

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

AFTERNOON SESSION

(1:00 p.m.)

MR. HARRISON: Let's go back on the record.

EXAMINATION BY COUNSEL FOR APPELLANT

(Resumed)

BY MR. HARRISON:

Q. Mr. Murphy, we're going to resume our question and answer for the deposition after lunch and clarify a couple of matters.

You had discussed before the break some meetings that occurred where various staff I believe including Mr. Parkinson and yourself would discuss potential threats to the National monuments and the severity of those threats.

What types of meetings were those? What would you call those meetings?

Did they have a name?

A. No, they wouldn't really have a name. They were various meetings, but none of them had a name.

Q. Okay. How frequently would you say

1 those types of meetings occurred?

2 A. Oh, on a weekly to biweekly basis.

3 Q. Who would normally participate?

4 A. Oh, myself, Steve Calgery, Larry  
5 Parkinson, Karen Taylor-Goodrich.

6 Q. Was attendance by invitation?

7 A. Sometimes they were ad hoc, and  
8 sometimes they were by invitation.

9 Q. Okay. Is it fair to say that the  
10 participants recognized that there was a, some  
11 reality to the existence of a threat against the  
12 National icons?

13 A. Yes.

14 Q. And so I take it the parties weren't  
15 saying that we could just do away with any police  
16 staffing at the icons all together?

17 A. No.

18 Q. Okay. So discussion may have been more  
19 of how much can we accomplish of what's needed  
20 with the resources we have?

21 A. Yes.

22 Q. Have there been any steps in the last

1 several months taken to increase security, and I  
2 don't want details, but have there been any steps  
3 taken to increase security at the icons?

4 A. Yes.

5 Q. Okay. You have from time to time  
6 communicated with Ms. Chambers and with Director  
7 Mainella by use of the office e-mail?

8 A. Yes.

9 Q. Okay. And do you have basically the  
10 same e-mail program in place now that you had  
11 during the November, December '03 timeframe?

12 A. Yes.

13 Q. Okay. Do you think that your e-mails  
14 that were sent and received during November  
15 December of '03 are still in tact on your  
16 computer?

17 A. No.

18 Q. Do you know what might have happened to  
19 them?

20 A. Yes.

21 Q. And what was that?

22 A. They are taken off of the server and

1 placed on a central archiving system.

2 Q. Okay. Maintained by the National Park  
3 Service?

4 A. No.

5 Q. Department of Interior?

6 A. Yes.

7 Q. Do you know who the custodian of those  
8 records would be?

9 A. No, not precisely. It's managed, that  
10 system is managed by the National Business  
11 Center.

12 Q. Is that a subdivision of the Department  
13 of Interior?

14 A. Yes, it is.

15 Q. Do you know when or how often those  
16 archives are established, in other words, when  
17 they get removed from your machine and taken  
18 over?

19 A. No.

20 Q. Do you handle that yourself?

21 A. No.

22 Q. Sort of automatically done by others?

1           A.    Correct.  Yes.

2           Q.    Okay.  You mentioned Karen, and I  
3 probably don't remember her last name.

4                    I think it was hyphenated.

5           A.    Taylor-Goodrich.

6           Q.    Taylor-Goodrich; what is her job  
7 position?

8           A.    She's associate director for visitors  
9 and resource protection.

10          Q.    Okay.  What is her status in terms of a  
11 hierarchy of job positions in relation to the  
12 chief of the U.S. Park Police?

13          A.    They would be peers.

14          Q.    Okay.  Do you know how Ms.  
15 Taylor-Goodrich was it?

16          A.    Karen Taylor-Goodrich.

17          Q.    Ms. Taylor-Goodrich would have come to  
18 attend the meetings you described?

19          A.    Again, some of them were ad hoc within  
20 the building.

21                    Some of them were by -- she may have  
22 been invited.

1 Q. Okay. Did you ever invite Chief  
2 Chambers to those meetings?

3 A. There were meetings that Chief Chambers  
4 was invited to.

5 Q. Of this type?

6 A. Of this type.

7 Q. You had mentioned a, a call, I believe  
8 it was a conference call of the, what is called  
9 the National Leadership Council?

10 A. That's correct.

11 Q. In which some verbal communication was  
12 given about what should and shouldn't be talked  
13 about with Congress?

14 A. Correct.

15 Q. Do you know whether minutes were, notes  
16 were taken from that particular telephone  
17 conference?

18 A. Notes were kept for most NLC meetings,  
19 yes.

20 Q. Okay. Are they typically detailed, or  
21 are they fairly general, you know, topics?

22 A. They're not detailed.

1 Q. Do you know who maintains them?

2 A. Yes.

3 Q. Who would that be?

4 A. That would be our office of, of policy.

5 Q. Okay. Within the National Park Service?

6 A. That's correct.

7 Q. You're familiar I take it at least as of  
8 today that there is an active litigation between  
9 Chief Chambers and the Department of Interior  
10 regarding her removal?

11 A. Yes.

12 Q. Okay. Have you played any role for the  
13 agency in regard to that litigation?

14 A. Yes.

15 Q. Okay. Do you know how to define that  
16 role that you would have played?

17 A. Yes. I was the proposing official.

18 Q. Okay. So that may have -- in terms of  
19 the action that may have led to the litigation?

20 A. Correct.

21 Q. Now have you been designated, for  
22 example, as an agency representative for trial or

1           for sitting in on other depositions and things  
2           like that?

3           A.    I don't believe so.

4           Q.    Okay.  Have you been designated as an  
5           agency representative for purposes of reviewing a  
6           possible settlement, for example?

7           A.    No.

8           Q.    Okay.  Do you know whether there is any  
9           such agency representative?

10          A.    I believe there may be.

11          Q.    Any idea who that would be?

12          A.    No.

13          Q.    Okay.  I take it you yourself have not  
14          designated any person to play that role?

15          A.    No, I did not.

16          Q.    If you know, who happens to give  
17          direction to the legal team on this case for the  
18          agency?

19          A.    No, I don't know.

20          Q.    Do you know who in the agency would have  
21          the authority to settle a case of this nature?

22          A.    No.



1 Q. Do you have occasion to meet with Mr.  
2 Craig Manson from time to time?

3 A. Yes.

4 Q. And in what capacity would you meet with  
5 him?

6 A. He has regular meetings on Monday at  
7 nine o'clock with the directors of the Fish and  
8 Wildlife Service and the National Park Service,  
9 and I attend on behalf of the director in her  
10 absence.

11 Q. I see.

12 A. And when I'm called on by him.

13 Q. Okay. Have you ever had occasion to be  
14 called on my Mr. Manson to discuss Ms. Chambers  
15 or any issue regarding her?

16 A. No.

17 Q. Okay. And that would include in the  
18 November, December 2003 timeframe?

19 A. That's correct.

20 Q. Has Mr. Manson ever communicated to you  
21 his opinion regarding what should or shouldn't  
22 happen in regard to discipline regarding Ms.

1 Chambers?

2 A. No.

3 Q. Do you know whether Mr. Manson has  
4 communicated his opinion on that matter to any  
5 other person?

6 A. No, not that I know of.

7 Q. Do you know whether Mr. Manson had any  
8 input into the decisions regarding Ms. Chambers'  
9 administrative leave memo, the proposed removal  
10 or final removal?

11 A. No.

12 Q. To your knowledge, he did not have any  
13 input?

14 A. To my knowledge, he did not have any  
15 input.

16 Q. Okay. And you did not solicit it from  
17 him?

18 A. No, I did not.

19 Q. Do you know whether Mr. Manson stated an  
20 objection at any time to any proposed action  
21 against Ms. Chambers?

22 A. No.

1 Q. Okay. I'm taking from your answers that  
2 you do not routinely get Mr. Manson's approval or  
3 opposition to any personnel decisions you intend  
4 to make?

5 A. Not routinely, no.

6 Q. And you did not do so in this case?

7 A. No.

8 Q. All right. Now what is Mr. Manson's  
9 title?

10 A. He is Assistant Secretary for Fish,  
11 Wildlife and Parks.

12 Q. Okay. And in terms of his place in the  
13 hierarchy, he would be how many steps above you?

14 A. Two.

15 Q. Two; and is there someone then in  
16 between Mr. Manson and yourself?

17 A. Yes -- the National Park Service  
18 director, Fran Mainella.

19 Q. Okay. No one else?

20 A. No.

21 Q. All right. And do you know who would be  
22 immediately above Mr. Manson in the chain of

1 authority?

2 A. It would be the Deputy Secretary.

3 Q. Okay. And who is that?

4 A. The Department of Interior.

5 Q. At the moment, who is that?

6 A. That's Steve Griles.

7 Q. And is there anyone in between Mr.

8 Griles and the Secretary of the Interior?

9 A. No.

10 Q. And you're familiar with the gentleman

11 by the name of Paul Hoffman?

12 A. Yes.

13 Q. And who is he?

14 A. Paul Hoffman is the Deputy Assistant

15 Secretary for Fish, Wildlife and Parks.

16 Q. Okay. And where does he fall in the  
17 hierarchy of authority in relation to you and Ms.

18 Chambers and Mr. Manson?

19 A. He reports to, as the deputy assistant

20 secretary, he reports to Mr. Manson and is his

21 deputy.

22 Q. Is he in the line authority above you?

1           A.    I don't know.

2           Q.    Okay.  Have you had occasion to interact  
3 with Mr. Hoffman from time to time?

4           A.    Yes.

5           Q.    And in what capacity would you do that?

6           A.    He conducts the meetings, the 9:00 a.m.  
7 meetings, on Mondays held by the Assistant  
8 Secretary for Fish, Wildlife and Parks in the  
9 absence of the assistant secretary, so I, when I  
10 attend on behalf of the director in her absence,  
11 I interact with him in that regard, and whenever  
12 else he may have an issue on behalf of the  
13 assistant secretary that he needs my input on.

14          Q.    All right.  Does Mr. Hoffman have any  
15 role normally in personnel decisions that you  
16 would make?

17          A.    He could have.

18          Q.    Okay.  And has he had in the past?

19          A.    Would you repeat the question?

20          Q.    Of course.  Has Mr. Hoffman had any role  
21 in the past in regard to personnel decisions that  
22 you would make?

1 A. Yes.

2 Q. Okay. And what were those?

3 A. He served as the deciding official in  
4 this case that's before us.

5 Q. Ms. Chambers' case?

6 A. That's correct.

7 Q. Any other examples?

8 A. No.

9 Q. Okay. So Mr. Hoffman's role in Ms.  
10 Chambers' case was not a matter of routine then?

11 It would be the first time, to your  
12 knowledge, he had served that purpose of being a  
13 deciding official in a personnel action that you  
14 had taken?

15 A. It's the first time, yes.

16 Q. Okay. Did you request that Mr. Hoffman  
17 serve that role?

18 A. No.

19 Q. Okay. Do you know who did?

20 A. No.

21 Q. Do you know whether Mr. Hoffman himself  
22 made that decision?

1           A.    I don't know.

2           Q.    Do you recall that there was a time when  
3           Ms. Mainella was planned to be the deciding  
4           official for the actions regarding Ms. Chambers?

5           A.    Yes.

6           Q.    Okay.  And were you involved in  
7           communicating to Director Mainella that at some  
8           point in time, she would no longer be the  
9           deciding official?

10          A.    No.

11          Q.    Do you know who did make that  
12          communication?

13          A.    No, I don't know who communicated that  
14          to her.

15          Q.    Were you present when that communication  
16          took place?

17          A.    No.

18          Q.    Okay.  Did anyone communicate to you at  
19          any point in time that Ms. Mainella would no  
20          longer be considered the deciding official for  
21          Ms. Chambers' decisions?

22          A.    Yes.

1 Q. Who was that?

2 A. Well, I'm not sure if this is an  
3 attorney-client privilege, but as --

4 Q. I'm not asking what was said. I think  
5 you can identify that something was said without  
6 saying what was said.

7 A. Sure. It was with one of the attorneys.  
8 I don't remember which one of them.

9 Q. Okay. There wasn't another official of  
10 the Department of Interior or Park Service  
11 present for that conversation?

12 A. No.

13 Q. Okay. Were you ever told by any person  
14 why the change was made from having Ms. Mainella  
15 be the deciding official to Mr. Hoffman?

16 A. No.

17 Q. So sitting here today, you don't know  
18 why that change was made?

19 A. No, I really don't.

20 Q. Who, to your knowledge, would have had  
21 an opportunity to read the November 28th memo  
22 from Ms. Chambers that I had given you that's



1           marked as Exhibit 4?

2           A.    I would have read it.

3           Q.    Okay.

4           A.    She would have given it to me.

5           Q.    Okay.  Others?

6           A.    Not that I know of.

7           Q.    Do you recall whether you would have  
8           read this particular memo prior to the December  
9           2nd publication of the Washington Post article?

10          A.    I don't recall.

11          Q.    Might have been or might not have been?

12          A.    That's correct.

13          Q.    Okay.  Had you drafted any proposed  
14          disciplinary action regarding Ms. Chambers in  
15          whole or in part prior to the December 2nd  
16          publication of The Washington Post article?

17          A.    I had not drafted, no.

18          Q.    All right.  Had you decided in your own  
19          mind as to the nature of any disciplinary action  
20          regarding Ms. Chambers prior to the December 2nd  
21          publication of The Washington Post article?

22          A.    Yes.

1           Q.    Okay.  Had you communicated to any  
2           person other than yourself specifically what you  
3           intended that disciplinary action to be prior to  
4           December 2nd publication of The Washington Post  
5           article?

6           A.    No.

7           Q.    Had you decided prior to December 2nd  
8           that Ms. Chambers would be removed from her job  
9           in federal service?

10          A.    No.

11          Q.    Did you communicate to anyone in the  
12          personnel office, in your hierarchy, the  
13          director, that you intended to take a  
14          disciplinary action against Ms. Chambers prior to  
15          December 2nd, 2003?

16          A.    Yes.

17          Q.    And who would you have communicated that  
18          to?

19          A.    I communicated it to the director and to  
20          Mr. Manson and to Mr. Parkinson.

21          Q.    And what timeframe would that -- well,  
22          there may be different timeframes for each of

1           those people.

2                        Could you tell me when you would have  
3           communicated?

4           A.    It was close to November, the first part  
5           of November, not long -- I don't remember the  
6           exact time, but not long after I had my first, my  
7           first conversation with the director regarding  
8           the contact with the director by Debbie  
9           Weatherly.

10          Q.    So do I understand you correctly that  
11          those communications would be the ones you  
12          referred to earlier when you had decided that  
13          some disciplinary action would be taken for those  
14          communications with Ms. Weatherly?

15          A.    That's correct.

16          Q.    Okay.  Other than those communications,  
17          had you communicated after that point in time  
18          that you intended to take disciplinary action  
19          regarding Ms. Chambers to anyone?

20          A.    No.

21          Q.    Were you aware that Ms. Chambers had  
22          communicated a concern regarding you to the

1 director, Ms. Mainella, prior to December the 2nd  
2 of 2003?

3 A. No.

4 Q. Okay. I take it you're aware as of  
5 today that a complaint of some kind was filed by  
6 Ms. Chambers regarding you?

7 A. Yes.

8 Q. And when did you first come to know that  
9 some kind of complaint had been filed by Ms.  
10 Chambers regarding you?

11 A. The first I heard of it was during the  
12 time that she was being placed on administrative  
13 leave when she stated something to the effect at  
14 this time oh, I understand, and right after I  
15 just filed a complaint, and I, you know, just  
16 softly turned my head and, to the Human Resources  
17 person that was sitting next to me and said what  
18 complaint?

19 It was something I didn't pursue there.  
20 I didn't know what she was talking about.

21 Q. Okay. This was in the December 5th  
22 meeting?

1           A.    When she was being placed on  
2           administrative leave.

3           Q.    Which was December 5th?

4           A.    I believe that's the correct date.

5           Q.    Okay.  You're not quite sure about the  
6           date.

7                         Would it have been a Friday?

8           A.    Yeah, I believe it was a Friday.

9           Q.    Okay.  The date that you gave Ms.  
10          Chambers basically a memo stating she was to be  
11          placed on administrative leave?

12          A.    That's correct.

13          Q.    And her badge and her gun were taken?

14          A.    That's correct.

15          Q.    Okay.  The person that you turned to was  
16          Mr. Krutz?

17          A.    It was either Mr. Krutz or Mr. Davies.

18          One of the two human rights, resources persons  
19          were in there.

20          Q.    Were one or both of them present?

21          A.    It was just one of them.

22          Q.    Are you unsure which one?

1           A.    Yes, right now I am.  I think Mr.  
2           Davies.

3           Q.    And did whichever of those people from  
4           Human Resources were present, did they  
5           acknowledge to you in some fashion that a  
6           complaint had been filed?

7           A.    No.  They didn't say anything.

8           Q.    They didn't nod their head or anything?

9           A.    No, not that I recall.

10          Q.    You didn't even know then that a  
11          complaint had been filed?

12          A.    No, sir.

13          Q.    Okay.  So my question to you earlier was  
14          when did you first learn?

15                    Are you saying you learned it from Chief  
16          Chambers?

17          A.    That's correct.

18          Q.    Okay.  Did you verify it at some point  
19          with anyone else?

20          A.    I didn't write -- no, I didn't.

21          Q.    Okay.  Did anyone else in that meeting  
22          communicate in any way to confirm that a

1 complaint had been filed?

2 A. No.

3 Q. Was Mr. Hugo Teufel present?

4 A. Yes.

5 Q. Okay. What did he say or do in response  
6 to Ms. Chambers' statement about the complaint  
7 and your question about it?

8 MR. L'HEUREUX: Objection --  
9 attorney-client privilege.

10 Instruct the witness not to answer this  
11 question.

12 MR. HARRISON: You can't do that in this  
13 case. My client was present for that  
14 conversation.

15 MR. L'HEUREUX: Repeat my instruction.  
16 I don't care if she was present. I don't know  
17 what she heard or whether it was directed to her  
18 at all.

19 MR. HARRISON: Well, maybe we can help.  
20 Let me restate the question more clearly and see  
21 if you still have an objection.

22 MR. L'HEUREUX: All right.

1 BY MR. HARRISON:

2 Q. I'm not going to ask you if like Mr.  
3 Teufel whispered something in your ear my client  
4 couldn't have heard. I'm not asking for that.

5 What did Mr. Teufel say or do that was  
6 observable by anyone in the room in response to  
7 Ms. Chambers' statement about her complaint  
8 regarding you or your question about it?

9 A. That would still be attorney-client  
10 privilege.

11 MR. L'HEUREUX: There's no objection to  
12 that question.

13 THE WITNESS: Okay. He didn't say  
14 anything, or made no response.

15 BY MR. HARRISON:

16 Q. Okay. So that have you discussed that  
17 complaint that Ms. Chambers made regarding you  
18 with anyone?

19 A. No, I have not.

20 Q. Even as of this day?

21 A. Even as of this day.

22 Q. No one has inquired with you as part of



1 an investigation into that complaint?

2 A. No, sir.

3 Q. There has been no action taken regarding  
4 you based on that complaint?

5 A. No.

6 Q. Has anyone informed you that the  
7 complaint has been disposed of in any manner?

8 A. No.

9 Q. Do you believe it is still pending?

10 A. I don't know.

11 (There was a pause in the proceedings.)

12 BY MR. HARRISON:

13 Q. Were you aware that Ms. Chambers was  
14 planning to meet with the director, Ms. Mainella,  
15 regarding her complaint regarding you?

16 A. No.

17 Q. Are you aware of any meetings that  
18 Director Mainella cancelled during the week of  
19 December 1st through December 5th with Ms.  
20 Chambers?

21 A. Yes.

22 Q. And what do you recall about those

1 meetings?

2 A. That there was a meeting scheduled on  
3 Friday, December 5th, I believe, and that meeting  
4 did not take place.

5 Q. Okay. And was that meeting cancelled at  
6 your direction?

7 A. Yes.

8 Q. And did you inform the director that you  
9 desired her to cancel that meeting?

10 A. Yes.

11 Q. Okay. And did you give her a reason?

12 A. I communicated to her that I would be  
13 bringing the chief in to, to talk to her on  
14 Friday, on December 5th.

15 Q. All right. And that was the reason you  
16 cancelled the other meeting?

17 A. That's correct.

18 Q. Did you tell the director what you would  
19 be talking to the chief about?

20 A. I don't recall if I did or not. I don't  
21 think so.

22 Q. Did you tell the director that it would

1 be regarding some disciplinary action you would  
2 be imposing?

3 A. I may have communicated that to her,  
4 yes.

5 Q. Did you communicate with Director  
6 Mainella that you wished her to be absent from  
7 her office or that area of the building during  
8 the time you spoke with the chief?

