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BEFORE THE
MERIT SYSTEMS PROTECTION BOARD
WASHINGTON REGIONAL OFFICE

TERESA C. CHAMBERS,	x
	:
Appellant,	: Docket No.
vs.	: DC-0752-04-0642-I-1
	: Judge E.B. Bogle
DEPARTMENT OF INTERIOR,	:
	:
Agency.	x

Wednesday, August 25, 2004
Washington, D.C.

DEPOSITION OF:

JOHN WRIGHT,

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 9:05 o'clock, a.m., in the Offices of Public Employees For Environmental Responsibility, 2001 S Street, N.W., Suite 570, Washington, D.C. 20009, before Ronnie C. Palmer, a court reporter and Notary Public in and for the District of Columbia, when were present on behalf of the respective parties:

1 APPEARANCE OF COUNSEL:

2 For the Appellant:

3 KENTUCKY ENVIRONMENTAL FOUNDATION
4 BY: MICK G. HARRISON, ESQUIRE
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7 859-321-1586

and

8 PUBLIC EMPLOYEES FOR ENVIRONMENTAL
9 RESPONSIBILITY
10 BY: RICHARD CONDIT, GENERAL COUNSEL
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14 For the Agency:

15 McNAMARA & L'HEUREUX, ESQUIRES
16 BY: ROBERT D. L'HEUREUX, ESQUIRE
17 1522 King Street
18 Alexandria, Virginia 22314
19 703-535-3014

and

20 U.S. DEPARTMENT OF INTERIOR
21 OFFICE OF THE SOLICITOR
22 BY: JACQUELINE JACKSON, ATTORNEY-ADVISOR
1849 C Street, N.W.
Washington, D.C. 20240
202-208-6848

ALSO PRESENT:

Jeffrey P. Ruch

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1 P-R-O-C-E-E-D-I-N-G-S

2 MR. HARRISON: Good morning. We're here
3 in the deposition for John Wright. But before we
4 begin with Mr. Wright. I wanted to note discovery
5 issues for the record and let counsel know where the
6 appellant stands on those. We appreciate the
7 cooperation on Mr. Beck. We understand he will be
8 available tomorrow morning. And that will be
9 helpful. So we will do Mr. Beck's deposition
10 tomorrow morning.

11 We had four depositions I believe that
12 had begun and were not finished, and we had intended
13 to finish those before the close of discovery. I
14 understand counsel has faxed over -- counsel for the
15 agency has faxed over their position that they do not
16 believe Ms. Mainella or Mr. Murphy would be available
17 within the remaining discovery time, as I understand
18 it. And I've forgotten Mr. Manifoos' status.

19 MR. L'HEUREUX: Mr. Manifoos you said you
20 didn't intend to do.

21 MR. HARRISON: I didn't. I was going to
22 tell you on the record.

1 MR. L'HEUREUX: That is fine.

2 MR. HARRISON: We had decided because of
3 Mr. Manifoos' health status we would not bring him
4 back and do further deposition on Mr. Manifoos.

5 With regard to Mr. Hoffman, Ms. Mainella
6 we would request the agency attempt to provide them
7 and provide them on Monday for closing their
8 deposition. I believe discovery is open through
9 Monday. That is my understanding. We will give you
10 notice today to that effect. Let us know your
11 response when you figure it out.

12 In terms of who do we have left? Mr.
13 Krutz. I'll check with my colleagues. I did find a
14 notice of deposition for Mr. Krutz that was dated
15 sometime ago. And I was thinking it had been sent
16 out with the original batch of deposition notices.
17 In other words, he was noticed for the date sometime
18 back we were contemplating for. I believe it was the
19 30th. We both should check our record on Krutz. If
20 he was previously noticed, I would expect him to be
21 present for his noticed deposition unless it does
22 fall outside the discovery period.

1 So, I believe that is the extent of the
2 update I have on discovery at the moment.

3 MR. L'HEUREUX: My understanding is that
4 this discovery period closes on the 27th, not on the
5 30th.

6 MR. HARRISON: I noticed your fax memo to
7 that effect.

8 MR. L'HEUREUX: That's when we have to
9 submit exhibits and that sort of stuff.

10 MS. JACKSON: It's in the judge's order.

11 MR. HARRISON: I know. It says the 30th.

12 MS. JACKSON: No. It says the 27th.

13 MR. HARRISON: You can take that position
14 on that.

15 MR. L'HEUREUX: That is my understanding.
16 Mr. Murphy, Mr. Hoffman, and Ms. Mainella. I am told
17 Mr. Murphy and Mr. Hoffman is out of town. He is
18 going out of town.

19 MR. HARRISON: We have stated our
20 position.

21 MR. L'HEUREUX: I understand your
22 position.

1 MR. HARRISON: We will do what we can and
2 resolve if, if need be with the judge. I don't have
3 anything preliminarily. Do you wish to have
4 anything?

5 MR. L'HEUREUX: I do not have anything.

6 WHEREUPON,

7 JOHN WRIGHT,

8 a witness, was called for examination by counsel for
9 the appellant, and after having been duly sworn, was
10 examined and testified as follows:

11 EXAMINATION BY COUNSEL FOR APPELLANT

12 BY MR. HARRISON:

13 Q Good morning, Mr. Wright.

14 A Good morning.

15 Q My name is Mick Harrison. I represent
16 Teresa Chambers. Ms. Chambers has two appeals
17 pending before the Merit Systems Protection Board for
18 employees' actions taken and we're going to ask you
19 questions regarding matter related to Ms. Chambers
20 and the actions taken against her. If at any time
21 you need a break, let me know and we will accommodate
22 you.

1 A Okay.

2 Q If you have difficulty hearing me, don't
3 hesitate to ask me to restate or whatever is
4 required.

5 A Okay.

6 Q We'll try to work that out. Start by
7 having us give us background about yourself. How
8 long have you been with the Department of Interior?

9 A I joined the Department of Interior in
10 1971.

11 Q It's been a while?

12 A Yes.

13 Q Give us the short version of your job
14 duties through your tenure.

15 A I started out as a clerk messenger GS2.
16 Transferred over to the Office of the Secretary as an
17 audiovisual tech for the department and moved over to
18 public information since about 1980 in the Public
19 Information Office.

20 Q Since about 1980. What are your duties
21 in the Public Information office?

22 A I deal with reports and the public

1 explaining activities and decisions made by the
2 Department of Interior.

3 Q You are essentially one of the
4 Department's liaisons with the media?

5 A Yes, sir.

6 Q As well as the public I guess?

7 A Yes, sir.

8 Q Very good. Have you or were you given
9 training in your duties in the role of being a
10 liaison with the press? Any workshops. Classes?
11 Things like that?

12 A Yes.

13 Q What was the nature of that training?

14 A I have undergraduate degree in mass
15 communications and master's in public relation.

16 Q You have formal college training?

17 A I think so. Yes.

18 Q I would agree. Has the agency provided
19 you with any training in regard to your duties?

20 A I have had some training in audiovisual
21 radio before the formal undergrad and graduate
22 training. Yes.

1 Q Prior to let's say the year 2000, had you
2 received any training in terms of restrictions that
3 might be placed on you in performing your job and how
4 you communicate with the press? In other words,
5 areas you were not supposed to go into with the
6 press?

7 A Training.

8 Q Yes. Classes, courses that said don't
9 talk about this, only talk within these parameters?

10 A No.

11 Q Have you had any training since the year
12 2000 in that same area of restrictions in your
13 communication with the press?

14 A No.

15 Q Does anyone effectively and there may be
16 a better word but does anyone effectively sensor the
17 content of what you say to the press?

18 A No.

19 Q Do you yourself ever conduct any training
20 for employees of the Department of Interior as to how
21 they communicate with the press?

22 A Yes.

1 Q And do you actually give formal classes
2 or is it a different type of training?

3 A We consider it a workshop. A block of
4 instruction.

5 Q How often do you do that?

6 A I've done it maybe two or three times.

7 Q Do you recall a time frame when you may
8 have offered this workshop?

9 A No, sir. It's been a year or two ago.

10 Q Do you remember who may have attended
11 that workshop? Types of people?

12 A Folks from ASL. Assistant Secretary for
13 Land and Minerals.

14 Q So, from the Assistant Land and Mineral
15 management folks?

16 A Yes.

17 Q No staff outside that office?

18 A No.

19 Q Do you recall ever personally training
20 Teresa Chambers when she was the Chief of the U.S.
21 Park Police in communications with the media?

22 A No.

1 Q Do you know whether anyone from the media
2 or communications office within the Department of
3 Interior, National Park Service, or U.S. Park Police
4 ever gave Chief Chambers any specific training in
5 communicating with the media?

6 A I'm not aware.

7 Q If I wanted to go and look at the
8 document or book for a manual that would tell me in
9 what way employees of the Department of Interior are
10 restricted, if at all, in communication with the
11 media, would there be such a book?

12 A Yes.

13 Q And what would that be?

14 A Departmental Manual section 370, public
15 expression.

16 Q This would be the Department of Interior
17 Departmental Manual?

18 A Yes.

19 Q Thank you. Section 370?

20 A Yes, sir.

21 Q All right. Are you familiar with that
22 section yourself?

1 A Pretty much.

2 Q I suspected you might be. About how long
3 is that section?

4 A It's quite short now. It used to be
5 longer. We went to reinventing government and
6 writing things in simple English so it has been
7 short.

8 Q It used to be a little more complex or
9 lengthy?

10 A Lengthy is probably a better word.

11 Q Do you remember when that change took
12 place?

13 A During the Clinton Administration.

14 Q What's the contents of that section at
15 the moment in its simplified form?

16 A It goes through and tells one public
17 information, departmental employee what their
18 responsibilities are as government employees.

19 Q Okay.

20 A It also talks about public information
21 specialist requirements for appointments and details.

22 Q Is it fair to say that folks in your

1 position who work in the communications office or
2 offices are relied upon by the agency to be familiar
3 with that section and to assist other employees in
4 abiding by it?

