DePaul University
University Libraries

DePaul Law Review

Volume 4
Issue 1 *Fall-Winter 1954*

Article 3

The Lie Detector in Court

John E. Reid

Follow this and additional works at: https://via.library.depaul.edu/law-review

Recommended Citation
John E. Reid, *The Lie Detector in Court*, 4 DePaul L. Rev. 31 (1954)
Available at: https://via.library.depaul.edu/law-review/vol4/iss1/3

This Article is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact wsulliv6@depaul.edu, c.mcclure@depaul.edu.

THE LIE DETECTOR IN COURT

JOHN E. REID

THE result of the everyday court case ultimately is based upon which of the opposing parties to the lawsuit is lying or telling the truth. The judge in non-jury cases employs lie detection constantly by observing and determining the manner in which the witnesses answer their questions. The jury studies the witnesses and their testimony to determine which witness to believe and which one not to believe. The whole art of cross-examination has a fundamental purpose to expose the liar. Documentary evidence as well as all other physical evidence is introduced to substantiate the truthfulness of the allegations of the parties to the lawsuit. Why then do the courts frown on the use of scientific lie detection as court evidence?

It is conceded by the courts that the lie-detector technique need not be infallible in its indications in order to obtain admissibility as evidence but need only to show that the proponents of the lie detector believe the instrument to have a reasonable measure of precision and accuracy and that it is an accepted technique in the particular profession or field of science to which it belongs.[1] What then is the attitude of the courts regarding the lie detector?

The first appellate court decision regarding lie-detector evidence was rendered in 1923, in the federal court case of *Frye v. United States*.[2] The accused, who was on trial for murder, offered as evidence the results of a Marston "systolic blood pressure test"[3] to prove his

[1] Wigmore, Evidence (3d ed., 1940) § 990.

[2] 293 Fed. 1013 (D.C., 1923).

[3] In 1918 William Moulton Marston of Harvard recorded respiration and a discontinuous systolic blood pressure in deception. Marston measured the subject's systolic blood pressure before asking the crime question and then made a second read-

JOHN E. REID, *Director of John E. Reid and Associates, is a graduate of De Paul University College of Law and a foremost authority in the field of lie detection. He is co-author, with Fred E. Inbau, of the third edition of* Lie Detection and Criminal Interrogation *(1953). Mr. Reid made two major contributions to the field of lie detection. In 1945 he discovered that blood pressure responses during lie-detector tests could be falsified and he devised and patented the Reid Polygraph to detect efforts by the subject to falsify his lie-detector responses. In 1947 he revised and modified the questioning technique in lie-detector tests by adding control questions and thereby reducing the possibility of errors during the test.*

innocence and the lower court refused to accept the testimony of Marston to substantiate the defendant's claim. Upon appeal the ruling that the lie-detector evidence was inadmissible was affirmed, and the reviewing court offered as its reason the following opinion:

> Just when a scientific principle or discovery crosses the line between the experimental and demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential force of the principle must be recognized, and while courts will go a long way in admitting expert testimony deduced from a well-recognized scientific principle or discovery, the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs.
>
> We think the systolic blood pressure deception test has not yet gained such standing and scientific recognition among physiological and psychological authorities as would justify the courts in admitting expert testimony deduced from the discovery, development, and experiments thus far made.[4]

In 1933 the Supreme Court of Wisconsin in *State v. Bohner*[5] was again confronted with the problems as to whether lie-detector test results were admissible as evidence. In this case the defendant offered to prove his innocence of a robbery charge by introducing lie-detector test results which indicated he was telling the truth when he denied committing the robbery. The trial court ruling that the lie-detector test results were inadmissible was upheld by the Wisconsin Supreme Court. The court expressed the view that the time was not yet here when lie-detector test results should be used as evidence. It held that although the instrument (a Keeler Polygraph):[6]

> . . . may have some utility at present, and may ultimately be of great value in the administration of justice . . . a too hasty acceptance of it during this stage of its development may bring complications and abuses that will overbalance whatever utility it may be assumed to have.[7]

---

ing of the blood pressure after the question was asked. He then compared two blood pressure readings and if significant variances were noted in the readings he concluded deception was attempted. This technique was cumbersome because it required manually inflating the blood pressure cuff before and after each question.

