

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ERIC CRODDY et al.,

Plaintiffs

v.

FEDERAL BUREAU OF  
INVESTIGATION et al.,

Defendants

Civil Action No. 00-0651 (EGS)

\* \* \* \* \*

**DECLARATION OF GEORGE W. MASCHKE**

GEORGE W. MASCHKE, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am a person over eighteen (18) years of age and competent to testify. I make this declaration on personal knowledge and in support of the plaintiffs' Motion for Summary Judgment. I previously submitted a sworn declaration dated February 2, 2001, under the guise "John Doe 'E'" as part of this litigation.

2. In 1983, I entered active duty in the U.S. Army as an interrogator with a secret clearance based on a National Agency Check. After completing training at the Military Intelligence school at Ft. Huachuca, Arizona and Arabic language training at the Defense Language Institute in Monterey, California, I served as a strategic debriefer in the Federal Republic of Germany, where I debriefed refugees coming from the Middle East.

3. After completing my enlistment in 1987, I went through the Army ROTC program and was commissioned as a second lieutenant in the Army Reserve, Military Intelligence branch, in 1989. After a Special Background Investigation, I received a top secret clearance and was authorized SCI access. In 1991, during the Gulf War, I was mobilized and detached to the Federal Bureau of Investigation. I performed counterintelligence duties at the Washington Metropolitan Field Office at Buzzard Point and at the Los Angeles Field Office.

4. In 1993, after the World Trade Center bombing, I was again mobilized and detached to the FBI and performed counterintelligence duties at the New York Metropolitan Field Office.

5. In early 1995, favorably impressed by my two tours of duty with the FBI, I applied to become an FBI Special Agent. After passing the initial entry tests and scoring well on an Arabic language test, I received a phone call from Supervisory Special Agent Sue Chainer on May 10, 1995. She wanted to hire me as soon as possible as a contract linguist pending agent hire. I agreed to begin working 20 hours a week, and she told me that she would arrange a polygraph examination for me. On May 11, 1995, the chief recruiter at the Los Angeles Field Office, Special Agent Mike Hilliard, called me to schedule an interview for agent hire on June 9, 1995 at the FBI's San Francisco Field Office.

6. On May 15, 1995, I reported to the Los Angeles Field Office for a pre-employment polygraph examination. In the pre-test phase, my polygrapher, SA Jack Trimarco, falsely represented to me that the FBI had a new polygraph technique without control questions. He then proceeded to administer a probable-lie control question test. One of the probable-lie control questions SA Trimarco used was, "Did you ever drive while under the influence of alcohol?" or something very similar. I had never driven under the influence of alcohol.

7. After the in-test phase, SA Trimarco falsely accused me of deception in denying having released classified information to unauthorized persons and having had unauthorized contacts with representatives of a foreign intelligence agency. I later learned through a Privacy Act request that in his report, SA Trimarco in fact falsely accused me of deception with regard to *all* of the relevant questions, not just the two concerning unauthorized release of classified information and unauthorized foreign contacts. (In responding to my Privacy Act request, the FBI failed to provide a copy of my polygraph charts, maintaining in a letter dated July 24, 2001, "At this time, we ware

[sic] unable to locate your polygraph chart. We are making every effort to locate this material. When it is located, it will be processed and released to you." As of the date of this writing, the FBI has yet to provide me with the promised copies of the polygraph charts upon which SA Trimarco based his accusations of deception.) The FBI peremptorily terminated my application for employment based on the polygrapher's opinion, and SSA Chainer's offer to hire me as a contract linguist was withdrawn. Because I know that I did not falsely respond to the FBI's questioning during my polygraph examination, the only explanation for the result is that I was victimized by a false positive reading.

8. Without my knowledge, the FBI reported this information to the U.S. Army. I know this because in two January 1999 interviews, U.S. Army Intelligence Special Agent David DeStefano explicitly mentioned it to me. In fact, the purpose of his visit was specifically to investigate the information the FBI reported to the Army. On December 13, 2000, the U.S. Army Central Personnel Clearance Facility sent me a letter notifying me of its intention to revoke my SCI access and my security clearance. Through a Privacy Act request, I learned that Paul J. Travers, the CCF adjudicator who made the decision to revoke my security clearance, had written in a memorandum dated November 11, 2000, "...subject failed his FBI applicant polygraph regarding the issues of foreign contacts, unauthorized disclosure of classified information and drug use." Based on this Travers went on to speculate, "Could subject be the operative in an international spy ring or a courier for a drug cartel?" The accompanying Statement of Reasons twists information that I provided to FBI Special Agent Trimarco during my pre-employment polygraph examination to portray me as a disloyal subversive. Although I challenged the Army's decision, I was not successful and the Army revoked my security clearance.

9. The adverse personnel decision that I suffered was a direct outgrowth of the FBI's sharing of my polygraph results with the Army. What happened to me unequivocally demonstrates that federal agencies, and particularly the FBI, will share the polygraph

results of an applicant with other federal agencies, and that sharing such information may have adverse consequences.

I do solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true to the best of my knowledge.

Date: October 19, 2005

/s/

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George W. Maschke