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UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
Washington Regional Office

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

Washington, D.C.

Friday, August 20, 2004

DEPOSITION OF:

HAROLD C. MANSON,

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 9:00 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:

3

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TERESA CHAMBERS, Appellant
JEFFREY P. RUCH, Public Employees for
Environmental Responsibility

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1 (Manson Exhibit No. 1
2 was marked for
3 identification.)

4 BY MR. HARRISON:

5 Q. Just take a moment, sir, and look over
6 that.

7 MR. L'HEUREUX: Here's the one that's
8 marked.

9 MR. HARRISON: Yeah. Use the official
10 marked one if you would.

11 (The witness reviewed the document.)

12 BY MR. HARRISON:

13 Q. Let us know if you recognize that.

14 (The witness reviewed the document.)

15 THE WITNESS: Yes, I recognize it.

16 BY MR. HARRISON:

17 Q. And, sir, what do you understand it to
18 be?

19 A. It appears to be the transcript of an
20 interview that I gave in connection with this
21 matter in February of this year.

22 Q. All right. And what was your job title

1 at that point in time?

2 A. Assistant Secretary for Fish and
3 Wildlife and Parks in the United States
4 Department of the Interior.

5 Q. Thank you. And that is still your
6 position?

7 A. Yes.

8 Q. All right. And how long have you held
9 that position?

10 A. Since February of 2002.

11 Q. All right. And what was your
12 professional endeavor prior to that?

13 A. I was a judge of the Superior Court in
14 the State of California.

15 Q. All right. And how long had you been a
16 judge?

17 A. Since January 30th, 1998.

18 Q. All right. And what was your occupation
19 or job prior to becoming a judge?

20 A. I was the general counsel of the
21 California Department of Fish and Game.

22 Q. All right. And how long had you held

1 that position?

2 A. Since January 11th, 1993.

3 Q. Thank you. How did you come to be
4 interviewed it looks like by Mr. Hoffman for this
5 transcript that you have before you?

6 A. I was asked by Mr. Hoffman to submit to
7 an interview.

8 Q. Okay. Do you recall when he may have
9 asked you to do that?

10 A. No.

11 Q. Do you recall that it would be in close
12 proximity to February 18th, or would it have been
13 some time before?

14 A. I don't recall.

15 Q. Okay. And Mr. Hoffman himself asked you
16 to do so?

17 A. Yes.

18 Q. Okay. Did you speak with Mr. Hoffman
19 regarding the substance of your testimony prior
20 to giving it?

21 A. No.

22 Q. Did you speak with anyone regarding the

1 substance of your testimony prior to giving it in
2 this transcript?

3 A. No.

4 Q. Did you know the questions you were
5 going to be asked prior to giving your testimony?

6 A. No.

7 Q. Now it indicates on the second page that
8 in addition to Mr. Hoffman, two other persons
9 were present -- Ms. Jackie Jackson and Mr. Steve
10 "Krootz" or Krutz.

11 Do you know how to pronounce
12 Mr. "Krootz's" or Mr. Krutz's name?

13 A. No, I don't.

14 Q. Okay. Do you recall those two people
15 being present?

16 A. Yes.

17 Q. Okay. And do you happen to know those
18 two people?

19 A. I know Ms. Jackson, yes.

20 Q. Okay. Had you been acquainted with Mr.
21 Krutz prior?

22 A. No.

1 Q. Okay. Did you understand he was from
2 Human Resources?

3 A. Yes.

4 Q. Okay. And Ms. Jackson, from the
5 solicitor's office?

6 A. Yes.

7 Q. All right. What role did Mr. Hoffman
8 play during your questioning for this transcript?

9 A. He asked questions.

10 Q. All right. And what role did Ms.
11 Jackson play?

12 A. She asked a question. I believe she may
13 have asked one question.

14 Q. Okay. And what role did Mr. Krutz play?

15 A. I don't recall him playing any role.

16 Q. Okay. If you look to page 3, which has
17 a No. 3 at the top right, it appears to be
18 physical page 3 as well, you'll see Mr. Krutz's
19 name at the bottom, and some statement is
20 attributed to him there.

21 Let me just refresh both of our
22 memories.

1 It apparently begins with Mr. Hoffman
2 asking you "Have you had an opportunity to review
3 Teresa Chambers' response to the proposal to
4 remove?"

5 Do you see that?

6 A. Yes.

7 Q. Okay. Do you recall him asking you that
8 question?

9 A. Yes, I do.

10 Q. And your answer was no?

11 A. Yes.

12 Q. I take it you were familiar with Teresa
13 Chambers prior to this interview?

14 A. Yes.

15 Q. Okay. And how had you come to know her?

16 A. I met her when I assumed my office as
17 assistant secretary.

18 Q. Okay. Did you have occasion to interact
19 with Ms. Chambers in her position as chief of the
20 U.S. Park Police from time to time?

21 A. Yes.

22 Q. Okay. All right. And this interview

1 was on February 18th.

2 Were you aware at the time of this
3 interview that Ms. Chambers had been placed on
4 administrative leave and there was a proposal
5 pending to remove her from her position?

6 A. Yes.

7 Q. Okay. Do you recall when you first came
8 to know that Ms. Chambers had been placed on
9 administrative leave?

10 A. In early December of 2003.

11 Q. All right. Do you recall how you came
12 to learn that?

13 A. No.

14 Q. Now do you recall when you first came to
15 know that there was a proposal to remove Ms.
16 Chambers from her position?

17 A. No.

18 Q. You did come to know at some point?

19 A. Yes.

20 Q. All right. Prior to being asked this
21 question in this proceeding on February 18, did
22 you know that Ms. Chambers had responded to the

1 proposal to remove her?

2 A. No.

3 Q. Okay. So you had no opportunity to read
4 it?

5 A. No.

6 Q. I take it -- all right. So any of your
7 comments on the 18th to Mr. Hoffman would have
8 been uninformed by the chief's position on her
9 proposed removal, is that fair?

10 A. Until I read it, yes, that's correct.

11 Q. Okay. Did you read it at some point?

12 A. I read it in the course of this
13 interview.

14 Q. In the course of this interview?

15 A. Correct.

16 Q. Okay. Did you go off the record to do
17 that?

18 Was it during the questioning?

19 A. I don't recall.

20 Q. Okay. Do you remember the document that
21 you read?

22 A. No.

1 Q. Do you recall how large or how many
2 pages it was?

3 A. No.

4 Q. Are you sure it was Ms. Chambers'
5 response?

6 A. As I sit here today, no.

7 Q. Okay. One reason I asked you is that
8 the transcript reflects some uncertainty about
9 what's being discussed here.

10 If you'll follow with me, on page 3 in
11 the middle, Mr. Hoffman asked you clearly, at
12 least according to the court reporter, had you
13 reviewed Teresa Chambers' response to the
14 proposal?

15 Do you see those words there?

16 A. Yes.

17 Q. Okay. And now later, Mr. Krutz at the
18 bottom says we'll have to go off the record for
19 him to read it. It's about six pages.

20 Do you see Mr. Krutz saying that?

21 A. Yes.

22 Q. And I don't know if you realize that

1 the, and it may be clear on the next page, page
2 4, Mr. Hoffman says, "I think we can just try and
3 paraphrase.

4 "There are several charges in the
5 proposal to remove, and our questions of you
6 relate to two of those charges."

7 So Mr. Hoffman seems to be talking about
8 the proposal to remove there prior to his talking
9 about Ms. Chambers' response, and what Mr. Krutz
10 was talking about was a six-page document.

11 So I'm taking it that you're not -- did
12 you read one or two documents during that
13 interview?

14 A. I don't recall.

15 Q. Um-hm. Okay. So if I were to ask you
16 today what Ms. Chambers' position was on any of
17 the charges, would you remember?

18 A. No.

19 Q. Okay. Do you think you have in your
20 files anywhere Ms. Chambers' response to the
21 proposal to remove?

22 A. No.

1 Q. I take it that -- correct me if I'm
2 mistaken -- prior to this interview, you would
3 not have read the charges against Ms. Chambers,
4 either, in the proposal, or would you have?

5 A. I don't recall having done that.

6 Q. All right. So the document that you may
7 have read during this interview, how long do you
8 think you spent reading it?

9 A. I don't recall that.

10 Q. Okay. Longer than an hour?

11 A. No.

12 (There was a pause in the proceedings.)

13 BY MR. HARRISON:

14 Q. You were told by Mr. Hoffman on page 4
15 at the bottom that Ms. Chambers placed a phone
16 call to Deborah Weatherly.

17 Do you find that at about line 16?

18 A. Yes.

19 Q. And do you know a Ms. Deborah Weatherly?

20 A. Yes.

21 Q. And who is she?

22 A. She is a staff member on the House

1 Subcommittee for Appropriations that relate to
2 the Department of the Interior.

3 Q. Okay. And at the time of this
4 questioning by Mr. Hoffman, were you familiar
5 with the phone call from Ms. Chambers to Ms.
6 Weatherly that he was referring to?

7 A. Yes.

8 Q. Okay. And how had you become familiar
9 with it?

10 A. Ms. Weatherly had, had called me about
11 that.

12 Q. All right. Is there a record of that
13 phone call, written record?

14 A. No.

15 Q. And was there anyone present on your end
16 during that phone call besides yourself?

17 A. No.

18 Q. Do you recall why Ms. Weatherly would
19 have called?

20 Was it about this issue of the phone
21 call by Ms. Chambers, or was it some other matter
22 that she called about?

1 A. It was about the phone call from, from
2 the chief.

3 Q. Okay. Do you recall the date that Ms.
4 Weatherly would have called and told you about
5 that phone call?

6 A. No.

7 Q. Okay. Do you recall a month?

8 A. No.

9 Q. I assume it would have been in 2003?

10 A. It was in 2003.

11 Q. Okay. So you made no notes about the
12 call at the time?

13 A. No.

14 Q. Did you call anyone as a follow-up after
15 learning this from Ms. Weatherly?

16 Did you call anyone to make inquiry?

17 A. No.

18 Q. Did you ask anyone to come and speak
19 with you in person about that?

20 A. No.

21 Q. Did you let Ms. Chambers know that you
22 had received that call?

1 A. No.

2 Q. Okay. Did you inform Ms. Murphy or
3 Director Mainella that you had received that call
4 at the time?

5 A. At the time of the call?

6 Q. Yes, meaning within the same day or the
7 day after.

8 A. I don't recall.

9 Q. Okay.

10 (There was a pause in the proceedings.)

11 BY MR. HARRISON:

12 Q. If you would look at your testimony at
13 the bottom of page 4, at least as it's stated
14 there, you're asked by Mr. Hoffman -- actually it
15 wasn't really a question as it turns out. It was
16 a statement by Mr. Hoffman, but you responded to
17 it.

18 After he described the phone call, you
19 said, "I did -- I was informed about that, yes."

20 Do you see that?

21 A. Yes.

22 Q. Okay. Now you go on on page 5. Mr.

1 Hoffman asked you what was your reaction to the
2 report that you got on the substance of that
3 conversation?

4 And you indicated you were very
5 concerned, Director Mainella and you had previous
6 conversation, that you weren't remembering the
7 date, but prior to the call from Ms. Weatherly
8 about Chief Chambers communicating directly with
9 the Appropriations staff.

10 Do you see that testimony?

11 A. Yes.

12 Q. Is that still your recollection today?

13 A. Yes.

14 Q. Okay. So you remember Director Mainella
15 expressing a concern to you or discussing with
16 you Ms. Chambers' communications with the
17 Appropriations staff prior to Ms. Weatherly
18 informing you about this particular phone call?

19 A. Yes.

20 Q. Okay. Now was it your understanding
21 from the sequence of events that Director
22 Mainella was discussing with you Ms. Chambers'

1 communication with Appropriations staff prior to
2 the phone call occurring that is being referenced
3 on page 4?

4 A. I'm not sure I followed that.

5 Q. I don't blame you. I'll try to make it
6 more precise.

7 I would like you to imagine on a top
8 line the following events, and we may be, may be
9 walking backwards in time.

10 Ms. Weatherly called you at some point
11 to tell you about a prior phone call from Ms.
12 Chambers to her. That's one event.

13 Then there was the event of Ms.
14 Chambers' phone call to Ms. Weatherly.

15 With me so far?

16 A. Okay.

17 Q. Those two events; and then there is the
18 event of Director Mainella discussing with you
19 about Ms. Chambers' communications with the
20 Appropriations staff, and then there is the event
21 of Ms. Chambers, at least according to Director
22 Mainella, talking with the Appropriations staff.

1 Do you understand the sequence of those
2 four events?

3 A. Moving backward in time, that would --

4 Q. Do you think I said it right, moving
5 backwards in time?

6 A. Moving backward in time, that would be
7 my understanding.

8 Q. Okay. So based on your understanding,
9 there would have been communications by Ms.
10 Chambers to the Appropriations staff prior to
11 Director Mainella communicating to you about that
12 prior to Ms. Chambers' telephone call to Ms.
13 Weatherly that was discussed on this transcript,
14 and prior to Ms. Weatherly talking to you about
15 that?

16 A. That would be my understanding.

17 Q. Okay. Did you understand that the
18 earliest of those four events as they are
19 alleged, which would be Ms. Chambers talking to
20 Appropriations staff, that that communication
21 would have involved Ms. Weatherly as well, or did
22 you know?

1 A. I don't know.

2 Q. So when Director Mainella spoke with
3 you, she didn't say who Ms. Chambers had spoken
4 with?

5 A. I don't recall.

6 Q. Now was it your understanding when
7 Director Mainella first communicated with you
8 about Ms. Chambers talking with the
9 Appropriations staff, prior to Ms. Weatherly
10 calling you, that Director Mainella herself had
11 directed Ms. Chambers to not communicate further
12 with the Appropriations staff?

13 A. I don't know.

14 Q. Okay. If you look at your testimony on
15 page 5 there, starting on line 9, it says, "I was
16 under the impression that it had been made clear
17 to Chief Chambers that she was not to do that."

18 Do you see that?

19 A. Yes.

20 Q. And you notice that that remark follows
21 a discussion about Director Mainella having spoke
22 with you about the chief's prior communications?

1 A. Yes.

2 Q. Okay. So what did you mean when you
3 said I was under the impression that it had been
4 made clear to Chief Chambers that she was not to
5 do that?

6 A. Exactly that, that, that, that someone
7 in the National Park Service leadership had made
8 it clear to Chief Chambers that she was not to
9 communicate directly with the Appropriations
10 Committee staff.

11 Q. Okay. Do you know whether that
12 direction, wherever it came from, prohibited the
13 staff from communicating with members of Congress
14 as well?

15 A. I don't know.

16 Q. And do you know who ostensibly would
17 have given that direction to the chief?

18 A. No.

19 Q. Was it Director Mainella who
20 communicated this information to you that this
21 direction had been given to Chief Chambers?

22 A. It was from Director Mainella that I

1 received that impression.

2 Q. Okay. Do you remember the words
3 Director Mainella would have spoken to have given
4 you that impression?

5 A. No.

6 Q. Might you have been mistaken about that
7 impression?

8 A. No.

9 Q. So you're certain of the substance, but
10 you don't remember the words?

11 A. Right.

12 Q. Okay. Was there any record of your
13 communication with Director Mainella regarding
14 this conversation, to your knowledge?

15 A. Not to my knowledge.

16 Q. And you certainly made none?

17 A. I made none.

18 Q. Why was it that Director Mainella had
19 occasion to communicate with you about the
20 chief's communication with the Appropriations
21 staff?

22 How did that come up?

1 A. I don't recall how it came up.

2 Q. And was there anyone present besides you
3 and the director at that time?

4 A. No.

5 Q. Do you recall where you were physically?

6 A. No.

7 Q. You don't recall a month in which that
8 would have occurred?

9 A. No.

10 Q. Do you recall any substance that Ms.
11 Chambers was allegedly to have spoken to the
12 Appropriations staff on that first of those
13 events?

14 A. No.

15 Q. Have you ever reviewed a job description
16 for the chief of the United States Park Police?

17 A. No.

18 Q. Are you aware of whether or not Mr.
19 Murphy or Director Mainella ever communicated
20 with the chief and encouraged her to get to know
21 Ms. Weatherly?

22 A. I have no knowledge of that.

1 Q. Your understanding about what the chief
2 had been instructed not to do comes entirely from
3 this communication from the director?

4 A. Yes.

5 Q. Now you indicate that Ms. Weatherly
6 spoke to you specifically about Ms. Chambers, is
7 that correct?

8 A. That's right.

9 Q. Okay. And on how many occasions did you
10 speak with Ms. Weatherly regarding Ms. Chambers?

11 A. I recall having two telephone
12 conversations with her, and one, one time in
13 person.

14 Q. Okay. Can you place those three
15 conversations in time for us as best you can?

16 A. The telephone conversations, I don't, I
17 don't recall when they occurred.

18 The times that I spoke to her in person
19 was some time after the chief had been placed on
20 administrative leave.

21 Q. Okay. The two phone calls I take it
22 would have been prior to the chief being placed

1 on administrative leave?

2 A. Yes.

3 Q. Okay. How much time do you think
4 elapsed between those two phone calls with Ms.
5 Weatherly?

6 A. I don't have any idea.

7 Q. Could it have been months?

8 A. Could have been.

9 Q. Might have been a day?

10 A. I don't recall.

11 Q. Okay. Did Ms. Weatherly initiate both
12 calls?

13 A. Yes.

14 Q. Okay. And was the sole purpose of each
15 call to communicate with you about Ms. Chambers?

16 A. I don't recall.

17 Q. In either of those calls, did Ms.
18 Chambers come up only because you had inquired?

19 A. No.

20 Q. Always Ms. Chambers came up at Ms.
21 Weatherly's initiation?

22 A. Yes.

1 Q. Okay. Did Ms. Weatherly communicate to
2 you that anyone had prompted her to call you
3 regarding this matter?

4 A. No.

5 Q. You made no record of either call?

6 A. No.

7 Q. Is there a procedure in your office for
8 phone calls to you to be logged by your staff?

9 A. Only if I'm not present then, and I
10 don't, if I don't take the call.

11 Q. I see. And on both of these occasions,
12 you took the calls that came in?

13 A. Yes.

14 Q. What was the substance of the two phone
15 calls with Ms. Weatherly, if could you
16 distinguish between the two for us?

17 What was said in call one versus call
18 two?

19 A. I'm not sure I can distinguish between
20 the two.

21 Q. Okay. Can you tell us what was said
22 among the two calls?

1 A. Well, the general issue was that Ms.
2 Weatherly was concerned about the chief talking
3 to Appropriations staff and was, at one point,
4 had been particularly concerned about some
5 communications that the chief had had with
6 Congressman Taylor, the chairman of the
7 Appropriations Committee.

8 Q. Um-hm. Do you know on what occasion Ms.
9 Weatherly was referring to Ms. Chambers speaking
10 with Congressman Taylor?

11 A. I don't know when that --

12 Q. Took place -- okay. Do you know what
13 Ms. Chambers allegedly said to Congressman
14 Taylor?

15 A. Ms. Weatherly told me that she had
16 spoken to Congressman Taylor about Park Police
17 budget matters, and that she had offered
18 Congressman Taylor a ride to and from the
19 airport.

20 Q. She being Chief Chambers?

21 A. Chief Chambers, in Park Police vehicles,
22 and that's, that's what I recall.

1 Q. Um-hm. Did Ms. Weatherly say that
2 Congressman Taylor was offended by being given a
3 ride or being spoken to about the budget?

4 A. She said that Congressman Taylor was
5 concerned about the nature of the communication.

6 Q. Did you ever speak with Congressman
7 Taylor himself about that issue?

8 A. No.

9 Q. So you're relying on Ms. Weatherly's
10 representation of it?

11 A. Yes.

12 Q. Do you know whether or not Congressman
13 Taylor may in fact have initiated that sequence
14 of events himself?

15 A. I have no idea.

16 Q. Do you know what was said according to
17 Ms. Weatherly by Ms. Chambers to the
18 Appropriations Staff?

19 A. Not specifically, only in general terms.

20 Q. And I take it you rely on Ms.
21 Weatherly's representation as to what was said?

22 You didn't make an independent effort to

1 verify what was said?

2 A. No.

3 Q. Did any of these two conversations,
4 telephone calls with Ms. Weatherly concern you
5 enough regarding alleged conduct by Chief
6 Chambers to call Chief Chambers' superior
7 officer, Mr. Murphy, the Deputy Director of the
8 National Park Service?

9 A. I don't, as I sit here today, I don't
10 recall what specific actions I took after that.

11 Q. Would there be any written record of
12 what actions you took about this, that you
13 recall?

14 A. I don't think so.

15 Q. Do you recall yourself ever calling for
16 some disciplinary action to be taken against
17 Chief Chambers for these alleged communications
18 with Congress or Congressional staff?

19 A. No.

20 Q. So is it fair for me to assume that any
21 actions that were taken against Ms. Chambers that
22 reference her communication with Congress or

1 Congressional staff were not taken at your
2 insistence?

3 A. Yes.

4 Q. Were you ever given any training
5 yourself regarding your position when you assumed
6 it with the Department of Interior as to any
7 restrictions on your communications with
8 Congress?

9 A. I was told what I, what I could and
10 could not communicate to Congress, yes.

11 Q. Okay. Upon your assuming your position?

12 A. At some point thereafter, yes.

13 Q. Do you recall when that would have been?

14 A. No.

15 Q. And how did you, how was this
16 communicated to you?

17 A. I don't, I don't specifically recall.

18 Q. Okay. And who made this communication
19 to you?

20 A. It would have been someone in the
21 Congressional Affairs office.

22 Q. I see. Of the Department of Interior?

1 A. Yes.

2 Q. And do you know whether this
3 communication was in writing or a verbal
4 communication?

5 A. It was a verbal briefing.

6 Q. Okay. And in that briefing, were you
7 told to avoid communication with Congress?

8 A. No.

9 Q. Okay. Were you told that communication
10 with Congressional staff was prohibited?

11 A. No.

12 Q. Okay. Were you told that someone would
13 have to approve the substance of your
14 communications to Congress?

15 A. Certain communications with Congress
16 were subject to review by the department on my
17 part, yes.

18 Q. And you were told this at the time of
19 this briefing?

20 A. Yes.

21 Q. Okay. And can you characterize which
22 categories of communications would be subject to

1 review?

2 A. Testimony, subject to review within the,
3 within a process; budget matters were subject to
4 concurrence with the budget folks in the
5 department and in the Office of Management and
6 Budget.

7 I don't recall what other categories.

8 Q. Okay. And someone from the
9 Congressional, was it the Congressional Affairs
10 office?

11 A. Yes.

12 Q. Could have given you this verbal
13 briefing?

14 A. Yes.

15 Q. Okay. You don't recall who that was?

16 A. No.

17 Q. Okay. And so it was your
18 understanding -- well, let me ask if you wanted
19 to communicate yourself to Congress that you
20 perceived a need for the Department of Interior
21 or one of its agencies to receive additional
22 funding to meet some mission, goal, or serve some

1 public interest purpose, would you be obliged to
2 get substantive approval from the Department of
3 Interior budget office as well as the OMB before
4 you communicated that to Congress?

5 A. Yes.

6 Q. That was your understanding?

7 A. That was my understanding.

8 Q. Okay. And I take it that that would be
9 true regardless of the details of what you were
10 asking for money for or the amount you were
11 asking for?

12 A. Yes, I believe so.

13 Q. Okay. You never have seen that
14 instruction in writing I take it?

15 A. No.

16 Q. So as a former judge and lawyer I take
17 it, have you ever reviewed the federal law that
18 is referred to as the Lloyd-LaFollette?

19 A. No.

20 Q. Are you aware of any law by any name
21 that protects communications with Congress?

22 A. I understand there could be some law to

1 that effect, yes.

2 Q. Okay. Were you ever given any training
3 on that law in your role as a Department of
4 Interior official?

5 A. No.

6 (There was a pause in the proceedings.)

7 BY MR. HARRISON:

8 Q. Did Ms. Weatherly use the term upset in
9 referring to her own reaction to Ms. Chambers'
10 communications with her?

11 A. I don't recall.

12 Q. You indicate in your testimony on page 6
13 that you went to Capitol Hill or to the Capitol
14 with Larry Parkinson, and you met with Debbie
15 Weatherly and the staff director of the entire
16 House Appropriations Committee.

17 That's near the bottom of page 6.

18 A. Okay.

19 Q. And --

20 A. Yes.

21 Q. You indicated at that time you didn't
22 recall the name of the staff director.

1 Do you happen to recall the name sitting
2 here today?

3 A. No.

4 Q. Okay. And what was it that occasioned
5 you and Mr. Parkinson to meet with Ms. Weatherly
6 and the staff director of the House
7 Appropriations Committee some time after Chief
8 Chambers had been placed on administrative leave?