9 A. No, I did not.

10 Q. Did you, did anyone communicate that to  
11 her?

12 A. No.

13 Q. She was absent, wasn't she?

14 A. Yes, she was.

15 Q. Okay. And you knew that at the time?

16 A. Yes.

17 Q. Okay. Did you know why she was absent?

18 A. No. I really don't know.

19 Q. Did you talk to the director shortly  
20 after the meeting with Ms. Chambers was over?

21 A. No.

22 Q. Did the director return after Ms.

1 Chambers left?

2 A. I don't know.

3 Q. You didn't speak to the director and  
4 tell her she could come back now that Ms.  
5 Chambers was gone?

6 A. No, not that I recall.

7 Q. Nothing to that effect?

8 A. No.

9 (There was a pause in the proceedings.)

10 BY MR. HARRISON:

11 Q. Was there any other meeting that the  
12 director had scheduled with Ms. Chambers that was  
13 cancelled, to your knowledge, during that week?

14 A. Not to my knowledge.

15 Q. What was the original purpose of that  
16 meeting on Friday before it had been cancelled by  
17 the director on your request?

18 What was it intended to be?

19 A. It was intended to be a discussion with  
20 the director and Chief Holmes about the U.S. Park  
21 Service in general.

22 I don't know all of what it was going to

1 be.

2 Some of this was at the director's  
3 behest, and so on general U.S. Park Police  
4 issues.

5 Q. Okay. Did you know at the time that  
6 meeting was initially set up that you would be  
7 issuing some disciplinary against the chief on  
8 that day?

9 A. No, I don't believe so.

10 Q. Okay. Do you recall when that Friday  
11 meeting was first scheduled?

12 A. Approximately a week prior perhaps.

13 Q. Okay. So the decision to issue some  
14 disciplinary action to the chief on that Friday  
15 was made some time after that Friday meeting with  
16 the director had been scheduled?

17 A. Yes, that would be right.

18 Q. Okay. Did you have any communications  
19 with the director over the weekend of the 29th  
20 and 30th of November, the weekend prior to The  
21 Washington Post article coming out on December  
22 2nd?

1           A.    I spoke to her on weekends, but I don't  
2 recall that particular weekend, no.

3           Q.    Sometimes you do, but you're not sure  
4 about this one?

5           A.    That's correct.

6           Q.    The meeting that was to take place on  
7 Friday with the director regarding the general  
8 issues, some of which you don't know about, that  
9 the director may have had in mind, is it your  
10 recollection that meeting was initially scheduled  
11 before or after December 2nd?

12          A.    I believe it was after December 2nd.  
13 I'm not certain about that, but I believe it was  
14 after December 2nd.

15          Q.    Okay.  So it may have been scheduled  
16 only two or three days in advance?

17          A.    Correct.

18          Q.    Do you recall getting an inquiry from  
19 the chief regarding what the agenda would be for  
20 that meeting, what information she should bring  
21 to it and so forth?

22          A.    Yes.

1 Q. And how did you respond to that inquiry?

2 A. I don't, I don't recall what I said.

3 Q. Do you recall whether or not you did  
4 respond?

5 A. I believe I did, but I don't recall what  
6 I said.

7 Q. Do you recall when you might have  
8 responded?

9 A. If it was by e-mail, I don't, I don't  
10 remember when I responded, to tell you the truth,  
11 or if I did, but I do remember getting the  
12 inquiry from her.

13 Q. Okay. Do you recall ever seeing a  
14 written policy or procedure that would define for  
15 Park Service employees how they should and should  
16 not communicate with Congress?

17 A. No, not specifically.

18 Q. Do you recall seeing a written policy or  
19 procedure that would define for the Park Service  
20 employees how they should or should not  
21 communicate with the media?

22 A. Yes.

1 Q. And in what document would that be?

2 A. There are two or three director's orders  
3 dealing with policy or with messaging and  
4 communicating with the media and talking about  
5 National Park Service messaging and how to talk  
6 about the National Park Service, that sort of  
7 thing.

8 Q. Okay. And do you know when those were  
9 issued?

10 A. No.

11 Q. Do you recall when you might have first  
12 seen them?

13 A. I saw them when I first came on board in  
14 2001, and then recently within the last month or  
15 so.

16 Q. Okay. And how did you have occasion to  
17 review them in the last month or so?

18 Why did you do that?

19 A. I looked at several policies during the  
20 time because we are in the process right now of  
21 doing quite a bit of media, media messaging and  
22 asking our superintendents to participate in some



1 media messaging, and so I reviewed several of the  
2 policies dealing with messaging, and then I think  
3 one was in conjunction with the National Parks  
4 Foundation messaging and media program as well.

5 We have a partnership with the National  
6 Parks Foundation.

7 Q. Okay. Where would one go to review  
8 those director's orders?

9 A. Our Office of Policy.

10 Q. When Ms. Chambers was hired, did you  
11 provide her with a copy of those particular  
12 orders?

13 A. No.

14 Q. Did you direct her attention to them at  
15 the time?

16 A. No.

17 Q. Do you know whether Ms. Chambers has had  
18 any training in regard to the content of those  
19 particular orders?

20 A. I don't know.

21 Q. Have you provided any training yourself  
22 to Ms. Chambers regarding communication with

1 Congress or the media?

2 A. No.

3 Q. Do you know whether any training has  
4 been provided to anyone in the Park Service on  
5 those topics?

6 A. Yes.

7 Q. And who would have received that  
8 training?

9 A. I don't know specifically, but our  
10 superintendents at superintendents conferences  
11 have training sessions dealing with media and  
12 messaging.

13 Q. I see.

14 A. And that sort of thing, and we also get  
15 it as part of our training on the Hatch Act as  
16 well.

17 Q. Okay. Has there been any document that  
18 you have seen, whether a director's order or a  
19 training document, that states a policy that a  
20 Park Service employee may not speak to the press  
21 without getting the content, the substantive  
22 context of their statement approved in advance?

1           A.    You're asking about a document, but I  
2           just -- the first part of your question?

3                    I'm sorry.

4           Q.    No problem.

5           A.    I just didn't hear it.

6           Q.    I'm happy to repeat it.

7           A.    Yeah, would you please?

8           Q.    Have you seen any director's order or  
9           training document or any other document that  
10          would state a policy for the Park Service that  
11          Park Service employees must get the content or  
12          substance of their statement to the press  
13          approved in advance?

14          A.    No.

15          Q.    Okay.  Is there a document that you have  
16          seen that states a policy that a Park Service  
17          employee is forbidden from making a statement to  
18          the press that is substantively at variance with  
19          the administration's position on an issue?

20          A.    No.

21          Q.    Do you recall meeting with the director,  
22          Ms. Mainella, on December the 1st, a Monday,

1 prior, the day prior to The Washington Post  
2 article coming out, in which Ms. Chambers was  
3 discussed?

4 A. I don't remember such a meeting.

5 Q. Do you recall having it brought to your  
6 attention in some manner that on December the  
7 2nd, there was certain media coverage of  
8 statements made by Chief Chambers?

9 A. Yes.

10 Q. Okay. Did you first come to know of any  
11 media coverage regarding Ms. Chambers on December  
12 2nd before or after you had come to work?

13 A. Yes.

14 Q. Okay. Was it before or after you had  
15 come to work that you first learned of any media  
16 coverage?

17 A. Before.

18 Q. Okay. And what media coverage did you  
19 learn of prior to coming to work?

20 A. Excuse me.

21 Q. Sure.

22 A. Back in late November, it seems like it

1           was maybe the week of November 20th or  
2           thereabouts, I was notified by both Chief  
3           Chambers and a copy to an e-mail by Larry  
4           Parkinson that The Washington Post article would  
5           be coming out, and that the chief was being  
6           interviewed.

7           Q.    I see.

8           A.    And then subsequent to that, I believe  
9           our chief information officer let me know when  
10          the article was going to be coming out, which was  
11          around December 2nd I believe he said.

12          Q.    Okay.  So you had sort of a heads-up  
13          that it was going to happen?

14          A.    That's correct.

15          Q.    Okay.  Now on the actual morning of  
16          December 2nd, did you see anything in the paper,  
17          hear anything on the radio or on the TV prior to  
18          coming to work that actually involved media  
19          coverage of Chief Chambers' statements?

20          A.    On December 2nd?

21          Q.    Yes, sir.

22          A.    Yes.

1 Q. Okay. Prior to coming to work, yes, or  
2 only after you came to work?

3 A. It was prior. I believe it was on the  
4 way to work.

5 Q. Driving in, or --

6 A. Riding in the train.

7 Q. Okay. And what form, what kind of media  
8 did you see?

9 A. It was in the newspaper, in The  
10 Washington Post.

11 Q. You saw The Washington Post article?

12 A. Correct.

13 Q. And did you have occasion to read it?

14 A. Yes.

15 Q. Okay. All right. Did you have any  
16 exposure to any other media coverage of Chief  
17 Chambers on December 2nd prior to arriving at  
18 work?

19 A. No.

20 Q. Okay. Did anyone bring to your  
21 attention additional media coverage beyond The  
22 Washington Post article involving Chief Chambers

1 on December the 2nd?

2 A. Not that I recall.

3 Q. No one mentioned a radio program  
4 interview, for example?

5 A. Not that I recall.

6 Q. No one mentioned a television program  
7 that might have covered Chief Chambers to you?

8 A. Not prior to my coming to work, no.

9 Q. Okay. Let's move to after you got to  
10 work.

11 Did anyone bring to your attention a  
12 radio program that Chief Chambers may have been  
13 featured on after you got to work?

14 A. Not that I recall on December 2nd.

15 Q. Okay. And I am still focused on  
16 December 2nd.

17 Did anyone bring to your attention any  
18 television program in which Chief Chambers may  
19 have made statements on December 2nd after you  
20 got to work.

21 A. No, not that I recall.

22 Q. Okay. Did you ever come to learn that

1 Chief Chambers had in fact spoken on television  
2 on December 2nd?

3 A. I came to learn that she had spoken on  
4 television, but I don't recall if it was on  
5 December 2nd or not.

6 Q. Okay. How did you come to learn that?

7 A. I believe the director communicated to  
8 me that she had seen Chief Chambers on  
9 television.

10 Q. Okay. You don't recall what day that  
11 was?

12 A. No.

13 Q. Do you recall it was in the week of  
14 December 1st through 5th?

15 A. It probably was, yes.

16 Q. What exactly, the best you can recall,  
17 did the director say to you in that regard?

18 A. She said that Chief Chambers is on  
19 television doing stand-ups on the U.S. Park  
20 Police budget, and she expressed some concern to  
21 me about what was being said, and she said if I  
22 could, you know, take a look at that and see what



1 I thought, and that's all she said.

2 Q. Okay. And did the director instruct you  
3 to take some disciplinary action against the  
4 chief for those remarks on television?

5 A. No, she did not.

6 Q. Did the director suggest to you that she  
7 believed the chief's remarks on television were  
8 deserving of disciplinary action?

9 A. No, she didn't.

10 Q. Did she ask you to sort of look into it  
11 and evaluate it for yourself?

12 A. That's correct.

13 Q. Okay. Did the director mention a  
14 particular television program?

15 A. I don't believe so, no.

16 Q. Did you make an inquiry into Chief  
17 Chambers' television remarks after the director  
18 asked you to do so?

19 A. Yes.

20 Q. What did you do?

21 A. I don't remember exactly. I would have  
22 contacted our public information office.

1                   They keep a record of all interviews,  
2                   and they have clips as well as videos of National  
3                   Park Service employees giving interviews.

4                   Q.    Okay.  And do you recall doing, making  
5                   that contact?

6                   A.    Yeah, I believe I did.

7                   Q.    Okay.  Who did you speak with?

8                   A.    I don't remember who I spoke to in that  
9                   office.

10                  There are several people that work in  
11                  the office.

12                  I don't know who I spoke to at this  
13                  time.

14                  Q.    Do you recall what you said to that  
15                  person?

16                  A.    I said, I asked them did they have on  
17                  tape any interviews with, with the police chief  
18                  that had occurred, and I explained to them the  
19                  director had referenced some interviews, and they  
20                  said that they, they said that they did or that  
21                  they could get them because they may have gotten  
22                  them from the U.S. Park Police information

1 officer.

2 I don't know where they got them.

3 Q. Okay. All right. And did those tapes  
4 or, tape or tapes ever get made available to you?

5 A. Yes.

6 Q. Okay. Was there one or more than one  
7 tape?

8 A. There was one.

9 Q. Okay. Did you get a chance to watch it?

10 A. Yes.

11 Q. Was anyone present with you when you  
12 watched it?

13 A. No, not that I recall.

14 Q. Did you watch it in your office?

15 A. Yes.

16 Q. All right. Did you have occasion to  
17 make any notes or write any e-mail or memo  
18 regarding the, your observations about the  
19 television program that you watched?

20 A. No.

21 Q. Did watching that television program  
22 cause you to make a determination that to use

1           some disciplinary action regarding Chief  
2           Chambers?

3           A.    I was beginning to, to formulate that in  
4           my mind, yes.

5           Q.    Okay.  So the television program was a  
6           factor in moving you in that direction?

7           A.    Yes.

8           Q.    Do you still have that videotape?

9           A.    Yes.

10          Q.    Is it still in your office?

11          A.    No.

12          Q.    Okay.  Did you return it to the media  
13          office?

14          A.    No.

15          Q.    Where is it at this moment?

16          A.    Is that --

17                MR. L'HEUREUX:  Tell him where it is.

18                THE WITNESS:  It's in our counsel's  
19          office.

20                BY MR. HARRISON:

21          Q.    So you provided it to counsel?

22          A.    Yes.

1           Q.   All right.  Did you have any discussion  
2           with any person other than the director about Ms.  
3           Chambers' television remarks on the week of  
4           December 1st through 5th?

5           A.   I spoke with Larry Parkinson.  The  
6           Deputy Assistant Secretary for Law Enforcement  
7           and Security.

8           Q.   Was the purpose of that conversation to  
9           discuss Chief Chambers, or did it just happen to  
10          come up?

11          A.   No.  It just happened to come up in this  
12          instance.

13          Q.   Okay.  And did you make the remark  
14          regarding the television comments of the chief,  
15          or did he?

16          A.   He brought them up.

17          Q.   Okay.  Do you recall what he said?

18          A.   He brought it up in the context of the  
19          first, the article in The Washington Post.

20          Q.   Okay.

21          A.   And specifically about that article, and  
22          then mentioned the stand-up interviews as well.

1           Q.    What precisely did Mr. Parkinson say  
2           about The Washington Post?

3           A.    He brought up specifically the  
4           statements in The Washington Post that related to  
5           the security and staffing at the Washington  
6           Monument and the Lincoln Memorial and the  
7           staffing profiles on the Baltimore-Washington  
8           Parkway.

9           Q.    What did he say about those?

10          A.    He said that he thought that it was  
11          inappropriate that those kind of statements were  
12          made, that those were law enforcement sensitive,  
13          and he couldn't understand why she would make  
14          those kind of statements.

15          Q.    Okay. Did he offer you a document that  
16          reflected the designation of those categories of  
17          information being law enforcement sensitive at  
18          that time?

19          A.    No, not at that time.

20          Q.    Has Mr. Parkinson subsequently given you  
21          a document that reflects a categorization of  
22          those categories of information as being law

1 enforcement sensitive?

2 A. Yes.

3 Q. Okay. And what is that document?

4 A. It's a law enforcement and security  
5 assessment that was done by the Inspector  
6 General.

7 I can't remember the exact title of it.

8 Q. Okay. And what was the purpose of that  
9 document?

10 A. That document was a review of security  
11 and security needs at the icons on the mall in  
12 Washington, D.C.

13 Q. By the Inspector General's office?

14 A. That's correct.

15 Q. Okay. So this is not a policy statement  
16 as to what documents should and shouldn't be  
17 enforcement sensitive or any other kind of  
18 classification?

19 It was actually a study by the IG  
20 regarding security on the icons?

21 A. That's correct.

22 Q. Okay. So did the IG document -- I

1           assume you have -- did you read the IG document?

2           A.    Yes.

3           Q.    Okay.  Does the IG document state in it  
4           in so many words that this category of  
5           information should be enforcement sensitive and  
6           this category is not -- does it go through and  
7           say what is and what isn't?

8           A.    The entire document is labeled law  
9           enforcement sensitive.

10          Q.    That's not my question.

11          A.    What was your question?  I'm sorry.  I  
12          don't understand.

13          Q.    Well, there can be a document that whose  
14          purpose is to define what is sensitive and what  
15          isn't, and there can be a document that somebody  
16          has simply labeled sensitive.

17          A.    Um-hm.

18          Q.    The document you seem to be describing  
19          is a document done by the IG, not by the  
20          Department of Interior or the Park Service.

21                    Its purpose does not seem to be to  
22          define policy and what's sensitive.



1           It simply seems to be an example of  
2 something someone thought was sensitive.

3           Would you agree with that?

4           A.   No, I do not.

5           Q.   Was the purpose of the IG study to  
6 define what information is sensitive?

7           A.   No, that was not the purpose of the  
8 document.

9           Q.   Okay. Now my question to you a moment  
10 ago was is there a page or a paragraph, some  
11 explicit statement in this document that does in  
12 fact define this category as law enforcement  
13 sensitive and this category as not?

14          A.   Yes.

15          Q.   Okay. And do you recall what, the gist  
16 of the statement in the document?

17          A.   There are sections in the document where  
18 there are diagrams and narratives that are  
19 labeled as law enforcement sensitive on the page  
20 where those diagrams and those narratives occur.

21          Q.   Understood, but in the narrative and the  
22 document, it doesn't say we, the Inspector

1           General's Office, believe that this category of  
2           information should be classified as sensitive?

3                     It doesn't do that?

4           A.    In my judgment, it does, yes.

5           Q.    Simply by the fact that someone labeled  
6           a part of a document as sensitive?

7           A.    Yes.

8           Q.    But not more explicitly than the fact  
9           that they labeled a portion of the document?

10          A.    That's correct.

11          Q.    Okay.  When was this IG report prepared?

12          A.    I don't know the exact date.

13          Q.    How about a year?

14          A.    It was done within the last couple of  
15          years.

16          Q.    And had you had an opportunity to read  
17          it before Mr. Parkinson brought it to your  
18          attention?

19          A.    Oh, yes.

20          Q.    Okay.  So as I understood your prior  
21          testimony, when Mr. Parkinson mentioned to you  
22          that he felt some of the comments in The Post

1           were about sensitive information, he didn't give  
2           you a document at that time, but he subsequently  
3           gave you a document which turns out to be the IG  
4           document, is that correct?

5           A.    Yes.

6           Q.    And how much longer, how much time  
7           passed before he gave you the IG document?

8           A.    I think I had it within, you know, a  
9           week or a few days.

10          Q.    And why did he give that document to you  
11          at that time?

12          A.    Because I asked for it.

13          Q.    And what did you ask specifically of Mr.  
14          Parkinson in that regard?

15          A.    I asked him did he have a copy of the  
16          document that talked about mall security and  
17          referenced the kind of things that he was talking  
18          about.

19                    I had noticed the same things, and I was  
20          assured that he had a copy of that in his files.

21          Q.    Did you ask him for a policy statement  
22          or definition of law enforcement sensitive

1 material?

2 A. No.

3 Q. Okay. And he has not offered you one, a  
4 document of that nature?

5 A. No.

6 Q. Okay. Have you inquired with any other  
7 person whether a policy or procedural document  
8 exists that defines, quote, law enforcement  
9 sensitive materials?

10 A. No.

11 Q. You have not made the inquiry?

12 A. No.

13 Q. Is it your belief that information  
14 stated in The Washington Post was of a classified  
15 nature in some way?

16 A. No.

17 Q. Is it your belief that the information  
18 in The Washington Post falls into a category that  
19 some policy documents defines as a law  
20 enforcement sensitive category of information?

21 A. No.

22 Q. Okay. Do you know -- let me just ask

1           you have you given Chief Chambers any training on  
2           the definition of law enforcement sensitive  
3           material?

4           A.    No.

5           Q.    Do you know whether Ms. Chambers was  
6           given a copy of the Inspector General's report  
7           that you referenced?

8           A.    Yes.

9           Q.    Do you know when that occurred?

10          A.    No, I don't know exactly.

11          Q.    Okay. How do you know she received it?

12          A.    I believe this document has a, it has a,  
13          it has a cover memo on it that's, that has the  
14          chief's name on it.

15          Q.    It's like a distribution list?

16          A.    Yeah, distribution list.

17          Q.    Now Ms. Chambers brought to your  
18          attention at some point in time that she was  
19          going to be quoted in The Washington Post because  
20          she had done an interview with them, is that  
21          correct?

