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UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD  
Washington Regional Office

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TERESA C. CHAMBERS,	x
	:
Appellant,	: Docket Number
vs.	: DC-1221-04-0616-W-1
	:
DEPARTMENT OF INTERIOR,	:
	:
Agency.	x

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Washington, D.C.

Wednesday, August 11, 2004

DEPOSITION OF:

DONALD W. MURPHY,

a witness, was called for examination by counsel for the appellant, pursuant to Notice and agreement of the parties as to time and date, beginning at approximately 8:42 o'clock, a.m., in the offices of the Public Employees for Environmental Responsibility, 2001 S Street, Northwest, Suite 570, Washington, D.C. 20009, before Catherine S. Boyd, a Court Reporter and Notary Public in and for the District of

1 Columbia, when were present on behalf of the  
2 respective parties:

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ALSO PRESENT

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JEFFREY P. RUCH, Public Employees for  
Environmental Responsibility

22

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1           you have difficulty hearing me or understanding  
2           the question or if you would like it restated or  
3           clarified, you should not hesitate at any time to  
4           tell me or ask me to do that.

5                     If you need a break at any time, just  
6           let me know, and we'll try to accommodate you.

7                     Let me know, first of all, Mr. Murphy,  
8           what's your background before you came to the  
9           National Park Service?

10                    A.    I was a, immediately before I came, I  
11           was director of the Sacramento City Department of  
12           Parks and Recreation.

13                    Prior to that, I was president and CEO  
14           of the First Council Preservation Foundation as a  
15           loan executive from the American Sterling  
16           Corporation, a group of banks and insurance  
17           companies, but I spent the majority of my career  
18           in the State of California starting off as a  
19           state park ranger.

20                    I was director of state parks in  
21           California for seven years in the Wilson  
22           administration, and prior to that, I started my

1 career as a ranger and as a sworn peace officer.

2 Spent 18 years in that, in that capacity.

3 Q. Very good. And you began your job at

4 the National Park Service on what date?

5 A. October 1st, 2001.

6 Q. Okay. What was your job position at

7 that time?

8 A. Deputy Director, National Park Service,

9 for External Affairs.

10 Q. Is that still your position?

11 A. That's correct.

12 Q. Okay. As the deputy director for I

13 believe you said external affairs?

14 A. Um-hm.

15 Q. What all falls within the scope of your

16 duties?

17 A. The law enforcement program, that's both

18 the protection of rangers and the U.S. Park

19 Police. Fire, of course, that's all under an

20 associate directorship of visitor and resource

21 protection.

22 Q. Now if you could help us understand, the

1 personnel that worked under you, and if you would  
2 sort of walk us through the chain of command  
3 below you?

4 A. Sure.

5 Q. Who would report to you first and then  
6 below them, who would report to you?

7 A. There are several associate directors  
8 that are directly below me.

9 The associate director for visitor and  
10 resource protection, which I just described --

11 Q. Um-hm.

12 A. The associate director for facilities  
13 and maintenance management, the chief information  
14 officer is directly below me. I'm looking down  
15 the hallway. The --

16 Q. Okay.

17 A. Let's see. Who else reports to me? So  
18 that's visitor services, facility maintenance,  
19 chief information officer, and then we have  
20 another associate director who is responsible for  
21 volunteers, cooperating associations,  
22 interpretation and education, also reports to me,



1 and then the Office of International Affairs, all  
2 of our international travel and expertise that we  
3 provide for other countries, and park management.

4 Q. Okay. Anyone else? Pardon me.

5 A. I was just going to say I believe that's  
6 all of them.

7 There's a special assistant that reports  
8 to me also, one special assistant.

9 Q. Okay. Where does the chief of the  
10 United States Park Police fall in the chain of  
11 command in terms of reporting to you?

12 A. The chief of police reports to the  
13 directorate through me as the deputy director, so  
14 chief of the United States Park Police, as I  
15 mentioned when you first asked the question,  
16 reports to me.

17 Q. Okay. And so there is no person in  
18 between yourself and the chief of the United  
19 States Park Police in terms of line authority?

20 A. No.

21 Q. Now in terms of your position and  
22 duties, have you been given a specific job

1 description that would specify what's expected of  
2 you in performance of your duties?

3 A. Yes.

4 Q. And is it -- what's it called? Is it  
5 called a job description, or does it have a  
6 different title?

7 A. It's called a job description.

8 Q. Okay. And when is the last time you  
9 took a look at it?

10 A. Just a week before last.

11 Q. Okay. Do you know who prepared it?

12 A. It's prepared by our Human Resources  
13 office in consultation with myself and the  
14 director.

15 Q. All right. And do you know when it was  
16 first prepared?

17 A. There was a job description when I first  
18 came on board in 2001 in October that described  
19 the position of Deputy Director for External  
20 Affairs.

21 Q. Okay. Is that the one you looked at a  
22 week or two ago?

1           A.    The one I looked at a week or two ago is  
2           one that changes over time as we get new duties,  
3           responsibilities, and as the department developed  
4           its strategic plan and redefined roles and  
5           responsibilities for the various SESers.

6           Q.    So it's a more recent job description?

7           A.    That's correct.

8           Q.    Okay. Do you know what date is on it?

9           A.    No. I don't know the dates.

10          Q.    Okay. Do you know the most recent  
11          amendment to it?

12          A.    It would have been some time in July,  
13          June, July.

14          Q.    Of 2004?

15          A.    2004.

16          Q.    All right. And the job description that  
17          was in place when you came on as the deputy  
18          director, when did it first change, to your  
19          knowledge?

20          A.    I don't remember when it changed the  
21          first time.

22          Q.    Okay. Would there be a file that would

1 contain the different versions of that job  
2 description as it changed over time?

3 A. Yes.

4 Q. Okay. And who would maintain that file?

5 A. Our Human Resources office.

6 Q. Does anyone evaluate your performance in  
7 comparison to this job description?

8 A. Yes.

9 Q. Who would that be?

10 A. The director of the National Park  
11 Service.

12 Q. Ms. Mainella?

13 A. That's correct.

14 Q. All right. And does Ms. Mainella give a  
15 written performance appraisal to you?

16 A. Yes.

17 Q. Okay. And have you received such a  
18 performance appraisal for 2004?

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

20 Q. 2003?

21 A. Yes.

22 Q. Okay. And let's see; 2002?

1 A. Yes.

2 Q. All right. The appraisal form has  
3 numerical rankings and so forth, or is it simply  
4 a narrative, or what does it look like?

5 A. It's, it's a narrative.

6 Q. Okay. And do you maintain a copy of  
7 those appraisals?

8 A. Yes.

9 Q. When you came on to the National Park  
10 Service as deputy director, did anyone provide  
11 you training in terms of what was expected of you  
12 in your new position?

13 A. Yes, in various areas.

14 Q. Okay. And can you identify specifically  
15 what training you were given?

16 A. Training in ethics, and I don't know if  
17 this would be classified exactly as training, but  
18 we were given information about director's, the  
19 director's orders, where to find them, and  
20 instructed to look at them.

21 Q. Okay. Pardon me.

22 A. Those were the two main areas that I

1 recall.

2 Q. Okay. And the director's order, as I  
3 take it, would be directives from Ms. Mainella  
4 that would be filed that you would be expected to  
5 follow?

6 A. That's correct.

7 Q. All right. Did any of the ethics  
8 training you were given have to do with  
9 communication with Congress?

10 A. It did, yes.

11 Q. Okay. And was there any written  
12 material in regard to that?

13 A. Yes.

14 Q. Do you still possess it?

15 A. Yes.

16 Q. And do you recall the substance of the  
17 training in regarding to communication with  
18 Congress?

19 A. In my case, it primarily was the Hatch  
20 Act.

21 Q. I see.

22 A. And those of us that are political

1 appointees receive that training and that review  
2 on an annual basis.

3 Q. Okay. What your limitations would be  
4 under the Hatch Act I take it?

5 A. That's correct.

6 Q. All right. And did your training for  
7 the ethics that you mentioned involve any  
8 training regarding communication with the media?

9 A. No.

10 Q. Not that you recall?

11 A. No.

12 Q. All right. When you first came to begin  
13 your position as deputy director, who was in the  
14 position of the chief of the United States Park  
15 Police?

16 A. The position was vacant.

17 Q. Thank you. Do you know when it was  
18 first filled after your tenure began?

19 A. I don't recall the exact date.

20 Q. Okay.

21 A. But --

22 Q. Approximate?

1           A.    Approximate, the winter of 2002 I  
2 believe, February, March, somewhere around there.

3           Q.    Okay.  And do you recall the person that  
4 first filled that position?

5           A.    Yes -- Teresa Chambers.

6           Q.    All right.  And Ms. Chambers was a  
7 permanent appointee to that position?

8           A.    That's correct.

9           Q.    Were there any temporary appointees or  
10 acting persons serving the function of the chief  
11 in her absence or prior to her hiring?

12          A.    I don't recall.  That position didn't  
13 report to me at the time.

14          Q.    Oh, it didn't report to you then?

15          A.    No, it did not.

16          Q.    I see.  And did that position of the  
17 chief begin reporting to you on or about the date  
18 that Ms. Chambers filled that position?

19          A.    Yes.

20          Q.    Were you involved in reviewing the  
21 candidates for that position?

22          A.    Yes.



1 Q. Okay. And did you evaluate the  
2 candidates for the chief of the United States  
3 Park Police yourself?

4 A. Yes.

5 Q. Okay. And were you, did you either  
6 recommend or were you in concurrence with the  
7 recommendation Ms. Chambers would be hired?

8 A. Yes.

9 Q. Did you feel that Ms. Chambers was  
10 qualified for that position?

11 A. Yes.

12 Q. Now when Ms. Chambers took that  
13 position, did you provide her with a written job  
14 description similar to that you have described  
15 that you have for your own position?

16 A. What was provided, as I recall, were the  
17 position descriptions that went along with the  
18 job announcement.

19 Q. Okay. So whatever was put out for  
20 inviting the candidates to apply would be what  
21 she was provided?

22 A. That's correct, the job announcement and

1           what are called the knowledge, skills, and  
2           abilities -- KSAs.

3           Q.    And that would have gone out to the  
4           candidates?

5           A.    That's correct.

6           Q.    Okay.  Was there any job description  
7           that you prepared for the chief of the United  
8           States Park Police subsequent to Ms. Chambers  
9           taking that position?

10          A.    No.

11          Q.    Okay.  To your knowledge, was there any  
12          job description prepared subsequent to Ms.  
13          Chambers taking that position by any person other  
14          than yourself?

15          A.    No.

16          Q.    Have you prepared a written performance  
17          appraisal for Ms. Chambers in her position as the  
18          chief since she took that job?

19          A.    Yes.

20          Q.    And that was a written appraisal?

21          A.    Yes.

22          Q.    And what form did it take?  Was it a

1 narrative? Was it --

2 A. It was a narrative.

3 Q. Okay. Was it titled a job appraisal?

4 Performance appraisal?

5 A. It was just titled performance

6 appraisal.

7 Q. And was it communicated to Ms. Chambers?

8 A. No.

9 Q. Okay. And when do you recall preparing  
10 that?

11 Let me rephrase that question while  
12 you're thinking.

13 Did you first -- let me ask you did you  
14 prepare it?

15 Were you the one who prepared it?

16 A. Yes.

17 Q. Okay. Then go ahead and think about  
18 when you prepared it.

19 A. It was in the summer, around the summer,  
20 late summer of 2003.

21 Q. Okay. Now Ms. Chambers came on into the  
22 position of chief around February of 2002, is

1           that correct?

2           A.    That's correct, somewhere around there.

3           Q.    Okay.  So you don't recall preparing a  
4           performance appraisal for Ms. Chambers in her  
5           first calendar year of work or first 12 months of  
6           work?

7           A.    No.

8           Q.    Do you know why this particular  
9           appraisal was not communicated to Ms. Chambers?

10          A.    It was simply a matter of scheduling.  
11          We often prepared things, had things that we  
12          tried to schedule.

13                    There wasn't any other reason than that.

14          Q.    Okay.  Is there a particular document, a  
15          final or a draft?

16          A.    It was, it was a final.  It was going to  
17          be -- we would have sat down and discussed it.

18                    I had put it in final form.

19          Q.    Had this document been communicated to  
20          any person other than yourself once it was  
21          prepared?

22          A.    Yes.

1 Q. And who had seen it?

2 A. Our Human Resources office.

3 Q. Okay. And how did they come to see it?

4 A. They have the forms. I prepare that in  
5 conjunction with the Human Resources office.

6 They review it to make sure it's proper,  
7 appropriate, and I followed all of the right  
8 protocols.

9 Q. Okay. So you gave it to them for that  
10 purpose?

11 A. Yes.

12 Q. And were you given a form or a format to  
13 use, or did you prepare that yourself?

14 A. No. We're given a format. It's a  
15 fairly standard format.

16 Q. Did someone ask, encourage, or invite  
17 you to prepare an appraisal for Ms. Chambers at  
18 that time?

19 A. No.

20 Q. It was on your own initiative?

21 A. Yes.

22 Q. And when did you first begin working on

1           that draft of the appraisal before it became  
2           final?

3           A.    I don't remember the exact date.  Again,  
4           it was some time during the late summer.

5           Q.    Of 2003?

6           A.    2003, yes.

7           Q.    All right.  Was there anything that  
8           prompted you to begin that appraisal given that  
9           you had not done an appraisal the prior calendar  
10          year?

11          A.    No, not in particular.

12          Q.    You were doing it as a matter of  
13          routine?

14          A.    That's correct.

15          Q.    Had the personnel office, the Human  
16          Resources office, communicated with you in any  
17          manner regarding the absence of a performance  
18          appraisal for Ms. Chambers for her first 12  
19          months or more?

20          A.    No.

21          Q.    Okay.  Who in the Human Resources office  
22          saw the document that you prepared as a

1 performance appraisal for the chief?

2 A. The personnelist is no longer with us.  
3 It's, I believe, I'm not sure if I'm absolutely  
4 correct about this, but it would have been Terrie  
5 Fajardo.

6 Q. And is that a male or female?

7 A. It's a female.

8 Q. Female -- okay. And is Terrie still  
9 with the Human Resources?

10 A. No, she's not.

11 Q. Is she still with the Department of  
12 Interior?

13 A. No, she's not.

14 Q. Do you know where she might be employed?

15 A. She's retired.

16 Q. Oh, she retired. Okay. Do you know  
17 when she left?

18 A. Probably in April, March or April of  
19 2004.

20 Q. All right. She's been retired for a few  
21 months.

22 Does she still reside in the District of

1 Columbia area?

2 A. I don't know.

3 Q. Was there anyone else in Human Resources  
4 who would have seen the performance appraisal  
5 you're referring to for the chief?

6 A. Not that I know of.

7 Q. Okay. That would include anyone in the  
8 Human Resources office?

9 A. Not that I know of.

10 Q. No attorneys, for example, would have  
11 seen it?

12 A. No.

13 Q. All right. The information in this  
14 appraisal would have reflected the chief's  
15 performance for what time period exactly?

16 A. Well, it would have been for, I prepared  
17 it for the period that would have ended around  
18 the end of the fiscal year, October, so it would  
19 have been for the, like the previous September  
20 through, through the following September, would  
21 have been roughly for that period, so 2003  
22 through 2004, or 2002 through 2003.



1                   Excuse me.

2                   Q.    So you intended it to be for the chief's  
3 performance for the fiscal year?

4                   A.    Yeah, approximately.

5                   Q.    Like September to October, something  
6 like that?

7                   A.    Yes.

8                   Q.    Maybe October through September,  
9 depending on how you calculate those dates?

10                  A.    Yes.

11                  Q.    Okay.  Now you had it basically in final  
12 form by July of 2003 you think?

13                  A.    Yes, somewhere around there.

14                  Q.    Okay.  So the document would not have  
15 reflected performance for August, September, or  
16 October of 2003?

17                  A.    No.

18                  Q.    But perhaps the months prior to, say  
19 nine to twelve months prior?

20                  A.    Yes.

21                  Q.    Okay.  And you had not yet sat down with  
22 the chief to talk about it?

1           A.    No, I had not.

2           Q.    Okay.  Had you received any input from  
3           the chief in any manner regarding that  
4           performance appraisal?

5           A.    No.

6           Q.    Had you formally solicited any input  
7           from any other party regarding that performance  
8           appraisal?