[4] Frye v. United States, 293 Fed. 1013, 1014 (D.C., 1923).

[5] 210 Wis. 651, 246 N.W. 314 (1933).

[6] Leonarde Keeler developed the Keeler Polygraph in 1929 which made a continuous recording of blood pressure, pulse and respiration. Keeler did not invent the lie detector but made further refinements in the instrumentation which followed the work of Dr. John Larson of Berkeley, California, in 1926.

[7] State v. Bohner, 210 Wis. 651, 654, 246 N.W. 314, 317 (1933).

Although ten years elapsed between the *Frye* case and the *Bohner* case, and although the Keeler Polygraph and the Keeler technique[8] constituted a tremendous scientific advancement over the outmoded Marston instrument and technique, the Wisconsin Supreme Court showed the same wariness in accepting lie-detector test results as did the Federal Court in the *Frye* case in 1923.

This same wariness was indicated in a 1942 Michigan case, *People v. Becker.*[9] In a manslaughter trial the defendant offered in evidence the results of lie-detector tests which indicated that he killed the deceased in self-defense. The trial judge ruled the evidence inadmissible and his ruling was sustained by the Michigan Supreme Court on the grounds that there was no testimony in the case to show that there exists at the present time "a general scientific recognition of such tests."[10] The opinion of the Michigan Supreme Court was that "until it is established that reasonable certainty follows from such tests it would be error to admit in evidence the results thereof."[11]

Insofar as the law reports reveal, the first time that a trial court admitted lie-detector test results over the objection of defense counsel was in the 1947 Kansas case of *State v. Lowry.*[12] The trial court permitted the introduction of lie-detector test records of both the complaining witness and the defendant who was accused of a felonious assault, but the Kansas Supreme Court reversed the trial court's conviction and held that the lie-detector technique has not yet gained sufficient recognition to warrant the acceptance of test results as competent legal evidence. At the same time, however, the court pointed out that its holdings should not be interpreted as discrediting the lie detector "as an instrument of utility and value,"[13] since its usefulness has been amply demonstrated by detective agencies, police departments, and other law enforcement agencies conducting criminal investigations.

Twenty-six years elapsed after the *Frye* case decision in 1923 be-

[8] Keeler's greatest contribution was the introduction of the questioning technique whereby both relevant (questions about the crime) and irrelevant questions (nonpertinent questions used only to establish a norm) are asked and answered by either "yes" or "no." A comparison of the responses indicates whether deception is attempted.

[9] 300 Mich. 562, 2 N.W. 2d 503 (1942).

[10] Ibid., at 564 and 505.

[11] Ibid.

[12] 163 Kan. 622, 185 P. 2d 147 (1947).

[13] Ibid., at 626 and 151.

fore even a single appellate court judge would venture to suggest that lie-detector test results should be admitted as evidence. In a 1949 decision the Supreme Court of Nebraska in *Boeche v. State*[14] affirmed the decision of a trial court in refusing to allow the defendant (accused of cashing bogus checks) to offer in evidence the testimony of a lie-detector examiner regarding the results of tests made on the defendant, which tests, in the opinion of the examiner, indicated the defendant's innocence of the offense. In reversing the case on other grounds the majority of the Nebraska Supreme Court were of the opinion that the trial court was correct in its rejection of the lie-detector evidence. They thought that if such evidence were admitted, "the vital function of cross-examination would be impaired";[15] that while the examiner could be cross-examined regarding his qualifications and the procedures used, "the machine itself . . . escapes all cross-examination."[16] In addition to this rather vague objection about cross-examination "impairment", the majority of the court thought that the evaluation of lie-detector test results was "too subtle a task to impose upon an untrained jury."[17] They also found that the test had "not yet received general scientific acceptance,"[18] and that "experimenting psychologists themselves admit that a wholly accurate test is yet to be perfected."[19] However, one member of the Nebraska Court, Justice Chappell, thought that the time had arrived for the judicial acceptance of lie-detector test results. He expressed the view that upon proof of an examiner's competency and evidence of general scientific recognition, the test results should be accepted by the court. Justice Chappell was of the opinion that the failure of the judiciary to embrace scientific aids of this type "will only serve to question the ability of courts to efficiently administer justice."[20]

