lines on a chart, as the polygrapher asks questions. The machines may have a use in measuring those items, but I have grave doubts about using pseudo-scientific techniques to detect past, present or future criminals.

As a start, Parliament, through a Select Committee, should take evidence and assess the worth of these machines. I use the word "Commission" in the Bill, because I was advised that it was not correct to use the words "Select Committee". I use the phrase "Office of Technology Assessment" simply because I took it from the name of the unit that works for a congressional committee. Its research has been valuable in my work in the past two or three weeks. The name is not appropriate here, but a similar professional organisation will be necessary.

I have never argued, and I do not argue now, that Parliament should govern, but a judgment on the polygraph following evaluation, is a proper exercise of our parliamentary functions. Our view is better than that of Government departments or agencies, especially as our job is to protect the rights of the individual. Because these machines may be used in the private sector, I have included a section that sets up a polygraph registration and calibration organisation. Frankly, this is a cockshy approach to find a suitable method of control, but we certainly need further discussion. The machines are being used in the private sector in a most important area, and there should be a means of checking their accuracy.

I shall refer to security. Research shows that it is easy to train a subject to cover the fact that he is lying—for example, a pen held in the palm of the hand and pressed into the skin at an appropriate moment will cause the machine not to work properly. The machine's purpose will also be defeated if a person focuses his thoughts elsewhere in a yoga-type meditation. One piece of research said, on the same theme, that the machine's role would be defeated if a person concentrated his thoughts on sex. That leads me to observe that, if an antidote is not provided, some newspaper editors will be immune for life.

The danger of receiving a pass mark from the machine is that it could lead positive vetters away from a present or future spy. Of course, mistakes in positive vetting are made, but polygraphs are not a way out.

The machines could be used to frighten. The Oval Office tape of 14 July 1971 reveals that President Nixon, when advised that these machines were inaccurate, answered,

"Listen, I don't know how accurate they are but I know they will scare the hell out of people."

There will be exceptions. I understand—provision is made for this in the Bill—that valuable medical research is done, for example, in Edinburgh, on the use of this machine to measure stress, and so on, but not to detect lies. Pressure has been put on me to arrange for a schedule that will exempt from being investigated by a lie detector anyone who has served in a Whip's office, and I have promised to do that.

My overall view of the polygraph is expressed in the words of David Lykken of the University of Minnesota who advises Congress. He said:

"The polygraph ('lie-detector') test is wrong one-third of the time overall, biased against innocent and conscientious persons, and can be 'beaten' by sophisticated liars. Increasing use of this technique, in the United States and soon in Britain, is a cause for alarm."

For that reason alone, Parliament must be involved. I hope that my Bill will be approved, although it does not go very far. I hope that at least I have initiated a discussion that will continue and, in the short run, ensure that the results of the GCHQ experiment, which is about to begin, are reported to the House. The growing use of the polygraph is a matter for the Parliament.

Question put and agreed to.

Bill ordered to be brought in by Mr. Merlyn Rees, Mr. Tam Dalyell, Mr. John Gorst, Mr. Charles Irving, Mr. Brynmor John and Mr. Ron Leighton.

POLYGRAPH REGISTRATION AND CONTROL

Mr. Merlyn Rees accordingly presented a Bill to establish a polygraph registration and calibration organisation with powers to licence all polygraphs used in both the public and private sectors subject to certain exceptions; to establish a Commission of Members of the House of Commons serviced by an Office of Technology Assessment to oversee the use of such polygraphs in the public sector; and for connected purposes: and the same was read the First time; and ordered to be read a second time upon Friday 6 July and to be printed. [Bill 139.]

Ref. A084/608

MR BUTLER

The Polygraph

In your minute of 16 February recording the Prime Minister's meeting that day about the experimental scheme on the polygraph, you asked that Ministers should be given an agreed line to use in public on the progress and timetable of the experimental scheme.

2. The line proposed is as follows:

"The Security Commission recommended that a pilot scheme should be undertaken to test the feasibility of polygraph security screening in the intelligence and security agencies. Arrangements are proceeding for conducting such an experimental scheme in the Security Service and in GCHQ. It will take two years to complete. The results will then be evaluated and no decision will be taken on whether or not the polygraph should be introduced as part of security screening generally in the intelligence and security agencies until this has been done."

3. I am sending copies of this minute to the Private Secretaries to the Lord President, the Foreign and Commonwealth Secretary, the Home Secretary, the Secretary of State for Employment, the Attorney General and the Minister of State, Privy Council Office.

