

EXHIBIT

“2”



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ERIC CRODDY et al.,

Plaintiffs

v.

FEDERAL BUREAU OF
INVESTIGATION et al.,

Defendants

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Civil Action No. 00-0651 (EGS)

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DECLARATION OF JOHN DOE#5

The undersigned 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. This Declaration is submitted in support of the plaintiffs' Opposition to Defendants' Motion to Dismiss and Cross-Motion for Discovery.
2. I am a plaintiff in this matter. My true identity is known to the defendants and this Court.

THE POLYGRAPH RESULTS INACCURATELY ACCUSE ME OF PAST DRUG USE AND PREVENTED MY HIRING BY THE SECRET SERVICE

3. I have never used illegal drugs or abused prescription drugs.
4. I have never sold drugs of any type.
5. On or about October 13, 1998, I was administered a polygraph examination by Special Agent Rob Savage of the United States Secret Service. I was specifically accused of deception in the area of drug usage and serious crimes. A second polygraph examination was conducted on or about October 30, 1998, by Special Agent Ignatio Zamora. I was told again that I was being untruthful in the area of drug usage and serious crimes. Both Special Agents Zamora and Savage told me they believed, based solely on the polygraph results, that I was withholding information. I was not.

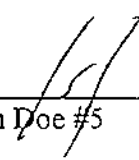
6. By letter dated January 7, 1999, from Donna Burgess, Chief, Special Agent and Office of Investigations Branch, I was notified that I was not selected for a position as a Special Agent of the USSS. I believe this decision was solely based on my polygraph results.

**STIGMATIZATION CAUSED BY THE
SECRET SERVICE'S POLYGRAPH RESULTS**

7. I am in the process of applying for employment as a federal law enforcement officer. During the application process I will have to reveal the fact that I supposedly failed two earlier USSS polygraph examinations. Even if not required, I would still reveal this fact so as to be up front at all times. Of course, my USSS files are available for review by any law enforcement agency that would ask for them from the USSS. Since I did not lie about my past drug usage - as there is none - to the USSS, the fact that the USSS will notify my prospective employers that I failed the polygraph regarding past drug usage will stigmatize me, particularly as a law enforcement officer.

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

Date: September 25, 2000



John Doe #5



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ERIC CRODDY et al.,

Plaintiffs

v.

FEDERAL BUREAU OF
INVESTIGATION et al.,

Defendants

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Civil Action No. 00-0651 (EGS)

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DECLARATION OF DARRYN MITCHELL MOORE

The undersigned 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. This Declaration is submitted in support of the plaintiffs' Opposition to Defendants' Motion to Dismiss and Cross-Motion for Discovery.

2. I am a plaintiff in this matter.

THE POLYGRAPH RESULTS INACCURATELY ACCUSE ME OF PAST DRUG USE AND PREVENTED MY HIRING BY THE SECRET SERVICE

3. I have never once used illegal drugs or abused prescription drugs.

4. On or about October 5, 1999, I underwent a polygraph examination in the Atlanta Field Office of the United States Secret Service ("USSS"). Special Agent Clarence Jorif, who conducted my polygraph, accused me of being a drug dealer and drug user. I was told I failed the examination and that I was "f***ed up."

5. On or about October 26, 1999, I underwent a second polygraph examination that was conducted by Special Agent Motts. After 20 minutes I was informed I had failed and was again accused of having used drugs.

6. By letter dated November 19, 1999, from Donna Burgess, Chief, Special Agent and Office of Investigations Branch, USSS, I was notified that I was not going to be hired by the USSS. This decision was clearly made solely because of my polygraph results.

7. In September 1986, I applied for a position with the Atlanta Police Department in Atlanta, Georgia. During the hiring process I was required to submit to a polygraph examination. The polygrapher asked questions on whether I used or sold illegal drugs. I responded saying no. The exam lasted for 3 hours, and I passed. The police department hired me three weeks later after conducting a full background investigation.

8. During the application process for a position of Special Agent with the Drug Enforcement Administration ("DEA"), I submitted to a urine test in 1998. The results were negative.

9. Prior to resigning from the police department to pursue a career in television news, I submitted to a drug test for FOX News in Chattanooga, Tennessee in May 1999. I was given a urine test and passed.