22          A.    That's correct.

1 Q. And that would have been on or after  
2 November 20th when she conducted the interview?

3 A. Correct.

4 Q. And do you recall that being shortly  
5 after she had the interview that she told you?

6 A. Yes.

7 Q. Okay. And did you raise a concern with  
8 her at that point as that certain information  
9 might be law enforcement sensitive?

10 A. No.

11 Q. Did you find that any of Ms. Chambers'  
12 statements on the television program you reviewed  
13 fell into what you believe to be law enforcement  
14 sensitive?

15 A. Yes.

16 Q. Did anyone ever bring to your attention  
17 Ms. Chambers' statements to radio programs on  
18 December the 2nd?

19 A. Not that I recall.

20 Q. At no point in time?

21 A. Not that I recall; they were television  
22 programs.

1           Q.    Understood.  Apart from Mr. Parkinson,  
2           did anyone else ever bring to your attention any  
3           information regarding Ms. Chambers' statements to  
4           television on December the 2nd?

5           A.    No.

6           Q.    Now did Mr. Parkinson say anything  
7           beyond what you have told me today in regard to  
8           the, either The Washington Post article or the,  
9           any other media he had witnessed?

10          A.    No.

11          Q.    What -- did Mr. Parkinson get specific  
12          as to exactly what he thought was the enforcement  
13          sensitive material?

14          A.    He specifically said the numbers of  
15          officers that were mentioned in the article that  
16          would be guarding the monuments and the  
17          memorials.

18          Q.    Did Mr. Parkinson direct you to issue  
19          some discipline regarding Chief Chambers for  
20          those remarks to the press?

21          A.    No, he did not.

22          Q.    Did Mr. Parkinson suggest that this

1 discipline should be issued or should be  
2 considered regarding Ms. Chambers' statements?

3 A. No, he did not.

4 Q. Did Mr. Parkinson suggest any corrective  
5 action or training or any response to the fact  
6 those statements had been made?

7 A. No, he did not.

8 Q. Did anyone talk with you about The  
9 Washington Post article on December the 2nd  
10 besides Mr. Parkinson?

11 A. The director.

12 Q. Okay. Anyone else?

13 A. No, not that I recall.

14 Q. Do you recall exactly what the director  
15 said to you about The Washington Post Article?

16 A. She asked me what I thought about The  
17 Washington Post article.

18 Q. Um-hm. Did she make any other statement  
19 about The Post article?

20 A. She said something to the effect well,  
21 it doesn't look too bad, but look at it and see  
22 what you think. There are a couple of things in



1           there that seem troubling to me, and she just  
2           turned it over to me.

3           Q.    Okay.  This was about The Post article  
4           specifically?

5           A.    That was about The Post article  
6           specifically.

7           Q.    And was she or was she not including in  
8           that statement any other media coverage besides  
9           television?

10          A.    She was not.  She was not.

11          Q.    Do you recall what time of day that  
12          might have been?

13          A.    It was in the morning.  It was in the  
14          morning.

15          Q.    Okay.  And are you thinking now that it  
16          would have been on the 2nd of December, or might  
17          it have been the next day?

18          A.    I believe it was the same day the  
19          article came out, so if the article came out on  
20          the 2nd, it was that day.

21          Q.    Okay.  Do you recall at some point  
22          reaching a decision in your mind to communicate

1 with Ms. Chambers about her media statements on  
2 the 2nd?

3 A. Yes, I reached a decision in my mind  
4 about that.

5 Q. Okay. And you issued I think a couple  
6 of phone messages and an e-mail or two to Ms.  
7 Chambers on the 2nd regarding her media  
8 statements?

9 A. I don't remember which day it was, but  
10 if that's what the e-mails say.

11 Q. That would be the day?

12 A. Yeah, that's the day.

13 Q. Okay.

14 A. Yes.

15 Q. All right. Do you recall the purpose of  
16 your communications with Ms. Chambers on that  
17 day, what you intended to communicate?

18 A. I intended to communicate that she was  
19 to not give any more interviews until she, unless  
20 and until she cleared them with the director or  
21 myself.

22 Q. Okay.

1 (There was a pause in the proceedings.)

2 MR. HARRISON: Let me show you a  
3 document we'll mark I believe as Murphy Exhibit  
4 5.

5 (Murphy Exhibit No. 5  
6 was marked for  
7 identification.)

8 BY MR. HARRISON:

9 Q. Just let me know whether you recognize  
10 that when you get a moment.

11 (The witness reviewed the document.)

12 THE WITNESS: Yes.

13 BY MR. HARRISON:

14 Q. Okay. Do you recall receiving that?

15 A. I don't recall receiving this, but it  
16 was sent to me obviously.

17 Q. Okay. And do you recognize it as an  
18 e-mail from Ms. Chambers?

19 A. Um-hm.

20 Q. Okay.

21 A. Yes.

22 Q. And it appears to be reflecting that

1 Scott in the media office has heard from The Post  
2 and the article will be coming out on December  
3 2nd?

4 A. Yes.

5 Q. And do you recall getting a heads-up to  
6 that effect from someone at least?

7 A. I recall getting a heads-up that an  
8 article was coming out, and my recollection is  
9 back in, in November and shortly thereafter, I  
10 don't specifically remember this, but --

11 Q. Okay. Understood.

12 A. I'm not saying I didn't.

13 MR. HARRISON: Thank you. Let me have  
14 the reporter mark another document which will be  
15 Murphy Exhibit No. 6.

16 (Murphy Exhibit No. 6  
17 was marked for  
18 identification.)

19 BY MR. HARRISON:

20 Q. Let me know if you recognize the  
21 content.

22 I expect you may not have seen this

1 document unless your counsel showed it to you.

2 Mr. Murphy, it's purports to be a  
3 transcript of a voice mail or two from you, and  
4 my question would be do you recognize the  
5 content?

6 A. Yes. Um-hm.

7 Q. Okay.

8 A. Yes, I do.

9 Q. So would you say that the quotations  
10 here under first voice mail and second voice mail  
11 pretty accurately reflect the voice mail you left  
12 for Ms. Chambers?

13 A. Yes.

14 Q. Okay. Now let's see. Take a moment to  
15 look over that.

16 I think you just have, but to make sure  
17 you are familiar with the content, and let me  
18 know if sitting here today, you believe that the  
19 messages accurately reflect what actually the  
20 facts represented in them, in other words, that  
21 you did not make an error in leaving the message  
22 yourself.

1 (The witness reviewed the document.)

2 THE WITNESS: Well, yes, they accurately  
3 reflect what, the phone message.

4 BY MR. HARRISON:

5 Q. Okay. You notice nothing substantively  
6 that you may have said in error at the time?

7 A. No.

8 Q. Now let's see on December 2nd in the  
9 first voice mail, you indicate, of course, who  
10 you are, you just got off the phone with the  
11 director, we're both agreeing that you need to  
12 not do any more of the live shots or stand-up  
13 interviews until you get these interviews cleared  
14 with us and the department.

15 Were you basically communicating to Ms.  
16 Chambers in that statement that you and the  
17 director expected an advanced heads-up when,  
18 before the director conducted another live  
19 interview?

20 A. Before the chief?

21 Q. Pardon me -- the chief did, yes.

22 A. That's correct.

1 Q. Okay. And had the director agreed with  
2 you on that message?

3 A. Yes.

4 Q. Okay. And when did you, what time of  
5 day did you speak with the director in regard to  
6 that?

7 A. I don't recall. It was probably in the  
8 afternoon some time.

9 Q. Okay. Certainly the day of December 2nd  
10 and prior to leaving this voice mail?

11 A. Yes.

12 Q. Okay. The next sentence, "The messages  
13 that you are sending out are not consistent with  
14 the Department's message and what we want to be  
15 saying on our budgeting for the U.S. Park  
16 Police."

17 Is that a message that you and the  
18 director concurred on giving to Ms. Chambers?

19 A. That's correct.

20 Q. Okay. And was there a document one  
21 could go to, to see a clearly-defined, quote,  
22 quote, department's message that you thought Ms.

1 Chambers was departing from?

2 A. No.

3 Q. Okay. Had you and the director  
4 discussed among yourself what the department's  
5 message would be that you wanted to be put out?

6 A. We had discussed it. It had been  
7 discussed during our budget development, sure.

8 Yes.

9 Q. Okay. Do you know whether it was ever  
10 written down at any point?

11 A. No.

12 Q. Okay. Is it possible to paraphrase your  
13 recollection of what that department's message  
14 was that had been discussed and that you were  
15 warning the chief to stay within?

16 A. No. I can't really paraphrase the  
17 message because that's not exactly what was being  
18 communicated here.

19 Q. Well, let's be clear. When you say the  
20 messages that you, the chief, are sending out are  
21 not consistent with the department's message,  
22 logically that means to me you're comparing the



1 chief's statements with your own understanding of  
2 what the department's message is or the desired  
3 message should be, so whether it's in a document  
4 or not, you're at least contrasting in your mind  
5 these two things?

6 A. Correct.

7 Q. And you're saying this one is not quite  
8 this one?

9 A. Correct.

10 Q. So I'm wondering can you tell us today  
11 what this one is?

12 A. The Department of Interior and the  
13 National Park Service in that time were still in  
14 the process of developing the '05 budget.

15 Q. Um-hm.

16 A. And we, when we communicate our  
17 deliberation to whatever is going on with respect  
18 to budgeting, we are very careful to make sure  
19 that we don't divulge any information that's  
20 sensitive in the development of the President's  
21 budget, and we ask our leadership to make sure  
22 that their messages with respect to budget are

1 consistent with how we are developing our budget  
2 strategy.

3 That's standard every, every budget  
4 season, and the director and I just noticed that  
5 in this process, that these communications that  
6 the chief at that time was communicating weren't  
7 consistent with what we had been discussing in  
8 our, in our budgets, in our budget development,  
9 in our deliberations about the '05 budget.

10 Q. Okay. And I guess my question is what  
11 was the discrepancy between the message desired  
12 and the message that the chief was given  
13 substantively?

14 A. Specifically, in The Washington Post  
15 article, the message was there was a need for an  
16 additional \$8 million which we had submitted as  
17 part of the President's budget in our initial  
18 submission to the Office of Management and  
19 Budget, and so that is not something we want  
20 communicated in the public and to the press for a  
21 variety of reasons.

22 Budget negotiations are extremely

1 sensitive. It's the administration's budget, and  
2 the President of the United States, the  
3 administration are often, their positions are  
4 often compromised when that information is  
5 communicated publicly prior to the President  
6 submitting, submitting his budget.

7 That's, that's one thing very  
8 specifically.

9 There were numbers of officers that were  
10 mentioned in The Washington Post article in  
11 particular that were needed by the U.S., United  
12 States Park Police.

13 We were in the process during our weekly  
14 budget deliberations, meetings and analysis of  
15 the U.S. Park Police to try to get an  
16 understanding of what the real staffing needs of  
17 the U.S. Park Police happened to be.

18 The chief was a part of those, those  
19 discussions, and it was not part of our messaging  
20 to, to go to the public and say we needed a  
21 certain number of officers before we had  
22 validated what our needs were through some sort

1 of an objective analysis.

2 Q. Okay.

3 A. So those are two examples, and those  
4 were out of The Washington Post article, and to  
5 some extent or another, they were repeated in the  
6 in the stand-up interviews, and it was our  
7 intent, the director and our intent to have the  
8 chief not do any more of these interviews until  
9 such time that we could speak to her about what  
10 should be communicated.

11 That's fairly standard practice with our  
12 staff.

13 Q. Okay. And let's say the chief had come  
14 and talked with you the next day.

15 What would you have told her to say to  
16 the press if she were to have an interview later  
17 that day about the same matters?

18 What would you have told her to say to  
19 be consistent with this message?

20 A. Well, we may not have told her to say  
21 anything at all, or we may have -- and this is  
22 hypothetical now -- or we may have said that

1           there's a department spokesperson on the National  
2           Park Service budget, and we would have directed  
3           them to the spokesperson.

4                         There are a number of scenarios that  
5           could have taken place there.

6           Q.    Okay.  So you're basically saying you  
7           may have directed the press to someone other than  
8           the chief?

9           A.    That's possible.

10          Q.    Yes.  Okay.  In the message to the  
11          chief, you don't seem to be saying that, you  
12          know, you're not the designated spokesperson or  
13          shouldn't be talking to the press at all.

14                         You seem to be saying the content that  
15          you, the chief, are saying is not consistent with  
16          our message, and so I'm still trying to get at  
17          had the chief said something different, what  
18          would it have been to have made you happy to be  
19          consistent with the message you desired?

20                         Did you want her to say that she needed  
21          no more staff?

22          A.    You know, I really don't know.  It's

1           hard for me to say at this, at this point --

2           Q.    Um-hm.

3           A.    Exactly what I would have wanted her to  
4           say.

5                        I know what, affirmatively what was  
6           stated, as I say here, that these e-mail messages  
7           was not what we wanted the messaging to be.

8           Q.    Did you sit down with Ms. Chambers at  
9           any point after this Post article came out or  
10          television program and tell her we're concerned  
11          that this particular figure you're talking about  
12          is something that we're not comfortable talking  
13          about at this stage of budgeting, or we don't  
14          want you to discuss how many staff you need at  
15          this time until we finish some other assessment?

16                        Did you tell her that?

17          A.    No, we did not.  No, I did not.

18          Q.    Okay.  Did you know at the time of  
19          December 2nd that the chief had had a staff needs  
20          assessment done for the U.S. Park Police?

21          A.    Yes.

22          Q.    Okay.  And are you saying that there was

1 another needs assessment underway in addition to  
2 that?

3 A. I'm saying that that particular needs or  
4 staffing analysis or staff needs that you just  
5 represented was not validated by an independent  
6 tool.

7 We had a number of such things, and what  
8 we were, the other process that was underway that  
9 you're referring to was the process we were  
10 trying to establish so that we had actually an  
11 independent tool that could somehow verify and  
12 give some objective to what these needs were.

13 Q. When you say independent, independent of  
14 what or whom?

15 A. For example, let me give you a specific  
16 example.

17 We have the same situation with the law  
18 enforcement rangers, the protection rangers, and  
19 they use the tool, which was being modified at  
20 this time, that gives them a step-by-step way of  
21 analyzing what law enforcement needs are.

22 And the tool asks a number of questions

1           and goes through a series of different scenarios  
2           that how to arrive at the end on numbers based on  
3           some objective criteria, and the analysis that,  
4           the analyses that had been done that you were  
5           referring to that the chief handed in didn't have  
6           this kind of rigor to it, and we were trying to  
7           get both the National Park Service and protection  
8           rangers and the U.S. Park Police to do that as  
9           well.

10           Q.    Okay.  Is this, does this tool have a  
11           name?

12           A.    It now has the name of the law  
13           enforcement needs analysis.

14                    Had a prior name.  Exactly, I can't  
15           remember all the -- I call it V-RAP, V-R-A-P.

16           Q.    And had there been an instruction to the  
17           chief to use the V-RAP tool?

18           A.    I don't believe explicitly, but it had  
19           come up in our Law Enforcement Task Force that  
20           this was available and that this could possibly  
21           be a tool that the U.S. Park Police could use as  
22           well.



1           Q.    Was there any communication in writing,  
2           to your knowledge, that stated a decision by you  
3           or the director that no staffing needs assessment  
4           would be considered valid if it were not  
5           performed using the V-RAP?

6           A.    No.

7           Q.    Had the V-RAP actually been used to  
8           perform a complete staffing needs assessment  
9           prior to December 2nd, 2003, for any entity  
10          within the Park Service?

11          A.    It had been applied to the National Park  
12          Service protection rangers, yes.

13          Q.    So they had completed their own staffing  
14          needs assessment with that tool by December 2nd?

15          A.    They had completed that prior to my  
16          coming on board as deputy director, and when we  
17          put our new Law Enforcement Task Force in place,  
18          I asked that this be updated because I was  
19          informed by the law enforcement, members of the  
20          Law Enforcement Task Force that that tool needed  
21          updating, and that after they developed it, it  
22          wasn't as proficient at doing what they needed to

1 be done, and that's how it morphed into this new  
2 tool, the law enforcement needs analysis.

3 Q. Okay. Now the law enforcement needs  
4 analysis tool, when was it prepared to be usable  
5 in its final form, do you know?

6 A. Probably over 18 months ago it started  
7 to be used, so that would have been, oh, some  
8 time in February, March of '03.

9 Q. Okay. And had it been issued,  
10 disseminated, distributed in some way to the  
11 various entities within the Park Service for use  
12 at that time?

13 A. Yes.

14 Q. Okay. And did you issue a memo on that  
15 use of that tool?

16 A. I believe I did.

17 Q. You think you did?

18 A. Yeah. I'm pretty sure I did.

19 Q. You think you still have possession of  
20 that memo?

21 A. Yeah. I'm sure I do, or if I don't, it  
22 was issued by our associate director for visitor

1 and resource protection.

2 Q. Do you know what the memo would have  
3 said?

4 A. It would have gone out and explained to  
5 the, to the various parks -- it would have gone  
6 to, primarily to the chief rangers at the parks  
7 and the regional chief rangers explaining to them  
8 that this was a new tool and that they were to  
9 begin immediately applying that, that tool to  
10 determine what their law enforcement needs were,  
11 and so it would have been an introductory memo  
12 explaining to them what our expectations were.

13 Q. Um-hm.

14 (There was a pause in the proceedings.)

15 BY MR. HARRISON:

16 Q. Do you know whether the tool you're  
17 referring to was considered to be applicable to  
18 the U.S. Park Police as compared with state park  
19 rangers?

20 A. It could be modified to be applicable to  
21 U.S. Park Police, yes.

22 Q. Okay. Is this like a computer program,

1 or is it more step-by-step direction on how to do  
2 a manual calculation?

3 A. As I described earlier, it's a program  
4 that involves a set of criteria that are used to  
5 make determinations on what staffing needs are by  
6 asking a series of objective questions in various  
7 areas that lead to a staffing out, staffing  
8 outcome.

9 Q. Okay. So it's not done by way of  
10 computer?

11 A. Not, not -- no, not in the way that I'm  
12 sure you mean in terms of doing the automatic  
13 computations.

14 Q. Yes. Okay. So has that program been  
15 modified for application to the U.S. Park Police  
16 at this point in time?

17 A. It's something that is being done  
18 currently within the United States Park Police,  
19 yes.

20 Q. As we speak?

21 A. As we speak, that's correct.

22 Q. Okay. So that it's probably a work in

1 progress I take it?

2 A. It should be a work in progress. It's  
3 just about complete now.

4 Q. The \$8 million figure that you stated,  
5 is that the right number that Ms. Chambers, are  
6 you recalling she used an \$8 million figure in  
7 her statements to the press?

8 A. Yes, that's correct.

9 Q. Okay. And what did Ms. Chambers say  
10 specifically the \$8 million represented, as you  
11 recall, to the press?

12 A. It was funding that was being requested  
13 for the United States Park Police.

14 Q. Um-hm. Did Ms. Chambers say that in the  
15 budget submitted by the Department of Interior to  
16 OMB that an \$8 million increase was requested?

17 A. I don't recall the exact words, but  
18 words to those, that effect.

19 Q. Did she use the phrase OMB at any point  
20 in time?

21 A. No, not that I recall.

22 Q. Okay. Do you recall whether Ms.

1 Chambers said that she had requested or that some  
2 other entity had requested an \$8 million  
3 increase?

4 A. I don't recall the exact quote from the  
5 article, but that the U.S., in effect, the U.S.  
6 Park Police had requested \$8 million.

7 Q. So you read her statements to mean that  
8 the Park Police had requested an \$8 million  
9 increase?

10 A. Right.

11 Q. Okay. This is for fiscal year '05?

12 A. That's correct.

13 Q. Okay. And is it your understanding that  
14 the total amount of increase for the U.S. Park  
15 Police budget for fiscal year '05 that was passed  
16 on from the Department of Interior to OMB was 8  
17 million exactly?

18 A. Our original figure that ended up being  
19 transmitted to the Office of Management and  
20 Budget was \$8 million.

21 Q. For an increase in the budget, is that  
22 what we're talking about?

1           A.    For \$8 million, that's correct.

2           Q.    Okay.  I just want to be clear.  The  
3 whole budget is probably much larger than that?

4           A.    Oh, I see what you mean.  Yeah, sure.

5           Q.    We're just talking about an increase?  
6 The \$8 million represents an increase for that  
7 fiscal year?

8           A.    Yes.

9           Q.    Now was that all Ms. Chambers said in  
10 regard to monies being requested by the, either  
11 by her or by the Park Police for that fiscal  
12 year?

