



Written by [Steve Byas](#) on September 8, 2018

Rand Paul: Trump Should Consider Polygraph in Anonymous Op-Ed

Senator Rand Paul (shown), a Kentucky Republican who was among the 17 GOP candidates bested by President Donald Trump for the party's nomination, said Thursday that Trump would be justified if he chose to make use of a polygraph (lie detector) to discover which senior administrative official wrote the anonymous op-ed in *The New York Times*.



The op-ed was published in the *Times* on Wednesday and it claimed that some high-ranking members of the Trump administration have been working "diligently" to rein in the president's "worst impulses," and otherwise frustrate parts of his agenda. According to the piece, the author is not alone in his (or possibly, her) actions, arguing that their primary duty is to protect the country from Trump.

While Paul and Trump had an acrimonious relationship at times during the Republican primary battle, with Trump even making fun of Paul's curly hair, Paul has often been a defender of Trump and his policies since Trump took office. (Paul has also been critical at times, such as his public disagreement over Trump's bombing of Syria.) Interestingly, others who opposed Trump in the primary season, such as Texas Senator Ted Cruz and physician Ben Carson (who serves in the Trump cabinet) have also been strong supporters of most of the Trump agenda.

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Paul earlier suggested the use of a lie detector by the federal government to unearth who had leaked classified information. He recommended that a polygraph should be used to determine who leaked the transcripts of conversations between the U.S. ambassador to Russia and Trump's former national security adviser, Michael Flynn.

At the time, in March 2017, Paul told ABC, "It is very, very important that whoever released that go to jail, because you cannot have members of the intelligence community listening to the most private and highly classified information and then releasing that to *The New York Times*. There can only be a certain handful of people who did that. I would bring them all in. They would have to take lie detector tests. And, I would say, including the political people, because some political people knew about this as well."

Paul added that he was concerned about a "deep state" inside the U.S. government, among the intelligence community and others who wield "enormous power."



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Some senior White House officials have already come forth to deny the validity of the op-ed, asserting that it could not have been a senior official who anonymously wrote it. Vice President Mike Pence, Secretary of State Mike Pompeo, Treasury Secretary Steve Mnuchin, Director of National Intelligence Dan Coats, Defense Secretary Jim Mattis, and Secretary of Urban Development Ben Carson have all said they were not the author of the piece.

President Trump has said the author of the piece is cowardly to hide behind anonymity, and has called upon the newspaper to release the name. One can certainly sympathize with Trump and with Paul's suggestion to use a lie detector to get the name, and get rid of the person from the Trump White House. After all, a president is entitled to have employees who are working *for* him, rather than against him.

What are the laws governing the use of polygraphs? A 1988 federal law, the Employee Polygraph Protection Act (EPPA), prohibits most employers in the private sector from using lie detectors, either in pre-employment screening, or during the course of employment. An employer is not even allowed to request an employee take such a test.

One reason for such a strict prohibition is that there is some debate as to the reliability of polygraph tests. Frank Horvath of the American Polygraph Association summed up the diverse opinions: "Proponents will say the test is about 90 percent accurate. Critics will say it's about 70 percent accurate."

Polygraph test results are not admissible in court cases

But those working in agencies of the federal, state, or local government can be required to take a lie detector test. Because of this, Trump would be within the bounds of legality to demand every person who works closely with him to take a test.

One would think that the pool of potential suspects of authorship of the op-ed would be relatively small (presuming that the newspaper did not simply make up the story). After all, just how many individuals in the Trump team could there possibly be that have such access to do the things claimed by the author of the op-ed? Trump could have a statement drawn up by one of his White House legal staff, where each person who is a "senior official" would be required to sign that he or she is not the culprit.

Second, one presumes that a cursory investigation could narrow the list of suspects down to a manageable number to take the lie detector test. If a person then "failed" the test, that in itself should not be considered certain proof that he or she was the author, but this would lead to more scrutiny of that person. Once the person is unmasked, they should seek employment elsewhere, and if they have committed any crimes, the Justice Department should file criminal charges.

As Senator Paul has asserted, this is an important issue. The American people, through our constitutional process, chose Donald Trump to administer the executive branch of the federal government, not the author of the op-ed or the author's confederates. If the person who wrote this op-ed truly believes Trump is doing things that are so damaging to the country, then that person should go public, and take credit for their assertions, so their own credibility and judgment can be examined, as well.

Hiding behind anonymity should not get the person added to an updated version of John Kennedy's *Profiles in Courage*. Considering that the person's name will almost certainly become public eventually, when they can be expected to secure a lucrative book deal, shouldn't the public know that now, along with the person's identity, so they can better determine the veracity of the op-ed?



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Perhaps that could be one of the questions included in the polygraph test.

Photo of Sen. Rand Paul: Gage Skidmore



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