9           A.    No.

10          Q.    Do you know whether any person other  
11          than Terrie from the Human Resources office was  
12          aware that you had prepared it?

13          A.    No.

14                   (There was a pause in the proceedings.)

15                   BY MR. HARRISON:

16          Q.    Do you recall getting a communication  
17          from Ms. Debbie Weatherly any time in November of  
18          2003 regarding the communication that Chief  
19          Chambers had with Ms. Weatherly?

20          A.    Yes.

21          Q.    All right.  And I take it you know who  
22          Ms. Weatherly is?

1 A. Yes.

2 Q. And who is she, please?

3 A. She's the staff person for the House  
4 Appropriations Subcommittee on Department of  
5 Interior.

6 Q. All right. And do you deal with her in  
7 your work, your job?

8 A. Yes.

9 Q. And in what capacity?

10 A. Mostly on the issues dealing with our  
11 agency's budget.

12 Q. Okay. And how frequently would you say  
13 you have occasion to communicate with Ms.  
14 Weatherly?

15 A. Oh, quarterly maybe.

16 Q. Okay. Every three months or so  
17 approximate?

18 A. Yes.

19 Q. All right. Have you ever had occasion  
20 to have a desire to communicate with a member of  
21 Congress or to have some of your personnel do so  
22 when Ms. Weatherly discouraged the communication

1 from taking place?

2 A. I'm not sure I understand your question.

3 Q. I can help with that I think.

4 Occasionally the agencies in federal government  
5 desire or their personnel desire to communicate  
6 with a Congressional member perhaps to encourage  
7 more support for the agency, perhaps more  
8 financial support for needs that have been unmet,  
9 and they may desire to meet with a Congressperson  
10 or staff person for that purpose.

11 And my question to you is do you recall  
12 Ms. Weatherly ever discouraging you or personnel  
13 in the Park Service from talking to a member of  
14 the Congress or their staff?

15 A. Yes.

16 Q. And can you tell us how that might have  
17 occurred?

18 A. In the context of our partnerships that  
19 we have out in the parks, often superintendents  
20 will, as a result of those partnerships, talk to  
21 members of Congress or want to talk to members of  
22 Congress in order to influence the budgetary

1 process for them, and Ms. Weatherly has spoken  
2 about that.

3 Q. Okay. And has she spoken directly to  
4 you about that?

5 A. No.

6 Q. Okay. Did you come to know that Ms.  
7 Weatherly had spoken to someone else in a manner  
8 that expressed her desire that members of the  
9 Park Service not communicate with certain  
10 Congresspeople about certain matters?

11 A. I'm sorry?

12 Q. Did you learn that Ms. Weatherly had  
13 spoken to someone else regarding her desire that  
14 Park Service employees not speak to members of  
15 the Congress regarding certain matters?

16 A. Yes.

17 Q. Okay. And tell us what you learned and  
18 from whom.

19 A. I learned from both the budget officer,  
20 Bruce Sheaffer, and from Director Mainella, who  
21 had conversations with Debbie Weatherly primarily  
22 about our partnerships that we have throughout

1 the National Park Service that, I learned that,  
2 that she was concerned about that.

3 Q. And when you say concerned about that,  
4 can you be a bit more specific what that was?

5 A. Well, I was referring to what you asked  
6 about.

7 Q. I assume so, but for the record, I just  
8 need you to say.

9 A. Speaking to members of the Congress  
10 about these, these partnerships on behalf of the  
11 budget for the National Park Service.

12 Q. Okay. What time period would this have  
13 been?

14 A. Oh, it's over the last two years.

15 Q. So it would be perhaps communication  
16 that happened more than once over that time  
17 period?

18 A. Yes.

19 Q. Okay. The partnerships, could you  
20 define those a little bit for us?

21 A. The National Park Service will often,  
22 particular parks that is, will often have a

1 former public/private partnership to build a  
2 visitor center, for example, so there will be a  
3 friends group or cooperating association that  
4 will raise private dollars.

5 Q. I see.

6 A. There will be federal dollars that will  
7 be used in the partnership, will be used to build  
8 a visitor center of size and scope that may not  
9 have been necessary, may not have been possible  
10 with only federal funding or just private funding  
11 alone.

12 Q. I understand. Okay. So those  
13 partnerships that involve creating a facility or  
14 a service that essentially is funded by both  
15 federal and private dollars, those are the  
16 partnerships you're referring to?

17 A. That's correct.

18 Q. All right. And -- all right. And what  
19 did Mr. Sheaffer or Ms. Mainella communicate to  
20 you precisely was Ms. Weatherly's desire in  
21 regard to those communications?

22 A. That these partnerships follow the

1 director's Order 21, which defines how  
2 partnerships are to work.

3 Director's Order 21 lays out a road map  
4 for how partnerships are going to work, and  
5 partnerships of a certain monetary value,  
6 Congress is to be notified, and Ms. Weatherly  
7 communicated to Mr. Sheaffer and Ms. Mainella  
8 that that process was not always followed.

9 Q. Do you know what the departure from the  
10 process had been?

11 A. That sometimes Congress was not  
12 notified.

13 Q. Of?

14 A. Of the existence of a partnership until,  
15 until a certain stage which was beyond that stage  
16 which Director's Order 21 had properly laid out.

17 Q. Did Ms. Weatherly ever communicate to  
18 Director Mainella or Mr. Sheaffer and did they  
19 then communicate to you that Ms. Weatherly did  
20 not want certain Park Service employees  
21 communicating directly with the Congress member  
22 whether about the partnerships or something else?



1           A.   Not specifically.

2           Q.   Was there some general communication  
3           regarding that?

4           A.   General communication with regard to the  
5           partnership program as a whole, she communicated  
6           that the agency needed to make sure it managed  
7           the partnership program consistent with  
8           director's Order 21 and consistent with the  
9           expectations of Congress being notified about  
10          these partnerships.

11                   (There was a pause in the proceedings.)

12                   BY MR. HARRISON:

13          Q.   So precisely in answer to my question,  
14          has Ms. Weatherly ever discouraged any  
15          communication with Congress, to your knowledge?

16                   (There was a pause in the proceedings.)

17                   THE WITNESS:  Oh, yes.

18                   BY MR. HARRISON:

19          Q.   Okay.  And can you tell us as  
20          specifically as you can what you remember about  
21          that?

22          A.   Again, it's in the context of Mrs.

1 Mainella and Mr. Sheaffer talking about the  
2 partnership program, and in these partnership  
3 programs, Ms. Weatherly was concerned about  
4 communications with members of Congress mostly  
5 from the point of view of our partners who often  
6 entered into these partnership agreements with a  
7 particular park unit with the idea in mind that  
8 the partner would raise a certain amount of  
9 funding, and then when the partners failed to  
10 raise that certain amount of funding, then they  
11 would come back and ask Congress to, to make up  
12 the difference, and often that was done without  
13 the knowledge of the Congress and caused some  
14 angst among the appropriators.

15 Q. So hat was Ms. Weatherly saying that she  
16 didn't want to happen exactly?

17 Was she saying someone shouldn't speak  
18 with the Congressperson, or that they should be  
19 more open about certain matters when they did  
20 speak with the Congressperson, or something  
21 entirely different?

22 A. Well, again, in the context of these

1 partnerships, it was just a matter of being open  
2 and clear about what the nature of the  
3 partnerships were, and then what the consequences  
4 of the partnerships would be with respect to the  
5 Congress and the need for appropriations for  
6 these partnership projects.

7 Q. Do you recall any other occasion when  
8 Ms. Weatherly may have communicated a desire to  
9 not have certain communications with Congress by  
10 members of the National Park Service staff.

11 (There was a pause in the proceedings.)

12 THE WITNESS: Yes.

13 BY MR. HARRISON:

14 Q. And what was that? Give us the details  
15 you remember.

16 A. In the instance of the memorandum that  
17 you referenced when you first started this line  
18 of questioning --

19 Q. You'll have to remind me what that was.

20 A. You asked if I recalled a memo from Ms.  
21 Weatherly. I think it was dated some time in  
22 November.

1           Q.    Communication I think I said, but that's  
2           fine.

3           A.    And she expressed concern that the U.S.  
4           Park Police had been asking for additional  
5           funding when they, that is, Congress, had been  
6           quite generous to the U.S. Park Police, and she  
7           didn't understand why, you know, they were again  
8           being asked for, for additional funding.

9                    And she was extremely concerned about  
10           that and expressed her, her angst over that.

11          Q.    This was in November of 2003?

12          A.    That's correct.

13          Q.    And do you know this was in an e-mail or  
14           a standard memo, or what form did it take?

15          A.    It was in an e-mail I believe.

16          Q.    Okay. Do you recall the exact date of  
17           the e-mail?

18          A.    No.

19          Q.    Have you reviewed it recently?

20          A.    I reviewed it a week or two ago. I  
21           don't remember the date on it.

22          Q.    Okay. Did you review it in preparation

1 for your deposition.

2 (There was a pause in the proceedings.)

3 THE WITNESS: Yes, I did.

4 BY MR. HARRISON:

5 Q. Okay. Do you recall getting an  
6 additional e-mail -- excuse me -- e-mail from Ms.  
7 Weatherly a little bit later in December of 2003?

8 It would be regarding Ms. Chambers and  
9 Ms. Chambers' communications with Ms. Weatherly.

10 A. Yes.

11 Q. Okay. I'm going to show you that I  
12 think in a moment.

13 (There was a pause in the proceedings.)

14 BY MR. HARRISON:

15 Q. Do you recall, Mr. Murphy, attending in  
16 July of 2002 a National Park Service Law  
17 Enforcement Task Force meeting?

18 Would have been July 17th and 18th. I  
19 believe you may have been absent from part of it.

20 Do you recall that?

21 A. Vaguely.

22 Q. Okay. Maybe I can refresh your memory,

1 and I'll make another copy of this so you all can  
2 take a copy with you if you need to, but for the  
3 moment, I will share my own two copies with you.

4 Can you take a look at that, Mr. Murphy?  
5 We may mark this one in just a moment.

6 Just let me know first if you recognize  
7 it.

8 (The witness reviewed the document.)

9 THE WITNESS: Yes. I recall that,  
10 a-huh.

11 BY MR. HARRISON:

12 Q. Okay. And do you recall attending at  
13 least a part of that?

14 A. Yes.

15 Q. Okay. What do you recognize this  
16 document to be?

17 A. It appears to be the minutes or summary  
18 of the Law Enforcement Task Force meeting on the  
19 17th and 18th.

20 Q. And do you know who might have prepared  
21 it?

22 A. No.

1           Q.    Was there someone taking minutes or  
2 notes at that meeting?

3                    Obviously it appears someone did, but do  
4 you recall someone serving that function?

5           A.    No.

6                    MR. HARRISON:   Okay.  Let's mark this  
7 document as Murphy Exhibit 1, and if you would  
8 hand your copy, Mr. Murphy, to the court reporter  
9 for that purpose, and we'll give it back to you.

10                                   (Murphy Exhibit No. 1  
11                                   was marked for  
12                                   identification.)

13                                   BY MR. HARRISON:

14           Q.    Now what was the purpose for this  
15 particular meeting, as you recall?

16           A.    The Secretary of the Interior had begun  
17 a process of reorganizing the law enforcement  
18 function in the Department of the Interior, and  
19 that that process was underway.

20                                   This, it was a series of meetings, of  
21 which this was one, so when I first came on  
22 board, understanding the Secretary's desires for

1 restructuring the law enforcement in the  
2 Department of Interior, particularly in the,  
3 within the National Park Service because of its  
4 large contingent of law enforcement officers, I  
5 convened a Law Enforcement Task Force.

6 Q. And this reflected a meeting of that  
7 task force?

8 A. Yes.

9 Q. All right. Do you recall did you  
10 maintain a, a copy of this particular set of  
11 minutes for this meeting?

12 A. It's probably in my file.

13 Q. Okay. Do you recall any communication  
14 that came out after these minutes were circulated  
15 expressing a desire that those folks who had  
16 received these minutes should destroy their  
17 copies and not submit them, not circulate them in  
18 any manner?

19 A. I don't recall.

20 Q. Okay. Do you know whether anyone  
21 actually did destroy their copies of this  
22 document?



1 A. No.

2 Q. You don't recall yourself ever doing  
3 that?

4 A. No.

5 Q. If you would turn to page 8 of 15?

6 A. Sure.

7 Q. Of the document?

8 A. Um-hm.

9 Q. There is a reference to you there near  
10 the top. I believe it's to you. You can help us  
11 out.

12 It says, "The second part of this issue:  
13 The Senate has said nothing about this and this  
14 is positive. Don wants to talk to the Senate  
15 side to be sure they are aware of our needs."

16 Do you see that? It would be the second  
17 sentence down on page 8 of 15.

18 A. Let's see if I'm on the right page.

19 I've got to take this paperclip off.

20 Q. Yeah, please.

21 A. Okay.

22 Q. Eight of 15, second sentence starts out

1 the second part of this issue.

2 Do you find that?

3 A. Um-hm.

4 Q. Okay. Just read that sentence if you  
5 would, and let me know if that Don is you.

6 (The witness reviewed the document.)

7 THE WITNESS: I'm still not sure where  
8 you're referring to.

9 Here on the second sentence first?

10 BY MR. HARRINGTON:

11 Q. Yeah.

12 A. "Don wants to talk to the Senate side to  
13 be sure they're aware of our needs"?

14 Q. Precisely.

15 A. Um-hm.

16 Q. That would Don Murphy, you?

17 A. Yes.

18 Q. Okay. Let's see. Third, next sentence,  
19 "The third part of this concern: The question  
20 is, should we proceed in hiring the Associate  
21 position?"

22 Do you know what position is being

1 referred to there?

2 A. Where are we talking?

3 Q. This would be just below where you were,  
4 the sentence that begins the third part of this  
5 concern.

6 A. Yes. That was the position I mentioned  
7 earlier that became the position of visitor and  
8 resource protection.

9 Q. Okay.

10 A. Associate for visitor and resource  
11 protection.

12 Q. All right. Is this a position that's  
13 funded by federal dollars?

14 A. Yes.

15 Q. And it goes on there. It says, "The  
16 group advised Don Murphy to talk to Debbie  
17 Weatherly and then proceed and advertise the  
18 position. There is no binding language at this  
19 time to stop us."

20 Do you see that?

21 A. Yes.

22 Q. Okay. It says there is no binding

1 language at this time to stop us.

2 I assume that's referring to a document,  
3 perhaps a Congressional document?

4 Do you know what it's referring to?

5 A. No.

6 Q. Okay. And did you speak with Ms.  
7 Weatherly about this position do you recall?

8 A. I spoke to her about the position at  
9 some point, yes.

10 Q. Okay.

11 A. I spoke with Ms. Weatherly about this  
12 position.

13 Q. And do you recall the purpose of your  
14 speaking with her about that?

15 Why did you do it?

16 A. This was a, a new position in the, in  
17 the Department of Interior, the National,  
18 National Park Service, and we often advised Ms.  
19 Weatherly, that is, the Appropriations  
20 Subcommittee, when we were in the process of  
21 doing an organizational change and putting in  
22 place a new position.

1 Q. Okay. And were you seeking funding for  
2 that position from Congress?

3 A. I don't recall that. I don't believe  
4 so.

5 Q. Were you seeking to reallocate some  
6 already allocated funds for this purpose?

7 A. I don't, I don't recall.

8 Q. It would have to be funded in one of  
9 those two ways, would it not, if it were federal  
10 money?

11 A. Yes.

12 Q. And do you know what Ms. Weatherly's  
13 position on this hiring the new associate  
14 position would be, would have been at this time?

15 A. The only thing I know is that she was  
16 ultimately supportive of, of hiring this  
17 position.

18 Q. Okay. When you say ultimately, she may  
19 not have been initially supportive?

20 A. I don't recall.

21 Q. Further down on that page, there's a  
22 sentence about in the middle that begins the

1 question was asked.

2 See if you can find that.

3 A. Um-hm.

4 Q. Okay?

5 A. Yes.

6 Q. It goes on to say, "...is it worthwhile  
7 to make individual appointments with subcommittee  
8 members themselves? The reality is that we  
9 should be able to make contacts even though  
10 Debbie Weatherly may be upset."

11 Do you see that?

12 (The witness reviewed the document.)