13                        Was it solely an \$8 million increase?

14                        (There was a pause in the proceedings.)

15                        BY MR. HARRISON:

16           Q.    Okay.  Was there anything more that she  
17 said in regard to what she was requesting, or the  
18 park --

19           A.    Not that I recall right now.

20           Q.    Do you recall the chief making some  
21 reference to another \$7 million in addition to  
22 the eight?

1           A.    I don't recall the article verbatim  
2 right now, what was said in that regard.

3           Q.    Do you remember reference to a  
4 helicopter, the need for money for a helicopter?

5           A.    I believe that may have been mentioned  
6 in the article.

7           Q.    Okay.  And did you understand that that  
8 money for the helicopter was in addition to the,  
9 whatever the \$8 million was for?

10                  Is that what the chief was saying?

11           A.    Well, not having the article right here  
12 in front of me, you're asking me to recall.

13           Q.    At the moment.

14           A.    What the article says.

15           Q.    I'll show it to you in a minute.

16           A.    I really can't say.

17           Q.    Okay.  So do you remember in addition to  
18 a reference to 8 million and possibly a reference  
19 to a helicopter or 7 million -- we'll look at the  
20 article in a moment -- do you recall any  
21 reference by Chief Chambers that this 8 million  
22 and this 7 million would be an increase that



1           might be requested after an amount of money was  
2           provided to take care of the deficit for '04, the  
3           shortfall for '04?

4                     Do you recall her saying anything like  
5           that?

6           A.    No.

7           Q.    You don't?

8           A.    Maybe you need to ask it again.  I don't  
9           recall.

10          Q.    Okay.  The question is I understood your  
11          testimony to be that you felt Ms. Chambers was  
12          referring to a particular number submitted to the  
13          OMB by the Department of Interior that  
14          represented the total increased request for the  
15          U.S. Park Police for fiscal year '05?

16          A.    That's correct.

17          Q.    And you felt it was inappropriate to  
18          talk about a particular number that was being  
19          submitted in a budget that really hadn't been  
20          passed back by the committee yet.

21                     Did I hear you more or less correctly?

22          A.    A budget that had not been, been

1 approved by the administration, yeah.

2 Q. Okay. So it would take the OMB passback  
3 and possibly some other steps to be approved by  
4 the administration?

5 A. That's correct.

6 Q. Okay. Now what I'm asking you at the  
7 moment is if you read the statements by the chief  
8 to the press taken as a whole, notwithstanding  
9 any possible mis quotes, paraphrasing, or leaving  
10 things out, which may happen in a press interview  
11 from time to time, could you reasonably read  
12 those statements taken as a whole to not be an \$8  
13 million request by the chief, but 8 million plus  
14 7 million plus an amount for a deficit for '04,  
15 the total of which might be 20, 30 or more  
16 million dollars that she was talking about  
17 requesting, which does not match the \$8 million  
18 submitted to OMB?

19 A. No, that's not the way --

20 Q. You didn't read it that way?

21 A. No, sir.

22 Q. And you don't believe that her

1 statements could have been read that way?

2 A. No, sir.

3 (There was a pause in the proceedings.)

4 MR. HARRISON: Let's mark this document  
5 as Murphy Exhibit 7.

6 (Murphy Exhibit No. 7  
7 was marked for  
8 identification.)

9 MR. L'HEUREUX: Counsel, this may be a  
10 good time to take a break.

11 MR. HARRISON: I would be happy to have  
12 a break.

13 (A recess was taken.)

14 MR. HARRISON: Let's go back on.

15 BY MR. HARRISON:

16 Q. Now Mr. Murphy, had Ms. Chambers said to  
17 The Washington Post -- and I think you have that  
18 article in front of you now, but we'll get to it  
19 in just a moment -- had she said to The  
20 Washington Post on December 2nd I believe that we  
21 need 27 million to do our job, that would not  
22 have been a problem per se, would it?

1           A.    Not necessarily.

2           Q.    Could it have been?

3           A.    If it was the amount that we submitted  
4           to the Office of management and Budget as part of  
5           our overall budget for the U.S. Park Police, it  
6           could have been.

7           Q.    I see.  So if it, even if the chief's  
8           reason for stating that number was  
9           coincidentally, I mean if she coincidentally came  
10          up with the same number on a different basis  
11          about what she felt she needed, and it just  
12          happened to be the number you submitted to OMB,  
13          it would have been a problem you think still?

14          A.    It certainly could have been, yes.

15          Q.    Well, when would it have been and when  
16          would it not have been?

17          A.    If it, it was the number, if she  
18          communicated to The Washington Post the exact  
19          numbers that we were submitting in our budget  
20          submission to OMB during our budget negotiations  
21          prior to the announcement of the President's  
22          budget, that would have been a problem.

1           Q.    Okay.  And you're saying it would be a  
2           problem even if the chief didn't say this is the  
3           number we're submitting to OMB, but simply said  
4           this is the amount we need if it were the same  
5           number?

6           A.    Yes.  That's what I'm saying, yes.

7           Q.    Okay.  So really the key is is it the  
8           same number, not so much whether the chief  
9           discloses it is the number being submitted to  
10          OMB, is that your position?

11          A.    That's my position.

12          Q.    Okay.  And you believe that's a  
13          violation of some procedure?

14          A.    Yes.  That's a violation of what we have  
15          referred to as the OMB circular that communicates  
16          to staff what can and can't be talked about  
17          during budget negotiations.

18          Q.    Okay.  And did you ever provide Ms.  
19          Chambers with a copy of that circular?

20          A.    No.

21          Q.    Okay.  Did you ever give Ms. Chambers  
22          training on that circular?

1           A.    It was communicated to Ms. Chambers  
2           along with all of the other staff.

3           Q.    In a training session?

4           A.    During our National Leadership  
5           Conference meetings and our National Leadership  
6           Conference calls, and during our budget meetings,  
7           during our budget deliberations season, as I call  
8           it.

9           Q.    You would recognize, would you not, or  
10          acknowledge that a member of the staff of a  
11          government agency is entitled to state publicly  
12          what they believe is required resource-wise for  
13          the agency to serve the public interest to meet  
14          its goals?

15          A.    Sure.

16          Q.    Okay.  So it's not so much that that is  
17          of concern to you, it's specifically the numbers  
18          that were included in a budget submission to OMB  
19          should not be talked about?

20          A.    That, and the fact that specific  
21          instructions, specific clear instructions were  
22          given during every budget go-around, every budget

1 season, to the effect that I just mentioned, that  
2 those numbers that are part of the submission to  
3 OMB before the President's budget is announced  
4 should not be divulged publicly.

5 Q. Okay. So if the chief had a different  
6 assessment personally of what resources were  
7 needed to perform the public services of the Park  
8 Police, let's say she said that a hundred million  
9 dollars was needed as an increase, and she said  
10 that to The Washington Post, and your proposal to  
11 OMB was 8 million, would that have been a problem  
12 for her to say I think we need a hundred million?

13 A. No, not necessarily.

14 Q. Okay.

15 A. Especially if she hadn't been given  
16 clear instructions about that the issue was what  
17 instructions were clearly issued with regard to  
18 making statements about the President's budget.

19 Q. And as far as you know, there was never  
20 any clear instruction given to the chief or other  
21 employees that they shouldn't be talking about  
22 their personal assessments of what's needed?

1 A. No, not necessarily, no.

2 Q. Well, it's not necessarily that's  
3 bothering me.

4 A. No. No.

5 Q. Thank you. Okay. So to the best of  
6 your knowledge, it would not have been -- there  
7 might have been a training, a need for training  
8 in your opinion, but it wouldn't have been a  
9 disciplinary offense if Ms. Chambers or any  
10 employee were to go to the press and say I think  
11 we need X millions of dollars to do your job if  
12 that number given was not a number submitted to  
13 OMB?

14 A. That's correct.

15 Q. Okay. Now if you'll look to Exhibit No.  
16 7 I believe that we put before you, take a moment  
17 and see if you recognize that.

18 A. Um-hm. Yes.

19 Q. Okay. Does that look like The  
20 Washington Post article?

21 A. Yes, it is.

22 Q. All right. And you read that on



1 December 2nd?

2 A. Yes.

3 Q. And if you turn to the third page there,  
4 you'll see the second paragraph down, a statement  
5 that reads like this -- she said -- and the she  
6 is referring to you'll see in the paragraph above  
7 Ms. Chambers, "She said a more pressing need is  
8 an infusion of federal money to hire recruits and  
9 pay for officer overtime." She said she has to  
10 cover a \$12 million shortfall for this year and  
11 has asked for 8 million more for next year. She  
12 would also like 7 million to replace the force's  
13 aging helicopter.

14 Do you see that?

15 A. Yes.

16 Q. And you realize that she has got three  
17 different figures there in the space of two or  
18 three sentences -- 12, 8 million and the 7  
19 million?

20 A. Correct.

21 Q. Okay. Do you think it's reasonable to  
22 read that statement by her particularly given

1           that she's not being quoted but being paraphrased  
2           by a reporter to be that the chief thought she  
3           needs for fiscal year '05, \$27 million, 12 plus 8  
4           plus 7?

5           A.    No.

6           Q.    Do you understand that she is stating  
7           there that she is going to fall short 12 million  
8           for fiscal year '04?

9           A.    I do not know what she's referring to.

10          Q.    Let's see.  December '03 fiscal year '04  
11          ends in October 1st, '04.

12                    December '03 would fall into fiscal year  
13          '04, would it not?

14          A.    Okay.

15          Q.    So in that context, a shortfall for this  
16          year would mean fiscal year '04, would it not?

17          A.    It would.

18          Q.    Okay.  So you understand that the chief  
19          is saying I need 12 million just to get, 12  
20          million more just to get through this year?

21          A.    No.

22          Q.    You don't think she's saying that?

1           A.    No, sir.

2           Q.    So what do you think a 12 million  
3           shortfall for this year means?

4                    It's a, the way I read it, it says she  
5           has to cover a 12 million shortfall for this  
6           year, meaning she has to find the money within  
7           the fiscal year '04 budget to take care of that  
8           \$12 million shortfall.

9                    That's how I read that.

10          Q.    That she's going to somehow do that  
11          without anymore funds?

12          A.    People sometimes go at -- that's what  
13          they have to do is find the funds from other  
14          sources within their budget.

15          Q.    Okay.

16          A.    If they overextend.

17          Q.    Do you know what the chief means when  
18          she used the term shortfall?

19          A.    I don't know exactly what she means.

20          Q.    Okay. Do you know whether or not she  
21          felt that she needed \$12 million more in funds to  
22          get through the year?

1                   Do you know that that's what she meant  
2                   to communicate?

3                   A.    I read it as I said, that she has to  
4                   cover a \$12 million shortfall for this year,  
5                   meaning that there is a \$12 million shortfall  
6                   that she has to find the money to cover in that  
7                   year.

8                   Q.    Okay. Did you speak with The Washington  
9                   Post author to ask him what was actually said by  
10                  the chief that led to these statements?

11                  A.    No.

12                  Q.    Did you direct that any person call Mr.  
13                  Fahrenthold with The Post and ask him that  
14                  question?

15                  A.    No.

16                  Q.    Do you know whether anyone actually ever  
17                  did interview Mr. Fahrenthold on behalf of the  
18                  agency and ask him what the chief had said?

19                  A.    We did attempt to do so, but he didn't  
20                  return our calls or he didn't respond to our  
21                  requests.

22                  Q.    I see. How did you come to learn that?

1           A.    I learned it through our public affairs  
2 office, who made the request for us.

3           Q.    Okay.  Would that have been Mr. John  
4 Wright, by any chance?

5           A.    It could have been Mr. Wright or David  
6 Barna or someone on his staff in his office.

7           Q.    I see.  Did you call the chief in and  
8 ask her what she meant by her statements that she  
9 had to cover a \$12 million shortfall for this  
10 year?

11          A.    No.

12          Q.    When you see that last sentence there.  
13 She also would like \$7 million to replace the  
14 force's aging helicopter, do you interpret that  
15 to mean she's going to cover a \$7 million  
16 expenditure for a new helicopter without getting  
17 any more money?

18          A.    No.

19          Q.    So that you probably read that she  
20 wanted some more money?

21          A.    Yes.

22          Q.    Okay.  When did you first put in writing

1           for any purpose that you perceived that Chief  
2           Chambers was communicating to the press a  
3           specific number of \$8 million that was in the  
4           budget proposal to OMB?

5           A.    I think the first time I recall doing  
6           that was in developing the specific charges which  
7           covered that issue.

8           Q.    In drafting the proposed removal  
9           document?

10          A.    That's correct.

11          Q.    Okay.  You spoke with Ms. Chambers on  
12          December the 5th, a Friday, in the afternoon, and  
13          communicated to her a memorandum that placed her  
14          on administrative leave.

15                    Do you recall that?

16          A.    That's correct.

17          Q.    And Ms. Chambers at that time asked you  
18          what are the specific reasons for this action.

19                    Do you recall her asking that?

20          A.    Yes.

21          Q.    Did you state to her at that time that  
22          Ms. Chambers had communicated to the press an \$8

1 million figure that was identical to a figure in  
2 the budget request to OMB?

3 A. No, I did not.

4 Q. You mentioned in terms of my questions  
5 to you, what was the department's message that  
6 you felt the chief was departing from when you  
7 gave her the voice mail on December 2nd that in  
8 addition to the \$8 million figure that was  
9 referenced, that the chief gave a specific number  
10 for staffing that was needed.

11 Do you recall saying that?

12 A. Yes.

13 Q. Can you find that in The Washington Post  
14 article in front of you, that particular staffing  
15 number that concerned you in that regard?

16 A. It's in the first page of the paragraph.

17 Q. Okay. And that would be the short  
18 paragraph that reads in the long run, Chambers  
19 said her 620 member department needs a major  
20 expansion perhaps to about 1,400 officers?

21 Is that the reference?

22 A. Correct.

1           Q.   Okay.  Is there a policy document or a  
2           procedural document you could point me to that  
3           prohibits a member of the Park Service or Park  
4           Police from stating how many staff they perceived  
5           to be needed?

6           A.   No.

7           Q.   Okay.  Do you believe there is an  
8           unwritten policy in the Park Service or the  
9           Department of Interior that prohibits an employee  
10          from stating their perception of how many staff  
11          might be needed to perform the mission of the  
12          agency?

13          A.   No.

14                   (There was a pause in the proceedings.)

15                   BY MR. HARRISON:

16          Q.   If you would go back to Exhibit No. 6,  
17          which is the two voice mail messages, see on the  
18          second message in quotations there the  
19          following -- "Teresa.  Don Murphy here again.  
20          Just trying to get ahold of you and get the  
21          message to you about not doing any more of these  
22          interviews on our budgeting and the lack of



1 funding for the U.S. Park Police that you have  
2 been portraying out in the media."

3 Do you recall saying that?

4 A. Um-hm. Yes.

5 Q. Okay. Was it a concern to you at the  
6 time that Ms. Chambers was communicating to the  
7 media that the Park Police were not getting all  
8 of the funding they required?

9 A. No, that was not so much the concern.

10 Q. Okay. Was it a concern to you that Ms.  
11 Chambers was communicating that there was a lack  
12 of funding for the U.S. Park Police?

13 A. That wasn't exactly the concern, either.

14 Q. Okay. It's just the words you used?

15 A. Yes.

16 Q. Okay.

17 A. And what my concern was was portraying  
18 this in the media was sending a message that  
19 others were reading, particularly Congress, who  
20 felt they had been quite generous and supportive  
21 of the United States Park Police, and these kinds  
22 of statements, rather than helping a particular

1           agency or division or office get additional  
2           funding, often have the opposite effect, and  
3           that's why communicating the right message and  
4           the way you communicate it is so important, and  
5           that was the motivation here.

6           Q.    Okay.  Well, do you recognize or  
7           acknowledge that an employee of a government  
8           agency has a right to state publicly if they  
9           believe additional funds are needed to perform  
10          the mission of the agency?

11          A.    Yes.

12                         (There was a pause in the proceedings.)

13                         BY MR. HARRISON:

14          Q.    The messages you gave by telephone that  
15           are reflected there, did you mean to communicate  
16           in them any sort of restriction at that time on  
17           Ms. Chambers communicating with Congress?

18          A.    Not specifically, no, not in these voice  
19           mail messages.

20          Q.    Okay.  Have you subsequent to these  
21           voice mail messages of December 2nd communicated  
22           to Ms. Chambers that there is a restriction on

1 her communicating with Congress?

2 A. I don't believe so, no.

3 Q. Okay. Did you intend to have Ms.  
4 Chambers interpret the voice mail messages or  
5 your subsequent e-mails about her interviews in  
6 quotation marks to extend beyond, did you intend  
7 that restriction to extend beyond the media  
8 interviews to interviews with other parties?

9 A. No. We were specifically talking about  
10 the media.

11 Q. Um-hm. Have you ever intended to expand  
12 a restriction on Chief Chambers conducting  
13 interviews subsequent to your placing her on  
14 administrative leave, but prior to her removal,  
15 did you ever intend to expand that restriction to  
16 include interviews with any parties other than  
17 the media?

18 A. After she was placed on administrative  
19 leave?

20 Q. Yes, before her removal.

21 A. Yes, under certain circumstances.

22 Q. What was the restriction that you

1 intended to communicate in that regard?

2 A. Simply that while she was placed on  
3 administrative leave, there were certain  
4 circumstances where she would not be given an  
5 okay to speak on behalf of the U.S. Park Police.

6 We put in place an acting chief, and so  
7 there were certain circumstances where we wanted  
8 others to speak officially on behalf of the  
9 United States Park Police.

10 Q. Okay. Do you recall issuing any  
11 directive to the chief subsequent to December the  
12 5th prior to her removal directing her to not  
13 have any interviews with any party without  
14 getting those approved by your office or the  
15 director?

16 A. Well, I don't have the December 5th --

17 Q. That would be the administrative  
18 leave --

19 A. I have the administrative leave memo in  
20 front of me, but it did reference not making, not  
21 giving interviews unless they were cleared.

22 Q. Okay.

1           A.    In fact, it was pretty general.

2           Q.    Do you recall any directive other than  
3           the administrative leave memo itself in that  
4           regard?

5           A.    Yes.

6           Q.    What would that have been?

7           A.    It would have been responses to specific  
8           inquiries by her attorneys with respect to asking  
9           permission to do specific interviews.

10          Q.    Okay.  So the response to that inquiry  
11          would be the only other directive you recall in  
12          that regard?

13          A.    Yes.

14          Q.    All right.  Let me refresh both of our  
15          memories by showing you the administrative leave  
16          memo.

17          A.    Okay.

18                   MR. HARRISON:  Let's mark this as  
19          Exhibit No. 8 I believe.

20                                   (Murphy Exhibit No. 8  
21                                   was marked for  
22                                   identification.)

1 BY MR. HARRISON:

2 Q. And if that in any way refreshes your  
3 memory that you wish to make your answer more  
4 precise, feel free to do so in regard to any  
5 restrictions stated therein.

6 (The witness reviewed the document.)

7 THE WITNESS: And so there is not a  
8 specific reference to not granting interviews in  
9 the administrative leave letter other than what's  
10 implicit in not representing yourself as the U.S.  
11 Park Police.

12 BY MR. HARRISON:

13 Q. Thank you. May I have that back for  
14 future reference? Thank you.

15 Now you have indicated that the concern  
16 that you had in terms of a policy or procedure  
17 violation by the chief in her statement to The  
18 Post regarding budget was her use of the \$8  
19 million figure which coincided with the \$8  
20 million requested of OMB, as I understand your  
21 testimony?

22 A. Correct.

1           Q.    So I take it from that that your concern  
2           was not that the chief was saying to the press  
3           the administration is not giving us all the money  
4           we're requesting, it was just disclosure of the  
5           number being requested?

6           A.    That's correct.

7           Q.    Okay.  Now at the time of that  
8           communication, December 2nd of 2003, had the OMB  
9           passed back to the agency what they intended to  
10          propose your budget increase to be for the U.S.  
11          Park Police?

12          A.    I don't remember the date we got the  
13          passback back.

14          Q.    Okay.

15          A.    I don't remember if it had come back by  
16          December 2nd.

17          Q.    When that passback did come back, do you  
18          recall the amount of the increase the OMB was  
19          recommending that you receive?

20          A.    I believe it was for \$3 million.

21          Q.    Okay.  So they had cut back your  
22          proposal by about five million?

1           A.    Correct.

2           Q.    So instead of eight, they were proposing  
3           you get an increase of three?

4           A.    Correct.

5           Q.    Okay.  Now had Chief Chambers gone to  
6           the press and said we really need \$8 million but  
7           we're only getting three, would that have been a  
8           problem?

