

BOOK REVIEW

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A Review of "Legal Admissability of the Polygraph"

REFERENCE: Ansley, Norman, *Legal Admissability of the Polygraph*, Charles C Thomas, Springfield, Ill., 1974, 344 pages, \$33.75.

This book, which covers a wide range of polygraph topics, consists of presentations by 34 contributors who presented papers or participated in panel discussions at the 1972 Seminar of the American Polygraph Association. Chaired by John E. Reid, the program was divided into five sections: Law, Validity, Technique, Instrumentation, and Labor-Management.

The main thrust of the book is the repudiation of the 1923 Frye decision, which is still accepted by the courts as the basis for inadmissibility. Proponents of polygraph admissibility, including experienced examiners, jurists, lawyers, psychologists, and physiologists, have capably and succinctly presented material to support their view. In some instances, however, this position is modified by other considerations. Professor Fred E. Inbau, for example, believes that examination results should be admissible only when the examiner has satisfied minimal educational and training standards. Other contributors also make reference to this important facet of the problem.

Opponents of polygraph admissibility (attorney Donald W. Cohen, for example) have constitutional objections, on the grounds that use of the polygraph represents a forcible entry into an individual's thought process.

Professor Andre A. Moenssens' lucid chapter on admissibility logically brings attention to the position of the courts, which continue to sustain Frye but accept Valdez (admissibility on stipulation, a condition which cannot assure reliability). The irony of the problem is further pinpointed by a survey of 193 polygraph examiners made by Dr. Philip Ash. Most of those surveyed (160 to 32) indicated that they felt examination results should not be admitted into evidence without reservations, while even more (178 to 9) believed the results should be admitted by stipulation.

The chapter by Dr. Martin T. Orne is unique because of the author's incisive observations about some of the subtleties, such as pretest interviews and environment, which could affect test results.

Without attempting to evaluate individually the efforts of each contributor, this reviewer finds *Legal Admissability of the Polygraph*, taken in its entirety and considering its wide range of relevant topics, an invaluable resource for both advocates and opponents of admissibility.

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