Seeing threats, feds target instructors of polygraph-beating methods

Doug Williams, a former Oklahoma City police polygrapher, says he can teach people how to pass lie detector tests. Federal prosecutors and agents recently targeted him and another instructor in undercover stings aimed at cracking down on the teaching of polygraph beating methods. | Handout/MCT

By Marisa Taylor and Cleve R. Wootson Jr. | McClatchy Washington Bureau

WASHINGTON — Federal agents have launched a criminal investigation of instructors who claim they can teach job applicants how to pass lie detector tests as part of the Obama administration’s unprecedented crackdown on security violators and leaks.

The criminal inquiry, which hasn’t been acknowledged publicly, is aimed at discouraging criminals and spies from infiltrating the U.S. government by using the polygraph-beating techniques, which are said to include controlled breathing, muscle tensing, tongue biting and mental arithmetic.

So far, authorities have targeted at least two instructors, one of whom has pleaded guilty to federal charges, several people familiar with the investigation told McClatchy. Investigators confiscated business records from the two men, which included the names of as many as 5,000 people who’d sought polygraph-beating advice. U.S. agencies have determined that at least 20 of them applied for government and federal contracting jobs, and at least half of that group was hired, including by the National Security Agency.

By attempting to prosecute the instructors, federal officials are adopting a controversial legal stance that sharing such information should be treated as a crime and isn’t protected under the First Amendment in some circumstances.

“Nothing like this has been done before,” John Schwartz, a U.S. Customs and Border Protection official, said of the legal approach in a June speech to a professional polygraphers’ conference in Charlotte, N.C., that a McClatchy reporter attended. “Most certainly our nation’s security will be enhanced.”

“There are a lot of bad people out there. . . . This will help us remove some of those pests from society,” he added.

The undercover stings are being cited as the latest examples of the Obama administration’s emphasis on rooting out “insider threats,” a catchall phrase meant to describe employees who might become spies, leak to the news media, ...
commit crimes or become corrupted in some way.

The federal government previously treated such instructors only as nuisances, partly because the polygraph-beating techniques are unproven. Instructors have openly advertised and discussed their techniques online, in books and on national television. As many as 30 people or businesses across the country claim in Web advertisements that they can teach someone how to beat a polygraph test, according to U.S. government estimates.

In the last year, authorities have launched stings targeting Doug Williams, a former Oklahoma City police polygrapher, and Chad Dixon, an Indiana man who’s said to have been inspired by Williams’ book on the techniques, people who are familiar with the investigation told McClatchy. Dixon has pleaded guilty to federal charges of obstructing an agency proceeding and wire fraud. Prosecutors have indicated that they plan to ask a federal judge to sentence Dixon to two years in prison. Williams declined to comment other than to say he’s done nothing wrong.

While legal experts agree that authorities could pursue the prosecution, some accused the government of overreaching in the name of national security.

The federal government polygraphs about 70,000 people a year for security clearances and jobs, but most courts won’t allow polygraph results to be submitted as evidence, citing the machines’ unreliability. Scientists question whether polygraphers can identify liars by interpreting measurements of blood pressure, sweat activity and respiration. Researchers say the polygraph-beating techniques can’t be detected with certainty, either.

Citing the scientific skepticism, one attorney compared the prosecution of polygraph instructors to indicting someone for practicing voodoo.

“If someone stabs a voodoo doll in the heart with a pin and the victim they intended to kill drops dead of a heart attack, are they guilty of murder?” asked Gene Iredale, a California attorney who often represents federal defendants. “What if the person who dropped dead believed in voodoo?”

“These are the types of questions that are generally debated in law school, not inside a courtroom. The real question should be: Does the federal government want to use its resources to pursue this kind of case? I would argue it does not.”

In his speech in June, Customs official Schwartz acknowledged that teaching the techniques — known in polygraph circles as “countermeasures” — isn’t always illegal and might be protected under the First Amendment in some situations.

“I’m teaching about countermeasures right now. The polygraph schools are supposed to be teaching about countermeasures,” he said. “So teaching about countermeasures in and of itself certainly is not only not illegal, it’s protected. You have a right to free speech in this country.”

But instructors may be prosecuted if they know that the people they’re teaching plan to lie about crimes during federal polygraphs, he said.

In that scenario, prosecutors may pursue charges of false statements, wire fraud, obstructing an agency proceeding and “misprision of felony,” which is defined as having knowledge of serious criminal conduct and attempting to conceal it.

“When that conspiracy occurs, both parties are guilty,” said Schwartz, a veteran federal polygrapher who heads Customs’ polygraph program. “And it makes more sense to me to try to investigate the party that’s doing the training because when you do that, you eliminate dozens or hundreds or thousands of people . . . from getting that training.”

