

UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD  
WASHINGTON REGIONAL OFFICE

-----X  
THERESA C. CHAMBERS, :  
 :  
 Appellant, :  
 :  
 v. : No. DC-1221-04-0616-W-1  
 :  
 DEPARTMENT OF THE INTERIOR, :  
 :  
 Agency. :  
-----X

Alexandria, Virginia

Wednesday, August 18, 2004

Deposition of

TERESA C. CHAMBERS

Appellant, called for examination by counsel for Agency pursuant to notice and agreement of counsel, beginning at approximately 9:00 a.m. at the law office of McNamara & L'Heureux, P.C., 1522 King Street, Alexandria, Virginia, before Mary Ross of Beta Reporting & Videography Services, notary public in and for the Commonwealth of Virginia, when were present on behalf of the respective parties:

1 APPEARANCES:

2 On behalf of Appellant:

3 MICK G. HARRISON, ESQUIRE  
4 Kentucky Environmental Foundation  
5 128 Main Street  
6 Berea, Kentucky 40403  
7 (859) 986-0868

8 On behalf of Agency:

9 ROBERT D. L'HEUREUX, ESQUIRE  
10 McNamara & L'Heureux, P.C.  
11 1522 King Street  
12 Alexandria, Virginia 22314  
13 (703) 535-3014

14 JACQUELINE JACKSON, ESQUIRE  
15 Attorney-Advisor  
16 Division of General Law  
17 Office of the Solicitor  
18 United States Department of the Interior  
19 1849 C Street NW.  
20 Washington, D.c. 20240  
21 (202) 208-6848

22 ALSO PRESENT:

23 Deborah Charette  
24 Steve Krutz  
25 Jeffrey P. Ruch

26 \* \* \* \* \*

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

C O N T E N T S

EXAMINATION BY:	PAGE
Counsel for Agency	4
DEPOSITION EXHIBITS:	
No. 1 - Memorandum, Chambers to Parkinson, Attachments	43
No. 2 - Memorandum, Devaney to Chambers	220

\* \* \* \* \*

1 PROCEEDINGS

2 Whereupon,

3 TERESA CHAMBERS

4 Was called as a witness and, having been  
5 first duly sworn, was examined and testified  
6 as follows:

7 EXAMINATION BY COUNSEL FOR AGENCY

8 BY MR. L'HEUREUX:

9 Q Good morning, Ms. Chambers. Again,  
10 let me introduce myself, at least for this  
11 record. My name is Robert L'Heureux. I'm an  
12 attorney for with the firm of McNamara and  
13 L'Heureux here in Alexandria. I am  
14 representing in this case the US Department  
15 of Interior in its defense of your appeal to  
16 the MSPB concerning your removal and the  
17 matters leading up to your removal. Would  
18 you state your full name for the record,  
19 please?

20 A Teresa C. Chambers.

21 Q And what is your residential  
22 address?

1           A     I live in Huntingtown, Maryland. I  
2 use PO Box 857.

3           Q     And your telephone number?

4           A     301-868-6844.

5           Q     Thank you very much. Could you  
6 briefly describe for me what your educational  
7 experience is?

8           A     I have a bachelor of science degree  
9 from the University of Maryland University  
10 College in criminology and law enforcement.  
11 I have a master's degree from the Johns  
12 Hopkins University in applied behavioral  
13 science with a concentration in community  
14 development. I have advanced training at the  
15 FBI National Academy and the FBI Executive  
16 Institute.

17          Q     And would you also briefly describe  
18 your work experience for me?

19          A     I am retired from the Prince  
20 Georges County, Maryland, Police Department.  
21 I retired there in 1997. And I've served as  
22 the Chief of Police in Durham, North

1 Carolina, and the United States Park Police.

2 Q When you were in Prince Georges  
3 County Police Department what positions did  
4 you hold there?

5 A My final position was the rank of  
6 major. I commanded the District I  
7 Hyattsville Station. Also at that rank I  
8 commanded the Clinton Station and the  
9 Training and Personnel Services. I moved  
10 through the ranks starting in 1976 until my  
11 retirement in December of 1997.

12 Q When you say you moved through the  
13 ranks, would you describe what sorts of  
14 duties that you performed when you moved  
15 through the ranks?

16 A Sure. As a cadet I had a myriad of  
17 tasks that rotated every three months. As a  
18 police officer, of course, I worked the  
19 street as a patrol officer. I moved into the  
20 training academy as an instructor while still  
21 a private, got promoted to private first  
22 class there, got promoted to corporal there,

1 went back out into the street to gain some  
2 supervisory experience, was promoted to  
3 sergeant and remained on the street as a  
4 field supervisor.

5           When I was promoted to lieutenant  
6 three years later I stayed in the field as a  
7 lieutenant in charge of the geographical area  
8 in the Hyattsville District. As a captain I  
9 moved into the training division and served a  
10 six-month fellowship at the Police Executive  
11 Research Forum, moved around, was the  
12 executive assistant to one of our deputy  
13 chiefs for a period of time, served in a  
14 number of acting capacities in that role as  
15 well. And then as major went from Clinton  
16 Station to Training and Personnel Services to  
17 almost a year stint as an acting deputy chief  
18 and then to Hyattsville Station where I  
19 served my last command.

20           Q     And it was Durham, North Carolina,  
21 correct, Police Department?

22           A     Yes, sir.

1           Q     How many officers does that police  
2 department have?

3           A     It is nearly 500 officers and  
4 almost 200 civilian personnel.

5           Q     Let me just describe where I'm  
6 going in here.  What I'd like to do is ask  
7 you a series of questions about the charges  
8 that were listed in the notice of proposed  
9 removal and on which you were ultimately  
10 removed by Mr. Hoffman, and what I want to do  
11 is ask you questions about each of those.  So  
12 as far as organization and how I'm going  
13 that's what I'm going to be doing.  And we've  
14 got a lot of documents here and I'm sure your  
15 attorneys brought some so if we need to refer  
16 to any documents I'm pretty sure we can  
17 dredge it up it all this piles of stuff that  
18 we've got around here.

19                     Let me talk first about the first  
20 charge.  The first charge was of improper  
21 budget communications.  That charge  
22 specifically cited chapter 7 of the



1 departmental manual and all these sorts of  
2 things but the specification says that your  
3 statements to the Interior Appropriations  
4 Subcommittee staff member constituted a  
5 direct communication with a Congressional  
6 staff member about the development and  
7 execution of a Department of Interior budget  
8 matter. Your statements caused the Interior  
9 Appropriations Subcommittee staffer to  
10 question the veracity of the National Park  
11 Service Director's stated intent to carry out  
12 the direction from Congress and implied to  
13 committee members that the NPS did not intend  
14 to comply with Congress' direction.  
15 Accordingly, your statements constituted a  
16 violation of the afore-cited chapter of the  
17 departmental manual.

18           This refers to your communications  
19 with Ms. Deborah Weatherly. Did you in fact  
20 telephone Ms. Deborah Weatherly?

21           A     I did.

22           Q     You did. Would you tell me what

1 you recall about what you said and what she  
2 said in that telephone conversation?

3 MR. HARRISON: Objection, vague in  
4 time frame. Why don't we place it in time?

5 BY MR. L'HEUREUX:

6 Q I'm referring to the communications  
7 which occurred somewhere around November 3,  
8 2003, that specific conversation, the one  
9 that has been in dispute throughout this.  
10 What do you recall about what occurred in  
11 that conversation?

12 A I first left Ms. Weatherly a voice  
13 mail message asking her to return my call.  
14 In the meantime the answer that I was seeking  
15 from Ms. Weatherly I got from one of my own  
16 staff members. When Ms. Weatherly returned  
17 my call I told her what my initial intent was  
18 but told her I had gotten the answer and that  
19 it was to simply find out who was responsible  
20 for paying for the NAPA study. I had been  
21 asked that day to come up with some kind of  
22 account number. I wasn't even certain what

1 that meant. And so when my own budget  
2 officer wasn't available I reached out to  
3 Ms. Weatherly as she had encouraged me to do  
4 in the past.

5 Q From whom did you get that budget  
6 number?

7 A Shelly Thomas, the budget officer  
8 for the Park Police.

9 Q I see. And was that your only  
10 purpose in making your original call to  
11 Ms. Weatherly?

12 A Yes, sir, it was.

13 Q When you spoke to Ms. Weatherly  
14 what was said after that? What did you say  
15 and what did she say?

16 A Once we got past the hellos and  
17 thanks for returning my call, Deb, I think  
18 I've got my information -- to my surprise,  
19 she asked hey, what is going on over there.  
20 I wasn't certain what she meant when she  
21 asked that.

22 Q Was there any preliminary

1 discussion to that suggesting what she was  
2 talking about?

3 A No, sir. I had told her that I had  
4 been looking for an answer with regard to who  
5 pays for the NAPA study and I said, you know,  
6 Debbie, I think I found that out now. As  
7 this goes along I didn't understand when  
8 Congress mandates something like this whether  
9 there's a separate pot of money set aside and  
10 -- as silly as that may sound to people that  
11 have been seasoned in the federal budget  
12 process -- having received no training I had  
13 no idea whether that was something that  
14 Congress funded somehow or whether that came  
15 from a different pot of money. And so she  
16 knew that I was calling about that particular  
17 issue about the funding of the new NAPA  
18 consulting report. She immediately called  
19 with that statement.

20 Q Did you discuss the funding of the  
21 NAPA report at any further length before you  
22 went on to a different subject?

1           A     Other than her confirming that what  
2 I had been told by my budget officer was  
3 true. She says I know -- she says I know it  
4 isn't something you asked for or something  
5 along that line but yes, it is the Park  
6 Police that has to pay for it.

7           Q     You said that Ms. Weatherly made a  
8 remark questioning what was going on over  
9 there. What did you understand that you  
10 meant by that?