9           A.    Yes.

10          Q.    Why would that have been a problem?

11          A.    Because the President's budget still has  
12          not been formulated at that time.

13                    You have an appeal process that you go  
14          through once a budget is passed back.

15                    You can send back an appeal, ask for  
16          reconsideration of that amount, so any time in  
17          between submission and passback and the, and the  
18          actual submission to, of the President's budget,  
19          that would be problematic, yes.

20          Q.    Okay.  Now let's say that the budget  
21          eventually gets approved and finalized, which I  
22          assume at some point in time, it does, and you



1           were now in a phase where everyone had signed off  
2           and stamped on the final budget and everyone knew  
3           what it was.

4                        Okay? Are you with me so far? The  
5           budget has now been finally formally approved.

6           A.    Okay.

7           Q.    Okay. And then an employee, whether  
8           Chief Chambers or otherwise, comes forward and  
9           says you know, we really needed X, but we only  
10          got Y amount.

11                       Is that a problem?

12          A.    No.

13          Q.    Okay. Now let's say there is a  
14          circumstance where an employee perceives that a  
15          lack of funding at a particular month in a  
16          particular year -- let me rephrase that -- that a  
17          lack of funding for a particular purpose is  
18          urgent in the sense that if the funding is not  
19          provided at a certain level, that there may be a  
20          public safety hazard or danger, but let's say the  
21          budget has yet to be finalized, still in  
22          progress.

1           Do you believe that that employee is  
2           restricted from communicating to the public the  
3           need for the additional money to eliminate the  
4           danger to the public because the budget has not  
5           been finalized?

6           A.    No.

7           Q.    So in that specific and perhaps narrow  
8           circumstance, you believe the employee could come  
9           forward and say we need X amount of money for  
10          this purpose?

11          A.    That's correct.

12          Q.    Okay.  What happens if that X amount of  
13          money that is mentioned just happens to coincide  
14          with an amount being requested in the yet to be  
15          finalized budget?

16                 Do you believe they still would have the  
17          right to say that under those narrow  
18          circumstances?

19          A.    Not once the budget submission has been  
20          made.

21          Q.    Okay.

22          A.    To OMB, and the budget has been

1           formulated, sent up to OMB, no, they would not.

2           Q.    Okay.  Notwithstanding the perceived  
3           danger to the public?

4           A.    That's correct.

5           Q.    So in that case, you would still see it  
6           as a breach of protocol?

7           A.    That's correct.

8           Q.    You believe in that circumstance, it  
9           would be, apart from the breach of protocol, a  
10          disciplinary offense?

11          A.    Yes.

12          Q.    Did you understand in the case of Ms.  
13          Chambers in her statements to The Post and the  
14          television that she perceived whether or not you  
15          and Mr. Parkinson agreed with her perception that  
16          there was a significant threat to the public and  
17          the icons that was not being adequately protected  
18          with the levels of funding being provided?

19          A.    I'm sorry.  I just didn't hear the first  
20          part of your question.

21          Q.    I'll be happy --

22          A.    Just the first part.

1           Q.    Sure.  I'll see if I can just do that  
2           part.

3                         Did you understand that Ms. Chambers was  
4           telling The Post and the television that she  
5           perceived a threat to the public and the icons  
6           that was not being adequately dealt with with the  
7           levels of funding made available?

8           A.    Yeah, I understood that.  Sure.  Yes.

9           Q.    Was it important to you at the time when  
10          you communicated with Ms. Chambers on December  
11          the 2nd and December the 3rd, the next day,  
12          regarding her statements to the press that the  
13          figure she was talking about to the press in your  
14          view, the \$8 million, was not the amount that OMB  
15          had decided to support giving the Park Police?

16                        Was that a factor in your concern, or  
17          was it just a statement of the figure being  
18          requested?

19          A.    Would you repeat the question?  Sorry.

20          Q.    The distinction I'm making is between a  
21          concern about Ms. Chambers stating the number put  
22          forward in the request to OMB on the one hand

1           versus the number OMB was proposing to give you  
2           being different than what you had requested.

3                         And was this a concern to you, was this  
4           a concern to you, or were both a concern to you  
5           at that time?

6           A.     Well, at the time of The Post article,  
7           the concern was the \$8 million that was mentioned  
8           in the article.

9                         It was part of our budget submission to  
10          the Office of Management and Budget.

11          Q.     Okay. So it was this, and the report I  
12          might have difficulty with, that's why I'm  
13          pointing to in the air the reference to the \$8  
14          million being the amount that was requested, and  
15          it was not this on the right, which is the amount  
16          being granted by OMB being less than what was  
17          requested?

18          A.     That's correct.

19                         MR. HARRISON: Thank you. Let's mark  
20          this document as Exhibit No. 9.

21   (Murphy Exhibit No. 9  
22   was marked for

1 identification.)

2 BY MR. HARRISON:

3 Q. There are three e-mails as I read this  
4 on this page in sequence, the first of which I  
5 believe is at the bottom, and just let me know if  
6 you recognize and remember receiving any or all  
7 of those.

8 (The witness reviewed the document.)

9 BY MR. HARRISON:

10 Q. Looking at the shortest one on the  
11 bottom, it appears to be December 2nd, 2003, at  
12 6:20 p.m.; subject, interviews, from Don  
13 Murphy -- that would be you -- to Teresa, which  
14 would be Ms. Chambers, and it says Teresa, you  
15 are not to grant anymore interviews -- interview  
16 has a T missing there -- without clearing them  
17 with me or the director.

18 Do you recall sending that e-mail?

19 A. Yes.

20 Q. Okay. "You may not reference the  
21 President's '05 budget under any circumstances."

22 Do you recall why you sent that

1 particular e-mail at that time?

2 A. Not specifically. It was -- I had left  
3 voice mail messages to the effect, and I probably  
4 sent the e-mail as a, another means of  
5 communication.

6 Q. Okay. It looks like later on that  
7 evening, the e-mail in the middle was sent by Ms.  
8 Chambers to you?

9 A. Um-hm.

10 Q. Per our conversation earlier this  
11 evening and your e-mail below, I understand that  
12 you have directed that I am not to grant any more  
13 interviews without clearing them with you or the  
14 director, and then she goes on to reference a  
15 potential interview, actual interview that ran  
16 during the eleven o'clock news.

17 Do you recall getting this e-mail from  
18 Ms. Chambers?

19 A. Yes.

20 Q. Okay. And did you -- do you recall the  
21 second paragraph there in that e-mail Ms.  
22 Chambers communicating to you that she could find

1 no reference in her interview text of any media  
2 coverage, apparently including The Washington  
3 Post, regarding the reference to the President's  
4 '05 budget?

5 Did you understand her, she was  
6 communicating that to you, that she was unable to  
7 find that reference?

8 A. Correct. Yes.

9 Q. And then you responded back I take it in  
10 the top e-mail to what you perceived to be that  
11 reference to the '05 budget?

12 A. That's correct.

13 Q. In that top e-mail, it says that you  
14 stated to her the reference to the '05 budget was  
15 made in the second column of the article on page  
16 B8 of The Post, the seventh paragraph.

17 Quoting, she said a more pressing need  
18 is an infusion of federal money to hire recruits  
19 and pay for officer's overtime. She said she has  
20 to cover a 12 million shortfall for this year,  
21 and has asked for 8 million more for next year,  
22 and I think we may have lost our end quote there.



1           A.    I should have closed quotes there.

2           Q.    No problem.

3           A.    So then you are speaking outside the  
4           quote.  The next year obviously refers to the '05  
5           budget.  Have an E missing there.

6                         Since we asked for this 8 million as  
7           part of the '05 budget, and it as reduced in the  
8           passback -- maybe that should be is reduced in  
9           the passback, to \$3 million, this kind of  
10          reference in an interview is not appropriate.

11                        Do you see that?

12          A.    Um-hm.

13          Q.    Do you believe that's an accurate  
14          reflection of your e-mail to Ms. Chambers?

15          A.    Yes.

16          Q.    Okay.

17                        (There was a pause in the proceedings.)

18                        BY MR. HARRISON:

19          Q.    Did you speak with anyone regarding Ms.  
20          Chambers on December the 2nd other than the  
21          conversation you have indicated with the director  
22          regarding the, I believe you said The Washington

1 Post article and your communications we have been  
2 talking about with the chief herself, did you  
3 discuss Ms. Chambers with anyone else?

4 I believe you also mentioned Mr.  
5 Parkinson?

6 A. Um-hm. Yes.

7 Q. Was there any other conversation  
8 regarding Ms. Chambers on that day, December 2nd?

9 A. Not that I recall.

10 Q. Did you discuss Ms. Chambers the  
11 following day on December 3rd with anyone?

12 A. I may have, yes.

13 Q. Who do you recall?

14 A. I had another discussion with Mr.  
15 Parkinson.

16 I discussed it with the director again  
17 because she asked me had I communicated to Ms.  
18 Chambers that she wasn't to do any more  
19 interviews about concerns in the article, so I  
20 answered her questions in that regard.

21 Spoke with Mr. Parkinson in passing, and  
22 I believe that's it, as I can recall.

1           Q.   All right.  And do I understand your  
2           testimony to be that Director Mainella was asking  
3           you sort of as a follow-up did you communicate to  
4           Ms. Chambers to not do any more interviews  
5           consistent with your discussion with the director  
6           the previous day?

7           A.   Yes.

8           Q.   Was there any specific statement made by  
9           Mr. Parkinson or you to him during that  
10          conversation on that day, December 3rd?

11          A.   I don't recall what we discussed  
12          specifically.

13                    It was more kind of in the hall meeting  
14          discussion.

15                    I let him know that I did inform Chief  
16          Chambers she wasn't to do any more interviews  
17          unless she got them cleared, and I told him I  
18          mentioned to her about the passback, or not the  
19          passback, but the budget information that was  
20          talked about in the article, and she wasn't to  
21          discuss the President's budget.

22                    It was just more of an information

1 exchange.

2 Q. Okay. Had Mr. Parkinson inquired as to  
3 what you had told Ms. Chambers, or did you just  
4 volunteer that to him?

5 A. I'm not sure how it came up. I may have  
6 just volunteered it to him.

7 It was the topic of the day, so it kind  
8 of came up naturally.

9 Q. Okay. And it was the topic of the day  
10 because of what?

11 A. Because we had discussed it the previous  
12 day, and he had expressed his concerns to me.

13 Q. As you've stated.

14 A. And that was --

15 Q. Okay. So it was still on both your  
16 minds?

17 A. Yes, it was still on our minds.

18 MR. HARRISON: Let's mark the next  
19 document.

20 This should be No. 10 I believe.

21 (Murphy Exhibit No. 10  
22 was marked for

1 identification.)

2 BY MR. HARRISON:

3 Q. Mr. Murphy, take a look at that and see  
4 if that looks familiar to you.

5 A. Yes.

6 Q. All right. This appears to be two  
7 e-mails, the bottom being the earlier of the two.  
8 The bottom is from Ms. Chambers to you I  
9 believe.

10 Does that look correct?

11 A. That's correct.

12 Q. And Ms. Chambers is mentioning a request  
13 from TV 9 for a live interview regarding the  
14 Pageant for Peace, and she is asking apparently  
15 for clarification from you whether the  
16 prohibition on interviews precludes her from  
17 honoring that request, and I believe your  
18 response is at the top of the document?

19 A. Correct.

20 Q. Okay. And your response reads also on  
21 the same day of the December 3rd, "The  
22 prohibition on interviews includes all

1 interviews, this one requested by channel 9 may  
2 not be granted."

3 And do you recall giving that  
4 communication?

5 A. Yes, I do.

6 Q. Okay. Did you discuss with anyone on  
7 December 3rd other than Ms. Chambers whether or  
8 not to allow that particular Pageant of peace  
9 TV 9 interview to take place?

10 A. I don't recall discussing it with  
11 anyone, no.

12 Q. So you made that decision --

13 A. Correct.

14 Q. On your own initiative?

15 A. Yes. Yes.

16 (There was a pause in the proceedings.)

17 MR. HARRISON: Let's mark this document  
18 as Exhibit No. 11.

19 (Murphy Exhibit No. 11

20 was marked for

21 identification.)

22 BY MR. HARRISON:

1 Q. Take a moment, Mr. Murphy, and tell me  
2 if you recognize this communication.

3 (The witness reviewed the document.)

4 THE WITNESS: Yes.

5 BY MR. HARRISON:

6 Q. All right. And do you recognize this to  
7 be an e-mail from you, John Murphy, to Teresa  
8 Chambers?

9 A. Yes.

10 Q. On December 3rd about 2:24 in the  
11 afternoon?

12 Does that look about right?

13 A. Yes.

14 Q. And the subject is mandatory meeting.  
15 Do you see that?

16 A. Yes.

17 Q. Do you normally refer to meetings that  
18 you're requesting the chief to attend as  
19 mandatory?

20 A. No.

21 Q. Was there something special about this  
22 meeting that made it qualify for the adjective

1 mandatory?

2 A. Yes.

3 Q. What was that?

4 A. The director had limited the time. She  
5 wanted to meet with the chief immediately, so it  
6 was important that we communicate that this  
7 meeting had to take place at this particular  
8 time, and all other -- that this meeting was,  
9 superseded, would supersede all other engagements  
10 or meetings that she had.

11 Q. And the director told you that?

12 A. Yes.

13 Q. Okay. And did she tell you that on  
14 December 2nd or December 3rd?

15 A. I'm not certain. I think it probably  
16 was December 3rd that she decided to have this  
17 meeting.

18 Q. Okay. And did the director tell you  
19 what was so urgent about this particular meeting  
20 content-wise?

21 A. As I said in the e-mail, it was general  
22 U.S. Park Police issues.



1                   We had -- The Post articles had come  
2                   out. I'm sure the director wanted to talk to her  
3                   about those, the messages, the things that had  
4                   been referenced in other e-mails, and it was  
5                   important for her to talk with the chief and the  
6                   assistant chief, and again, the director had  
7                   limited time, and the meeting had to take place  
8                   on that date and time.

9                   Q.    Okay. And was the director meaning to  
10                  use that meeting to communicate something to the  
11                  chief or to receive information from the chief?

12                 A.    I think both.

13                 Q.    Okay. Did the director tell you what  
14                  she intended to communicate to the chief?

15                 A.    No, she didn't.

16                 Q.    At that point in time, which would have  
17                  been the afternoon of December 3rd, did you have  
18                  a plan to communicate something to the chief in  
19                  that meeting?

20                 A.    No.

21                 Q.    Okay. Do you know why Mr. Ben Holmes,  
22                  the assistant chief, was included as a mandatory

1 participant in this particular meeting?

2 A. He's part of the chief's command staff.  
3 He acts for the chief when the chief is not  
4 there, and the director wanted to make sure that  
5 both Ms. Chambers and Mr. Holmes were present.

6 Q. Was it typical for the assistant chief,  
7 Ben Holmes, to be required to attend a meeting  
8 between the chief and the director?

9 A. Not all the time, no.

10 Q. Is it your testimony that it is  
11 coincidental that that same day and time turned  
12 out to be the meeting time when Ms. Chambers is  
13 given her administrative leave memo?

14 A. Yes.

15 Q. Yes, it is coincidental?

16 A. Yes, it is coincidental.

17 Q. Did the director intend to issue any  
18 discipline regarding Ms. Chambers during that  
19 Friday meeting?

20 A. Not that I know of, not that I was aware  
21 of, no.

22 Q. As of the time of this memo, the

1           afternoon of December 3rd, did you intend to  
2           issue any discipline to Ms. Chambers in that  
3           meeting?

4           A.    I -- not in that meeting, no.

5           Q.    As of the time of this memo, the  
6           afternoon of December 3rd, did you intend to  
7           issue any discipline to Ms. Chambers on that  
8           Friday?

9           A.    Not at that particular time, no.

10          Q.    Okay.  And to clarify, when you say not  
11          at that particular time, it could be in reference  
12          to you hadn't decided yet to issue discipline, or  
13          it could mean that you had decided to issue  
14          discipline, but not on Friday.

15                 Which of the two did you mean?

16          A.    I had decided to, that some discipline  
17          was going to be issued, but I hadn't decided on  
18          Friday or a date or anything like that.

19          Q.    Okay.  And had you decided the nature of  
20          the discipline to be issued at this point in  
21          time?

22                 That would be the afternoon, 2:24 on

1 December 3rd.

2 A. No; not entirely, no.

3 Q. Okay. How far along do you think you  
4 were at that point in time?

5 A. I was just formulating in my mind, my  
6 own mind, going over my notes, past actions, that  
7 sort of thing, so it was in stages of  
8 formulation.

9 Q. Okay. Was anyone other than yourself  
10 involved in that process?

11 A. Would that be attorney-client privilege?

12 MR. L'HEUREUX: You can tell him.

13 BY MR. HARRISON:

14 Q. You can give a name without saying what  
15 was said.

16 A. Sure. I had begun to have discussions  
17 with the Office of General Counsel.

18 Q. Okay. And the name of the person you  
19 communicated with there?

20 A. That would Hugo Teufel.

21 Q. Any other attorney there that you  
22 communicated with?

1           A.    No.

2           Q.    When did you first communicate with Mr.  
3           Teufel in regard to your contemplation of  
4           discipline regarding Ms. Chambers during that  
5           week?

6           A.    It would have been some time late on  
7           December 3rd or early on the 4th.

8           Q.    Okay.  Are you sure which?

9           A.    No, I'm not.  I can't remember exactly.

10          Q.    All right.  Do you recall whether you  
11          had spoken to Mr. Teufel prior to issuing this  
12          e-mail that we're looking at of December 3rd at  
13          2:24?

14          A.    No, I don't recall if I had spoken to  
15          him prior.

16          Q.    Okay.  Had you contacted the Human  
17          Resources office regarding your contemplation of  
18          discipline regarding Ms. Chambers prior to 2:24  
19          p.m. on December 3rd?

20          A.    I don't recall, but I may have.  It  
21          would have been around that time or again early  
22          on, on the, on December the 4th.

1           Q.    Okay.  And would you have communicated  
2           to Mr. Hugo Teufel in the presence of the Human  
3           Resources staff person, or would it have been in  
4           separate discussions?

5           A.    I recall having separate discussions and  
6           then subsequently discussions jointly, with him  
7           jointly.

8           Q.    Joint discussions with the Human  
9           Resources person and Mr. Teufel from the General  
10          Counsel's Office; what date would that have  
11          occurred on?

12          A.    Some time on December 4th as well.

13          Q.    And the person from Human Resources  
14          would have been, who was present there, who would  
15          that have been?

16          A.    Steve Krutz.

17          Q.    Okay.  When you spoke to the Human  
18          Resources person privately without the attorney  
19          being present, do you recall what you said to  
20          them on the 3rd or the 4th?

21          A.    I don't recall specifically what I said,  
22          but during that time, I was contemplating

1 disciplinary action, and I talked generally with  
2 the Human Resources people about, or person,  
3 about my taking disciplinary action, and I was  
4 just seeking their counsel as you do in those  
5 cases.

6 Q. Um-hm. Did the subject of removal or  
7 termination or firing come up in that  
8 conversation?

9 A. I don't believe so; not that I recall;  
10 not in those initial discussions.

11 Q. Okay. Do you recall the first time that  
12 the concept of removal, termination, or firing  
13 came up in your discussions with Human Resources?

14 A. It would have been subsequent to placing  
15 Ms. Chambers on administrative leave.

16 Q. So after December 5th?

17 A. Yes.

18 Q. Do you recall -- okay. Do you recall  
19 when?

20 A. It would have been the following Monday  
21 or Tuesday; probably the following Monday.

22 Q. Okay.

1           A.    We discussed a range of options.

2           Q.    Including removal?

3           A.    Correct.

4           Q.    And do you know who would have been  
5 present for that discussion?

6           A.    I was present, and Human Resources, Mr.  
7 Krutz or Mr. Davies.

8                    Mr. Krutz and Mr. Davies worked  
9 together, and Mr. Teufel, and then Mr. Teufel  
10 brought in some of his other staff from General  
11 Counsel.

12          Q.    And do you know who that would have  
13 been?

14          A.    Well, it was Ms. Jackson.

15          Q.    Jackie Jackson?

16          A.    Yes.

17          Q.    Anyone else?

18          A.    No, not that I can recall.

19          Q.    Okay. Do you know the outcome of that  
20 meeting, what, how you left the issue?

21          A.    This could be getting into  
22 attorney-client privilege.



1           I was discussing some specific things  
2           with counsel.

3           MR. L'HEUREUX: Can we confer so he can  
4           tell me what he's going to say?

5           MR. HARRISON: Do you want to step out?

6           MR. L'HEUREUX: Yeah, we would like to  
7           step out.

8           MR. HARRISON: Sure. Go ahead.

9           (The witness conferred with counsel  
10          outside the room.)