Schwartz, who was involved in the federal investigation, cited the risk of drug traffickers infiltrating his agency as justification for prosecutors going after instructors. However, he told the crowd of law enforcement officials from across the country that he wasn’t discussing a specific case but a “blueprint” of how state and local officials might pursue a prosecution.

Urging them to join forces with his agency, he declared in a more than two-hour speech that “evil will always seek ways to hide the truth.”

“When you identify insider threats and you eliminate insider threats, then that agency is more efficient and more effective,” Schwartz said.

The Obama administration’s Insider Threat Program is intended to deter what the government condemns as betrayals by “trusted insiders” such as Edward Snowden, the former National Security Agency contractor who revealed the agency’s secret communications data-collection programs. The administration launched the Insider Threat Program in 2011 after Army Pfc. Bradley Manning downloaded hundreds of thousands of documents from a classified computer network and sent them to WikiLeaks, the anti-government secrecy group.
As part of the program, employees are being urged to report their co-workers for a wide range of "risky" behaviors, personality traits and attitudes, McClatchy reported in June. Broad definitions of insider threats also give agencies latitude to pursue and penalize a range of conduct other than leaking classified information, McClatchy found.

Customs, which polygraphs about 10,000 applicants a year, has documented more than 200 polygraph confessions of wrongdoing since Congress mandated that the agency's applicants undergo testing more than two years ago. Many of the applicants who confessed said they either were directly involved in drug or immigrant smuggling or were closely associated with traffickers.

Ten Customs applicants were accused of trying to use countermeasures to pass their polygraphs. All were denied jobs as part of Customs' crackdown on the methods, dubbed "Operation Lie Busters."

"Others involved in the conspiracy were successful infiltrators in other agencies," Customs said in a memo about the investigation.

Documents in Dixon's case are filed under seal in federal court, and prosecutors didn't return calls seeking comment.

Several people familiar with the investigation said Dixon and Williams had agreed to meet with undercover agents and teach them how to pass polygraph tests for a fee. The agents then posed as people connected to a drug trafficker and as a correctional officer who'd smuggled drugs into a jail and had received a sexual favor from an underage girl.

Dixon wouldn't say how much he was paid, but people familiar with countermeasures training said others generally charged $1,000 for a one-on-one session.

Dixon, 34, also declined to provide specifics on his guilty plea but he said he'd become an instructor because he couldn't find work as an electrical contractor. During the investigation, his house went into foreclosure.

“My wife and I are terrified,” he said. “I stumbled into this. I’m a Little League coach in Indiana. I don’t have any law enforcement background.”

Prosecutors plan to ask for prison time even though Dixon has agreed to cooperate, has no criminal record and has four young children. The maximum sentence for the two charges is 25 years in prison.

“The emotional and financial burden has been staggering,” Dixon said. “Never in my wildest dreams did I somehow imagine I was committing a crime.”

Williams, 67, has openly advertised his teachings for three decades, even discussing them in detail on “60 Minutes” and other national news programs. A self-professed “crusader” who’s railed against the use of polygraph testing, he testified in congressional hearings that led to the 1988 banning of polygraph testing by most private employers.

Some opponents of polygraph testing, including a Wisconsin police chief, said they were concerned that the federal government also might be secretly investigating them, not for helping criminals to lie but for being critical of the government’s polygraph programs. In his speech to the American Association of Police Polygraphists, Schwartz said he thought that those who “protest the loudest and the longest” against polygraph testing “are the ones that I believe we need to focus our attention on.”

McClatchy contacted Schwartz about his speech, but he refused to comment.

Some federal officials questioned whether people who taught countermeasures should be prosecuted.

Although polygraphers, who are known as examiners, are trained to identify people who are using the techniques with special equipment, “there’s absolutely nothing that’s codified about countermeasures,” said one federal security official with polygraph expertise, who asked not to be named for fear of being retaliated against. “It’s the most ambiguous thing that people can debate. If you have a guy who’s nervous about his test, the easiest way out of it for the examiner is to say it’s countermeasures, when it’s not.”

The security official described Williams as a “gadfly” who’s known for teaching ineffective methods. Polygraphers assert that one of Williams’ signature techniques produces erratic respiration patterns on a polygraph test. Demonstrating their disdain for his methods, many polygraphers call the pattern the “Bart Simpson.”

"Prosecutors are trying to make an example of him," the official said. “It serves to elevate polygraph to something it hasn’t been before, that teaching countermeasures is akin to teaching bomb making, and that there’s something inherently disloyal about disseminating this type of information.”
Federal authorities, meanwhile, have concluded that some of the applicants who sought advice on countermeasures and were hired didn’t use the training afterwards. The list of people who sought out Dixon and Williams mostly comprises people who bought books or videos but didn’t hire the men for one-on-one training.