11          A     Well, I didn't know and so I asked  
12 her. I said well, what do you mean, and she  
13 said you're supposed to be the one  
14 straightening out that place. I was  
15 surprised and I asked Debbie what do you  
16 mean. Who says that I'm not? And she said  
17 well, Fran Mainella, Don Murphy, and Larry  
18 Parkinson say that you're not.

19          Q     Did you ask her what they had said  
20 specifically?

21          A     Well, my first comment was that I  
22 would be very surprised if she told me that

1 Larry Parkinson had been less than supportive  
2 of the progress we had made. She said well,  
3 maybe not Larry Parkinson or Fran; it might  
4 have been Don Murphy.

5 Q Did she or you say anything more on  
6 that subject?

7 A I'm sure I inquired further by -- I  
8 don't remember the exact words but by saying  
9 well, what do you mean I'm not taking care of  
10 business. And she said something along the  
11 lines of the progress of the NAPA  
12 recommendations. I then started walking her  
13 through the progress we had made and that  
14 frankly I was surprised that if she had these  
15 concerns she hadn't picked up the phone and  
16 called me or called me over there, that I had  
17 never once been asked by her or a Congress  
18 member the status of the NAPA report, in fact  
19 had had no meetings within the agency that I  
20 can recall. I had been asked to draft a  
21 document perhaps a year earlier about our  
22 progress in NAPA but no one had once asked

1     how we were doing internally so I was  
2     surprised that she had jumped to the  
3     conclusion or that someone else had told her  
4     that we hadn't been progressing.

5                     When I asked her if it was possible  
6     for us to be heard from the Park Police she  
7     said well, that would be inappropriate  
8     because she speaks to the Director of the  
9     Park Service and she thought it would be  
10    inappropriate for her to reach into the  
11    organization further and talk with me in a  
12    formal way about it.

13            Q     And did you ask her what her  
14    specific concerns were?

15            A     I don't believe I did, no, sir.

16            Q     Was there anything else said during  
17    this conversation by either you or her?

18            A     Yes, when she told me that she felt  
19    awkward about having me come over to speak  
20    with her, that she felt that was  
21    inappropriate, she had recommended in the  
22    past and, frankly, neither of us had followed

1 up on it that we meet informally on a regular  
2 basis and I said well, Debbie, maybe it's  
3 time that we do what we had said a long time  
4 ago and even meet once a month over breakfast  
5 or over a cup of coffee, not that, you know,  
6 I influence you one way or another but where  
7 at least you have the opportunity to hear  
8 what's going on from my perspective and then  
9 to put it in balance.

10 She did ask -- she says why do you  
11 think Fran and Don would say that, and I  
12 said, frankly, because they just don't know.  
13 They've never asked me how we're doing on  
14 NAPA and so I don't know that they're saying  
15 it with any bad intent but since they have  
16 not asked me how we're doing I can't imagine  
17 that they have the answers to give you.

18 Q Did you subsequently ask  
19 Ms. Mainella or Mr. Murphy what they had said  
20 to Ms. Weatherly?

21 A No, sir, I didn't.

22 Q Why not?



1           A     Well, as time went on I decided to  
2     at least put it in writing to Director  
3     Mainella as I did in the November 28 memo  
4     when she had asked for some information so  
5     that she could consider whether to appeal the  
6     OMB pass-back, and in that you might recall  
7     that I put several paragraphs about how  
8     pleased we were that the NAPA recommendations  
9     had been implemented as far as they had been  
10    and even in a subsequent e-mail to  
11    Ms. Weatherly had said how we were looking  
12    forward to the new consultant team coming  
13    back in to affirm the progress we made which  
14    is something that Debbie and I had also  
15    talked about on the telephone.

16           Q     In your recollection of this  
17    conversation can you account for  
18    Ms. Weatherly having concluded that you were  
19    unwilling to conduct the follow-up NAPA  
20    report or pay for it?

21           A     There was no indication that she  
22    felt that way at all. In fact one of our

1 parting comments when I told her how far we  
2 had succeeded in implementing those  
3 recommendations that we had control over  
4 since many are well outside of the control of  
5 the Park Police she said well, then maybe  
6 it's good to have the NAPA team come in and I  
7 said, you know, I think you're right, that  
8 although it's costly at a time when I'm  
9 crunching the budget as it is if it takes a  
10 NAPA team to come in and affirm the positive  
11 work that we're doing then I'm looking  
12 forward to it. Let's get started.

13 Q Now, at the point where you spoke  
14 to Ms. Weatherly in early November 2003 was  
15 it your position that you had implemented all  
16 of the recommendations of the initial NAPA  
17 study?

18 A No, sir, we had either completed or  
19 were well on our way to successfully  
20 completing 14 of the 20. I use the word  
21 "completed" carefully, though, because there  
22 are some of the NAPA recommendations that

1 should never be completed. There has to be a  
2 constant retooling of our command staff, a  
3 constant reanalyzing of positions that could  
4 be civilianized, a look at the ratio of  
5 supervisors to officers. That was going to  
6 be ongoing. So on the one hand we had a check  
7 mark as far as I was concerned in  
8 successfully moving towards implementation.  
9 That's an example of one that will never be  
10 done as far as I'm concerned. If I were in a  
11 leadership position in the Park Service as a  
12 director I would never say okay, put that one  
13 away. You've got your three civilian  
14 managers or whatever the number is now and  
15 you don't have to do anything more. I think  
16 it's incumbent to continue to look at that.

17 Q What I understood you to say is  
18 that 14 of the 20 were substantially  
19 completed as far as you're concerned. Is  
20 that a fair wrap-up?

21 A Substantially with regard to the  
22 role the Park Police played. There were some

1 that required also involvement by the either  
2 the National Park Service or the Department  
3 of Interior but we have at least done a  
4 portion of our role and even on those that  
5 have not yet been completed many of those the  
6 Park Police was taking a significant role  
7 such as the development of admission. We had  
8 met as a command staff over a retreat and we  
9 had brought a consultant and we had talked  
10 about our core functions. We had involved  
11 the Director of the Park Service and Larry  
12 Parkinson. I don't believe Mr. Murphy was  
13 able to make it at that particular meeting.  
14 And then, as he has already testified to, we  
15 were involved in not weekly but regular  
16 mission and budget meetings.

17 Q Talk about those remaining six, I  
18 think it is, recommendations that we're  
19 talking about. I think you were referring to  
20 some of those six just now, were you not?

21 A Yes, sir, I was.

22 Q Can you recall what those six were

1 that you did not regard as completed but as  
2 works in progress?

3 A I don't know that I'll be able to  
4 mention all six without referring back to the  
5 document but clearly there's some that I  
6 remember. One strong recommendation was that  
7 the Park Police move out of San Francisco and  
8 New York. Before I was hired in February of  
9 '02 the Department of Interior had already  
10 taken a position in writing back to the NAPA  
11 team and Congress saying we're reviewed it  
12 and we, the National Park Service and  
13 Department of Interior, have decided that  
14 Park Police need to remain. And so that one  
15 was taken away from us. We were asked not to  
16 look at it. There was nothing further to do  
17 there.

18 There was another that talked about  
19 relinquishing our responsibility on --  
20 parkways for sure were mentioned and there  
21 may have been other areas -- to local  
22 jurisdictions. Prior to my arrival and then

1 just past the acting chiefs before me and  
2 then I continued talking to chiefs of police  
3 in these other jurisdictions just to get a  
4 feel for what they felt would occur if their  
5 political person in their entity, the county  
6 executive or the governor of a state, were  
7 asked can you take responsibility for the  
8 Baltimore-Washington Parkway or the George  
9 Washington Parkway. In every case the chiefs  
10 thought that would be impossible that, like  
11 most law enforcement agencies, especially  
12 post-9/11, they were strapped.

13 Nonetheless, we agreed as chief law  
14 enforcement officers that the next step had  
15 to come from the political level, that one  
16 chief couldn't say you know what; I've got  
17 nothing else to do. I'll be glad to handle  
18 your parkway. That has to be a decision  
19 between political entities.

20 Q Are there any other recommendations  
21 you can recall what had happened?

22 A Yes. There was a vehicle

1 replacement plan that we were asked to come  
2 up with on one of the recommendations. We  
3 did so without laying fault because there is  
4 only so much money to go around. The  
5 replacement schedule that we had come up with  
6 was not able to be funded and so for at least  
7 that particular funding year it was no longer  
8 possible to achieve and yet we had some  
9 success but I didn't check that off as one of  
10 our successes, as I remember.

11 Q That seems to take care of about  
12 three recommendations. There should be three  
13 more floating around. Can you recall  
14 anything about them?

15 A Not as I sit here now, no, sir.  
16 I'll be glad to look at it later and tell you  
17 what they were.

18 Q Subsequent to this communication  
19 that you had with Ms. Weatherly, Mr. Murphy  
20 told you that he thought what you had said to  
21 her was highly inappropriate. Do you recall  
22 that?

1           A     I do, sir.

2           Q     Did you understand what he was  
3 saying that he thought was highly  
4 inappropriate about what had happened?

5           A     I did not. I was surprised when he  
6 used those words with me.

7           Q     Did you ask him to explain it?

8           A     No, sir. He asked me to explain  
9 what I had said and I did so.

10          Q     Are you disputing any testimony by  
11 Ms. Weatherly that during your conversation  
12 you told her that you were unwilling to pay  
13 for this NAPA follow-up study?

14          A     If she used the word "unwilling"  
15 yes, sir, I would dispute that.

16          Q     Let's move to charge 2. Charge 2  
17 is making public remarks regarding security  
18 on the Federal Mall and in parks and on  
19 parkways in the Washington, D.C.,  
20 metropolitan area.

21                   The specification in charge 2 says,  
22 "While on or about December 1, 2003," and I



1 think we've established in the facts that  
2 this communication with the Washington Post  
3 did not occur on December 1. It occurred on  
4 something like November 20, correct?