5 A I would say yes.

6 Q To your knowledge, has any employee ever
7 been disciplined for any sort of alleged
8 transgression of section 370 of the Department's
9 manual?

10 A Say again.

11 Q Has any employee been disciplined, any
12 adverse action taken against them for alleged
13 violation of Departmental Manual section 370?

14 A I am not aware of in my office, but be
15 aware this applies to all the public information
16 offices in the department.

17 Q So you are not aware of what might have
18 happened in other offices?

19 A Exactly.

20 Q Understood. Do you know if that
21 Departmental Manual is a public document, publicly
22 available?

1 A I'm not aware, but I am quite sure you
2 can access it from our web page.

3 Q I believe that is a clue.

4 A I believe it is a public document.

5 Q Does that section 370, indicate any
6 categories of contents, substantive information that
7 you would be prohibited from talking about with the
8 press?

9 A No.

10 Q Are there any legal restrictions you've
11 been trained in or familiar with, or statute,
12 regulation that would restrict the contents of what a
13 Department of Interior employee would be allowed to
14 say to the press?

15 A I don't think I understand the question.

16 Q You know what the statute is -- law is
17 passed by Congress?

18 A Yes.

19 Q And the regulation is a law passed by the
20 agency?

21 A Yes.

22 Q Are you familiar with any statute or

1 regulation that would limit the contents like someone
2 like yourself or an employee of the agency would be
3 allowed to talk about to the press? Is there any law
4 like that you know of?

5 A No. There may be policies. I'm not
6 sure.

7 Q That is a separate question. I was going
8 to get to that.

9 A No.

10 Q Don't hesitate to do that. Is there a
11 written policy you have seen that at least purports
12 to attempt to say this category of information is off
13 limits for talking with the press?

14 A Yes. Not in my office. I understand
15 some other offices may have such category.

16 Q When you say some of the other offices,
17 you mean some of the communications offices?

18 A Yes.

19 Q Let's define your office. What is your
20 title?

21 A Office of Communication for the Office of
22 the Secretary. Let's visualize this as a wheel with

1 spokes. My office would be the hub. The other
2 offices would be the little branches or the spokes in
3 the wheel.

4 Q I appreciate that. For example, the sub-
5 units of the Department of Interior under the
6 Secretary would have their on communications offices?

7 A That would be fair.

8 Q Let's see how familiar I am with this.
9 Would each of the deputy or assistant secretaries
10 have their own communications person?

11 A No.

12 Q Okay.

13 A They rely on the bureaus.

14 Q Let's say the National Park Service would
15 have their on communications officer?

16 A Yes.

17 Q And is that position staffed at the
18 moment?

19 A Yes.

20 Q Who would that be?

21 A National Park Service chief is David
22 Barna.

1 Q Below the National Park Service, are
2 there media or communication officers for the sub-
3 units of the National Park Service?

4 A Absolutely.

5 Q So, the U.S. Park Police would have their
6 own media officer or communications officer?

7 A Yes, sir.

8 Q And is that position currently staffed?

9 A As I am aware, yes.

10 Q Who is that person?

11 A It should be Scott Fear.

12 Q Scott fear?

13 A Scott fear.

14 Q What do you expect from those
15 communications officers in the spokes or the ends of
16 the spokes coming from your hub? Do you supervise
17 them in any way?

18 A I have an area of responsibility. Yes.

19 Q How would you describe your
20 responsibility -- Go ahead.

21 A I want to make myself clear. When you
22 says supervisor I don't want you to misinterpret that

1 as being in that chain of --

2 Q Command.

3 A -- command or evaluation.

4 Q I appreciate that clarification. What
5 would be the role as you describe it?

6 A A liaison, if you will.

7 Q Between you and the other officers.

8 Let's say Mr. Barna decided to adopt a certain
9 interpretation of the Departmental Manual in regard
10 to the communications with the press. He would not
11 be, I take it, obligated to get your approval for his
12 view before he implemented it?

13 A Not necessarily. No.

14 Q He might be expected to coordinate with
15 you?

16 A Yes. Those regulations, of course, are
17 developed from established regulations. They could
18 make it more advanced for their agency, but they
19 can't do anything less than that.

20 Q So, your regulation and policy is that it
21 might be issued from the hub, if you will, would be a
22 minute set of expectations?

1 A I would like to use the word foundation.

2 Q Okay. And if they wanted to add
3 something that would enhance I guess the media
4 mission, they might be allowed to do that?

5 A Absolutely.

6 Q Okay.

7 A We don't operate under a one size fits
8 all.

9 Q Each sub-unit has its special application
10 it may need to adopt?

11 A Yes, sir.

12 Q Are you aware of any written policies for
13 the National Park Service that Mr. Barna may be
14 responsibility for that may differ from any
15 substantive way from the policies your office
16 operates under?

17 A No.

18 Q In terms --

19 A If you're asking do I know their policy
20 --

21 Q Do you know their policy at all?

22 A I know some of their policy. But any

1 beyond what our requirements are --

2 Q You are not familiar?

3 A I would say that.

4 Q Would you expect Mr. Barna to let you
5 know if he chose to depart substantially from the
6 policies that you operate under?

7 A Yes.

8 Q I take it as of today he has not done so?

9 A No.

10 Q Okay.

11 A Not that I'm aware of.

12 Q All I can ask you is your personal
13 knowledge. If you happen to know someone else, feel
14 free to let me know. At the moment I --

15 A The point I want you to be aware of
16 although I am a liaison he could very well confer
17 with my supervisor.

18 Q Let me understand in terms of your
19 office, and whose staff, and that structure. How
20 would you describe that?

21 A We have a director of communications.

22 Q Okay.

1 A We have a press secretary.

2 Q Right.

3 A And those where two folks more or less
4 head of the office. They run the office.

5 Q All right.

6 A They have interaction with many of the
7 bureau public information chiefs as well as the
8 liaison that I'm responsible for.

9 Q Understood. And your relationship to the
10 communications director would be what exactly?

11 A I don't think I understand the question.

12 Q Is the communications director your boss?

13 A Yes.

14 Q Both in terms of line of authority and
15 performance evaluation?

16 A Yes.

17 Q Okay. Now, how does the press secretary
18 fit in the chain of command or evaluation in relation
19 to? Is there any relation?

20 A The press secretary is already assistant
21 or deputy.

22 Q Works under director of communications?

1 A Yes.

2 Q Who currently staffs the director of
3 communication position?

4 A Tina Kreicshet, K-R-E-I-C-S-H-E-T.

5 Q And who currently staffs the press
6 secretary's job?

7 A It's acting position now. The guide
8 service is Dan Dubray, D-U-B-R-A-Y. First name Dan,
9 D-A-N.

10 Q Thank you. Were there different office
11 holders in those two positions in the Department
12 2003?

13 A Yes.

14 Q Who would have held those two positions
15 then?

16 A Eric Ruff, R-U-F-F, and Mark Pfiefle,
17 P-F-I-E-F-L-E.

18 Q Do you know what Mr. Ruff is doing these
19 days?

20 A I'm not sure about the position, but I
21 want to say assistant secretary either public affairs
22 or DOD.

1 Q At DOD?

2 A Yes.

3 Q Mr. Pfieffe?

4 A Yes.

5 Q What is he doing these days?

6 A Now he is communications director for the
7 Republican Convention.

8 Q Okay. Is that a temporary job?

9 A I got to believe it is. I'm not sure.

10 Q He doesn't have a more permanent
11 assignment at the moment?

12 A Not that I am aware of.

13 Q Mr. Scott Fear, the incumbent in the
14 position for the communications office for the U.S.
15 Park Police, do you know whether Mr. Fear has ever
16 communicated to you that the U.S. Park Police were
17 adopting any policy or procedure in regard to
18 communication with the media that would substantially
19 depart from those policies and procedures that your
20 office operates under?

21 A No, sir. I don't believe Scott would
22 come to me directly. He may go to Dave Barna who is

1 chief.

2 Q Apart from the normal line of
3 communication, you have never heard of any such
4 communication from Mr. Fear I take it?

5 A I'm unaware.

6 Q And I take it that would be true even
7 indirectly from Mr. Barna or anyone else? No one has
8 told you that Mr. Barna has departed from these
9 procedures or policy?

10 A That would be accurate.

11 Q Are you familiar with the guidance as
12 given to the national park superintendents as to how
13 they interact with the media?

14 A No.

15 Q Do you know whether there is any written
16 guidance given to the park superintendents in that
17 regard?

18 A I am not sure how up to date it is, but
19 there is a manual or guide that talks about public
20 affairs and how to do public affairs.

21 Q For the park superintendents?

22 A Yes. I want to say for Park Service

1 employees in general. Maybe it's just
2 superintendents, but I'm not sure.

3 Q Understood. Have you ever had occasion
4 to read that document?

5 A No.

6 Q Kind of lengthy is it?

7 A Yes. Kind of. It pertains more to park
8 and not only dealing with media but public as well.

9 Q Understood.

10 A It's elementary stuff.

11 Q Pretty basic?

12 A Yes.

13 Q Is it fair to say is that under the
14 procedures and policies you operate under that an
15 employee of the Department of Interior if approached
16 by a member of the media and asked a question that
17 the best approach to that is to tell the truth and
18 answer the question?

19 A Say that again.

20 Q Yes. Under your policies and procedure
21 for employees of the Department of Interior, if an
22 employee is asked a question by a member of the press

1 the best approach under your procedures for that
2 employee is to tell the truth in the answer?

3 A I believe that would be the answer. But
4 we also have a policy that if they don't want to
5 answer a question they can have that reporter work
6 through the Public Affairs Office.

7 Q So, they could defer the question to the
8 Public Affairs Office?

9 A Right.

10 Q Now, were you involved in any way with
11 the decision that Ms. Teresa Chambers would be
12 interviewed by the Washington Post on November 20th
13 of 2003?

14 A No.

15 Q Are you aware of the fact that Ms.
16 Chambers was interviewed on that day?

17 A Yes. I am not sure of the day. But I am
18 aware of an interview.

19 Q Are you aware that the article came out
20 in the Washington Post on December 2nd, 2003, that
21 referenced Ms. Chambers?