In a 1950 California murder case, *People v. Wochnick*,[21] the trial court admitted as evidence the results of a specialized lie-detector "peak of tension" test in which the defendant had been shown during the test five knives, tested including the knife used in the murder.[22]

[14] 151 Neb. 368, 37 N.W. 2d 593 (1949).

[15] Ibid., at 372 and 597.

[16] Ibid.

[17] Ibid.

[18] Ibid.

[19] Ibid.

[20] Ibid., at 375 and 600.

[21] 98 Cal. App. 2d 124, 219 P. 2d 70 (1950).

[22] The peak of tension test also was devised by Keeler. The subject in this case was shown five knives and since he denied knowing whether any of the five were

The defendant denied seeing any of the knives before, but the examiner reported that he showed emotional reactions to the knife used in the killing. It was also observed that the defendant closed his eyes presumably for the purpose of avoiding any reaction when the fatal knife was placed before him. The lie-detector examiner asked for an explanation for the "fatal knife" reactions and the defendant said, "I cannot explain that." The prosecution alleged that this statement by the defendant was a tacit admission of having previously seen the fatal knife. The California Court of Appeals reversed the conviction on the grounds that lie-detector test results are inadmissible and also on the grounds that a tacit admission of guilt was not made. The court stated in its opinion that the lie-detector test had a prejudicial effect on the jury and that the defendant's answer, "I cannot explain that", did not indicate a consciousness of guilt or an acquiescence of the truth of the examiner's statement regarding the reaction to the display of the fatal knife.

In a 1952 Texas forgery case, *Peterson v. State*,[23] the defendant offered evidence of a lie-detector test which indicated he was truthful in his denial of the crime. The Texas Court of Criminal Appeals sustained the finding of the lower court in denying the admissibility of lie-detector test results, stating that the test results were not admitted at the present time as evidence for the prosecution and therefore they could not be used on the defendant's behalf.

In the 1950 case of *State v. Pusch*,[24] the defendant offered in evidence the results of a lie-detector test as well as the testimony of a hypnotist, both attesting to the defendant's innocence. The North Dakota Supreme Court sustained the lower court's findings that the

---

used in the crime he was instructed to answer "no" to all the knives when asked about them on the test. It appears the subject responded significantly to the actual knife used in the crime and therefore was reported guilty by the examiner. The theory of the peak of tension test is that if the subject knows beforehand that he is going to lie on the one question, his blood pressure will build up to that question and after the question is asked the blood pressure will drop gradually. The peak of the blood pressure tension is considered the lie. In order for the peak of tension to be reliable, the knife actually used in the crime is mixed in with the other knives and the subject disclaims all knowledge of the actual knife used in the crime. If he has peculiar knowledge regarding the "real" crime knife, his blood pressure peak of tension will expose him.

23 247 S.W. 2d 110 (Tex. Cr. App., 1952).

24 77 N.D. 860, 46 N.W. 2d 508 (1950).

results of a lie-detector test as well as the testimony of the hypnotist were inadmissible as evidence.