13 THE WITNESS: Yes, I see it.

14 BY MR. HARRISON:

15 Q. Okay. And do you know what it's  
16 referring to?

17 A. No, not exactly.

18 Q. Okay. You do understand it's talking  
19 about making contacts with members of Congress, a  
20 particular subcommittee I take it?

21 Is that much clear?

22 A. I'm just trying to get context here.

1           Q.    Please, go ahead.  Take all the time you  
2           need.

3                     (The witness reviewed the document.)

4           THE WITNESS:  Okay.

5           BY MR. HARRISON:

6           Q.    It may help to read the next sentence  
7           down.

8                     It says Don Murphy agreed with Rob and  
9           Don, which appears to be -- pardon me -- with  
10          Rob, "...and Don thought he had an agreement with  
11          Debbie to do this and felt he was stiffed at the  
12          last minute."

13                    Does that bring back any memory?

14          A.    I don't remember that.

15          Q.    Do you remember Debbie stiffing you at  
16          the last minute on some agreement?

17          A.    No.

18          Q.    Down further, it says, and I'll probably  
19          mispronounce his name -- "Dave Mihalic  
20          asked if we could identify some people to use a  
21          back channel communication.  Maybe the  
22          misinformation could be neutralized" ?

1                   Do you know what that's referring to?

2                   A.    No.

3                   Q.    Do you recall being aware that Park  
4                   Service employees arranged or attempted to  
5                   arrange communication with Congress, meaning  
6                   members of the Congress, on issues that came out  
7                   of this meeting essentially without advising Ms.  
8                   Weatherly and perhaps making an effort to avoid  
9                   having Ms. Weatherly know they were making the  
10                  contact with Congress?

11                  A.    I'm sorry. Repeat the question. Did I  
12                  do?

13                  Q.    Did you know that such communications  
14                  with Congress were made or attempted by members  
15                  of the Park Service staff?

16                  A.    I don't know that they were or recall  
17                  that they were.

18                            It was obviously discussed here, but I  
19                            don't, I don't recall that there were subsequent.

20                  Q.    So they were contemplated, but may or  
21                  may not have been carried out?

22                  A.    That's correct.



1           Q.    There is a sentence at the bottom there  
2           that begins, and again, I may not know the  
3           pronunciation, "Bill Supernaugh asked if there  
4           was a role that our partners can play without us  
5           violating guidelines about discussing information  
6           outside their committee."

7                    Do you see that?

8           A.    Um-hm.

9           Q.    Which committee is being referred to  
10          there?

11          A.    I don't, I don't know.

12          Q.    Okay. Do you understand that's a  
13          committee of Congress from the context?

14          A.    It probably is from the context, yes.

15          Q.    Okay. And it goes on to say, "Dave  
16          Mihalic pointed out that this could backfire when  
17          Ms. Weatherly checks her sources."

18                    Ms. Weatherly, of course, is the  
19          Congressional staffer we've mentioned I take it?

20          A.    Correct.

21          Q.    Okay. So do you know what's being  
22          referenced there about a possible backfire and

1 Ms. Weatherly checking her sources?

2 A. No. I don't know what the memo is  
3 talking about.

4 Q. If you'll turn to the next page, page 9  
5 of 15, near the, not quite in the middle, you'll  
6 see a paragraph that begins we're working on a  
7 campaign.

8 Do you find that?

9 A. Um-hm.

10 Q. Okay. It says, We are working on a  
11 campaign to communicate to Congress our needs."

12 Do you see that?

13 A. Um-hm.

14 Q. Who is the we being referred to there?

15 (The witness reviewed the document.)

16 THE WITNESS: I don't know who the we is  
17 that's being referred to there.

18 BY MR. HARRISON:

19 Q. Does it, apart from knowing precisely  
20 what it is, do you think it includes you?

21 A. Yes.

22 Q. Okay. Now that paragraph goes on. It

1           says when the National Park Service -- it's  
2           abbreviated there NPS -- "...works on a separate  
3           budget for the Protection Ranger, sometimes the  
4           recommendation ends up getting shoved aside for  
5           other priorities. Don does not think..." -- I  
6           take it that's referring to you?

7           A.    Um-hm.

8           Q.    "...that the task force has addressed  
9           that yet. USPP..." which I assume means the U.S.  
10          Park Police, "...is tied to the National Capitol  
11          Region Budget. The Deputy Director..." -- I'm  
12          assuming that's you?

13          A.    Um-hm. Yes.

14          Q.    "...said there has to be a way to be  
15          sure that law enforcement needs are met and our  
16          budget is not displaced by other needs and  
17          demands. We have decisions to make on what we  
18          are campaigning for."

19          A.    Yes.

20          Q.    Do you recall that being discussed?

21          A.    Yes.

22          Q.    And the reference to campaigning for I

1 take it means campaigning with Congress for, to  
2 meet your budgetary needs?

3 A. Yes.

4 Q. Particularly for law enforcement?

5 A. Yes.

6 Q. Okay. Was Bruce Sheaffer in attendance  
7 at this meeting?

8 A. I don't recall if he was there or not.

9 Q. Okay. Could you turn to page 10, which  
10 should be the next page I believe?

11 I think you'll see a reference to Mr.  
12 Sheaffer in there.

13 The middle of the page, there is a  
14 paragraph that says, "Don said the Department is  
15 moving quickly to follow dollars and outcomes on  
16 Law Enforcement side."

17 Do you see that?

18 A. Um-hm.

19 Q. Right below that, it says, "Bruce  
20 Sheaffer has been working with strategic planning  
21 folks to put together a system"?

22 A. Um-hm.

1           Q.    Do you think this was you referring to  
2           Bruce in his absence, or might he have said that  
3           and been present?

4           A.    I don't, I don't remember whether Bruce  
5           was there or not.

6           Q.    Okay.  There was a reference earlier --  
7           let's see -- it looks like three paragraphs up  
8           that begins the deputy director said the  
9           challenge.

10                    Do you see that?

11           A.    Um-hm.

12           Q.    Would that be you, the deputy director?

13           A.    Yes.

14           Q.    The deputy director said the challenge  
15           to the NPS -- National Park Service -- is members  
16           of the Congress with good memories?

17           A.    Um-hm.

18           Q.    Do you recall what you were referring to  
19           there?

20           A.    Yes.

21           Q.    What was that?

22           A.    That members of Congress remembered that

1           they have given funding to the National Park  
2           Service in previous years and funded the law  
3           enforcement program.

4                       That's what we're talking about  
5           specifically.

6           Q.    Okay.

7                       (There was a pause in the proceedings.)

8                       BY MR. HARRISON:

9           Q.    If you will turn to page 12 of 15,  
10           you'll see at the top a reference to Deputy  
11           Director Murphy, which would be you I take it?

12           A.    Yes.

13           Q.    "...said just before he left Washington,  
14           D.C., a meeting for July 17th was announced on  
15           Homeland Security.  It could have been an  
16           opportunity to make a case for additional  
17           resources.  Don Murphy has not heard from Bruce  
18           Sheaffer yet on this meeting."

19                       Do you recall that?

20           A.    I don't recall it specifically, but it's  
21           here.

22           Q.    Yes.  Okay.  Are there any documents

1           regarding that topic that might refresh your  
2           memory do you think?

3           A.    Not that I know of.

4                    (There was a pause in the proceedings.)

5                    BY MR. HARRISON:

6           Q.    There is, if you turn to page 13, you'll  
7           see a reference, it looks like the fifth  
8           paragraph down, "Don Murphy had one last  
9           question..."

10                   Do you see that?

11           A.    Um-hm.

12           Q.    And there's a colon, then the phrase  
13           "The legislative fix.  What does that mean?  Dick  
14           explained that it would be in the wording.  Don  
15           said that the legislative fix will not be easy  
16           and Mike said it is a big-ticket item.  Congress  
17           is scared."

18                   Do you recall that conversation?

19           A.    No, I don't.  I don't recall that  
20           specifically.

21           Q.    Do you know what it's referring to?

22           A.    No.

1           Q.    Do you know what was attempting to be  
2           fixed legislatively?

3           A.    From the context of the above paragraph,  
4           we're discussing the federal law enforcement  
5           retirement, and that program had some problems in  
6           the way it was being administered internally by  
7           the Department of Interior.

8                     We were discussing that, that program.  
9           I recall that.

10                    That was something that could only be  
11           rectified ultimately legislatively we felt.

12           Q.    I see.  Thank you.

13                     (There was a pause in the proceedings.)

14                    BY MR. HARRISON:

15           Q.    Now you had mentioned two memos so far  
16           that you had received from Ms. Weatherly that  
17           have to do with -- well, let me rephrase that.

18                     One, the later one in December, we know  
19           that has to do with Ms. Chambers' communications.

20                     You had mentioned one that came in  
21           November, and remind me the topic of that one.

22           A.    Yeah.  Now that I've thought about that



1 a little more, when you said November, I was  
2 really thinking about referring to the, what I  
3 had received from Debbie as e-mails in December.

4 There was not -- and I need to provide  
5 clarification for that.

6 There was not a memo in November. What  
7 I'd received from her that I was referring to  
8 earlier was the December e-mails that I got from  
9 Ms. Weatherly.

10 Q. Let's see if we can nail that down a  
11 little bit further.

12 A. Yeah, I hope so.

13 MR. HARRISON: Let's mark this document  
14 as Murphy No. 2.

15 (Murphy Exhibit No. 2  
16 was marked for  
17 identification.)

18 BY MR. HARRISON:

19 Q. Just take a moment, and let me know if  
20 you recognize that.

21 A. Yes.

22 Q. Do you know recognize it?

1           A.    Yes.

2           Q.    Let me show you the official marked  
3           copy.

4                    I'll take that one back from you if you  
5           don't mind just to make sure it's the same  
6           document.

7                    (The witness reviewed the document.)

8                    THE WITNESS:  Yes.

9                    BY MR. HARRISON:

10           Q.    Okay.  Now when we were discussing a few  
11           moments ago communication that I had asked you  
12           about that you may have received from Ms.  
13           Weatherly, you indicated you received a memo from  
14           Ms. Weatherly in November.

15                    And are you now thinking that this is  
16           the memo you're referring to?

17           A.    Yeah, this is what I was referring to.  
18           Sorry I got the date wrong.

19           Q.    Understood.  So let me ask you did you  
20           receive any memos or e-mails from Ms. Weatherly  
21           in November that in any way related to Ms.  
22           Chambers or her communications with Congress or

1 any matter regarding the chief of the United  
2 States Park Police?

3 A. Not that I recall.

4 Q. Okay.

5 A. This is what I recall.

6 Q. I appreciate that. Now apart from memos  
7 or e-mails, do you recall speaking with Ms.  
8 Weatherly in November, not December, but in  
9 November of 2003 regarding Ms. Chambers or the  
10 chief of the United States Park Police?

11 A. I don't recall specifically speaking to  
12 her in November about that.

13 I remember speaking to her in December.

14 Q. Thank you. Now do you recall speaking  
15 with anyone other than Ms. Weatherly regarding  
16 their communications with Ms. Weatherly in  
17 November of 2003 that in any way related to Chief  
18 Chambers.

19 (There was a pause in the proceedings.)

20 THE WITNESS: Yes.

21 BY MR. HARRISON:

22 Q. All right. And what do you recall in

1 regard to that?

2 A. I recall that our comptroller and Chief  
3 Financial Officer Bruce Sheaffer mentioned to me  
4 that Debbie Weatherly had talked to him  
5 specifically about the U.S. Park Police Chief  
6 Chambers attempting to make contact with Chairman  
7 Taylor's office, and that as far as she knew,  
8 that that didn't happen.

9 He went on to say that Debbie explained  
10 it had -- I don't have a clear memory on this,  
11 but it had something to do with specific needs  
12 that the U.S. Park Police had.

13 I think it may have related to a need  
14 for helicopters, something of that nature.

15 Q. Mr. Sheaffer told you this?

16 A. Yes.

17 Q. And do you recall how that conversation  
18 came to be, what prompted it?

19 A. No, I don't remember what prompted it.

20 Q. Okay. And this was a person-to-person  
21 communication, or --

22 A. Yes. No. It was person-to-person.

1 Q. Okay. Did you respond to Mr. Sheaffer  
2 in any manner regarding what he told you?

3 A. I remember saying I don't think that's  
4 appropriate.

5 That's what I recall having said,  
6 something of that nature.

7 Q. Did you create any written  
8 memorialization of that particular communication  
9 note, memo?

10 A. Not that I recall.

11 Q. Okay. Did you follow up on that  
12 conversation with any memo or e-mail to anyone?

13 A. Not that I recall, no.

14 Q. What was it that Bruce told you that --  
15 let me first ask you I take it that you assumed  
16 what Bruce told you was true?

17 You didn't check to verify it before you  
18 concluded that Mr. Chambers had acted  
19 inappropriately?

20 You assumed what he was telling you was  
21 correct, is that fair?

22 A. No.

1 Q. Did you make inquiry to confirm what  
2 Bruce had told you?

3 A. No.

4 Q. Okay. So did you or did you not assume  
5 what he told you was correct?

6 A. I did not assume it was correct.

7 Q. I see. So if you didn't assume it was  
8 correct, why did you tell him you thought it was  
9 inappropriate?

10 A. From what he told me, what my  
11 communication to him was, is that that's, that's  
12 inappropriate or it sounds inappropriate.

13 I'm reconstructing what I, you know,  
14 recall saying, but --

15 Q. Um-hm.

16 A. I didn't -- Bruce tells me things all  
17 the time that I don't necessarily --

18 Q. Assume are true?

19 A. Assume are true.

20 Q. I see. So did you make an inquiry with  
21 Chief Chambers then regarding that?

22 A. Not that I recall.

1           Q.    Okay.  Do you recall talking with  
2           Director Mainella about the same topic, Ms.  
3           Chambers having made that, apparently an  
4           attempted communication with Congress?

5           A.    I don't recall having spoken to Ms.  
6           Mainella about that, no.

7           Q.    Okay.  Now did you speak with Ms.  
8           Mainella about any communication she may have had  
9           with Ms. Weatherly in the November 2003  
10          timeframe?

11          A.    Yes.

12          Q.    And tell us what you recall about that.

13          A.    Ms. Mainella, the Director of the  
14          National Park Service, informed me that she had  
15          had a conversation with Ms. Weatherly.

16                   Weatherly had telephoned her and  
17          expressed concern about a telephone call that she  
18          had received in, some time in early December or  
19          at the end of November from Ms. Chambers  
20          regarding the NAPA re-review.

21          Q.    And when did you have this discussion  
22          with the director?

1           A.    I don't recall the exact date.  It  
2           was -- I have it in my file, but I don't recall  
3           the exact date of that conversation.

4           Q.    You would have a record of it?

5           A.    Oh, yes.

6           Q.    Okay.  What form would that record take?

7           A.    I had notes to my own file that I have  
8           where I keep track of some things like this, and  
9           there was a subsequent conversation with Bruce  
10          Sheaffer, who informed me about the same matter.

11                    Debbie Weatherly had called him as well.

12          Q.    I see.  So this would be a second  
13          conversation you had with Mr. Sheaffer?

14          A.    That's correct.

15          Q.    I appreciate that.  So it would be  
16          reflected in your notes to your own file.  Okay.

17                    And your conversation with Mr. Sheaffer  
18          would be reflected in those notes as well?

19          A.    I don't think so.

20          Q.    Do you sort of select what you do and  
21          don't record in your notes and only report  
22          certain categories of things?



1           A.    Yes.

2           Q.    Okay.  I take it you report your  
3           conversations with the director in your notes?

4           A.    No.

5           Q.    No?  So what brought you to record this  
6           particular conversation?

7                    I don't mean tape record, but just to  
8           make a note about your conversation with the  
9           director on this particular topic of Ms.  
10          Weatherly's call.

11                   Why did you note that?

12           A.    I had been keeping some notes on my  
13           interactions and conversations with Chief  
14           Chambers going back to probably August or maybe  
15           further since we had had a, an incident involving  
16           what I felt was a breach of the chain of command,  
17           and so I was specific about what I was writing  
18           notes to so that things were happening, I was  
19           just keeping a note to myself about every time I  
20           got something that appeared to be inappropriate  
21           or out of the ordinary.

22           Q.    Regarding Chief Chambers?

1 A. That's correct.

2 Q. So this file that you're referring to  
3 that you put your notes in was specific to Chief  
4 Chambers?

5 A. Correct.

6 Q. Okay. Did you maintain such a file on  
7 any other employee?

8 A. No, I did not.

9 Q. Okay. And you began the maintenance of  
10 this file after the event that you perceived to  
11 be a breach of the chain of command?