9 A. They asked us to come to visit with
10 them.

11 Q. Okay. Do you recall was that in 2003 or
12 2004?

13 A. I don't recall. It was after she was
14 placed on administrative leave.

15 Q. Okay. Do you recall whether it was
16 weeks or months after, or shortly after?

17 A. I don't recall.

18 Q. Okay. Before Christmas?

19 A. I don't recall.

20 Q. Okay. And what was the purpose of that
21 meeting as you were told when you were invited to
22 come over?

1 A. When they invited us to come over, they
2 said they wanted to discuss the U.S. Park Police.

3 Q. So the Park Police was the specific
4 agenda?

5 A. Yes.

6 Q. Okay. Were there any members of
7 Congress present?

8 A. No.

9 Q. Any staff besides the two that you
10 mentioned?

11 A. No.

12 Q. Anyone from your side besides Mr.
13 Parkinson and yourself?

14 A. No.

15 Q. It indicates in your testimony that the
16 discussion concerned the Park Police and issues
17 of the organization, staffing, mission roles, and
18 related matters.

19 Does that seem to be your recollection
20 sitting here today?

21 A. Yes.

22 Q. Okay. Are you familiar with a report

1 that came out I think around 2001 by the
2 organization whose acronym is NAPA, N-A-P-A?

3 A. Yes.

4 Q. Are you familiar with NAPA?

5 A. Yes.

6 Q. And do you recall what the acronym
7 stands for?

8 A. No.

9 Q. Something like National Association for
10 Public Administration or something like that?

11 MR. KUCH: Academy?

12 BY MR. HARRISON:

13 Q. Academy, National Academy maybe?

14 A. Sounds familiar.

15 Q. Okay. Do you recall they did a report
16 on the U.S. Park Police?

17 A. Yes.

18 Q. Okay. And have you read the initial
19 report?

20 A. I have.

21 Q. Okay. And did you understand that the
22 NAPA staff recommended that the mission of the

1 U.S. Park Police be clarified?

2 A. Yes.

3 Q. Okay. And did you understand that the
4 NAPA study staff in their recommendation
5 explicitly asked that the -- see if I can say
6 this right -- that the Secretary of the Interior
7 in conjunction with the Director of the National
8 Park Service clarify the mission,
9 responsibilities, and priorities of the U.S. Park
10 Police?

11 Does that sound familiar?

12 A. That sounds familiar.

13 Q. Okay. And did you have any role
14 yourself in attempting to follow up on that
15 recommendation to clarify the mission?

16 A. Yes.

17 Q. What was your role in that regard?

18 A. Well, two-fold; one, as the assistant
19 secretary, it was my responsibility to, in a
20 general sense, to see that that occurred, and
21 then more specifically, in conjunction with Mr.
22 Parkinson, I initiated a series of meetings

1 designed to move the process along so that, that
2 to encourage the Park Police to make some
3 progress on the NAPA report.

4 Not just the NAPA report; apart from the
5 NAPA report, I was personally concerned about
6 roles and missions.

7 Q. Okay. And who chaired those meetings?

8 A. Initially, Mr. Parkinson and I
9 co-chaired them, and after that, Mr. Hoffman and
10 Mr. Parkinson co-chaired those meetings.

11 Q. All right. Did anyone take minutes or
12 keep a record of those meetings, to your
13 knowledge?

14 A. I don't know.

15 Q. Okay. Was anyone attempting to
16 formulate a draft revised mission statement for
17 the U.S. Park Police in the course of those
18 meetings?

19 A. Not initially. That was not initially
20 the purpose.

21 Q. Okay. Was there at some point an effort
22 begun to draft a revised mission statement for

1 the U.S. Park Police?

2 A. I don't know.

3 Q. You don't know. Do you know the status
4 of a revised mission statement for the Park
5 Police as of today?

6 A. No.

7 Q. Okay. Do you know whether the NAPA
8 organization has been satisfied with the progress
9 on refining the mission statement of the U.S.
10 Park Police as of today?

11 A. I don't know.

12 Q. Do you have any role in regard to the
13 mission of the U.S. Park Police as of today?

14 A. I have a continuing role, yes.

15 Q. Okay. The meetings that you have
16 described, I take it from your description, they
17 were not limited to refining the mission
18 statement of the Park Police but were broader in
19 regard to additional recommendations of the NAPA
20 group and possibly concerns of yours and other
21 officials regarding the Park Police?

22 Is that fair?

1 A. Yes.

2 Q. Okay. Was there ever a written
3 statement distributed that explained precisely
4 the purpose of those meetings?

5 A. No.

6 Q. Have you ever made a personal inquiry to
7 verify the extent to which specific
8 recommendations of NAPA have been implemented and
9 to what extent?

10 A. Yes.

11 Q. Okay. And what did you do in that
12 regard?

13 A. I have talked with Mr. Murphy about
14 that.

15 Q. Was that the extent of your inquiry?

16 A. Yes.

17 Q. When did you speak with Mr. Murphy about
18 the extent of NAPA recommendations
19 implementation?

20 A. I don't recall the last time I spoke
21 with him about that.

22 Q. Okay. Have you spoken with him more

1 than once about that?

2 A. Yes.

3 Q. Okay. Can you tell us a timeframe
4 during which you may have spoken with Mr. Murphy
5 regarding that matter?

6 A. Several times, but I don't recall again
7 the last time.

8 Q. Okay. How about the first time?

9 A. I don't recall the first time.

10 Q. How about a time in the middle?

11 A. I don't recall a time in the middle.

12 Q. Okay.

13 A. I see him quite a bit.

14 Q. Okay. Is there any written
15 communication that would reflect your inquiry
16 with Mr. Murphy regarding NAPA implementation?
17 E-mail?

18 A. I don't know.

19 Q. Did you ever make any inquiry with Chief
20 Chambers regarding her view of the extent of the
21 NAPA recommendations implementation?

22 A. I don't recall that I did.

1 Q. Okay. Ms. Weatherly, when she
2 communicated to you about Ms. Chambers' telephone
3 call and prior communications with the
4 Appropriations Committee, including her, did she
5 say whether she felt those communications were
6 proper or improper in any way?

7 A. She thought they were improper.

8 Q. Okay. Did she use the word improper?

9 A. Yes.

10 Q. Okay. Did she define what she meant by
11 improper?

12 A. No.

13 Q. Did she reference any law that she felt
14 was being broken?

15 A. No.

16 Q. Did she reference any written policy or
17 procedure that she felt was being broken?

18 A. No.

19 Q. Did you yourself make a judgment at the
20 time of Ms. Weatherly's communication to you as
21 to whether or not Ms. Chambers' communications to
22 Ms. Weatherly were proper or improper?

1 A. Yes.

2 Q. What was your judgment at that time?

3 A. That it was improper.

4 Q. Okay. Did you have in your mind any law
5 that was being broken by those communications?

6 A. No.

7 Q. Did you have in your mind any written
8 procedure or policy that you felt was being
9 broken by Ms. Chambers' communication?

10 A. No.

11 Q. Okay. Before reaching your judgment as
12 to whether Ms. Chambers' communication was proper
13 or improper, did you inquire with Ms. Chambers as
14 to her side of that story?

15 A. No.

16 Q. Is it fair to say that your judgment at
17 the time that Ms. Chambers' communication was
18 improper with the Appropriations Committee was
19 based on your understanding from others that Ms.
20 Chambers had previously been instructed to not
21 have those communications?

22 A. That would not be entirely correct.

1 Q. What was the basis for your thinking
2 that Ms. Chambers' communications were improper
3 with the Appropriations Committee?

4 A. Well, it was partly --

5 Q. What I said?

6 A. What you said; it was partly my belief
7 that a senior manager in the, in the department
8 should, apart from any other procedure or policy
9 that might exist, as a matter of good managerial
10 policy and procedure, should keep her superiors
11 informed of her communications on important
12 issues like budget matters and contacts with the
13 Appropriations Committee.

14 It was based on what Ms. Weatherly had
15 told me concerning the offer to give Mr. Taylor
16 rides to and from the airport.

17 Q. Um-hm.

18 A. Which seemed to me to present at least
19 an appearance of a quid pro quo.

20 Q. Okay. Was that the extent of your basis
21 for deciding at that time that communications may
22 have been improper?

1 A. That's what I recall presently.

2 Q. Okay. I take it that your judgment at
3 that time did not concern you enough regarding
4 the, any impropriety that you felt the need to
5 make a formal complaint about Ms. Chambers'
6 communications to anyone?

7 A. No. I'm not sure what you mean by
8 formal complaint.

9 Q. Well, let's make it more precise.
10 Written complaint?

11 A. I don't typically make written
12 complaints about the employees' conduct.

13 Q. And did you not in this case?

14 A. No.

15 Q. Okay. And within a day or two of
16 learning this, you did not make a verbal
17 complaint to anyone I take it?

18 A. I don't recall who I spoke to after
19 that.

20 Q. Okay. So part of your judgment that
21 this communication by Ms. Chambers may have been
22 improper was your understanding that Ms. Chambers

1 had not informed her superiors of it, is that
2 correct?

3 A. Right.

4 Q. And had you inquired with Ms. Chambers
5 or Mr. Murphy or Director Mainella and had they
6 told you that in fact, Ms. Chambers had informed
7 her superiors of those communications, would that
8 have changed your view?

9 A. It may have.

10 Q. Okay. Did Ms. Weatherly ever say to you
11 specific words to the effect that the working
12 relationship with the Park Service and the
13 Appropriations Committee had been damaged by Ms.
14 Chambers' communication?

15 A. She said words to that effect.

16 Q. Okay. So the word relationship and
17 damage would have been used?

18 A. I don't recall those specific words, but
19 that was the substance of the communication from
20 her.

21 Q. Did Ms. Weatherly give you any
22 impression in that conversation that what she was

1 hearing from Ms. Chambers was inconsistent with
2 something she may have heard from other Park
3 Service officials such as Mr. Murphy and Ms.
4 Mainella?

5 A. Yes.

6 Q. And do you believe that part of the
7 reason Ms. Weatherly felt that her or the
8 Appropriations Committee's relationship with the
9 Park Service may have been damaged was because
10 she was getting inconsistent information?

11 A. Yes.

12 Q. Did you identify in that conversation
13 what specifically Ms. Weatherly felt was
14 inconsistent substantively being communicated to
15 her?

16 A. I don't recall specifically.

17 Q. Okay. Do you recall making any notes
18 about the substance of what might have been
19 inconsistently communicated to her?

20 A. No.

21 Q. Do you recall making inquiry to confirm
22 for yourself if there were inconsistent

1 communications to Ms. Weatherly, who might have
2 had the correct information?

3 For example, Mr. Murphy said something
4 different than Ms. Chambers who might have
5 actually been correct, did you make inquiry?

6 A. I, I -- no.

7 Q. Is it your view that an employee of the
8 federal government who comes to know that
9 communications by some other official to Congress
10 are substantively incorrect and who provides the
11 correct information to Congress, at least in
12 their view, is engaging in some misconduct?

13 A. I think that depends upon factors not
14 necessarily assumed in your hypothetical.

15 Q. Okay. Can you give me an example where
16 it might be misconduct for an employee to provide
17 Congress correct information in order to correct
18 misinformation they had been given by another
19 public official?

20 A. No.

21 Q. Okay. Nothing comes to mind at the
22 moment?

1 A. No.

2 Q. And I'm assuming that no law comes to
3 mind that would make such contact misconduct?

4 A. Not at the moment.

5 Q. Let's take a more specific example. If
6 Official A communicates to Congress that a
7 recommendation made by a study commissioned by
8 Congress or a federal agency has not been
9 implemented, and that information is false, and a
10 second Official B communicates with Congress that
11 that particular recommendation in fact has been
12 implemented, do you believe that Official B is
13 engaging in misconduct?

14 A. On those, in those specific facts, not
15 necessarily.

16 Q. Okay. Let's take another example. If a
17 public official concludes that that is a danger
18 to the public that can only be addressed by a
19 federal agency receiving additional funding or
20 staffing to take a proper response to mediate the
21 danger, and that public official communicates the
22 need to Congress for that funding to eliminate

1 that danger, on those terms, is that official
2 engaging in misconduct?

3 MR. L'HEUREUX: I'm going to object to
4 this line of questioning.

5 This is a fact witness, not an expert
6 witness.

7 You're asking him to express his
8 opinions on hypotheticals related to legal issues
9 in this case.

10 You may answer the question, however.

11 BY MR. HARRISON:

12 Q. Do you recall the question?

13 A. I do.

14 Q. Very good.

15 A. My answer is it depends.

16 Q. Okay. And what would it depend on?

17 A. Well, I think it depends upon a series
18 of, of facts not, not present in your
19 hypothetical.

20 Q. For example?

21 A. Well, it depends upon how the, how the
22 official came to the conclusion that the public

1 was somehow in danger.

2 It depends upon how the official
3 communicates that to Congress.

4 Q. Okay. Let's see if we can narrow the
5 hypothetical to address your contingencies.

6 Let's say that an official, based on
7 their personal knowledge in a position in which
8 they serve perceives a danger within the scope of
9 their duties to the public, and they have a
10 specific plan that in their professional
11 experience of many years, would eliminate the
12 danger, or substantially reduce it, and the
13 danger involves a loss of life of members of the
14 public.

15 MR. L'HEUREUX: The same objection; I
16 will repeat objections to any other, any future
17 hypotheticals, but he may answer the question.

18 MR. HARRISON: It's not finished.

19 MR. L'HEUREUX: Oh, I'm sorry.

20 MR. HARRISON: Well, I was trying to be
21 precise for the judge's benefit.

22 MR. L'HEUREUX: All right. I'm terribly

1 sorry.

2 MR. HARRISON: It takes a lot of time to
3 be that precise, but no problem.

4 BY MR. HARRISON:

5 Q. So the official, based on their
6 experience, perceives a danger within the scope
7 of their duties, identifies a plan to address the
8 danger; in order to implement that plan,
9 additional resources are required, funding and
10 staffing, and that official chooses to
11 communicate to a member of the Congress in a
12 face-to-face meeting that the agency for which
13 they work requires additional funding in order to
14 eliminate that danger.

15 Would that specific conduct be
16 misconduct, in your view?

17 (There was a pause in the proceedings.)

18 THE WITNESS: If those are the totality
19 of the facts.

20 BY MR. HARRISON:

21 Q. Yes, sir.

22 A. Then -- and if, and if we further assume

1 that misconduct means the violation of some law
2 or policy.

3 Q. Yes, sir.

4 A. Then maybe not.

5 Q. Okay. Now let's take that exact same
6 question.

7 Take out the concept of misconduct and
8 insert in its place a basis for disciplinary
9 action against the employee or official.

10 Would it be, in your view, a basis for
11 disciplinary action against that official to have
12 engaged in the conduct we described?

13 A. Actually, I thought of another fact that
14 becomes important on this situation.

15 Q. Okay. Are you able to remember it while
16 you're answering my last question?

17 A. Yes.

18 Q. Okay.

19 A. And the answer is it depends on the
20 other factor.

21 Q. Of course. And what is that other
22 factor?

1 A. Well, I think the other factor is what
2 other actions are available to that official to,
3 to remediate the danger that that official may
4 perceive.

5 Q. Okay.

6 A. And it may also depend upon whether or
7 not that official has acted through the agency or
8 not in order to correct the, the danger that is
9 perceived as well.

10 Q. All right. So as I understand the two
11 factors or contingencies that would have to be
12 known in order to really answer the question with
13 precision, one would be what options were
14 available to the official and whether they were
15 exercised within the agency to address the
16 concern.

17 And I'm trying to remember the second.
18 Can you help me with that? Just on the tip of my
19 tongue.

20 A. On the tip of mine as well.

21 MR. HARRISON: Let me see. Maybe it
22 will come back to me.

1 It's not -- I don't suppose you could
2 help us?

3 (The record was read by the court
4 reporter.)

5 BY MR. HARRISON:

6 Q. I sort of subsumed both into my
7 statement of one.

8 Were there options available, and what
9 action was taken within the agency to address the
10 concern first, do I understand that correctly?

11 A. Yes.

12 Q. All right. So let's be more precise
13 than we were.

14 Let take the hypothetical we began with
15 most recently and add to it the following
16 assumptions, that in fact the agency provides
17 avenues for the official to discuss such concerns
18 and to seek those resources, that the official in
19 question has expressed a concern internally to
20 their superiors, has requested those resources,
21 and has been given sufficient information to know
22 that the agency will not provide those resources

1 to remedy the danger.

2 On those assumptions, if the employee or
3 official then proceeds to a member of Congress to
4 express the perceived danger and that the need
5 for the resources to remedy the danger, would
6 that be a basis for disciplinary action?

7 A. Maybe not.

8 Q. Okay. And I'm assuming if we went back
9 and amended our prior hypothetical when I asked
10 you about misconduct and added these additional
11 facts, that your answer would be the same, that
12 it might not be misconduct?

13 A. Maybe not.

14 Q. Now the maybe, of course, assumes that
15 there might be some other contingency upon which
16 your answer might depend which you have yet to
17 identify.

18 Do I understand you correctly?

19 A. That's correct.

20 Q. And have you identified in your mind
21 what those other contingencies might be?

22 A. No.

1 that effect?

2 A. I don't recall if I saw that specific
3 memo.

4 MR. HARRISON: Okay. Do you happen to
5 have a copy of that?

6 MS. CHAMBERS: It's here. Just a
7 minute.

8 BY MR. HARRISON:

9 Q. When you spoke with Ms. Weatherly, did
10 she provide you any documents that Ms. Chambers
11 might have provided to her?

12 A. No.

13 Q. Okay. Did you ever discuss with Mr. Don
14 Murphy his own communications with Ms. Weatherly
15 regarding Chief Chambers?

16 A. I don't recall.

17 Q. Did you ever discuss with Director
18 Mainella her communications with Ms. Weatherly
19 regarding Chief Chambers?

20 A. Yes.

21 Q. What do you recall about that
22 conversation?

1 A. Oh, I recall, as we mentioned
2 previously, that, that the director mentioned to
3 me that she had heard from Ms. Weatherly
4 concerning Chief Chambers communicating with her,
5 and that Ms. Weatherly was concerned about the
6 propriety of that.

7 Q. Okay. Was this a communication in
8 person with the director?

9 A. I don't recall.

10 Q. Okay. Was it, was this communication
11 with the director prior to or after your
12 discussions with Ms. Weatherly herself?

13 A. It was before that.

14 Q. Okay. Do you recall in time how close
15 in proximity your conversation with Director
16 Mainella was to the first call you received from
17 Ms. Weatherly?

18 A. No, I don't.

19 Q. Can you tell us how close in time your
20 communication with the director was in regard to
21 Ms. Chambers being placed on administrative leave
22 on December the 5th, 2003?

1 A. It was several months before then.

2 Q. Okay.

3 A. Whether one or two, I don't know.

4 Q. Okay. So it would have been not in
5 December or November as you recall it?

6 A. It would have been -- I don't -- it was
7 not December. I can say that much.

8 Q. Okay. All right. Did Director Mainella
9 indicate that she intended to take disciplinary
10 action against Chief Chambers because of those
11 communications with Congressional staff?

12 A. No.

13 Q. Okay. Did the director indicate that
14 anyone intended to take disciplinary action
15 against Ms. Chambers because of those
16 communications with Congressional staff?

17 A. No.

18 Q. Did the director indicate to you that
19 Ms. Chambers was to be given any training or
20 instruction in regard to communications with
21 Congress as a result?

22 A. No.

1 Q. Did the director indicate that Ms.
2 Chambers was to be put on a performance
3 improvement plan because of her communication
4 with the Congress?

5 A. No.

6 Q. Did the director indicate that Ms.
7 Chambers would get a lowered performance
8 appraisal because of her communication with
9 Congress?

10 A. No.

11 (There was a pause in the proceedings.)

12 MR. HARRISON: Let's mark this two-page
13 document as Manson Exhibit No. 2.

14 (Manson Exhibit No. 2
15 was marked for
16 identification.)

17 BY MR. HARRISON:

18 Q. Mr. Manson, take a moment and look over
19 that carefully, and then I'll ask you if you
20 recall ever seeing it.

21 (The witness reviewed the document.)

22 THE WITNESS: I don't recall seeing

1 this.

2 BY MR. HARRISON:

3 Q. Okay. At the bottom of page 7 of the
4 transcript of your testimony to Mr. Hoffman
5 carrying over to page 8, there is a reference to
6 your testimony that Ms. Weatherly told you that
7 members it doesn't say of Congress, but I take it
8 members of Congress were upset either with Chief
9 Chambers or with the Park Service, depending on
10 their personal points of view.

11 Do you recall testifying to that effect?

12 A. Yes.

13 Q. And do you recall Ms. Weatherly
14 communicating information to that effect to you?

15 A. Yes.

16 Q. Okay. And do you know which members,
17 plural, of Congress were upset either with Ms.
18 Chambers or with the Park Service?

19 A. The only one she mentioned by name was
20 Mr. Taylor.

21 Q. Okay. And did you understand from Ms.
22 Weatherly's communication to you that Mr. Taylor

1 was upset either with Ms. Chambers or with the
2 Park Service?

3 A. I'm sorry?

4 Q. Yes. I'm just quoting from the
5 transcript.

6 Did you understand that the only member
7 of Congress you can identify as fitting into this
8 category, that Mr. Taylor was upset either with
9 Ms. Chambers or with the Park Service, did Ms.
10 Weatherly say that to you, or words to that
11 effect?

12 A. She said, she said members. She used
13 the term members, plural, were upset.

14 Q. Yes.

15 A. But the only one she mentioned by name
16 was Mr. Taylor.

17 Q. Okay. Did Ms. Weatherly tell you
18 without naming the members names why they might
19 have been upset with the Park Service if some of
20 them were?

21 A. No.

22 Q. When was the first time, if ever, it

1 came to your attention that someone was
2 considering taking disciplinary action against
3 Chief Chambers because of her communications with
4 Ms. Weatherly?

5 A. Some time after that, but I don't recall
6 specifically when.

7 Q. Okay. When you say after that, the that
8 would refer to?

9 A. After the time that I had spoken with
10 Ms. Weatherly.

11 Q. Okay. Do you recall who the first
12 person was that you became aware was planning
13 some disciplinary action against Chief Chambers
14 because of her communication with Ms. Weatherly?

15 A. Mr. Murphy.

16 Q. Don Murphy?

17 A. Right.

18 Q. And how did that come to your attention?

19 A. I don't recall.

20 Q. Okay. Do you recall whether you learned
21 of that before or after your testimony to Mr.
22 Hoffman here?

1 A. Before.

2 Q. Do you know what disciplinary action Mr.
3 Murphy was contemplating taking against Ms.
4 Chambers because of her communications with Ms.
5 Weatherly?

6 A. I don't recall.

7 Q. Did you provide any feedback to Mr.
8 Murphy once you learned he was contemplating some
9 disciplinary action?

10 A. I don't remember specifically what I
11 said to him.

12 Q. Okay. Apart from the specifics, do you
13 recall the gist of what you might have
14 communicated to him?

15 A. No.

16 Q. Would there have been any record,
17 written record, of your communication to Mr.
18 Murphy regarding that matter?

19 A. No.

20 Q. Now you had indicated earlier that you
21 didn't recall Mr. Krutz playing any particular
22 role in this testimony or examination.

1 If you will look at page 8 of the
2 transcript, you will see on line 10 and carrying
3 down to line 18, what appears to be an
4 interchange between Mr. Hoffman and Mr. Krutz.

5 Do you see that?

6 A. Yes, I do see that.

7 Q. And did you understand at the time that
8 Mr. Hoffman was asking Mr. Krutz did Mr. Krutz
9 have anything further on that particular charge
10 that was being discussed, or was he asking you
11 that question?

12 A. I don't remember.

13 Q. Okay. Do you see that Mr. Krutz
14 responded?

15 A. Yes, I see that.

16 Q. Okay. And you see Mr. Krutz asking, and
17 being a lawyer yourself, you might agree or might
18 not, asking you what might be classified as a
19 leading question?

20 (The witness reviewed the document.)

21 THE WITNESS: I don't know that it's
22 particularly a leading question, but I see the

1 question.

2 BY MR. HARRISON:

3 Q. The question does contain certain
4 assumed facts, for example, that Ms. Weatherly
5 was upset with the Park Police.

6 He did put that much in his question,
7 didn't he?

8 A. He did say that, yes.

9 Q. Okay. So in response to his question,
10 you said something further.

11 You said she felt, meaning Ms. Weatherly
12 I take it, that Chief Chambers was lobbying for
13 funds.

14 That's something that you had not
15 testified to earlier until Mr. Krutz's question,
16 would you agree?

17 A. Yes.

18 Q. Okay. Did you know when Mr. Krutz asked
19 that question that he was eliciting from you
20 information about lobbying?

21 A. I understand, understood him to be
22 asking what was the issue that caused Ms.

1 Weatherly to be upset with the Park Police.

2 Q. Okay. So Mr. Krutz is playing a role
3 here of basically a second examiner of the
4 witness would you say?

5 A. Apparently.

6 Q. I see. Had you spoken to Mr. Krutz
7 about Ms. Weatherly's concern about lobbying
8 prior to giving your testimony here on the 18th?

9 A. I had never seen the man before.

10 Q. Okay. Had you spoken to anyone prior to
11 the 18th and used the word lobbying in regard to
12 Ms. Weatherly's communications to you?