In 1951 a similar attempt was made in an Oklahoma case, *Henderson v. State*,[25] where the defendant offered the lie-detector test results as well as the results of a truth serum[26] test to prove his innocence. The Oklahoma Court of Criminal Appeals affirmed the decision of the lower courts, refusing both types of evidence, and concluded that

> . . . neither the lie detector nor the truth serum test have gained that standing and scientific recognition nor demonstrated that degree of dependability to justify the courts in approving their use in the trial of criminal cases.[27]

A rare and unusual offering was made in a 1945 Missouri case, *State v. Cole*.[28] The defendant, who was charged with the murder of a seven-year-old girl, made a motion at the beginning of the trial that all witnesses in the case be given lie-detector tests and that he, the defendant, would also submit to the test. The trial court denied the motion and also refused the defendant permission to take a lie-detector test. The Missouri Supreme Court, in addition to holding that the lie-detector technique had not gained sufficient recognition of its efficacy to warrant judicial acceptance, stated:

> In our opinion the day has not come when all the witnesses in a case can be subjected to such inquisitorial and deception tests (or to drugs like scopolamine, or to hypnotism) without their consent. Furthermore, such dramatics before the jury would distract them and impede the trial—this latter also because it is necessary for the inquisitor to ask both harmless, irrelevant and "hot" questions in order to bring out the contrast in the witness' emotional responses. No doubt the lie detector is useful in the investigation of crime, and may point to evidence which is competent; but it has no place in the court room.[29]

The lower court's decision, as well as the expression of the Missouri Supreme Court, indicated they were fully aware of the impact this motion by the defendant would have if the lower court allowed the defendant's request. From a lie-detector examiner's practical viewpoint, tests given to witnesses against their will would most likely be inconclusive in their indications and no real value would be derived

[25] 230 P. 2d 495 (Okla. Cr. App., 1951).

[26] An intravenous injection of scopolamine or sodium amytal in theory releases the subject's inhibitions to lie and therefore he tells the truth. It is quite controversial as to the true value of truth serum.

[27] Henderson v. State, 230 P. 2d 495, 506 (Okla. Cr. App., 1951).

[28] 354 Mo. 181, 188 S.W. 2d 43 (1945).

[29] Ibid., at 189 and 51.

from the tests except to unfairly benefit the defendant in the eyes of the jury because of his spectacular request for the tests. Since lie-detector tests under the best conditions (i.e., where the subject volunteers for the test and offers reasonable cooperation) are a complex procedure, it is inadvisable for anyone to be forced or required against his will to take a lie-detector test.

Disastrous implications are aroused even at the mention before a jury that the defendant has been given a lie-detector test. If the mention is made by the defendant's counsel and objected to by the prosecution it is reasonable for the jury to assume that the defendant passed a lie-detector test. If the prosecutor asks the question about the lie-detector test and the defense counsel objects, the jury may assume the defendant failed the test.

In a Florida case, *Kaminski v. State*,[30] the prosecution's chief witness had been subjected to a rigid and effective cross-examination after which the prosecutor tried to reestablish the witness' credibility by asking him if he had taken a lie-detector test. The trial court allowed the question to be answered but on appeal this ruling was held improper. The Florida Supreme Court considered the trial court's ruling to be the equivalent of an outright admission of the test results in evidence, which it was not authorized to do.

All the appellate courts that have had an opportunity to rule on the issue have refused to accept lie-detector test results into evidence when the test results are proposed over the objection of the opposing counsel. There are a great number of unappealed trial court cases, however, in which lie-detector test results have been admitted as evidence over the objection of the opposing counsel. One of these is *People v. Kenny*,[31] a New York case, in which the defendant on trial for robbery introduced the testimony of Father Walter Summers of Fordham University regarding the results of a lie-detector test.[32] Over the objection of the prosecuting attorney, Father Summers was per-

[30] 63 So. 2d 339 (Fla., 1953).

[31] 167 N.Y. Misc. 51, 3 N.Y.S. 2d 348 (Crim. Ct., 1938).