STIGMATIZATION CAUSED BY FAILED POLYGRAPH EXAMINATIONS

10. On or about September 14, 1998, I submitted my initial application to the DEA. I passed all phases of the applicant process: written test panel interview (December 3, 1998); psychological examination/drug test (December 4, 1998); medical examination (December 7, 1998 and December 15, 1998); physical task test (February 10, 1999); psychological interview (February 18, 1999); polygraph examination (March 11, 1999); background investigation (March 17, 1999 - completed by Special Agent Eldridge Earls); and a suitability review (May 1999). However, a little more than two weeks after Special Agent Jorif told me that I had failed my USSS polygraph examination, I was notified by the DEA that I was not chosen for a Special Agent position.

11. On April 19, 1999, I applied for the position of Special Agent with the Bureau of Alcohol, Tobacco and Firearms ("ATF"). A year later April 17, 2000, I received confirmation from ATF that I qualified for the position and I would have to take the TEA Exam, which was administered on July 19, 2000. I received written notice of the results on or about July 24, 2000, that indicated I passed the test. Although I was told I would be

scheduled for a panel interview at one of ATF's field division offices, I have not yet had an interview scheduled.

12. In or around February 2000, I applied for the position of Postal Inspector with the United States Postal Inspection Service ("USPIS"). After being informed that I met the necessary qualifications, I was scheduled to take a written examination on June 20, 2000, which I passed. As of this date I have not heard anything further from the USPIS.

13. On September 14, 2000, I requested an application to apply for a Special Agent position with the Internal Revenue Service, and I intend to submit an application.

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

Date: September 25, 2000



Darryn Mitchell Moore



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ERIC CRODDY et al.,

Plaintiffs

v.

FEDERAL BUREAU OF
INVESTIGATION et al.,

Defendants

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Civil Action No. 00-0651 (EGS)

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DECLARATION OF JOHN DOE "C"

JOHN DOE "C", 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' Opposition to Defendants' Motion to Dismiss and Cross-Motion for Discovery.

2. My identity is known to the government. I served honorably and with distinction as a Marine Corps Officer for five years, thirteen months of which were overseas, seven of them in a hostile environment. I worked with the poor in a southern city for a year as a full-time Volunteer. Before entering the accounting profession, I spent two years teaching and counseling troubled boys. I have spent the better part of my adult life serving my country and community.

3. In 1997, I applied for a position as a Special Agent of the United States Secret Service ("USSS"). In August 1997, I was administered a polygraph examination at the New Orleans field office by Special Agent Finn Ahlberg, who informed me that he believed I was trying to deceive him about my involvement with illegal drugs and serious crimes. I protested the results as being inaccurate.

4. As a result of my protest, I was administered a second polygraph in September 1997, by Special Agent John Lowe. I was led to believe by Special Agent Lowe that I

“failed” the second exam as well. By letter dated March 5, 1998, I was advised that I was no longer a candidate for employment. No reason was provided. Considering that I passed all other parts of the application process and that a background investigation was never started, it is a safe assumption that I was refused employment solely because of the polygraph results.

STIGMATIZATION CAUSED BY FAILED POLYGRAPH EXAMINATIONS

5. At the same time I was pursuing employment with the USSS, I was also involved in the application process with the United States Marshal's Service (“USMS”). Coincidentally, just days after I was excluded from USSS employment, the USMS notified me by letter dated March 9, 1998, that I was given a conditional offer of employment as a Deputy U.S. Marshal. However, by letter dated December 18, 1998, I was notified by the USMS that I was no longer under consideration for the position.

6. I was specifically informed by the USMS that I was denied employment with their agency because of my failing the USSS polygraph examinations. By letter dated July 14, 1999, Joseph E. Tolson, Team Leader, Background Suitability Human Resources Management, wrote:

You were the subject of a pre-employment background investigation completed by the U.S. Marshals Service on June 1, 1998. On the USMS Pre-interview Checklist you reported submitting an application for employment with the United States Secret Service (USSS) in September 1996. In [sic] inquiry into the status of your application revealed that you failed two polygraph examinations and the USSS discontinued processing your application. Information was obtained that your response to involvement or participation in serious crimes and drugs were deceptive. It was further discovered that you denied using any illegal drugs when you were being process [sic] for employment with USSS in 1996.