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

14 Q. Okay. What is your definition of
15 lobbying in the sense you used it here?

16 A. Well, I was, I was using the term as Ms.
17 Weatherly had used it to me.

18 Q. Okay. So Ms. Weatherly used the term,
19 quote, unquote, lobbying?

20 A. Yes.

21 Q. Did she define it for you?

22 A. No.

1 Q. Okay. You were basically relaying her
2 words?

3 A. Yes.

4 Q. Okay. Are you familiar with the legal
5 definition of lobbying?

6 A. No.

7 Q. Did Ms. Weatherly tell you that she
8 believed the Park Police were not effective in
9 managing their budget?

10 A. Yes.

11 Q. Okay. Did you agree with her?

12 A. Yes.

13 Q. And did you communicate to anyone,
14 Director Mainella, Deputy Director Murphy,
15 Comptroller Bruce Sheaffer, or Chief Chambers,
16 that you perceived at that time that the Park
17 Police were not effective in managing their
18 budget?

19 A. I had had discussions with all of those
20 individuals about the Park Police budget in
21 effect.

22 Q. In managing their budget?

1 A. Yes.

2 Q. So you believe you had communicated to
3 each of those four the same message?

4 A. Yes.

5 Q. Did you ever do so in writing that you
6 recall?

7 A. No.

8 Q. Are you familiar with how the budget for
9 the U.S. Park Police is formulated internally
10 before it goes to the National Park Service?

11 A. How the Park Police formulate their
12 budget?

13 Q. Before it's submitted to the National
14 Park Service.

15 A. No.

16 Q. Are you familiar with how -- well, let
17 me ask I assume you're familiar with Mr. Bruce
18 Sheaffer?

19 A. Yes.

20 Q. And you understand he's the comptroller
21 for the National Park Service?

22 A. Yes.

1 Q. Okay. Do you know what role Mr.
2 Sheaffer plays in regard to the U.S. Park Police
3 budget as it is being prepared to submit to the
4 Department of Interior budget office?

5 A. My understanding is that he advises and
6 assists the Park Police in creating the budget.

7 Q. Okay. And is that understanding the
8 understanding you have had during your entire
9 tenure with the Department of Interior?

10 A. Yes.

11 Q. Okay. And from whom did you receive
12 that understanding?

13 A. From Mr. Sheaffer.

14 Q. Okay. Did Mr. Sheaffer tell you
15 explicitly that he always sought the input of
16 U.S. Park Police themselves as to their needs and
17 budget requests prior to passing on a budget
18 request to the Department of Interior budget
19 office on behalf of the U.S. Park Police?

20 A. He never said that explicitly, no.

21 Q. Okay. Are you aware of any instance in
22 which Mr. Sheaffer, the comptroller, did in fact

1 put forward a budget request in the name of or on
2 behalf of the U.S. Park Police without first
3 getting the input from and approval of the U.S.
4 Park Police themselves?

5 A. I had heard that as a complaint. I
6 don't know what actually happened.

7 Q. I see. Do you recall who would have
8 communicated that complaint to you?

9 A. Chief Chambers did.

10 Q. Okay. Do you recall about what
11 timeframe that might have been?

12 A. Some time in the spring of 2003 I
13 believe.

14 Q. All right. And did you make an inquiry
15 regarding that complaint after receiving it?

16 A. I did.

17 Q. Okay. And with whom did you inquire?

18 A. I talked to Mr. Sheaffer about that.

19 Q. Okay. Was anyone present at the time
20 besides yourself and Mr. Sheaffer?

21 A. I don't recall.

22 Q. Was it a phone call, or in person?

1 A. It was in person.

2 Q. Okay. Was there any record made of that
3 meeting?

4 A. Not on my part.

5 Q. Do you know whether Mr. Sheaffer did?

6 A. I don't know.

7 Q. Did he have any of his staff present?

8 A. I, I don't -- no.

9 Q. You don't recall?

10 A. He did not.

11 Q. He did not?

12 A. No.

13 Q. And what did Mr. Sheaffer communicate to
14 you at that time in regard to this complaint by
15 the chief?

16 A. He said that he had tried to work with
17 the Park Police, that they did not have a budget
18 officer on a permanent basis assigned, that the
19 information that he had received from the Park
20 Police was inadequate, and so he had used some of
21 their information apparently and had formulated,
22 based upon what he knew, he had formulated his

1 own approach to the Park Police budget.

2 Q. Okay. Did Mr. Sheaffer acknowledge at
3 that time to you that after formulating his own
4 approach to the Park Police budget, that he did
5 not seek review by the Park Police of his work
6 product before sending it on to the Department of
7 Interior budget office?

8 A. I don't recall him saying that.

9 Q. Did he say something to the contrary?

10 A. I don't recall that he said anything to
11 the contrary.

12 Q. Okay. I take it you're personally aware
13 of, as most of us are, the events of September
14 11th, 2001?

15 A. Yes.

16 Q. The terrorist attack at that time; have
17 those events caused any, have those events caused
18 any change in approach to staffing?

19 And I'm not asking you to disclose
20 sensitive details at the moment.

21 Have those events caused any change in
22 staffing within the Department of Interior, and

1 specifically to the U.S. Park Police?

2 A. Yes.

3 Q. Okay. And do you understand that as a
4 consequence of those events, that The Secretary
5 of Interior has directed certain minimum staffing
6 at certain national monuments?

7 A. Yes.

8 Q. Do you understand that Chief Chambers as
9 chief of the United States Park Police was bound
10 by the Secretary's direction in regard to
11 maintaining that minimum staffing?

12 A. Yes.

13 Q. Do you recall whether the Secretary, in
14 dictating this -- well, let me ask you this
15 minimum staffing that the Secretary expected
16 after 9/11, did it reflect or require any, an
17 increase in staffing at those monuments?

18 A. Yes.

19 Q. Okay. Did the Secretary provide some
20 other source of funds or did she request of the
21 Congress additional funding to cover the increase
22 in funding at the monuments that she was

1 requiring?

2 A. Well, there were, there were, there was
3 a general supplemental budget request for a
4 number of agencies that includes Department of
5 the Interior, and some of that went to increased
6 law enforcement and security responses.

7 Q. Okay. I'm taking it from your answer
8 that the Secretary sought a supplemental
9 appropriation from Congress and was given a
10 supplemental appropriation?

11 A. Well, the entire administration did.

12 Q. Okay. Fine.

13 A. And Interior was part of that.

14 Q. Do you know the amount of money,
15 additional money that Interior received because
16 of that supplemental appropriation?

17 A. I don't recall as I sit here today.

18 Q. Okay. Do you know the amount of money,
19 if any, that was provided for use by the U.S.
20 Park Police from that particular supplemental
21 appropriation?

22 A. I don't specifically remember that.

1 Q. Do you know whether any money was
2 provided to the U.S. Park Police because of that
3 appropriation?

4 A. Yes.

5 Q. Okay. And how would you come to know
6 that?

7 A. I would have known that because I would
8 have seen the budget documents.

9 Q. Okay. And you don't recall the figure?

10 A. I don't remember the figure.

11 Q. Would it have been in the millions of
12 dollars?

13 A. It would have been in the millions of
14 dollars.

15 Q. Okay. And what timeframe was this?

16 A. Supplemental -- it would have been in
17 the spring of 2002.

18 Q. Okay. And would that have been -- let's
19 see. Spring of 2002, that would have been before
20 the beginning of fiscal year '03?

21 A. Yes.

22 Q. And was this supplemental appropriation

1 to see the fiscal year '02 through, or was it for
2 fiscal year '03 anticipated costs, both or
3 neither?

4 A. It was for fiscal year '02.

5 Q. Okay. Now was there any supplemental
6 appropriation given of that nature for fiscal
7 year '03, to your knowledge?

8 A. No.

9 Q. Was there any supplemental appropriation
10 of that nature given for fiscal year '04?

11 A. No.

12 Q. All right.

13 (There was a pause in the proceedings.)

14 BY MR. HARRISON:

15 Q. The transcript of your testimony to Mr.
16 Hoffman on page 9, it reflects, starting at line
17 5, that Ms. Weatherly inquired with you whether
18 Ms. Chambers had been given the department's
19 blessing or authorization to be communicating to
20 Ms. Weatherly in a way that Ms. Weatherly told
21 you was perceived by her as lobbying, and I
22 believe you indicated in your testimony that you

1 told Ms. Weatherly the answer was no?

2 A. Yes.

3 Q. Okay. With whom did you inquire,
4 including the director or the deputy director of
5 the National Park Service or Ms. Chambers, with
6 whom did you inquire prior to deciding that the
7 department had not given the chief a blessing for
8 those communications?

9 A. No one.

10 Q. Okay. Had someone such as the director
11 or deputy director already informed you prior to
12 this conversation with Ms. Weatherly that the
13 chief did not have a blessing to communicate in
14 that manner?

15 A. I had had the previous conversation with
16 the director that we --

17 Q. That you had referenced?

18 A. Right.

19 Q. Okay. And nothing other than that in
20 terms of communications regarding authorization
21 or lack thereof for these types of
22 communications?

1 A. No specific communication other than
2 that.

3 Q. Okay. What was it exactly that Ms.
4 Chambers had said to Ms. Weatherly in the
5 conversations that Ms. Weatherly perceived as
6 lobbying?

7 A. Well, as I understood it from Ms.
8 Weatherly, she was asking for additional funds
9 other than ones that the department had already
10 sent up in the, in the President's budget
11 request.

12 Q. Okay. And what, what timeframe would
13 the President's budget request have been sent up,
14 as you phrased it?

15 A. For each fiscal year, the President's
16 budget request generally goes to the Hill in
17 February.

18 Q. Okay. And that would be for the fiscal
19 year starting in the subsequent October?

20 A. Right.

21 Q. And the conversations by Ms. Chambers
22 which are in question here, when did they take

1 place?

2 A. I don't recall.

3 Q. Okay. How much money was Chief Chambers
4 requesting in these conversations with Ms.
5 Weatherly?

6 A. I don't believe she told me.

7 Q. Okay. And did you know at the time of
8 this conversation with Ms. Weatherly how much
9 money had been requested for the Park Police in
10 the President's budget?

11 A. I did know at the time.

12 Q. You did?

13 A. Yes.

14 Q. Okay. Both in terms of total and in
15 terms of an increase from the previous year?

16 A. Yes.

17 Q. Okay. And which fiscal year would we
18 have been talking about at this point in terms of
19 the President's budget that was being requested?

20 A. 2005.

21 Q. Okay. And is it, has that budget been
22 established at this point?

1 Is it a fair accompli.

2 A. Let's see.

3 Q. We're about a month away from starting
4 fiscal year '05 I believe.

5 A. No.

6 Q. It has not been established finally?

7 A. No.

8 Q. So it's still in some way -- why don't
9 you explain to me without giving me the details
10 of the content of the budget in what way is that
11 budget not final?

12 A. The bill has yet to pass the Senate.

13 Q. Okay. It's been presented to the Senate
14 I take it?

15 A. Yes. It's in the Senate now.

16 Q. And that bill would be a public
17 document?

18 A. Yes.

19 Q. Okay. So can you tell us how much money
20 was requested in the request to Congress that
21 would have actually been for the U.S. Park Police
22 for fiscal year '05 as a total figure?

1 A. As I sit here at this moment, I don't
2 recall.

3 Q. Okay. And could you answer the same
4 question in regard to an increase from the prior
5 year?

6 A. I don't specifically recall.

7 Q. Okay. What document would it be, if
8 any, that might refresh your memory on that?

9 A. Well, of course there is the President's
10 budget request for each fiscal year.

11 Q. Okay. And is that the title of the
12 document, the President's budget request, or a
13 different name?

14 A. That's the title of the document. There
15 is also a document that the Interior Department
16 publishes that's a summary of the Interior's
17 budget portion of that.

18 Q. Okay. What's that called?

19 A. I think it's called -- I don't recall
20 the specific name.

21 Q. Does it have an informal name?

22 A. We refer to it is the green book.

1 Q. Okay. And is that document public as of
2 today?

3 A. Yes, I believe so.

4 Q. Okay. Would that document refresh your
5 memory?

6 A. Yes.

7 Q. Okay.

8 (There was a pause in the proceedings.)

9 BY MR. HARRISON:

10 Q. Is it your understanding that the chief
11 of the United States Park Police has no authority
12 to speak with Congress or Congressional staff at
13 any time on any matter?

14 A. No, that's not my understanding.

15 Q. Okay. What document would one go to if
16 one wanted to read the extent of the authority of
17 the U.S. Park Police chief and the limitations
18 thereon in communicating with Congress?

19 A. I don't know.

20 Q. Have you ever reviewed such a document
21 yourself?

22 A. No.

1 Q. Mr. Hoffman asked you a question on page
2 9 of your testimony, line 12, which some of us
3 might consider leading.

4 "So is it safe to say that you felt that
5 Teresa Chambers had overstepped her authority in
6 that conversation?"

7 And your answer was "...most
8 definitely."

9 Do you see that?

10 A. Yes.

11 Q. Okay. So if you hadn't read a written
12 description of her authority in that regard, how
13 did you, how were you so definite that she had
14 overstepped her authority?

15 A. Well, the question that, that was the
16 predicate was Debbie Weatherly's statement to me
17 that she was on the Hill lobbying for funds that
18 were different than what was contained in the
19 budget request, and my understanding is that no
20 one has the authority to, no employee has the
21 authority to ask the Congress for funds that are
22 not included in the President's budget request.

1 Q. I see. Even if the need for those funds
2 is perceived in good faith to be based on an
3 unaddressed danger to the public?

4 A. Yes.

5 Q. So I take it from your testimony here
6 and there that your understanding of what Ms.
7 Chambers was doing in communicating with Ms.
8 Weatherly was based entirely on Ms. Weatherly's
9 restatement of what had happened?

10 A. Yes.

11 Q. Okay. And I also take it from your
12 testimony today and in this transcript that you
13 perceived Ms. Chambers was talking about an
14 amount of money she felt was needed that was
15 different than the amount that was being
16 requested in the President's budget?

17 A. Yes.

18 MR. HARRISON: Let's take a short break
19 for comfort, and be back in five or ten minutes.

20 (A recess was taken.)

21 BY MR. HARRISON:

22 Q. Judge Manson, is there a document I

1 could go to that would reflect a prohibition in
2 law or policy for an agency employee requesting
3 of Congress an amount of money different than in
4 the President's budget?

5 A. I don't know.

6 Q. Have you ever seen an explicit
7 instruction to Chief Chambers that in any way
8 restricted her communications with Congress?

9 A. No.

10 (There was a pause in the proceedings.)

11 BY MR. HARRISON:

12 Q. I believe I can tell from your
13 testimony, but I just want to clarify for the
14 record, other than Ms. Weatherly's communications
15 to you, I take it you did not communicate with
16 any member of the Congress directly regarding
17 Chief Chambers, or did you?

18 A. No, I did not.

19 Q. Okay. Nor did they to you?

20 A. That's correct.

21 Q. Okay. Have you ever had occasion to
22 speak with the President of the United States

1 regarding Ms. Chambers?

2 A. No.

3 Q. The vice president?

4 A. No.

5 Q. The Secretary of the Interior?

6 A. Yes.

7 Q. Okay. And do you recall the
8 circumstance?

9 A. It was very early on in my tenure as
10 assistant secretary.

11 Q. Okay. And was it in regard to the
12 chief's appointment, or was it some other matter?

13 A. It was related to the fact that the
14 chief had been appointed, yes.

15 Q. Okay. So I take it it was not a
16 complaint or concern of any kind?

17 A. No.

18 MR. L'HEUREUX: Let me raise an
19 objection here.

20 Someone out in the hallway just took a
21 photograph.

22 Mr. HARRISON: Oh, really?

1 MR. L'HEUREUX: Yes.

2 MR. HARRISON: Do you want to check on
3 that?

4 MR. RUCH: Sure.

5 MR. L'HEUREUX: Could we have a recess
6 while --

7 MR. HARRISON: Sure. Let's go off the
8 record for a second.

9 (A discussion was held off the record.)

10 MR. L'HEUREUX: I would like the
11 Appellant's counsel's assurance that the
12 photograph that was just taken will not be
13 published or disseminated in any way.

14 MS. JACKSON: Two photographs.

15 MR. L'HEUREUX: Two photographs?

16 MS. JACKSON: Yes.

17 MR. L'HEUREUX: Whatever photographs
18 were just taken.

19 MR. HARRISON: Understood. And we
20 agree -- it was sort of a spontaneous decision.
21 We were not aware of it, so we'll honor your
22 request.

1 MR. L'HEUREUX: Thank you, counsel.

2 MR. HARRISON: Sure. Could you remind
3 me where I left off?

4 (The record was read by the court
5 reporter.)

6 BY MR. HARRISON:

7 Q. Was there any other occasion that you
8 recall speaking with the Secretary regarding Ms.
9 Chambers?

10 A. Yes.

11 Q. Okay. And when was that?

12 A. That was one day last week.

13 Q. Okay. And what was the substance of
14 that conversation?

15 A. I was giving the Secretary my weekly
16 schedule, and I was informing her that I would be
17 giving a deposition in this matter today.

18 Q. All right. And did you say anything
19 further about Ms. Chambers?

20 A. No.

21 Q. Okay. And did the Secretary say
22 anything about Ms. Chambers in response?

1 A. No.

2 Q. Was there any other occasion that you
3 spoke, you have spoken with the Secretary
4 regarding Ms. Chambers?

5 A. Not that I recall.

6 (There was a pause in the proceedings.)

7 BY MR. HARRISON:

8 Q. You were asked by Mr. Hoffman on page 11
9 of the transcript regarding Charge 6 in the
10 proposal for removal, and Mr. Hoffman is telling
11 you what it refers to.

12 At that point in time in your testimony,
13 had you actually read a proposal for removal that
14 had a Charge 6 in it?

15 A. I don't recall.

16 Q. Okay. And then Mr. Hoffman is reading
17 you what purports to be a quote from Ms. Chambers
18 in her response to the proposal, which says
19 Manson, meaning yourself, called Chambers on
20 August 26th, advised the chief that he would be
21 informing Mr. Murphy that the Blyth detail had
22 been rescinded.

1 Do you recall the events regarding the
2 detail or proposed detail of Ms. Blyth?

3 A. Yes.

4 Q. And who is Pamela Blyth?

5 A. She was a, described to me as a civilian
6 member of the chief's command staff.

7 Q. Okay. Had you had the pleasure of
8 meeting Ms. Blyth?

9 A. Yes.

10 Q. Okay. And in your duties, did you
11 occasionally interact with Ms. Blyth?

12 A. Yes.

13 Q. And would that include some of the
14 meetings that were discussing budget matters?

15 A. Yes.

16 Q. Did you have occasion to form an
17 impression of Ms. Blyth's competence, ability,
18 and so forth?

19 A. In a general sense, yes.

20 Q. Would you say you were favorably or
21 unfavorably impressed with Ms. Blyth?

22 A. I was favorably impressed.

1 Q. Okay. Now when did it first come to
2 your attention that someone had proposed to
3 detail Ms. Blyth out of her duties in command
4 staff with the chief?

5 A. It was some time in 2003, but that's as
6 specific as I can recall.

7 Q. Okay. And how did that first come to
8 your attention?

9 A. Mr. Murphy told me.

10 Q. Okay. And do you recall what Mr. Murphy
11 said in regard to that matter?

12 A. He said he thought that, that Ms. Blyth
13 would benefit from having a broader exposure to
14 the National Park Service and the Department of
15 the Enters, that she would benefit from having a
16 greater exposure to the federal budget process,
17 and that for that reason, he felt that she should
18 spend some time away from the Park Police and in
19 a situation where she could gain that broader
20 experience.

21 Q. Um-hm. Was that conversation prior to
22 or subsequent to Mr. Griles contacting you

1 regarding at least for a time, cancelling the
2 proposed detail?

3 A. It was before then.

4 Q. Okay. And why would Mr. Murphy speak to
5 you about that matter at that point in time?

6 Do you know why he felt the need to
7 bring that to your attention?

8 A. I don't know.

9 Q. Okay. You had not initiated the issue
10 of Ms. Blyth's detail I take it?

11 A. No.

12 Q. Okay. Was Mr. Murphy -- how shall we
13 say -- running the proposal up the flagpole to
14 see how his superiors might react if he were to
15 choose to do that?

16 A. I don't know.

17 Q. Okay. At the time that Mr. Murphy told
18 you this, did you understand that Ms. Blyth had
19 among her other duties related to financial
20 matters within the U.S. Park Police?

21 A. Yes.

22 Q. Okay. At that time when Mr. Murphy told

1 you that, did you understand that there was a, an
2 effort in progress to hire a fiscal or budget
3 officer to the U.S. Park Police that had not come
4 to fruition?

5 A. Yes.

6 Q. Okay. And at that point in time, you
7 felt there was a need for some improvement I take
8 it in the financial or budget management of the
9 U.S. Park Police?

10 A. Yes.

11 Q. Okay. So did you have any concerns at
12 the time about Mr. Murphy taking out of the
13 command staff Ms. Blyth who was assigned to
14 financial matters in the absence of a fiscal or
15 budget officer?

16 A. No. I agreed that it would be
17 beneficial to the Park Police to have her exposed
18 to the federal budget process.

19 Q. Um-hm. And how long did you think this
20 detail would be for at that time?

21 A. I'm not sure I knew.

22 Q. Okay. Did you understand that that

1 detail would involve essentially Ms. Blyth's
2 absence from her U.S. Park Police duties
3 virtually completely, that it wouldn't be like,
4 you know, two hours a day she would be detailed,
5 that it would be a full-time detail?

6 A. I'm not sure I knew the specifics of the
7 detail.

8 Q. Okay. Did you have any understanding of
9 who would have picked up the financial duties for
10 the chief within the command staff if Ms. Blyth
11 were in fact detailed out?

12 A. No.

13 Q. Did you pass on to Mr. Griles at that
14 time what Mr. Murphy had relayed to you about a
15 plan or intent to detail Ms. Blyth?

16 A. At which time?

17 Q. When Mr. Murphy told you of his intent
18 to do so and you apparently expressed to him it
19 might be beneficial to Ms. Blyth?

20 A. No.

21 Q. Okay. Did you pass on to any superior
22 of yours at that time Mr. Murphy's intent to

1 detail Ms. Blyth?

2 A. No.

3 Q. Okay. Was anyone present with you and
4 Mr. Murphy when this conversation took place?

5 A. No.

6 Q. Was any record made of it?

7 A. Not on my part.

8 Q. How much time passed do you think
9 before, as this transcript reflects, you were
10 communicated with by Mr. Griles and separately
11 Ms. Chambers regarding the Blyth detail?

12 A. I don't know.

13 Q. Weeks do you think?

14 A. It could have been.

15 Q. Okay.

16 A. But I don't know.

17 Q. All right. Did you take any formal
18 action when Mr. Murphy brought this to your
19 attention to approve the detail?

20 A. No.

21 Q. What was your first communication with
22 anyone after your talk with Mr. Murphy that

1 regarded the Blyth detail?

2 A. It was while I was at Acadia National
3 Park in August of 2003.

4 Q. Okay. And can you recount for us what
5 communications you received regarding the Blyth
6 detail at that time?

7 A. If I recall the sequence of events, I
8 had, I had received a call.

9 The first I was aware of was a call from
10 Mr. Griles on one morning early in the morning,
11 and subsequently I checked my voice mail and
12 found that Chief Chambers had tried to contact me
13 late or previously the evening before, and I had
14 had my cell phone off.

15 Q. I see.

16 A. At that point in time, so I had missed
17 her call.

18 Q. Okay. And what was the substance of the
19 communication on your voice mail from Ms.
20 Chambers?

21 A. It was that she was concerned about the
22 detail of Ms. Blyth, and because it would deprive

1 her of the ability to have someone on her command
2 staff deal with a, it -- as I recall, there was a
3 very specific budget item that or project that
4 needed to be done in a short period time, and she
5 felt that Ms. Blyth was essential to getting
6 that, that done.

7 Q. All right. And what was the substance
8 of the communication from Mr. Griles that you
9 received regarding this detail at that time?

10 A. Somewhat along the same lines; he said
11 that he had heard from Chief Chambers, that he
12 was, he was really focused on ensuring that the
13 Park Police got their budget documents and
14 everything together, and that if Ms. Blyth was so
15 essential to this process, that it was probably a
16 good idea to leave her where she was.

17 Q. Okay. And did Mr. Griles add anything
18 to that conversation in terms of what he expected
19 from you in regard to action on that matter?

20 A. Yes. He expected me to ensure that that
21 happened.

22 Q. Okay. And was there any additional

1 communication between Mr. Griles and yourself
2 regarding this matter at that time?

3 A. No.

4 Q. So what steps did you take, if any, to
5 follow through on Mr. Griles' request of you?

6 A. I attempted to contact Randy Jones,
7 being the other deputy director of the Park
8 Service, and I, my recollection is that I was not
9 successful in finding Mr. Jones.

10 Q. Okay. And when you say the other deputy
11 director of the Park Service, that would be in
12 addition to?

13 A. Mr. Murphy.

14 Q. Mr. Murphy, all right. Did you attempt
15 to contact Mr. Murphy himself at that time?

16 A. I attempted to contact Mr. Murphy, and
17 as I sit here today, I don't, I don't recall if
18 I, if I was successful in that or not.