22 A I don't recall the date, but I remember

1 an article. Yes.

2 Q Let me show you a document that has been
3 used in other depositions, and I don't think we'll
4 need to mark it again. But this has been marked as
5 Mr. Hoffman's Exhibit 2 and also as Mr. Murphy's
6 Exhibit 7. I will show you Mr. Hoffman's exhibit.
7 The format may differ from what you may have seen in
8 the newspaper. But take a moment and see if that
9 appears to be the article in question.

10 A Okay. I recall this. I recall the
11 reports.

12 Q Did you ever have occasion to speak with
13 Mr. Fahrenhold in this time frame about these topics
14 of the U.S. Park Police?

15 A Yes. We've talked several times on a
16 variety of different issues. Some surrounding the
17 Park Police.

18 Q Do you recall talking with him in the
19 November-December 2003 time frame?

20 A Yes.

21 Q You can hang onto that. We'll probably
22 come back to it.

1 A Okay.

2 Q Do you know whether or not any
3 communications office for any unit of the Department
4 of Interior accompanied Ms. Chambers when she was
5 interviewed by Mr. Fahrenhold for this article?

6 A I'm not aware.

7 Q Have you ever spoken with Mr. Scott Fear
8 about this article?

9 A No.

10 Q So, you don't know whether Mr. Fear sat
11 in on the interview or not?

12 A I don't.

13 Q Do you recall receiving any
14 communications from Ms. Chambers, Mr. Fear, or others
15 indicating that this interview had taken place prior
16 to the publication of the article?

17 A Help me understand communications. By
18 receiving the communication?

19 Q Spoken word, documents, e-mail, fax,
20 memo?

21 A I didn't receive. I called Chief
22 Chambers.

1 Q You initiated the communication?

2 A Yes.

3 Q Understood. Tell me about that.

4 A I got -- Well, I got a call from Deputy
5 Assistant Secretary for Law Enforcement.

6 Q Mr. Parkinson?

7 A Yes, sir. Indicating that a reporter
8 from the Washington Post by the name of David
9 Fahrenhold had called and was interested in talking
10 to him about U.S. Park Police budget.

11 Q Okay.

12 A And we have a policy that if decision
13 makers are contacted by media they can work through
14 their respective public affairs or communications
15 office. So, he in turn did that. I did the
16 follow-up call, found out what the interest was, and
17 made a call. He said he had interviewed Chief
18 Chambers, and I made a call to Chief Chambers.

19 Q Thank you. And did you reach the chief?

20 A Yes.

21 Q Tell us what was said in that interview,
22 if you would, or that communication?

1 A I wanted to confirm first of all, one,
2 there was an interview and, two, what was the subject
3 of the interview. She had indicated, if my memory
4 serves me correctly, that he was interested in Park
5 Police budget.

6 Q All right.

7 A He wanted to talk to Larry Parkinson
8 about Park Police budget. I have a policy if it's
9 not a departmental policy that it's not a good thing
10 to have two policy makers in the same story about the
11 same issue. Just like I feel that there is no
12 interest in having two public information officers in
13 the same story about the same issue, and I related
14 that to the reporter.

15 Q Okay. And that was Mr. Fahrenhold I take
16 it?

17 A Yes.

18 Q Did he I'll say graciously accept your
19 limitation?

20 A Reporters never graciously accept.

21 Q What was his reaction?

22 A He said he wanted to talk more on

1 department budgets. And I told him he had already
2 had the interview that he was going to get on budget.

3 Q Did Mr. Parkinson express any reluctance
4 to be interviewed or was this basically your policy
5 call?

6 A That is the policy call.

7 Q Had you decided maybe two policy makers
8 being interviewed for the same article in this case,
9 do you think Mr. Parkinson would have agreed to be
10 interviewed?

11 A I'm not sure.

12 Q Okay.

13 A My feeling is that he -- I'm not sure.

14 Q There certainly was nothing preventing
15 the Department of Interior from having other views
16 expressed had they chose to in the Washington Post
17 article?

18 A I'm not sure. He made two calls. He was
19 getting ready to move the story. I am not sure.
20 When you say views, views meaning it would take time
21 to kind of gather all the necessary information. I
22 think he was getting ready to move the story.

1 Q He certainly at least, Mr. Fahrenhold,
2 sought out information from Mr. Parkinson?

3 A He made a call to Mr. Parkinson.

4 Q He desired to interview him I take it?

5 A Yes.

6 Q And except for your decision and your
7 policy, he could have interviewed Mr. Parkinson?

8 A I don't know.

9 Q You mean might have himself objected? Is
10 that why --

11 A He would have made a decision. Yes. So,
12 I don't know.

13 Q Understanding that, if Mr. Parkinson has
14 no objection of being interviewed and except for your
15 own policy and decision Mr. Fahrenhold would have
16 interviewed Mr. Parkinson?

17 A I don't know.

18 Q And why would you be uncertain about
19 that?

20 A It would be a decision that he makes. I
21 don't know whether he talks about Department bureau's
22 budget. I don't know. I think he can talk about his

1 budget.

2 Q I see what you're saying. Mr. Parkinson
3 would have to determine the scope of what he could
4 talk about, what he knew about it?

5 A He's got a program he's responsible for.

6 Q Understood, law enforcement?

7 A Absolutely.

8 Q Which is distinguished from the U.S. Park
9 Police?

10 A Absolutely.

11 Q In some way. The point of my question
12 was simply that had both you and Mr. Parkinson
13 desired to speak with the Washington Post, he could
14 have done so?

15 A I guess you could say that.

16 Q When Ms. Chambers spoke with you, I take
17 it there was a telephone call I believe you said?

18 A Yes.

19 Q Did you make any notes or record of that
20 call?

21 A No.

22 Q Okay. Did you tell Ms. Chambers at that

1 time when you called her and she described what had
2 been talked about with the Post reporter did you
3 express to her any concern of the contents of what
4 she may have said to the Post reporter?

5 A We didn't get into content. No.

6 Q I take it you did not in any way state an
7 objection to her as to what she had done in regard to
8 the Post article?

9 A My call to her was to confirm the
10 interview and the subjects. That's it.

11 Q The answer to my question is no you did
12 not?

13 A No.

14 Q Understood. Now once those two
15 communications had taken place, your call to the
16 Chief and your discussion with Mr. Fahrenhold
17 regarding Mr. Parkinson, did you have any subsequent
18 communications from anyone prior to the December 2nd
19 Post article coming out regarding that article?

20 A No.

21 Q Do you recall anyone giving you a heads
22 up let's say a day or two before the article that it

1 was coming?

2 A Other than the reporter?

3 Q Okay.

4 A No.

5 Q That's fair. Did Mr. Fahrenhold let you
6 know that the article was coming out?

7 A He said he was going to file his story
8 shortly. He didn't say one day or two days. He said
9 shortly.

10 Q Understood. And did the article come out
11 shortly after that?

12 A I believe it did.

13 Q Did you have occasion to read the
14 Washington Post article on the day it came out?

15 A I believe I did.

16 Q That would be the article in front of you
17 or at least make sure that it is.

18 A I am not sure about the headline, but
19 this looks close.

20 Q Okay. When do you recall reading it for
21 the first time?

22 A Probably somewhere 11:00 or 12:00

1 o'clock.

2 Q Near midday?

3 A Yes.

4 Q On the second?

5 A Yes.

6 Q And did you read it as a matter of course
7 in scanning media or did someone bring it to your
8 attention?

9 A Read it as a matter of course.

10 Q All right. And upon reading it, did you
11 do anything in response?

12 A I don't recall.

13 Q Okay. I assume you file these away
14 somewhere?

15 A I used to. Yes.

16 Q And would you have filed this particular
17 article?

18 A It's a possibility.

19 Q Okay. And did you make any comments on
20 it at the time like writing on the article or a note
21 that was attached?

22 A I don't recall.

1 Q Okay. Did you have occasion to call
2 anyone on your own initiative regarding this article
3 on December 2nd?

4 A No.

5 Q Okay. Did you have occasion to speak
6 with Mr. Barna about this article on December 2nd?

7 A I don't recall. I don't think we talked
8 on December 2nd. I'm not sure.

9 Q Do you recall speaking with Mr. Barna
10 about in article subsequent, possibly subsequent to
11 December 2nd?

12 A Yes. Possibly the Wednesday possibly.

13 Q And do you recall how that conversation
14 took place, why it happened?

15 A No. I don't recall.

16 Q Do you recall whether you initiated it or
17 Mr. Barna did?

18 A I am not sure. We do a weekly meeting on
19 Wednesday. And I think just before the meeting
20 started we just talked about it briefly.

21 Q Okay.

22 A And I may have asked him was he contacted

1 by David Fahrenhold. Something like that.

2 Q I see. Do you recall whether Mr. Barna
3 said anything about the article in that conversation?

4 A I'm not sure. Maybe he said yes. Maybe
5 he said no. I don't recall.

6 Q Nothing more substantive?

7 A No.

8 Q Did you have occasion to speak with Mr.
9 Scott Fear on this particular article of December
10 2nd?

11 A No.

12 Q Do you know whether you had occasion to
13 speak to Mr. Scott Fear about this article subsequent
14 to December 2nd?

15 A No.

16 Q Okay. Did anyone at all bring this
17 particular article, the December 2nd Post article
18 which referenced Chief Chambers to your attention on
19 December the 2nd?

20 A I don't recall. Maybe they did. I don't
21 know.

22 Q It doesn't stand out in your memory?

1 A No.

2 Q And had they done so, you don't recall it
3 being anything of how shall I say of importance? It
4 would have been a routine discussion you think?

5 A Probably.

6 Q You certainly don't recall anyone
7 complaining to you about the article I take it on
8 December 2nd?

9 A No.

10 Q To your knowledge, did anyone in any
11 communications office within the Department of
12 Interior at any level initiate any complaint
13 regarding what Chief Chambers alleged to have said in
14 this particular article?