11          BY MR. HARRISON:

12          Q. So I had asked you, Mr. Murphy, how the  
13          issue of the discipline of Ms. Chambers was left  
14          at the end of that meeting you described, which  
15          would have been on or about December the 8th, a  
16          Monday.

17          And how was that issue left?

18          A. We, I decided that, that after noticing  
19          a pattern of not following my instructions, that  
20          some disciplinary action needed to be  
21          contemplated here.

22          However, at the end of this meeting, we

1       decided, I mean I really felt that the  
2       relationship was worth attempting to salvage and  
3       to do something to try to rectify the situation  
4       short of discipline, and that's how we left it at  
5       the end of the meeting, and that we would get --

6             Q.    You mean short of removal?

7             A.    Correct, short of removal, and that we  
8       would --

9             Q.    Yes.

10            A.    Get together and discuss it further, but  
11       we decided that it would be worth contemplating  
12       what steps would we take to salvage this, this  
13       relationship.

14            Q.    Okay.  Do you know whether that decision  
15       was memorialized in any way, written down?

16            A.    No, it was not written down.

17            Q.    Okay.  Do you think everyone left the  
18       meeting with that understanding?

19            A.    Yes.

20            Q.    Okay.  When was the first point in time  
21       at which you had decided yourself that Ms.  
22       Chambers would be placed on administrative leave

1 on the afternoon of Friday, December 5th?

2 A. It was late on December 4th, late, late  
3 afternoon on December 4th.

4 Q. Okay. Do you believe, is it your  
5 position that that decision was yours and only  
6 yours?

7 A. Yes, it was.

8 Q. Did anyone input into that decision?

9 A. No.

10 (There was a pause in the proceedings.)

11 MR. HARRISON: Let's mark this document  
12 as Murphy Exhibit No. 12.

13 (Murphy Exhibit No. 12  
14 was marked for  
15 identification.)

16 BY MR. HARRISON:

17 Q. Do you recognize any of these e-mails,  
18 Mr. Murphy?

19 A. Yes.

20 Q. Okay. It looks again like we have a  
21 series of three on the same page.

22 It appears that the most recent is at

1 the bottom.

2 A. Um-hm.

3 Q. That appears to be a duplicate that we  
4 saw in another page.

5 That's the 2:24 p.m. December 3rd  
6 e-mail, would you agree?

7 A. It is.

8 Q. Okay. The middle e-mail is 3:33 p.m. on  
9 December 3rd.

10 That appears to be a response from Ms.  
11 Chambers to you.

12 And do you recall receiving that?

13 A. Yes.

14 Q. Okay. And essentially Ms. Chambers is  
15 agreeing to make the meeting that you had  
16 requested as mandatory on Friday, the 5th, is  
17 that correct?

18 A. That's correct.

19 Q. All right. And do you see there a  
20 request from Ms. Chambers to you asking is there  
21 anything Ben and I need to prepare ahead of time  
22 or documents we should bring?

1 A. Yes.

2 Q. All right. And do you recall ever  
3 telling her the answer to that question?

4 A. No.

5 Q. Okay. The e-mail at the top of that  
6 page, do you recognize that?

7 A. Yes.

8 Q. Okay. Had you seen that before?

9 A. I didn't receive this directly. I  
10 received it subsequently.

11 I can't recall when, but I have seen it.

12 Q. Okay. Do you think you would have seen  
13 it prior to the litigation in the course of doing  
14 your job, or do you think you only saw it as part  
15 of the litigation?

16 A. I really don't remember, I don't  
17 remember seeing it in the course of doing my job.

18 I had received the previous memo.

19 Q. Okay.

20 A. Or previous e-mail.

21 Q. All right. And do you see Ms. Chambers  
22 in that e-mail asking the director whether there

1 is anything that Ben Holmes and she need to  
2 prepare for the Friday meeting?

3 Do you see that?

4 A. Yes.

5 Q. Okay. And do you see that Ms. Chambers  
6 is saying that rumors are abounding because of  
7 the scant information about the meeting?

8 A. Yes.

9 Q. And do you know whether there were in  
10 fact any rumors being spread about that meeting  
11 in advance of it?

12 A. Not that I know of.

13 Q. Do you know whether any personnel other  
14 than yourself -- let me just ask you who else  
15 would have known prior to your meeting with Ms.  
16 Chambers on Friday, the 5th of December, that you  
17 were going to discipline her?

18 Who would have known that in advance?

19 A. I didn't discipline her on December 5th,  
20 so I'm not sure I understand the question.

21 Q. You did not consider placing her on  
22 administrative leave to be discipline?

1 A. No.

2 Q. Because she still is being paid you  
3 mean?

4 A. It wasn't, it wasn't considered  
5 discipline.

6 I counseled with the Human Resources  
7 folks for that very purpose, and so no.

8 Q. So you didn't consider that punishment  
9 any kind?

10 A. No.

11 Q. Okay. You understood that she was being  
12 relieved of her gun and her badge and all of her  
13 duties?

14 A. That's correct.

15 Q. Okay. That's a substantial change in  
16 her working condition would you say?

17 A. Yes.

18 Q. Okay, but you didn't consider it  
19 discipline?

20 A. No, I did not.

21 Q. Okay. At that point in time, if it was  
22 not a disciplinary action, why were you doing it?

1           A.    I was contemplating disciplinary action.  
2           I noticed over an extended period in specific  
3           circumstances, a failure to follow my  
4           instructions.

5                        This had gotten to a point where I felt  
6           that it was necessary for this not to be allowed  
7           to continue any longer, and so while I continued  
8           to develop and contemplate what specific  
9           disciplinary actions I was taking, that this was  
10          the best way for me to manage this personnel  
11          situation I was faced with.

12          Q.    Um-hm.  So in terms of -- so as I  
13          understand your testimony, you were putting Ms.  
14          Chambers on administrative leave because you had  
15          a developing concern about a perceived pattern, a  
16          pattern that you perceived that Ms. Chambers was  
17          not following your instructions?

18          A.    That's correct.

19          Q.    And so given that, you perceived there  
20          was such a pattern developing, was there a reason  
21          why you couldn't have dealt with it without  
22          putting her on administrative leave?



1           A.    I felt under the circumstances, that in  
2           this personnel situation, and given the history  
3           and the pattern that I had noticed, that this was  
4           the best way to deal with this personnel  
5           situation, yes.

6           Q.    At that point, did you contemplate Ms.  
7           Chambers not returning to duties?

8           A.    No.

9           Q.    Did you anticipate she would return to  
10          duties?

11          A.    That's correct.

12          Q.    Did you anticipate some sort of  
13          performance improvement plan or training or  
14          clarified expectations as part of that process?

15          A.    Yes, I did.

16          Q.    Okay. Did you ever memorialize that  
17          thought into any document?

18          A.    Yes.

19          Q.    Okay. And what document would that have  
20          been?

21          A.    After Ms. Chambers was placed on  
22          administrative leave, and I had a chance to speak

1 to the Human Resources staff and to counsel, as I  
2 have previously mentioned, I determined that  
3 efforts needed to be made to salvage this  
4 relationship, as I had said earlier, and I made  
5 the decision to, to meet with Ms. Chambers, and  
6 after her being placed on administrative leave,  
7 she had retained counsel, so I met with our  
8 counsel and asked them what the best way to go  
9 about --

10 Q. Having that meeting?

11 A. Having that meeting.

12 Q. All right. Now I had asked you had you  
13 memorialized your thought about the process for  
14 salvaging the relationship through one of those  
15 methods I mentioned, and I don't know if you told  
16 me the document that you memorialized that in.

17 A. It was in -- it was during our December  
18 12th meeting that we subsequently had.

19 Q. I see.

20 A. On Friday afternoon, and during that  
21 time, we drafted the document that you're  
22 referring to.

1           Q.    Understood.  So that document was  
2           created for the first time on that day of the  
3           12th of December?

4           A.    That's correct.

5           Q.    And were you the author?

6           A.    Yes.

7           Q.    Okay.  So on December the 5th, at the  
8           time that Ms. Chambers was walking down the  
9           hallway of your office building to meet with you,  
10          the persons who should have known that you were  
11          going to place her on administrative leave,  
12          putting aside the concept of discipline for just  
13          a moment, would have been yourself, Mr. Teufel?

14          A.    Right.

15          Q.    Mr. Krutz?

16          A.    Yes, Mr. Krutz and Mr. Davies.

17          Q.    And both?

18          A.    Yes.

19          Q.    Okay.  Any other persons that you know  
20          knew at that time?

21          A.    Yes.  The special agent, Pat Buccello,  
22          was in the room with her supervisors, who were

1 Karen Taylor-Goodrich and Don Cuehlo.

2 Q. Don's last name is?

3 A. Cuehlo.

4 Q. Okay. Now I'm assuming -- correct me if  
5 I'm wrong -- that the special agent may not have  
6 known much before the arrival in your office that  
7 administrative leave was to happen.

8 Did you tell her in advance, or did  
9 anyone tell her in advance?

10 A. She was informed in advance, yes.

11 Q. Okay. Do you know when she might have  
12 been told?

13 A. Some time late afternoon on, on Friday.  
14 December the 5th.

15 Q. Prior to the meeting?

16 A. Prior to?

17 Q. We're just talking about the December  
18 5th meeting where you gave the chief her  
19 administrative leave memo.

20 A. Correct.

21 Q. And you're telling me when the special  
22 agent might have first been informed as to what

1 was going to happen.

2 A. It's late afternoon on December 5th  
3 prior to the meeting.

4 Q. Okay. What time did the meeting take  
5 place with the chief on December 5th?

6 A. Gee --

7 Q. About four o'clock?

8 A. Four or five o'clock, something like  
9 that.

10 Q. Four or five; so the special agent may  
11 not have known for more than an hour or two or  
12 less before the meeting?

13 A. I wouldn't say less. It was probably a  
14 couple hours.

15 Q. Okay. Now the Human Resources people  
16 that you mentioned who would have known that you  
17 were going to place the chief on administrative  
18 leave at that time, on Friday, when would they  
19 have first known that?

20 A. Would have been earlier that day on  
21 Friday.

22 Q. Okay.

1           A.    In the morning on Friday.

2           Q.    Okay.  Okay, and did you communicate  
3           that to them, or did someone else?

4           A.    No.  I did.

5           Q.    Was that in a meeting?

6           A.    It was just -- yeah, with us, with the  
7           Human Resources folks.

8                    I believe it was that Friday.  It was  
9           Dave Davies was on because Steve Krutz normally  
10          is off on Fridays.

11          Q.    Um-hm.  Okay.  And so you communicated  
12          that to just one person from Human Resources?

13          A.    Yes.

14          Q.    Okay.  All right.  Mr. Teufel, when  
15          would he first have known?

16          A.    That same, that same day some time; Mr.  
17          Teufel did know some time that same day on  
18          Friday, that morning.

19          Q.    Okay.  Did anyone know on December the  
20          4th that you planned to place the chief on  
21          administrative leave the next day?

22          A.    Not that I know of.

1           Q.    Did you communicate to anyone on  
2           December the 4th, the day prior, that you were  
3           going to issue some discipline to the chief the  
4           next day?

5           A.    No.

6           Q.    No one at all?

7           A.    I didn't issue any discipline to the  
8           chief on the next day.

9           Q.    I understand your language in that  
10          regard.

11                    Did you communicate to anyone at all,  
12          putting semantics aside, on December the 4th that  
13          you were going to take some action in regard to  
14          the chief the next day?

15          A.    I believe I had a discussion with the  
16          Human Resources folks late on the, on the 4th  
17          about whether the, what are the procedures for  
18          placing someone on administrative leave, and  
19          could they advise me about that?

20          Q.    Okay.  So they might have at least  
21          inferred you were intending to do that?

22          A.    Correct.

1 Q. Do you know who you talked to there?

2 A. It was probably Steve Krutz because he  
3 was on Thursday, and he was whom I was primarily  
4 working with.

5 Q. Okay. And did you mention Ms. Chambers  
6 in the conversation?

7 A. Yes. I'm sure I did, yes.

8 Q. Was the discussion simply about the  
9 procedure, or did it get into whether or not it,  
10 the action should be taken?

11 A. No. It was about the procedure.

12 Q. Okay. Have you subsequently learned  
13 after December 5th that some person or persons  
14 other than those you have named did in fact come  
15 to learn that you were going to take some action  
16 regarding Ms. Chambers prior to the meeting on  
17 December 5th taking place?

18 A. I had suspicion that that was the case,  
19 yes.

20 Q. Okay. Have you confirmed it?

21 A. No. I mean -- no.

22 Q. Okay. What caused you to be suspicious



1 about that?

2 A. Well, because during the time that the  
3 chief was placed on administrative leave that  
4 Friday, there were a group of people that came to  
5 the Interior building who obviously had that  
6 knowledge because they were there to -- I don't  
7 know. Protest is too strong of a word.

8 Q. Express their concern?

9 A. Express their concern.

10 Q. Okay. How about personnel working in  
11 your building?

12 Did you come to know whether any of  
13 those folks might have learned in advance of the  
14 meeting?

15 A. I don't know that.

16 (There was a pause in the proceedings.)

17 THE WITNESS: Excuse me. We're going to  
18 need to take a really brief break.

19 We had our driver coming at four  
20 o'clock, and we need to not have him come.

21 MR. HARRISON: That's fine. We can take  
22 a break. I wouldn't mind a break myself.

1                   We'll probably close today about five,  
2                   if that helps you any.

3                   THE WITNESS: Yeah, that would be  
4                   perfect. That way, I can let him know as well.

5                   MR. HARRISON: We won't be ending the  
6                   deposition today, but we'll be closing.

7                   THE WITNESS: That's fine.

8                   (A recess was taken.)

9                   MR. HARRISON: Back on the record.

10                  BY MR. HARRISON:

11                  Q. Mr. Murphy, on the 4th of December,  
12                  which would be the day before you placed Ms.  
13                  Chambers on administrative leave, I believe you  
14                  received a communication from Ms. Debbie  
15                  Weatherly by e-mail in the morning.

16                  Do you recall that?

17                  A. Yes.

18                  Q. Okay. And let's go ahead and mark this  
19                  document -- I don't believe we've done that  
20                  yet -- as the next exhibit number, which might be  
21                  13.

22                  (A discussion was held off the record.)

1 BY MR. HARRISON:

2 Q. Do you recall when during the day on the  
3 4th of December you may have read this e-mail  
4 from Ms. Weatherly?

5 A. It was shortly after it was sent, so it  
6 was 9:04 in the morning, so it would have been  
7 shortly after that, 9:30, ten o'clock.

8 Q. Do you have one of those systems that  
9 sort of gives you a beep when you're getting a  
10 new message?

11 A. It does, but I don't have it set on  
12 beep.

13 Q. How would you know to look for this  
14 e-mail within that timeframe?

15 Was it just coincidental that you read  
16 it?

17 A. No. I had had a conversation with Ms.  
18 Weatherly about her prior conversations with,  
19 with, with Chief Chambers on the subjects that  
20 are here in the memo.

21 Q. So it gave you a heads-up to expect the  
22 e-mail?

1           A.    Yes.

2           Q.    I see.  And when did you have that  
3           conversation with Ms. Weatherly?

4           A.    It would have been either late on the  
5           3rd, or early that morning.

6           Q.    On the 4th?

7           A.    On the 4th.

8           Q.    What time do you normally come to work  
9           on weekdays?

10          A.    Six AM.

11          Q.    Okay.  And in that conversation -- well,  
12          let me ask you who initiated that particular --  
13          it was a telephone call I take it?

14          A.    Yeah.  I initiated the telephone call.

15          Q.    Okay.  So why did you call Ms. Weatherly  
16          on the afternoon of the 3rd or the early morning  
17          of December 4th?

18          A.    Because this was during the time I was  
19          formulating in my mind what disciplinary action  
20          should or should not be taken, and when I was, it  
21          was clear in my mind that there was a, this  
22          pattern of not, of the chief not following my

1 instructions, and so I wanted to get some clear,  
2 some clarity on some of the things that I had  
3 known and understood to have taken place in the  
4 past, and so I asked Ms. Weatherly about this  
5 incident specifically that's referenced here in  
6 the e-mail.

7 Q. Okay. And this --

8 A. And she said --

9 Q. Pardon me.

10 A. And she just said I can send you an  
11 e-mail with the information.

12 Q. Okay. So did she spell it out in the  
13 telephone call, repeat it in the e-mail, or did  
14 you say we can save ourselves some phone calls  
15 if --

16 A. No. She talked.

17 Q. She did talk about it?

18 A. Yes.

19 Q. In that call?

20 A. Right. And then she said I'll send you  
21 an e-mail about it.

22 Q. Okay. And I take it that what you asked

1 her about in this call was Ms. Chambers'  
2 communications to her on November 3rd?

3 A. Correct.

4 Q. Okay. Did you ask Ms. Weatherly to  
5 memorialize her information in an e-mail or a  
6 document?

7 A. I don't recall if I asked her  
8 specifically to memorialize it.

9 I remember her saying I could send an  
10 e-mail about this because we were talking about a  
11 lot of details.

12 Q. Um-hm. Did you tell Ms. Weatherly at  
13 the time why you were calling her, how you might  
14 use the information?

15 A. I told -- see, I recall telling her that  
16 I needed this, this background information for  
17 Ms. Chambers, and could she just give me -- in  
18 fact I specifically said I can't tell you why,  
19 but would you give me, you know, your  
20 recollection of what happened?

21 We had a discussion. She told me  
22 verbally, and then she said she would provide it

1 in an e-mail.

2 Q. Okay. Do you see the first sentence of  
3 this e-mail that says Don in light of the  
4 inaccurate news reports this week, I just wanted  
5 to remind you about our conversation several  
6 weeks ago regarding Teresa Chambers?

7 Do you see that?

8 A. Yes. Um-hm.

9 Q. Does that indicate that Ms. Weatherly is  
10 trying to communicate to the reader about that  
11 the motive behind this e-mail was basically Ms.  
12 Weatherly's observation of certain news reports  
13 regarding Ms. Chambers and not your telephone  
14 call?

15 MR. L'HEUREUX: Objection. Calls for  
16 the witness to speculate.

17 You can answer.

18 BY MR. HARRISON:

19 Q. You can answer.

20 A. Is it all right?

21 MR. L'HEUREUX: You can answer.

22 THE WITNESS: I don't know. My honest

1           answer is I was a little surprised to see the  
2           e-mail, to tell you the truth.

3                       BY MR. HARRISON:

4           Q.    Okay.

5           A.    And I'm not sure.  I mean that's her,  
6           that's her personal interpretation.  That's how  
7           she started out.

8           Q.    Understood.  Is it fair to say that had  
9           you not took the initiative to call Ms. Weatherly  
10          on late December 3rd or early December 4th, that  
11          you would not have received this e-mail from her  
12          on the 4th?

13                    Is that fair?

14          A.    It's fair, but it's not necessarily so.  
15          Ms. Weatherly, when she gets a burr in her  
16          saddle, calls people and talks to them.

17          Q.    Sends e-mail?

18          A.    Sends e-mails, so -- but I mean I think  
19          it is fair to say that our conversation led to  
20          this e-mail under those circumstances.

21          Q.    So this particular e-mail you believe  
22          was prompted by your call?



1 A. Yes.

2 Q. Had you ever received any e-mails from  
3 Ms. Weatherly regarding Ms. Chambers in the past?

4 A. Not that I recall.

5 Q. So what do you think -- well, do you  
6 know what Ms. Weatherly is referring to when she  
7 says inaccurate news reports this week?

8 A. Do I know what she was talking about?

9 Q. Yes. What was she referring to here?

10 A. Well, she, I mean she must have been  
11 referring to the, to the December 2nd article and  
12 the various interviews that's on the television.

13 That's what was going on that week with  
14 reference to Ms. Chambers.

15 Q. So that's how you would read that?

16 A. That's how I would read it.

17 Q. Okay. Did the issue of The Washington  
18 Post article of December 2nd or those media  
19 interviews of the same date with Ms. Chambers,  
20 did that topic come up in your telephone call  
21 with Ms. Weatherly?