[32] Father Walter Summers, a Jesuit priest, who did considerable experimental work at Fordham University developed the Fordham pathometer. This instrument records the skin resistance changes only. Leaders in the field of lie detection will not accept the pathometer or any one channel instrument which records only one phenomenon. The polygraph is therefore the acceptable instrument in lie detection because in addition to the blood pressure and respiration recordings the polygraph also contains a skin resistance channel which is the same or similar to the pathometer or any of the other electrodermal instruments.

mitted to testify that the defendant was telling the truth when he denied committing the robbery and the defendant was found not guilty. However, in a later New York case, *People v. Forte*,[33] an accused murderer requested the court that he be given a lie-detector test by Father Summers and that the latter be allowed to testify as he did in the *Kenny* case. The trial court refused to do so, and the New York Court of Appeals affirmed the decision of the trial court without mentioning the *Kenny* case. As the result of the *Forte* case decision it is clear that lie-detector evidence is not admissible in New York over the objection of the opposing counsel.

The first time lie-detector test results were admitted as evidence in Illinois in a felony case was on February 18, 1953. The Honorable Charles S. Dougherty, Justice of the Criminal Court of Cook County, allowed the writer to testify, over the objection of the prosecutor, that the defendant was telling the truth on a lie-detector test when he denied knowing the automobile that he repaired in his garage was stolen. The defendant was freed as the result of this testimony. The writer also knows of three felony cases in Pittsburgh, Pennsylvania, where the judges in the Common Pleas Courts allowed lie-detector test results into evidence over the objection of the opposing counsel. None of these cases have ever been appealed.

ADMISSION UPON AGREEMENT AND STIPULATION

Although the appellate courts have consistently refused to permit lie-detector test results to be used as evidence over the objection of opposing counsel, there are several decisions upholding the admissibility of such evidence where the test was made pursuant to an agreement and stipulation.

In 1948 the California District Court of Appeals, in the case of *People v. Houser*,[34] held the defendant to be bound by an agreement he had made to permit the lie-detector test results to be admitted as evidence. The court said:

> It would be difficult to hold that defendant should now be permitted on this appeal to take advantage of any claim that [the examiner] ... was not an expert ... and that such evidence was inadmissible, merely because it happened to indicate that he was not telling the truth. . . .[35]

[33] 167 N.Y. Misc. 868, 4 N.Y.S. 2d 913 (Crim. Ct., 1938), aff'd 279 N.Y. 204, 18 N.E. 2d 31 (1938).

[34] 85 Cal. App. 2d 686, 193 P. 2d 937 (1948).

[35] Ibid., at 691 and 942.

The Michigan Supreme Court in the case of *Stone v. Earp*,[36] in 1951, had a peculiar circumstance under which to rule on the stipulation issue. During a nonjury trial to determine whether the plaintiff or defendant was the owner of a certain motor vehicle, the trial judge announced, "I am not going to decide this case until your clients take a lie-detector test." He then continued the case and at the rehearing both attorneys consented to allow their clients to submit to a lie-detector test and abide by the results. The examiner reported that the plaintiff was lying. Upon appeal the supreme court agreed with the plaintiff that the trial judge erred in admitting the lie-detector test into evidence.

The most liberal and the most progressive group of jurists regarding the use of lie-detector test results are the judges of the Municipal Court of Chicago. For the past twenty years at least twenty-five Justices of the Municipal Courts of Chicago have regularly admitted lie-detector test results as evidence in criminal, quasi-criminal and in civil cases. The cases in which they resort to such evidence are generally those in which there is no evidence other than the contradictory testimony of the parties—instances in which justice would best be served by this additional assistance to the court. If the parties agree to the test the court designates a lie-detector expert and the fee for the test is borne by the party or parties who take the test, thereby relieving the court of that expense. Upon completion of the test, a confidential report is mailed to the judge for his deliberation and decision.

Preliminary hearing courts such as the Felony Court and Boys' Court in Chicago regularly use lie-detector test results to assist the judges in determining whether the defendant should be held over to the Grand Jury or whether he should be freed. Again, when these Chicago judges turn to the lie detector, they have very little evidence upon which to otherwise reach a decision.