15 A I'm not aware.

16 Q Has it ever come to your attention that
17 following this article appearing in the Washington
18 Post that Ms. Chambers was given by her superiors an
19 order restricting her further communications with the
20 media?

21 A Say again.

22 Q Yes. Has it ever come to your attention

1 that after the publication of this article in the
2 Washington Post, the December 2nd article, that Ms.
3 Chambers was given an order by her superiors to
4 restrict her communications with the media?

5 A No.

6 Q I take it you've never seen such an order
7 in writing?

8 A No.

9 Q And I'm also taking from your answer that
10 even as of today sitting here the fact that Ms.
11 Chambers was given such a restriction has never come
12 to your attention even in the course of discussing
13 this lawsuit?

14 A I may have read it on a web page.

15 Q I see. That would explain it. But other
16 than that?

17 A Not other than that.

18 Q Understood. Has your office ever issued
19 a written order to any employee restricting their
20 ability to speak with the press in any way?

21 A No. I don't think I understand the
22 question.

1 Q Well, let's make sure. You know what an
2 order is?

3 A Yes.

4 Q So, I'm asking whether your office has
5 issued any order at any time to any employee that
6 would restrict their communication with the press?
7 And restrict would mean prohibit, narrow, put certain
8 categories off limits. In this way interfere with
9 the freedom of the employee to say what they wished,
10 when they wished, to whom they wished in the press.
11 Has your office ever issued such an order?

12 A No. Not that I'm aware.

13 Q To your knowledge, you've been with the
14 department 33 years?

15 A Good math.

16 Q Has it ever come to your attention in
17 those 33 years that any employee was fired, removed,
18 terminated for anything they may have said to the
19 media?

20 A I'm not aware.

21 Q Let me show you another document, and
22 let's go ahead and mark this.

1 A You want this back?

2 MR. L'HEUREUX: Kill a few more trees.

3 MR. HARRISON: This is a good cause.

4 There has been marked previously, but let's go ahead
5 an mark this as Mr. Wright's Deposition 1, if we
6 could.

7 (Wright Exhibit No. 1 was
8 marked for identification.)

9 BY MR. HARRISON:

10 Q Sir, take a moment and glance over that
11 and see if it looks familiar to you.

12 A Okay.

13 Q Do you Rick flies it, sir?

14 A Yes.

15 Q What do you understand it to be?

16 A It looks like something I prepared and
17 signed.

18 Q All right. Declaration of John Wright on
19 the front it says, and on the back it looks like a
20 signature which is a bit of a challenge to read.
21 That is your signature I take it?

22 A Yes.

1 Q Dated March 1, 2004?

2 A Yes.

3 Q Do you recall signing this particular
4 statement?

5 A Yes.

6 Q And do you think that date is correct?

7 A Yes.

8 Q It says I John Wright had declared under
9 penalty of perjury that the following statements are
10 true and correct. It's a pretty short documents.
11 Slightly over one page. If you would just take a
12 moment to read over it. It's probably been a while
13 since you have seen it. Then I am going to ask you
14 if there is anything sitting here today that might
15 not be correct in it.

16 A No. Looks like the same document.

17 Q You are pretty sure it was correct at the
18 time you signed it?

19 A Yes.

20 Q You still believe it to be correct?

21 A Yes.

22 Q All right. I hold the position of senior

1 public affairs officer with the Office of the
2 Secretary, Office of Communications, Department of
3 Interior. Is that still your exact title today?

4 A Yes.

5 Q On February 11, 2004, I contacted David
6 Fahrenhold, a reporter employed by The Washington
7 Post. I am reading from your document paragraph two.
8 By telephone and I informed him that I wanted to ask
9 him a few questions about some of the statements in
10 his December 2nd, 2003, Washington Post article
11 regarding National Park Police Chief Teresa Chambers.

12 And I read him the following statements
13 that appeared in his December 2nd, 2003, article. Is
14 that an accurate statement?

15 A Yes.

16 Q Okay. It was probably a switch in role
17 for you to be asking the reporter questions.

18 A I kind of enjoyed it.

19 Q Did you?

20 A Yes.

21 Q Tell us how you came to assume the task
22 of asking Mr. Fahrenhold questions on February 11,

1 2004. What circumstances led you to do that?

2 A The Department attorney asked me to
3 confirm the quotes that was in this article, and I in
4 turn because I worked with the reporter and we've
5 talked many times I called the reporter and told him
6 what I was doing. I read him some quotes, and he
7 gave me his answer on it. And I prepared this
8 declaration, and I gave it back to our attorneys.

9 Q Okay. Thank you. Were you the one who
10 decided to -- which questions were to be asked of Mr.
11 Fahrenhold?

12 A The questions were all quotes from the
13 story. And I got those quotes from the story from
14 the attorneys.

15 Q Okay. And do you know whether each of
16 the quotes you asked about from the story are
17 reflected in this document?

18 A Yes.

19 Q So, I take it there weren't any other
20 statements from the article that you asked about
21 except those stated here? Is that correct?

22 A Yes.

1 Q And I also take it since you were
2 basically given a list of the quotes to ask about --
3 and correct me if I am mistaken -- that you don't
4 know why certain of those quotes were selected to ask
5 about and others were not?

6 A I don't.

7 Q Okay. All right. Let's see. The first
8 one says "Chambers said, "Traffic accidents have
9 increased on the Baltimore-Washington Parkway which
10 now often last two officers on patrol instead of the
11 recommended four."

12 And I am going to give you back the
13 Washington Post article that you had a moment ago and
14 counsel may wish to have it.

15 Let's see there are quotations around
16 that. I am wondering did you draft this to the point
17 of deciding to put quotations there or did someone
18 else put quotations on this particular --

19 A Where are you?

20 Q The first one under paragraph two that
21 says Chambers said, "Traffic accidents have
22 increased." Did you decide to put quotes around

1 that?

2 A No. But its quotations from the story.

3 Q That is a separate question. My first
4 was were you the one who decided to put quotes around
5 it?

6 A I am not sure. I may have.

7 Q Were you the one whose fingers hit the
8 keyboards in typing this?

9 A Yes.

10 Q I think you anticipated my next question
11 in answering it, but I would ask it. The actual
12 words Chambers said traffic accident, is that in the
13 Post article itself?

14 A I don't think so.

15 Q I believe you are correct. Why don't you
16 confirm that by looking at the Post article.

17 A Okay. No.

18 Q It's not in quotations in the article?

19 A No. The quotation here means that that's
20 what I said to the reporter.

21 Q Okay. Are you basically quoting yourself
22 in what was asked to the reporter?

1 A I'm reading questions to the reporter,
2 and this is what I asked him.

3 Q Okay. For example on that first one, you
4 would have said the words in quotation marks there to
5 the reporter to the effect in your article you said
6 or stated and then you would give the quote Chambers
7 said traffic accident blah, blah, blah, and then you
8 would ask him a question about that?

9 A Right.

10 Q Understood. Okay. So, these are words
11 stated in the article, but in the article they do not
12 appear in quotations?

13 A Right.

14 Q Now the next quote down has more
15 quotation marks. It looks like a set of internal
16 quotes and external quotes. Is it fair to say where
17 it's green it belongs to us in Washington D.C. And
18 it appears then that you are making an effort.
19 Whoever typed this is making an effort to indicate
20 that in the article itself that first phrase was in
21 fact in quotations in the article?

22 A Right.

1 one set of external quotes but no internal quotes
2 that these words appear in the article but they are
3 not attributed as a quotation to Ms. Chambers?

4 A Correct.

5 Q And the last and fourth item there she
6 said she has to cover a \$12 million shortfall for
7 this year and has asked for \$8 million more for next
8 year.

9 Again, these single sets of external
10 quotation marks, double quotes without the internal
11 quotes would indicate to you -- I believe you would
12 already know that these words were spoken in the Post
13 article but not attributed to Ms. Chambers as a
14 quotation?

15 A Right.

16 Q Paragraph three. I asked Mr. Fahrenhold
17 whether in connection with the aforementioned
18 statements that appeared in the Washington Post on
19 December 2nd, 2003, he had accurately quoted Ms.
20 Chambers when he interviewed her. That word quoted
21 there is that yours?

22 A Yes.

1 Q But you understood that only one of the
2 four items above was actually a quote from Ms.
3 Chambers?

4 A Right. I quoted from in regards, if I
5 can explain myself.

6 Q Please.

7 A Means did she actually say this.

8 Q To the reporter?

9 A Right.

10 Q And were you meaning to ask the reporter
11 even though the reporter didn't use quotes in his
12 article were these exact words spoken or were you
13 meaning to ask the reporter did you accurately?

14 A I wanted to read back his words to him to
15 make sure he didn't have anything that he thought he
16 needed to change.

17 Q Essentially for those areas where he was
18 using quotations for the Chief you meant to ask him
19 is it a correct quotation for areas where he used his
20 own words. You used him to ask did he want to change
21 his own words?

22 A Not that it was did he want to change it

1 but was it accurate.

2 Q Did he feel that he inaccurately stated
3 something?

4 A No. He said he would stand by his story.

5 Q I understood. You were asking to find
6 that out --

7 A Right.

8 Q Did you ask him specifically whether he
9 had a factual basis for stating in the third item
10 there, the Park Police's new force of 20 unarmed
11 security guards will begin serving around the
12 monuments? Did you ask whether he has a factual
13 basis for saying that new force was 20 in number?

14 A I didn't go into the details of it. I
15 asked him is this accurate.

16 Q You gave him a chance to say it was not
17 accurate?

18 A Right.

19 Q But you didn't press him on the details?

20 A I had a few more questions, but he didn't
21 want to answer.

22 Q He didn't want to answer them?

1 A No.

2 Q I guess the tables really were turned in
3 that case.

4 A Yes.

5 Q What questions did you ask him that he
6 didn't want to answer?

7 A I don't recall all the questions. We got
8 to the point where he had had enough, and he said
9 call my editor and gave me his editor's phone number.
10 I called his editor and the editor referred me to I
11 guess counsel for The Washington Post.