12 A. That's correct.

13 Q. And that would be the event regarding  
14 the detailing of Ms. Pamela Blyth?

15 A. That's correct.

16 Q. Would anyone have seen this file with  
17 your notes in other than you during the period  
18 preceding December 5th of 2003?

19 A. No.

20 Q. Okay. Would anyone other than you have  
21 known of the existence of this file?

22 A. No.

1 Q. Not -- Ms. Chambers included? She would  
2 not have known, either?

3 A. No, she would not.

4 Q. Okay. How about anyone in Human  
5 Resources?

6 A. No.

7 Q. Okay. And you began maintaining this  
8 file after you had finalized your performance  
9 appraisal, is that correct, for Ms. Chambers that  
10 you had referenced?

11 A. Yes. It would have been after, yes.

12 Q. Okay. And was the purpose of this file  
13 and notes regarding Ms. Chambers to perform your  
14 next performance appraisal for her?

15 A. Not necessarily.

16 Q. Okay. Did you have a specific purpose  
17 in mind for maintaining the file?

18 A. Yes.

19 Q. And what was that?

20 A. I had just noticed this pattern of not  
21 either following instructions, or in this case,  
22 when I started a breach of the chain of command,

1           and I just wanted to make sure that I had a  
2           record for myself of that pattern so I could  
3           understand what was going on.

4           Q.    So did you note in this same file any  
5           performance-related matters that came to your  
6           attention regarding Ms. Chambers?

7           A.    No, not specifically.

8           Q.    Okay.  So if Ms. Chambers had  
9           accomplished something noteworthy, you wouldn't  
10          have necessarily put it in this file?

11          A.    No, I would not.

12          Q.    Now the conversation that you had with  
13          Mr. Sheaffer that you first told me about that  
14          had to do with his relaying his understanding  
15          from a call, well, from a conversation with Ms.  
16          Weatherly that Ms. Chambers had attempted to  
17          communicate with Congressman Taylor I believe?

18          A.    Yes.

19          Q.    Did that conversation with Mr. Sheaffer  
20          happen before or after the conversation you have  
21          more recently referenced regarding Mr. Sheaffer  
22          which had to do with Ms. Chambers as well I

1 believe?

2 A. It was before.

3 Q. Okay. Now I'm going to try to put as  
4 best I can in a time sequence even if we can't  
5 put a particular date on them the three  
6 conversations we have been talking about.

7 One was a conversation with Mr. Sheaffer  
8 you had, which is the first one you mentioned  
9 where Mr. Sheaffer referenced a conversation you  
10 had with Ms. Weatherly regarding Ms. Chambers.

11 Then we have the conversation you had  
12 with Director Mainella, and then we have the,  
13 apparently the second and later communication  
14 with Mr. Sheaffer that you had.

15 I'm assuming that those conversations  
16 happened in the sequence I just stated?

17 A. Yes.

18 Q. Okay. Now you had indicated you  
19 believed the first of those three communications,  
20 which was with Mr. Sheaffer, occurred in late  
21 November or early December of 2003.

22 Did I understand you correctly?

1           A.    It may have been in that timeframe.  I  
2    really don't recall exactly.

3           Q.    So you're really not sure about that.  
4    It would be, I assume it would have been either  
5    within November or December?

6           A.    At least we can say that much?

7           A.    Yeah, I believe so.

8           Q.    Okay.  Now as best you can place it,  
9    when did you believe you had the conversation  
10   with Director Mainella?

11          A.    Again, it's in the record.

12          Q.    And the record would be your notes to  
13   the file?

14          A.    Yes.

15          Q.    To the file you mentioned?

16          A.    (Indicated "yes.")

17          Q.    Does it come into your mind when that  
18   might have been?

19                   (There was a pause in the proceedings.)

20           THE WITNESS:  I don't recall exactly.  I  
21   just don't.

22                   BY MR. HARRISON:

1 Q. Okay. Do you recall where the  
2 conversation took place?

3 A. In the director's office.

4 Q. Okay. And were you summoned to come to  
5 her office?

6 A. Yes.

7 Q. And was it regarding this particular  
8 matter that you were telling me?

9 A. Yes.

10 Q. What did Ms. Mainella, the director,  
11 tell you at that point?

12 A. She told me that she had received a call  
13 from Ms. Weatherly, and Ms. Weatherly was she  
14 used the word upset about a recent conversation  
15 that she had had with the chief regarding the  
16 NAPA review, and she communicated to me that the,  
17 that Debbie Weatherly had communicated to her  
18 that the chief had asked that the, had said that  
19 she didn't believe that the NAPA review was  
20 necessary, and that the United States Park Police  
21 shouldn't have to pay for it, and the director  
22 described Debbie Weatherly as being somewhat

1           incredulous about, about that, and very upset  
2           that occurred.

3           Q.    And in reference to who should pay for  
4           it, do you recall the director telling you that  
5           Ms. Weatherly said that Ms. Chambers said that  
6           did you say the department should not have to pay  
7           for it?

8                     Who did you say should not have to pay  
9           for the NAPA study?

10          A.    That U.S. Park Police shouldn't have to  
11          pay for it.

12          Q.    Park Police; and did you understand from  
13          the director whether Ms. Weatherly had  
14          communicated this in a phone call to the  
15          director, or whether it was a face-to-face  
16          meeting?

17          A.    It was a phone call.

18          Q.    Okay. Do you know how much time had  
19          elapsed between the phone call between Ms.  
20          Weatherly and the director and when you were  
21          summoned to come to the director's office?

22          A.    No.



1 Q. Did you understand it was the same day?

2 A. It may have been the same day.

3 Q. Are you sure that the director said that  
4 Ms. Weatherly said that Ms. Chambers said that  
5 the NAPA review in the chief's view would not be  
6 necessary?

7 Are you sure about that particular  
8 content?

9 A. That the director said those exact  
10 words?

11 Q. Yes, sir.

12 A. She said something to that effect.

13 Q. Something that would clearly mean that?

14 A. Yes.

15 Q. And are you sure that the director said  
16 that Ms. Weatherly said that Ms. Chambers said  
17 that the U.S. Park Police should not have to pay  
18 for the NAPA study?

19 A. That's correct, yes.

20 Q. Okay. Was there any document that  
21 reflected the director's communication to you on  
22 that day?

1                   I mean I understood you made a note  
2           about it to your file.

3           A.    Yeah, just my note.

4           Q.    Did your note reflect that the specifics  
5           we just talked about?

6           A.    I don't recall how specific I was, but  
7           the general idea, yes.

8           Q.    Okay. Did it reference Ms. Chambers  
9           stating to Ms. Weatherly that the NAPA review was  
10          not necessary?

11          A.    It must have.

12          Q.    You expect it did?

13          A.    I expect it would have, yes.

14          Q.    And would you expect it would have  
15          reflected Ms. Chambers saying to Ms. Weatherly  
16          that the Park Police should not have to pay for  
17          the study?

18          A.    Yes.

19          Q.    Okay. And did you happen to sign and  
20          date these notes?

21          A.    I dated them when I first started them,  
22          and they are, they were done on my computer, and

1 every entry in the property section is recorded.

2 Every entry, every time you go in and  
3 make a change or an addition, it's recorded.

4 Q. Okay. So let's be as clear as we can  
5 be.

6 This was a file that you maintained on  
7 your computer?

8 A. Correct.

9 Q. These were not handwritten notes?

10 A. Correct.

11 Q. Okay. The first date that you began the  
12 file was recorded in some manner I take it the  
13 date that you began taking, maintaining the file?

14 A. Yes.

15 Q. How was that recorded precisely, that  
16 date?

17 A. It was typed.

18 Q. You typed the date in on the actual  
19 document itself?

20 A. Yes.

21 Q. Okay. Now every time you made an entry  
22 subsequent to that, there was some recording of

1 the date of the new entry?

2 A. Yes.

3 Q. How was that done?

4 A. Electronically.

5 Q. By the machine, or by you typing  
6 something in?

7 A. By the machine.

8 Q. Do you know how that works?

9 A. No.

10 Q. Okay. If you were to call up the  
11 information to see all the dates you made the  
12 different entries, would it still be there?

13 A. I don't know.

14 Q. Okay. How many different entries do you  
15 think you made in that file?

16 A. Half a dozen.

17 Q. Okay. Is that file readily available to  
18 you these days?

19 A. Yes.

20 Q. It is? Is it capable of being e-mailed?

21 A. Yes.

22 MR. HARRISON: Okay. Counsel, if it's

1 possible just to avoid having another session  
2 with Mr. Murphy, would it be possible to have  
3 that file e-mailed over so we could ask him  
4 questions about those things?

5 MR. L'HEUREUX: I don't know if it is  
6 possible because I don't know if anybody else can  
7 get into his computer and do it.

8 MR. HARRISON: Would you mind inquiring?

9 MR. L'HEUREUX: Can we go off the  
10 record?

11 MR. HARRISON: Sure. Let's go off the  
12 record.

13 (A discussion was held off the record.)

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

15 BY MR. HARRISON:

16 Q. Did Director Mainella say anything else  
17 to you during this conversation in regard to what  
18 Ms. Weatherly would have told her?

19 A. No.

20 Q. Did you express any reaction to this  
21 information to the director at that time?

22 A. Yes.

1 Q. And what was that?

2 A. I felt that, that if that was true, that  
3 was not appropriate at all behavior, and I was  
4 concerned because it sounded inappropriate.

5 Q. Okay. Did you have any way of knowing  
6 either because it was stated to you or you could  
7 tell from the context how recent Ms. Chambers had  
8 spoken to Ms. Weatherly before Ms. Weatherly in  
9 turn called the director?

10 A. Yes.

11 Q. And what, what was your understanding  
12 about that?

13 A. That it was recent.

14 Q. Okay. And as best you can, could you  
15 place that conversation with the director in her  
16 office in time for us?

17 A. I don't remember the exact --

18 Q. Date?

19 A. Exact date.

20 Q. Okay. How about a month?

21 A. I can't even remember the exact month,  
22 to tell you the truth.

1 Q. Okay. Did you say anything further to  
2 the director in that meeting?

3 A. I said I should probably talk to Ms.  
4 Weatherly about this and find out what was said  
5 or what happened.

6 Q. Okay. Did you say anything else to the  
7 director at that point?

8 A. Not that I recall, no.

9 Q. Okay. So as far as you know, nothing  
10 further transpired in that meeting?

11 A. No.

12 Q. Did you then contact Ms. Weatherly to  
13 find out what may have happened?

14 A. Yes.

15 Q. Okay. And when did you do that?

16 A. I believe I did it the same day.

17 Q. Okay. It was by telephone?

18 A. Yes.

19 Q. And did you reach Ms. Weatherly?

20 A. Yes.

21 Q. And can you tell us what the substance  
22 of that conversation was both from you and from

1 Ms. Weatherly?

2 A. Ms. Weatherly communicated that she had  
3 received a call from Chief Chambers wherein she  
4 stated that she didn't believe the NAPA re-review  
5 was necessary, that there had been a lot of work  
6 that had been done, and that she didn't believe  
7 the U.S. Park Police should, should have to pay  
8 for, for that.

9 Ms. Weatherly felt it was not, she  
10 stated that she felt the call was, was  
11 inappropriate.

12 She went on talking to me about how  
13 apparently the National Park Service wasn't  
14 managing the national park or the U.S. Park  
15 Police if this sort of thing could happen, if the  
16 chief could call and do this kind of thing, and  
17 she was very concerned about, about that, and  
18 just expressed her, her extreme concern.

19 Q. And when she made the reference to the  
20 Park Service not managing the Park Police and  
21 stated her concern, she was talking about the  
22 event of Ms. Chambers contacting her and making



1 the two communications she referenced, the study  
2 might not be required, and the Park Police should  
3 not have to pay for it?

4 A. I'm sorry. I almost spaced out, so --

5 Q. That's Okay.

6 A. Go ahead.

7 Q. We're about to take a break. That might  
8 help.

9 A. Okay. Go ahead.

10 Q. We'll try to get closure on this.

11 A. Okay.

12 Q. I'm just trying to understand what, as  
13 best you understand, what Ms. Weatherly meant  
14 when she said the Park Service was not managing,  
15 in your words, the Park Police.

16 I take it, but correct me if I'm  
17 mistaken, that she meant in your understanding,  
18 that Ms. Chambers communicating to her that the  
19 NAPA study was not required and the Park Police  
20 should not have to pay for it, it was that  
21 communication that was being referred to by Ms.  
22 Weatherly as the Park Service not managing the

1 Park Police adequately.

2 A. Yeah. I think that's a fair  
3 characterization.

4 Q. She didn't state anything else that she  
5 was concerned about in terms of not managing the  
6 Park Police?

7 A. No, not at that time.

8 Q. Did Ms. Weatherly use the term managing,  
9 or is that your word?

10 A. That's my word.

11 Q. Do you recall --

12 A. Paraphrase.

13 Q. What word Ms. Weatherly might have used?

14 A. No.

15 Q. Okay. Do you recall Ms. Weatherly using  
16 the word control or controlling in that  
17 conversation?

18 A. No, I don't, not specifically.

19 Q. Did you state anything to Ms. Weatherly  
20 in response to what she told you?

21 A. I said I believe that she was right in  
22 characterizing this as inappropriate behavior,

1           and that I would take it under advisement and I  
2           would contemplate what action I was going to be  
3           taking as a result.

4                        I thought it was a serious enough  
5           problem to take some sort of disciplinary action.

6           Q.    Okay.  You had not spoken with Chief  
7           Chambers about it at that point in time?

8           A.    Not at that point.

9           Q.    Okay.  Was there anything else said in  
10          that conversation?

11          A.    Not that I can recall, no.

12          Q.    Okay.  How would you place this call in  
13          time in relation to the December 2nd publication  
14          of The Washington Post article that's been at  
15          issue in the case?

16          A.    It was probably a month prior or so.  
17          I'm not -- that's approximately.

18          Q.    Okay.  Did you memorialize your  
19          conversation with Ms. Weatherly?

20          A.    I don't recall, to tell you the truth.  
21          I don't know.

22          Q.    Okay.  You don't remember putting

1 another note in your file regarding Chief  
2 Chambers for this call?

3 A. Not specifically. I may have.

4 Q. Did you receive any written  
5 communication from Ms. Weatherly about this  
6 particular matter?

7 A. Yes.

8 Q. Okay. Would that be the same e-mail I  
9 showed you earlier?

10 A. That's correct.

11 Q. Was there anything further that you  
12 received in writing from Ms. Weatherly?

13 A. I received a fax from Ms. Weatherly  
14 also.

15 Q. And when was that?

16 A. It was around the same time period, so  
17 it would have been some time in December.

18 Q. Now a moment ago, you indicated that the  
19 call with Ms. Weatherly would have been about a  
20 month before The Washington Post article?

21 A. That's correct.

22 Q. That would place it in early November?

1 A. Yes.

2 Q. Okay. And now you're saying the fax was  
3 about the same time, but in December, so help me  
4 out with that.

5 A. The fax was the same time I got the  
6 e-mail. She --

7 Q. Oh, that -- I see.

8 A. She also faxed this information.

9 Q. All right. And what was in that fax?

10 A. Let's see. That fax simply had  
11 information about what Debbie Weatherly had  
12 prepared and communicated to Congress that had  
13 been done for the U.S. Park Police as far as  
14 funding and budget was concerned.

15 Q. Is that the document Ms. Weatherly  
16 referred to in her e-mail?

17 A. Down here at the bottom, yes.

18 Q. And do you maintain a copy of that fax?

19 A. Yes, there's a copy.

20 MR. HARRISON: If it's not too much  
21 trouble, if you do get the notes from the file,  
22 we would like to see this fax as well so we can

1 ask him questions about it.

2 MR. L'HEUREUX: Well, let's put this on  
3 the record.

4 We're going to make disclosures as  
5 covered by your document request when they're  
6 due.

7 MR. HARRISON: Understood.

8 MR. L'HEUREUX: We're not undertaking  
9 now to go find any e-mail or produce anything  
10 before the due date of the document request.

11 MR. HARRISON: That's fine. We'll  
12 reserve our right to recall Mr. Murphy if you  
13 disclose these documents at that time and they  
14 seem that important.

15 MR. L'HEUREUX: If so, then we can  
16 revisit it if that needs to happen.

17 MR. HARRISON: That's fine. We're not  
18 going to close this deposition today. We're  
19 going to keep it open. Okay.