5 A That's correct.

6 Q While you were on duty and acting  
7 in your official capacity as Chief of the US  
8 Park Police." Were you in fact on duty and  
9 acting in your official capacity during this  
10 communication with the Washington Post?

11 A I was certainly in my official  
12 capacity if we consider that I'm on duty 24/7  
13 and yes, sir, I was. This interview happened  
14 at 7:30 or 8:00 at night.

15 Q Did you consider at the time you  
16 were speaking to the Washington Post reporter  
17 that you speaking officially for the  
18 Department and for the US Park Police?

19 A Yes, sir.

20 Q A reporter from the Washington Post  
21 interviewed you. Did that occur?

22 A Yes, sir, it did.

1           Q     Your statements to the reporter  
2     were the subject of a December 2, 2003,  
3     Washington Post newspaper article entitled  
4     "Park Police Duties Exceed Staffing," which  
5     among other things states the following, and  
6     I'm quoting here from the article: "Chambers  
7     said traffic accidents have increased on the  
8     Baltimore-Washington Parkway." Did you say  
9     that to him?

10          A     I confirmed that they had, yes,  
11     sir. He already had that information.

12          Q     And how did the conversation occur  
13     between you and him concerning that?

14          A     The same manner in which the  
15     overall conversation occurred. The reporter  
16     said that he had met with the Fraternal Order  
17     of Police, specifically the chairman, Jeff  
18     Capps, who had provided him a great deal of  
19     detail about the actual budget numbers, about  
20     staffing numbers, about crime data, and  
21     accident data.

22          Q     Did you ever confirm that Mr. Capps

1 had in fact given the Washington Post this  
2 information?

3 A Yes, sir, he was quite forthcoming  
4 with me.

5 Q When was he forthcoming with you  
6 about it, before or after the interview?

7 A I knew before the interview that he  
8 had talked with the Washington Post. I did  
9 not know the detail that he had provided  
10 until Mr. Fahrenthold, the reporter, actually  
11 told me numbers that I knew were accurate.  
12 He may have actually shown me documents but I  
13 don't recall that.

14 Q Where did Mr. Capps get this detail  
15 that you believe he had provided to the  
16 Washington Post.

17 A Some of this information was  
18 accessible to the public and to officers,  
19 crime data and traffic accident data. In  
20 fact if one wanted to take the time and  
21 Google each fatal accident on the  
22 Baltimore-Washington Parkway it's accessible

1 to the public in general. Mr. Capps, though,  
2 was also involved in a number of budget  
3 meetings, one in particular in Deputy  
4 Assistant Secretary Parkinson's office, where  
5 detailed information about our budget  
6 situation and about our future was laid out  
7 for him.

8 Q Laid out for him by whom?

9 A By Mr. Parkinson.

10 Q Mr. Parkinson laid this out for  
11 Mr. Capps?

12 A Mr. Parkinson and I were engaged in  
13 a conversation. He invited Officer Capps to  
14 remain at the table much like this as we were  
15 talking and there was nothing that he was  
16 told was confidential.

17 Q Were you surprised by the amount of  
18 detail that the Washington Post reporter had  
19 when you spoke to him.

20 A Surprised yet pleased. I would  
21 rather the reporter have facts walking in  
22 than to my having to allay rumors.

1 Q All right. Was anyone else present  
2 during this conversation you had with the  
3 Washington Post reporter?

4 A Yes, sir. Sergeant Scott Fear.

5 Q And who is Sergeant Fear?

6 A He's the press officer for the  
7 United States Park Police.

8 Q And where did this conversation  
9 occur? The interview?

10 A In my office, the Chief's Office,  
11 the Park Police.

12 Q And was anyone else present besides  
13 Sergeant Fear?

14 A And Mr. Fahrenthold and I, no, sir.

15 Q Do you know if Sergeant Fear made  
16 any notes of this interview?

17 A I don't believe he did, sir.

18 Q Did you make any notes?

19 A No, sir.

20 Q I presume the reporter made notes?

21 A Yes, sir.

22 Q Going on to that same sentence, the

1 preceding clause of which is, "Chambers said  
2 traffic accidents have increased on the  
3 Baltimore-Washington Parkway, which now often  
4 has two officers on patrol instead of the  
5 recommended four." Did you say that to him,  
6 that last phrase?

7 A I confirmed that to him. He also  
8 had that information.

9 Q When you say you confirmed that to  
10 him, would you tell me how it came about that  
11 you confirmed it?

12 A My recollection is that he told me  
13 that he understands that routinely what used  
14 to have four officers now had two and I told  
15 him that's true and that I had been to roll  
16 calls and I had confirmed that myself. And  
17 then certainly we talked about the tragedy of  
18 losing Officer Hakim Farthing in a pedestrian  
19 accident on the Baltimore-Washington Parkway  
20 partly because we were understaffed and  
21 couldn't secure the scene.

22 Q Let me talk about your experience

1 as a police officer and a police commander.

2 Is this the type of information that you gave  
3 out in any of your prior roles?

4 A Yes, sir. As a matter of fact as a  
5 quarterly report to city council in a public  
6 setting in the City of Durham for four years  
7 I was required to give detailed information  
8 with regard to staffing, where they were  
9 deployed and how.

10 Q To the city council?

11 A And to the public, sir. It was an  
12 open forum.

13 Q It was an open forum.

14 A Yes, sir.

15 Q Did you have any reason to believe  
16 that this information might have been at all  
17 sensitive?

18 A No, sir.

19 Q Did you believe that this  
20 information should be available to the  
21 public?

22 A I sincerely believed it should be

1 available to, the public has a right to know  
2 information with regard to their safety.

3 Q Well, I'm sure the public does have  
4 a right to know information with regard to  
5 their safety. Do they have a right to know  
6 how many officers are on patrol on a given  
7 parkway at any time?

8 A Yes, sir. I believe they do.

9 Q And why do you believe that?

10 A Because of my experience as a  
11 commander and six years as a chief of police  
12 that ultimately my authority and my officers'  
13 authority come from the public. They, as  
14 many often say, pay our salaries and they  
15 have a right to know. To the extent that  
16 we're not giving away those truly  
17 confidential or law-enforcement sensitive  
18 pieces of things that have been classified  
19 such, they have a right to know.

20 Q Anything else that you recall about  
21 this particular communication between you and  
22 the Washington Post reporter concerning the



1 Baltimore-Washington Parkway and the numbers  
2 of officers patrolling?

3 A No, I had already mentioned it was  
4 tied clearly into Officer Farthing's death as  
5 well and that's why I believe it had the  
6 emphasis that it did both in our interviews  
7 and in his report.

8 Q You'll excuse me, but I'm not  
9 familiar with the circumstances but how was  
10 this officer's death connected with the  
11 number of officers patrolling?

12 A Because instead of using vehicles  
13 to secure the scene, sir, he was trying to  
14 stand there and set up flares when a drunk  
15 driver came through the barricades and struck  
16 and killed him. He was on foot.

17 Q The next portion of the  
18 specification in quotes says this: "it's  
19 fair to say where it's green it belongs to us  
20 in Washington, D.C., Chambers said." Did you  
21 in fact say that?

22 A I did, sir.

1           Q     "Said of her Department." The next  
2     portion is quotes, "Well, there's not enough  
3     of us to go around to protect those green  
4     spaces any more." Did you say that?

5           A     I did, sir.

6           Q     Can you relate for me how that came  
7     about?

8           A     I don't remember exactly what  
9     question I may have been answering or  
10    responding to, but when we were talking about  
11    how it is that I was able to give the  
12    attention to the icons that they deserve --  
13    that was the theme of what he was talking  
14    about. And I'm attempting during this  
15    conversation to build the confidence of the  
16    reader of whatever he writes that yes, we are  
17    doing all that we can, and so his next  
18    question, of course, was how are we doing  
19    this, where are we getting officers from. A  
20    lot of the other communities. Ell, what  
21    impact does that have?

22                    So it was that type of questioning,

1 I'm not using exact words after all these  
2 months but it was along that line. And the  
3 reality is it's coming out of neighborhoods.  
4 It's coming out of the communities in the  
5 Washington, DC, metropolitan area that have  
6 neighborhood parks that rely on the United  
7 States Park Police that over recent months  
8 have not been able to. We were no longer  
9 able to just proactively, routinely patrol  
10 those parks and so people visiting those  
11 parks needed to take on a new degree of  
12 responsibility for their own safety, not  
13 expecting a police officer is going to be  
14 there unless they called 911 for a crime in  
15 progress.

16 Q Is there anything else about that  
17 conversation that you recall?

18 A We were talking in general about  
19 just the tremendous amount of acreage in  
20 Washington, DC, for which the National Park  
21 Service and the United States Park Police are  
22 the only agency responsible.

1           It's unique in that yes, we have  
2 city-wide jurisdiction. The Metropolitan  
3 Police Department in Washington, DC, and the  
4 United States Park Police are the only two  
5 law enforcement agencies that have city-wide  
6 police authority but in those green areas --  
7 and I remember the quote exactly because  
8 Officer Capps had used it with me when he  
9 first introduced himself when I was a new  
10 hire with the Park Police and I said, Jeff,  
11 how do I know what belongs to us and what  
12 doesn't. And he says if it's green, man,  
13 it's ours.

14           So I remember clearly that that's  
15 how I would describe the many triangular  
16 pieces of property as you drive through the  
17 City of Washington. Most don't have signs.  
18 Sometimes you can tell it's Park Service  
19 property because of the type of trash can,  
20 actually, that's there, but folks don't know  
21 that the vagrant lying there or the person  
22 selling drugs is on park property and we

1 can't expect the City to take care of it  
2 because the hierarchy of things that they're  
3 dealing with. I mean, there was really a  
4 loss of Park Police to handle those things  
5 once we had to pull in our resources for an  
6 appropriate reason, protecting the icons.

7 Q And were you expressing your  
8 belief? I think that's what you just said,  
9 that the Metropolitan Police Department was  
10 not able or was unwilling to cover these  
11 areas that you're talking about?