22 A. Yes, it did.

1 Q. Okay. Did you bring it up?

2 A. No, I didn't.

3 Q. She did?

4 A. Yes.

5 Q. Do you recall what Ms. Weatherly said  
6 about it?

7 A. Oh, something to the effect what's going  
8 on with the chief? Why is she saying those  
9 things in the media? They're just not true.  
10 Congress has been very generous to the U.S. Park  
11 Police. I don't understand why she feels that  
12 way, things that --

13 Q. Did Ms. Weatherly quote a particular  
14 statement by the chief that she felt was  
15 inaccurate can you recall?

16 A. In the call, not that I, not that I can  
17 recall; in the telephone, not specifically, no.

18 Q. Was it a motivation for you to place the  
19 chief on administrative leave that the chief  
20 staffer for the Appropriations Committee that  
21 controls your agency's budget was expressing  
22 concerns about Ms. Chambers?

1           A.    No.

2           Q.    No?

3           A.    No.

4           Q.    Okay.  At the end of the memo, Ms.  
5           Weatherly states I want to work with you to  
6           correct this situation as soon as possible.

7                    Do you see that?

8           A.    Yes.

9           Q.    Did you give Ms. Weatherly any reason to  
10          believe that you were going to take some action  
11          in the near future to correct whatever she means  
12          by this situation?

13          A.    Well, I read that as her referring to  
14          the overall U.S. Park Police budget and NAPA  
15          report, all of the things that we have been  
16          working on over the last several months with  
17          respect to the U.S. Park Police that she felt  
18          were not working the way that they should, the  
19          members of Congress actually felt that weren't  
20          working the way that they should.

21                    She represents her members.

22          Q.    Okay.  When she says just prior to that

1 last sentence referring to the information she's  
2 faxing to you, I hope this will be helpful, what  
3 does she mean?

4 Helpful for what purpose?

5 A. Well, the way I read that and read it at  
6 the time, she was hoping it would be helpful in  
7 terms of providing an accurate picture of the  
8 U.S. Park Police budget over the last several  
9 years.

10 Q. Okay. Did she mean I hope it will help  
11 you rebut publicly what Ms. Chambers is saying?

12 A. I don't know if she meant that or not.

13 Q. Okay. Did you not understand that part  
14 of the situation that Ms. Weatherly wants to work  
15 with you to correct was specific to Ms. Chambers?

16 A. I understood that it was specific to the  
17 United States Park Police.

18 That's the way I read this.

19 Q. Okay, but not specifically in regard to  
20 Ms. Chambers or her conduct?

21 A. Not necessarily; I mean not specific to  
22 that, no.

1           Q.    Okay.  You do understand that Ms.  
2           Weatherly references Ms. Chambers a number of  
3           time in this one-page memo?

4           A.    Yes.

5           Q.    Okay.  You see the middle paragraph  
6           there, that is a single sentence paragraph which  
7           states I saw Ms. Chambers on television the other  
8           night, again, indicating publicly that there is a  
9           dangerous crisis because of a lack of money and  
10          staff.

11                    Do you see that?

12          A.    Yes.

13          Q.    Okay.  Is that something Ms. Weatherly  
14          stated to you on the telephone?

15          A.    Yes.

16          Q.    Okay.

17          A.    Yes, she did state that on the  
18          telephone.

19          Q.    All right.  Do you believe that Ms.  
20          Chambers saying on television that there is a  
21          crisis, a dangerous crisis because of lack of  
22          money and staff to be an offense that subjects

1 Ms. Chambers to discipline?

2 A. No.

3 Q. At the end of the first long paragraph,  
4 Ms. Weatherly states just the other day, she,  
5 referring to Ms. Chambers, sent me an e-mail in  
6 which she again requests more money and staff and  
7 contends that most of the NAPA recommendations  
8 have been implemented, and forwarded that e-mail  
9 to you under separate cover.

10 Do you see that?

11 A. Um-hm.

12 Q. Did you get the e-mail forwarding then?

13 A. I believe so, yes.

14 Q. Okay. So when you said you had received  
15 no other e-mails from Ms. Weatherly, you didn't  
16 mean to say she didn't send you this document by  
17 e-mail, or was it sent to you by fax?

18 A. I mean I don't recall having said that,  
19 but I mean she -- oh, I remember when you said  
20 had I received other e-mails from Ms.

21 Weatherly --

22 Q. Yes.

1           A.    I just didn't remember that one, but  
2           yeah, I recall that e-mail.

3           Q.    Okay.  So you did receive it?

4           A.    Um-hm.

5           Q.    All right.

6                    (There was a pause in the proceedings.)

7                    THE WITNESS:  Can I provide  
8           clarification on one of his questions?

9                    I just want to provide clarification --

10                   BY MR. HARRISON:

11           Q.    You may.

12           A.    On your question.

13           Q.    Sure.

14           A.    Because you asked had I received other  
15           e-mails from Ms. Weatherly.

16                    This was a forwarded e-mail, and I don't  
17           recall --

18           Q.    I understood.

19           A.    Seeing any other --

20           Q.    Directly from?

21           A.    Directly from her.

22           Q.    I appreciate that.  You should always

1           feel free to clarify if you need to do so.

2                       Let's go ahead and mark this one copy --  
3           we'll bring other copies in here in a moment --  
4           as I believe Exhibit 13 for the Murphy  
5           deposition.

6                                       (Murphy Exhibit No. 13  
7                                       was marked for  
8                                       identification.)

9                       THE WITNESS: This is 13?

10                      BY MR. HARRISON:

11                     Q. Yes, I believe that should be marked --  
12           we had started to number another document, but  
13           changed our minds, so this is the official No.  
14           13.

15                     So take a moment and see if you  
16           recognize that to be the forwarded e-mail.

17                     A. Yes, it is.

18                     Q. Okay. Very good. So you received this  
19           by a forwarding of an e-mail to your e-mail, and  
20           it is originally an e-mail from Ms. Chambers to  
21           Ms. Weatherly which Ms. Weatherly in turn  
22           forwarded to you?



1           A.    Yes.

2           Q.    Okay.  And did you discuss this  
3           particular e-mail or the fact that it occurred  
4           with Ms. Weatherly on the telephone?

5           A.    I think she mentioned it to me, but we  
6           didn't have a lengthy discussion about it.

7           Q.    Okay.  Did she tell you she would be  
8           forwarding it to you?

9           A.    Yes.

10          Q.    Did you request her to do so?

11          A.    No, I did not.

12          Q.    And this call between you and Ms.  
13          Weatherly, you're remembering was certainly that  
14          you initiated it?

15          A.    I did initiate it.  I remember, yes.

16          Q.    Was it a call back to her, or did you  
17          sort of call her cold?

18                 You know what I mean.  Had she called  
19          you and then you were returning her call?

20          A.    No.  I telephoned her.

21          Q.    Okay.  So when did you read this e-mail  
22          that was forwarded to you from Ms. Weatherly that

1 was Ms. Chambers' e-mail to Ms. Weatherly?

2 A. I really don't recall. I received this  
3 e-mail, I have to look at the date when it  
4 forwarded, but I'm sure it was in the same  
5 timeframe.

6 Q. Okay. It appears -- let's see. I don't  
7 know if we can tell.

8 Actually this is not the forwarded  
9 version, so --

10 A. No, it's not.

11 Q. Have you maintained the forwarded  
12 version do you believe?

13 A. I believe I have.

14 Q. Okay. That may answer the question.  
15 Your memory doesn't give you a precise  
16 recollection when it was?

17 A. Not precise, but it was around this same  
18 time; probably had it the same day or the next  
19 day.

20 I think she sent both of these e-mails  
21 at the same time.

22 Q. I understand.

1           A.    The forwarded one and this one.

2           Q.    Okay.  I appreciate that.  So it appears  
3           that the original e-mail from Ms. Weatherly to  
4           you would have been about 9:04 a.m. on the 4th,  
5           morning of the 4th, so perhaps shortly after or  
6           at the same time, you would have received the  
7           forwarded e-mail?

8           A.    Yes.

9           Q.    And you believe you would have read it  
10          when you received it?

11          A.    Yes.

12          Q.    Did you make any memorialization of your  
13          reaction to this e-mail that Ms. Chambers sent to  
14          Ms. Weatherly at the time you read it?

15          A.    No, I did not.

16          Q.    Did you discuss Ms. Chambers' e-mail to  
17          Ms. Weatherly that Ms. Weatherly forwarded to you  
18          with anyone after you received it?

19          A.    No.  No, I did not.

20          Q.    Did you copy anyone with it?

21          A.    No, not that I recall.

22          Q.    Not the director?

1           A.    I don't believe so, no.

2           Q.    Did you show it to Human Resources?

3           A.    I may have shown it to Human Resources  
4           during the period that we were developing the  
5           proposal to remove.

6           Q.    Okay.  Would that have been after  
7           December 5th?

8           A.    It would have been some time after  
9           December 5th, yes.

10          Q.    Would not have been prior to December  
11          5th?

12          A.    Oh, no.

13          Q.    Would anyone have seen this memo, to  
14          your knowledge, e-mail from Ms. Chambers to Ms.  
15          Weatherly from your hands on December 4th or  
16          December 5th?

17          A.    Would anyone have seen this?

18          Q.    The e-mail that was forwarded to you by  
19          Ms. Weatherly.

20          A.    Oh, the one forwarded -- I don't believe  
21          so.

22          Q.    Okay.

1           A.    You're saying prior to December 5th was  
2 your question?

3                    No.

4           Q.    Now the e-mail that was directly from  
5 Ms. Weatherly to you of December 4th, who would  
6 have seen that, if anyone, on December 4th other  
7 than you?

8           A.    No one saw it other than me.

9           Q.    Okay. Did you submit that for review by  
10 Human Resources at some point, that memo from  
11 Weatherly to you?

12          A.    Yes, some time after the 5th, some time  
13 during the week of the 8th.

14          Q.    Did anyone see the memo from Ms.  
15 Weatherly to you on December 4th or December 5th  
16 other than you?

17          A.    Your question is did anyone see the memo  
18 of December 4th other than me?

19          Q.    On the 4th or the 5th.

20          A.    No, not that I know of.

21          Q.    And as far as you know, you didn't  
22 forward it to anyone at that time?

1           A.    That's correct.  I did not.

2           Q.    Have you discussed with anyone at any  
3           time since you received the forwarded e-mail  
4           originally sent by Ms. Chambers to Ms. Weatherly,  
5           have you discussed with anyone any concerns you  
6           had about that e-mail?

7           A.    No.  I didn't discuss this with anyone  
8           in any depth that I can remember.

9                    I don't remember discussing it with  
10           anyone.

11          Q.    Okay.  Did you mention it to anyone in  
12          passing, even reference it?

13                    You said you didn't discuss it in any  
14          depth.

15                    I just wonder if you might have done so  
16          in a more superficial level?

17          A.    That wasn't my intention.  I don't  
18          remember discussing it with anyone.

19          Q.    So you believe that the memo from Ms.  
20          Weatherly to you of December 4th did find its way  
21          the following week into the Human Resources file  
22          regarding Ms. Chambers?

1           A.    Yes.

2           Q.    Okay.  And do you think it would have  
3           been accompanied by the forwarded e-mail as well  
4           in terms of it being passed on to Human Resources  
5           at that time?

6           A.    It may have been.

7           Q.    Okay.  Now Ms. Weatherly refers to a  
8           document she is faxing to you?

9           A.    Yes.

10          Q.    A memo she prepared for the, for  
11          committee members, note at the bottom of her  
12          e-mail?

13          A.    Yes.

14          Q.    And the committee members that she is  
15          referencing, would that be Congressional  
16          committee members?

17          A.    The subcommittee, Congressional  
18          Subcommittee on Appropriations for the Department  
19          of Interior.

20          Q.    Okay.  Do you know when that memo had  
21          been prepared?

22          A.    No, I don't.  I don't remember when it

1 was prepared.

2 Q. Okay. Do you know why it was prepared?

3 A. I believe it was prepared as a, as part  
4 of the budget process.

5 I can't remember which fiscal year it  
6 was.

7 It may have been fiscal year '04 where  
8 Ms. Weatherly often provides updates to her  
9 subcommittee.

10 Q. Okay. Do you know whether Mr. Bruce  
11 Sheaffer was aware of either of these two memos,  
12 e-mail memos, one from Ms. Weatherly to you or  
13 Ms. Chambers to Ms. Weatherly?

14 A. I don't know if he was aware or not.

15 Q. Okay. Are you aware that Mr. Sheaffer  
16 communicates frequently and closely with Ms.  
17 Weatherly?

18 A. Yes, I am.

19 Q. Okay. And do you know why that frequent  
20 and close communication occurs between those two?

21 A. Yes.

22 Q. And why is that?



1           A.    Because he is the Chief Financial  
2           Officer for the National Park Service on a, in  
3           charge of our budget, and the subcommittee that  
4           she's a staff person for is responsible for the  
5           budget for the National Park Service.

6           Q.    Okay.  Did Mr. Bruce Sheaffer submit to  
7           the Department of Interior budget office a  
8           proposed increase of about \$3 million, perhaps  
9           slightly more, for fiscal year '05 as an initial  
10          submission to the Department of Interior?

11          A.    I don't recall, but that may have been  
12          the number.

13                        We started out at one number, and we  
14          ended up at 8 million.

15          Q.    Um-hm.  Do you recall that it took some  
16          expressions of concern by the chief and the  
17          United States Park Police to have the Department  
18          of Interior alter the amount of increase  
19          requested for fiscal year '05 before the budget  
20          was submitted on to OMB?

21                        In other words, Mr. Sheaffer's number  
22          was increased after concerns were expressed by

1 the Park Police?

2 A. I remember as part of the budget  
3 development concerns being expressed by the U.S.  
4 Park Police by the Office of Law Enforcement and  
5 Security, by my office.

6 Q. Okay.

7 A. These are always negotiated, these are  
8 allegation negotiated budgets, so there is a lot  
9 of different input.

10 Q. And I understand generally that that  
11 would happen.

12 My question is simply did it occur in  
13 this occasion because of input and concern by the  
14 Park Police that Mr. Sheaffer's original  
15 recommendation of 3.3 million increase was  
16 altered to make it a larger number?

17 A. And my answer is not solely.

18 Q. You're saying yes, that happened, but  
19 there were others who input into that as well?

20 A. That's correct.

21 Q. Okay. And did you yourself recommend an  
22 increase in Mr. Sheaffer's three or \$3.3 million

1 figure?

2 A. Yes. Absolutely. Concurred in the  
3 increase in that figure.

4 Q. You concurred in it?

5 A. Yes.

6 Q. You did not initiate the idea of an  
7 increase?

8 A. I felt that an increase was necessary,  
9 the \$3 million was not sufficient, and I'm a  
10 direct party to those negotiations for the law  
11 enforcement part of our budget, and the U.S. Park  
12 Police made it clear and did a good job in making  
13 the case, and I took, I took that forward.

14 I felt that the increase that came back  
15 from that, came back originally from Mr. Sheaffer  
16 wasn't sufficient, either.

17 Q. Okay. So you have basically concurred  
18 that Mr. Sheaffer's original proposed amount was  
19 not adequate?

20 A. I more than concurred. I mean I felt  
21 that it wasn't adequate as well.

22 Q. I appreciate that. So the Park Police I

1 take it agreed with you in that regard?

2 A. Absolutely.

3 Q. And that would include Chief Chambers?

4 A. Yes.

5 Q. Did any other party weigh in on that  
6 question?

7 A. Mr. Parkinson.

8 Q. And what position did he take on it?

9 A. That we should go forward with an \$8  
10 million increase.

11 Q. Okay. Excuse me just a moment.

12 (There was a pause in the proceedings.)

13 BY MR. HARRISON:

14 Q. Okay. Mr. Parkinson, yourself, Chief  
15 Chambers, and others in the Park Police were at  
16 least of one mind that Mr. Sheaffer's \$3.3  
17 million figure for an increase for the U.S. Park  
18 Police was insufficient for fiscal year '05 I  
19 take it?

20 A. Yes, that's correct, and I should really  
21 provide some clarification.

22 Q. You're welcome to.

1           A.    The reference to this as Mr. Sheaffer's  
2           increase gives more power and authority to the  
3           CFO than he really has.

4                    The increase that he often recommends or  
5           communicates is a result of his discussions with  
6           the Office of Management and Budget, budget  
7           officers in the Department of Interior, and with  
8           Congressional staffers of the Appropriations  
9           Committee and the Senate committees as well,  
10          so --

11          Q.    Um-hm.  It wouldn't be solely from Mr.  
12          Sheaffer's opinion that the figure arose you're  
13          saying?

14          A.    Correct.

15          Q.    Understood.  And I note that the several  
16          sources you mentioned actually excluded the  
17          agency that would have to live with the budget,  
18          the United States Park Police.

19                   My next question would have been to you  
20          perhaps going in the same direction you were  
21          going with your clarification, do we know on what  
22          basis Mr. Sheaffer first formulated that three or

1           3.3 million dollar increase figure?

2           A.    I don't know entirely on what basis.  I  
3           know what input he gets and what discussions he  
4           has as he formulates his recommendations as his  
5           office is putting together these budgets.

6           Q.    Okay.  Is it fair to say that Mr.  
7           Sheaffer either invites or has to accept input  
8           from the other agencies you mentioned or offices  
9           like the Department of Interior budget office,  
10          the Congress, the OMB, and that they may have  
11          perceived restrictions about there's a limited  
12          pool of money, some of it needs to go over here,  
13          some of it needs to go over there, maybe you  
14          should restrict the Park Police to act so that we  
15          can meet these other needs?

16                    Does he get that sort of input?

17          A.    That's correct.

18          Q.    Okay.  Do you believe that it is  
19          appropriate and necessary nonetheless for Mr.  
20          Sheaffer to include in his formulation of a  
21          proposed budget for a particular unit of the Park  
22          Service such as the Park Police, that he get

1 input from the affected unit itself?

2 A. Yes.

3 Q. Okay.

4 A. Absolutely.

5 Q. When Mr. Sheaffer puts forward his  
6 communication to the Department of Interior  
7 budget office as to a requested amount for an  
8 increase for a certain fiscal year, is it, is  
9 that communication represented to be on behalf of  
10 the affected unit, the U.S. Park Police in this  
11 case?

12 A. Well, it's a comprehensive budget as you  
13 were describing earlier, so it's on behalf of the  
14 agency as a whole.

15 Q. In this case, the Park Service?

16 A. Yes, the Park Service, that he presents  
17 the budget.

18 Q. Okay. And it would have a budget  
19 recommendation for the Park Police and each other  
20 unit of the Park Service?

21 A. That's correct.

22 Q. Do you know whether or not Mr. Sheaffer

1 represents, when he submits this agency budget  
2 for the Park Service with its different  
3 components, that he is doing so on behalf of the,  
4 each of those individual components?

5 A. Well, yes. As the chief budget, in his  
6 role as the chief budget officer for the National  
7 Park Service, that would be correct.

8 Q. Okay. So let's say that I were a, an  
9 officer in the budget office of the Department of  
10 Interior, and I received the communication from  
11 Mister -- pardon me -- Mr. Sheaffer with this  
12 proposed increase in budget for the respective  
13 units.

14 Would it be reasonable for me as the  
15 Department of Interior budget officer to  
16 interpret that communication as here is what  
17 those units of the National Park Service are  
18 requesting that they need?

19 A. No.

20 Q. Okay. How would the Department of  
21 Interior read that document if not in the way I  
22 described?



1           A.    They would read it as a comprehensive  
2           budget from the National Park Service, and it's  
3           taken into consideration those needs of the  
4           individual units of the National Park Service,  
5           and then the budget office would, the director of  
6           the National Park makes the final decisions on  
7           how the pie is going to be, how the pie is going  
8           to be sliced, and the numbers don't end up  
9           necessarily representing what the individual  
10          units have communicated their needs are.

11                         That has to be balanced against the  
12          needs of the whole service.

13          Q.    So if I understand your testimony, the  
14          Department of Interior's budget office would  
15          properly interpret the communication given to  
16          them from Mr. Sheaffer requesting X amount for  
17          the different Park Service units as an amount  
18          that was requested by the National Park Service  
19          director, all things considered by the director?

20          A.    Yes.

21          Q.    Okay.  And I take that to mean that the  
22          director would have reviewed and approved Mr.

1           Murphy's submission?

2           A.    Mr. Sheaffer.

3           Q.    I beg your pardon -- Mr. Sheaffer's  
4           submission of three to 3.3 million dollars to the  
5           Department of Interior budget office prior to it  
6           being submitted?

7           A.    I'm mixing up a couple of things here,  
8           so I really need to take a minute and --

9           Q.    Go ahead.

10          A.    And get some clarification here of what  
11          the process is.

12          Q.    Okay.

13          A.    So that we're clear; when the budget is  
14          being developed, the budget office that's run by  
15          Mr. Sheaffer will consider the needs of the  
16          entire Park Service and should get input from all  
17          of the various units and consult with the  
18          director on what those, those needs are, and he  
19          will formulate a particular budget as a result.