19 Q. Okay.

20 A. In any event, the detail did not happen.

21 Q. Okay. And do you know why the detail of
22 Ms. Blyth did not happen?

1 I believe this would have been over a
2 weekend that these communications took place.

3 Does that sound correct?

4 A. I thought it was a, a Sunday evening and
5 a Monday morning.

6 Q. Okay. And Monday morning may have been
7 August 25th perhaps.

8 Do you recall?

9 A. I don't recall.

10 Q. Okay. And do you know what it was that
11 had occurred that prevented the detail from
12 taking place?

13 A. I believe it was the direction that Mr.
14 Griles gave that I communicated.

15 Q. Okay. So you did subsequently
16 communicate to someone that this detail should
17 not take place as planned?

18 A. Right.

19 Q. And who did you communicate that to?

20 A. Well, I left a message for Mr. Jones to
21 that effect even though I don't recall speaking
22 with him.

1 Q. Yes.

2 A. And if I reached Mr. Murphy, I told him
3 that directly, and if I didn't, I left a message
4 for him as well.

5 Q. I see. So both deputy directors would
6 have had by voice mail or person-to-person a
7 communication to that effect?

8 A. Right.

9 Q. And did you learn on that Monday that
10 Mr. Murphy had honored your request and had not
11 implemented the detail?

12 A. I subsequently learned that. I don't
13 recall if it was on that Monday or not.

14 Q. All right. Now if you could, would you
15 place for us your position in the hierarchy
16 within the Department of Interior starting at the
17 Secretary of Interior and going down to the chief
18 of the U.S. Park Police?

19 A. Well, the chain of command, the
20 operational chain of command runs from the
21 Secretary to me to the director of the National
22 Park Service to the chief of the U.S. Park

1 Police.

2 Q. Okay. Now if I understand you
3 correctly, and you have spoken with some
4 precision, so I'll take your answer as precise,
5 Mr. Murphy would not be in the operational chain
6 technically, that it would go directly from the
7 Secretary to the chief, is that correct?

8 A. He is in the supervisory chain of
9 command.

10 Q. Yes, but I believe your answer was in
11 regard to operation?

12 A. Right. That's correct.

13 Q. Okay. So my statement would be correct?

14 A. Yes.

15 Q. And you were just clarifying?

16 A. Yes.

17 Q. Okay. So also with that same precision,
18 the operational chain of command would go through
19 directly from the secretary to you, would not
20 pass through Mr. Griles, is that correct?

21 A. Correct.

22 Q. Okay. Now if we were to make that same

1 qualification or clarification regarding
2 supervisory chain for you, what would we say?

3 A. Well, Mr. Griles is regarded as a chief
4 operating officer, so the chain of supervision
5 goes from the Secretary to Mr. Griles to me.

6 Q. All right. So that I understand
7 precisely, the implication or impact of that
8 precise chain of command you're describing, if
9 Mr. Griles wished to give an operational order,
10 would he have the authority to give an
11 operational order that you would be compelled to
12 follow absent approval from the Secretary?

13 A. I've never considered that.

14 Q. You're not certain?

15 A. I'm not certain.

16 Q. Okay. In the case in question that we
17 have been discussing, the detail of Ms. Blyth,
18 would you consider the initiation or cancellation
19 of a detail of a staff person to be an
20 operational matter?

21 A. No.

22 Q. Okay. What would it be if not

1 operational?

2 A. It's a, it's a, it's a personnel matter.

3 Q. Okay. I hesitate to ask, but I need
4 to -- what would be the chain of command or
5 authority in regard to personnel matters?

6 A. It's, it would, it would be as I
7 described with respect to Mr. Griles as chief
8 operating officer.

9 Q. Okay. So Mr. Griles would be in the
10 chain of authority regarding personnel matters?

11 A. Right.

12 Q. Would Deputy Director Murphy be in that
13 chain?

14 A. Yes.

15 Q. Do you know whether the Secretary of the
16 Interior had been apprised by Griles or anyone of
17 the issue regarding the detail of Ms. Blyth?

18 A. I have no idea.

19 Q. Did you understand that Mr. Griles was
20 directing you within the chain of authority on
21 personnel matters to effectively cancel the
22 detail of Ms. Blyth for the time being?

1 A. Yes.

2 Q. And you communicated the same to Deputy
3 Directors Murphy and Jones within the chain of
4 authority on personnel matters?

5 A. Yes.

6 Q. And to the best of your knowledge, they
7 accepted your direction?

8 A. As far as I know, yes. That's what
9 happened.

10 Q. The quotation you were given which
11 apparently begins on line 14 of page 11,
12 quotation from ostensibly Chief Chambers'
13 response to the proposal to remove her, and
14 carries over to line 1 on page 12, at the time
15 you were given that quotation by Mr. Hoffman, did
16 you have any way of verifying whether that
17 quotation was correct or not?

18 A. No.

19 Q. Did you have any communication with Ms.
20 Chambers after the detail of Ms. Blyth had been
21 cancelled on that Monday regarding Mr. Murphy,
22 Deputy Director Murphy's response to having to

1 cancel that detail?

2 A. Could you say that again?

3 Q. I'll try. Did you have any
4 communication with Chief Chambers on or after
5 that Monday in regard to Mr. Murphy's reaction or
6 response to his having to cancel the detail of
7 Ms. Blyth?

8 A. She said that Mr. Murphy was not pleased
9 that, that she had communicated with me and Mr.
10 Griles about that matter.

11 Q. All right. Did Ms. Chambers tell you
12 that Mr. Murphy had described Ms. Chambers'
13 actions in that regard as, quote, nefarious,
14 unquote?

15 A. I don't recall that.

16 Q. Now if Mrs. Chambers had approached
17 Director Murphy regarding the transfer issue and
18 her concern about it and opposition to it, and if
19 Chief Chambers had approached Director Mainella
20 about that issue, and if -- let's add one
21 more -- and if Chief Chambers had attempted to
22 contact you on that same issue, would there have

1 been anyone else other than those three people I
2 have named in the chain of authority on personnel
3 matters that Ms. Chambers could have contacted
4 before contacting Mr. Griles?

5 A. No.

6 Q. Do you know whether or not Ms. Chambers
7 had discussed with Mr. Murphy her opposition to
8 the proposed detail of Ms. Blyth?

9 A. I don't recall.

10 Q. Do you know whether Ms. Chambers had
11 discussed with Director Mainella her opposition
12 to the proposed detail of Ms. Blyth?

13 A. I don't know.

14 Q. I take it that you wouldn't recall the
15 substance of those conversations?

16 A. No.

17 Q. Do you recall when you spoke with Mr.
18 Jones or Mr. Murphy directly or indirectly by
19 voice mail whether you expressed any direction to
20 them that in addition to not pursuing the detail
21 of Ms. Blyth at that time, that they should not
22 respond in any hostile or retaliatory way towards

1 Miss Chambers for having raised the concern?

2 A. I don't recall.

3 Q. Are you saying that that did not happen,
4 or you're not remembering?

5 A. I don't think it happened.

6 Q. Okay. Did you -- and I'm assuming not,
7 but did you have any communication with Mr. Jones
8 or Mr. Murphy that would have given them a green
9 light to respond in any hostile or retaliatory
10 way to Ms. Chambers?

11 A. No.

12 Q. Okay. Do you believe that it would have
13 been appropriate for Mr. Murphy to have responded
14 in a hostile way to Ms. Chambers for having gone
15 to you or Mr. Griles to cancel that detail?

16 A. It would have been appropriate if she,
17 if she had not previously approached him, it
18 would have been appropriate for him to remind her
19 that she should start at the lowest level of the
20 chain of command.

21 Q. Which, of course, was not precisely my
22 question.

1 My question was, and I understand your
2 answer as far as it goes, but to speak precisely
3 to my question, would it have been appropriate
4 for Mr. Murphy to have responded in a hostile
5 manner to Ms. Chambers' regarding this?

6 A. Well, assuming that my last response
7 does not indicate hostility --

8 Q. I didn't interpret it to include
9 hostility.

10 A. All right. Then no, it wouldn't have
11 been appropriate for him to respond in any
12 hostile manner.

13 Q. All right. And in your view, would it
14 have been proper at that time for Mr. Murphy to
15 have taken any adverse employment action or
16 disciplinary action regarding Ms. Chambers for
17 contacting you or Mr. Griles in opposition to the
18 detail of Ms. Blyth?

19 A. I don't know because I don't know what
20 previous conversations he may have had with her
21 about that.

22 Q. Okay. I take it you did not initiate

1 any action against Ms. Chambers for having
2 contacted you or Mr. Griles?

3 A. No.

4 Q. Okay. Did you make any complaint to
5 anyone regarding Ms. Chambers contacting you or
6 Mr. Griles?

7 A. No.

8 Q. Okay. And Mr. Griles, to your
9 knowledge, did not do so?

10 A. As far as I know, he did not.

11 Q. All right. So what condition would had
12 to have existed for you to have supported at that
13 time some adverse employment action or
14 disciplinary action against Ms. Chambers for
15 having contacted you or Mr. Griles on that
16 matter?

17 A. I don't know.

18 Q. Are there any conditions you could
19 envision sitting here that would have justified
20 disciplinary action against Ms. Chambers for
21 having contacted you or Mr. Griles in that
22 manner?

1 MR. L'HEUREUX: Objection. Calls for
2 the witness to speculate.

3 You may answer the question.

4 THE WITNESS: Well, as I sit here today,
5 I can't think of any specific ones, but I can
6 imagine that there may be such, such situations.

7 BY MR. HARRISON:

8 Q. If you can imagine them, can you
9 articulate them?

10 A. No.

11 Q. Okay. So your imagination at the moment
12 is general and not specific?

13 A. Yes.

14 Q. Did Mr. Murphy approach you within say
15 the seven days subsequent to your communication
16 to him to cancel that detail and express, did he
17 express to you his dissatisfaction with Ms.
18 Chambers for coming to you or Mr. Griles?

19 A. I don't know that it was within the time
20 period that you stipulate, but at some point, he
21 did.

22 Q. Okay. And do you recall that?

1 A. I do.

2 Q. And what do you recall was communicated
3 to you at that time?

4 A. That he was concerned that she had
5 essentially gone around him, and that that
6 undercut his authority as deputy director.

7 Q. Um-hm. And when did that conversation
8 take place?

9 A. I don't recall.

10 Q. Do you recall a month?

11 A. No.

12 Q. Okay. Do you recall how much time might
13 have passed after the cancellation of the detail?

14 A. No.

15 Q. Was this a face-to-face meeting?

16 A. Yes.

17 Q. Was anyone present besides you and Mr.
18 Murphy?

19 A. No.

20 Q. Was there any record kept in the
21 meeting?

22 A. Not on my part.

1 Q. Okay. And did Mr. Murphy disclose to
2 you in that conversation that he and Ms. Chambers
3 had discussed on more than one occasion his
4 intent to detail Ms. Blyth and Ms. Chambers'
5 opposition to that?

6 A. I don't recall.

7 Q. Okay. So if you can distinguish for us
8 in terms of what Mr. Murphy was communicating to
9 you, was Mr. Murphy on the one hand saying Chief
10 Chambers should have brought this to me first,
11 but didn't, or on the other hand, was he saying
12 she brought it to me and she didn't do what I
13 wanted?

14 Do you understand the distinction I'm
15 making?

16 A. I do.

17 Q. And do you recall which of those, if
18 either, Mr. Murphy communicated to you?

19 A. I'm not sure that it was clear to me
20 which he was saying.

21 Q. Okay. And was Director Mainella present
22 for this conversation?

1 A. No.

2 Q. Okay. Do you know if Mr. Murphy had
3 gone to Director Mainella with his concerns
4 before coming to you with them?

5 A. I don't know.

6 Q. Okay. Did you have any concern at that
7 time with Mr. Murphy circumventing Director
8 Mainella on that matter?

9 A. I don't know that he did.

10 Q. Understood.

11 A. I had no concern about it.

12 Q. Thank you. And I take it you don't know
13 that he did not?

14 A. I don't. Agreed. I don't know that he
15 did not.

16 Q. Okay. And I take it it wasn't enough of
17 an issue for you to inquire whether he had or
18 not?

19 A. That's correct.

20 Q. Okay. Was that the first time in your
21 professional career at the Department of Interior
22 that you had spoken directly with Mr. Murphy in

1 the absence of Director Mainella?

2 A. No.

3 Q. Is it uncommon or common for someone in
4 Mr. Murphy's position, Mr. Murphy, Mr. Jones, or
5 someone similar, to come and talk with you
6 without having their immediate superior present?

7 A. Quite common.

8 Q. Does it concern you when they do that?

9 A. No.

10 Q. You haven't complained about it I take
11 it?

12 A. No.

13 Q. You probably find it useful from time to
14 time?

15 A. I find it to be quite efficient.

16 Q. Okay. Are you aware of any document
17 within the Department of Interior that would
18 instruct officials within the department that
19 they are prohibited from talking with a second
20 level supervisor in the absence of the first
21 level supervisor?

22 A. No.

1 Q. All right. Are you aware of any
2 document within the Department of Interior that
3 would prohibit an official or employee within the
4 Department of Interior from raising a concern to
5 a second level supervisor without first telling
6 the first level supervisor of that concern?

7 A. No.

8 Q. Are you aware of any training given to
9 Department of Interior employees, including the
10 Park Police staff, that would have instructed
11 them to not raise a concern to a second level
12 supervisor without first going to the first level
13 supervisor?

14 A. No.

15 Q. When Mr. Murphy met with you and
16 communicated his concern that you're not entirely
17 sure at least which of two scenarios I outlined
18 he was communicating to you, did he indicate to
19 you at that time that he intended to take some
20 action against Ms. Chambers because of her
21 appealing to you or Mr. Griles on the detail of
22 Ms. Blyth?

1 A. I don't recall.

2 Q. You don't recall?

3 A. No.

4 Q. Okay. Do you recall indicating to Mr.
5 Murphy that if he took any action against Ms.
6 Chambers, that you would not oppose it?

7 A. No.

8 Q. Did there come a time after the detail
9 of Ms. Blyth was cancelled by Mr. Griles through
10 you that Mr. Griles met with you, Mr. Murphy, and
11 others in which the issue of the Blyth detail
12 came up?

13 A. I don't recall.

14 Q. Okay. Do you recall a meeting shortly
15 after the cancellation of this detail which was
16 on or about, the cancellation was on or about
17 August 25th, 2003, let's say within a week of
18 that date, in which you were asked to come to Mr.
19 Griles' office for a meeting for which others
20 were present, including Ms. Lynn Scarlett -- am I
21 saying that name correctly -- Mr. Murphy,
22 Director Mainella, other high-level officials

1 within the Department of Interior?

2 Do you recall such a meeting?

3 A. I recall such a meeting.

4 Q. Okay. And you attended I take it?

5 A. I did.

6 Q. Okay. And at some point, some of those
7 higher-level officials departed the meeting and
8 Ms. Chambers was asked to come in.

9 Do you recall that?

10 A. Yes.

11 Q. Okay. Who do you recall being present
12 at that meeting?

13 A. Mr. Griles was there. Ms. Scarlett was
14 there. Mr. Murphy was there, but left early.

15 Ms. Mainella was there. Mr. Parkinson
16 was there.

17 I think that's, that's all that I recall
18 other than myself.

19 Q. Do you know a Mr. Jim or James Cason?

20 A. Yes.

21 Q. And who is he?

22 A. His title is Associate Deputy Secretary.

1 He works directly for Mr. Griles.

2 Q. Okay. Was he present in this meeting?

3 A. I don't recall him being present.

4 Q. Okay. Are you pretty sure he was not?

5 A. I'm not. I don't recall.

6 Q. Not sure. Okay. And were you given a
7 written agenda for this meeting?

8 A. No.

9 Q. Okay. Was this meeting called on the
10 initiative of Mr. Griles?

11 A. I don't recall who called it.

12 Q. Okay. Do you recall the topics that
13 were the focus of the meeting?

14 A. Yes.

15 Q. What were those?

16 A. The focus of the meeting was the
17 performance of the United States Park Police and
18 in particular, the performance of the chief.

19 Q. Okay. And do you recall this meeting
20 took place within a week or so of the
21 cancellation of the detail of Ms. Blyth?

22 A. I don't remember that, the timing of the

1 meeting.

2 Q. Do you recall that it was in August or
3 September of '03?

4 A. I recall that it was after the, after my
5 visit to Acadia National Park, which was in
6 August.

7 Q. And perhaps not too far after your
8 return?

9 A. I don't recall specifically when.

10 Q. Okay. When did you first learn that the
11 meeting would focus on the performance of the
12 Park Police and its chief?

13 A. I don't recall. Whenever, whenever the
14 meeting was called, that was the, the determined
15 topic, and I don't remember when it was that the
16 meeting was set.

17 Q. Okay. So I take it you knew coming into
18 the meeting what the topic was to be?

19 A. Yes.

20 Q. Did you bring any materials with you to
21 speak to that topic?

22 A. No.

1 Q. Were you asked to offer an opinion
2 during that meeting?

3 A. Yes.

4 Q. And did you do so?

5 A. I did.

6 Q. And what was your opinion that you
7 offered?

8 A. My opinion was that I was growing more
9 and more concerned about the lack of progress in
10 the roles and missions meetings that we had been
11 having, and I was concerned about the inability
12 of the Park Police to get past the level of
13 organizational inertia that would move them
14 forward and get them to refocus and reorganize
15 and give up certain roles and missions in favor
16 of a, a mission that was more focused on threats
17 that we face today.

18 And I was growing concerned about the
19 chief's being wed to the notion that, that
20 millions of dollars more would be needed to
21 accomplish the tasks that were before the Park
22 Police.

1 Q. Okay. Why did that particular point
2 concern you?

3 A. Because it seemed to me that she was
4 failing to comprehend that with a focus on
5 redesigning the roles and missions, that that was
6 fundamental to the budget problems that we were
7 trying to confront.

8 Q. Okay. Was it your understanding that
9 the Secretary of the Interior and the director of
10 the Park Service had delegated to the chief the
11 authority to completely eliminate services in
12 traditional areas where the Park Police provided
13 services in order to accomplish this redefinition
14 of the mission?

15 A. Yes.

16 Q. Is there a document that gives the chief
17 that authority that you've seen?

18 A. I don't know.

19 Q. Okay. So were you present in a meeting
20 in which the Secretary of Interior told the chief
21 she had that authority?

22 A. No.

1 Q. Were you present in a meeting at which
2 the director of the National Park Service, Ms.
3 Mainella, told the chief she had that authority?

4 A. I was present in a meeting -- no.

5 Q. Were you present in any meeting at which
6 anyone told the chief she had that authority?

7 A. Yes.

8 Q. Which meeting was that?

9 A. When we started the roles and missions
10 meetings initially, I made it clear that the Park
11 Police had the authority, had the authority and I
12 had the expectation that they would reform and
13 reshape their roles and missions.

14 Q. Okay. Well, that's not precisely my
15 question.

16 My question is did you tell the chief
17 that she could the next day on her own authority
18 alone cease offering services at Wolf Trap or in
19 San Francisco or on the parkways and simply stop
20 performing those services without seeking
21 approval from the director of the Park Service or
22 the Secretary of Interior?

1 Did you tell her that?

2 A. No.

3 Q. Okay. If the chief had done that, if
4 Ms. Chambers had done that during your tenure and
5 just cancelled those services overnight without
6 seeking approval from the director or the
7 Secretary, would that have been, if you know,
8 seen by the Secretary or the director as within
9 the chief's authority?

10 A. I can't speak for the director or for
11 the Secretary.

12 Q. Okay. Would you have felt the chief had
13 had that authority had the chief taken the
14 initiative and done those things?

15 A. I would have felt that she had that
16 authority, yes.

17 Q. Okay. And that she would not have been,
18 in your view, subject to any discipline for not
19 seeking approval from the Secretary or the
20 director in advance?

21 A. Well, not subject to discipline, no.

22 Q. Okay. I take it you would have thought

1 as a matter of protocol, it might have been wise
2 to run that proposal up the flagpole first?

3 A. Yes.

4 Q. Okay, but you still believe in your own
5 view the chief had the authority to do those
6 things?

7 A. Yes.

8 Q. Okay. Did you ever ask the Secretary or
9 the director whether that they felt the chief
10 could have done those things on her own
11 initiative?

12 A. No.

13 Q. Okay. So when you in this meeting
14 regarding roles and missions stated that you
15 believed the Park Police and the chief should
16 redefine their mission, were you meaning to
17 communicate that apart from redefining it on
18 paper, that the Park Police should go ahead and
19 stop certain services on their own initiative?

20 A. No. I meant, I meant that they should,
21 they should go through a process, step one of
22 which was to make that redefinition as a matter

1 of, on paper if you will, and then go through a
2 process in an orderly way to accomplish those
3 goals, and orderly way includes consultation
4 obviously, so --

5 Q. Okay.

6 A. I mean because that's the way things are
7 done.

8 Q. Consultation with superiors?

9 A. Yes.

10 Q. Do you know what Director Mainella's
11 position was at that time during the calendar
12 year '03 as to whether the chief should in fact
13 cut services?

14 A. Yes.

15 Q. What was the director's position on that
16 question?

17 A. As to certain services, the director, as
18 I understood her position, believed that there
19 were things that needed to be eliminated.

20 Q. Okay. The director told you that?

21 A. We had discussion about that, yes.

22 Q. Okay. So the director's said as much to

1 you specifically?

2 A. Yes.

3 Q. Okay. Did the director ever put those
4 thoughts in writing, to your knowledge?

5 A. Not to my knowledge.

6 Q. Okay. Was there anyone present in
7 addition to you and the director when this
8 communication took place?

9 A. I don't recall.

10 Q. Do you recall a timeframe when this
11 happened?

12 A. During the, we talked about it several
13 times during the late spring of '03 and into the
14 summer.

15 Q. Okay. Do you recall specifically what
16 the director communicated to you should be cut in
17 terms of services for the U.S. Park Police we're
18 talking about specifically?

19 A. I don't recall what she believed, no.

20 Q. You don't recall what she communicated
21 to you at this time?

22 A. No.

1 Q. Okay, but you do recall her saying
2 something to the effect?

3 A. That there were roles that the Park
4 Police needed to eliminate, yes.

5 Q. Would that amount to a cut in services?

6 A. Well, you know, that's, that's a phrase
7 that has many different interpretations.

8 You know, the idea was to, to eliminate
9 things that were not essential in one area so
10 that we could dedicate those resources to other
11 areas.

12 Q. Okay. And the things being eliminated,
13 what type of things would those be?

14 A. In her view, or in my view?

15 Q. Well, I think you indicated to me you
16 don't recall what she would have said about that?

17 A. Correct.

18 Q. So in your view, what would those other
19 things have been that would be eliminated?

20 A. Well, there were a number of things.
21 There were overtime being used for traffic
22 control at Wolf Trap.

1 There were mounted patrols at Great
2 Falls.

3 There was patrols out in the Fort
4 Washington area, things of that nature.

5 Q. Okay. Do you consider those patrols
6 services?

7 A. I suppose that in police jargon, those
8 are police services, yes.

9 Q. Okay. And if they were eliminated, that
10 would be a loss of certain services?

11 A. It would be a realignment of services.

12 Q. Those services wouldn't happen anymore,
13 would they?

14 A. No, they wouldn't.

15 Q. So you would be gaining perhaps some new
16 or additional service somewhere else?

17 A. Right.

18 Q. And you would be losing the traditional
19 service that was eliminated?

20 A. Right.

21 Q. Okay. So I'm not meaning to ask you a
22 mathematical question about whether there is a

1 loss of net service, just whether certain types
2 of service would be eliminated.

3 A. Yes.

4 Q. Okay. All right. Did you ever make a
5 list of those services or activities of the Park
6 Police that you thought should be eliminated?

7 A. I never made a written list, no.

8 Q. Okay. Did you communicate with the
9 director that you believed that the chief of the
10 U.S. Park Police had the authority acting on her
11 own initiative to eliminate categories of
12 services like you have described?

13 A. Did I ever communicate that to the
14 director?

15 Q. Yes, sir.

16 A. I don't believe I did, no.

17 Q. Okay. Did you ever write a memo or any
18 document that established a deadline imposed upon
19 any person to produce a draft of a refined
20 mission statement for the U.S. Park Police?

21 A. No.

22 Q. Did you ever write a document or a memo

1 of any kind that placed the burden of creating a
2 draft or a refined mission statement for the U.S.
3 Park Police on a specific person?

4 A. No.

5 Q. Okay. If the chief had eliminated on
6 her own initiative the overtime use at Wolf Trap
7 mounted patrols at Great Falls, the patrols in
8 the Fort Washington area, and so forth, that
9 might have been on a list had you made a list,
10 would she have been within her authority to do so
11 absent approval of a higher authority?

12 A. On those specific issues, yes.

13 Q. Okay. Would the chief have had the
14 authority, in your view, absent approval from a
15 higher authority, to cease all Park Police
16 activities and services in New York City?

17 A. That I don't know.

18 Q. Okay. If I asked you the same question
19 regarding San Francisco?

20 A. That I don't know.

21 Q. Do you know what recommendations Chief
22 Chambers had made to Director Mainella regarding

1 proposed or potential cuts in services or
2 activities of the Park Police?