12 A They were unable not because they  
13 lacked jurisdiction because I believe that  
14 they have concurrent jurisdiction but, having  
15 been a city police chief, I know that if I've  
16 got a homicide at night occurring with a  
17 vagrant in a city park or a national park is  
18 going to be of no concern to me when I know  
19 that there's another police agency to take  
20 care of it. So they were both unable because  
21 of staffing and unwilling just because it  
22 wasn't high on their priority list and it was

1 very high on ours.

2 Q Why was it very high on yours with  
3 respect to, say, staffing the icons?

4 A As you saw, it wasn't as high as  
5 staffing the icons but it's very high in that  
6 those are the people's parks. The whole  
7 issue of enjoying the city park that happens  
8 to be owned by the National Park Service is  
9 so that people can feel as if they can go and  
10 enjoy without being bothered by someone  
11 trying to sell an illegal substance or trying  
12 to sell a bootlegged CD or a cassette tape of  
13 some sort. That means a lot to us, so that  
14 people can recreate and enjoy our national  
15 parks. It does not have the same priority  
16 with municipal chiefs.

17 Q The next quote from the newspaper  
18 article, not necessarily attributed to you,  
19 is this: "The Park Police's new force of 20  
20 unarmed security guards who will begin  
21 serving around the monuments in the next few  
22 weeks, Chambers said." Did you say that?

1           A     Not in those words and in fact  
2     that's the only place that Mr. Fahrenthold  
3     interpreted differently what I said and what  
4     he wrote. I don't believe he intended to  
5     misinterpret but he did.

6           Q     What is it that you say that he  
7     misinterpreted?

8           A     What I read or have just heard you  
9     read that statement to me it sounds like  
10    there will be 20 guards and that's all there  
11    is when in fact there were 20 guards in  
12    training that week and he was aware of that  
13    and believed that those 20 guards then is all  
14    that it was going to take to staff the icons.  
15    And that wasn't the case at all, that it was  
16    going to take many, many more because it's a  
17    24/7 operation and a relief factor with  
18    people taking leave or just not being able to  
19    show up.

20          Q     The next sentence is, "She,"  
21    meaning you, "said she eventually hopes to  
22    have a combination of two guards and two

1 officers at the monuments." Did you say  
2 that?

3 A I did.

4 Q Can you recall what question you  
5 were responding to?

6 A Yes, Mr. Fahrenthold already knew  
7 that there were four officers assigned to  
8 each of the icons. He had learned that prior  
9 to our interview.

10 One of the things that I felt  
11 responsible for doing, in addition to some of  
12 the things that we've already talked about,  
13 raising the awareness of the safety issue,  
14 was to also show that I was doing my best to  
15 being a good steward of taxpayers' dollars  
16 and that there was hope and that there was  
17 some change coming despite whatever increase  
18 we may or may not receive and that was that I  
19 was going to use the tax dollars better so  
20 that in the future I could take two of those  
21 officers that he already knew were assigned  
22 to the icons and move them back out to the



1 city parks or the parkways or the communities  
2 or in any other role that was possible.

3 That was actually a very positive  
4 piece. The fact of whether the security  
5 guards are unarmed or armed did not come from  
6 me. He knew that ahead of time. I don't  
7 know if he had done research on the company  
8 or the contract.

9 Q Did you confirm which guards would  
10 be armed and unarmed? Did you confirm these  
11 numbers to him?

12 A I did, yes.

13 Q And two guards and two officers.

14 A I confirmed two guards and two  
15 officers was my hope for the future that had  
16 not occurred yet, and he understood from my  
17 conversation that this was a work in  
18 progress. We hadn't even completed training  
19 the first group. We hadn't completed  
20 background checks although he did not know  
21 that. There was a lot to be done before we  
22 put these guards out to patrol on foot but

1 within a small area.

2 Q Concerning the number of officers  
3 and/or guards at the icons did you consider  
4 that this information had any particular  
5 sensitivity?

6 A It did not have any sensitivity in  
7 anything that I had ever directed or  
8 communicated.

9 Q That you had directed or  
10 communicated. As a matter of prudence, did  
11 you think it prudent to confirm that this was  
12 going to be the number of people at each  
13 icon?

14 A I saw no issue whatsoever in the  
15 negative with regarding to confirming it,  
16 because it was what the person saw if they  
17 drove up to the Washington Monument, the  
18 Lincoln, or the Jefferson. If you were to  
19 drive there today I don't know that there's  
20 still four, but it would take us about 20  
21 seconds to confirm how many were there.

22 Q I'm going to mark a document and

1 I'd like to ask you some questions about it.  
2 Let's have this marked as Deposition Exhibit  
3 1. And here's a copy for counsel. I'm sorry  
4 I only made one copy. When you receive this  
5 from the court reporter let me ask you to  
6 review it and let me know when you have  
7 reviewed it.

8 (Deposition Exhibit No. 1 was  
9 marked for identification.)

10 THE WITNESS: Yes, I recall this  
11 document.

12 BY MR. L'HEUREUX:

13 Q What is that document?

14 A It is a response that I prepared at  
15 the direction of Secretary Norton through  
16 Larry Parkinson following a -- I'll consider  
17 it a failed Inspector General's audit,  
18 unannounced audit. At the icons in  
19 Washington, DC.

20 Q Is that your signature above where  
21 it's written Theresa C. Chambers on the first  
22 page?

1 A Yes, sir, it is.

2 Q Did you read this document?

3 A Yes, sir, I did.

4 Q Before you sent it?

5 A Yes, sir.

6 Q Let me turn your attention to  
7 Appendix IV, please. You got it? There's a  
8 cover sheet on Appendix IV which describes it  
9 as maps and descriptions of duties of the  
10 icon parks. Let me ask you to turn over to  
11 the first page which has a photograph on it  
12 on the reverse of that page. Oh, I'm sorry.  
13 I didn't two-side copy it. Let me give you  
14 my copy and we'll mark this copy as  
15 Deposition Exhibit 1.

16 MR. HARRISON: We need to make  
17 copies for counsel so we can look at it.

18 MR. L'HEUREUX: We'll need to make  
19 two-sided copies. Let's take a brief recess.  
20 I'm sorry. I should have two-sided copied.  
21 Let me have that and let me take Appendix IV  
22 and two-side copy it. I'll be right back.

1 (Recess)

2 BY MR. L'HEUREUX:

3 Q On one side is a photograph and on  
4 the other side is some narrative information.  
5 Would you look those over, please. What is  
6 this document, Appendix IV?

7 A Appendix IV, although it exists in  
8 several other fashions as well, some of which  
9 are not marked law-enforcement sensitive at  
10 all, but on this document they are aerial  
11 photographs of the three primary icons in  
12 Washington, DC, for which the United States  
13 Park Police are responsible and then placed  
14 on top of that are indications of the  
15 different posts that officers were  
16 responsible for and whether they were  
17 stationary or roving.

18 Q On the reverse side of those  
19 documents is some narrative information.  
20 Isn't that so?

21 A Yes, sir.

22 Q Is the reverse side also marked

1 "law-enforcement sensitive"?

2 A Yes, sir, it is.

3 Q Let me ask you to look at the top  
4 of the one which is titled "The Jefferson  
5 Memorial." At the very top of that under  
6 post location and duties it says "Yellow" and  
7 then it describes how many officers and  
8 something of their location with respect to  
9 that. Is that correct?

10 A Yes, sir.

11 Q Is that information law-enforcement  
12 sensitive?

13 A The entire document because of the  
14 level of detail it provides is  
15 law-enforcement sensitive, in my view.

16 Q Is it your position that the number  
17 of officers listed on this document is not  
18 itself law-enforcement sensitive?

19 A That's my position, yes, sir.

20 Q And why is that your position?

21 A Because it's something that the  
22 average person can see. It's not something

1 that I would have ever something as a chief  
2 of police to hide from the public. If these  
3 folks were in plain clothes, if they were  
4 covert in some fashion, then I would change  
5 my opinion with regard to whether it would be  
6 law-enforcement sensitive. The numbers of  
7 officers which I as the Chief of Police had  
8 the authority to decide whether it was  
9 law-enforcement sensitive or not has never  
10 been classified in and of itself as  
11 law-enforcement sensitive by me or by any  
12 person above me.

13 Q You've hear testimony, I know, in  
14 other depositions about a Secret Service  
15 study that was conducted. Did you see that  
16 study?

17 A I did, sir.

18 Q Did that study make recommendations  
19 about the number of officers to be posted?

20 A It did, sir.

21 Q Was that information characterized  
22 by them as law-enforcement sensitive?

1                   MR. HARRISON: Objection, vague.  
2                   What information, the document in its  
3                   entirety, some subset?

4                   BY MR. L'HEUREUX:

5                   Q     Thank you, Counsel. The number of  
6                   officers posted at each icon, recommended to  
7                   be posted at each icon by the Secret Service  
8                   in the study we're discussing, was that  
9                   information identified as law-enforcement  
10                  sensitive by them?

11                  A     No, sir, it wasn't.

12                  Q     Do you have a clear recollection of  
13                  that document?

14                  A     I have a recollection of the  
15                  document itself being classified. I have a  
16                  very clear recollection of that but not of  
17                  individual things within it, no, sir.

18                  Q     When you say the document was  
19                  classified was it national security  
20                  classified?

21                  A     I remember even when the draft  
22                  itself was provided to the Department of



1 Homeland Security so it could receive some  
2 level of classification in general there was  
3 -- without going into detail there was quite  
4 a bit of detailed information that should not  
5 fall into public hands with regard to  
6 security improvements that they were  
7 recommending far beyond uniformed officers.

8 Q Your specific recollection is that  
9 the number of officers to be posted as a  
10 routine matter at these icons was not in any  
11 way identified as sensitive by them.