20 BY MR. HARRISON:

21 Q. Now you had a conversation -- let me ask  
22 you have we exhausted all the written

1           communications you received from Ms. Weatherly?

2           A.    Yes.

3           Q.    Okay.

4           A.    Can we take a break?

5           Q.    We could.  This will be a fine time to  
6           take a break.

7                        Why don't we go ahead and do that?

8                        (The witness reviewed the document.)

9                        BY MR. HARRISON:

10           Q.    Mr. Murphy, still trying to be as  
11           precise as we can be about timing, we've I think  
12           established that your meeting with Ms. Mainella  
13           in her office regarding the conversation with Ms.  
14           Weatherly took place about a month before The  
15           Washington Post article, give or take?

16           A.    Yes.

17           Q.    The conversation with Mr. Sheaffer, the  
18           first one where he referenced his conversation  
19           with Ms. Weatherly in regarding to Ms. Chambers  
20           attempting to communicate with Congressman  
21           Taylor, that would have occurred before your  
22           meeting with Ms. Mainella?

1           A.    That's correct.

2           Q.    Okay.  Then after talking with the  
3           director, you made a call to Ms. Weatherly and  
4           spoke with her?

5           A.    That's correct.

6           Q.    Do you know how much time might have  
7           elapsed between your meeting with the director  
8           and your call to Ms. Weatherly?

9           A.    I believe I did it the same day.

10          Q.    Okay.  Now so the, the e-mail that you  
11          have identified as from Ms. Weatherly, that would  
12          have come some time later to you, on December 4th  
13          I believe?

14          A.    Yes.

15          Q.    And you recall there being some days in  
16          between your call to Ms. Weatherly and this  
17          e-mail that you have?

18          A.    Yes.

19          Q.    Okay.  And the fax that you received  
20          from Ms. Weatherly, which is the document or a  
21          document referred to in the e-mail from Ms.  
22          Weatherly of December 4, that fax would have come



1 on or about December 4th also?

2 A. Yes.

3 Q. Okay. When you were speaking with Ms.  
4 Weatherly on the phone, did you indicate to her  
5 that you intended to take some disciplinary  
6 action of some kind against the chief for those  
7 communications?

8 A. Yes.

9 Q. Do you remember as best you can recall  
10 your precise words to Ms. Weatherly in that  
11 regard?

12 A. No, I don't.

13 Q. Okay. Do you recall identifying a  
14 particular type of disciplinary action?

15 A. No.

16 Q. Did Ms. Weatherly respond in any way  
17 when you informed her that you intended to take  
18 some disciplinary action?

19 A. Not that I recall, no.

20 Q. All right. Did Ms. Weatherly express  
21 that anyone in addition to herself had a concern  
22 about the chief's communications to her like the

1 Congressperson, for example?

2 A. No.

3 Q. She mentioned no other party?

4 A. No.

5 Q. Did Ms. Weatherly identify specifically  
6 any law she felt was being violated by Ms.

7 Chambers' communication?

8 A. No.

9 Q. Did Ms. Weatherly identify any written  
10 procedure specifically that she felt was violated  
11 by the chief's communications?

12 A. No.

13 Q. Did Ms. Weatherly communicate to you  
14 that she did not want Chief Chambers to ever  
15 speak to her again?

16 A. No.

17 Q. Did Ms. Weatherly communicate to you  
18 that she wanted Ms. Chambers to jump through some  
19 hoops or prerequisite steps before speaking with  
20 her again?

21 A. No.

22 Q. Is there anything else you can recall

1           that transpired in that conversation that we have  
2           not mentioned?

3           A.    No.

4           Q.    Now you had a communication with Mr.  
5           Bruce Sheaffer, the comptroller, regarding a  
6           conversation he had with Ms. Weatherly subsequent  
7           to his conversation with Ms. Weatherly that we  
8           have already talked about, and it's going to take  
9           a moment to make that clear, but you indicated  
10          that earlier, before you met with Director  
11          Mainella on her conversation with Ms. Weatherly,  
12          Mr. Sheaffer told you that Ms. Chambers had,  
13          according to Ms. Weatherly, communicated or  
14          attempted to communicate with Congressman Taylor.

15                 Did Mr. Sheaffer tell you specifics  
16                 about what the chief had done or attempted to do?

17                 That's, this is the earlier conversation  
18                 now.

19          A.    Yes.

20          Q.    And what do you recall specifically that  
21                 was said in that regard?

22          A.    That Mrs., Ms. Chambers had attempted to

1 contact Chairman Taylor I believe Ms. Weatherly  
2 said through one of her, one of his constituents.

3 Q. Okay. And who is Chairman Taylor?

4 A. He is chairman of the subcommittee,  
5 House Subcommittee on Appropriations for the  
6 Department of Interior.

7 Q. And he would be the Congressperson that  
8 Ms. Weatherly would report to?

9 A. Yes. That's correct.

10 Q. Okay. And you indicated at that time to  
11 Mr. Sheaffer that you felt, apparently without  
12 confirming that it actually happened that way,  
13 that you felt that it would be inappropriate for  
14 Ms. Chambers to do that?

15 A. Yes.

16 Q. Okay. Okay. Have you ever yourself  
17 attempted to contact a Congressperson whether  
18 Congressman Taylor or any other, through their  
19 home office?

20 A. No.

21 Q. Have you ever discussed with other  
22 members of the Park Service staff the possibility

1           that they would do a contact with a  
2           Congressperson through their home office?

3           A.    Yes.

4           Q.    Okay.  And do you recall the  
5           circumstances when you had such a conversation?

6           A.    Yes.

7           Q.    When was that, where was it, and what do  
8           you recall?

9           A.    Let's see.  On one occasion, it was with  
10          Yosemite National Park.

11                    An inquiry had been made from the  
12          Congressman Radonovich's office about the status  
13          of a project, and we let the park know that that  
14          inquiry's been made and they're to provide  
15          information to the office.

16                    Special event at New River Gorge in West  
17          Virginia, attended by local Congressman.  I don't  
18          remember that particular district, but we  
19          communicated to the park that we had been  
20          contacted to attend the event, and we asked the  
21          park to contact that office, provide them with  
22          the information on who from the directorate was

1 coming.

2 Florida, the Biscayne Bay, Stiltsville,  
3 the Congressman down there, I can't remember her  
4 name, called my office and wanted to have an  
5 update on the status of what was happening in  
6 Stiltsville and with the tenants who she  
7 represented there, and what our plans were for  
8 the future.

9 We called the park and asked them to  
10 contact the local office directly and provide  
11 them with an update.

12 Those are some specific instances.

13 Q. Okay. Do you recall any others?

14 A. There were contacts from Senator Lott's  
15 office asking about Cat Island locally and what  
16 the status of the appraisal was for Cat Island,  
17 and we had the staff call the local office -- by  
18 that, I mean the appraisal land staff out here in  
19 Washington -- to provide information.

20 Q. Okay. All right. Do you recall any  
21 examples where Park Service staff contacted a  
22 Congressperson's office without having been

1 requested to do so by the Congressperson?

2 A. Yes.

3 Q. And are there other examples other than  
4 you may have mentioned that come to mind?

5 A. Oh, there are examples when there's a  
6 fire in the park and a certain Congressional  
7 district would be threatened.

8 The parks contact the Congressional  
9 office, let them know the threat level is in the  
10 community, and what to expect to provide that  
11 kind of information.

12 Special events, I think I mentioned  
13 that.

14 Q. Um-hm.

15 A. Contacting the Congressman's office,  
16 they will do that.

17 Excuse me.

18 Q. Sure.

19 A. If there's a natural, other natural  
20 disasters pending, they will make a contact, or  
21 if there are instances where the Congressional  
22 office needs a heads-up that a constituent is

1 concerned about a particular service or something  
2 in a park, the park will make a direct contact to  
3 the Congressional office and give them a heads-up  
4 and update on what's going on.

5 Q. Okay. Do you recall any occasions when  
6 Park Service staff would have contacted a  
7 Congressperson's home office to communicate a  
8 perceived need for additional funding?

9 A. No. I don't have that direct knowledge,  
10 no.

11 Q. Okay. Do you recall discussing with  
12 Park Service staff the potential or plan for Park  
13 Service staff making such a communication with a  
14 Congressperson's home office regarding the need  
15 for additional funding?

16 A. Park Service staff on the Leadership  
17 Council, yes.

18 Q. Okay. Do you recall a particular  
19 instance when that was discussed?

20 A. I don't recall a particular instance or  
21 a particular meeting, but it's discussed amongst  
22 our National Leadership Council.



1           Q.    Okay.  And the gist of the discussion is  
2           what?  That there may be a need to do that type  
3           of communication at some point or what, what is  
4           the nature of the discussion?

5           A.    We communicate to members of our  
6           National Leadership Council, particularly our  
7           regional directors, that when they have their  
8           superintendents meetings, to please remind their  
9           superintendents that two things -- budgetary  
10          information that's contained in the President's  
11          budget is confidential and they're not to discuss  
12          that kind of information with their, with their  
13          superintendents.

14                 We communicate to them that they need to  
15          make sure their superintendents understand that  
16          the budgets are developed in, in Washington  
17          through the regions, and to make sure that their  
18          superintendents understand that that's the proper  
19          process.

20                 And we also make sure that they  
21          understand that it is not proper for them to  
22          develop or try to develop a, a pressure on the

1 Washington office through their Congressional  
2 office for budgetary needs.

3 We make that clear to the regional  
4 directors and ask them to communicate that to  
5 their superintendents.

6 Q. That they shouldn't go to Congresspeople  
7 to create a political pressure on the Washington  
8 office of the National Park Service?

9 A. That's correct, or the Department of  
10 Interior.

11 Q. Or the Secretary's office or whomever?

12 A. Right.

13 Q. Okay. Is this communication put in  
14 writing?

15 A. Not that I know of.

16 Q. Okay. Now do you remember the question  
17 I asked you that prompted that response?

18 A. I don't remember all of it.

19 Q. The gist was --

20 A. Just restate it.

21 Q. I'm trying to determine if we have  
22 exhausted your answer to it.

1           The question was are you aware of -- I  
2           probably won't say it precisely myself -- any  
3           discussions with Park Service staff regarding  
4           contacting a Congressperson's home office  
5           regarding the need for additional funding,  
6           something to that effect.

7           Are you aware of any conversations that  
8           fit that description other than what you have  
9           just now identified?

10          A.    No.

11          Q.    None that you participated in?

12          A.    No.

13          Q.    Okay.  Now do you still have the Exhibit  
14           1 to this deposition in front of you?

15          A.    Sure.

16          Q.    That would be the task force minutes?

17          A.    Um-hm.

18          Q.    Okay.  Do you know whether in that  
19           particular meeting, there was a discussion of  
20           contacting Congresspeople's offices for the  
21           purpose of seeking additional funding?

22          A.    It may have been discussed.

1 Q. Okay. And you were present for that?

2 A. I don't know. I wasn't present for the  
3 whole meeting, so from what's in here, I'm not, I  
4 don't know except for what I'm, what's referred  
5 to in here where I'm present.

6 Q. Okay. Is it your testimony today that  
7 you have never discussed with the Park Service  
8 staff in a way that was favorable to the  
9 communication taking place the prospect of Park  
10 Service staff speaking with a Congressperson's  
11 office regarding the need for additional funding?

12 A. No, I wouldn't say that's my testimony.  
13 I'm not sure I understand.

14 If that's, if I understand your  
15 question, no, I wouldn't say that's my testimony.

16 Q. Okay. I appreciate that. And the  
17 reason I asked, the examples that you gave in  
18 response to my question initially that you  
19 remembered in regard to discussions that involved  
20 the topic of communicating with a  
21 Congressperson's office seem to be in the  
22 direction of communicating to the field people

1 not to do it, that they shouldn't be  
2 communicating with Congresspeople's office for  
3 the purpose of, you know, putting pressure on the  
4 national office to provide more funding.

5 A. That's correct.

6 Q. And I just wanted to make sure that you  
7 were not, in saying that, meaning to say that you  
8 had never had a communication with Park Service  
9 staff which might have been in the other  
10 direction where such a communication -- strike  
11 that -- where a communication with a Congress  
12 member might have been seen as all right or  
13 acceptable in the context of requesting  
14 additional funds.

15 Have you, do you recall ever  
16 encouraging, approving, or indicating that it was  
17 acceptable for Park Service staff to have such a  
18 communication with a Congressperson or their  
19 staff regarding seeking additional funding?

20 A. No. And it's important to make a  
21 distinction.

22 We provide information to Congress about

1 various programs, and there is a distinction  
2 between providing that, that information, whether  
3 it's budgetary information or, or whatever it  
4 happens to be, and, and asking an employee to  
5 seek additional funding through their, through  
6 their local Congressional office.

7 Q. Um-hm. So are you saying, did your no  
8 mean that no, you don't recall any occasions  
9 where you would have approved and indicated it  
10 was acceptable for that communication to take  
11 place, or no, that no, that it has never  
12 happened?

13 Are you saying you don't recall it, or  
14 are you saying it has never happened, or are you  
15 saying something else like it's not acceptable?

16 A. Let's see. You have four different  
17 questions.

18 Q. I'm trying to figure out what that one  
19 word, that no meant when you said no in answer to  
20 my question.

21 A. I would have to hear the question again.

22 Q. Let's try it. Do you recall ever being

1 a party to a conversation in which you would have  
2 indicated it was acceptable to you or approved by  
3 you that a National Park Service staff person  
4 would communicate with a Congressperson's office  
5 for the purpose of seeking additional funding?

6 A. No.

7 Q. Now that's what I remember you saying,  
8 so what does that no mean?

9 I mean does it mean you don't remember  
10 that it's happened?

11 Are you saying definitely it's never  
12 happened?

13 (There was a pause in the proceedings.)

14 THE WITNESS: Well, in this instance, my  
15 no means the answer to your question I believe  
16 that you asked.

17 BY MR. HARRISON:

18 Q. That's normally what it should be. So  
19 answer the question I'm asking you for the  
20 moment, which is to clarify if only by repeating  
21 what your no means.

22 Does it mean I don't recall, or does it

1 mean it has never happened?

2 A. I said no. I didn't say I don't recall.  
3 I said no.

4 Q. I understand. I remember that part, so  
5 answer my question of the moment.

6 A. I'm not sure I understand what you're  
7 asking me.

8 I thought I answered.

9 Q. I can help you with that. Do you not  
10 recall any such occasions?

11 A. I'm sorry. I'm really not trying to be  
12 difficult.

13 I don't understand what you're --

14 Q. That's fine.

15 A. What the question is or what you're  
16 asking me.

17 I thought I answered the question, so if  
18 you'll just rephrase it?

19 Q. I'm going to ask it again, and I'm going  
20 to ask it again, and you can answer it as I ask  
21 it this time?

22 A. Okay.



1           Q.    If you understand; do you recall any  
2           occasions in which you were present where you  
3           indicated favorably, that you were favorably  
4           disposed toward the communication taking place  
5           with Congress or their staff in which a Park  
6           Service staff would request additional funding?

7           MR. L'HEUREUX:  I want to state an  
8           objection this has been asked and answered twice.

9           He said no, he does not recall any  
10          instance.

11          This specific question has been asked  
12          and answered twice.

13          You may answer.

14          THE WITNESS:  No, I don't.

15          BY MR. HARRISON:

16          Q.    Do you, are you certain that no such  
17          occasions ever occurred?

18          A.    To my knowledge, yes.

19          Q.    Thank you.  Did Mr. Sheaffer, when he  
20          had this first conversation with you, tell you  
21          why Ms. Weatherly would have been speaking with  
22          him?

1           A.    I don't know why she would have been  
2 speaking with him, no.

3           Q.    And Mr. Sheaffer didn't tell you?

4           A.    No.

5           Q.    Okay. Did Mr. Sheaffer tell you  
6 precisely what Ms. Weatherly said that Ms.  
7 Chambers had done or attempted to do?

8           A.    He said that Ms. Chambers had attempted  
9 to contact Chairman Taylor's office.

10                    He said that, that it had to do with  
11 asking for additional resources as it related to  
12 helicopters I believe is what I recall.

13                    Obviously it's been a long time ago, but  
14 I believe that's what it was.

15           Q.    I understand.

16           A.    And he said that Ms. Weatherly  
17 communicated that he attempted, that she,  
18 Chambers, attempted to make the contact through a  
19 constituent of Mr. Taylor's.