ROBERT ARMSTRONG

22 February 1984

22 JAN 1984

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SUBJECT.
CC MASTER.

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Min of state, PCO.

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

THE POLYGRAPH

The Prime Minister held a meeting this morning to discuss your minute of 10 February (A084/477) on the experimental scheme on the Polygraph. The Lord President, the Foreign and Commonwealth Secretary, the Home Secretary, the Secretary of State for Employment, the Attorney-General, the Minister of State Privy Council Office and you were present.

In discussion, Ministers noted that the activity so far had been confined to the Security Service and that the first involvement of GCHQ staff would be confined to limited and confidential testing of senior staff in London. The stage of extending the tests to less senior staff selected randomly at Cheltenham would not be reached for some months.

Ministers concluded that the experimental scheme should continue as previously announced, but it should not be extended to senior staff at GCHQ until there could be confidence that it would not distract them from dealing with the present problems over de-unionisation. Ministers should be consulted again on the timing of extension of the experimental scheme to staff chosen randomly at Cheltenham. Ministers should be given an agreed line to use in public on the progress and timetable of the experimental scheme.

I am copying this minute to the Private Secretaries to those who attended the meeting.

FEB

16 February 1984

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Not sent

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

THE POLYGRAPH

The Prime Minister has seen your minute of 10 February (A084/477). Subject to the views of her colleagues, she is content with the recommendation in paragraph 11 of your minute.

I am sending a copy of this minute to the recipients of yours.

R.E.B.

13 February, 1984

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PRIME MINISTER

The Polygraph

I have read Sir Robert Armstrong's minute of 10 February (A084/477) about the polygraph. I hope it will be possible to have a meeting at which the further handling of this sensitive issue can be fully discussed.

I am sending copies of this to Geoffrey Howe, Leon Brittan, Michael Heseltine, Tom King and to Sir Robert Armstrong.

How

13 February 1984

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13 FEB 1984



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Prime Minister

Ref. A084/477

PRIME MINISTER

Mr. Fall tells me that the first sentence overstates the Foreign Secretary's hesitations and thinks that he would be content with the conclusion in para. 11.

The Polygraph Agree?

FERB

10.2.

The Foreign and Commonwealth Secretary has asked that the Ministers concerned should have an opportunity of reviewing the earlier decision to introduce a polygraph pilot scheme as recommended by the Security Commission in their Report on Geoffrey Prime. This request follows, I understand, from the Foreign and Commonwealth Secretary's meeting with Mr Charles Irving MP and a delegation of staff from GCHQ to protest at the changes which were announced on 25 January. I understand that the Secretary of State thinks that a decision to try the polygraph out somewhere else from in GCHQ might help to defuse the charged atmosphere on the de-unionisation issue.

2. In their Report the Security Commission said that "the only measure of which one can say with any confidence that it would have protected GCHQ from Prime's treachery would have been the polygraph, because it would either have deterred him from applying to join or have exposed him in the course of examination". They therefore recommended that a pilot scheme should be undertaken to test the feasibility of polygraph security screening in the intelligence and security agencies. They said that the essential elements of the pilot scheme would be:-

- (a) the use of the polygraph for counter-intelligence examination only;
- (b) adverse polygraph indications not to be treated as a ground to withhold clearance without independent information;
- (c) the scheme to be administered by the Security Service; and
- (d) the scheme to embrace at least probationers and existing staff of the Security Service and GCHQ who have or will have access to information of the highest classification. (The Commission believed it would be useful to have the experiment in one Department staffed by civil servants and the other by staff who are not subject to precisely the same conditions as civil servants.)

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3. Ministers accepted the recommendations of the Commission and, in your statement of 12 May 1983, you said that in view of the conclusion of the Security Commission in relation to the polygraph and the extreme gravity of the damage caused by Prime, "the Government accept the Commission's recommendation that a full and thorough pilot scheme should be carried out. The Commission recognises that a polygraph examination is generally regarded as a disagreeable experience and would be seen by some as an unwanted invasion of their privacy. But we are dealing with matters of the highest national security, and those who have access to the nation's most sensitive secrets must expect to be subject to the most rigorous vetting procedures ...".