12 Q Did you call the counsel?

13 A Out of my league. No.

14 Q So, did you speak with the editor?

15 A Yes. Short.

16 Q Who was that?

17 A I don't recall the name. I believe it
18 starts with an S, but it's been a while.

19 Q Okay. Did you ask the editor any of the
20 questions Mr. Fahrenhold did not want to answer?

21 A I attempted.

22 Q What happened when you attempted?

1 A He quickly gave me the name of an
2 attorney and phone number.

3 Q I take it he did not give you substantive
4 answers to the questions?

5 A No answers at all.

6 Q Okay. Now, you had indicated in your
7 testimony today that the quotations that you asked
8 about were completely represented in this statement.
9 I do understand now that to be as precise as we can
10 be. The quotations that you asked about that you
11 were able to get an answer to are fully represented
12 in this statement?

13 A Pretty much.

14 Q But there may have been others that the
15 reporter chose not to answer?

16 A Right.

17 Q And I also understand that you were given
18 the quotations to ask about from a third party. You
19 did not create them yourself?

20 A No.

21 Q So, that must have been reflected in a
22 document I take it?

1 A Right.

2 Q Do you still maintain that document?

3 A No.

4 Q How long was the document?

5 A If my memory serves me correctly, maybe
6 one page.

7 Q How many questions or quotations were
8 referenced on it?

9 A I don't recall.

10 Q More than these four I take it?

11 A I got to believe it was.

12 Q There were a few that you were wanting to
13 ask Mr. Fahrenhold that he refused to discuss with
14 you?

15 A I believe.

16 Q And do you recall what any of those were?

17 A No, sir.

18 Q You do not?

19 A No.

20 Q What did you do with the document after
21 you finished your task?

22 A The document that I prepared the

1 declaration, I attached it and I returned it to the
2 attorneys.

3 Q Would the document have the questions on
4 it?

5 A Yes.

6 Q So, you didn't maintain your own copy of
7 that document with the questions?

8 A I try not to.

9 Q And who did you return the declaration to
10 Ms. Jackson?

11 A Yes.

12 Q And did she also receive that original
13 list of questions or quotations?

14 A I believe so.

15 Q Okay. Paragraph three of your statement
16 we had started on that. Let's finish it. I asked
17 Mr. Fahrenhold whether in connection with the
18 aforementioned statements that appeared in the
19 Washington Post on December 2nd, 2003, he had
20 accurately quoted Ms. Chambers when he interviewed
21 her.

22 And I think you would agree with me that

1 that quote there is perhaps not the most precise in
2 the context in which we are speaking?

3 A Right.

4 Q The next sentence in response to my
5 question Mr. Fahrenhold stated that he had accurately
6 quoted Ms. Chambers and that the Washington Post
7 stands behind what was written in the December story.
8 Did you right those words in that way?

9 A I think it's pretty close.

10 Q I don't notice here any notation that
11 there were questions you were unable to ask Mr.
12 Fahrenhold because he refused. Was there ever a
13 draft of this statement that noted that?

14 A Gee. I am not sure. Maybe. I'm not
15 sure.

16 Q It's fair to say that for those questions
17 that you were unable to get an answer to because Mr.
18 Fahrenhold wouldn't answer them, you don't really
19 know what he would have said had he answered them?

20 A You noted earlier that the position had
21 reversed.

22 Q Yes, sir.

1 A He was in a pretty awkward position
2 because he had always been on the other side asking
3 the question. Now I am playing the reporter, and
4 that was a little bit uncomfortable for him, I
5 believe.

6 Q I appreciate that. I think apparently
7 reporters are pretty cautious about talking about
8 their stories. I understand. But my question was
9 and remains you have no way of knowing what Mr.
10 Fahrenhold would have said had he answered your
11 remaining questions?

12 A Correct.

13 Q Now, so given that, you have to
14 acknowledge, do you not, in response to one or more
15 of those questions that never got answered Mr.
16 Fahrenhold might have said on that question I might
17 have made an error and I don't stand behind what
18 happened?

19 A That is speculation. Anything could have
20 happened.

21 Q Precisely. So how can you say in your
22 declaration here that the Post stands behind what was

1 written in the story without making any
2 qualification?

3 A He said that. He said we stands behind
4 everything that was written. He said that.

5 Q Everything that was written?

6 A Yes. In that story.

7 Q Understood. So, those things you didn't
8 get a chance to ask him about, were they quotations
9 from the article?

10 A I got to believe it was.

11 Q So, you believe they were. I take it
12 from that answer you don't recall on that document
13 you were given to ask the question of the Post, you
14 don't recall any different category of questioning on
15 that other than these selections from the Post
16 article?

17 A Correct. I sometimes can't remember what
18 tie I wore the day before. I mean this has been a
19 while.

20 Q I appreciate that. Have you maintained
21 any drafts of this statement?

22 A No.

1 Q Do you know whether anyone would have
2 seen drafts of this statement other than yourself?

3 A I am not aware.

4 Q Did anyone ever ask you to omit anything
5 from your statement?

6 A When you say anyone seen the draft, other
7 than myself?

8 Q Yes, sir.

9 A I turn it into attorneys. So that's an
10 answer.

11 Q That is an answer. I understand that.

12 A Beyond that, no. I'm not aware.

13 Q Okay. Did anyone participate in editing
14 your draft into this final form beside you?

15 A The attorney put it into the legalese and
16 stuff at the bottom.

17 Q No one else besides that?

18 A I am not unaware of anything else beyond
19 that.

20 Q Did anyone ever invite you to be
21 interviewed by Mr. Paul Hoffman in his inquiry into
22 Ms. Chambers' disciplinary actions?

1 A No.

2 Q Did anyone tell you in what way your
3 declaration would be used?

4 A No.

5 Q Did anyone ever inform you that your
6 declaration was being used instead of having you
7 testify live before Mr. Hoffman in Ms. Chambers'
8 case?

9 A I am not sure. I don't think so, but I
10 don't think so. Maybe they did.

11 Q You don't recall sitting here today?

12 A No. I don't recall. Maybe they did.
13 I'm not sure. I know it was in connection with the
14 case.

15 Q Did you know that?

16 A Right.

17 Q I take it had someone not brought in a
18 list of questions or quotations to you and asked you
19 to call the Post that you would not have done so on
20 your own initiative?

21 A No.

22 Q I also take it that you had no occasion

1 to do a similar task like this, calling Mr.
2 Fahrenhold to verify the statements made in the
3 December 2nd article prior to around the time you
4 signed your statement here February -- March 2004?
5 You didn't do this prior to any separate occasion?

6 A No.

7 Q Are you aware of anyone ever inquiring
8 for the Department of Interior or any of its sub-
9 units with the Washington Post prior to this inquiry
10 by you to determine whether the statements by Ms.
11 Chambers were accurate or inaccurate or whether
12 statements in the article were accurate or
13 inaccurate?

14 A I am not aware.

15 Q Do you remember an article or a story in
16 the media that came out after Ms. Chambers had been
17 placed on administrative leave where the issue was
18 discussed whether or not Ms. Chambers had received a
19 gag order?

20 A Say again. I am sorry.

21 Q Yes. Do you recall a media story
22 occurring after Ms. Chambers was placed on

1 administrative leave, and I'm assuming that you know.
2 But if not, assume for the purpose of my question
3 that Ms. Chambers was placed on administrative leave
4 on December 5th, 2003. After that, sometime after
5 that there was some discussion in the press, whether
6 you would call it a controversy or just an article or
7 story about whether Ms. Chambers had been gaged, had
8 received a gag order.

9 Do you recall that topic coming up in
10 press coverage?

11 A I recall coverage. Yes.

12 Q Do you recall ever having occasion to
13 talk to the press yourself about that question,
14 whether there was a gag order for Ms. Chambers?

15 A I probably did.

16 Q Do you recall ever faxing a letter to the
17 Associated Press regarding that topic?

18 A Yes.

19 Q Do you recall what you would have said in
20 that communication?

21 A I think I was responding to one of their
22 stories.

1 Q Okay.

2 A And it was about, I guess, her being
3 gaged and not being able to talk to groups or
4 something to that effect. Again, I sometimes have
5 difficulty remembering my tie. But I remember
6 talking to the AP editor. I remember talking to the
7 AP editor.

8 Q I appreciate that. Do you recall making
9 a statement to the effect at that time to the
10 Associated Press and there may or may not be a quote.
11 You can tell me. Words attributed to you there has
12 not now nor has there ever been a gag order placed on
13 Ms. Chambers?

14 A Okay. Sounds familiar.

15 Q Sounds familiar?

16 A Yes.

17 Q Prior to making that statement, had you
18 sought to review the personnel file to Ms. Chambers
19 to see what communication she might have received
20 from her superiors?

21 A No.

22 Q Have you had occasion to do that since?

1 A No.

2 Q Has anyone in the Department of Interior
3 management and by that I would mean someone at Ms.
4 Chambers' level or above but not in the press
5 offices, communications officers ever represented to
6 you that Ms. Chambers has never received an order
7 restricting her communication with the press?

8 A Say again.

9 Q Yes. Has any Department of Interior
10 manager at any unit of the Department of Interior and
11 by manager I mean someone at the level of Ms.
12 Chambers or above excluding communications or press
13 officers, ever communicated to you that Ms. Chambers
14 has never received any order or restriction on her
15 regarding her communications with the media?

16 A No.

17 Q Okay. So given that, why did you say to
18 the Associated Press that there's never been a gag
19 order?

20 A Because I checked with my press
21 secretary.

22 Q You relied --

1 A Your question was outside of
2 communications.

3 Q You're absolutely correct about that.
4 And you're answering my question which I appreciate
5 it.

6 A Okay.

7 Q I was just clarifying. You relied on
8 information given to you by the press secretary?

9 A Yes.

10 Q Do you happen to know on what information
11 the press secretary relied?

12 A We occasionally get information from the
13 press secretary. They sit in on meetings. They know
14 the company line.