3 A. I don't recall today.

4 Q. Okay. Do you think you knew at one
5 point in time?

6 A. I did, yes.

7 Q. How would you have learned that?

8 A. I would have learned it from either the
9 chief or from the director or both.

10 Q. Was there, taking you back for the
11 moment to the meeting we had discussed at which
12 you were present, Lynn Scarlett was present, Mr.
13 Parkinson, Mr. Murphy and Ms. Mainella, and
14 possibly others, which you described as being
15 about the performance of the U.S. Park Police and
16 its chief, taking you back to that meeting, was
17 there a performance appraisal presented by anyone
18 at that meeting in writing for Chief Chambers?

19 A. No.

20 Q. Were you aware at that time of that
21 meeting whether or not a performance appraisal
22 existed in regard to Chief Chambers?

1 A. No.

2 Q. Did you direct anyone yourself during
3 that meeting that a performance appraisal be
4 written up for Chief Chambers?

5 A. No.

6 Q. Did anyone in that meeting direct that a
7 performance appraisal be written up for Chief
8 Chambers?

9 A. No.

10 Q. Okay. Did anyone mention the plan to
11 write up a performance appraisal for Chief
12 Chambers in that meeting?

13 A. No.

14 Q. Okay. Was information shared by one or
15 more participants in that meeting that would
16 properly be considered information critiquing the
17 performance of the chief?

18 A. Yes.

19 Q. Okay. Do you know whether Chief
20 Chambers was told prior to attending that meeting
21 that the meeting would regard her performance?

22 A. I don't know.

1 Q. Okay. Were you present in the portion
2 of the meeting after Chief Chambers entered the
3 meeting?

4 A. Yes.

5 Q. Okay. During that meeting, did you
6 inform the chief that the discussions prior to
7 her entering regarded her performance?

8 A. I did not, no.

9 Q. Okay. Do you know if anyone in that
10 meeting told the chief per se that the
11 discussions that were occurring prior to her
12 entering regarded her performance?

13 A. I don't know that the words, the word
14 performance was specifically used.

15 Q. Okay. Were the critiques of Ms.
16 Chambers' performance stated in the meeting prior
17 to her entering then communicated to her
18 specifically after she did enter the meeting?

19 A. Yes.

20 Q. And you're saying that for each and
21 every critique, that was mentioned?

22 A. No, I can't say that each and every one.

1 I don't recall, but --

2 Q. Okay.

3 A. In general, they were.

4 Q. Okay. Well, what was told to Ms.

5 Chambers after she entered the meeting regarding

6 her performance?

7 A. Well, I don't recall the specific words,

8 but we talked about the budget issue.

9 We talked about roles and missions. We

10 talked about the deteriorating relationship

11 between the Park Police and the executive staff

12 of the National Park Service.

13 Q. Okay. In the presence of Ms. Chambers?

14 A. Yes.

15 Q. Okay. And were those discussions in the

16 context of Ms. Chambers not having performed well

17 in those regards, or were they like how are we

18 going to deal with these issues?

19 A. I'm not sure I see a distinction, but I

20 don't --

21 Q. Well, let me help you. Did anyone

22 express those issues to Ms. Chambers in her

1 presence in a way that would have put her on
2 notice that her performance was perceived to be
3 deficient in those areas, and that this really
4 was a complaint about her performance rather than
5 how do we make a plan to do better in these areas
6 as an organization?

7 Do you understand that distinction?

8 A. I understand that, I understand what
9 you're getting at.

10 Q. Okay. Do you recall how the
11 communication was made to Ms. Chambers in regard
12 to that distinction?

13 A. And I don't recall specifically.

14 Q. Okay. Do you know whether any
15 recommendation Ms. Chambers made to Director
16 Mainella about changes or cuts in U.S. Park
17 Police activities or services, how those
18 recommendations were eventually implemented?

19 A. I don't know because I don't recall
20 specifically what they were today.

21 (There was a pause in the proceedings.)

22 BY MR. HARRISON:

1 the roles and missions meeting.

2 Mr. Parkinson is the department's
3 executive expert if you will on law enforcement
4 matters.

5 Q. Okay. When you expressed your concern
6 in this meeting about a perceived lack of
7 progress regarding roles and mission refinement
8 and your belief that certain roles and missions
9 should be given up I believe was your phrase, did
10 anyone respond to your statements in that meeting
11 that you recall?

12 A. Yes.

13 Q. And do you recall who would have said
14 what in that regard?

15 A. My recollection is that Mr. Parkinson
16 had a similar impression.

17 Q. So Mr. Mainella agreed that there needed
18 to be more progress on the roles and mission
19 refinement?

20 A. That's my recollection.

21 Q. Did Mr. Parkinson agree certain roles
22 and missions needed to be dropped or given up?

1 A. I don't recall that he said that in that
2 meeting.

3 Q. Do you recall Mr. Parkinson's
4 background, professional background?

5 A. Yes.

6 Q. And can you summarize that for us?

7 A. Mr. Parkinson is a lawyer. He spent a
8 number of years with the U.S. Attorneys Office
9 and then later as General Counsel of the FBI.

10 Q. Okay. Has he ever served in a law
11 enforcement capacity in the sense of being a
12 police officer or FBI agent?

13 A. I don't know.

14 Q. So in a sense, his being a law
15 enforcement expert or the law enforcement expert,
16 it may be more from a lawyer or legal knowledge
17 point of view rather than experience in the field
18 of law enforcement?

19 A. I don't know.

20 Q. Okay. What ive gave you the impression
21 he was an expert in law enforcement?

22 A. I consider him to be an expert in law

1 enforcement.

2 Q. Okay. And that is because?

3 A. Because of my interactions with him and
4 my knowledge of his background.

5 Q. Okay. So the knowledge that he
6 exhibited to you and his background as a lawyer
7 in the capacity of which you have described?

8 A. Yes.

9 Q. Did Mr. Parkinson say anything further
10 regarding the performance of the Park Police or
11 the chief's performance specifically?

12 A. I don't recall.

13 Q. Okay. Did Ms. Scarlett make any
14 comments in this meeting?

15 A. Yes.

16 Q. Do you recall what those would have
17 been?

18 A. They concerned budget, and I don't
19 recall specifically what they were.

20 Q. Okay. Were they critical of Chief
21 Chambers?

22 A. They were critical of the Park Police.

1 Q. Okay. Generally?

2 A. Generally.

3 Q. Okay. You don't recall in what way they
4 were critical?

5 A. Not in the sense that I can recall the
6 specific words, no.

7 Q. Okay. Do you recall the gist?

8 A. Yes. The gist of it was she was
9 concerned that, that the Park Police had not, in
10 her view, efficiently managed their budget, that,
11 that she was hearing through her budget folks
12 that the Park Police were insisting on an
13 additional \$8 million I think it was, and she
14 felt that that was unnecessary, and that was the
15 gist of it.

16 Q. Do you remember specifically an \$8
17 million figure being mentioned by Ms. Scarlett?

18 A. I believe so, yes.

19 Q. Have you heard that \$8 million figure
20 from anyone subsequent to that meeting?

21 A. I don't recall.

22 Q. Have you heard an \$8 million figure

1 recently in the last few weeks?

2 A. No.

3 Q. Okay. Are you sure it was \$8 million?

4 A. I'm not. I can't say for sure that it
5 was.

6 Q. All right. Did Mrs. Scarlett have any
7 documents that she presented in this meeting?

8 A. No.

9 Q. Could you tell from her comments whether
10 Ms. Scarlett had analyzed the details of the U.S.
11 Park Police budget in terms of how much money was
12 available for various services and that she
13 essentially understood the details?

14 A. It appeared that she, she did.

15 Q. Okay. She didn't present a written
16 analysis of the budget at that time?

17 A. No.

18 Q. What was Ms. Scarlett saying, if
19 anything, that she felt needed to be done
20 regarding her budget concerns?

21 A. She felt there needed to be more fiscal
22 discipline with respect to the Park Police.

1 Q. I take that -- pardon me. Go ahead.

2 A. Well, she felt that, that in particular,
3 their use of overtime in a variety of scenarios
4 was, was inefficient and not, not the best use of
5 funds.

6 Q. Okay. Did she know how to resolve that
7 use of overtime?

8 A. I don't recall that she gave any
9 specific plan.

10 Q. Okay. Did you yourself ever come to
11 understand how overtime was used by the Park
12 Police, what they used it for?

13 A. I did, yes.

14 Q. Okay. And can you tell us what your
15 understanding was in that regard?

16 A. Well, my -- I, I don't know that I can
17 articulate it here today, but --

18 Q. Okay. At some point in time --

19 A. At that point in time, I was extremely
20 conversant with the use of overtime.

21 Q. And I take it that at some point, the
22 Park Police by way of the chief, Ms. Blyth, and

1 others, perhaps Shelly Thomas, may have given
2 some details on the Park Police budget?

3 A. Yes.

4 Q. And some of that happened in the, some
5 of the meetings you have described?

6 A. Yes.

7 Q. Okay. So did you come to understand at
8 that time that one reason for use of overtime in
9 the Park Police during that time period was that
10 there was an increased staffing demand for the
11 national monuments because of the terrorist
12 threat as we have discussed, and that the ability
13 to bring on new recruit classes, additional staff
14 people, had not caught up with the amount of
15 staffing required?

16 A. That's what I was told, yes.

17 Q. Okay. Did you have reason to dispute it
18 at that time?

19 A. Well, I was, I was concerned about some
20 of that, yes.

21 Q. Okay. And did you have a reason for
22 your concern?

1 A. Right, because I was concerned about
2 whether or not we were really making the most
3 efficient use of all of our resources because of
4 all these other things that were going on that
5 didn't seem essential to me.

6 Q. The other things you mentioned might be
7 dropped?

8 A. Right.

9 Q. Okay. So if I understand your
10 testimony, your view was not so much that
11 overtime wasn't required given all the things
12 that were being done, but that there might be an
13 ability to eliminate some overtime if some of
14 those other activities you believe were not
15 essential to the mission were dropped?

16 A. Right. Right. I'm not, I was not
17 saying that there should be no overtime at all.

18 Q. Okay. And nor I take it, but please
19 correct me if I misunderstand, nor were you
20 saying that given that these other services and
21 activities had not yet been dropped, that there
22 was no need nor use of overtime?

1 A. I was not saying that.

2 Q. All right. Was Ms. Scarlett
3 recommending dropping Park Police services or
4 activities?

5 A. I don't recall that she had any specific
6 plan.

7 Q. Okay. Did Ms. Scarlett indicate that
8 she believed overtime could be eliminated without
9 dropping services or activities?

10 A. Again, I don't recall that she offered
11 any specific opinion.

12 Q. Okay. Did Director Mainella make any
13 comments in this meeting before the chief
14 entered?

15 A. Yes.

16 Q. And do you recall what those would have
17 been?

18 A. Yes.

19 Q. What were they?

20 A. She felt that the chief was, had been
21 uncooperative and unresponsive to direction given
22 by herself and Mr. Murphy.

1 Q. Did she mention the detail of Ms. Blyth
2 as an example?

3 A. I don't recall that aspect as an
4 example.

5 Q. Do you believe that it was not stated?
6 You're pretty certain it was not stated?

7 A. No. I can't say that.

8 Q. Do you recall any specifics that
9 Director Mainella gave as to the chief being
10 unresponsive to direction?

11 A. I don't recall the specifics.

12 Q. Did the director produce any documents
13 during her comments or presentation?

14 A. No.

15 Q. Could you tell from the director's
16 comments if you can remember them today whether
17 she had spoken with the chief about her specific
18 examples, whatever they might be, of the chief
19 being unresponsive to direction?

20 A. I don't recall.

21 Q. Okay. Did the director indicate that
22 she had given the chief a written notice,

1 reprimand, performance appraisal, performance
2 improvement plan, anything that would specify the
3 details of how she felt the chief was
4 unresponsive to direction?

5 A. She did not say.

6 Q. All right.

7 A. I do, I am recalling one specific --

8 Q. Okay.

9 A. That she mentioned that had, that had to
10 do with the not so much non-responsiveness, but
11 the lack of cooperation with the Park Service,
12 and that had to do with a, a memo that the chief
13 had written that criticized the law enforcement
14 ranger program, and that was regarded by the
15 director as being uncooperative and not being
16 part of the team and not, and, and not playing
17 well with everyone else in the Park Service.

18 Q. Um-hm. Did you actually review that
19 particular memo?

20 Did you know which memo she was speaking
21 of?

22 A. I knew which memo she was speaking of,

1 yes.

2 Q. Had you read it?

3 A. I had not read it.

4 Q. And I take it the director did not
5 present it in this meeting?

6 A. She did not.

7 Q. Okay. Was there something specific
8 about the memo that she identified that was
9 improper?

10 A. It was the, as it was described to me,
11 it was the, the, that it was intemperate in its
12 criticism of the law enforcement rangers, the
13 fact that it criticized another branch of the
14 Park Service's law enforcement effort in a way
15 that appeared to be self-serving.

16 Q. Director Mainella said these words?

17 A. I can't swear that she said exactly
18 those words.

19 That was the gist of what she said.

20 Q. All right. Do you know what she meant
21 when -- did she use the word intemperate, or was
22 that your word?

1 A. That's my characterization of what she
2 said.

3 Q. I see. Okay. What would you mean the
4 word intemperate to mean?

5 How would you use that word?

6 A. Meaning something less than, than polite
7 or politic language.

8 Q. Insulting?

9 A. I don't know that it was insulting.

10 Q. Okay. Perhaps not optimally tactful?

11 A. Yes.

12 Q. Okay. Do you know what time period this
13 memo was written?

14 A. I don't recall.

15 Q. Do you know how much time had passed
16 between its writing and the meeting in which you
17 were sitting at the time?

18 A. No.

19 Q. Would you assume it had been months?

20 A. I wouldn't assume that. I don't know.

21 Q. Okay. You said you had --

22 A. I had --

1 Q. You had seen the memo but perhaps not
2 read it.

3 A. I had seen the memo and had not read it.

4 Q. And you don't recall that being months
5 prior to this meeting?

6 A. I don't recall when it was.

7 Q. Okay. Was the director indicating a
8 need to discipline the chief because of that
9 memo?

10 A. No.

11 Q. Okay. Could you tell from the
12 director's comments whether she had brought her
13 concern about the memo to the chief's attention?

14 A. I don't recall.

15 Q. Are you recalling any other specifics
16 that the director may have listed as her
17 concerns?

18 A. No.

19 Q. Do you know sitting here today who
20 prompted that meeting to take place?

21 A. No.

22 Q. Did you know at the time?

1 A. I knew at the time, yes.

2 Q. Do you recall how that would have come
3 to your knowledge as to who initiated the
4 meeting?

5 A. Someone would have called my scheduler.
6 The scheduler for the person setting the meeting
7 would have called my scheduler, and that's how it
8 would have happened.

9 Q. Okay. That wouldn't necessarily
10 indicate, would it, who initiated the need for
11 the meeting in the first instance, but simply to
12 show who took the bull by the horns to set up the
13 meeting?

14 A. That's possible.

15 Q. Okay. Mr. Murphy, did he say anything
16 in this meeting?

17 A. Yes.

18 Q. Do you recall what Mr. Murphy would have
19 said?

20 A. He reiterated what the director had said
21 about the lack of cooperation and, and the, the
22 deterioration of the relationship between the

1 rest of the Park Service and the U.S. Park
2 Police.

3 Q. When he said that, if he said those
4 words or something to that effect, was he talking
5 about the Park Police generally, or the chief
6 specifically?

7 A. Well, he talked about the U.S. Park
8 Police. That's what --

9 Q. That's the way he phrased it?

10 A. That's the way he phrased it.

11 Q. Okay. Did Deputy Director Murphy
12 indicate in his comments he felt a need to
13 discipline Chief Chambers?

14 A. No.

15 Q. Did either Director Mainella or Deputy
16 Director Murphy request Mr. Griles or yourself or
17 any other person to take any action regarding
18 Chief Chambers, any action of any kind
19 whatsoever?

20 A. No.

21 Q. Okay. Did anyone in that meeting direct
22 anyone else to take any action regarding Chief

1 Chambers?

2 A. No.

3 Q. Okay. Did anyone in that meeting
4 recommend that any comments be made to Chief
5 Chambers when she were to enter the meeting?

6 A. Yes.

7 Q. Okay. And what was said in that regard?

8 A. Well, and I don't recall who said it,
9 but amongst those assembled there, the consensus
10 was that we needed to communicate to Chief
11 Chambers that we were concerned about the issues
12 that we had discussed.

13 Q. Okay. Do you think there was consensus
14 on that?

15 A. I think there was, yes.

16 Q. All right. And did you perceive that
17 whatever concerns had been raised were in fact
18 communicated to Chief Chambers when she came in?

19 A. I believe so.

20 Q. Okay. And did you feel at that point
21 that absent further problems that were brought to
22 your attention, that that's all that needed to be

1 done at that point?

2 A. Yes.

3 Q. At any time during that meeting, did Mr.
4 Griles himself mention that he expected that
5 Chief Chambers would not be the subject of any
6 adverse action because she had raised concerns to
7 him or to you?

8 A. No.

9 Q. Did Mr. Griles, to your knowledge,
10 communicate that to anyone outside of that
11 particular meeting?

12 A. Not to my knowledge.

13 Q. And he never told you that?

14 A. Never told me that.

15 Q. And to your knowledge, Mr. Griles never
16 told anyone that?

17 A. I'm not aware of him telling anyone
18 that.

19 Q. Were you given any direction or task in
20 the nature of follow-up to that meeting?

21 A. Yes.

22 Q. What was that?

1 A. And that was to see that, that the role
2 and missions and budget meetings continued and to
3 monitor the progress of the Park Police in that
4 respect.

5 Q. All right. And did someone give you
6 that instruction or task?

7 A. Yes.

8 Q. Who was that?

9 A. Mr. Griles did.

10 Q. And did you follow that instruction?

11 A. I did.

12 Q. And what did you do in that regard?

13 A. I assigned Paul Hoffman to continue to
14 chair the meetings in my absence, and I received
15 regular reports from Mr. Hoffman and Mr.
16 Parkinson about that.

17 Q. Okay. When you said in your absence,
18 why would that be an issue?

19 Why were you absent?

20 A. Well, because I have another bureau, the
21 Fish and Wildlife Service, to deal with, and, and
22 I travel quite frequently.

1 Q. Okay. Had Mr. Hoffman been chairing
2 those meetings prior to this?

3 A. He had chaired a few of them, as I
4 recall.

5 Q. Okay. I take it Mr. Hoffman was not in
6 the meeting we have been describing about Chief
7 Chambers' performance?

8 A. No, he was not.

9 Q. Did you ever talk to Mr. Hoffman
10 regarding Chief Chambers' performance?

11 A. Yes.

12 Q. Okay. And do you recall the occasion?

13 A. I talked to him about this meeting that
14 we had.

15 Q. Okay.

16 A. I don't recall when that was.

17 Q. All right. And what did you say to him
18 at that time?

19 A. I told him the gist of what had occurred
20 during the meeting.

21 Q. All right. The people present you told
22 him?

1 A. I'm not sure that I told him who all was
2 present.

3 Q. Some of the people present?

4 A. I don't recall.

5 Q. Okay. Do you recall how you would have
6 characterized the meeting?

7 A. I would have told him what I said here
8 today.

9 Q. Okay. So pretty much what you've told
10 us?

11 A. Right.

12 Q. As best you could remember?

13 A. Right.

14 Q. That would include the concerns about
15 the performance of the Park Police and the chief?

16 A. Yes.

17 Q. Okay. Do you recall what the chief said
18 in the meeting after she came in?

19 A. No. I don't, I don't recall.

20 Q. Okay. After this -- well, let me ask
21 you did Mr. Hoffman say anything to you when you
22 relayed to him what had happened in this meeting

1 regarding the chief's performance and the Park
2 Police?

3 What did Mr. Hoffman say?

4 A. I don't recall what he said.

5 Q. Okay. Did you ever talk with Mr.
6 Hoffman again about Chief Chambers after that?

7 A. We talked about the roles and missions
8 meeting, and then of course, he interviewed me in
9 connection with this matter.

10 Q. The transcript we have --

11 A. Yes.

12 Q. In front of us; did you ever talk to Mr.
13 Hoffman about this matter other than as reflected
14 in this transcript?

15 A. Yes.

16 Q. Okay. When was that?

17 A. On several occasions after that; he came
18 to me and told me when his decision, when he was
19 expecting to have his decision on the adverse
20 action completed.

21 Q. Okay. When did he tell you? Do you
22 remember when you had that conversation?

1 A. I don't, but he was, he told me some
2 dates that he expected to have his decision
3 completed.

4 Q. Okay. And do you know why he was
5 telling you that in particular?

6 A. No.

7 Q. Okay. Did you have any role in Mr.
8 Hoffman becoming the reviewing and deciding
9 official in this matter?

10 A. Yes.

11 Q. What was that?

12 A. Well, I had been, I suppose that I
13 really was the one that assigned him as the,
14 ultimately speaking, as the deciding official.

15 Q. Why do you say that?

16 A. Well, because ordinarily, the director
17 of the Park Service would be the deciding
18 official, and I was concerned that Director
19 Mainella was too close to the situation.

20 Q. Okay. So you took it upon yourself to
21 ask Mr. Hoffman to be the deciding official?

22 A. And you know, I don't know if I asked

1 him first, or if I consulted with Personnel
2 first.

3 I don't recall how that occurred.

4 Q. Okay. Did you ever tell Mr. Hoffman at
5 some point in time that you wished him to be the
6 deciding official?

7 A. Yes.

8 Q. Okay. And do you recall who was present
9 at this point?

10 A. No.

11 Q. And do you recall what you said to him
12 in that regard?

13 A. I think I said Paul, you're going to be
14 the deciding official in this matter.

15 Q. Okay. Did he say anything in response?

16 A. Nothing specifically I recall other than
17 to indicate that he understood.

18 Q. Okay. Did you ever put that statement
19 in writing that Paul would be the deciding
20 official?

21 A. I did not, no.

22 Q. Did someone do that on your behalf?

1 A. Someone may have. I don't, I don't
2 know.

3 Q. You didn't direct them to?

4 A. No.

5 Q. Okay. Did anyone communicate with you
6 about Mr. Hoffman being the deciding official
7 prior to you communicating your decision that he
8 would be?

9 A. I discussed it with Hugo Teufel of the
10 solicitor's office.

11 Q. Okay. And had you initiated that
12 communication, or did he?

13 A. I don't, I don't remember how we, how we
14 began discussing it.

15 Q. Okay. Do you know whether the Secretary
16 of Interior had expressed a position on who
17 should be the deciding official?

18 A. She did not to me.

19 Q. Not even indirectly through someone
20 else?

21 Not even indirectly.

22 Q. Okay. Do you know whether any other

1 party besides yourself and Mr. Teufel ever
2 expressed any position on who should be the
3 deciding official?

4 A. Not that I'm aware of.

5 MR. L'HEUREUX: Objection. If the
6 question is intended to provoke an answer that
7 Mr. Teufel had expressed a position what the
8 position may be, we would object to any
9 questioning line about what Mr. Teufel's position
10 might be on the grounds of attorney-client
11 privilege.

12 BY MR. HARRISON:

13 Q. Do you recall any statements by Mr.
14 Griles in that meeting that concerned the
15 performance of the Park Police and the chief?

16 A. No. My recollection is he mostly
17 listened.

18 Q. Okay. Do you recall any comments by any
19 other party present in that meeting that we have
20 not discussed?

21 A. I think we have talked about it.

22 MR. HARRISON: Okay. Let's I guess take

1 a lunch break and come back in about an hour.

2 Would that be okay?

3 MR. L'HEUREUX: That's fine, an hour
4 being what, one o'clock or shortly thereafter?

5 MR. HARRISON: Maybe five or ten minutes
6 after.

7 MR. L'HEUREUX: Okay.

8 (Whereupon, at 12:07 p.m., the
9 deposition was recessed, to reconvene at 1:10
10 p.m. the same day.

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AFTERNOON SESSION

(1:12 p.m.)

EXAMINATION BY COUNSEL FOR APPELLANT

(Resumed)

BY MR. HARRISON:

Q. Mr. Manson, we were talking before the break in part about a meeting that took place after the detail of Ms. Blyth was cancelled that regarded the performance of the Park Police and its chief, and you've given me quite a bit of information about that.

I was wondering if there were any details that Mr. Murphy had mentioned in that meeting that you have not yet recounted as to why he felt relationships were deteriorating between the Park Service and the Park Police.

A. I don't recall anything specific that he said that, I don't recall --

Q. Okay.

A. Anything specific.

Q. When that meeting transitioned between the first portion in which Chief Chambers was

1 absent and the latter portion where Chief
2 Chambers was present, a certain number of the
3 participants left.