20                    Once that is done, the department and  
21          the director review that, so the three and a half  
22          million dollars that we're referring to is done

1 in that context at that level prior to any  
2 submission to the Office of Management and  
3 Budget.

4 Q. Understood.

5 A. So what I'm trying to clarify, when you  
6 were using the term budget submission, I wasn't  
7 sure if you were meaning submission to OMB or  
8 submission where.

9 Q. I appreciate that clarification, and let  
10 me be clear what I intended to communicate.

11 A. Okay.

12 Q. And maybe I misperceive the process.  
13 Please correct me.

14 A. Sure.

15 Q. My understanding was that Mr. Sheaffer  
16 would first submit his budget after considering  
17 whatever input he chose to get or was given to  
18 him, he would first communicate that to the  
19 director of the National Park Service?

20 A. Correct.

21 Q. That would then be, at some point in  
22 time, modified or not, passed on to the budget

1 office for the Department of Interior?

2 A. Correct.

3 Q. At this point, there might be further  
4 modification after an interchange between the  
5 Interior Department and the National Park Service  
6 director?

7 A. Yes. Correct.

8 Q. And at some point, a document would be  
9 passed on to OMB from the Department of Interior?

10 A. That's correct.

11 Q. Okay. So my question given that process  
12 is the three or 3.3 million dollar figure that  
13 Mr. Murphy placed into his budget, and I only  
14 mean his by meaning he drafted it, not that he  
15 was the only person inputting into it --

16 A. Um-hm.

17 Q. Okay. When he wrote that figure in that  
18 document and passed it on, do you understand that  
19 that three or 3.3 million dollar figure was in  
20 fact passed on to the Department of Interior  
21 budget office, not OMB, is that correct?

22 A. Correct.

1           Q.    And in order to get there to the  
2           Department of Interior budget office, it must  
3           first have passed through the office of the  
4           director of the National Park Service?

5           A.    Not, not necessarily.  This is, this is  
6           important.

7                     Mr. Sheaffer develops that, that budget  
8           and negotiates and does it in consultation with  
9           the budget office in the Department of the  
10          Interior, and so there is a point at which he  
11          formulates his budget, passes it up to the  
12          Department of Interior where the director may or  
13          may not have seen it.

14                    Now --

15          Q.    Oh.

16          A.    In most cases; however, in the case of  
17          this director --

18          Q.    Yes.

19          A.    Not all directors.

20          Q.    Okay.

21          A.    But in the case of this director, she is  
22          very much in tune to the, to the budget, so I

1       suspect in this case, that she did see the three  
2       and a half million dollars that was passed up to  
3       the Department of Interior, but it's not unusual  
4       that she would let that go into the first  
5       go-around and know that there would be further  
6       discussion as we developed the budget.

7             Q.    Okay.  Now are you telling me what you  
8       remember and know, are you saying what you would  
9       have expected to have been the case?

10            A.   I'm telling you what in this case, I  
11       both would expect it to be the case and what I  
12       remember it to have been the case in the case of  
13       development of this particular budget for --

14            Q.    Okay.

15            A.    Fiscal year '05.

16            Q.    I appreciate that.  So your recollection  
17       is that Director Mainella in this case would have  
18       seen the three, 3.3 million dollar increase  
19       figure for the U.S. Park Police in the National  
20       Park Service proposed budget prior to it being  
21       submitted to the Department of Interior budget  
22       office by Mr. Sheaffer?

1           A.    Um-hm.

2           Q.    And did you yourself see that as well at  
3           that time?

4           A.    Yes.

5           Q.    You did.  And so you let it pass as  
6           well?

7           A.    No.  I don't think that would be  
8           accurate.

9           Q.    Okay.  Why not?

10          A.    Because during that time, the United  
11          States Park Police, the Office of Law Enforcement  
12          and Security communicated that we didn't feel  
13          that that was, was sufficient.

14                 However, that was the first step in the  
15          process, and we knew that we would have another  
16          shot at, at this, and so after it went up, we had  
17          our initial budget discussions, we knew we would  
18          be able to come back with stronger justifications  
19          and get that, that amount increased.

20                 So it's not accurate to say that we let  
21          it pass as if we concurred or approved.

22          Q.    I see.  So the fact that it was

1 submitted to the Department of Interior budget  
2 office should not be construed as your office in  
3 particular having approved it?

4 A. That's correct.

5 Q. And in fact in this case, you did not  
6 approve it?

7 A. That's correct.

8 Q. Did you communicate with anyone in  
9 writing at the time of the submission of this  
10 budget to the Department of Interior budget  
11 office that in fact you did not concur in the  
12 number and thought it should be larger?

13 A. No.

14 Q. Okay. You did so at a later date I take  
15 it?

16 A. Yes, we did, and but we did communicate  
17 verbally.

18 You asked the question in writing.

19 Q. I did.

20 A. We certainly did verbally communicate.

21 (A discussion was held off the record.)

22 BY MR. HARRISON:



1           Q.    Okay.  So did you communicate verbally,  
2           Mr. Murphy, at the time of the submission of the  
3           \$3 million figure through to the Department of  
4           Interior in regard to the Park Police budget that  
5           you felt it was not adequate?

6           A.    Yes.  And this was to Mr. Parkinson, who  
7           was then responsible for starting to develop the  
8           budget.

9                    I also communicated it verbally to Mr.  
10           Sheaffer as well.

11           Q.    All right.  I appreciate that.  So you  
12           didn't, did not find that Chief Chambers'  
13           concerns that a certain additional amount of  
14           funds required for the U.S. Park Police was  
15           particularly unreasonable even though you might  
16           have had disagreements over the exact amount?

17           A.    That's correct, yes.

18           Q.    When you met with Ms. Chambers on  
19           December the 5th at four or five o'clock or  
20           thereabouts in your office, was anyone else  
21           requested to attend that particular meeting  
22           besides Ms. Chambers?

1           A.   Hugo Teufel, Dave Davies, and Pat  
2   Buccello.

3           Q.   Okay.  And was anyone asked to accompany  
4   Ms. Chambers to that meeting?

5           A.   Chief Holmes was with her when she came  
6   to that meeting.

7           Q.   Do you know why?

8           A.   The earlier meeting that we had  
9   scheduled I think that you referenced with the  
10   director --

11          Q.   Yes, sir.

12          A.   Was supposed to have taken place at the  
13   same time that came during that time period.  
14   That meeting was cancelled and I met with Ms.  
15   Chambers at that time.

16          Q.   Okay.  Did you at any time communicate  
17   to Ms. Chambers that the original meeting for  
18   that timeframe, Friday afternoon, had been  
19   cancelled and that you had scheduled in its place  
20   a meeting regarding discipline of her?

21                    Did you tell her that?

22          A.   There was no discipline that took place.

1 Q. Did you tell her that you were going to  
2 put her on administrative leave?

3 A. No.

4 Q. Okay. Did you tell her that the  
5 original meeting had been cancelled?

6 A. No.

7 Q. Who's -- well, let me ask you when Ms.  
8 Chambers came in and you handed her the memo  
9 regarding administrative leave, which we'll show  
10 you in a moment, was it your decision at that  
11 time that Ms. Chambers would turn in her badge  
12 and her gun?

13 A. Yes.

14 Q. And had anyone else made that decision  
15 and you adopted it, or was it actually your  
16 initiative?

17 A. It was my initiative.

18 Q. Okay. And had you made that decision on  
19 your initiative pursuant to some written policy  
20 or procedure?

21 A. Not pursuant to any written policy and  
22 procedure.

1           Q.    Okay.  Was there a reason why you did  
2           not inform Ms. Chambers that that original  
3           meeting had been cancelled?

4           A.    She was coming over at that time, at  
5           that time.

6                     The decision-making process was sort of,  
7           the right word is compressed during that, that  
8           timeframe, and she was coming over.

9                     I had made the decision all within a  
10          very, very narrow timeframe.

11                    She was coming over, and I just made the  
12          decision since we were talking to her, to talk to  
13          her then and explain what my decision was.

14          Q.    Okay.

15          A.    Nothing more than that.

16          Q.    How compressed was that timeframe?

17          A.    Well, I made my decision about  
18          administrative leave either that, the night  
19          before or early that, that Friday morning, and I  
20          had not made the decision when I was going to  
21          give her that --

22          Q.    Notice?

1           A.    That notice; I was contemplating doing  
2           it later in the week.

3                    I was making -- there were a lot of  
4           things going on in my mind in terms of how this  
5           should, should, should play out, and I finally  
6           made the decision that I would do it on Friday  
7           some time in the afternoon starting late  
8           afternoon on Friday, so we had developed it kind  
9           of all day on Monday working with -- when I say  
10          we, I mean myself and the staff at Human  
11          Resources.

12                   It got completed somewhere around noon.  
13          I contemplated when I should do it, should I do  
14          this that day or later? That finally made the  
15          decision in the afternoon, late afternoon on  
16          Friday that I would do it that day, and I just  
17          made the decision since she was coming over, to  
18          have her continue to come over.

19                 Q.    Okay. And you just said that you made  
20          the decision on Friday, but you had contemplated  
21          or started the process on Monday I believe you  
22          said a moment ago.

1                   Did you mean Monday?

2                   A.   No.  I meant the following, the Thursday  
3                   night before.

4                   Q.   The, the very day prior?

5                   A.   The day prior; if I said Monday, that is  
6                   not what I meant.

7                   Q.   I assumed so.

8                   A.   It's getting late.

9                   Q.   I understand.  So Thursday, you were  
10                  contemplating, and Friday, you made the decision?

11                  A.   Correct.

12                  Q.   Okay.  So it's fair to say that your  
13                  decision to place the chief on administrative  
14                  leave came after you had had the telephone call  
15                  with Debbie Weatherly on the 4th, which would  
16                  have been Thursday?

17                  A.   Yes.

18                  Q.   And your decision came after you had  
19                  received Ms. Weatherly's fax and forwarded  
20                  e-mail?

21                  A.   Yes.

22                  Q.   Do you know where the director was, Ms.

1 Mainella, during the administrative leave meeting  
2 with Ms. Chambers on the 5th?

3 A. No, I don't.

4 Q. Okay. Did you call the director after  
5 that meeting?

6 A. I don't recall calling the director  
7 after this meeting, no.

8 Q. Do you know when the director understood  
9 that the original meeting had been cancelled?

10 A. It was late in the afternoon on Friday.  
11 It was probably after two or three o'clock.

12 Q. Okay, so prior to mid-afternoon on  
13 Friday, the director was probably still planning  
14 on having that meeting?

15 A. Yes, as far as I know.

16 Q. Did you have a discussion with assistant  
17 or Deputy Chief Holmes after the meeting with  
18 Chief Chambers on December the 5th?

19 A. Yes.

20 Q. And what did you communicate to Mr.  
21 Holmes?

22 A. That during the time that Chief Chambers

1 was on administrative leave, he would be acting.  
2 He would be in the acting position.

3 Q. Okay. Anything further that was  
4 communicated?

5 A. No. We -- that was the purpose of  
6 sitting down with him.

7 No.

8 Q. Okay.

9 A. That's what we communicated to him.

10 Q. Who was present when you communicated  
11 that to Mr. Holmes?

12 A. Director Mainella, myself, just the two  
13 of us.

14 Q. Okay. And what time of day did that  
15 discussion take place?

16 A. It would have been very late on Friday.

17 Q. Okay. Was it immediately after Ms.  
18 Chambers left?

19 A. It was some time after she left. It  
20 wasn't immediately.

21 Q. Mr. Holmes came into your office  
22 essentially passing Chief Chambers coming out,



1 did he not?

2 A. Yes, that's correct.

3 Q. So did he hang out in your office while,  
4 until the director arrived?

5 A. Yes.

6 Q. How did the director know to come for  
7 that?

8 A. Well, one of the folks in our special  
9 agent office contacted, or her secretary was  
10 still there, contacted her.

11 Q. Okay. Was that?

12 A. I'm sorry -- one of the two.

13 Q. And was that on your request?

14 A. Yes.

15 (There was a pause in the proceedings.)

16 THE WITNESS: Is this the administrative  
17 leave?

18 BY MR. HARRISON:

19 Q. It is?

20 A. You've already given that. It's Exhibit

21 8.

22 Q. Can I borrow your copy for a second? We

1 did. No wonder we don't have any copies.

2 Okay. So referring you to Exhibit 8,  
3 does that reflect the document you handed Ms.  
4 Chambers on the afternoon of December 5th?

5 A. Yes, it does.

6 Q. All right. The second sentence in that  
7 document states, "This action is taken pending  
8 the completion of a review of your conduct that  
9 may result in a proposal for disciplinary  
10 action."

11 Do you see that?

12 A. Yes.

13 Q. And that was your understanding at the  
14 time?

15 A. Yes.

16 Q. If this was not a disciplinary action as  
17 you have described, was there a reason why other  
18 than taking the chief out of her duties and  
19 putting her on administrative leave to pay her,  
20 was there a reason why you decided to take her  
21 badge and her gun?

22 A. The reason had to do with the chief

1 acting in her official capacity as a peace  
2 officer during that period.

3 Q. As a peace officer generally, not simply  
4 as the Chief of Police?

5 A. As Chief of Police and peace officer.

6 Q. Okay. And you understand the  
7 distinction that if she were not acting as chief,  
8 she might still, for example, be present for a  
9 crime in progress to be able to respond as a  
10 police officer, and you did not wish her to have  
11 that option, either?

12 A. That's correct.

13 Q. Okay, but you weren't disciplining her?

14 A. No.

15 Q. Did you restrict in any way Ms. Chambers  
16 departure from the building after your meeting  
17 with her?

18 A. No.

19 Q. Did you require her to be accompanied by  
20 armed agents?

21 A. I required her to go back to her --  
22 required is really the wrong word.

1 Q. Directed?

2 A. To go back, and she had things that she  
3 wanted to retrieve from her office, and I had her  
4 accompanied by the special agent that was Pat  
5 Buccello.

6 Q. Okay. Was Ms. Chambers free to go back  
7 to her office on her own without the agent  
8 accompanying her?

9 A. No.

10 Q. So you really required it?

11 A. Yes.

12 Q. What is General Order 70?

13 A. I'm not familiar with it by number.

14 Q. Okay. Who drafted the language in this  
15 administrative leave memo we're looking at?

16 A. It was drafted by myself and by the, our  
17 Human Resources office.

18 Q. Anyone else?

19 A. No.

20 Q. Who put the reference there to pursuant  
21 to General Order 70?

22 A. That would have been our Human Resources

1 office.

2 Q. It says there in the third paragraph  
3 pursuant to General Order 70, you must relinquish  
4 all defensive equipment, including all weapons,  
5 law enforcement credentials, including  
6 identification and breast badge.

7 Do you see that?

8 A. Yes.

9 Q. Had you read General Order 70 when this  
10 was issued?

11 A. I did, and I just don't remember the  
12 entire content of it now.

13 When we were developing this. I asked  
14 our Human Resources folks what was the  
15 appropriate, all of the appropriate steps to take  
16 and find out what the orders were covering  
17 administrative leave, particularly federal  
18 government, as it related to law enforcement  
19 officers.

20 Q. Okay. And did the Human Resources staff  
21 inform you that administrative leave was not a  
22 disciplinary action?

1           A.    Yes, that's correct.

2           Q.    And General Order 70 doesn't concern  
3 disciplinary actions?

4           A.    Not that I recall.

5           Q.    Would there be a reason why Ms. Chambers  
6 would have to forego use of a government vehicle  
7 if you were not disciplining her?

8           A.    She was on administrative leave, and  
9 government-owned vehicles are for official use  
10 only.

11                    There was no official use that would be  
12 taking place while she was on administrative  
13 leave.

14           Q.    I see.  So she was prohibited from doing  
15 anything official during this time period?

16           A.    That's correct, unless directed  
17 otherwise.

18                    (There was a pause in the proceedings.)

19                    BY MR. HARRISON:

20           Q.    Did you ever direct Chief Chambers to  
21 conduct any business during her administrative  
22 leave period?

1 A. Yes.

2 Q. And did you provide her a government  
3 vehicle to do that?

4 A. No.

5 Q. Would it have been within your  
6 discretion to exercise an option to place the  
7 chief on administrative leave or some kind of  
8 leave without requiring her to give up her badge  
9 or gun and her law enforcement authority?

10 A. It may have been within my discretion.  
11 I'm not sure about that.

12 Q. Do you know a Mr. Jeff Capps?

13 A. Yes.

14 Q. And has he had a role with the Fraternal  
15 Order of Police organization in recent years?

16 A. Yes.

17 Q. Has he been the President for a number  
18 of years?

19 A. He is past president.

20 Q. Okay.

21 A. Is my understanding.

22 Q. Was he the President of the FOP during

1 the December 2nd, 2003 time period of The  
2 Washington Post article?

3 A. I don't recall. I know there has been a  
4 recent election, and I don't know if he was still  
5 president or not.

6 Q. All right. What about the November 20th  
7 date for the interview with The Washington Post?

8 A. Yes, he probably was.

9 Q. He was still probably president then.  
10 Okay.

11 Did you make any inquiry yourself to  
12 determine what information Mr. Capps or the FOP  
13 might have given to The Washington Post for the  
14 December 2nd, 2003 article.

15 A. No.

16 Q. Did you have any knowledge of whether  
17 Mr. Capps of the FOP had provided some  
18 information to The Washington Post?

19 A. Yes.

20 Q. You had that understanding?

21 A. Yes.

22 Q. Okay. So did it occur to you that some



1 of the statements in the article might have been,  
2 might have had as their source Mr. Capps or the  
3 FOP and not Chief Chambers?

4 A. No. Not at the time, no.

5 Q. So I take it there was no inquiry done  
6 on your direction to try to sort out which of The  
7 Washington Post article statements came from the  
8 FOP and which came from Chief Chambers?

9 A. No.

10 Q. And I take it there has been no inquiry  
11 since then?

12 A. That's correct.

13 Q. Okay. So if Ms. Chambers was relieved  
14 of any duties whatsoever, official duties, during  
15 her administrative leave, why would there be a  
16 need to require her to consult with your office  
17 before conducting a media interview during her  
18 administrative leave period?

19 A. We responded to inquiries from her  
20 attorneys as to whether or not it was appropriate  
21 for her to conduct certain kind of interviews  
22 because there was an interpretation on the part

1 of Chief Chambers at that time and her attorneys  
2 that the e-mail that I had sent advising her to  
3 seek guidance before doing interviews was still  
4 in effect when she was on administrative leave.

5 Q. Um-hm.

6 A. That was their interpretation, and they  
7 sent in often a request for clarification as to  
8 whether or not interviews could be conducted  
9 because they interpreted that e-mail to still be  
10 operable.

11 Q. Okay. Did you respond to the inquiry  
12 from the attorneys?

13 A. Yes, we did.

14 Q. What was the substance of your response?

15 A. Well, it was different depending upon  
16 the circumstances, but under most of the  
17 circumstances that interviews were requested, we  
18 granted them.

19 They were on a case-by-case basis that  
20 we were getting these requests.

21 Q. Um-hm. Some were denied?

22 A. I'm just trying to recall. Some may

1 have been denied.

2 Q. Okay. So for example, in response, you  
3 didn't simply send a one-line response back  
4 saying this restriction in my prior memo is no  
5 longer in effect because of the administrative  
6 leave?

7 A. No.

8 Q. Did you consult any table of penalties  
9 or similar guideline before you made the decision  
10 to place the chief on administrative leave?

11 A. No.

12 MR. HARRISON: I promised to let you go  
13 at five o'clock, and I will honor my promise, so  
14 we should talk about the appropriate time.

15 Let's go off the record for a moment.

16 (Whereupon, at approximately 4:58  
17 o'clock, p.m., the deposition was recessed  
18 sine die.)

19 \* \* \* \* \*

20

21

22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

CERTIFICATE OF NOTARY PUBLIC

I, Catherine S. Boyd, the Notary Public  
before whom the proceeding occurred, pages 1  
through 368, do hereby certify that the witness  
was duly sworn, that the testimony of said  
witness was taken by me and thereafter reduced to  
this typewritten transcript under my supervision,  
that said transcript is a true record of the  
testimony given by said witness, that I am  
neither counsel for, related to, nor employed by  
any of the parties to the proceeding, and  
further, that I am not a relative or an employee  
of any attorney or counsel employed by the  
parties thereto, or financially or otherwise  
interested in the outcome of the proceeding, or  
any action involved therewith.

Witness my signature and seal:

CATHERINE S. BOYD

Notary Public in and for  
The District of Columbia

My commission expires: September 14, 2007