15 Q Did you happen to ask your press
16 secretary on what information basis they took that
17 position?

18 A No.

19 Q Did you ever make a decision yourself
20 personally not on direction of someone else to either
21 approve or deny approval to Ms. Chambers for any
22 particular media communication?

1 A No.

2 Q Are you aware of any official in the
3 Department of Interior, whether a press or
4 communications officer, or otherwise, who has been
5 delegated the authority to approve or disapprove Ms.
6 Chambers' communications with the media while she was
7 an employee?

8 A I'm not aware.

9 Q Was anyone present with you when you
10 spoke with Mr. Fahrenhold and asked him at least some
11 of your questions regarding excerpts from the Post
12 article?

13 A No.

14 Q I take it you didn't record the
15 conversation?

16 A Oh, no way.

17 Q Other than your declaration that we've
18 shown you, did you ever state the result of your
19 questioning of Mr. Fahrenhold on any other document?

20 A No.

21 Q The questions that you didn't get asked
22 to Mr. Fahrenhold in that reverse interview, if you

1 will, among those items, was there anything that
2 would have asked or caused you to ask Mr. Fahrenhold
3 what me might have learned from the Fraternal Order
4 of Police?

5 A I don't recall.

6 Q Were you aware at the time of the
7 December 2nd, 2003, article coming out in the Post
8 that Mr. Fahrenhold had --

9 A Can we backup. I don't recall anything
10 in that document saying anything about Fraternal
11 Order of Police.

12 Q I understood that to be your answer.

13 A All right.

14 Q So, let me make sure we're clear on that.
15 Taking your answers that you don't remember anything
16 in the document that referred to the Fraternal Order
17 of Police, did you have an intention in speaking with
18 Mr. Fahrenhold during that interview by you of him to
19 ask him anything in regard to the Fraternal Order of
20 Police?

21 A No.

22 Q Now, back to the last question we

1 started. At the time the Post article came out
2 December 2nd, 2003, did you have any information that
3 Mr. Fahrenhold in addition to speaking to Ms.
4 Chambers had spoken to a representative from the U.S.
5 Park Police Fraternal Order of Police?

6 A No.

7 Q Do you know Mr. Jeff Capps?

8 A I've seen the name in print. I don't
9 know him.

10 Q Did you know at the time of the Post
11 article that he was an officer for the Fraternal
12 Order of Police?

13 A No.

14 Q Okay. Did you know at the time of the
15 Post article whether or not Mr. Capps had spoken to
16 Mr. Fahrenhold?

17 A No. I don't know. I don't know whether
18 he spoke with him or not.

19 Q Understood. Would you have any way of
20 knowing then or now in those portions of the Post
21 article that do not have quotations attributing to a
22 particular person like Ms. Chambers, would you have

1 any way of knowing whether Mr. Fahrenhold received
2 information on that topic from Mr. Capps, Ms.
3 Chambers, or some other person?

4 A No.

5 Q And I take it no one asked you to make
6 that inquiry?

7 A No.

8 Q In your inquiry of Mr. Fahrenhold, you've
9 described -- did you ever ask him specifically what
10 his questions were of Ms. Chambers that might have
11 elicited each of the statements in the Post article?

12 A No.

13 Q Would you have any way of knowing then or
14 now which of the statements in the Post article came
15 from comments volunteered by Ms. Chambers versus a
16 question from Mr. Fahrenhold?

17 A No.

18 Q Since the publication of the December
19 Post article, has anyone communicated to you an
20 unfavorable reaction to that article?

21 A I don't recall.

22 Q Since the publication of the Post

1 article, has anyone communicated to you an intent to
2 take any action against Ms. Chambers because of the
3 Washington Post article?

4 A No.

5 Q Are you familiar with the phrase "law
6 enforcement sensitive"?

7 A Vaguely.

8 Q Have you ever received any training in
9 what that term means or may mean?

10 A No.

11 Q Have you ever had occasion to read a
12 policy or legal document that may define that term?

13 A No.

14 Q Have you ever issued any policy or
15 procedure yourself in your capacity as a
16 communications officer that addresses law enforcement
17 sensitive information?

18 A No.

19 Q Have you ever received any policy or
20 procedure issued by your superiors that addresses law
21 enforcement sensitive information?

22 A No.

1 Q In your tenure as a communications
2 officer, do you recall any occasion in which you were
3 directed by anyone to edit out of a press
4 communication any information because it had been
5 categorized "law enforcement sensitive"?

6 A Not the term law enforcement sensitive,
7 but some information could have been sensitive.

8 Q I appreciate that. We'll get to that in
9 just a moment.

10 A Okay.

11 Q In terms of the specific classification
12 we are referring to as a term of art?

13 A No.

14 Q Apparently there has been occasions when
15 some information may have been edited out because of
16 some type of sensitive category. Do I understand you
17 correctly?

18 A Yes.

19 Q Can you explain?

20 A There are times some information they
21 don't want included in the press because of the
22 sensitive nature of it in that it would shed too much

1 light on whatever the situation may be at the time.

2 That happened periodically.

3 Q Do you understand that to be more of a
4 how shall we say discretionary editing of the
5 knowledge desired to be released as opposed to some
6 sort of security classification issue?

7 A Say again.

8 Q I would like to you distinguish on the
9 one hand information that may be on specifically
10 classified like top secret, secret, confidential, or
11 law enforcement sensitive in some official category
12 that may be used to prohibit release on the one hand
13 versus someone simply decided I don't think we should
14 talk about that for whatever discretion, or policy
15 reason you are. The incident, which of those two
16 categories do you think those edits fell into?

17 A Possibly security sensitive.

18 Q National security?

19 A I wouldn't say national but security
20 period.

21 Q Do you now remember a specific?

22 A No.

1 Q Do you remember a specific person who may
2 have directed the edit?

3 A No.

4 Q And I take it and I have to ask you, do
5 you remember the content that might have been edited
6 out?

7 A No. This is years and years ago.

8 Q Do you remember the agency or sub-unit
9 involved?

10 A No.

11 Q Would you have any way of knowing without
12 someone else telling you what information might be
13 classified as law enforcement sensitive or otherwise
14 restricted?

15 A No.

16 Q Do you recall whether there was any media
17 coverage on December 2nd, 2003, involving Chief
18 Chambers other than the Post article? Radio,
19 television, newspaper, or other print media?

20 A I don't recall. I'm not sure whether it
21 was just a Post article, and a flurry of articles
22 followed. I don't recall.

1 Q There was some follow-up media that you
2 recall?

3 A Yes.

4 Q Do you recall anyone bringing to your
5 attention an unfavorable reaction to any of the
6 follow-up media?

7 A No. You keep using unfavorable reaction
8 here. What do you mean by that?

9 Q They didn't like it?

10 A No.

11 Q They were upset by it? Anyone that
12 indicated that.

13 A No. I wouldn't say upset by it.

14 Q Did anyone communicate to you that in any
15 of the follow-up media that Ms. Chambers had done
16 something wrong?

17 A No.

18 Q What would you say would be the level of
19 awareness within the Department of Interior of the
20 December 2nd Washington Post article on December 2nd?
21 How widely was it noticed?

22 A Say again.

1 Q Yes. What was the level of awareness
2 within the Department of Interior of the December 2nd
3 Washington Post article when it came out? How widely
4 was it noticed on December 2nd?

5 A I don't know. I just had the deep-seated
6 impression that it was business as usual on the 2nd.
7 Maybe days afterwards.

8 Q It may have become more of a topic?

9 A Right.

10 Q I take it you are aware that Post article
11 was discussed within the Department after December
12 2nd?

13 A Yes.

14 Q And how would you describe those
15 follow-up discussions, those within your personal
16 knowledge?

17 A I wasn't part of follow-up discussions.
18 The only discussion I had was with my press
19 secretary.

20 Q And what was your understanding from the
21 press secretary as to how wide the awareness had
22 become over the succeeding few days of the December

1 2nd article?

2 MR. L'HEUREUX: Objection, relevance.

3 You may answer the question.

4 THE WITNESS: I think he pointed to the
5 fact that the story had gotten legs and it went
6 beyond the Washington Post.

7 BY MR. HARRISON:

8 Q Gotten legs may be a term used in your
9 profession.

10 A Yes. Meaning that it's picking up
11 additional coverage.

12 Q And did the press secretary express any
13 satisfaction or dissatisfaction of the fact that the
14 story had gotten legs?

15 A No. Not really.

16 Q Did you learn from the press secretary or
17 others as to what officials within the Department of
18 Interior had become aware of the article?

19 A No.

20 Q Are there any officials within the
21 Department that you have personal knowledge of having
22 become aware of the article, the December 2nd

1 article?

2 A That I have personal knowledge of?

3 Q Yes.

4 A Not personal knowledge of. No.

5 Q In secondhand knowledge?

6 A Yes.

7 Q Which officials?

8 A I got to believe everybody in the Park

9 Service was aware of it.

10 Q Beyond that?

11 A Beyond that, I don't know.

12 Q You're not sure. Did anyone ever ask you

13 to acquire any non-print media coverage of Ms.

14 Chambers' statements at any time?

15 A No.

16 Q Do you know whether any press officer has

17 ever been tasked to obtain a copy of a radio or

18 television interview of Ms. Chambers for an official

19 in the Department?

20 A I'm not aware.

21 MR. HARRISON: Let's take a ten-minute

22 break, and I'm trying to finish up within the next

1 half hour.

2 (Off the record.)

3 BY MR. HARRISON:

4 Q Mr. Wright, if I were to go to look at a
5 document or look for a document that would state any
6 requirements for an employee of the Department of
7 Interior to refer media communications to a public
8 affairs or communications office or officer, where
9 would I go to see such a document?

10 A It would vary with each one of the public
11 affairs office. They sometimes do it on their
12 Intranet.

13 Q Okay. Do you know whether those
14 documents are publicly available?

15 A I don't know.

16 Q In the case of the National Park Service
17 and the U.S. Park Police within the Department of
18 Interior, do you know specifically where one would
19 look for such a document?