4 Do you recall that?

5 A. Yes.

6 Q. And do you recall who departed at that
7 time?

8 A. I remember Don Murphy left. I think
9 Larry Parkinson left as well.

10 Q. All right.

11 A. I recall those two leaving.

12 Q. How about Lynn Scarlett?

13 A. I don't remember if she left or not.

14 Q. All right. Do you recall Mr. Murphy
15 making any remark as he departed?

16 A. He said he had to catch a train.

17 Q. All right. Anything further?

18 A. That's all I recall.

19 Q. Do you recall him saying anything to the
20 effect, after saying he needed to leave to catch
21 a train, anything to the effect that no, I'm not
22 mad?

1 A. No. I don't recall that.

2 Q. Do you recall anything additional that
3 Mr. Murphy may have said?

4 A. As he was departing?

5 Q. Yes.

6 A. The only thing I recall specifically was
7 that he said he had a train to catch.

8 Q. Okay. So I take it Mr. Murphy did not
9 stay for the bulk of the discussion with Ms.
10 Chambers?

11 A. Right.

12 Q. Have you, Judge Manson, ever had
13 occasion yourself to discuss, in any of your
14 areas of responsibility, discuss publicly that
15 the Department of Interior did not have adequate
16 funds to meet certain expectations or mandates it
17 placed on the agency?

18 A. Yes.

19 Q. Okay. And would that have been in
20 regard to the Endangered Species Act?

21 A. Yes.

22 Q. Okay. And is it fair to say that you

1 have taken the position publicly that the
2 department has not been given sufficient
3 resources to meet all of the legal mandates
4 placed upon it regarding the Endangered Species
5 Act?

6 A. That would be an overbroad
7 characterization.

8 Q. How would you put it?

9 A. In the spring of 2003, I said that the
10 department would run out of appropriated funds
11 for the designation of the critical habitats
12 under the Endangered Species Act.

13 Q. Okay. And that was the extent of your
14 statement regarding that matter?

15 A. It was, it was quite a bit more
16 extensive than that, but that was the gist of it
17 as it related to the budgetary issues, right.

18 Q. Okay. Is it fair to say that the gist
19 that you communicated included that the
20 department had not been given sufficient funds to
21 meet its obligations for designation of the
22 critical habitat under the Endangered Species act

1 for the entirety of the fiscal year?

2 A. Yes.

3 Q. I take it no one disciplined you for
4 those statements?

5 A. No.

6 Q. All right. Now you have indicated you
7 have had certain interactions with Mr. Don
8 Murphy, the deputy director of the National Park
9 Service, and those are relatively routine in the
10 performance your mutual duties?

11 A. Yes. That's correct.

12 Q. Okay. Did you have occasion to know Mr.
13 Murphy prior to beginning your career at the
14 Department of Interior?

15 A. Yes.

16 Q. And how did you happen to know Mr.
17 Murphy prior?

18 A. Well, as I explained earlier, I was the
19 general counsel of the Department of Fish and
20 Game in the State of California for five years.

21 Q. Yes, sir.

22 A. During that same period, Mr. Murphy was

1 the director of the California Department of
2 Parks and Recreation.

3 Q. All right.

4 A. We worked in the same agency.

5 Q. Okay. And did your duties bring you
6 together from time to time?

7 A. Once in a while.

8 Q. Okay. Did you know Mr. Murphy outside
9 of work?

10 A. Not really.

11 Q. How many years would you say you have
12 known Mr. Murphy prior to beginning your work at
13 the Department of Interior?

14 A. Nine years.

15 Q. Would you consider Mr. Murphy a friend?

16 A. I'm friendly with him, yes.

17 Q. Okay. Have you had occasion to
18 socialize with Mr. Murphy outside of work?

19 A. No.

20 Q. You had indicated that you had three
21 conversations with Ms. Weatherly, two telephone
22 calls and one meeting, and I believe you said the

1 meeting was at Congress on request of Ms.
2 Weatherly, and Mr. Parkinson attended with you,
3 is that correct?

4 A. That's right.

5 Q. Okay. During that meeting, did you have
6 occasion to discuss any budgetary matters for the
7 Department of Interior or the Park Police?

8 A. Yes.

9 Q. And do you recall what those might have
10 been at that time?

11 A. Well, the whole meeting was about the
12 Park Police budget and budget management, and I
13 don't remember any, if you're asking for any
14 specific line item or project, I don't remember
15 specifically.

16 Q. Okay. Is it fair to say the discussion
17 ranged broadly over the budget issues for the
18 Park Police?

19 A. Among other things, yes.

20 Q. Okay. I'm sorry. I thought it was
21 entirely focused on the Park Police budget.

22 A. Well, in the sense that, that that

1 MR. HARRISON: Let's mark this document
2 as the next Manson deposition Exhibit No. 3.

3 (Manson Exhibit No. 3
4 was marked for
5 identification.)

6 BY MR. HARRISON:

7 Q. Take a moment, Judge, and see if you
8 recognize that document.

9 (The witness reviewed the document.)

10 THE WITNESS: I recognize all except the
11 first page.

12 BY MR. HARRISON:

13 Q. Okay. Putting the first page aside just
14 for the moment, what do you recognize the
15 remainder to be?

16 A. This appears to be the so-called
17 passback that the Department of the Interior
18 would have received from the Office of Management
19 and Budget concerning the Park Police proposal
20 for the 2005 budget.

21 Q. And when would you have first seen that,
22 to your knowledge?

1 A. I don't recall when I first saw it.

2 Q. Okay. And you have not seen the cover
3 page?

4 A. No.

5 Q. Okay. Do you know Mr. Craig
6 Crutchfield?

7 A. Yes, I do.

8 Q. And who is he?

9 A. He is a budget examiner in the Office of
10 Management and Budget.

11 Q. Okay. And do you see that the cover
12 memo is from him?

13 A. Well, I see that it says J.C.
14 Crutchfield.

15 Q. Okay. Have you ever received any
16 e-mails from Mr. Crutchfield?

17 A. No.

18 Q. Okay. And if you can tell, to whom is
19 that communication directed?

20 A. Larry Parkinson and someone named Robert
21 Baldauf.

22 Q. Okay. Do you know a Bob Baldauf?

1 A. No, I don't.

2 Q. Okay. And in terms of the attachments,
3 the pages that are attached, do you understand
4 that they reflect some proposal or recommendation
5 or direction from OMB to make certain changes in
6 the categories of expenditures for the U.S. Park
7 Police?

8 A. Yes.

9 Q. Okay. Do you know what the status of
10 that, those requests are or those recommendations
11 are in that regard?

12 A. I don't recall.

13 Q. Okay. Let me borrow your copy back for
14 a moment.

15 Thank you.

16 (There was a pause in the proceedings.)

17 BY MR. HARRISON:

18 Q. Is it your recollection that the
19 attached pages are essentially the content of the
20 passback from OMB?

21 Do you need to see it again to answer
22 that?

1 A. They certainly are a part of it. I
2 don't recall that there was more to it than that.

3 Q. Okay.

4 (There was a pause in the proceedings.)

5 BY MR. HARRISON:

6 Q. Was the item on the third page there
7 that's No. 1 and a recommendation for
8 consolidating law enforcement jurisdiction in the
9 White House area under the Secret Service, was
10 that one of your recommendations?

11 A. No.

12 Q. Has anyone in a position of authority or
13 superior to you ever directed that you proceed to
14 accomplish a modification of the U.S. Park Police
15 mission and extent of services to limit it in
16 some way, to limit those services?

17 A. To limit those services?

18 Q. Yes.

19 A. I'm not sure I know what you mean by
20 limit those services.

21 Q. I can make that more specific for you.
22 Has any authority superior to you directed you to

1 take steps to accomplish a change in the services
2 offered by the U.S. Park Police that would
3 eliminate some existing services?

4 A. No.

5 Q. All right. So to your knowledge, at
6 least as of today, there is no mandate from any
7 authority superior to you to eliminate any
8 specific traditional services of the Park Police?

9 A. That's right.

10 Q. If certain services were cut or
11 eliminated, depending on one's choice of words,
12 let's say Wolf Trap, for example, if services by
13 the Park Police were to be eliminated there, what
14 would be the result?

15 Would some other agency have to pick up
16 those services, or would they simply not be
17 offered by anyone, if you know?

18 A. I don't know.

19 Q. You still have your transcript in front
20 of you?

21 A. Yes.

22 Q. From your testimony to Mr. Hoffman on

1 page 16, near the top, you make a statement "It
2 was not unusual for her to call me directly about
3 various matters," referring to Chief Chambers.

4 Do you recall that?

5 A. Yes.

6 Q. And I take it from that that you
7 frequently communicated with Chief Chambers?

8 A. Yes.

9 Q. Okay. And did you find those
10 communications offensive to you in any way?

11 A. No.

12 Q. Did you ever make complaint in the
13 nature of those communications should stop or
14 that they should were improper?

15 A. No.

16 Q. If you would look at the bottom of page
17 16 as it carries over to page 17, you will see a
18 lengthy question by Mr. Hoffman it appears in
19 which Mr. Hoffman says "It would appear that
20 she..." referring to Chief Chambers, "...must
21 have called Mr. Griles fairly soon after leaving
22 you the voice message in order to have gotten a

1 returned call from Deputy Secretary that evening.
2 Does that seem like she jumped pretty quickly
3 without giving you a reasonable chance to respond
4 to her message?"

5 Would you call that a leading question?

6 MR. L'HEUREUX: Objection -- relevance.

7 You may answer the question, Your Honor.

8 THE WITNESS: I would call that a
9 leading question.

10 MR. HARRISON:

11 Q. Thank you. When you indicated to the
12 Park Service Mr. Griles' decision to cancel the
13 detail of Ms. Blyth which you reflect in your
14 testimony on the bottom of page 17 over to page
15 18, and you have already testified here that you
16 called Mr. Murphy and Mr. Jones I believe it was,
17 did you go through Director Mainella to do that
18 communication?

19 A. No.

20 Q. If you would turn to page 19 in your
21 testimony, near the bottom, you're talking about
22 your conversations with Ms. Weatherly, and you

1 say there on line 15, "...I recall two
2 conversations. One was a telephone call, and the
3 other was a visit on the Hill."

4 Going down to line 17 -- do you see
5 that?

6 A. Yes.

7 Q. Today you told us that there were three
8 communications.

9 Which of those two is correct?

10 A. I don't recall. I don't recall.

11 Q. Okay. You refer at the bottom of page
12 19 to a 24 or 28 million dollars figure that
13 Chief Chambers was talking about apparently in
14 her communications with Congress.

15 Is that still your recollection today?

16 A. It's my recollection that I had heard a
17 figure like that from Ms. Weatherly.

18 Q. Regarding Ms. Chambers' communications?

19 A. Yes.

20 Q. Did you have a chance to review this
21 transcript for potential errors and to make
22 corrections?

1 A. I have had a chance, yes.

2 Q. And did you do so?

3 A. No.

4 Q. Do you recall why you might not have
5 done so?

6 A. There was a time deadline to do so, and
7 I was traveling.

8 Q. All right. Did you, do you recall
9 signing a certification regarding the accuracy of
10 the document?

11 A. I don't recall.

12 Q. If you look on I believe the back page
13 of my copy, which may or may not be the back page
14 of your copy, there is an acknowledgment of
15 deponent.

16 Does that look like your name,
17 signature, handwriting and so forth?

18 A. It looks like my signature at the
19 bottom.

20 It's not my name. That's not my
21 printing there.

22 Q. Someone else printed your name?

1 A. Yes.

2 Q. Okay. Do you recall signing this on
3 March 16th?

4 A. I don't specifically recall signing it.
5 That is my signature.

6 Q. Okay. There's a box checked above your
7 signature that says, "Except for the changes,
8 noted in the attached Errata Sheet, the same is a
9 true, correct and complete."

10 Do you recall checking that box
11 yourself?

12 A. I don't specifically recall doing that.

13 Q. Okay. And I take it from your prior
14 answer you don't recall making out an errata
15 sheet?

16 A. I did not make out an errata sheet.

17 Q. Do you know whether anyone did on your
18 behalf regarding this transcript?

19 A. My recollection is that Paul Hoffman had
20 gone through and made typographical changes.

21 Q. Okay. Did he do so in an errata sheet?

22 A. I don't, I don't remember.

1 Q. How did you come to know that Mr.
2 Hoffman had made those changes?

3 A. He told me.

4 Q. Okay. You don't recall ever seeing the
5 document reflecting those changes?

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

7 Q. Okay.

8 (There was a pause in the proceedings.)

9 MR. HARRISON: Let's mark the next
10 document as the Manson deposition Exhibit No. 4
11 it would be.

12 (Manson Exhibit No. 4
13 was marked for
14 identification.)

15 BY MR. HARRISON:

16 Q. Take a moment, sir, and see if you
17 recognize that document.

18 (The witness reviewed the document.)

19 THE WITNESS: Yes, I recognize it.

20 BY MR. HARRISON:

21 Q. And what is it, please?

22 A. It is a memo from the Chief Chambers to

1 me, and it is addressed through Mr. Murphy,
2 Director Mainella, and Mr. Hoffman.

3 Q. Okay. And do you recall the substance
4 of the memo?

5 A. I do, yes.

6 Q. And what was Chief Chambers requesting,
7 if anything, in that memo?

8 A. She wanted to meet with me concerning
9 the issues that had been raised at the meeting
10 that we have discussed previously.

11 Q. Okay. And does it request meetings with
12 particular parties present?

13 A. I don't recall.

14 Q. Okay. If I could borrow your copy for
15 just a moment to refresh my own memory, at the
16 bottom of paragraph 1, it says, "I look forward
17 to the upcoming meetings with you that you
18 described and which you indicated will include
19 me, Director Mainella, and Deputy Director
20 Murphy."

21 Do you recall informing Ms. Chambers
22 that such meetings with such participants would

1 occur following your meeting with all those
2 parties we discussed regarding the chief's
3 performance?

4 A. Yes.

5 Q. Okay. Do you know whether meetings
6 between yourself, the director and deputy
7 director and Ms. Chambers did in fact occur
8 subsequent to this request?

9 A. I don't think they did.

10 Q. Okay. Was that a conscious decision on
11 your part that they not occur?

12 A. I don't remember why they didn't happen.

13 Q. I take it you wouldn't recall anyone
14 else requesting that those meetings not take
15 place, or do you?

16 A. I am certain that no one requested that
17 they not happen, but beyond that, I don't recall
18 why they didn't happen.

19 Q. All right. In the second paragraph, Ms.
20 Chambers states, "Prior to the first of those
21 meetings....." meaning the meetings that were
22 referred to in paragraph 1, "...I would

1 respectfully request that I and my team be
2 afforded a chance to talk candidly with you
3 outside the presence of the Director and Deputy
4 Director -- the same type of opportunity they
5 were provided yesterday when they spoke with you,
6 Mr. Griles, and other members of the Department's
7 leadership for more than one and one-half hours
8 as I waited to be invited in for a discussion.

9 Do you recall Ms. Chambers asking for
10 that sort of private candid discussion?

11 A. I remember that it was in that memo,
12 yes.

13 Q. Okay. Do you know whether that meeting
14 took place?

15 A. No.

16 Q. Do you know why it did not take place?

17 A. It, at least in part, didn't take place
18 because I did not think it was a good idea.

19 Q. Okay. Was there another part as to why
20 it didn't take place?

21 A. There are always scheduling issues and
22 other things that happen.

1 Q. Okay. Did you ever inform Ms. Chambers
2 as to why you thought it might not be a good
3 idea?

4 A. I don't think I did.

5 Q. Okay. Did anyone encourage you not to
6 have such a meeting?

7 A. No.

8 (There was a pause in the proceedings.)

9 BY MR. HARRISON:

10 Q. There is a reference at the bottom of
11 paragraph 3 to the following -- "The human
12 dynamics involved in having to discuss these
13 issues in front of them..." meaning the director
14 and deputy director, "...however, make it
15 impossible, as you saw yesterday, for a fluid
16 conversation to occur without interruption or
17 justification."

18 Do you remember sitting here today,
19 Judge Manson, whether during the meeting with all
20 the parties you identified to discuss the
21 performance of the Park Police and the chief,
22 whether when Ms. Chambers was present and she

1 attempted to state her position, that she was
2 interrupted by anyone?

3 A. I don't, I don't specifically recall.

4 Q. Do you recall Director Mainella ever
5 exclaiming in the middle of Ms. Chambers' attempt
6 to make a statement that what Ms. Chambers was
7 saying was not correct or not true?

8 A. Yes, as a matter of fact I do. I do
9 recall that statement being made.

10 Q. Okay. There is a reference here on the
11 second page, and I'll show it to you to refresh
12 your memory, the top paragraph, second sentence,
13 "I am particularly concerned about the continuing
14 conversation yesterday referencing some type of
15 move of Ms. Blyth out of the Park Police, even if
16 it is on a part-time basis."

17 I'll show that to you. See if you
18 remember that topic being discussed the day
19 before, which as I understand this memo, would
20 have been the day of the meeting we have been
21 talking about earlier.

22 A. I don't remember what was said about

1 that at the meeting.

2 Q. Okay. Was there some, apart from your
3 recollection, was there some discussion after
4 that meeting or some initiative to move Ms. Blyth
5 out of her position for assisting the chief?

6 A. Not on a permanent basis. It was still,
7 there was still talk of a detail of some sort.

8 Q. Thank you. I see. Was that discussion
9 at your initiative, that continued discussion?

10 A. No.

11 Q. Do you know who would have been the
12 moving force behind that continued discussion?

13 A. No.

14 Q. When Ms. Chambers was placed on
15 administrative leave on December the 5th, 2003,
16 did you learn about it on that day, on December
17 the 5th?

18 A. I don't recall when.

19 Q. Do you recall learning about it before
20 or after the time it actually happened?

21 A. I learned about it before.

22 Q. Okay. Would you have learned about it

1 from Mr. Murphy?

2 A. In fact I believe that's who I learned
3 it from.

4 Q. All right. Do you recall how much time
5 elapsed between Mr. Murphy communicating his
6 intent to do that and when Ms. Chambers was put
7 on administrative leave?

8 A. No.

9 Q. Do you recall an article being published
10 in The Washington Post on or about December 2nd,
11 2003, in which Chief Chambers was quoted or
12 paraphrased?

13 A. I read the article.

14 Q. Okay. Do you know whether you learned
15 from Mr. Murphy of his intent to place Chief
16 Chambers on administrative leave before or after
17 that article was published?

18 A. I don't recall.

19 Q. Okay. When you read that article, had
20 you already reported to work at that time?

21 I'm taking it you read it on December
22 2nd, but maybe you read it later.

1 A. I read it either the day it was
2 published or the day after.

3 Q. Did you read it in your normal course of
4 reviewing newspapers, or did someone bring it to
5 your attention?

6 A. I read it in the normal course of my
7 review of the news.

8 Q. Okay. And did you make any comment to
9 anyone about that article after having read it?

10 A. I don't recall.

11 Q. Did anyone make a comment to you about
12 that article after it was published?

13 A. Yes.

14 Q. And who was that?

15 A. A couple of people actually. Mr.
16 Parkinson commented to me about it.

17 Mr. Murphy commented to me about it.

18 Q. Anyone else?

19 A. There may have been others, but I don't
20 recall.

21 Q. And do you recall when Mr. Parkinson
22 would have made his comment to you?

1 A. No, I don't.

2 Q. Would it have been in fairly close
3 proximity to the article coming out do you think?

4 A. Yes.

5 Q. Okay. I assume you were both at work at
6 the time?

7 A. Yes.

8 Q. Do you recall what Mr. Parkinson said to
9 you about that?

10 A. I recall he asked me if I had seen it.

11 Q. Okay. Anything further that was stated?

12 A. I don't recall what else he said.

13 Q. And had you seen it at that point in
14 time?

15 A. I had.

16 Q. And did you make any comment about the
17 article to him in response to his question?

18 A. I told him that I had seen it, and I
19 told him that I was concerned about some of the
20 statements in it.

21 Q. All right. Did he respond to your
22 comment?

1 A. I don't recall.

2 Q. Did you tell him which aspects of the
3 article concerned you?

4 A. Yes.

5 Q. What were those?

6 A. Well, it was the fact that the article
7 seemed to reveal law enforcement sensitive
8 information.

9 Q. Did you use that phrase with Mr.
10 Parkinson?

11 A. I did.

12 Q. Okay. And did he make any reference to
13 that same phrase to you, law enforcement
14 sensitive?

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

16 Q. And did you ask Mr. Parkinson to act on
17 your concern in any way?

18 A. No.

19 Q. Had you discussed the concept of the law
20 enforcement sensitive information in regard to
21 that article prior to making that comment to Mr.
22 Parkinson, discussed it with anyone else?

1 A. No.

2 Q. And do you recall what it was in the
3 article that impressed you as being law
4 enforcement sensitive?

5 A. There was reference to staffing levels
6 and icons and so forth.

7 (There was a pause in the proceedings.)

8 BY MR. HARRISON:

9 Q. I want to show you a document that was
10 previously marked as Exhibit 7 to Mr. Murphy's
11 deposition, and you can share that with your
12 counsel.

13 I believe it's the article we were
14 discussing.

15 Take a look at that and see if that
16 looks like The Washington Post article in
17 question.

18 (The witness reviewed the document.)

19 THE WITNESS: That appears to be the
20 article.

21 BY MR. HARRISON:

22 Q. Okay. Could you look through that and

1 tell me what specific words concerned you in
2 regard to the law enforcement sensitive
3 information you referred to regarding staffing?

4 (The witness reviewed the document.)

5 THE WITNESS: Well, there are references
6 to numbers of officers in particular places.

7 BY MR. HARRISON:

8 Q. Could you find the page and the
9 paragraph?

10 A. On the third page, next to the last
11 paragraph, there's discussion of, without
12 confirming that information, there was reference
13 to a number of officers.

14 Q. Could you read the quote or just quote
15 from the article the part that --

16 A. Chambers said that she does not disagree
17 with having four officers outside the monuments,
18 but she would also want to have officers in plain
19 clothes who are able to patrol rather than simply
20 standing guard in uniform.

21 Q. Okay. And what part of that is law
22 enforcement sensitive, in your view?

1 A. I'm, of course, loathe to identify the
2 law enforcement sensitive portions of that,
3 but --

4 Q. Well, since it was already in The
5 Post --

6 A. Well, that doesn't, that wouldn't
7 necessarily make it a good idea for me to confirm
8 or acknowledge that specifically, but I'll tell
9 you what my concern was.

10 Reference to numbers of officers,
11 reference to, to whether there may or may not
12 have been officers in plain clothes as well, I
13 mean those types of things are law enforcement
14 sensitive types of information.

15 Q. Are you basically telling me that you're
16 not going to answer my question about which part
17 is law enforcement sensitive?

18 A. No. I think I just did.

19 Q. Okay. Thank you. So nothing other than
20 you've mentioned?

21 A. Right.

22 Q. Okay. Now have you seen a document

1 that, where the U.S. Park Police or the
2 Department of Interior classifies either that
3 specific information or that category of
4 information as law enforcement sensitive?

5 A. No.

6 Q. Okay. Have you seen a law, statute, or
7 regulation that classifies that category of
8 information law enforcement sensitive?

9 A. No.

10 Q. Okay. Have you seen a policy or
11 procedure, written statement or document that
12 classifies that category of information as law
13 enforcement sensitive?

14 A. No.

15 Q. Okay. So when you were communicating to
16 Mr. Parkinson that you had a concern that that
17 particular information was law enforcement
18 sensitive, I take it you did not tell Mr.
19 Parkinson that you felt some specific law or
20 procedure had been violated?

21 A. I did not tell him that.

22 Q. Okay. Have you had training in a legal

1 definition or official definition of law
2 enforcement sensitive?

3 A. What do you mean by training?

4 Q. Well, let's say formal classroom course
5 of some kind that was -- I know that you receive,
6 I assume you receive some of the ethics training
7 that the other officials and staff receive?

8 A. I do.

9 Q. Okay. Training in that sense.

10 A. Formal classroom training?

11 Q. Yes, sir.

12 A. No.

13 Q. Okay. Have you ever been given a
14 workshop of any kind whose, the purpose of which
15 was in part to define law enforcement sensitive?

16 A. Workshop, no.

17 Q. Have you ever been given a document from
18 anyone the purpose of which was to define law
19 enforcement sensitive?

20 A. No.

21 Q. Okay. Has anyone ever attempted
22 verbally to give you an official definition of

1 law enforcement sensitive prior to the December
2 2nd, 2003 Washington Post article?

3 A. Yes.

4 Q. Who was that?

5 A. I don't, I can't recall the names.

6 Q. What was their position?

7 A. Law enforcement officers.

8 Q. Police officers?

9 A. Police officers, yes.

10 Q. For which agency did they work?

11 A. For the Department of the Air Force, for
12 the, the Tucson Police Department, several others
13 that I recall.

14 Q. I take it from your answer these
15 communications would have taken place during your
16 professional activities prior to becoming
17 employed by the Department of Interior?

18 A. Yes.

19 Q. Okay. Did you ever receive any
20 definition of law enforcement sensitive as it
21 would be applied officially to the Department of
22 Interior?

1 A. No.

2 Q. Okay. So when you gave your
3 communication to Mr. Parkinson, were you meaning
4 to express to him that some official procedure,
5 policy, or rule of the Department of Interior was
6 breached by Chief Chambers in her comments?