12 A I will not tell you that the page  
13 wasn't marked as sensitive but I will tell  
14 you that the narrative never said that this  
15 information is law-enforcement sensitive.  
16 That's my recollection.

17 Q Did you create this document that  
18 we've just been discussing in Appendix IV?

19 MR. HARRISON: Just for  
20 clarification, we've been discussing two  
21 documents.

22 MR. L'HEUREUX: Right now my

1 question is with respect to Appendix IV.

2 MR. HARRISON: Of Deposition  
3 Exhibit 1.

4 BY MR. L'HEUREUX:

5 Q Yes, thank you, Counsel, of  
6 Deposition Exhibit 1, the September 30, 2003,  
7 letter and its enclosures from you to the  
8 addressees.

9 A I did the bulk of the work. I did  
10 not do each and every attachment. I did not  
11 personally take the photograph nor put the  
12 graphics on top of these three icons nor  
13 prepare the information on the back.

14 Q Did you approve of this information  
15 on the back?

16 A I did, sir.

17 Q Did you approve of its being titled  
18 at the bottom "law-enforcement sensitive"?

19 A I don't recall even noticing if it  
20 was or wasn't but in hindsight I would have  
21 because of the level of detail that's  
22 provided here.

1           Q     I note that you brought some  
2 documents with you.  Would you tell me what  
3 those are?

4           A     I can go through one by one but  
5 primarily it's the proposed removal, it's my  
6 56-page appeal, it's my affidavit that's  
7 recently been filed, it's e-mails from Donald  
8 Murphy to me all the way through November  
9 praising my work, telling what a good job I  
10 was doing with regard to a number of areas,  
11 notes from our National Leadership Conference  
12 meetings, and I don't remember what else  
13 without going through it.

14                 MR. L'HEUREUX:  Counsel, I'd like  
15 to examine those documents briefly when we're  
16 off the record.  I don't know if you'd like  
17 to look at them before I do.

18                 MR. HARRISON:  I'll just glance to  
19 look to make sure there's no ——— or  
20 something.

21                 MR. L'HEUREUX:  Let's go off the  
22 record then.

1 (Recess)

2 MR. HARRISON: We've had a chance  
3 to consult. There appears to be no  
4 privileged issue or information so you can go  
5 ahead and ask about the documents.

6 MR. L'HEUREUX: Well, I'd like to  
7 examine them.

8 MR. HARRISON: You may do that as  
9 well. Let's go ahead and make a complete  
10 stack. Do you want the 98 exhibits to the  
11 affidavit she brought with her also? You've  
12 been served those in the past.

13 MR. L'HEUREUX: If they're exactly  
14 what we've been served I don't. I just want  
15 to examine the others.

16 MR. HARRISON: You should know that  
17 this folder has material which has been  
18 recently identified and has not been  
19 disclosed until today. One of the memos is  
20 one I mentioned earlier. This stuff you  
21 should already have. So this is the only new  
22 stuff.

1           MR. L'HEUREUX: Is this being  
2 produced?

3           MR. HARRISON: You may copy these  
4 and take it out as a supplemental production.

5           MR. L'HEUREUX: Let's go off the  
6 record while I'm doing this.

7                           (Recess)

8           MR. L'HEUREUX: I'm returning four  
9 folders that I received from Ms. Chambers,  
10 one buff folder, that is, tan, one green, one  
11 black, and one red. I didn't realize that  
12 color recognition would be part of my  
13 functions as an attorney. I'm not requesting  
14 that copies be made of any of those things.

15                   BY MR. L'HEUREUX:

16           Q     Ms. Chambers, I'd like to turn to  
17 these documents that you brought with you  
18 that your counsel has let us make copies of  
19 here. The first one I'm looking at is a  
20 hand-printed document, the top of which it  
21 says "11/17/03 NLC."

22           A     Yes, sir.

1 Q What is this document?

2 A These are notes I took during a  
3 final National Leadership Council meeting for  
4 the National Park Service that I attended.  
5 This was held in Los Angeles, California.

6 Q Is 11/17/03 intended to be the  
7 date?

8 A Yes, sir, that is the date.

9 Q Is that the date of the conference  
10 or the dates these notes were taken?

11 A Sir, that was the date that the  
12 specific NLC meeting was held as part of an  
13 overall partnership conference. I don't  
14 recall the exact name of the conference.

15 Q The next document that I'm looking  
16 at has the number "2" written at the top and  
17 in the margin on the left it says "Chris  
18 Jarvey," I think.

19 A Yes, sir. That's page 2 of the  
20 same notes from 11/17/03 NLC meeting.

21 Q The next page I'm looking at has  
22 page 3 at the top. Is that page 3 of these

1 same notes?

2 A Yes, sir, it is. That was the last  
3 and final notes from the NLC meeting and then  
4 we went back to the conference itself.

5 Q The next document is 2/11/02 and at  
6 the document it's captioned "DOI Mr. Murphy."

7 A Yes, sir.

8 Q And what is this document?

9 A That was my first day on the job.  
10 That was the only real instruction I ever  
11 received from Mr. Murphy as I began my new  
12 job. It's reflected there in these notes.

13 Q The next document is titled "WUSA 9  
14 News." I think it speaks for itself. I don't  
15 have any questions about it. And the final  
16 document that I have any question about to  
17 you at the top it's labeled "11/6/03 NLC  
18 Conference Call."

19 A Yes, it would have been the last  
20 conference call at the National Leadership  
21 Council in which I engaged with the National  
22 Park Service. And those are notes I took

1 during the conference call.

2 Q Thank you. I may have some  
3 questions towards the end of the deposition  
4 as I reflect on what's in here but for now I  
5 do not. Let me ask you some other questions,  
6 though. Other than conversations with  
7 counsel in preparing for this deposition,  
8 what did you do to prepare for this  
9 deposition?

10 A I read a lot, and actually the  
11 documents that are in these files before me  
12 are those that I was hoping to find some  
13 traffic jams this morning to finish reading.  
14 I did not read those last night.

15 Q I've never heard anyone regret that  
16 there were no traffic jams. What documents  
17 do you recall specifically reviewing?

18 A I thumbed through a number of  
19 things. I thumbed through the two pages of  
20 Circular A-11 that were submitted by the  
21 Agency and then I learned that it's actually  
22 a 712-page document. I found it on the



1 Internet and realized there wasn't a whole  
2 lot of time to read the different pages of  
3 that but at least became familiar with the  
4 fact that it exists in that form. I looked  
5 at notes I had taken during Mr. Murphy's  
6 recent deposition to familiarize myself with  
7 the position he took on these charges. I  
8 organized, primarily, to see what else I may  
9 want to bring today in case we did need to  
10 refresh my memory on one of the breaks or  
11 continue reading, and I spoke for probably a  
12 half hour with Mr. Harrison last night.

13 Q Other than conversations with  
14 counsel, and none of my questions are to be  
15 interpreted as inquiring into any of such  
16 communications, did you have any  
17 conversations with any other persons about  
18 your testimony today?

19 A Not with regard to content, sir,  
20 no.

21 Q Well, let me ask you did you  
22 interview or telephone or communicate with

1 any other person with regard to the subject  
2 matter of your testimony today?

3 A No, sir, I did not.

4 Q I should have asked this at the  
5 beginning. Is there any reason why your  
6 deposition should not be taken today related  
7 to your health or medication or anything like  
8 that?

9 A No, sir.

10 Q You feel fit to testify?

11 A I'm looking forward to it, sir.

12 Q Let's go back to charge 2 again and  
13 let's talk about it. What does the  
14 designation "law-enforcement sensitive" mean?

15 A No one has ever provided me a  
16 definition of it. In preparation for  
17 defending my own case I tried to find one and  
18 have not been successful in finding one  
19 within the Department of Interior or National  
20 Park Service but have learned from other  
21 agencies that it's a classification that,  
22 frankly, people in my position could put on a

1 document that they don't believe should go to  
2 the general public, that they believe may be  
3 withheld from the public, for instance, in a  
4 FOIA.

5 Q But did you permit people to use  
6 this designation of information, people who  
7 worked for you?

8 A The topic of whether they were  
9 permitted or not to never came up. Those who  
10 had been doing it for years that were skilled  
11 in identifying those documents that we needed  
12 to be cautious of not sitting around and  
13 letting for the general public to see such as  
14 in the lobby were marked that way. Some  
15 people went further than they probably should  
16 as I looked back at some other documents but  
17 nothing that pertains to this case.

18 Q Well, did you have a personal  
19 working definition of what it meant?

20 A Well, my definition was those  
21 things that should not be in the public  
22 domain.

1           Q     In the course of your experience  
2     and training had you had any training  
3     specifically in security matters?

4           A     Other than a briefing I received  
5     when I obtained my SCI clearance.

6           Q     I'm talking not about national  
7     security information. I'm talking about  
8     physical security. Have you had any training  
9     or experience related to the subject of  
10    physical security?

11          A     Yes, sir, I have.

12          Q     And what was that training or  
13    experience?

14          A     Primarily crime prevention through  
15    environmental design, CPTED training, with  
16    regard to how to make a physical structure  
17    both aesthetically pleasing and yet as safe  
18    as possible for the public that accesses it.

19          Q     Did you have any specific training  
20    in the use of guard forces or electronic  
21    devices, things like that, to enhance  
22    physical security?

1           A     Interspersed in the training that I  
2     received, especially at the FBI National  
3     Academy and the FBI National Executive  
4     Institute but not one core curriculum that  
5     dealt just with that, no.

6           Q     Have you had any specific training  
7     in overcoming physical security?

8           A     No, sir, it would have been all  
9     part of the same type of training, where the  
10    weaknesses are, those types of things but not  
11    a specific curriculum in it, no, sir.

12          Q     You said before in pleadings here  
13    and I think I heard your testimony that you  
14    did not believe that the numbers of officers  
15    and/or guards posted at the icons was  
16    sensitive. Do I recall your testimony  
17    correctly?