20 A I don't.

21 Q Have you ever read such a document
22 yourself that is specific to the National Park

1 Service and the U.S. Park Police?

2 A I have not.

3 Q Have you ever received any training in
4 regard to what statements to the press or the media
5 would be considered prohibited lobbying?

6 A Yes.

7 Q What training did you receive in that
8 regard?

9 A We have ethics training. It talks about
10 the things we could say and do as a public servant.

11 Q When was the last time you've had that
12 ethics training?

13 A A few months ago. I think it's an annual
14 thing you go to every year.

15 Q Is that right?

16 A At least our office. I don't know what
17 the others do.

18 Q Who offered that?

19 A The Ethics Office.

20 Q Was there a particular person who offered
21 your training?

22 A Yes. But I don't remember.

1 Q From the Ethics Office I take it?

2 A Yes.

3 Q And did you receive any documents that
4 reflected the substance of what you were trained in?

5 A You'll have to certify that.

6 Q How would the content of the training?
7 Any documents that reflected the content?

8 A There is something, but I can't tell what
9 it is. I don't know.

10 Q Did you get a hand out here of the
11 ethical constraints you have to work?

12 A There is a book.

13 Q A booklet?

14 A Yes.

15 Q Do you still have those?

16 A Somewhere. Yes.

17 Q Do you believe you understand what the
18 restrictions are on you as a communications officer
19 in what you can communicate to the press and what
20 would be prohibited lobbying?

21 A Yes.

22 Q Can you state those for us?

1 A No. When?

2 Q You recognize it when you see it?

3 A I recognize, or if I am in doubt I call
4 the Ethics Office. And they ask that you do that.
5 Whenever you are in doubt and you're not sure.

6 Q Have you ever had to call the Ethics
7 Office to ask about a potential lobbying question?

8 A No.

9 Q Do you know whether prohibited lobbying
10 actually came up in your ethics training as a topic?

11 A Lobbying did come up. Yes.

12 Q Do you recall what was said about
13 lobbying?

14 A No.

15 Q Do you recall whether anything was said
16 about whether anything you said to the press could be
17 prohibited lobbying?

18 A I'm not sure. I believe they crossed
19 that area. I am not sure they put it in connection
20 with the press.

21 Q Well, that would be my specific question.
22 So, you're not sure about that?

1 A I'm not sure.

2 Q Okay. If I were to go to try to find a
3 precise answer to the question of what, if anything,
4 is considered prohibited lobbying with the Department
5 of Interior in regard to communication with the press
6 specifically, would I go to the Ethics Office to find
7 that?

8 A I think you could do that.

9 Q Would that be the best place to go?

10 A That would be the first place to go. I
11 am not sure if it is the best.

12 Q Do you know of any other location that
13 would be able to answer that question?

14 A No. If I had to direct you, I would
15 direct you to Ethics.

16 Q Okay.

17 A I can always direct your to attorneys.

18 Q Yes. Well, I appreciate that. Did you
19 have any occasion to become involved in any of the
20 disciplinary actions taken against Chief Chambers?

21 A No.

22 Q Did anyone ever interview you or secure

1 input as to any of the disciplinary actions regarding
2 Chief Chambers?

3 A No.

4 Q Do you know any communications officers
5 within the Department of Interior who were
6 interviewed as part of any decision process regarding
7 Ms. Chambers?

8 A No.

9 Q If an employee were to come to you and
10 say I've been contacted by the media on such and such
11 a date, maybe yesterday, and they asked me three
12 questions and here's what I told them, would you
13 consider that employee to be in violation of any
14 procedure?

15 A You're not giving information.

16 Q Not from the employee I have given?

17 A Why would an employee come to me?

18 Q Let's say they worked at a high level in
19 the Department of Interior and they felt like as
20 communications officer they should let you know what
21 was going on with the press.

22 A Okay.

1 Q That would not be inappropriate for them
2 to contact you?

3 A If that's an area that I had other than
4 that they might have to go to the appropriate public
5 affairs person.

6 Q Let's say they went to their proper one
7 under the same scenario. So and so from the Post
8 asked me three questions and here's what I told them.
9 Would you have a concern that that employee had
10 violated any procedure?

11 A Not right off the top. No.

12 Q Now, do you still have a copy of your
13 statement, the declaration in front of you?

14 A Yes.

15 Q On the last quoted item in the paragraph
16 two where you have quotations and she said she had to
17 cover a \$12 million shortfall for this year and has
18 asked for 8 million more for next year. Do you see
19 that?

20 A Uh-huh.

21 Q If you go to the actual Post article
22 which -- You still have that?

1 A Yes.

2 Q It says I think you'll find on the second
3 page, second paragraph, that very same statement.
4 It's in the second sentence on the second paragraph.
5 Let me know if you find it.

6 A We got the same article.

7 Q I hope so.

8 A Park Police duties exceed staffing.

9 Q Yes.

10 A And you said second page. What
11 paragraph?

12 Q Starts out she said a more pressing need.
13 And if you go to the second sentence in.

14 A It's the third page. This is wrong.

15 Q No. It's not wrong. I'm wrong. It is
16 the third page. You're correct.

17 A That's okay.

18 Q Second sentence she says that is cover a
19 12 million shortfall.

20 A Okay.

21 Q Does that seem to match exactly what you
22 had in your statement?

1 A Up to the period there for after next
2 year? When you say match?

3 Q Isn't it a exact word-for-word match?

4 A It's not an exact word-for-word match.
5 This is shorter. What's in the paper if you go back
6 to she said it says she said twice. Are you picking
7 up from the first line? This is picking it up from
8 the second line. The second line she said she has to
9 cover.

10 Q Yes. That phrase is to be found in both
11 of these documents?

12 A Yes.

13 Q I am with you so far. What follows as
14 \$12 million shortfall for this year matches.

15 A Right.

16 Q And has asked for \$8 million more for
17 next year. That matches as well?

18 A Right.

19 Q As far as that goes?

20 A Right.

21 Q As you may be observing, the Post article
22 goes further and says another sentence. She also

1 would like 7 million to replace the force helicopter?

2 A She says a more pressing need is an
3 infusion.

4 Q Yes. Of federal money. So, my question
5 to you at the moment is --

6 A I just want to make clear we weren't
7 doing it word for word here. We just picked out the
8 sentence.

9 Q My question was for the portion you
10 picked out that portion was not inaccurate but did
11 match word for word?

12 A Okay.

13 Q And you are okay with that?

14 A Yes.

15 Q My next question is your quote in
16 question of Mr. Fahrenhold apparently asked about the
17 12 million shortfall and 8 million more part of the
18 quotation. The article did not ask about the 7
19 million for the helicopter. Do you know why you not
20 ask about the 7 million for the helicopter?

21 A I don't know.

22 Q I take it it was not in the question you

1 were given?

2 A Right.

3 Q Okay. Did you ask Mr. Fahrenhold whether
4 given that portion of the article which we were just
5 looking at says the Chief referred to a 12 million
6 shortfall, and 8 million more for next year, and 7
7 million for the helicopter. Did you ask Mr.
8 Fahrenhold whether or not Chief Chambers asked for a
9 total of 27 million or more?

10 A No.

11 Q I'm assuming from your testimony so far
12 you never had occasion to speak with Mr. Paul Hoffman
13 about Chief Chambers' case?

14 A No.

15 Q I want to show you a document that we
16 will mark as Wright Deposition Number 2.

17 (Wright Exhibit No. 2 was
18 marked for identification.)

19 BY MR. HARRISON:

20 Q Take a moment and read that carefully,
21 and let me know if you recall seeing it.

22 A Yes. Okay.

1 Q Do you recall seeing this exact document?

2 A No.

3 Q Do you recall Mr. Scott Fear contacting
4 you around the time frame to let you know of the
5 Washington Post calling after being contacted by the
6 FOP?

7 A I don't recall.

8 Q Did you ever come to know that Mr.
9 Hoffman had made a decision regarding Chief Chambers'
10 removal from her position?

11 A No.

12 Q Did anyone ever show you a document that
13 appeared to be a decision document regarding Chief
14 Chambers with any factual findings regarding contacts
15 with the media in it?

16 A No.

17 Q You never saw such a document?

18 A May have seen something to that effect on
19 the web site, but no.

20 Q On the web. Understood. I take it you
21 mean the public web, not a private agency web?

22 A The Chief's web site. Honest Chief.

1 Q Did you see the Chief's web site?

2 A Honest Chief. It's regarding the Chief's
3 case.

4 Q Do recall ever being contacted by Mr.
5 Fahrenhold of the Post wanting to inquire why Chief
6 Chambers might be treated differently, her statements
7 to the press as compared to her prior police chief by
8 the name of Robert Langston?

9 A He may have.

10 Q He may have.

11 A We've talked several times.

12 Q Do you recall what you would have told
13 Mr. Fahrenhold in that regard?

14 A I'm not sure he even asked that question.
15 We talked several times.

16 Q Let me show you a document that we'll
17 mark as Wright Deposition Number 3.

18 (Wright Exhibit No. 3 was
19 marked for identification.)

20 BY MR. HARRISON:

21 Q Take a moment and let me know if you
22 remember receiving that and if you recognize it.

1 A I recall the traffic. I'm not the one
2 that handed this one. I think it was David Barna
3 that handled it. I'm not sure.

4 Q Do you understand this to be an e-mail
5 from Mr. Fahrenhold of the Post?

6 A Yes. We talked the same day I believe.

7 Q You did?

8 A Yes.

9 Q And do you recall the substance of that
10 conversation?

11 A No. He was just saying I've sent you an
12 e-mail. I'm trying to get answers to a couple of
13 questions.

14 Q You recall Mr. Barna handling the
15 response?

16 A I believe it was Barna. I am not sure.

17 Q I take it it was definitely not you?

18 A Right.

19 Q Do you recall the substance of the
20 response to Mr. Fahrenhold by whomever handled it?

21 A No.

22 Q Do you know whether you would have been

1 copied on the response?

2 A I don't think so.

3 Q I want to show you a document we'll mark
4 as Wright Deposition Number 4.

5 (Wright Exhibit No. 4 was
6 marked for identification.)