20           Q.    Okay.

21           A.    Those were the elements.

22           Q.    Thank you. I take it nothing else was

1           said by Mr. Sheaffer to you about the context of  
2           Ms. Chambers' efforts?

3           A.    No.

4           Q.    Did Mr. Sheaffer himself express my  
5           opinion as to how he felt about what was stated  
6           by Ms. Chambers?

7           A.    Not that I recall.

8           Q.    Okay. Do you know whether Ms. Weatherly  
9           had initiated that conversation with Mr.  
10          Sheaffer, or vice-versa?

11          A.    I do not know that.

12          Q.    Now distinguishing that conversation  
13          with Mr. Sheaffer from the later conversation  
14          with Mr. Sheaffer you had that you referenced,  
15          apparently Mr. Sheaffer told you subsequently  
16          that he had another conversation with Ms.  
17          Weatherly?

18          A.    Correct.

19          Q.    And as best you can, tell us when that  
20          conversation between you and Mr. Sheaffer took  
21          place.

22          A.    It took place the same day that I talked

1 to the director, so that would have been some  
2 time in November, and that's what I recall. It  
3 took place the same day.

4 Q. Okay. Thanks. And what precisely did  
5 Mr. Sheaffer say to you in that conversation?

6 A. He began to tell me that Chief Chambers  
7 had or that Debbie Weatherly had called him to  
8 tell him that Chief Chambers had contacted her  
9 office regarding the NAPA review, to which I  
10 replied I know, I've already spoken to the  
11 director about that, and he simply went on to  
12 describe that she had contacted Ms. Weatherly,  
13 and Ms. Weatherly was very upset about it on the  
14 phone with him as well.

15 Q. Did he say why Ms. Weatherly would have  
16 called him versus calling you or the director?

17 A. No.

18 Q. Anything else you recall Mr. Sheaffer  
19 saying?

20 A. No.

21 Q. Did you memorialize that conversation?

22 A. No.

1           Q.    Did you indicate to Mr. Sheaffer at that  
2           time your reaction to the information he gave  
3           you?

4           A.    I may have told him that I thought it  
5           was inappropriate.

6           Q.    Did you contact Ms. Chambers on that  
7           particular day regarding that matter?

8           A.    I don't believe it was on that exact  
9           day.

10          Q.    Okay.

11          A.    Subsequent to it.

12          Q.    All right.  And how did you contact the  
13          chief regarding that matter?

14          A.    I don't remember how the contact was  
15          made.

16                    We often met.

17          Q.    Okay.  And how much time elapsed do you  
18          think between when you met with the director and  
19          spoke with Mr. Sheaffer on that day versus when  
20          you spoke with the chief about this particular  
21          issue of communications with Ms. Weatherly?

22          A.    A matter of days.

1 Q. Less than a week?

2 A. Yes.

3 Q. And do you recall it being a  
4 face-to-face communication?

5 A. Yes.

6 Q. Do you recall what you said to the chief  
7 at that time?

8 A. I said I understand you, from the  
9 director that, who had spoken to Debbie  
10 Weatherly, that you contacted the Appropriations  
11 Subcommittee, Ms. Weatherly, and spoke to her  
12 about the NAPA review not having, not necessarily  
13 needing to be done, and I also informed her that  
14 Ms. Weatherly was very upset because, about the  
15 call as a result of the chief also communicating  
16 to her, that is, Ms. Weatherly, that the U.S.  
17 Park Police should not have to pay for the NAPA  
18 review.

19 Q. Okay. So you told those two concerns to  
20 Chief Chambers yourself?

21 A. Yes.

22 Q. Okay. Did you say this also in writing,

1 or was this solely a verbal?

2 A. This was verbal.

3 Q. And did you communicate anything else to  
4 Ms. Chambers at that time?

5 A. I said that I felt that, that this was  
6 inappropriate, and I asked her to explain why she  
7 had done that.

8 Q. Okay. And did the chief give you her  
9 explanation?

10 A. Yes.

11 Q. Did you say anything in response to the  
12 chief's explanation?

13 A. Yes.

14 Q. What was that?

15 A. I said something to the effect that this  
16 doesn't make sense because you understood you  
17 needed to provide the funding for this study  
18 because her response to me, a part of her  
19 explanation was that she needed clarification  
20 from, from Ms. Weatherly.

21 I responded that that doesn't make sense  
22 because I had had a prior conversation with Ms.

1 Chambers and Ms. Blyth regarding this after a  
2 budget meeting that we held with Mr. Parkinson,  
3 and after that meeting I had, they communicated  
4 to me that they were concerned that they had to  
5 pay for this NAPA review.

6 Q. Um-hm. Okay. Did you say anything  
7 further to the chief at that time?

8 A. This is inappropriate, and I will  
9 probably be taking some disciplinary action.

10 Q. Okay. Did you say probably will be  
11 taking some disciplinary action?

12 A. No. I said I would be taking some  
13 disciplinary action.

14 Q. Okay. Is there any doubt in your mind  
15 that you told the chief that you would be taking  
16 some disciplinary action at that time?

17 A. No, there isn't. No, there is not.

18 Q. Did you state what the action would be  
19 you would be taking?

20 A. No, I did not.

21 Q. Had you determined in your mind at that  
22 time what that action would be?



1 A. No, I had not.

2 Q. Okay. Did you take any disciplinary  
3 action regarding that matter, the communications  
4 by Ms. Chambers to Ms. Weatherly, prior to  
5 December 2nd when The Washington Post article was  
6 published?

7 A. No, I did not.

8 Q. Now to your knowledge, did Chief  
9 Chambers provide a U.S. Park Police account  
10 number for facilitating -- excuse me -- for  
11 facilitating the payment for the NAPA study?

12 A. Yes.

13 Q. She did do that?

14 A. Yes, she did.

15 Q. Okay. And was the NAPA study paid for  
16 out of the U.S. Park Police budget?

17 A. Yes, it was.

18 (There was a pause in the proceedings.)

19 BY MR. HARRISON:

20 Q. Did you make a note to your file that  
21 you were maintaining regarding Chief Chambers,  
22 regarding the meeting you had with her that you

1 have just described?

2 A. No. Not specifically, no.

3 (There was a pause in the proceedings.)

4 MR. HARRISON: Let's mark this document  
5 as Murphy No. 3 I think it would be.

6 It's two pages.

7 (Murphy Exhibit No. 3  
8 was marked for  
9 identification.)

10 BY MR. HARRISON:

11 Q. Take a moment, Mr. Murphy, and look over  
12 this page which seems to have three e-mails on  
13 it, and let me know if you believe you received  
14 any of those e-mails and if you recall any of  
15 them.

16 (The witness reviewed the document.)

17 THE WITNESS: Yes, I recall them.

18 BY MR. HARRISON:

19 Q. Okay. And in the information reflected  
20 there, it appears that Ms. Chambers had forwarded  
21 information from Ms. Shelly Thomas, who I believe  
22 is a financial officer or staff person there,

1           which included an account number, number which is  
2           stated here, for the NAPA '04 follow-up.

3                       And these e-mails are all apparently on  
4           November the 3rd.

5                       Is this information consistent with your  
6           recollection?

7           A.    Yes.

8           Q.    All right.

9                       (There was a pause in the proceedings.)

10                      MR. HARRISON:  I want to show you a  
11           document that I believe we marked for Ms.  
12           Mainella's deposition, and let's go ahead and  
13           mark it as No. 4 for Mr. Murphy.

14                                      (Murphy Exhibit No. 4  
15                                      was marked for  
16                                      identification.)

17                      BY MR. HARRISON:

18           Q.    Take a moment, Mr. Murphy, if you would  
19           look over that and tell me if you recognize it,  
20           first of all?

21                       (The witness reviewed the document.)

22                      THE WITNESS:  Um-hm.

1 BY MR. HARRISON:

2 Q. And do you recognize it?

3 A. Um-hm.

4 Q. Okay. And what do you understand it to  
5 be?

6 A. It's a memo from Teresa Chambers to Fran  
7 Mainella concerning the '05 passback.

8 Q. All right. Dated November 28th, 2003?

9 A. Yes.

10 Q. And would you have seen this on or about  
11 that date November 28, 2003?

12 A. Yeah.

13 Q. Within a day or two perhaps?

14 A. Um-hm. Yes.

15 Q. And were you familiar with the  
16 information in the second paragraph that where  
17 Ms. Chambers is saying that she is pleased to  
18 report that 14 of the 20 recommendations from the  
19 initial NAPA study have been fully implemented?

20 Is that something you were familiar  
21 with?

22 A. With the statement?

1 Q. That that was the chief's position.

2 A. Yes.

3 Q. Okay. And had you made an inquiry  
4 yourself to determine the accuracy of whether or  
5 not 14 of the 20 recommendations had been fully  
6 implemented?

7 A. That's what, yes, that's what we were in  
8 the process of doing in our budget meetings that  
9 we were having on an almost weekly basis with  
10 staff from the Department of Interior, looking at  
11 that as well as a number of other budget issues.

12 Q. Okay. And did you reach any conclusion  
13 yourself as to whether or not 14 of the 20 NAPA  
14 recommendations had been fully implemented?

15 A. Yes. Some of the recommendations had  
16 been, had been implemented, but not, we didn't  
17 believe 14 had been implemented.

18 Q. Okay. When you say we, who is the we  
19 you refer to?

20 A. I'm referring to the law enforcement  
21 staff, myself, Deputy Assistant Secretary Larry  
22 Parkinson, Steve Calgery, those of us who were

1 reviewing this on a regular basis.

2 Q. Okay. So did you yourself run down each  
3 of those 20 recommendations?

4 A. At various times, yes.

5 Q. Okay. And which of the 20  
6 recommendations did you conclude had been  
7 implemented?

8 A. I don't recall right now.

9 Q. Okay. Do you recall any of the  
10 recommendations you had concluded yourself had  
11 not been fully implemented?

12 A. Certainly there were those related to  
13 the mission of the U.S. Park Police and the scope  
14 of their, of their services.

15 Q. Um-hm.

16 A. As well.

17 Q. Okay.

18 A. I specifically remember those. We were  
19 discussing those on a regular basis.

20 Q. How, to what extent had that  
21 recommendation been implemented regarding the  
22 mission of the U.S. Park Police? Not at all?

1 Partially? More than half? Virtually complete?

2 How would you characterize that?

3 A. It was a work in progress.

4 Q. Okay. And what, as you recall, what was  
5 that recommendation precisely that NAPA had made  
6 regarding the mission?

7 A. As I recall, that the mission be  
8 reviewed with respect to the scope of the  
9 services and the scope of the work that the U.S.  
10 Park Police happened to be doing in the greater  
11 Washington D.C. area.

12 Q. Okay. And do you recall what office,  
13 department, or component of the Department of  
14 Interior that the NAPA team had recommended take  
15 responsibility for refining that mission?

16 A. The NAPA report mentioned the Department  
17 of Interior, the National Park Service, of which  
18 the United States Park Police is a component.

19 Q. Um-hm. Did you understand that the NAPA  
20 recommendation was that the National Park Service  
21 as the parent organization of the U.S. Park  
22 Police take the responsibility to refine the

1 mission of the U.S. Park Police rather than  
2 having the U.S. Park Police do that themselves?

3 A. No, I did not.

4 Q. You did not understand that?

5 A. No.

6 Q. And to this date, you don't understand  
7 that?

8 A. No, I do not understand that's the case.

9 Q. And did you yourself have any role in  
10 determining which office, department, or entity  
11 within the Department of Interior would have the  
12 responsibility to refine that mission?

13 A. Yes.

14 Q. Okay. And who did you determine should  
15 be responsible for refining that mission?

16 A. The U.S. Park Police and their staff  
17 should be responsible for that.

18 Q. Okay. Did you issue a document to that  
19 effect?

20 A. I don't recall issuing a document to  
21 that effect.

22 We certainly issued verbal instructions



1           about how that was to be done, and we discussed  
2           it as part of our Law Enforcement Task Force that  
3           I initially set up for both the rangers and the  
4           U.S. Park Police.

5           Q.    Okay.  The park rangers are not within  
6           the entity called the U.S. Park Police, are they?

7           A.    No, they're not.

8           Q.    But they were involved in the  
9           discussions regarding the mission of the U.S.  
10          Park Police?

11          A.    They were involved in the general  
12          discussions on law enforcement for the National  
13          Park Service.

14          Q.    And in answer to my question, were they  
15          involved in the discussions about refining the  
16          mission of the Park Police?

17          A.    No, they were not directly involved in  
18          those discussions.

19          Q.    Okay.  Were there meetings held  
20          specifically with the purpose of discussing what  
21          the mission of the U.S. Park Police should be?

22          A.    Yes.

1 Q. Did you attend any of those meetings?

2 A. Yes.

3 Q. And were you the person who called those  
4 meetings?

5 A. In conjunction with the Office of Law  
6 Enforcement and Security of the Department of  
7 Interior.

8 Q. Okay. And who was invited to  
9 participate in those particular meetings?

10 A. Our budget officer at the Department of  
11 Interior, budget officer, myself, the Deputy  
12 Assistant Secretary Larry Parkinson, Deputy  
13 Assistant Secretary Paul Hoffman, and then  
14 various staff members, depending upon what the  
15 subject matters of the meetings happened to be,  
16 staff members of the U.S. Park Police, and the  
17 chief was present as well as Pamela Blyth and  
18 Shelly Thomas, the budget officer from, the  
19 financial officer from the U.S. Park Police.

20 Q. Okay. Who chaired those meetings?

21 A. Generally myself or Larry Parkinson,  
22 usually Mr. Parkinson.

1 Q. Okay. Was there an agenda for those  
2 meetings?

3 A. Yes.

4 Q. Who would define that agenda?

5 A. We collectively defined the agenda.  
6 Myself, Mr. Parkinson would define an agenda for  
7 those meetings.

8 Q. Okay. Was there a work product that was  
9 generated in draft or final as a result of those  
10 meetings?

11 A. There were notes that were taken. There  
12 has not been a final work product that's finished  
13 yet.

14 Q. I see. Who would take the notes?

15 A. Generally, Mr. Parkinson.

16 Q. Okay. Now you indicated a final work  
17 product was not completed yet?

18 A. Correct.

19 Q. Is there a draft?

20 A. I don't know.

21 Q. Okay. Who would know the answer to that  
22 question?

1           A.    Mr. Parkinson.

2           Q.    And why would he be the one to know?

3           A.    Because he took the responsibility for  
4           doing the draft.

5           Q.    I see.  In the performance appraisal you  
6           had prepared in or about July of 2003 for Ms.  
7           Chambers, did you reference the NAPA study in any  
8           way?

9           A.    I don't recall right now.

10          Q.    Okay.  I'm taking it from your  
11          description of the meetings and the process that  
12          prior to these meetings you described on the  
13          mission of the Park Police that you had not  
14          instructed Ms. Chambers to prepare a draft  
15          mission statement for this particular group of  
16          people meeting, is that, am I understanding you  
17          correctly that that had not occurred?

18          A.    If I understand your question right, the  
19          and answer is no.

20          Q.    Okay.  Let's make sure.  Did you direct  
21          Ms. Chambers prior to these meetings on the  
22          mission to prepare a draft mission statement for

1 the group to consider?

2 A. No.

3 Q. Okay. Did you agree with Ms. Chambers  
4 that some of the NAPA recommendations were  
5 outside of the control of the U.S. Park Police?

6 A. No.

7 Q. You felt each of the recommendations  
8 were within the complete control of the U.S. Park  
9 Police?

10 A. I believed that the U.S. Park Police  
11 were integral and are integral to each of the  
12 NAPA recommendations and the decisions to be  
13 made.

14 Q. The concept of being integral is  
15 somewhat distinct from the concept of having a  
16 matter within your control.

17 My question was about matters within the  
18 control of the U.S. Park Police, so if you could  
19 focus your answer on that and tell me whether you  
20 believe that every recommendation of NAPA was  
21 within the complete control of the U.S. Park  
22 Police to achieve or to implement.

1           A.   Ultimately, yes.

2           Q.   So as far as you understand it, there  
3           were no, for example, resources required to  
4           implement any of these recommendations that were  
5           beyond the purview of the Park Police to  
6           control -- money, staff, access to information,  
7           those types of resources?

8                         (There was a pause in the proceedings.)

