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Book Reviews

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BOOK NOTE

A TREMOR IN THE BLOOD—USES AND ABUSES OF THE LIE DETECTOR. By *David Thoresen Lykken*. New York: McGraw Hill. 1981 Pp. 317. \$14.95.

Across the nation, the lie detector is gaining respectability. A growing minority of states admit the results of polygraph tests into evidence on the parties' stipulation.¹ Many courts have dispensed with the requirement of stipulation of the parties, and have admitted the results under other circumstances.² American businessmen are also more willing to accept as accurate the outcome of a lie detector test. An increasing number of employers use the tests for preemployment screening and for uncovering the perpetrators of "inside" crime.³ Professor Lykken, in *A Tremor in the Blood*, raises concerns about these trends. His critical, in-depth analysis of the lie detector test casts doubt on the 95 to 99% accuracy claims of some polygraphers. Lykken is unwilling, however, to conclude that the polygraph is totally without value.

Lykken first introduces the reader to the polygraph by subjecting "Mr. Reader" to a typical test. This technique familiarizes the novice with a lie detector test without overwhelming him with the polygraph's technical aspects. Throughout the book Lykken steers clear of detailed descriptions of how the polygraph measures the subject's responses. Instead, the book focuses on basic principles and applications. By the end of the first chapter, the reader has some idea of what it is like to take a lie detector test.

The remaining introductory chapters provide the background necessary for understanding Lykken's later arguments. A chapter on the history of lie detection lists the leaders in the field, briefly describes their contributions and concludes with a survey of contemporary views. The next chapter introduces the "truth verifier." This imaginary machine, unlike those presently in use, would actually be able to detect lies rather than just measure the subject's responses to

1 Jurisdictions which admit results of lie detector tests upon stipulation under certain conditions include Florida, Georgia, Illinois, Indiana, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Washington and Wisconsin. See Annot., 53 A.L.R.3d 1005 (1973).

2 See C. MCCORMICK, HANDBOOK ON THE LAW OF EVIDENCE § 207 (2d ed. Supp. 1978).

3 See Belt & Holden, *Polygraph Usage Among Major U.S. Corporations*, 57 PERSONNEL J. 80 (1978).

certain questions. The possible advantages of such a device, including elimination of juries and deterrence of crime, are pointed out before Lykken indicates that the chances of ever having the device are extremely remote. Finally, the book's introductory portion concludes with a discussion of the statistical concepts necessary to evaluate the accuracy of a lie detector test.

Part II of *A Tremor in the Blood* provides a comprehensive discussion of lie detection methods. Eight different tests are examined, a chapter devoted to each. Seven tests use the polygraph and the eighth relies on voice stress analysis. For each test, Lykken describes the underlying assumptions, questions the validity of the assumptions and then draws a conclusion on the validity of the test itself. Lykken exposes some startling presuppositions underlying a number of the tests. For example, several tests rely on the subject being completely convinced of the test's accuracy. Thus, the subject must be deceived for the test to work. Although his conclusions about these tests are grounded in common sense, Lykken cites or criticizes statistics from various experiments, when available, to support his conclusions. These chapters explain the type and structure of questions asked in lie detector tests and the rationale for using those questions.

After being introduced to the concept and methods of lie detection, the reader is presented in Part III with its applications. Professor Lykken begins by recounting an incident illustrating the unfortunate consequences of a lie detection test gone awry. He continues with other illustrations of attempts to use lie detection to snare thieves in the business world. He notes in passing that many employees who fail the tests seek advice from lawyers on their rights and are rebuffed after a short consultation. Lykken criticizes lawyers for refusing to take the cases of these "wronged" subjects simply because there is no written employment contract on which to base a claim. Theories of recovery are mentioned, but the discussion was not intended to be guide for a practicing attorney. As Lykken freely admits in other portions of the book, he is not a lawyer.

Professor Lykken continues his discussion of the use of lie detection in the business world in a chapter on pre- and post-employment screening. He notes that pre-employment screenings are not especially useful and suggests several alternatives to using lie detection to combat employee theft. Some businesses have turned to the "honesty questionnaire" to replace polygraph methods of lie detection. Under this method, the subject's trustworthiness is scored by considering his "admissions" and his answers to questions designed to elicit his atti-

tude toward crime and punishment. Lykken pokes fun at these tests by recounting an experience of a "Sister Teresa." A potential employer rejected Sister Teresa's application because she received one of the lowest scores ever on the honesty questionnaire. Christian charity and a naive assessment of her fellow man prevented Sister Teresa from achieving a passing score.

At various points throughout the book, Lykken stresses one of the most important functions of lie detection—to obtain confessions. Subjects who believe that the lie detector is infallible often conclude that they have no choice but to confess. In a chapter entitled "The 4th Degree: Polygraphically Induced Confessions," Lykken recognizes that the polygraph can have as much coercive effect as physical abuse and warns that lie detection can induce false confessions. To prove his point, Lykken offers a true story of a polygrapher who convinced an innocent boy that he mutilated his mother.

Although a professor of psychology and psychiatry, Lykken is not adverse to tackling the problems that lie detection can cause for the courts. In a chapter on the lie detector and the courts, Lykken discusses the friendly polygrapher, the polygrapher as an expert witness, the jury's reaction to lie detection test evidence, the psychopathic liar and the use of the polygraph in criminal investigation. These discussions confront the legal issues that arise when lie detection is used.

Finally, Lykken concludes Part III with advice on how to "beat" the lie detector. After making a few suggestions, Lykken argues that lie detection, as it is currently used, is such a menace that legislatures should control its abuses. Lykken disputes the 95 to 99% accuracy claims of some polygraphers and concludes that they, not the critics, should have the burden of proving these claims.

The final part of *A Tremor in the Blood* is devoted to a use of the polygraph that Lykken accepts as legitimate. The guilty knowledge test, a test developed by Lykken himself, is designed to determine whether the subject is familiar with persons, places or things with which only the guilty person would be familiar. The test's chief advantage is that it compensates for the adverse reaction of most subjects whenever the examiner asks questions pertaining to the theft or lie under investigation. Since the test's format is difficult to explain briefly, Lykken devotes approximately forty pages to a tale illustrating the test's use in criminal investigations. In the final chapter, Lykken points out that the guilty knowledge test has not yet been proven through use in the field.

As one might suspect from its title, Professor Lykken's work is not a hornbook on the law of lie detection. Instead, *A Tremor in the Blood* introduces the uninformed to lie detection and its applications, and warns the reader that the lie detector might not deserve the respectability it has gained.

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