Based on your failure to disclose using a controlled substance in 1992 during the 1996 USSS applicant processing, the deceptive determination by the USSS Polygraph Examiner after two tests and

your admission of using a controlled substance precluded an approval for employment.

7. By letter dated July 23, 1999, I challenged the erroneous decision of the USMS. I explained that during the USSS pre-polygraph interview, without any prompting or coercion, I had revealed to Special Agent Ahlberg that while attending a fellow Marine officer's wedding in Cleveland, Ohio in June of 1992, I received from a friend of mine (a former Marine officer himself) medication that a doctor friend of his had prescribed for the specific purpose of mitigating hangover symptoms. I did not and still do not know the name of this medication. I took it the day of the wedding before drinking alcohol. It was not advertised as providing, nor did it provide, any hallucinatory or mind-altering effects; it simply lessened my headache the next morning. The use of this medication was unplanned and unsolicited; it was a spontaneous and isolated occurrence. I had not indicated this on any of the USSS forms because I just did not think that this event qualified as illegal drug use as defined on the forms or by common definition. However, in the spirit of full disclosure, and to ensure that it would not cause me any reactionary problems on the polygraph, I disclosed this event in the pre-exam interview. Special Agent Ahlberg's reaction indicated that he regarded this as a benign, harmless event that did not qualify as illegal drug use. In fact, he minimized it and quickly dismissed it. After being told that I was deceptive on drug use, I brought this incident up again. Special Agent Ahlberg again dismissed it, indicating that it was a harmless and irrelevant event. Based on this information, I requested that the USMS reconsider my application.

8. Although the USMS eventually conceded that I had not withheld information from the USSS, by letter postmarked March 2, 2000, I was notified that my application would not be reconsidered. Mr. Tolson wrote:

The USSS Polygraph Examination Unit substantiated that you were given two pre-employment polygraph examinations and that they were conducted by different examiners at intervals. Both USSS Polygraph Examiners deduced you were deceptive to questions (a) ["Have you ever committed a serious crime?"] and (b) ["Are you

intentionally withholding information regarding your use of illegal drugs?"] listed above. The issues of consistently testing deceptively to the same questions on both polygraph examinations remain a concern to the agency.

9. Mr. Tolson also affirmatively notified me that I could appeal his decision to the Merit Systems Protection Board.

10. I was also offered a conditional appointment as a Special Agent with the U.S. Customs Service in June or July 1999. By letter dated April 19, 2000, the U.S. Custom Service's Personnel Security Branch notified me that I was found unsuitable for employment. I believe my failing the two USSS polygraph examinations played a significant role in that decision.

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 2, 2000



John Doe "C"



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)

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DECLARATION OF JOHN DOE "A"

JOHN DOE "A", 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' Opposition to Defendants' Motion to Dismiss and Cross-Motion for Discovery.

2. My identity is known to the government.

THE POLYGRAPH RESULTS INACCURATELY ACCUSE ME OF PAST DRUG USE AND PREVENTED MY HIRING BY THE SECRET SERVICE

3. During 1999, I was an applicant for the position of Special Agent with the United States Secret Service ("USSS"). After having been conditionally offered the position, my offer was rescinded by letter dated December 28, 1999, after the polygraph phase of the application process. On April 7, 2000, I was specifically informed by the polygrapher, Special Agent Nick Stein, that I failed the polygraph. I was told that I was showing deception on the questions regarding the illegal use of drugs, honesty on the application, and the honesty and integrity (control) questions.

4. I have never taken an illegal drug, abused prescription medicine or committed a serious crime. I was completely honest, candid, and forthright on my application.

**THE POLYGRAPH EXAMINATION INCLUDED
INAPPROPRIATE AND OFFENSIVE QUESTIONS**

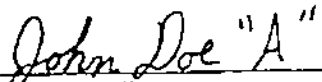
5. During the pre-interview portion of the polygraph exam, I was asked if I had ever had sex with an animal.

STIGMATIZATION CAUSED BY THE POLYGRAPH RESULTS

6. I may apply for employment as a federal law enforcement officer in the future. Undoubtedly, I will have to reveal the fact that I was accused of lying by the USSS and that I failed the polygraph examination. Even if I do not reveal this stigma, the USSS will release the information to the agencies for which I seek employment. As a result, I will probably never be hired.