7 A. I meant to express to him -- well, the
8 answer to your question is no.

9 Q. Okay. Then you may go ahead and explain
10 if you wish what you intended to express to him.

11 A. I intended to express to him that I was
12 concerned that law enforcement sensitive
13 information may have been disclosed.

14 Q. And that was in your understanding of
15 that term as you had acquired it in your prior
16 professional life?

17 A. Over a long period of time, yes.

18 Q. I appreciate that. Did Mr. Parkinson
19 provide you at any time then or thereafter with
20 an official Department of Interior definition of
21 law enforcement sensitive?

22 A. No.

1 Q. Do you know what procedure exists, if
2 any, within the Department of Interior for
3 classifying documents or information as law
4 enforcement sensitive?

5 A. No.

6 Q. Do you know who in the Department of
7 Interior or the U.S. Park Police have authority
8 to formally classify information as law
9 enforcement sensitive?

10 A. No.

11 Q. Do you know what training Chief Chambers
12 would have received in regard to the definition
13 of the term law enforcement sensitive?

14 A. No.

15 Q. Do you know what training Chief Chambers
16 would have received at the Department of Interior
17 in regard to any restrictions on release of
18 information regarding staffing numbers of police
19 officers?

20 A. No.

21 Q. Was there anything further said between
22 you and Mr. Parkinson regarding The Washington

1 Post article?

2 A. Not that I recall.

3 Q. Now you mentioned I believe -- it's been
4 a few minutes back -- that Mr. Murphy may have
5 chatted with you about The Post article?

6 A. Yes.

7 Q. Okay. Do you recall that conversation?

8 A. I recall that he asked me if I had seen
9 it.

10 Q. Okay. Do you recall what day that would
11 have been?

12 A. It would have been the day that I read
13 it.

14 Q. Did you read it before or after Mr.
15 Murphy approached you with that question?

16 A. I had read it before he asked me the
17 question.

18 Q. Okay. Apart from asking if you had read
19 the article, did Mr. Murphy make any other
20 comment in regards to that article?

21 A. He did.

22 Q. And what was that?

1 A. I don't specifically recall.

2 Q. Do you generally recall?

3 A. Generally, he was concerned about the
4 content of the article.

5 Q. Okay. So something about it had
6 displeased him?

7 A. He was concerned about the content of
8 the article.

9 Q. What does concern mean in this context,
10 if you know?

11 A. I don't know that I can further
12 characterize it.

13 Q. Okay. I take it that he wasn't, that
14 concern in his use of the word at the time did
15 not mean a compliment or it was not a flattering
16 remark?

17 A. Right.

18 Q. Okay. Did Mr. Murphy indicate at that
19 time that he intended to take any action against
20 Ms. Chambers in regard to that article?

21 A. No.

22 Q. Okay. Did you say anything further to

1 him regarding the article?

2 A. I don't recall.

3 Q. Was anyone present for that conversation
4 besides Mr. Murphy and yourself?

5 A. No. I believe it was over the
6 telephone.

7 Q. Do you know if there was any record of
8 that conversation made?

9 A. Not on my part.

10 Q. Okay. Now apart from Mr. Parkinson and
11 Mr. Murphy, did you discuss The Post article with
12 anyone at any time thereafter?

13 A. Yes.

14 Q. Okay. Who would that have been?

15 A. A number of people; I don't specifically
16 recall.

17 Q. You don't recall any of the other number
18 of people?

19 A. No, not specifically. It was a topic of
20 conversation.

21 Q. Okay. So it was perhaps widely talked
22 about?

1 A. Yes.

2 Q. Okay. Would this have been on or about
3 the day of the publication?

4 Would it have been some time after?

5 A. Some time thereafter.

6 Q. Okay. Do you know why the conversation
7 turned to that article?

8 A. Well, there were various conversations
9 with various people.

10 Q. Okay. Why did this article come up in
11 so many different conversations, if you know?

12 Did you bring it up?

13 A. I don't, I don't recall if I brought it
14 up or who whoever I was talking to brought it up.

15 Q. Would these be people unassociated with
16 the Department of Interior, or would they be
17 employees?

18 A. Some of them were Interior employees,
19 and some of them were not.

20 Q. Okay. Did you ever discuss that article
21 with any member of the current administration
22 outside of the Department of Interior?

1 A. No.

2 Q. Do you recall discussing it, the
3 article, with Director Mainella?

4 A. Yes.

5 Q. And do you recall when that conversation
6 took place?

7 A. Shortly after the article was published.

8 Q. Okay. And did you initiate the
9 conversation on that topic, or did the director?

10 A. I don't recall.

11 Q. Do you recall what the director said
12 about the article?

13 A. No.

14 Q. Do you recall saying anything specific
15 to the director about the article?

16 A. No.

17 Q. Was there a record of that conversation
18 made?

19 A. Not on my part.

20 Q. Okay. Did you ever discuss The
21 Washington Post article with Mr. Paul Hoffman?

22 A. Yes.

1 Q. Do you recall when that conversation
2 took place?

3 A. Again, it would have been shortly after
4 the publication of the article.

5 Q. Okay. Did you initiate that
6 conversation, or did he?

7 A. I don't recall.

8 Q. Do you recall any of the content?

9 A. Not specifically, no.

10 Q. Okay. Was Mr. Hoffman expressing any
11 concern about it?

12 A. I don't, I don't recall what he, what
13 his view was about it.

14 Q. Okay. Would this have been before or
15 after you communicated to Mr. Hoffman that he
16 would be the deciding official on Ms. Chambers'
17 case?

18 A. It would have been before.

19 Q. Did you relay to Mr. Hoffman in any way
20 specific or general sense that you had concerns
21 about the content of the article?

22 A. Yes.

1 Q. And Mr. Hoffman's position in relation
2 to your own in terms of hierarchy would be what?

3 A. He's deputy assistant secretary. He's
4 one of the three deputies that work for me.

5 Q. Okay. Are there any other Department of
6 Interior officials that you recall speaking with
7 about The Post article that we have not
8 mentioned?

9 A. Not specifically.

10 Q. Okay. And I'm taking it that you don't
11 recall speaking with Lynn Scarlett about the
12 article?

13 A. No, I don't.

14 Q. Okay. Do you recall discussing with
15 anyone, Mr. Murphy or Director Mainella, the idea
16 or possibility of directing Chief Chambers to
17 restrict or cease interviews with the media?

18 A. No.

19 Q. Are you aware that a communication was
20 given to Chief Chambers on the day of the
21 publication of The Post article, December 2nd, to
22 the effect that she should cease interviews?

1 A. I recall that that, that that was
2 communicated to me.

3 Q. Okay. When did you first learn of that
4 communication?

5 A. I don't specifically recall.

6 Q. Okay. Do you know whether it was on the
7 day of December 2nd or after?

8 A. It was after December 2nd, if that's the
9 date of the publication of the article.

10 Q. It is.

11 A. Yes. It was after that.

12 Q. Okay. Do you know who might have
13 brought it to your attention?

14 A. I don't recall.

15 Q. So no one I take it sought your approval
16 of such a communication in advance of issuing it?

17 A. No.

18 Q. Did you learn, once you learned of the
19 communication, that it had come from the Deputy
20 Director Don Murphy and Director Mainella?

21 A. Yes, that was my understanding, that one
22 of the two of them had given that direction.

1 Q. Okay. And did you understand that they
2 both concurred in the direction at the time?

3 A. I don't know that I specifically knew
4 that.

5 I knew that one of the two of them had
6 given that direction.

7 Q. Okay. Do you know how long that
8 direction remained in force?

9 A. No.

10 Q. Did you ever have any communication with
11 any party as to whether that direction should or
12 should not remain in force?

13 A. No.

14 Q. Do you know whether Mr. Hoffman, Paul
15 Hoffman, had any communication in regard to
16 whether the chief should be restricted in her
17 interviews or not?

18 A. I don't know.

19 Q. Mr. Hoffman had been participating in
20 meetings discussing the Park Police budget and
21 mission, as I recall, and maybe chairing some of
22 them?

1 A. Yes.

2 Q. And at some point, Mr. Hoffman I think
3 removed himself from that role.

4 Do you recall that?

5 A. No, I don't. I don't specifically
6 recall that.

7 Q. Do you know whether he stopped attending
8 those meetings at some point?

9 A. I don't have a specific recollection of
10 that.

11 Q. Okay. So I'm taking it you wouldn't
12 recall whether he stopped chairing the meetings
13 at some point?

14 A. I don't know, no.

15 Q. Okay. I'll take it from answer you have
16 never directed him to stop participating in those
17 meetings?

18 A. I did not.

19 Q. Okay. Did it ever come to your
20 attention that Chief Chambers had sent an e-mail
21 to Ms. Debbie Weatherly on or about December 2nd,
22 2003?

1 A. No.

2 Q. Okay. Have you ever seen such an
3 e-mail?

4 A. No.

5 Q. Okay. Did it ever come to your
6 attention that Ms. Debbie Weatherly sent an
7 e-mail to Don Murphy along with a fax on December
8 the 4th, 2003, regarding Ms. Chambers?

9 A. No.

10 Q. I take it you have not reviewed those
11 materials?

12 A. I have not.

13 MR. HARRISON: All right. I want to
14 have the next document marked as the next
15 exhibit, Manson deposition exhibit number, if you
16 would.

17 (Manson Exhibit No. 5
18 was marked for
19 identification.)

20 BY MR. HARRISON:

21 Q. Take a moment and tell me if you have
22 ever seen that document before.

1 (The witness reviewed the document.)

2 THE WITNESS: I have never seen the
3 first page of it.

4 BY MR. HARRISON:

5 Q. Okay.

6 A. I may have seen the second page.

7 Q. Okay. And if you'll glance at the
8 second page, you'll see three columns of numbers?

9 A. Yes.

10 Q. To the right; one says original budget
11 estimate. The middle column says reduction, and
12 the last column says new budget estimate.

13 Do you see those?

14 A. Yes.

15 Q. And did you understand or do you
16 understand today that this is a document in which
17 a proposed series of budget reductions are being
18 identified, and one can tell the amount of the
19 reduction by looking in the middle column, and
20 the ultimate resulting expenditure in that
21 category after the reduction is seen in the last
22 column to the right?

1 A. That's how it appears, yes.

2 Q. Okay. And you see certain items under
3 overtime listed there for such things as Wolf
4 Trap and BW Parkway speed enforcement and a
5 number of other things?

6 A. Yes.

7 Q. All right. And were you aware that
8 Chief Chambers had presented such a list of
9 proposed budget reductions to Mr. Murphy, the
10 deputy director?

11 A. I don't know that I was specifically
12 aware that she had given it to Mr. Murphy.

13 Q. Okay. Were you aware that Chief
14 Chambers had given it to anyone?

15 A. Not specifically. Well, let me say this
16 document looks familiar to me, so I must have
17 seen it at some point.

18 Q. Okay.

19 A. But I don't know specifically who else
20 saw it.

21 Q. Okay. Would you recall a timeframe in
22 which you would have seen it?

1 A. I don't recall.

2 Q. Okay. You had indicated in your earlier
3 testimony that you had decided to appoint Mr.
4 Hoffman as the deciding official for Chief
5 Chambers' removal decision even though Director
6 Mainella might have been the, might normally have
7 been the person to have played that role.

8 Did I hear you correctly?

9 A. Yes.

10 Q. Okay. Was there something in your job
11 description that would have placed the decision
12 as to who to appoint as a deciding official on
13 your shoulders versus anyone else's in the
14 Department of Interior?

15 A. I understood that to be part of my job
16 as assistant secretary.

17 Q. Okay. So any employment action under
18 your jurisdiction you understood it fell on you
19 to appoint the deciding official?

20 A. If there was -- my understanding was
21 that there's sort of a, I don't want to stay a
22 natural, but a routine deciding official, and if

1 that's not going to, for whatever reason, be the
2 case, then, then I understood it to be part of my
3 responsibility to see that some other deciding
4 official would be appointed.

5 Q. Okay. Had you ever had occasion to
6 appoint someone as a deciding official other than
7 the routine or normal deciding official?

8 A. No.

9 Q. Okay. I'm assuming that it's not in
10 your job description in writing that you're, you
11 play that role of appointing deciding officials,
12 or is it?

13 A. Not -- I don't believe specifically it
14 says that anywhere.

15 Q. Okay. And had someone informed you that
16 was within your job description?

17 A. I don't believe so.

18 Q. Okay. So I take it from your past
19 experience and your legal training, you concluded
20 yourself that it was within your duties or
21 authority?

22 A. Yes.

1 Q. Okay. Now in this particular case,
2 there was something that occurred to you to cause
3 you to believe that Director Mainella might be
4 too close to the situation to be the proper or at
5 least ideal deciding official?

6 A. Right.

7 Q. Is that correct? What was that that
8 impressed that upon you?

9 A. Well, it seemed to me that she had had a
10 number of interactions with the chief, and it
11 seemed to me that under those circumstances, that
12 it raised a potential question of the appearance
13 of objectivity if she was going to be the
14 deciding official.

15 Q. Okay. So do you recall what
16 interactions came to mind that caused you to have
17 a concern?

18 A. Well, the fact that the, the fact that
19 the whole range of the interactions from the time
20 that the chief was appointed through the, the
21 time of the adverse action, the fact that they
22 dealt with each other on a near daily basis.

1 Q. Um-hm. Okay. That probably wouldn't be
2 too unusual for a second level supervisor I would
3 guess that they would have frequent interaction
4 with the person being the subject of discipline
5 would you say?

6 A. Well, I think it depends.

7 Q. Did you have any specific reason to
8 believe that Director Mainella might be biased in
9 regard to that decision?

10 A. Oh, I didn't say that I thought she
11 might be biased.

12 Q. No. No. I was just asking.

13 A. No.

14 Q. Okay. So frequent interaction with the
15 chief over a period of time was the primary
16 reason?

17 A. Right.

18 Q. Do you know whether Mr. Paul Hoffman had
19 formed any opinion regarding Chief Chambers and
20 her performance as chief of the Park Police prior
21 to your appointing him as the deciding official?

22 A. I don't know.

1 Q. Do you know whether Director Mainella
2 ever perceived herself at any point in time even
3 for an instant to be at least presumed deciding
4 official for this matter?

5 A. I don't know.

6 Q. Okay. Do you know whether anyone,
7 yourself or otherwise, ever communicated with the
8 director to tell her that she should not play the
9 role of the deciding official in this case?

10 A. I believe I told her that.

11 Q. Okay. Do you recall when you might have
12 communicated that to her?

13 A. No.

14 Q. Do you know was it in your office, her
15 office, or by telephone perhaps?

16 A. I don't recall.

17 Q. Would it have been before you told Mr.
18 Hoffman that he was to be the deciding official?

19 A. I don't remember.

20 Q. Okay. Did the director respond in any
21 way to that news?

22 A. I don't recall what she said

1 specifically.

2 Q. Was there a reason why Mr. Hoffman in
3 particular was selected rather than, for example,
4 another one your deputies or some other official
5 within the department?

6 A. As far as I was concerned, Mr. Hoffman
7 is the principal deputy, and he has a
8 responsibility for management sorts of issues
9 within our structure, so he was the appropriate
10 one to do it.

11 Q. Did you mention to Director Mainella the
12 reason why you were asking someone other than her
13 to be the deciding official?

14 A. I don't remember.

15 Q. Did you have or did you play any role in
16 determining what steps Mr. Hoffman would take in
17 performing his role?

18 A. No.

19 Q. Do you know who determined which persons
20 would be interviewed by Mr. Hoffman and which
21 not?

22 A. No.

1 (There was a pause in the proceedings.)

2 BY MR. HARRISON:

3 Q. Do you recall receiving a communication
4 from Ms. Chambers on or about December 7th, which
5 would be a couple days after she was placed on
6 administrative leave, seeking your intervention?

7 A. Yes.

8 Q. And did you communicate with anyone
9 regarding that communication from Chief Chambers?

10 A. No.

11 Q. Did you respond to the chief in that
12 regard?

13 A. No.

14 Q. And it was on your own initiate, or did
15 someone advise you to not respond?

16 A. It was my own decision not to respond.

17 Q. Okay. Now you were not involved at that
18 time, were you, as a proposing or deciding
19 official in her case?

20 A. No.

21 Q. So would there have been anything
22 procedurally to have prevented you from

1 responding?

2 A. I don't know.

3 Q. You had indicated that Mr. Murphy had
4 told you in advance of December 5th that the
5 chief would be placed on administrative leave, is
6 that correct?

7 A. Yes.

8 Q. Was that the term that Mr. Murphy used,
9 administrative leave?

10 A. Yes.

11 Q. Have you ever heard Mr. Murphy use the
12 term suspension in regard to Ms. Chambers?

13 A. No.

14 Q. Okay. Have you ever used that term in
15 regard to what occurred with Ms. Chambers?

16 A. No.

17 Q. Did Mr. Murphy indicate to you the
18 reasons why he was placing Chief Chambers on
19 administrative leave on December 5th?

20 A. Yes.

21 Q. What were those?

22 A. They were the, her, what he perceived to

1 be her continuing insubordination and lack of
2 cooperation, her, her improper budget
3 communications, and I can't remember what else he
4 said specifically.

5 Q. Okay. Did Mr. Murphy give you anything
6 in writing specifying those reasons?

7 A. No.

8 Q. At that time; was anyone present when
9 Mr. Murphy told you these things?

10 A. No. Again, I believe it was by
11 telephone.

12 Q. By telephone; did it appear to you that
13 Mr. Murphy was seeking your approval for his
14 actions?

15 A. No.

16 Q. Do you know why he was telling you at
17 that time if he was not seeking your approval?

18 A. Well, he usually tells me of major
19 things that he's doing, so --

20 Q. Keeping you in the loop sort of thing?

21 A. Yes.

22 Q. Okay. Was Director Mainella on the

1 phone during that call?

2 A. Not that I know of.

3 Q. Did you review any version of the
4 administrative leave memo given to Ms. Chambers
5 notifying her of the action, whether draft or
6 final?

7 A. No, I don't believe I did.

8 Q. Do you know what actions were taken by
9 Mr. Murphy or anyone to investigate Mr. Murphy's
10 concerns or allegations regarding Chief Chambers
11 in the interim between placing the chief on
12 administrative leave on December 5th and the
13 proposed removal on December 17th?

14 A. No.

15 Q. I take it you played no role in that
16 inquiry?

17 A. I did not.

18 Q. Were you aware that there would be an
19 inquiry during that time?

20 A. I was aware that there would be some
21 procedure to determine how to proceed in the
22 future.

1 I didn't know the specifics of it.

2 Q. Okay. Do you know today what happened
3 during those twelve days between those two
4 actions?

5 A. No.

6 Q. Did Mr. Murphy advise you prior to
7 December 17 that he was planning to propose the
8 removal of Chief Chambers?

9 A. Yes.

10 Q. And do you recall when Mr. Murphy would
11 have told you that?

12 A. It would have been within a day of the
13 time that the proposal was made.

14 Q. Was issued?

15 A. Right.

16 Q. Okay. So that would be, assuming my
17 recollection of December 17th would be the date
18 on the document, within a day or two of that?

19 A. Yes.

20 Q. And prior to?

21 A. Prior to, yes.

22 Q. And what, as best you can remember, did

1 Mr. Murphy say at that time?

2 A. I don't recall.

3 Q. I take it you recall enough to know that
4 he told you he was proposing to remove Chief
5 Chambers?

6 A. Yes.

7 Q. Okay. Did he state any grounds at that
8 time?

9 A. I don't remember if he did or not.

10 Q. Did you see a document at that point in
11 time, a final or draft proposed removal document?

12 A. No.

13 Q. Had you seen any such draft or final
14 document prior to that?

15 A. No.

16 Q. Did you eventually review a document
17 that appeared to be a draft or final proposed
18 removal for Chief Chambers?

19 A. I eventually saw a, the final document.

20 Q. Okay. Do you recall the first time you
21 saw that?

22 A. I don't.

1 Q. Might it have been during your testimony
2 to Mr. Hoffman?

3 A. It may well have been the first time I
4 saw it.

5 Q. When Mr. Murphy told you within a day or
6 two of proposing Ms. Chambers' removal that he
7 intended to do that, was he seeking your approval
8 for that action?

9 A. No.

10 Q. Did you say anything to him in response
11 to his news that he was going to propose the
12 removal of Ms. Chambers?

13 A. I don't recall specifically what I said.

14 Q. Apart from the details, do you recall
15 whether the gist of your communication might have
16 been favorable or unfavorable?

17 A. To whom?

18 Q. To the news that the chief would be
19 removed.

20 A. I was, I was disappointed about that
21 news.

22 Q. Okay. Do you think Mr. Murphy could

1 tell that from your comments?

2 A. I have no idea.

3 Q. So you didn't make a point of
4 communicating that to him that you were
5 disappointed?

6 A. Not specifically, no.

7 Q. Okay. Could you tell from what Mr.
8 Murphy said whether or not Director Mainella had
9 been informed of his decision?

10 A. I don't recall anything that would
11 indicate that to me.

12 Q. Do you know whether Mr. Murphy relied on
13 anyone other than yourself, and apparently he did
14 not rely on you, in making that decision to
15 propose to remove the chief?

16 A. I have no idea.

17 Q. When Mr. Hoffman began his inquiry --
18 well, let me ask you this first.

19 Before Mr. Hoffman began his inquiry and
20 determination on the final removal decision after
21 you appointed him, do you know whether Director
22 Mainella or any other person had already begun

1 the process of reviewing the proposed removal and
2 had taken steps to either make an inquiry or to
3 begin evaluating the information?

4 A. I don't know.

5 Q. At some point, did Mr. Hoffman share
6 with you his decision or any version of it to
7 resolve the appeal of Ms. Chambers of her
8 proposed removal?

9 A. Share with me his determination?

10 Q. Yes, in writing any version of the
11 document that reflected his decision.

12 A. No, not until, I didn't see it until it
13 was final.

14 Q. Okay. And when did you see that?

15 A. Whatever day it was final.

16 Q. Okay. How do you know you saw it on
17 that day?

18 A. Because I was present at the time
19 arrangements were being made to serve it on Ms.
20 Chambers.

21 Q. Okay. And where were you at that point
22 in time?

1 A. I was in my office.

2 Q. And were those arrangements being made
3 in your office?

4 A. They were being made in the anteroom
5 there where my support staff is.

6 Q. Okay. Does Mr. Hoffman have his own
7 office?

8 A. Yes.

9 Q. Was there a reason why those
10 arrangements weren't being made in his office?

11 A. Well, when I say the, when I say my
12 office, I mean the whole suite of offices that,
13 that the assistant secretary --

14 Q. I see.

15 A. Consists of the assistant secretary's
16 hallway.

17 Q. So I take it that that anteroom is
18 shared by Mr. Hoffman and yourself?

19 A. Right.

20 Q. And other deputies?

21 A. Yes.

22 Q. And so it was actually -- well, let me

1 ask were these arrangements being handled on the
2 direction of Mr. Hoffman?

3 A. I don't know.

4 Q. Who was doing it?

5 A. There were, there were a couple of
6 gentlemen that I did not recognize, and they had,
7 they had the document with them, and they were
8 making some phone calls.

9 I asked one of my, one of my
10 administrative assistants who they were and what
11 was going on, and he said they're arranging to
12 serve a document on Teresa Chambers.

13 Q. Okay. And did you acquire a copy at
14 that time?

15 A. I looked at a copy, yeah.

16 Q. Do you recall what date that might have
17 been?

18 A. I don't.

19 Q. How about, how about how long ago from
20 today was that?

21 A. July something; I don't recall.

22 Q. Would not have been March? It would

1 have been in July or thereabouts?

2 A. Thereabouts.

3 Q. Okay. Had you received any
4 communication or reviewed any document from Mr.
5 Hoffman or anyone working with him that related
6 to the proposed removal of Chief Chambers prior
7 to seeing that final document that was being
8 served?

9 A. I had received a disk that had a draft
10 on it, but I did not look at the draft myself.

11 Q. Okay.

12 A. The purpose of that was to transmit it
13 to Mr. Hoffman, who was in China for a period.

14 Q. He was in China at the time. Okay. And
15 when was Mr. Hoffman in China?

16 A. I don't recall. He was there for about
17 ten days.

18 Q. Okay. And so someone had asked your
19 office to sort of transfer that to Mr. Hoffman in
20 China?

21 A. Correct.

22 Q. Okay. Do you know who asked you or your

1 office to do that?

2 A. I don't remember who specifically, but I
3 saw the disk, and I handled the disk and handed
4 it to somebody.

5 Q. Okay. And someone effectuated that
6 transfer, as far as you know?

7 A. Actually, I don't think that actually
8 happened.

9 Q. Oh; what was the outcome of that?

10 A. He came back from China.

11 Q. Prior to the draft being sent over?

12 A. Right.

13 Q. Okay. Was there a decision not to
14 transfer it to him?

15 A. I don't, I don't know what happened.

16 Q. Who did you, in whose hands did you
17 place that?

18 A. I gave it to one of the, one of the
19 clerical people.

20 Q. Okay. Do you recall who?

21 A. No.

22 Q. Okay. So when Mr. Hoffman returned, he

1 received the disk I take it?