9           THE WITNESS:  The answer would be no  
10          about the complete control.

11          As I said, they were an integral part of  
12          that.

13          BY MR. HARRISON:

14          Q.   Ms. Chambers was put on administrative  
15          leave by you I believe on December the 5th of  
16          2003.

17          Does that match with your recollection?

18          A.   December what did you say?

19          Q.   Five, 2003.

20          A.   Yes.

21          Q.   Okay.  Now since that time, as I  
22          understand your testimony, the mission refinement

1 for the U.S. Park Police has yet to be completed.

2 Have you received any communication with  
3 Ms. Weatherly or Congress indicating a  
4 dissatisfaction with progress on completing the  
5 refinement of their Park Police mission since Ms.  
6 Chambers has been gone?

7 A. I have not, no.

8 Q. Okay. Have you written a memo regarding  
9 any other person in terms of expressing your  
10 dissatisfaction with that any other person's  
11 failure to complete refining the Park Police  
12 mission since Ms. Chambers was placed on  
13 administrative leave?

14 A. No.

15 Q. To your knowledge, has anyone written a  
16 communication expressing a dissatisfaction with  
17 the completion of the refinement of the U.S. Park  
18 Police mission since December 5th of 2003?

19 A. Not that I know of.

20 Q. There was a follow-up study by NAPA to  
21 look at how progress was being made in  
22 implementing the initial NAPA recommendations I

1 believe, is that correct?

2 A. That's correct.

3 Q. Has that study been completed?

4 A. Yes.

5 Q. Okay. And do you know to what extent  
6 the NAPA team determined that their initial  
7 recommendations had been implemented and to what  
8 extent not?

9 A. I recall that, that most of the progress  
10 as they use in their language has been limited.

11 They have language that they use in each  
12 category, and I believe one of them is, you know,  
13 significant progress, not a lot of progress,  
14 limited progress, something like that.

15 Q. Okay. So they have some broad  
16 categories on a continuum of progress?

17 A. Right.

18 Q. And there were -- did they look at each  
19 of the 20 recommendations?

20 A. Yes.

21 Q. Okay. And so how are you, if you know,  
22 how are you saying they ranked or rated on the



1 scale the implementation of each of those 20  
2 recommendations?

3 A. I, again, I can't recall them all, but  
4 some were limited.

5 Q. Some were limited?

6 A. Some were limited. Some were completed.

7 Q. Okay.

8 A. And some significant progress had been  
9 made.

10 Q. Okay. Were you interviewed by the NAPA  
11 team that came in on the second study to do the  
12 follow-up?

13 A. Yes.

14 Q. Okay. Do you recall when that was?

15 A. No, not exactly.

16 Q. How about a month?

17 A. That would have been some time in late  
18 2003.

19 Q. Would it have been before or after Ms.  
20 Chambers was put on administrative leave?

21 A. It was before.

22 Q. And was Ms. Chambers interviewed by the

1 NAPA team as well?

2 A. Yes. I believe so.

3 Q. Prior to her being put on administrative  
4 leave you're thinking?

5 A. Yes. In the first -- there were two.

6 Q. I'm talking about the follow-up NAPA  
7 team.

8 A. Yes, because there were two reviews, and  
9 I just wanted to make sure you understand there  
10 were two --

11 Q. Reviews?

12 A. Yeah.

13 Q. And I'm only talking about the second at  
14 the moment.

15 A. No.

16 Q. To make sure you understand that.

17 A. No. There were two components of the  
18 re-review.

19 Q. Okay.

20 A. And so the first, the first component is  
21 what I'm referring to.

22 Q. Oh, I see. How would you distinguish

1           those two components?

2           A.    One was an actual review of the initial  
3           recommendations that they made, and the second  
4           was actually a detailed management review where  
5           we asked them to come in and do a management  
6           analysis of the U.S. Park Police, look at the  
7           mission division, values, overall structure of  
8           the organization, and make recommendations for  
9           changes and restructuring of the organization.

10          Q.    Were these two separate contracts?

11          A.    Yes.  They were defined as, they were  
12          under the same contract, but they were defined as  
13          two different segments of the contracts.

14                    They had two different -- I can't  
15          remember the term now.

16          Q.    Okay.  Component of their task?

17          A.    Yes, or two different task orders.

18          Q.    The first component or task or segment,  
19          do you believe that was completed before Ms.  
20          Chambers was placed on administrative leave?

21          A.    I'm not sure when that was completed.

22          Q.    Okay.

1           A.    To be honest with you, I don't recall  
2 exactly when that was completed.

3           Q.    And is it your testimony that that first  
4 component was focused on evaluating the extent of  
5 progress and implementation of those initial NAPA  
6 study recommendations?

7           A.    That's correct.

8           Q.    And you believe Chief Chambers was  
9 interviewed in regard to the question of the  
10 extent of implementation of those  
11 recommendations?

12          A.    What I recall was there was a, an  
13 initial, what they call an initial meeting that  
14 NAPA always has, and the principals involved in  
15 the study were at that meeting.

16                    It's done at the very outset as a  
17 pre-meeting as the study is beginning.

18          Q.    Okay.

19          A.    And I recall Ms. Chambers being there.

20          Q.    Do you recall any interviews of Ms.  
21 Chambers after that pre-study meeting?

22          A.    No, I don't recall any.

1 Q. Were you yourself interviewed after that  
2 pre-study meeting?

3 A. Yes.

4 Q. Was there any initial plan or proposal  
5 for the NAPA team to come in and conduct  
6 interviews after that pre-study meeting on that  
7 first component or segment you have described  
8 that were postponed or delayed from the initial  
9 timing?

10 A. I don't recall that.

11 Q. Okay. You don't know that the NAPA team  
12 had proposed or expressed interest in coming in  
13 to do interviews prior to Ms. Chambers being put  
14 on administrative leave?

15 A. I just don't, I don't know what -- I  
16 don't know.

17 Q. Okay. Has the second component or  
18 segment you described of the NAPA task in this  
19 later study, has it been completed also?

20 A. Yes.

21 Q. Okay. And do you know what the NAPA  
22 team found in regard to the mission of the Park

1 Police?

2 A. They have not published it yet. It was  
3 in draft form.

4 There has been some opportunity for  
5 review, but it's not out yet.

6 Q. Okay. You have had a chance to comment  
7 on the draft?

8 A. Yes.

9 Q. Do you still possess the draft?

10 A. Yes.

11 Q. If you would turn to the second page of  
12 the November 28th memo from Ms. Chambers to Ms.  
13 Mainella, do you still have that?

14 A. Yes.

15 Q. And before I ask you about that, let me  
16 follow up.

17 The NAPA team that came in on this  
18 second study that you have described as having  
19 two components, did any member of that team or  
20 their representative ever ask, to your knowledge,  
21 to interview Chief Chambers after the December  
22 5th, 2003 date?

1 A. Yes.

2 Q. Okay. How did you come to know that?

3 A. The representative from the team  
4 communicated to me that they needed to, that they  
5 needed to interview or wanted to interview Ms.  
6 Chambers.

7 Q. And did you then set up an interview  
8 with Ms. Chambers for them?

9 A. No.

10 Q. What did you do in that regard?

11 A. I communicated to them that Chief  
12 Chambers was on administrative leave and that we  
13 had, we had an acting chief at the time, and that  
14 it was appropriate for them to communicate with  
15 the acting chief on those issues.

16 Q. I see. So the gist of your response to  
17 the NAPA team would be that you did not believe  
18 it was appropriate for them to interview Chief  
19 Chambers at that time?

20 A. Yes.

21 Q. Okay. And I take it so they accepted  
22 your direction and did not do so?

1           A.    That's correct.  That's what I  
2 understand.

3           Q.    Do you know whether the NAPA team in  
4 this follow-up study which you have described as  
5 having two components were interested in,  
6 requested, or desired that Chief Chambers review  
7 a draft of their findings?

8           A.    No, I wasn't aware of that.

9           Q.    On page 2 of the memo that I directed  
10 you to, the November 28th memo, there is a  
11 reference in the second paragraph by Ms. Chambers  
12 to some numbers regarding staffing.

13                    I see a sentence there -- as you know,  
14 the fiscal challenges of fiscal year '04 make it  
15 uncertain as to whether any recruit classes will  
16 hired during this fiscal year.

17                    Do you see that?

18           A.    Yes.

19           Q.    And did you understand that to be a  
20 reference to recruiting new U.S. Park Police  
21 officers?

22           A.    Yes.



1           Q.    And it states the fiscal year '05  
2           passback does not provide funding for hiring  
3           during that fiscal year, which could potentially  
4           bring our sworn staffing to its lowest point  
5           since 1987.

6                     Did you believe that that factual  
7           representation by Ms. Chambers was substantively  
8           correct?

9           A.    No.

10          Q.    Okay.  What was it that you believed to  
11          be incorrect about that?

12          A.    We get provided, the Congress had  
13          provided a base increase to the United States  
14          Park Police specifically for the hiring of  
15          additional recruit classes, and it was a serious  
16          problem for us in terms of the, developing the  
17          budget as to what happened to that increase in  
18          their budget which was specifically given to the  
19          U.S. Park Police to increase their, the number of  
20          recruit classes from the number two to the number  
21          four, so when we got to 2005 and suddenly we were  
22          being told that the U.S. Park Police were going

1 to be at the lowest staffing levels ever, that  
2 presented a budgetary problem for us because  
3 Congress had just provided money for just the  
4 opposite, and we were attempting to get an  
5 understanding of what happened to that and how  
6 that, that funding which was provided by Congress  
7 was being used.

8 Q. Who are the we you're referring to?

9 A. The deputy assistant secretary of law  
10 enforcement and security, Larry Parkinson, our  
11 budget officer, Mr. Sheaffer, and the budget  
12 officer, Mr. Baldauf, for the Department of  
13 Interior.

14 Q. Okay. Did Mr. Sheaffer in particular  
15 express to you that he was unaware of what  
16 happened to the money in question?

17 A. He expressed, you know, concern that it  
18 wasn't being properly accounted for in terms of  
19 it being set aside for that specific purpose and  
20 not used for that purpose.

21 How did you, Congress -- his expression  
22 was a concern of how did Congress listen to the

1 Park Police, provide the necessary funding to  
2 increase the number of recruits, and then not,  
3 that not happen.

4 Q. There is a distinction that I think  
5 you're actually making, but I want to make sure  
6 we both make it, between accountability for  
7 spending money for what it was intended for  
8 versus accounting for money as in being able to  
9 track where it went.

10 Do you understand that conceptual  
11 distinction?

12 A. Certainly.

13 Q. Okay. Now was Mr. Sheaffer expressing  
14 an inability to track where the money went, in  
15 other words, we can't account for it, or was he  
16 expressing a concern in an accountability sense  
17 that the money was spent for something other than  
18 what it was earmarked for?

19 A. I'm not sure I understand that  
20 distinction that you're making as opposed to the  
21 distinction you made earlier, so --

22 Q. Well, let me try again. Did Mr.

1 Sheaffer express to you that he did not know how  
2 the money in question was spent, that he could  
3 not track it and identify in an accounting sense  
4 where that money had gone?

5 Did he say that to you?

6 A. He said, he said that he couldn't, based  
7 on the information he is being provided, he was  
8 being provided from the budget office, he was  
9 having difficulty knowing where the money had  
10 gone and how it was being spent.

11 Q. Okay. Did he ever get to the bottom of  
12 how the money was spent, to your knowledge, in  
13 terms of tracking it, accounting for it, Mr.  
14 Sheaffer?

15 A. Well, it wasn't just Mr. Sheaffer. It  
16 was --

17 Q. But he's the only one I'm asking you  
18 about.

19 A. I understand. I believe we finally got  
20 an understanding of where the money was and how  
21 it was spent.

22 Q. Okay. And that would include Mr.

1 Sheaffer?

2 A. That's correct.

3 Q. Okay. So at the moment, there is no  
4 missing money I take it?

5 A. There's no missing money.

6 Q. It's been accounted for where it went?

7 A. That's correct.

8 Q. Okay. Now the money that you referenced  
9 that you had understood was provided by Congress  
10 for increasing the number of recruit classes from  
11 two to four I believe you said?

12 A. Correct.

13 Q. If I heard you, was that for fiscal year  
14 '05?

15 A. No.

16 Q. What fiscal year was that for?

17 A. This is, this is, this is recurring  
18 money, so it's for each fiscal year.

19 There was, were two appropriations, two  
20 major augmentations for the United States Park  
21 Police.

22 One was a one-time augmentation after

1           9/11, and the other was a base increase, and the  
2           base increase is recurring, and the base increase  
3           was specifically given to the United States Park  
4           Police so that they could begin increasing their  
5           recruit classes.

6           Q.    When did that base increase first begin?

7           A.    I can't remember if it was fiscal year  
8           '02 or '03.

9                    It was one of the two.  I'm sorry.

10          Q.    Are you familiar with any communications  
11          from Ms. Chambers to Mr. Sheaffer or his staff  
12          explaining their misconceptions regarding what  
13          happened with that base increase?

14          A.    Well, I know that Mr. Sheaffer  
15          communicated to me that he had been in contact  
16          with the U.S. Park Police budget office and had  
17          been asking questions about that and had not  
18          gotten satisfactory answers.

19                    These were verbal communications with  
20          Mr. Sheaffer, and he had communications with the  
21          U.S. Park Police budget office.

22          Q.    Okay.  Is that the extent of your

1 knowledge in regard to my question?

2 A. As far as Mr. Sheaffer is concerned, is  
3 that what you're asking me?

4 Q. My question was did you learn from Mr.  
5 Sheaffer or anyone actually, that Ms. Chambers  
6 had communicated to Mr. Sheaffer misconceptions  
7 he or his staff had regarding what happened with  
8 that base increase?

9 A. So had anyone from the U.S. Park Police  
10 communicated to Mr. Sheaffer misconceptions?

11 Q. No.

12 A. I'm sorry.

13 Q. I will restate it for you. Did you  
14 learn from anyone --

15 A. Did I learn from anyone, okay.

16 Q. That Ms. Chambers had communicated to  
17 Mr. Sheaffer or his staff regarding  
18 misconceptions that Mr. Sheaffer and his staff  
19 had regarding what happened to that base  
20 increase?

21 A. Yes. I mean -- yes.

22 Q. So you knew that communication had taken

1 place?

2 A. Yes.

3 Q. Okay. Were you shown copies of Ms.  
4 Chambers' communication in that regard?

5 A. I don't recall seeing those, but I knew  
6 that communication about that took place, yes.

7 Q. Do you know whether Ms. Chambers ever  
8 directly copied you on those?

9 A. I don't recall.

10 Q. Okay. Do you know whether the  
11 accounting that has finally been accomplished in  
12 terms of tracking where the money went and was  
13 spent, that that tracking turned out to be  
14 consistent with what Ms. Chambers was  
15 communicating?

16 A. It didn't appear to be, no.

17 Q. What was the discrepancy that you  
18 believe occurred in that regard?

19 A. The funding that was allocated for  
20 additional recruit classes was not used for those  
21 recruit class.

22 Q. That's not my question. My question is



1 not about accountability for using a set of funds  
2 for an earmarked purpose.

3 I'm talking about the tracking concept  
4 of knowing where money was spent, not how it was  
5 initially intended to be spent, but how it  
6 actually was spent.

7 And you have explained to me I believe  
8 that eventually you and Mr. Sheaffer and possibly  
9 others came to understand how the money was  
10 actually spent that may actually be different  
11 than how it was intended to be spent.

12 So I want you to focus on the concept of  
13 how the money was actually spent, and my question  
14 to you is the communication that Ms. Chambers was  
15 giving to Mr. Sheaffer and his staff in regard to  
16 what actually happened with the base increase,  
17 did her communication turn out to be consistent  
18 with your eventual tracking of how that money was  
19 actually spent?

20 A. Yes, pretty much.

21 Q. Thank you. For fiscal year '05 out,  
22 that base increase that is recurring, how many

1 recruit classes were hired in the U.S. Park  
2 Police after Ms. Chambers' departure?