The lie-detector technique has made a noteworthy contribution in the solution of bastardy cases. In these cases the mother of the illegitimate child accuses the defendant of being the father. The defendant may admit sexual relations with the mother but states that he believes other men also had sexual intercourse with the mother during the conception period and that therefore someone else may be the father. Blood tests on the child and alleged father can only be used to exclude the father if his blood type is different from that of the child. How-

[36] 331 Mich. 606, 50 N.W. 2d 172 (1951).

ever, if the defendant's blood type is the same as the child's this evidence means that the defendant is only one of thousands of men who, by having the same type blood, could be the father. Lie-detector tests on the mother can reveal the fact that the mother has had sexual intercourse with other men during the period of possible conception and most times when the mother is confronted with these lie-detector records she will admit to sexual intercourse with other men.

During the past year the writer gave lie-detector tests in three Cook County Criminal Court cases in which the prosecution and defense agreed beforehand to permit the test results to be used as evidence.

Case #1, a murder trial before the Honorable John J. Lyons on February 17, 1954. A defendant, accused of being the driver of the getaway car after a murder took place, agreed and stipulated with the prosecution that he would plead guilty and accept a twenty-year sentence in the penitentiary if a lie-detector test indicated he was guilty, and if the lie detector showed him to be innocent, he was to be freed. The lie-detector test indicated the defendant to be guilty. After first refusing to abide by his agreement, the defendant later accepted the twenty year sentence.

Case #2, a murder by strangulation case before the Honorable Thaddeus Adesko on September 17, 1954. The court allowed opposing counsel to enter into an agreement similar to the above described. In this instance the results indicated the defendant was truthful when he denied the strangulation of the woman, and the court set the defendant free.

Probably the most famous of all cases in Illinois in which the lie detector played a prominent part was the murder trial of Vincent Ciucci. On July 8, 1954 the defendant petitioned the Chief Justice of the Criminal Court of Cook County, Charles S. Dougherty, for a lie-detector test. Upon an agreement and stipulation entered into between the defendant, his counsel and the State's Attorney, Judge Dougherty ordered the test to be made. The petition which defense counsel presented read as follows:

Your petitioner, VINCENT CIUCCI, Sr., respectfully represents unto this Honorable Court,

1. That he is the defendant accused of murder in the above numbered indictment and that he is innocent of the charge.

2. That lie-detectors have been proven to be accurate in determining when a person is telling the truth or an untruth, when questions pertaining to matters at issue are asked of the accused.

3. That the law holds that findings and results of a lie-detector examination are inadmissible in evidence, and that said law is fully for the protection of the accused.

4. That your petitioner, the defendant herein, respectfully desires and offers to waive his right of protection afforded him by law by submitting himself to a lie detector examination and by agreeing that the results thereof may be stipulated in the trial of his cause.

WHEREFORE your petitioner prays that this Honorable Court appoint an independent technician to administer a lie detector examination on this petitioner and to submit his findings to this court and that said findings may be stipulated as part of the evidence in the trial of his cause.

The Acting State's Attorney of Cook County, Irwin D. Bloch, submitted the following stipulation to the court, to the defendant and to the defendant's attorney:

It is hereby agreed and stipulated between the defendant Vincent Ciucci, Sr., in his own proper person, and Mr. William Gerber, counsel for the said Vincent Ciucci, Sr., and John Gutknecht, State's Attorney of Cook County, that the said Vincent Ciucci, Sr., shall submit to a lie detector test to be given by John E. Reid on or about the 8th day of July, 1954, for the purpose of determining whether the said Vincent Ciucci, Sr., killed his daughter Angeline by shooting a .22 calibre rifle, or by setting fire to the premises at 3101 West Harrison Street, causing her death by asphyxiation, for which offense Ciucci is presently under indictment.