2 A. I don't know.

3 Q. You don't know. Okay. How did you know
4 the disk contained a draft of the decision on
5 Chief Chambers?

6 A. Somebody told me that, and I don't
7 remember who.

8 Q. Do you remember for whom they worked?

9 A. I don't. I don't recall specifically
10 who told me that.

11 Q. You don't know if it was a Human
12 Resource person or some other category?

13 A. I don't remember. All I remember is I
14 was given a disk, and they said we need to get
15 this to Paul in China, and that was, that was
16 that.

17 Q. Okay. Do you know who was working on
18 drafts of this document with Mr. Hoffman?

19 A. Specifically, no.

20 Q. Do you know which offices were working
21 with him on that?

22 A. I could only speculate. I don't know

1 specifically.

2 Q. You don't have any clue about who
3 actually did it?

4 A. I have a clue who was working with him,
5 but I don't know specifically.

6 Q. Okay. Tell us what your clue is.

7 A. Well, I assumed that he worked, he got
8 legal advice on it I presume.

9 Q. Okay. What about Human Resources?

10 A. I don't know.

11 Q. Did you appoint anyone to work with him
12 on this decision?

13 A. No.

14 Q. Okay. So if he did so, it be would at
15 his initiative if someone else worked with him?

16 A. I don't know.

17 Q. Okay. Do you know whether anyone else
18 appointed anyone to work with him?

19 A. I don't know.

20 Q. The China visit, would it have been
21 closer to March or to July of 2004?

22 A. It would have been in July.

1 Q. Did you see any work product for Mr.
2 Mainella on Chief Chambers' decision prior to
3 seeing that disk?

4 A. No.

5 Q. Did Mr. Hoffman ever discuss any of his
6 factual findings with you regarding Chief
7 Chambers' decision?

8 A. No.

9 Q. Do you know whether Mr. Hoffman had
10 discussions with any other party regarding Chief
11 Chambers' decision?

12 A. I don't know.

13 Q. After the incident or the event of
14 seeing the disk, did you see any other versions
15 of that decision document?

16 A. Just the final one.

17 Q. Did you have occasion to see any
18 comments being passed back and forth on drafts
19 even if you didn't say see the drafts?

20 A. No.

21 Q. Do you know whether anyone in the
22 Department of Interior at a level higher than

1 yourself played any role in the proposed removal
2 or removal of Chief Chambers?

3 A. Not to my knowledge.

4 Q. Do you know whether any one person or
5 organization outside of the Department of
6 Interior played any role in the proposed removal
7 or removal of Ms. Chambers?

8 A. Not to my knowledge.

9 Q. Do you know whether anyone in the
10 Department of Interior ever transmitted the
11 information or documents regarding Chief Chambers
12 and any proposed disciplinary actions regarding
13 her to anyone outside of the Department of
14 Interior?

15 A. I'm not aware of any such thing.

16 Q. Are you aware of any protocol that would
17 allow or authorize such a communication outside
18 of the Department of Interior on a proposed
19 personnel action?

20 A. No.

21 Q. Has anyone asked you to play a role in
22 regard to this litigation since the decision by

1 Mr. Hoffman?

2 A. What do you mean play a role?

3 Q. Oh, let's say be a mediator, be a
4 settlement authority or agency representative of
5 any kind in relation to this litigation.

6 A. Yes.

7 Q. Okay. And can you tell us what role you
8 were asked to play?

9 A. I am the settlement authority.

10 Q. Okay. How long have you been the
11 settlement authority?

12 A. I don't know. I don't recall when.

13 Q. Okay. How were you, how did you come to
14 know you were the settlement authority?

15 MR. L'HEUREUX: Objection -- relevance.

16 THE WITNESS: Well, two ways actually --
17 one, I always presumed that I was.

18 You know, that may have been
19 presumptuous, but that was my assumption.

20 And second, that belief on my part was
21 confirmed by Mr. Griles.

22 BY MR. HARRISON:

1 Q. Okay. Was that in writing?

2 A. No.

3 Q. Okay. In person?

4 A. Yes.

5 Q. And do you know when that took place?

6 A. I don't recall.

7 Q. Okay. Within the last month?

8 A. Before August.

9 Q. Okay. Do you recall what Mr. Griles
10 would have said to you in regard to this case?

11 A. Only that I would have to decide on any
12 settlement proposal.

13 Q. Okay. Did Mr. Griles give any
14 guidelines or criteria that he wanted you to use
15 in making such a decision?

16 MR. L'HEUREUX: Objection -- asked and
17 answered.

18 THE WITNESS: No, he didn't.

19 BY MR. HARRISON:

20 Q. Thank you. Have you established any
21 guidelines for settling this matter?

22 MR. L'HEUREUX: Objection. Now you're

1 really crossing the line.

2 MR. HARRISON: Basis?

3 MR. L'HEUREUX: The basis is
4 attorney-client communications, and this is
5 totally ultra vires. This has nothing to do --
6 you are now questioning, you're now engaging in
7 questioning about settlement guidelines.

8 That's, that is totally inappropriate.
9 It has nothing to do with the issues in this
10 case, absolutely nothing.

11 If you continue, I'm going to seek a
12 protective order.

13 MR. HARRISON: That's fine. You may
14 seek one.

15 MR. L'HEUREUX: I will.

16 MR. HARRISON: Well, give the judge a
17 call.

18 MR. L'HEUREUX: If you continue -- do it
19 today or do it later. If you want to continue to
20 question, you can talk about something else.

21 If you're going to engage in settlement
22 discussions and try to discover the parameters of

1 settlements in here, that's totally inappropriate
2 in a deposition, and counsel, I think you know
3 it's totally inappropriate.

4 MR. HARRISON: No, I don't. I've done
5 nothing inappropriate, and I will continue to ask
6 questions.

7 You can seek your protective order if
8 you wish.

9 BY MR. HARRISON:

10 Q. My next question, sir, is have you
11 established any conditions on settlement that
12 have to do with the chief agreeing to any
13 restrictions on her communication --

14 MR. L'HEUREUX: Same objection. I'm
15 instructing the witness --

16 MR. HARRISON: Let me finish my
17 question.

18 BY MR. HARRISON:

19 Q. Have you established any criteria for
20 settlement in this matter that would impose any
21 restriction on the chief or require her to agree
22 to any restriction on communication with the

1 media?

2 MR. L'HEUREUX: Objection. I'm
3 instructing the witness not to answer.

4 I'll seek a protective order at the
5 earliest opportunity.

6 MR. HARRISON: What's the privilege that
7 allows you to instruct the witness not to answer?

8 MR. L'HEUREUX: This is absolutely
9 totally outside the scope of this inquiry, and
10 it's entirely improper for you to be questioning
11 the settlement authority about what the
12 settlement guidelines are --

13 MR. HARRISON: You don't need to raise
14 your voice.

15 MR. L'HEUREUX: When we're engaged in
16 settlement discussions.

17 MR. HARRISON: You can talk to me in a
18 civil tone.

19 MR. L'HEUREUX: I can.

20 MR. HARRISON: You're entitled to
21 disagree.

22 MR. L'HEUREUX: I am disagreeing, and

1 I'm going to seek a protective order because you
2 are totally abusing the authority to conduct this
3 deposition.

4 MR. HARRISON: You need to do that now.

5 MR. L'HEUREUX: To engage -- I need to
6 do it at the earliest opportunity.

7 I have instructed my client not to
8 respond.

9 MR. HARRISON: I think what you need to
10 do is terminate the deposition and seek the
11 protective order.

12 MR. L'HEUREUX: We're willing to go on
13 if you want to ask question areas that I haven't
14 instructed him on, but I'm going to seek a
15 protective order concerning these questions at
16 the earliest opportunity.

17 If you want to, if you're suggesting
18 that there's nothing else to talk about, then
19 we'll terminate the deposition.

20 MR. HARRISON: Well, there may some
21 other items, so we'll do as much as we can.

22 MR. L'HEUREUX: That's what I proposed.

1 MR. HARRISON: That's fine. Keep in
2 mind that my inquiry at the moment is restricted
3 to those areas that I believe would be illegal to
4 impose conditions on settlement for reinstatement
5 because they would reflect the same retaliatory
6 basis as that's alleged in the appeal, and that's
7 why I believe it's relevant to this inquiry.

8 If there's an ongoing gag order or an
9 ongoing discrimination against communication with
10 Congress or the media, particularly on matters
11 that may involve specific and substantial danger
12 to the public and so forth, I don't see those
13 inquiries as irrelevant to the case, just for
14 your information.

15 MR. L'HEUREUX: Mr. Harrison, let me
16 respond to that because it's been a continuing
17 point of confusion here.

18 MR. HARRISON: I'm not confused.

19 MR. L'HEUREUX: I believe you are, and
20 allow me to say how I think you are confused
21 about this.

22 MR. HARRISON: Please.

1 MR. L'HEUREUX: The only thing that can
2 be appealed to the Merit Systems Protection Board
3 is a personnel action, and the judge has already
4 ruled in this case in the stay order that a gag
5 order, as you term it, is not a personnel action.

6 Therefore, it is irrelevant by a prior
7 ruling of the judge to engage in the gag orders.

8 Secondly, the appeal that you filed here
9 has to do with the removal, the proposed removal,
10 the terms leading up to it, and the IRA, and the
11 other, the other removal, the standard removal,
12 the standard appeal, has to do with the
13 circumstances of the removal.

14 You are now asking about things which
15 have occurred after the removal, which are the
16 parameters of settlement discussions.

17 In fact, there is only one settlement
18 proposal that exists right now, and you have it
19 your hands.

20 It contains nothing about what you're
21 talking about.

22 Therefore, it is totally irrelevant to

1 these proceedings, and you have not the authority
2 to inquire into settlement guidelines even if you
3 think some proposals may have been illegal.

4 Now let me reiterate what you're, what
5 you're entitled to appeal and what the subject of
6 this, the subject matter of this appeal is are
7 personnel actions, and the judge has already
8 ruled that a gag order is not a personnel action.

9 Now that said, if you have other
10 question areas, we're willing to stay for those.

11 MR. HARRISON: Well, you're entitled to
12 state your position for the record, but for your
13 information, relevance in regard to these
14 inquiries isn't limited to what is an appealable
15 action.

16 Evidence, direct or circumstantial, of
17 retaliatory motives is relevant to the IRA appeal
18 here, and that evidence, direct or
19 circumstantial, can be preceding contemporaneous
20 or subsequent events, so just so you understand.

21 MR. L'HEUREUX: Well, retaliatory motive
22 has to be found in the mind of the proposing and

1 deciding official, and you aren't even asking
2 about that.

3 You're asking the settlement authority
4 what his decisions are.

5 He didn't make this decision. You have
6 explored that at some length about whether he
7 made the decision.

8 He did not. You don't have any evidence
9 to the contrary, and it doesn't matter if he had
10 retaliatory motive seeping out of his pores.

11 MR. HARRISON: Well, I don't agree with
12 that, but I understand your position, and you're
13 entitled to state it.

14 BY MR. HARRISON:

15 Q. Did you, Mr. Manson, ever become aware
16 of any restriction being communicated to Chief
17 Chambers regarding her communication with
18 Congress?

19 A. No.

20 Q. Okay. Have you ever communicated to
21 anyone yourself a desire to have a restriction
22 imposed on Chief Chambers' communications with

1 Congress?

2 A. No.

3 Q. Are you aware of any communication by
4 the Department of Interior, the National Park
5 Service, or its agents to impose on Chief
6 Chambers any restriction of her communication
7 with the media or with Congress as a condition of
8 her reinstatement?

9 A. I read in the newspaper article that
10 such a, such a proposal had been made.

11 Q. Okay. Apart from that?

12 A. Apart from that, I don't know of any.
13 (There was a pause in the proceedings.)

14 BY MR. HARRISON:

15 Q. Do you happen to know what Chief
16 Chambers' expectations would be were she to be
17 reinstated?

18 A. Yes.

19 Q. Okay. And have you seen them in
20 writing?

21 A. Yes.

22 (There was a pause in the proceedings.)

1 BY MR. HARRISON:

2 Q. There was some issue that came up in
3 other depositions regarding, and also some of the
4 documents regarding a \$12 million shortfall for
5 the U.S. Park Police for fiscal year '04.

6 Are you familiar with that?

7 A. I don't specifically recall that, that
8 figure.

9 Q. Okay. Do you recall a shortfall being
10 talked about for fiscal year '04 for the Park
11 Police?

12 A. I don't specifically recall.

13 Q. So you're not sure whether there was a
14 shortfall or not?

15 A. I knew at one time. I don't recall.

16 Q. Okay.

17 A. As I sit here today.

18 Q. I had asked you about The Washington
19 Post article, and you had identified some
20 information in it that concerned you under the
21 category of law enforcement confidential
22 information.

1 Was that the only concern that struck
2 you at the time regarding that article?

3 A. No. I was also concerned about the fact
4 that, as I said earlier, that it seemed to me
5 that there was a senior manager in the department
6 essentially looking for more funds in the budget
7 that weren't in the President's budget request.

8 Q. I see. Could you find that article
9 again in the back of that volume in front of you?
10 The Washington Post article?

11 (The witness reviewed the document.)

12 THE WITNESS: Okay. I have it.

13 BY MR. HARRISON:

14 Q. Good. Would you glance through this and
15 tell me where you would see the chief discussing
16 the need for money in an amount other than what
17 the President had requested in the budget
18 request?

19 (The witness reviewed the document.)

20 THE WITNESS: I'm on the last page.

21 BY MR. HARRISON:

22 Q. Um-hm.

1 A. Second paragraph.

2 Q. Yes.

3 A. She said, and I'm quoting, she said a
4 more pressing need is an infusion of federal
5 money to hire recruits and pay for officers
6 overtime. She said she has to cover a \$12
7 million shortfall for this year and has asked for
8 \$8 million more for next year. She would also
9 like \$7 million to replace the force's aging
10 helicopter.

11 Q. All right. Is there any other location
12 that you note in that article that includes that
13 category of information?

14 (The witness reviewed the document.)

15 THE WITNESS: Of course, the whole tenor
16 of the article suggests that the funding for the
17 Park Police has been inadequate.

18 BY MR. HARRISON:

19 Q. Um-hm. Understood.

20 A. But I don't see any place that mentions
21 specific dollar figures.

22 Q. Okay. Thank you. The document that

1 I've shown you earlier which has been marked, and
2 I don't know which exhibit number, but it's a
3 two-page memo dated July 24th and has the budget
4 columns.

5 A. Yes.

6 Q. That looks like it. Please turn to the
7 second page, and at the bottom of the middle
8 column for the total of reductions, you'll see a
9 figure that looks like about \$11,581,725?

10 A. Yes.

11 Q. And does that in any way refresh your
12 memory that there might have been a shortfall
13 that was being struggled with in the neighborhood
14 of \$12 million?

15 (The witness reviewed the document.)

16 THE WITNESS: No.

17 BY MR. HARRISON:

18 Q. It does not refresh your memory in that
19 regard?

20 A. Not as to that specific issue.

21 Q. Okay. Do you recall going over this
22 document personally with Chief Chambers?

1 A. No, I don't. As I said, the document is
2 familiar. I have seen it before, but I don't
3 remember the context in which I saw in.

4 Q. Okay.

5 (There was a pause in the proceedings.)

6 MR. HARRISON: Let's take a five-minute
7 break.

8 I'll try to finish up my questions, and
9 maybe we can be done before five o'clock.

10 (A recess was taken.)

11 MR. L'HEUREUX: Before we resume
12 questioning, I would like to ask the reporter to
13 mark that, that portion of the transcript where
14 we discussed the question areas where I
15 instructed the client not to respond.

16 I'm also instructed by my -- yes, I
17 would also like you to mark the portion of the
18 transcript where we noted that a photograph had
19 been taken.

20 In addition, I'm instructed to inform
21 you that our pending settlement proposal is
22 withdrawn, and we will not be engaging in any

1 further settlement discussions.

2 MR. HARRISON: I appreciate you're
3 putting it on the record.

4 Anything further?

5 MR. L'HEUREUX: No.

6 MR. HARRISON: Okay. Let's mark this
7 document as the next deposition exhibit for Mr.
8 Manson.

9 (Manson Exhibit No. 6
10 was marked for
11 identification.)

12 BY MR. HARRISON:

13 Q. Take a moment, Mr. Manson, and glance
14 through that and see if you recognize that
15 document.

16 (The witness reviewed the document.)

17 MR. HARRISON: And for the record, this
18 is a document we received from the agency in
19 discovery.

20 (The witness reviewed the document.)

21 THE WITNESS: I have not seen this
22 before.

1 BY MR. HARRISON:

2 Q. Okay. Do you understand that it appears
3 to be a request for funding for the U.S. Park
4 Police which has multiple pages and goes into
5 detail on what is apparently called the
6 operations formulation system request detail
7 sheet for a number of categories of expenses
8 within the Park Police?

9 A. I'm not familiar with that system.

10 Q. Okay. Do you, can you tell from looking
11 at this document that it does regard expenses
12 funding for the U.S. Park Police?

13 A. That is how it appears.

14 Q. Okay. If you would look at the top
15 right of the pages after the first two, in other
16 words, the top right of the request detail sheets
17 disclose a contact there, and it says either
18 Shelly Thomas or Shelly Dawn Thomas, depending on
19 the page.

20 Do you see that?

21 A. Yes.

22 Q. Do you know a Shelly Thomas?

1 A. No, I don't.

2 Q. Okay. Do you know who the financial
3 officer was for the U.S. Park Police in 2003?

4 A. I believe that the person from the
5 National Capitol Region was handling that on a
6 part-time basis.

7 Q. After chief -- when was that, 2000?
8 After February 2002?

9 A. Yes.

10 Q. What do you understand was being handled
11 in the, did you say the National Capitol Region?

12 A. Right.

13 Q. What was being handled there?

14 A. The, the budget formulation for the Park
15 Police.

16 Q. So even after Chief Chambers was
17 appointed, you believe this was still the case?

18 A. That was my understanding, yes.

19 Q. Okay. All right. I take it that you
20 have never reviewed a document prepared by the
21 U.S. Park Police themselves requesting certain
22 amounts of money for fiscal year '05?

1 A. I can't say that that's true or not
2 true.

3 Q. Okay. If you look on the first page
4 there, there is a total at the bottom after
5 subtotal for several categories of amounts in the
6 thousands of dollars, 41 comma 926, which I
7 believe in the shorthand of the accounting people
8 would mean \$41,926,000.

9 Do you see that?

10 A. Yes.

11 Q. Okay. Are you aware whether you have
12 seen this document or not of the U.S. Park Police
13 requesting internally an amount in that
14 neighborhood?

15 A. I don't recall their current request.

16 Q. Okay, but do you recall them ever
17 requesting that amount or something similar?

18 A. I don't recall the specific numbers, no.

19 MR. HARRISON: Let's mark this next
20 document as Manson Exhibit.

21 (Manson Exhibit No. 7
22 was marked for

1 identification.)

2 BY MR. HARRISON:

3 Q. Just take a moment and see if that looks
4 familiar at all to you.

5 A. I have never seen this document.

6 Q. Okay. Do those numbers look familiar to
7 you at all?

8 I remember you noting in your testimony
9 to Mr. Hoffman that you recalled the Park Police
10 requesting a figure of somewhere between 24 and
11 28 million dollars?

12 A. Yes.

13 Q. Which would perhaps or perhaps not
14 coincidentally be similar to the number at the
15 top there, the 27,809,000.

16 A. I don't remember if that's the specific
17 number or not.

18 Q. Okay.

19 MR. L'HEUREUX: I'll object to the
20 characterization.

21 His prior testimony I recall is that he
22 recalled Ms. Weatherly saying that that was the

1 amount that Ms. Chambers had, was requesting in
2 her communications with Ms. Weatherly.

3 MR. HARRISON: I think that's fair.

4 BY MR. HARRISON:

5 Q. So let's clarify that, Judge. Do you
6 recall yourself ever coming to know even ballpark
7 what amount of money the Park Police themselves,
8 distinguishing them if you will from Mr. Bruce
9 Sheaffer, what the Park Police themselves were
10 requesting for fiscal year '05?

11 A. I did at some point know it, yes.

12 Q. Okay. You don't recall sitting here
13 today?

14 A. I don't recall sitting here today.

15 Q. Okay. And you do not recognize this
16 particular document?

17 A. I've never seen it.

18 Q. Okay. Did Mr. Murphy ever disclose to
19 you that he was maintaining his own private file
20 of information on Ms. Chambers?

21 A. No.

22 Q. Did anyone ever let you know that Mr.

1 Murphy had a file on Ms. Chambers?

2 A. No.

3 Q. I take it that in your position, you
4 have had occasion to sit in on briefings
5 regarding the potential risk of a terrorist
6 attack on the national monuments or other
7 Department of Interior properties?

8 A. Yes.

9 Q. Your own opinion, and I don't wish you
10 to give sensitive details in answering it, but
11 your own opinion, do you believe the risk of a
12 terrorist attack on the national monuments is
13 real or imagined?

14 A. There is a real risk.

15 Q. IN your experience, if there were
16 staffing changes made to provide for increased
17 staffing at the national monuments or other areas
18 for beefing up the presence there for a terrorist
19 attack potential, but in order to do that,
20 staffing had to be withdrawn from other areas
21 like patrolling parkways or patrolling city
22 parks, in your own opinion, would withdrawing a

1 significant number of police officers from park
2 patrol or parkway patrol have any potential
3 impact on public safety in those areas, the
4 parkways or the city parks?

5 A. Would it have?

6 Q. An impact on public safety; in other
7 words, might more people die in traffic accidents
8 if the police presence was reduced significantly?

9 A. I don't know.

10 Q. Okay. Have you ever reviewed a document
11 in regard to Ms. Chambers produced by the
12 Department of Interior or any of its entities
13 that had a title in whole or in part of "Report
14 of Investigation"?

15 A. No.

16 Q. Have you ever come to know whether such
17 a document was, with such a title might exist in
18 regard to Ms. Chambers?

19 A. No.

20 Q. You had mentioned in your testimony that
21 you had read something in the newspaper about a
22 restriction imposed as a condition of Ms.

1 Chambers' reinstatement.

2 Do you recall saying that?

3 A. Yes.

4 Q. What was, what did you read in the
5 newspaper in regard to that?

6 A. I read that, that Ms. Chambers' former
7 lawyers had made an allegation that such a
8 proposal had been made.

9 Q. I see. By the Department of Interior?

10 A. Yes.

11 Q. Okay. Do I take it from your testimony
12 and reaction that you were unaware that any such
13 proposal had in fact been made?

14 A. Yes.

15 Q. Okay. Do you know sitting here today
16 whether that proposal had been made?

17 A. I don't know.

18 Q. Okay. Do you know the nature of the
19 proposal that was alleged in the newspaper?

20 A. I don't recall.

21 MR. HARRISON: I think we're about to
22 close, but we're just going to take a minute to

1 confer.

2 MR. L'HEUREUX: Want us to leave?

3 MR. HARRISON: Let's just take a
4 five-minute break, and then we'll finish up.

5 (A recess was taken.)

6 MR. HARRISON: Let's go back on record
7 for a moment, possibly longer.

8 We have no further questions for the
9 judge.

10 You're welcome to ask questions if you
11 wish at this time.

12 We do not wish to close the deposition
13 pending your seeking protective order for those
14 questions regarding conditions imposed on
15 reinstatement or settlement.

16 I will consult with my clients and
17 colleagues, do a little research on my own, and
18 if I conclude that we don't even wish to pursue
19 those questions, I'll let you know so you don't
20 need to go to that trouble, but you're certainly
21 welcome to go ahead and pursue it if you wish,
22 but I technically don't wish to close the

1 deposition until we resolve that question.

2 MR. L'HEUREUX: Well, I understand that.
3 I intend to draft that motion tomorrow some time,
4 probably mid-morning.

5 MR. HARRISON: Okay.

6 MR. L'HEUREUX: So I mean when I get it
7 done, I'll fax it. If you want me to call you,
8 I'll call you before I get too heavily engaged
9 in.

10 MR. HARRISON: That will be fine. I'll
11 try to contact you before then, but you're
12 welcome to call me if you wish.

13 MR. L'HEUREUX: All right. I have no
14 questions.

15 MR. HARRISON: Okay, so I think we're
16 ready to go off the record.

17 And thank you, Judge, for coming.

18 THE WITNESS: Thank you.

19 (Whereupon, at approximately 3:30
20 o'clock, p.m., the deposition was
21 recessed sine die.)

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CERTIFICATE OF NOTARY PUBLIC

I, Catherine S. Boyd, the Notary Public
before whom the proceeding occurred, pages 1
through 268, do hereby certify that the witness
was duly sworn, that the testimony of said
witness was taken by me and thereafter reduced to
this typewritten transcript under my supervision,
that said transcript is a true record of the
testimony given by said witness, that I am
neither counsel for, related to, nor employed by
any of the parties to the proceeding, and
further, that I am not a relative or an employee
of any attorney or counsel employed by the
parties thereto, or financially or otherwise
interested in the outcome of the proceeding, or
any action involved therewith.

Witness my signature and seal:

CATHERINE S. BOYD

Notary Public in and for
The District of Columbia

My commission expires: September 14, 2007