18          A     The number of uniformed officers,  
19    that's correct, sir. I don't believe that's  
20    sensitive.

21          Q     In one of your responses here at  
22    least your attorney said in your reply to the

1 written proposal it was a matter of simple  
2 observation. Would you tell me why you think  
3 it's a matter of simple observation how many  
4 officers or guards are posted at each of the  
5 icons?

6 A Because those areas are open to the  
7 public and right now someone could drive up  
8 and with one quick look see how many officers  
9 and/or guards, people in uniform, are there.

10 Q Would they know how many people are  
11 going to be there 24 hours a day by driving  
12 up once and looking?

13 A By driving up once, no, sir. By  
14 driving up several times during a particular  
15 day they would, yes.

16 Q Are the officers trained at all to  
17 observe if there are repeat visitors?

18 A They are, sir.

19 Q Are they trained in counter-  
20 surveillance techniques?

21 A Some of them are, yes, sir.

22 Q Let's move on to another subject

1 now. Let's move to charge 3, all right?

2           The specification for charge 3  
3 reads, "Section 22.1 of the Office of  
4 Management and Budget Circular No. A-11  
5 states in pertinent part the following," and  
6 in there there's a quote that begins with,  
7 "The nature and amounts of Presidents'  
8 decisions and the underlying materials are  
9 confidential. Do not release Presidents'  
10 decisions outside your agency until the  
11 budget is transmitted to Congress. Do not  
12 release any materials underlying those  
13 decisions at any time except in accordance  
14 with this section. Do not release any agency  
15 justifications provided to OMB and any agency  
16 future plans or long-range estimates to  
17 anyone outside the executive branch except in  
18 accordance with this section." When was the  
19 first time that you saw the language in this  
20 circular that's quoted here?

21           A     On December 18 when the charging  
22 document was faxed by my attorneys to my

1 home.

2 Q Had you ever been cautioned by  
3 anyone in the department during budget  
4 discussions that the subject matter of these  
5 budget discussions was in any way sensitive  
6 or confidential?

7 A Yes, sir.

8 Q And who cautioned you and when did  
9 that occur?

10 A Each time Director Mainella met  
11 with us about budget matters in general  
12 usually she would turn the floor over to  
13 Comptroller Bruce Shaeffer. He would talk  
14 about the specific phase that we were in with  
15 regard to a budget process and at the  
16 conclusion of that before we adjourned  
17 Director Mainella would remind us that what  
18 we had just heard was not for public  
19 discussion and in most cases other than with  
20 our own budget officer was not even to be  
21 taken back to our employees.

22 Q And about how often do you recall



1 that you received this or a similar  
2 instruction or admonition from someone?

3 A Well, it would have been any time  
4 that the specific budget process was  
5 discussed and it was an ongoing budget  
6 process at that time and it was specifically  
7 about what had just been discussed in that  
8 room.

9 Q The specification goes on to say  
10 that, "On or about December 1, 2003, while  
11 you were on duty and acting in your official  
12 capacity as Chief, US Park Police a reporter  
13 from the Washington Post interviewed you."  
14 This is the same interview we were talking  
15 about before and I think I asked this  
16 question. Let me do it again. Were you on  
17 duty and acting in your official capacity as  
18 Chief, US Park Police, during this portion of  
19 the interview with the Washington Post  
20 reporter which occurred actually on or about  
21 November 20?

22 A Yes, sir, I was acting in my

1 official capacity.

2 Q It says here your statements to the  
3 reporter were the subject of a December 2,  
4 2003, Washington Post newspaper article  
5 entitled "Park Police Duties Exceed  
6 Staffing," which among other things states  
7 the following, and this pertains to my  
8 question. "She," meaning you, "said she has  
9 to cover a \$12 million shortfall for this  
10 year."

11 Did you say that to the Washington  
12 Post reporter?

13 A That was included in an overall  
14 answer, yes, sir, it was.

15 Q What was the question to which you  
16 were responding?

17 A Sir, he asked if I had it at my  
18 disposal what would I need today to be able  
19 to provide the services that I thought should  
20 be provided. I'm obviously paraphrasing but  
21 that was the tenor of his question was what  
22 did we need.

1           Q     And what was your response as close  
2 as you can recall it?

3           A     I thought out loud for most of it  
4 and I remember rolling my eyes to the ceiling  
5 and kind of counting on my fingers and my  
6 answer was that what we would need to be made  
7 whole was really \$27 million, \$12 million to  
8 cover the shortfall in '04, \$7 million for  
9 the helicopter, which would leave \$8 million  
10 for hiring and overtime and enough to get us  
11 by. It certainly wasn't what we had  
12 requested in the budget. I didn't tell him  
13 that but I knew in my mind that we had not  
14 requested that specific amount and it  
15 answered his question.

16          Q     What specific amount was it that  
17 you knew you had not requested?

18          A     The 27 million or any of those  
19 three numbers no matter how one breaks them  
20 apart.

21          Q     Do I understand your answer  
22 correctly to say that you said \$27 million

1 and then gave this other detailed  
2 information?

3 A I don't remember how I broke it out  
4 but I do remember coming up with the number  
5 27 million. Whether I spoke that out loud I  
6 don't know but I know that his -- to be  
7 responsive to his question on what did we  
8 need, not what did we want, not what we had  
9 requested, but what did we need to be able to  
10 give the level of service that I thought was  
11 necessary to make certain that we didn't have  
12 a tragedy occur at one of these icons or out  
13 in our parks or on our parkways.

14 Q I'm going to need to ask some more  
15 questions about this to be sure that I  
16 understand and that the reader can understand  
17 exactly what it is that you're testifying to.  
18 Are you saying that you did or did not tell  
19 the reporter that you had to cover a \$12  
20 million shortfall for the current year?

21 A That came up in the answer, yes,  
22 sir. I eventually broke it down. Whether I

1 said \$27 million first out loud I don't know  
2 sitting here but I know that when I read what  
3 he wrote it was mostly correct except for a  
4 verb that he used.

5 Q Let me be sure I understand.  
6 Excuse me if I'm being dense this morning.  
7 Did you say to him that you had to cover a  
8 \$12 million shortfall? Did you use those  
9 words with him?

10 A I did, sir.

11 Q And then going on with that  
12 sentence, "has asked," meaning she has asked,  
13 meaning you, "for \$8 million more for next  
14 year." Did you say those words to the  
15 Washington Post reporter?

16 A No, sir.

17 Q Are you saying that you did not say  
18 those words or you did not say anything about  
19 \$8 million?

20 A I did say something about \$8  
21 million. I never said that we asked for it.  
22 I said and I would need probably \$8 million

1 for overtime and staffing and \$7 million for  
2 a helicopter.

3 Q How precise is your recollection of  
4 what you said then?

5 A It's very precise, sir.

6 Q And did you say anything more about  
7 specific amounts underlying that \$27 million  
8 that you're talking about?

9 A I did not, sir. It was clear -- he  
10 never asked about what we had proposed in the  
11 budget and, had he, it was my intent not to  
12 talk about what we had -- I didn't understand  
13 why Director Mainella had given us the  
14 admonition before about not mentioning  
15 specific budget numbers that had been  
16 proposed. It was enough for me that Director  
17 Mainella had said it. I knew we had proposed  
18 somewhere in the area of 40 million and I  
19 knew that that was taboo to speak about so I  
20 didn't.

21 Q Isn't it true that the department  
22 was asking the Office of Management and

1 Budget for \$8 million more for the following  
2 year?

3 A Yes, sir.

4 Q Did you know that at the time you  
5 that you were speaking to the Washington Post  
6 reporter?

7 A I did. That's why I thought saying  
8 27 million or a compilation of numbers that  
9 added up to 27 million was certainly safe.  
10 That matched nothing anywhere.

11 Q I understand that and again excuse  
12 me if I'm being dense. I'm not trying to  
13 hector you here. I'm trying to make sure  
14 that I understand what we're saying.  
15 Concerning the \$8 million did you use the  
16 figure \$8 million in speaking to the  
17 reporter?

18 A I did, sir, but never standing  
19 alone. It was in the same sentence "and \$7  
20 million." And that's not two separate budget  
21 submissions. That would have been a \$15  
22 million. I thought he deserved an

1 explanation as to where that number came  
2 from. Well, \$7 million of it is chewed up  
3 with a helicopter that badly needs replaced  
4 and actually was part of an overall budget  
5 submission.

6 Q Did it cross your mind that the \$8  
7 million was the same amount that was going  
8 forward to OMB as part of budget discussions?

9 A Never, sir. Well, never until  
10 Mr. Murphy put it in an e-mail the evening of  
11 December 2.

12 Q Was this in response to a series of  
13 questions from the reporter or was it one  
14 lengthy response to a single question? Do  
15 you recall the question you responded to?

16 A I do. It was almost like an  
17 afterthought. Mr. Fahrenthold had all but  
18 wrapped up the interview and asked two final  
19 questions. One is well, what do you think  
20 the most important pressing issue is for the  
21 Park Police then right now, and it made good  
22 sense that staffing dollars were exactly what



1 my answer was, that we had to have more  
2 officers. And in the meantime even if we had  
3 all the money in the world we couldn't  
4 produce those officers overnight so in  
5 addition to the authority to hire new  
6 officers we had to have immediate money so  
7 that we could use overtime dollars to at  
8 least staff those areas that were short.

9           Once I had said that that led to  
10 the logical question of well, how much. What  
11 do you need to get by? Well, we've got to be  
12 made whole first and if we consider that we  
13 were made whole, which, of course, we knew  
14 the '05 process was not considering that,  
15 then another 15 million with would work, 7  
16 million for the helicopter and 8 million for  
17 the overtime and new hires.

18           Q     Did you have any awareness that the  
19 reporter knew anything about these numbers  
20 before he asked you? Did he understand what  
21 you were saying?