4. Since that time, we have been making progress with the pilot scheme. Two members of the Security Service have completed three months' training in the use of the polygraph from the CIA in Washington, and examinations of some of the senior staff, at this stage on a voluntary basis, have now started in the Security Service. It is also proposed that this developmental stage should include a few of the senior staff from GCHQ. The present plan is that, once any developmental difficulties have been resolved, the operators should be ready to start examining the less senior staff, selected on a random basis as far as possible from among those due for quinquennial review, in the spring.

5. The pilot scheme will take two years to complete (though it is hoped that an interim report will be possible at the end of the first year) and it is expected that some 500 examinations per year will take place, representing some 10 per cent of the staff of each organisation. When the pilot scheme ends and its results have been evaluated a decision will need to be taken on whether or not the polygraph should be introduced as part of security screening generally in the intelligence and security agencies.

6. Information on the efficiency and usefulness of the polygraph is conflicting. To talk about "reliability" in this context would be misleading: the polygraph examination does not and is not intended to prove guilt or innocence. What it does is to give an indication of a possible area of doubt which can be

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further examined by other means. Most of the "evidence" on efficiency and usefulness comes from the USA, and is both voluminous and conflicting. The purpose of conducting an experimental pilot study in this country is to acquire our own independent information about the feasibility of adding polygraph examinations to our armoury of security vetting measures by assessing the polygraph's potential for efficiency and usefulness in security screening in a British context.

7. The Civil Service trade unions have been totally opposed to the introduction of the polygraph for security screening from the beginning, and have mounted a considerable campaign against it. In October 1983, the Society of Civil and Public Servants published a glossy pamphlet entitled "The Case Against the Polygraph" and in December they held a full day's conference at the Royal Festival Hall to which they invited Dr David Lykken, a leading USA opponent of the polygraph, to be its principal speaker. The unions brought a delegation to see me on the subject; I made it clear that this was to be only a pilot or experimental study, and no decision to introduce a definitive scheme in GCHQ or to extend it to other parts of the Civil Service would be taken until the results of the pilot scheme had been carefully assessed. I said that there would be further discussions with representatives of the staff concerned before any such decision was taken. I also said that I was ready to see them again before the pilot scheme was launched on GCHQ if they wished, but I made it clear that the Government could not withdraw the decision to mount the pilot scheme recommended by the Security Commission. In your replies to Parliamentary Questions, eg to Mr Andrew F Bennett MP on 1 December, you made it clear that, although there had been conflicting evidence as to the value of polygraph examinations, this did not invalidate the need for a pilot scheme to test the feasibility of polygraph screening in this country. You also said that the Government had no plans to introduce legislation to control and limit the use of the polygraph or to extend its use into any other context than the British intelligence and security agencies.

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8. I understand that the polygraph continues to be used and valued in the NSA and (I think) the CIA, and the Security Service operators who have been learning to use it have been impressed by the results. On the other hand there is not much enthusiasm for the polygraph in the higher echelons of the Security Service, particularly in the light of some recent testimony to the United States Congress on its usefulness (or rather lack of it) and of a recommendation by a Congressional Committee against a proposed extension of its use in security screening in the United States Administration. So I think that it is well on the cards that when we have evaluated the pilot scheme we shall recommend against the introduction of a definitive scheme; and more likely still that we shall recommend against any extension of its use outside the security and intelligence agencies.

9. Nonetheless, to decide now not to run the polygraph pilot scheme in GCHQ would be to depart from the Security Commission's recommendation, and would diminish the amount and value of experience obtained from the scheme. The only other place to try it would be the SIS; but that was not included in the Security Commission's recommendation, and we could hardly say that we were trying the scheme in an agency which we do not avow.

10. Any departure from the agreed plan would be claimed as a victory by the unions. It might defuse the opposition to de-unionisation at GCHQ; but I think it might equally well encourage the unions to believe that, having pushed the Government off the polygraph, they could probably push the Government off de-unionisation.

11. My own recommendation would be that the pilot scheme should proceed as originally envisaged, though I would propose to suggest to the Security Service that they should go slow on the operation of the scheme in GCHQ until the dust has settled on de-unionisation.

12. If Ministers were minded to discontinue the polygraph pilot scheme in GCHQ, I would hope that no decision would be taken or announced until after 1 March, the closing date for replies to the GCHQ offer on de-unionisation.

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13. I am sending copies of this minute to the Lord President, the Foreign and Commonwealth Secretary, the Home Secretary, the Secretary of State for Defence and the Secretary of State for Employment.

RA

ROBERT ARMSTRONG

10 February 1984

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