3 A. I don't know. I'm not sure about the  
4 numbers.

5 Q. The base increase that was provided, do  
6 you know what the amount was of that recurring  
7 base increase?

8 A. It was in the neighborhood of 12 or 13  
9 million dollars, as I recall.

10 Q. Okay. And have you seen a document  
11 earmarking any portion of those funds for hiring  
12 the recruit classes?

13 A. No.

14 Q. Do you know whether such a document  
15 exists?

16 A. I believe so. I believe our budget  
17 office would have such document.

18 Q. And who do you think would have authored  
19 such a document?

20 A. Well, such a document would have come  
21 from Congress.

22 Q. Okay. So you believe there is a

1 document from Congress in the possession of the  
2 budget office of the National Park Service I take  
3 it that would earmark a certain portion of the  
4 base increase funds for new recruit classes?

5 A. Yes, and I have to state in one form or  
6 another, yes, there would be a Congressional will  
7 or statement about how those funds should be  
8 spent, yes.

9 Q. Well, I appreciate that, but do you  
10 believe that that statement specifically earmarks  
11 funds for new recruit classes?

12 A. Yes.

13 Q. And have you seen the document?

14 A. Yeah, I believe so.

15 Q. Okay. So can you describe more  
16 specifically having seen it?

17 A. I don't recall exactly what it says. As  
18 I was saying earlier, Congress places language in  
19 the appropriations bill communicating exactly how  
20 they expect specific funding to be spent.

21 Q. You're not visualizing the document  
22 today and --

1           A.    No, I'm not.

2           Q.    Couldn't describe it for me -- okay.

3           Now back to my question of some moments ago.

4                        In the second page of the memo from Ms.  
5           Chambers to Ms. Mainella of November 28, the  
6           second paragraph, the reference to the fiscal  
7           year '05 passback "...does not provide funding  
8           for hiring during that fiscal year, which could  
9           potentially bring our sworn staffing to its  
10          lowest point since 1987," as I now understand  
11          your testimony, your belief is that there is a  
12          document from Congress that would have earmarked  
13          a base increase, or portions of it, for hiring  
14          new staff, new recruits.

15                       And is it your understanding that that  
16          money, whatever amount it turns out to be, that  
17          was earmarked, if it was, was in fact not spent  
18          for new recruits for fiscal year '04?

19          A.    No.   Some of it was spent for that  
20          purpose.

21          Q.    Okay.  Perhaps not the entire amount  
22          that you believe was earmarked?

1           A.    That's correct.

2           Q.    Okay.  Now having come to an accounting  
3           and tracking of how that money was actually spent  
4           that you have testified to and that Mr. Sheaffer  
5           is aware of, can you now tell us how the  
6           remaining portion actually was spent?

7           A.    Some of the money, and I don't have a  
8           complete recollection of all of it, so no, but  
9           from what I recall, money was spent on overtime  
10          as well.

11          Q.    Okay.  And do you know what the officer  
12          would have been doing during that overtime?

13          A.    Not completely, no.

14          Q.    Okay.  Do you understand that all or  
15          portions of that overtime was due to increased  
16          staffing requirements in relation to security at  
17          national monuments and other locations because of  
18          the terrorism threat?

19          A.    No, I don't know that for a fact.

20          Q.    Okay.  Do you believe it?

21          A.    Some of it may have been.

22          Q.    Okay.  Do you understand that there was

1 an expectation from the Secretary of Interior  
2 that a certain level of staffing be provided at  
3 the national monuments for protection in regard  
4 to potential terrorism attacks?

5 A. Yes. Yes.

6 Q. Did you ever direct Chief Chambers to  
7 disregard the Secretary's expectations regarding  
8 the staffing levels at the monuments in response  
9 to the terrorism threat?

10 A. No.

11 Q. Would you have expected that the chief  
12 to have disregarded the Secretary's expectation  
13 in that regard?

14 A. No.

15 Q. The use of the funds in question for  
16 overtime for officers, who would have authorized  
17 or approved the use of those funds for that  
18 purpose?

19 A. It would have been the United States  
20 Park Police.

21 Q. And who else?

22 A. I don't know who else; U.S. Park Police.

1 Q. Okay.

2 (There was a pause in the proceedings.)

3 BY MR. HARRISON:

4 Q. Are you familiar with the concept of  
5 attrition as it applies to police officers?

6 A. Certainly.

7 Q. And there is a certain amount of loss of  
8 officers due to death and retirement and  
9 resignation and even termination?

10 A. Yes.

11 Q. Okay. So if there was a new recruit  
12 class that is hired in part, it is replacing  
13 officers lost through attrition?

14 A. In part.

15 Q. Really depends on the numbers in both  
16 categories?

17 A. Correct.

18 Q. The numbers of attrition, the numbers of  
19 new recruits?

20 A. Correct.

21 Q. Has anyone been charged with any misuse  
22 of monies in regard to the U.S. Park Police

1 budget for fiscal years '02 through '05?

2 A. No, not that I know of.

3 Q. To your knowledge, has there been any  
4 identification of any funds in the U.S. Park  
5 Police budget that were spent for fiscal years  
6 '02 through '05 without the proper authorizations  
7 for those expenditures having been acquired?

8 A. No.

9 Q. In terms of how the money was actually  
10 spent and the numbers of officers actually in the  
11 employ of the U.S. Park Police, do you know  
12 whether or not the actual staffing levels for the  
13 U.S. Park Police for the period of the fiscal  
14 year of 2004 would have been above or below the  
15 level recommended to Congress in March of 2000 by  
16 the director of the National Park Service?

17 Did you follow that?

18 A. Yes, and I don't know.

19 Q. Okay. As of this moment, today -- well,  
20 let me strike that and ask a preliminary  
21 question.

22 Do you recall what level of staffing was



1 recommended by the director of the National Park  
2 Service to Congress in March of 2000?

3 A. No, I don't.

4 (There was a pause in the proceedings.)

5 BY MR. HARRISON:

6 Q. Putting aside that actual number that  
7 may not be in your recollection --

8 A. Um-hm.

9 Q. Did you at the time Ms. Chambers wrote  
10 this memo of November 28th, 2003, she referenced  
11 that recommendation for level of staffing to  
12 Congress made by the prior director of the  
13 National Park Service in 2000, at the time you  
14 received this memo, did you make any inquiry to  
15 determining factually what that level of staffing  
16 was that had been recommended in 2000?

17 A. No.

18 Q. Okay. Do you have a belief that the  
19 events of September 11th, 2001, and the terrorist  
20 attacks of that date have caused an increase, a  
21 decrease, or no change in the staffing needs of  
22 law enforcement agencies nationwide?

1           A.    Are you asking me do I know nationwide?

2           Q.    Yes.  I'm not asking for numbers.  I'm  
3           just asking has there been an increased need, a  
4           decreased need, or has the need stayed the same  
5           after those events?

6           A.    I don't know nationwide.

7           Q.    Okay.  What about in Washington, D.C.?

8           A.    You're talking about the Metropolitan  
9           Police Department?

10          Q.    Well, I didn't narrow my question to  
11          that, but I would accept that as a responsive  
12          answer.

13          A.    I just don't know that for a fact.  I  
14          don't know.

15          Q.    Okay.  Do you know that there have been  
16          some substantial increases in number of police  
17          officers hired and maintained on staff for the  
18          Washington, D.C. area police forces?

19          A.    I have heard that, yes.

20          Q.    Okay.  And do you understand it was in  
21          relation to concerns after September 11th, 2001?

22          A.    No, I don't.

1 Q. Did you know why those changes had taken  
2 place?

3 A. No.

4 Q. Okay. Do you know how many classes of  
5 new recruit officers were hired for fiscal year  
6 '03 for the U.S. Park Police?

7 A. I can't recall how many. I know it was,  
8 it was two or more.

9 Q. Do you know the same answer regarding  
10 fiscal year '04, how many recruits?

11 A. I believe it was two or more.

12 (There was a pause in the proceedings.)

13 BY MR. HARRISON:

14 Q. Do you have any reason to dispute that  
15 four recruit classes were hired for fiscal year  
16 '03 and fiscal year '04?

17 A. No.

18 Q. And if that had been the case, would you  
19 know from your personal knowledge given attrition  
20 and so forth whether that number of recruit  
21 classes actually increased the number of officers  
22 on staff?

1           A.    From my knowledge, I know that attrition  
2           was high and it was difficult to keep up with the  
3           attrition rate.

4           Q.    Okay. I appreciate that. That would be  
5           the extent of your knowledge in answer to the  
6           question?

7           A.    That's correct.

8           Q.    Are you familiar with any studies done  
9           regarding the United States Park Police that  
10          recommended a staffing level?

11          A.    Yes.

12          Q.    Okay. And what year or years would  
13          those studies be that you're familiar with?

14          A.    I don't recall exactly. I know at least  
15          one was begun or done for the year 2000.

16          Q.    Okay. And do you know the level of  
17          staffing recommended?

18          A.    No, I don't. I don't recall.

19          Q.    Would you have a reason to dispute a  
20          number in the neighborhood of 870 officers?

21          A.    Dispute it in what way? I'm sorry.

22          Q.    Would you have reason to believe that

1 would be an incorrect number?

2 A. An Incorrect number in that it was  
3 not --

4 Q. Let me rephrase that for you. I'm just  
5 trying to determine if you have reason to dispute  
6 that the recommendation might have been for 870  
7 officers.

8 A. I don't have reason to dispute it. It  
9 might have been for that.

10 Q. Okay.

11 (There was a pause in the proceedings.)

12 BY MR. HARRISON:

13 Q. If you would turn your attention to that  
14 same document, the November 28th memo by Ms.  
15 Chambers, still on the second page, the third  
16 paragraph down, Ms. Chambers expresses her  
17 concern that there is a lack of adequate  
18 staffing, and that the ability to protect the  
19 precious historical icons such as the Statue of  
20 Liberty, the White House, the Washington Monument  
21 and so forth, is increasingly compromised, as is  
22 the ability to protect the guests who visit them.

1                   Did you discuss that statement by Ms.  
2 Chambers after receiving this memo with anyone?

3                   A.    I may have discussed it with Mr.  
4 Parkinson.

5                   I don't recall the exact conversation,  
6 but I know we discussed this in general.

7                   Q.    And when you say discussed this, was the  
8 this this this memo?

9                   Did you discuss this memo with Mr.  
10 Parkinson?

11                   A.    Not specifically. I don't recall  
12 discussing the memo specifically with Mr.  
13 Parkinson.

14                   Q.    Okay. Did you discuss the substance of  
15 the memo with Mr. Parkinson?

16                   A.    If by substance, you mean --

17                   Q.    The content, the issues of Ms. Chambers'  
18 concern about the staffing levels.

19                   A.    Yes.

20                   Q.    You did?

21                   A.    Yes.

22                   Q.    And did Ms. Chambers' name come up in

1           that conversation?

2           A.    Not that I recall.

3           Q.    What do you recall about the nature of  
4           that conversation?

5           A.    The office of law enforcement and  
6           security, the National Park Service in general,  
7           and the National Park Service protection rangers,  
8           we all evaluated and did threat assessments  
9           either independently or internally.

10                    We assessed the threat based on our  
11           knowledge and our understanding and our  
12           interaction with other law enforcement agencies  
13           as well, so we discussed what the needs were, and  
14           in our judgment, this was somewhat of an  
15           overstatement of what the problems facing the  
16           National Park Service in particular were.

17           Q.    And when you say in our judgment, it was  
18           an overstatement, do you mean you and Mr.  
19           Parkinson, or do you mean others?

20           A.    Particularly myself and Mr. Parkinson  
21           and others.

22           Q.    And did you discuss in the meeting you

1           were referencing with Mr. Parkinson that this  
2           statement might be an overstatement?

3           A.    Yes.  Oh, yes.

4           Q.    So if you referenced this statement  
5           being an overstatement, how is it that you didn't  
6           reference Ms. Chambers' name?

7           A.    We simply didn't.  As I said, I didn't  
8           talk specifically about that, this memo.

9                        We talked specifically about these  
10           instances and this kind of occurrence and these  
11           kinds of threats in the context of the National  
12           Park Service protection rangers, our icons, which  
13           we met on often and had discussions about, and in  
14           those, those discussions, we felt that the  
15           threats that were being posed didn't rise to this  
16           level.

17          Q.    Which is the level stated in this memo?

18          A.    Well, as I'm reading it now, yes.

19          Q.    Okay.  So let me be clear.  When you  
20           discussed with Mr. Parkinson that something was  
21           overstated, what was the something that you were  
22           discussing with him that was overstated?



1           A.    What I specifically meant was the  
2           threats that we had been hearing from the U.S.  
3           Park Police.

4                        We had discussions in general about  
5           icons as we had discussions with our U.S. Park  
6           Police about our, or our United States National  
7           Park Service rangers about icons as well, and  
8           their responsibility.

9           Q.    You're saying threats you were hearing.  
10           I'm not quite sure what that means, threats you  
11           were hearing.

12                       Can you elaborate on what exactly you  
13           were hearing from whom in that regard?

14           A.    Post-9/11, we would have regular  
15           discussions, the office of law enforcement and  
16           security, protection ranger force, our visitor  
17           and resource protection, about threats that  
18           were --

19           Q.    Received?

20           A.    Or made, perceived or made, had been  
21           leveled against icons; we had numerous  
22           discussions about what our staffing needs were,

1           what our deployment needed to be.

2           Q.    Okay.  Understood.  So I now understand  
3           your testimony to be that you did not discuss  
4           with Mr. Parkinson after receiving this memo  
5           specifically that any statements in this memo  
6           were overstated.

7                     Am I correct?

8           A.    That's correct.  Looking at it now, I  
9           would say that, that that's our general attitude  
10          toward this is statement.

11          Q.    Okay.  At the time that you received  
12          this memo, or any time prior to December 5th when  
13          Ms. Chambers was placed on administrative leave,  
14          did you ever issue any communication in writing  
15          that stated words to the effect that Ms. Chambers  
16          was overstating a threat in this memo?

17          A.    No.

18          Q.    Okay.  At any time after receiving this  
19          memo up to December 5th, 2003, when Ms. Chambers  
20          was placed on administrative leave, did you  
21          verbally state to anyone that any statement in  
22          Ms. Chambers' memo of November 28th was

1 overstated?

2 A. Not that I recall.

3 Q. Did anyone verbally state to you during  
4 that same timeframe, which would be November 28th  
5 through December 5th, that any statement by Ms.  
6 Chambers in this memo was overstated, or words to  
7 that effect?

8 (The witness reviewed the document.)

9 THE WITNESS: Mr. Parkinson and I had a  
10 conversation about threats to the icons, and in  
11 the course of our meetings that we were having on  
12 a regular basis with the United States Park  
13 Police where the issue here, represented here  
14 came up, and we were not discussing this memo in  
15 particular, but we were discussing these, these  
16 very issues, and we felt, both of us did, in our  
17 discussion that those, that what is represented  
18 here were clearly overstated, and that we needed  
19 to get a real handle on the U.S. Park Police  
20 could be organized to meet threat level as we  
21 understood it, and that was one of the reasons  
22 that we had our regular hearings or budget

1 meetings and discussions with the U.S. Park  
2 Police on a weekly basis.

3 BY MR. HARRISON:

4 Q. So you're still not talking about,  
5 talking with Mr. Parkinson specifically about  
6 this memo?

7 A. That's correct.

8 Q. You're talking about the general subject  
9 matter of this memo being staffing levels,  
10 funding levels required to meet the threat, is  
11 that correct?

12 A. That's correct.

13 Q. Okay. So my question was, and I take it  
14 now your answer is no, but I want to make sure,  
15 you seem to be saying that the meeting with Mr.  
16 Parkinson did not reflect a conversation,  
17 statement by anyone in that meeting regarding  
18 this particular memo or statements in it?

19 A. That's correct.

20 Q. So my question was geared to that. Did  
21 you receive any verbal statement from anyone  
22 during the timeframe in question, November 28

1 through December 5th, 2003, to the effect that  
2 any statement in this memo, specifically Ms.  
3 Chambers' November 28 memo, was overstated or  
4 words to that effect?

5 A. Not that I recall.

6 Q. Okay. Did you have a conversation with  
7 anyone during that timeframe, December or  
8 November 28th through December 5th, regarding any  
9 aspect of this memo by Ms. Chambers?

10 A. No.

11 Q. Did you have a discussion with anyone  
12 after or on December 5th regarding any aspect of  
13 this particular memo?

14 A. No.

15 Q. Did you make any note for your own  
16 record regarding this memo after receiving it?

17 A. No.

18 MR. HARRISON: Let's go off the record  
19 for just a moment.

20 (Whereupon, at 12 o'clock Noon, the  
21 deposition was recessed, to reconvene at 1:00  
22 p.m. the same day.)