22           A     I don't believe -- if you're asking

1 did he know specific dollar amounts that were  
2 part of the '05 budget I don't believe he  
3 did, sir. If I've misunderstood you'll have  
4 to restate.

5 Q Before you responded to the  
6 question did he have any awareness that he  
7 knew what the budget numbers were or were  
8 going to be?

9 MR. HARRISON: Excuse me. I'll  
10 object as vague because it's not clear to me  
11 whether "budget numbers" means the numbers  
12 submitted to OMB or some other entity or  
13 whether they're the number the chief  
14 perceived as part of her need --

15 MR. L'HEUREUX: Well, let me strike  
16 the question and rephrase it, Counsel. It  
17 wasn't a very good question.

18 BY MR. L'HEUREUX:

19 Q Did the reporter give you any  
20 reason to believe that he knew you were  
21 suffering a \$12 million shortfall in that  
22 year?

1           A     Yes, sir.

2           Q     And what was that?

3           A     I don't remember his exact words  
4     but it was clear that the information that  
5     Officer Capps had learned at the meeting with  
6     Mr. Parkinson and Mr. ——— who's part of  
7     the department's budget office, was shared  
8     with Mr. Fahrenthold. In all fairness to  
9     Officer Capps there was no admonition in that  
10    meeting that any of that communication was  
11    privileged in any fashion. I don't believe  
12    that he any more than I would have believed  
13    that it was other than what I had heard from  
14    Director Mainella in other meetings.

15          Q     Did you know that Officer Capps was  
16    going to have an interview with the  
17    Washington Post?

18          A     I knew that Officer Capps was  
19    escalating his concern about officer and  
20    public safety. He had written to the  
21    Secretary of the Interior after a failed  
22    attempt to meet with her. When he sent his

1 letter to Secretary Norton and then found out  
2 that it was sent swiftly down the chain of  
3 command to my desk to write a response for  
4 Director Mainella he was not happy that he  
5 was not getting the attention to this issue  
6 and the only thing he would tell me in his  
7 role as the FOP president is I'm going take  
8 it up a notch and the Secretary may not be  
9 happy.

10 Q Again my question is did you know  
11 that he was going to have an interview with a  
12 Washington Post reporter about this  
13 information?

14 A Before he met with the reporter?

15 Q Yes, before.

16 A No, sir, I did not.

17 Q When did you first discover that  
18 he'd done that?

19 A I believe I was still in Los  
20 Angeles at the NLC Conference or at the  
21 partnership conference when Sergeant Scott  
22 Fear asked if it was okay to schedule an

1 interview with the Post the first night I was  
2 back.

3 Q And what did Sergeant Fear say to  
4 you about this?

5 A He said that apparently the union  
6 had gone to the press and talked with them  
7 about staffing shortages and budget needs and  
8 before they ran the story the Washington Post  
9 wanted to have management's side which was  
10 not unusual.

11 Q Did Officer Fear tell you anything  
12 more about what the reporter was seeking an  
13 interview about?

14 A Not that I recall, sir. I'm not  
15 certain that he had any more details.

16 Q Did you discuss with Officer Capps  
17 what he had said to the Washington Post?

18 A No, sir, I don't recall doing that.  
19 I was out of town and I don't believe I did  
20 it when I came back.

21 Q Did he volunteer it to you in  
22 writing or by e-mail or in any other way?

1           A     Not that I remember, no, sir. He  
2     told me after the fact about his letter to  
3     Secretary Norton. He had already delivered  
4     it and I knew from what he told me after the  
5     fact that that included his concerns about  
6     staffing and about budget all wrapped up into  
7     one and about the manner in which we were  
8     staffing the icons.

9           Q     Let's move on, if we may, to charge  
10    4, which is improper lobbying. The  
11    specification for charge 4 reads this way:  
12    "43 CFR Section 20.506(b) pertaining to  
13    conduct of the Department of the Interior  
14    employee states the following. When acting  
15    in their official capacity employees are  
16    required to refrain from promoting or  
17    opposing legislation relating to programs of  
18    the department without the official sanction  
19    of the," and it says here "property" probably  
20    meaning "proper," "departmental authority."

21                    When was the first time that you  
22    saw the language in this regulation?

1           A     When that letter was faxed to me on  
2     December 18, 2003.

3           Q     This regulation is found in the  
4     Agency standards of conduct, is it not?

5           A     It says that it is, sir. I've  
6     never looked at it myself.

7           Q     Have you examined the Agency  
8     standards of conduct?

9           A     No, sir.

10          Q     Did you receive any training in  
11     ethics when you first joined the Department?

12          A     Not when I first joined, sir, about  
13     a year and a half later.

14          Q     About a year and a half later you  
15     received training in ethics. Is that what  
16     you're saying?

17          A     Yes, sir.

18          Q     What was the subject matter of that  
19     training?

20          A     I'd have to refresh my memory with  
21     some notes that are somewhere but it was  
22     good. It was about an hour and a half just

1 going over basic things about taking gifts  
2 from employees, about accepting free trips,  
3 about whether you can keep your frequent  
4 flyer miles, common sense stuff. I don't  
5 recall whether the ethics book itself talks  
6 about lobbying but I understood either from  
7 my own common sense or from what I learned  
8 there that, you know, if there's a bill  
9 pending one should not be going up as an  
10 individual knocking on a congressman's door  
11 and saying hey, I think this is a good idea;  
12 we need to do this.

13 Q Well, you understood that as an  
14 individual you mustn't do that. Did you  
15 understand that as an official of the  
16 department you shouldn't be doing what you  
17 just described?

18 A That if there was pending  
19 legislation of some sort, certainly. I mean,  
20 if they were about to merge the Park Police  
21 with another organization, you know, without  
22 the blessings of the department I understood



1 -- common sense told me I understood that I'm  
2 an employee and cannot speak officially with  
3 an opinion about something which wasn't the  
4 case here. We had no pending legislation.  
5 There was nothing in front of Congress for  
6 anything at that point.

7 Q There were appropriations bills  
8 about to be written concerning the '05  
9 budget. Isn't that true?

10 A There was no bill in front of  
11 Congress at the time I spoke to the Post.

12 Q Well, it actually doesn't say  
13 anything, does it, anything about pending  
14 bills?

15 A No, sir, but it does talk about  
16 lobbying Congress. I would never, then nor  
17 now, believe that talking to a reporter would  
18 equate to lobbying to the Congress just  
19 because the congressman might read the  
20 newspaper.

21 Q Well, let me read it again.  
22 "Employees are required to refrain from

1 promoting or opposing legislation relating to  
2 programs of the department without the  
3 official sanction of the proper departmental  
4 authority." That language doesn't talk about  
5 pending legislation, does it?

6 A Not that part, no, sir, it doesn't.

7 Q The specification goes on to say,  
8 again erroneously, "On or about December 1,"  
9 and we've I think established that that date  
10 is on or about November 20, 2003, "while you  
11 were on duty and acting in your official  
12 capacity as Chief, US Park Police, a reporter  
13 from the Washington Post interviewed you."  
14 We've already gone through that. I'm not  
15 going to ask you questions about that again.  
16 "Your statements to the reporter were the  
17 subject of a December 2, 2003, Washington  
18 Post newspaper article entitled 'Park Police  
19 Duties Exceed Staffing' which among other  
20 things states the following," and this quote  
21 is from the newspaper article.

22 First it says, "In the long run,

1 Chambers said, her 620-member department  
2 needs a major expansion, perhaps to about  
3 14,000 officers." Did you say this to the  
4 Washington Post reporter?

5 MR. HARRISON: Objection. I  
6 believe it misstates the number. Fourteen  
7 thousand?

8 MR. L'HEUREUX: I'm sorry, 1400.  
9 Did I say 14,000? Thank you, Counsel.

10 BY MR. L'HEUREUX:

11 Q Let me restate the quote: "In the  
12 long run, Chambers said, her 620- member  
13 department needs a major expansion, perhaps  
14 to about 1400 officers," and my question is  
15 did you say this to the Washington Post  
16 reporter?

17 A I know that we told the Washington  
18 Post reporter that we had done an internal  
19 staffing analysis. I don't recall whether I  
20 gave him a number or whether I confirmed a  
21 number that Officer Capps gave him. One way  
22 or another an approximate number came up and

1 I made it clear to him that that was a very  
2 preliminary draft study that had gone to  
3 Director Mainella and I was awaiting further  
4 discussion and instruction from her.

5 Q The next quotation from the  
6 newspaper article that's contained in the  
7 specification is this: "She," meaning you,  
8 "said a more pressing need is an infusion of  
9 federal money to hire recruits and pay for  
10 officers' overtime." Did you say that to the  
11 Washington Post reporter?

12 A I don't recall whether I used those  
13 words but yes, sir, I talked about that to  
14 him.

15 Q What was your intention in saying  
16 this to the Washington Post reporter?

17 A That goes back to the conversation  
18 you and I had on the previous issue of how  
19 the conversation with the reporter ended,  
20 that he asked what's the most important thing  
21 that the Park Police needs to be addressing  
22 right now, what's the most important thing

1 facing you, and the answer is -- was and  
2 probably is the need for additional people.  
3 But to get there we also have to have  
4 additional money, not just new hires but for  
5 overtime.

6 Q Did you have approval from anyone  
7 in the department with respect to this  
8 conversation with the Washington Post to tell  
9 the public that you thought you needed more  
10 officers and more funding?

11 A I didn't nor had I ever sought or  
12 needed approval in the past.

13 Q So your answer is that you did not  
14 have approval from anyone?

15 A I did not, sir.

16 Q Let's move on to charge 5 for the  
17 moment. I do note that in your response  
18 concerning the Washington Post reporter and  
19 that interview which occurred on or about  
20 November 20 you said that you didn't recall  
21 your specific words or exact remarks made in  
22 the article. Are you recalling it better now

1 than you did then?