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: September 29, 2000



John Doe "A"

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)

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DECLARATION OF JOHN DOE "B"

JOHN DOE "B", 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' Opposition to Defendants' Motion to Dismiss and Cross-Motion for Discovery.

2. My identity is known to the government.

3. During 1998, I was an applicant for the position of Special Agent with the United States Secret Service ("USSS"). Although I was provided a conditional offer of employment, this offer was rescinded by letter dated January 7, 1999, because of my polygraph results.


**THE POLYGRAPH EXAMINATION INCLUDED
INAPPROPRIATE AND OFFENSIVE QUESTIONS**

4. On August 25, 1998, I was administered a polygraph examination by Special Agent Ignacio Zamora. I was informed that I failed that portion of the test concerning illicit drug use, despite the fact that I was truthful in all my statements. I was provided another opportunity to take the polygraph exam on November 3, 1998, at which time the test was administered by Special Agent John Savage. I was again told I was lying about my past drug use when I was not.

5. During both examinations I was asked by Special Agents Zamora and Savage whether I had ever committed a felony. Both Special Agents specifically asked whether I had ever had sex with an animal. Of course I answered no.

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: September 28, 2000


John Doe "B"



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)

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DECLARATION OF JOHN DOE "D"

JOHN DOE "D", 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' Opposition to Defendants' Motion to Dismiss and Cross-Motion for Discovery.

2. My identity is known to the government.

THE POLYGRAPH EXAMINATION INCLUDED
INAPPROPRIATE AND OFFENSIVE QUESTIONS

3. During 1998, I was an applicant for the position of Special Agent with the United States Secret Service ("USSS"). Following written and verbal testing, I was given a conditional offer of employment. I underwent a polygraph examination conducted by Special Agent Ignatio Zamora on May 26, 1998. Although the examination lasted 4-5 hours, we did not complete it and I was asked to return on May 28, 1998. Throughout both examinations Special Agent Zamora tried to intimidate me and repeatedly yelled.

4. Special Agent Zamora asked me a lot of questions about drugs. I have only smoked pot two times in my life, and it was four years before I took the polygraph examination. Special Agent Zamora intimated to me that there was basically no way I could have only smoked twice. When he asked where I was when I smoked, I told him

once was in a friend's dorm room, and the second at a Grateful Dead concert. He then responded that if I went to a Grateful Dead concert then I was a pothead and would definitely have smoked more than two times. This is completely untrue and I denied it. Special Agent Zamora also questioned whether I had ever done anything to embarrass my family, including having pre-marital sex. I said I had had pre-marital sex, but that would not embarrass my family. He told me that it would have embarrassed his family.

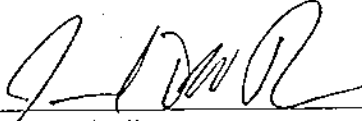
5. On June 2, 1998, I was informed that I had failed the polygraph by Special Agent James Smith. Special Agent Zamora contacted me on July 21, 1998, and asked if I was still interested in employment. I said I was and we scheduled another polygraph examination. The second examination occurred on July 29, 1998, and was administered by Special Agent Raleigh Robinson, who said he was the "fix it man." He said they sent him special cases that needed a second chance. Throughout the test, he would stop the recorder and tell me stories of people who lied on the first test, then came clean with him and are now happy productive employees of the USSS. They ran the gamut of people who were heroin users, people who were the get-away drivers for liquor store robberies, liars, cheaters, whatever. One story in particular got my attention. Special Agent Robinson told me the story of a police officer in Georgia who had barnyard sex with a pig or sheep or some other animal. After each "story" ended, he told me how brave the person had to be to tell him the story, and then ask if something like that happened to me. I denied I had ever done any of these acts.

6. On August 31, 1998, I was told my application was terminated and that I failed the polygraph test.

7. During the polygraph interview process, I was asked if I had ever had sex with an animal. I was completely shocked and taken aback by this question. In fact, I believe my internal physiological reaction was significant enough to have thrown off the actual exam, particularly because now I really did not know what to expect as far as questions.

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: September 28, 2000



John Doe "D"