7 Take a moment and tell me if you've ever
8 seen this list of questions.

9 A I believe so.

10 Q And do you recall when you would have
11 seen it?

12 A No.

13 Q Do you recall how you would have come to
14 have seen it?

15 A I may have worked on some of these
16 questions. I'm not sure.

17 Q So, you may have been the author of some?

18 A I may have worked on it. I think this
19 came from Park Service, but I'm not sure.

20 Q Can you tell us the intended purpose for
21 the questions?

22 A I guess to get answers.

1 Q I'm with you so far. Beyond that, when
2 were they intended to be asked?

3 A I don't know. This is so far back.

4 Q Are we talking about a press event of
5 some kind?

6 A No. I got to believe this is following
7 some stories and trying to get answers to questions
8 that were part of the story. But I don't know. So
9 beyond that, I don't know.

10 Q Okay.

11 A I don't think this is for an interview.
12 These are too many questions for an interview.

13 Q Do you recall working with anyone on
14 these?

15 A I think I submitted some questions to
16 Park Service. But who actually worked on the
17 document, I don't know.

18 Q So this may be a compilation of input
19 from more than one person?

20 A I think so. You got a number of
21 questions here.

22 Q The answer?

1 A Yes.

2 Q Do you think you would have submitted to
3 the Park Service Communications Office or would it
4 have been to another official?

5 A I think it was for the Park Service
6 Communications Office to get answers to.

7 Q Is it likely that these were questions
8 reflecting inquiries being made of the agency at that
9 time by the press?

10 A I don't know.

11 Q For those that you would have
12 participated in drafting, do you recall the source of
13 your questions?

14 A Questions that came from the article.

15 Q And would they have been the Washington
16 Post article of December 2nd?

17 A I don't know the date, but it would have
18 been the Washington Post article.

19 Q Okay. I'm wondering whether any of these
20 questions came from reporters themselves or whether
21 they were drafted by the Interior employees.

22 A I don't know.

1 Q You know what happened with this list,
2 what use was eventually made of it?

3 A No.

4 Q Do you believe Mr. Barna would know?

5 A Maybe.

6 Q You never saw a follow-up document that
7 grew out of this?

8 A No.

9 Q Does every employee of the Department of
10 Interior have to seek permission before they speak to
11 the press in advance?

12 A When you say every employee?

13 Q Yes.

14 A I don't know. I know that policy makers
15 do.

16 Q And how would you define policy makers?

17 A Folks in managerial position.

18 Q What makes you say that policy makers
19 persons, managerial positions have to seek permission
20 in advance in every case before they speak with the
21 press?

22 A I don't think it's always in advance, but

1 they let the Public Affairs Office know. But usually
2 it's in advance when they're contacted by reporters.
3 By way of policy, they are to work that reporter
4 either through the Public Affairs or Communications
5 Office.

6 Q Is the requirement to I guess keep the
7 Public Affairs Office or Communications Office in the
8 loop? And as I understand your expression maybe as
9 soon as possible in advance, if you can. Does that
10 requirement imply any substantive restrictions on the
11 contents of what would be said in the interview?

12 A I don't know.

13 Q Do you understand my question?

14 A I think I do.

15 Q So, someone could come to you and say the
16 press wants to interview you next week, I want to let
17 you know that. Would you then say you can't talk to
18 them?

19 A It depends if that is the appropriate
20 person for that reporter to talk to.

21 Q Maybe someone else would be a better
22 spokes person?

1 A Not necessarily better. Sometimes
2 reporters get the names of folk and they go with the
3 names as opposed to the person's responsibility.

4 Q It might not be the person most
5 knowledgeable?

6 A Yes.

7 Q Once the person is identified for the
8 task, would your office impose substantive
9 limitations on what was said?

10 A Not that I am aware.

11 Q To your knowledge, when was any
12 requirement that Chief Chambers clear her interviews
13 or plan interviews with the press eventually lifted,
14 if ever?

15 A I don't know. When you say lifted, I am
16 confused.

17 Q That assumes that there had been put in
18 place a requirement that Chief Chambers not engage in
19 any interview with the media until getting clearance
20 from the Department. That's the presumption of my
21 question.

22 A I am not aware of that.

1 Q I see. To your knowledge, you don't know
2 whether that has happened or not?

3 A I'm not aware that there was anything
4 that would have precluded her from doing it.

5 Q So, you don't know if it was lifted
6 because you don't know if it was ever put in place?

7 A That's right. That's what I'm getting
8 at.

9 Q I understand. Does your office ever
10 issue written documents to the effect of employee X
11 is given permission to do interview Y or denied to
12 interview Y? If I went to your files, would I see
13 such documents?

14 A My office?

15 Q Yes, sir.

16 A No.

17 Q Which --

18 A Not that I am aware of.

19 Q That's all I can ask you is what you
20 know. If I were to go to other communications
21 offices within the Department, would I see a file
22 with statements employee X is granted permission to

1 do interview Y or is denied permission?

2 A I don't know.

3 Q You don't know? Have you ever seen a
4 written document issued by the Department of Interior
5 for any employee that has prohibited them from
6 discussing any issues relating to their employment?

7 A Say again.

8 Q Have you ever seen any document issued by
9 the Department of Interior that prohibited any
10 employee from discussing any issues related to their
11 employment?

12 A I haven't seen it. No.

13 Q Have you received follow-up inquiry from
14 the media or the public to your office regarding
15 Chief Chambers after her being placed on
16 administrative leave?

17 A I got to believe we have, but I'm not
18 sure.

19 Q Do you handle any of those?

20 A I think I handled one. It was a request.

21 Q Okay. Let me show you a document. I
22 have not copied it yet, and I may or may not need to.

1 Maybe this will refresh your memory. Counsel can
2 look at it.

3 A Okay.

4 Q Does that refresh your memory at all
5 regarding whether you may have handled any inquiry
6 regarding Chief Chambers?

7 A I think the only thing on here -- No.
8 None of these. I handled WTOP.

9 Q WTOP. The radio station?

10 A Right. None of these I got calls from.

11 Q Understood. Let me show you a document
12 that will be marked as the next Wright exhibit. I
13 think number 5.

14 (Wright Exhibit No. 5 was
15 marked for identification.)

16 Take a moment and tell me if you
17 recognize that, sir.

18 A Okay.

19 Q Does this look familiar?

20 A Yes.

21 Q An e-mail from Mr. Barna of the National
22 Park Service Communications Office?

1 A Yes.

2 Q And many addressees one of which would be
3 you?

4 A Yes.

5 Q And does that refresh your memory that
6 you were informed apparently by Mr. Barna after he
7 received information from Mr. Fear that there had
8 been a contact by the Fraternal Order of Police, the
9 police union, to the Washington Post around the
10 November 20 time frame?

11 A Yes.

12 Q So, you think you would have probably
13 known that back then when you received this?

14 A Yes. I think the day before Larry
15 Parkinson called me about --

16 Q Mr. Fahrenhold?

17 A Right.

18 Q And I believe you are remembering, but
19 just to make sure. This is a day after Chief
20 Chambers' interview with the Post, and it would be
21 about 11 days before the article was published? Does
22 that seem to fit with your recollection?

1 A That sounds right.

2 Q Okay. Do you see the reference there
3 referring to the FOP, the police union, as having
4 contacted the Washington Post complaining about
5 funding shortfalls? Do you see that?

6 A Uh-huh.

7 Q Do you recall receiving the content from
8 this e-mail at the time, November 21st?

9 A Okay.

10 Q You probably would have read it at the
11 time?

12 A Yes.

13 Q It says that Chief Chambers was
14 interviewed yesterday which would have been November
15 20th. Do you see that?

16 A Uh-huh.

17 Q It reflects what I think you already
18 testified to, that the Post at least contacted Mr.
19 Parkinson?

20 A Right.

21 Q It looks to be saying that Mr. Parkinson
22 indicated that the Post will be contacting the author

1 which is Mr. Barna about interviewing Director
2 Mainella or Deputy Director Murphy. Do you see that?

3 A Yes, but I don't remember it like that.

4 Q Tell me how you read it.

5 A This is from Dave Barna. It's meaning to
6 me Scott Fear indicating that the Post will contact.

7 Q I see.

8 A I could be wrong.

9 Q Mr. Fear would have indicated apparently
10 to Mr. Barna that the Washington Post would be
11 contacting Mr. Fear --

12 A No. Contacting me.

13 Q Contacting Barna?

14 A Thank you.

15 Q I think we got it. Let be see if I can
16 get this right. Mr. Fear indicated to Mr. Barna that
17 the Post should be contacting Mr. Barna about
18 interviewing Director Mainella or Deputy Director Don
19 Murphy. Do you think that is right?

20 A That is how I interpret it.

21 Q Do you know whether that contact did
22 happen?

1 A I believe there was an interview with the
2 Washington Post, but --

3 Q On the part of whom?

4 A One of these. Maybe Don Murphy. I'm not
5 sure.

6 Q I see. Okay.

7 A If you are asking did the reporter make
8 the contact, I would say yes.

9 Q And your understanding is perhaps as a
10 result of that contact Mr. Murphy did an interview?

11 A Possibly.

12 MR. HARRISON: That's all I have.

13 MR. L'HEUREUX: I have no questions. We
14 waive.

15 (Whereupon, at approximately 11:14 o'clock,
16 a.m., the above deposition ended and
17 signature was waived.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, Ronnie C. Palmer, the officer before whom
3 the foregoing proceedings were taken, do hereby
4 certify that the foregoing transcript is a true and
5 correct record of the proceedings; that said
6 proceedings were taken by me stenographically and
7 thereafter reduced to typewriting under my
8 supervision; and that I am neither counsel for,
9 related to, nor employed by any of the parties to
10 this case and have no interest, financial or
11 otherwise, in its outcome.

12

13 My commission expires:

14 February 28, 2009

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17 _____

18 NOTARY PUBLIC IN AND FOR THE

19 DISTRICT OF COLUMBIA

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