It is further stipulated that the results of the lie detector examination and the formal opinion by the examiner, John E. Reid, be introduced as evidence in the trial of said Vincent Ciucci, Sr., on the charge of murder in Indictment 54–481.

The expenses, if any, for the examination and for the testimony of the examiner shall be paid by the County of Cook.

It is further stipulated and agreed that the court shall be required to instruct the jury regarding the terms of this agreement and stipulation. The court shall also be required to further instruct the jury that they should not accept the test results or the examiner's opinion as conclusive on the issue before them, but that they are privileged to consider the results and examiner's opinion along with all the other evidence in the case and give it, like any other evidence, whatever weight and effect they think it reasonably deserves.

It is further agreed and stipulated that John E. Reid shall submit written copies of the results and his opinion to counsel for the defendant and to the State's Attorney of Cook County, after the test is completed.

Consenting to this lie detector examination the defendant, Vincent Ciucci, Sr., knows and understands that he requests such examination on the petition filed in the Criminal Court of Cook County on July 8, 1954, and the defendant further knows and understands he has no legal compulsion to do so agree and stipulate.

Although counsel for the defendant refused to sign the stipulation and advised the defendant not to sign it, they both agreed in open

court that the results of the lie detector were to be admitted as evidence.

The results of the test on the defendant indicated he was not telling the truth when he denied murdering his 4-year old daughter Angeline. At his trial, the defendant's counsel objected to the admissibility of the lie-detector test results, despite the defendant's prior agreement and stipulation to abide by the test results. The trial judge, the Honorable Richard B. Austin, ruled, however, that the test results were admissible as evidence because of the defendant's agreement and stipulation. During the trial the writer not only testified as to the test results but also demonstrated the lie detector before the jury. The defendant was found guilty of the murder and sentenced to 45 years in the penitentiary. It does not appear that an appeal will be taken to the Illinois Supreme Court.

CONCLUSION

The Chicago and Cook County courts have far surpassed the courts of any other city in the world in the use of the lie-detector technique and many of the Chicago judges are convinced that within the next decade lie-detector test results should be admitted as evidence. In view of the Chicago area courts' usage of the lie-detector technique for many years, as well as the judges' evaluation of the advantages of the tests, have the courts in general hampered the administration of criminal law by their refusal to accept lie-detector test results as evidence? The answer, of course, is "no," when the lie-detector test results are offered over the objection of the opposing counsel. However, the writer is firmly convinced that lie-detector test results should be admitted as evidence upon an agreement and stipulation entered into beforehand by opposing counsel. Under such a procedure all objections to the general admissibility of lie-detector test results are removed. The operator as well as the type of instrument to be used are agreed upon before the test, which assures competency and honesty on the part of the examiner. Furthermore, in such instances the technique is used to settle disputes and issues not solvable by the conventional methods of proof.

DE PAUL LAW REVIEW

Volume IV AUTUMN-WINTER 1954 *Number 1*

BOARD OF EDITORS

ANTHONY L. RUSSO, *Editor-in-Chief*

WALTER D. CUMMINGS
JAY T. FRANK
ROBERT L. HANKIN
DONALD J. HOWE
JOSEPH F. WALSH

ASSOCIATE EDITORS

LOUIS B. GARRIPO
JAMES E. KANE
MARSHALL KAPLAN
EMIL V. RACKAY, JR.
WILLIAM M. WARD
JOSEPH N. WILTGEN

STAFF

DONALD BROOKS
JOHN DONLAN
KOZO FUKUDA
NORMAN GREENBERG
EDWARD KAPLAN
JOHN B. MCGARRY
CATHERINE J. O'CONNOR
ANDREW G. SAMPRACOS
JOHN SIMSHAUSER

BUSINESS STAFF

DANIEL S. SHULMAN, *Manager*
JEROME Y. ROSENHOLTZ, *Assistant*

FACULTY DIRECTOR

FRANCIS J. SEITER