Charles Honts, a psychology professor at Boise State University, said laboratory studies he’d conducted showed that countermeasures could be taught in one-on-one sessions to about 25 percent of the people who were tested. Polygraphers have no reliable way to detect someone who’s using the techniques, he said. In fact, he concluded that a significant number of people are wrongfully accused.

Honts, a former government polygraph researcher, attributed the criminal investigation to “a growing institutional paranoia in the federal government because they can’t control all their secrets.”

Russell Ehlers, a police chief in Wisconsin, said he wouldn’t be surprised if federal authorities had scrutinized him. Schwartz cited an unnamed police chief in the Midwest who was “advertising on the Internet that he would like to teach people to pass the polygraph” as an example of someone who should be investigated. In the last several months, Ehlers said, he’s noticed what appears to be Internet visitors from the Justice Department checking out his website that advises applicants on how to get a job at a police department.

In his off-duty hours, Ehlers sold a video that discussed countermeasures, but he said he’d recently stopped selling it as a precaution after hearing about the criminal investigation. He said he’d intended it to help “good” police officer candidates pass the test because he thought that innocent people were routinely accused of lying during polygraph tests.

“Imagine you’re a 25-year-old who has dreamed of serving in the field of law enforcement,” he said. “You finally make it, only to find yourself booted out of the hiring process, the result of a false-positive exam result. In my opinion, that’s a real problem, not the sharing of information on countermeasures.”

George Maschke, a former Army Reserve intelligence officer who’s a translator and runs a website that’s critical of polygraph testing, said he also suspected he’d been targeted although he’d done nothing illegal.

In May, the translator received an unsolicited email in Persian from someone purporting to be “a member of an Islamic group that seeks to restore freedom to Iraq.”

“Because the federal police are suspicious of me, they want to do a lie detector test on me,” the email read.

The emailer asked for a copy of Maschke’s book, which describes countermeasures, and for Maschke to help “in any other way.”

Maschke said he suspected the email was a ruse by federal agents. He advised the person “to comply with applicable laws,” according to an email he showed McClatchy.

Although federal authorities haven’t contacted him, Maschke said he worried that visitors to his site, AntiPolygraph.org, would be targeted simply for looking for information about polygraph testing.

“The criminalization of the imparting of information sets a pernicious precedent,” he said. “It is fundamentally wrong, and bad public policy, for the government to resort to entrapment to silence speech that it does not approve of.”

Tish Wells contributed to this article.

Wootson, who works for The Charlotte Observer, reported from Charlotte, N.C.
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Archie1954

This is the ultimate evidence that the American DOJ is out of control. Put it together with threats to charge the Lavabit owner for closing down his company and you have fascism writ large.

Maj Variola

And next year, writing about the existence of anti-polygraph techniques or linking to sites mentioning them will be considered aiding the Enemy. Subject to military trial of reporters.

BTW there is nothing illegal immoral or fattening about teaching how bombs are made, work, etc. Or guns. Or voting machines. Or 'cyber', bio, or chem weapons. Or printing presses.

If they don't want you to know it, learn it.

smintheus

I once took a polygraph exam at the NSA as a job applicant. It was ridiculous in the extreme. The examiner convinced himself that I was lying about something, though I wasn't, and fixated upon it at great length. Finally I just laughed in his face and said I certainly would not accept a job at an agency where my entire career would depend upon what such a fool with a ouija board thought of me. And this was an agency that officially lied about its very existence!

GeorgeMaschke

A senior federal polygrapher floated the idea of criminalizing the public dissemination of information about polygraph countermeasures a decade ago with an article published in the American Polygraph Association quarterly, Polygraph. See my response regarding why such an approach is wrong-headed:

https://antipolygraph.org/arti...
What is Doug Williams teaching that so upsets the U.S. Government that it would target him with a criminal investigation? See his website, which remains on-line:

http://www.polygraph.com

You can also follow Doug Williams on Twitter here:

https://twitter.com/PolygraphC...

For additional information on Operation Lie Busters, see relevant posts on the AntiPolygraph.org News blog:

https://antipolygraph.org/blog...

It's not about the lie. It's about what motivates one to lie in that circumstance we refer to as a polygraph exam. Lying has no power without a motivation to avoid that which any sane human would want to avoid at nearly any cost. It's the human experience and we can therefore all relate to this.

Pay no attention to that man behind the curtain...

https://www.youtube.com/watch?...

Like everything else about this government, the 'lie' detector is a fraud! The truth is like Kryptonite to those involved in the sham...

I thought you just took some Xanax and relaxed enough to say what you wanted without any nervousness.

Polygraphs themselves are unproven...in fact, they are proven to NOT be reliable. That's why no court accepts polygraph readings as evidence.

This is how it always begins.

First you ban the dangerous knowledge...
... then you ban the potentially dangerous knowledge...
...and BAM. Now you're burning people for reading simple books.

It's gone... it's all gone. Dark ages here we come!