2           A     That language appears throughout  
3 the appeal because most of what I'm charged  
4 with are paraphrased story-telling by a  
5 reporter and I can't be responsible for his  
6 words. His overall theme is close to  
7 accurate. The only place that it was not is  
8 where I mentioned about the number of guards  
9 that were going to be deployed. He jumped to  
10 a conclusion that was not accurate. Those  
11 things that are in quotes such as "where it's  
12 green it's ours" I remember clearly and they  
13 are mine. Those that he paraphrased are not  
14 my exact words and wouldn't make sense if  
15 they were.

16                     I wouldn't say "she said" but he  
17 did and so the overall theme is such but it  
18 was my attempt and, frankly, my attorney's to  
19 make certain that it was clear that those  
20 weren't quotes of mine.

21           Q     Again, to be precise, you say that  
22 the reporter got something wrong with respect

1 to the guards. What is it specifically that  
2 you're talking about that the reporter got  
3 wrong?

4 A I'd have to see the exact quote  
5 again but he talked -- my recollection is  
6 that he talked about the 20 guards in a  
7 manner that sounded as if that's all that was  
8 going to be deployed there, that these were  
9 the 20 guys that would begin work at a  
10 particular time.

11 Q I think we talked about this but  
12 let me go back and quote from the  
13 specification again where it says, "'The Park  
14 Police's new force of 20 unarmed security  
15 guards will begin serving around the  
16 monuments in the next few weeks,' Chambers  
17 said." Is that the portion that you're  
18 describing now that the reporter got wrong?

19 A It is. I believe a reader would  
20 think that that's all that was going to be  
21 out there was 20 guards and I think that's  
22 the wrong impression.

1           Q     Is there any other portion whether  
2     in the specifications or not of the  
3     Washington Post report on December 2, 2003,  
4     that you deny that you were quoted correctly?

5           A     He used very few quotes so I've got  
6     to be clear that what I'm talking about what  
7     he got wrong is his paraphrasing. I only  
8     recall being quoted very few times and it  
9     seems to me as we go through these that those  
10    were rather accurate. When he used the term  
11    that I had asked for \$8 million that was  
12    absolutely in error because I never asked for  
13    \$8 million. That's one way that I can prove  
14    that it's an error unless I was lying to the  
15    reporter.

16                     Interestingly, two days later or  
17    three days later when he writes the same  
18    reference he uses the verb "needs," that she  
19    says she needs. Now it's getting closer to  
20    the answer based on the question he had  
21    asked.

22           Q     Did you contact the reporter at any



1 time after the interview and ask him to  
2 clarify any of these matters?

3 A After the story itself came out,  
4 yes, I had a conversation with him about  
5 things that I thought he had gotten slightly  
6 wrong but that in general he had reported  
7 accurately.

8 Q What occurred during that  
9 conversation?

10 A We talked specifically about what  
11 he had read in the appeal, which by this time  
12 was in the public domain, and I think he felt  
13 hurt when he saw the language that some of  
14 these weren't the exact words that I had  
15 spoken and as I talked to him I explained to  
16 him that I wasn't saying that he had done  
17 anything wrong but that I was trying to  
18 differentiate between that which was a  
19 paraphrase and that which was an exact quote.  
20 But I did tell him that I disagreed with his  
21 interpretation about the contract parts and  
22 yet I didn't think there was any malice on

1 his part. He knew that we were training 20  
2 guards. He jumped to the conclusion that  
3 that's all that were being trained and that  
4 was a premature conclusion.

5 Q Did you ask him to print a  
6 correction?

7 A No, sir.

8 Q Did you ask him to provide you any  
9 kind of a statement about what you had  
10 actually said to him as opposed to his  
11 paraphrases?

12 A No, sir.

13 Q Let's move on to charge 5 if we  
14 may. There are several specifications to  
15 charge 5 and I'm going to want to go into  
16 those in some detail but the label for charge  
17 5 is failure to carry out a supervisor's  
18 instructions.

19 The first specification for charge  
20 5 says this: "On or about August 18, 2003,  
21 I," meaning Mr. Murphy, "instructed you to  
22 detail Pamela Blyth to the Office of

1 Strategic Planning for 120 days." Did  
2 Mr. Murphy instruct you on or about August  
3 18, 2003, to detail Pamela Blyth to the  
4 Office of Strategic Planning for 120 days?

5 A No, sir, not in those terms, no.

6 Q In what terms did Mr. Murphy say  
7 anything to you about a detail for Ms. Blyth  
8 on or about August 18?

9 A First I'd have to confirm with my  
10 notes what date it was. I don't recall that  
11 it was exactly August 18 but it was in the  
12 month of August. He informed me because  
13 Georgia Mainella had alerted me to the fact  
14 that he was thinking of detailing Ms. Blyth.  
15 He informed me that he wanted to do this and  
16 gave me some basic reasons why.

17 Q What did he say were his reasons?

18 A He said that he realized that  
19 Ms. Blyth had not had any federal training  
20 and that she was key to my advisory team and  
21 that he thought it would be a good  
22 opportunity if she came over and worked

1 directly for him for a period of  
2 approximately 120 days, that he would mentor  
3 her, that he would involve her in specific  
4 projects including strategic planning, and  
5 that he believed that the things that she  
6 would be advising me on, the myriad of  
7 administrative tasks in which she was  
8 involved, she would benefit from this close  
9 exposure. That's how he broached the topic.

10 Q When you say notes what notes are  
11 you referring to?

12 A In my affidavit I spell out very  
13 clearly what date certain things occurred and  
14 I built that based on calendar entries or  
15 notes I made in meetings and those types of  
16 things. So I can't tell you that it was  
17 August 18 without going back and looking at  
18 that chronology.

19 Q Have you given copies of those  
20 notes and calendar entries and things to your  
21 counsel?

22 A Many of the calendar entries are

1 actually part of the 98 evidence items that  
2 are included with the affidavit. If that  
3 meeting was a calendared one it is likely  
4 with that as well.

5 Q In that folder with the 98 exhibits  
6 included with your affidavit?

7 A Yes, sir.

8 MR. L'HEUREUX: Counsel, if any of  
9 these have not been produced I'm making a  
10 request for them now.

11 MR. HARRISON: No problem.

12 BY MR. L'HEUREUX:

13 Q Did Mr. Murphy say it was his  
14 decision that Ms. Blyth be detailed? Did he  
15 communicate that to you?

16 A He said that -- if he didn't say  
17 it's my decision he says I would like to and  
18 he's very likely to have said I've decided  
19 to, one of those two.

20 Q Did he say why he thought this was  
21 a good idea?

22 A Yes, sir, what I just communicated

1 to you, that he thought that I relied on her  
2 for quite a bit of administrative  
3 responsibilities and that, realizing that she  
4 had no federal training, he wanted to take  
5 responsibility for that and mentor her, have  
6 her work directly for him out of his office.

7 Q Did you disagree about whether she  
8 had any federal training?

9 A I didn't disagree about that, no,  
10 sir.

11 Q Did Ms. Blyth have any experience  
12 with the federal budget or accounting  
13 process?

14 A Not with the federal budget, no,  
15 sir.

16 Q Did she have any formal training in  
17 it? Did she go to any courses or do any  
18 study that you know about it?

19 A She did personal study but no  
20 formal courses at that time, sir.

21 Q Did Mr. Murphy tell you that there  
22 was some particular problem that he was

1 trying to overcome with respect to  
2 Ms. Blyth's training or education?

3 A He didn't categorize it as a  
4 problem. Director Mainella had previously  
5 categorized a problem.

6 Q And what did Director Mainella say  
7 with regard to any problem with respect to  
8 Ms. Blyth's training or experience?

9 A It wasn't with regard to training.  
10 It was more with influence. She thought that  
11 Ms. Blyth was a bad influence on me and said  
12 that people didn't like her and that  
13 Mr. Murphy was going to detail her.

14 Q Did Director Mainella say why she  
15 thought people didn't like her?

16 A Yes, because Ms. Blyth attended  
17 meetings with me and because of a name plate  
18 that the civilian command staff members of  
19 the Park Police wear that Director Mainella  
20 referred to as a badge.

21 Q Does it have a badge on it or a  
22 picture of a badge?

1           A     No, sir, I think it's called  
2     bullion, the gold embroidering of the outline  
3     of the Park Police seal. Randy Myers from  
4     the Solicitor's Office often wears one; Robin  
5     Brown, the Director of our Park Police  
6     personnel unit; Shelly Thomas, all of the  
7     civilian command staff, have this.

8           Q     Did Director Mainella tell you who  
9     it was that didn't like Ms. Blyth?

10          A     No, sir, she said it was people in  
11     the wing primarily in the building that would  
12     see Ms. Blyth at certain meetings with me.

13          Q     What does that mean, "people in the  
14     wing"? Excuse me. I don't work there so I  
15     don't know.

16          A     Thank you. That would have been  
17     certain associate directors which were my  
18     peers. It could have been receptionists, it  
19     could have been her administrative aide. It  
20     could have been the deputy directors.

21          Q     Was Director Mainella objecting to  
22     your having brought a subordinate to these



1 meetings as opposed to attending alone? Is  
2 that what she was saying?

3 A In one respect she was until I gave  
4 her examples of when the deputy chiefs would  
5 attend and she understood that, that when --  
6 for instance, we talked about the 4th of July  
7 operational plan. Deputy Chief Pettiford  
8 attended; Ms. Blyth did not. And we talked  
9 about the Statue of Liberty. Deputy Chief  
10 Beam attended; Ms. Blyth did not. When we  
11 talked about organizational development and  
12 fiscal matters Ms. Blyth attended, and  
13 frankly, I don't believe that they were used  
14 to seeing civilian command staff members  
15 albeit that's exactly what the NAPA report  
16 told us to do, to implement this process and  
17 start moving sworn people out of those  
18 positions that could be commanded by a  
19 civilian. And yet the culture was one that  
20 when she came in she was seen as my  
21 secretary.

22 Q By "she" whom do you mean?

1           A     Ms. Blyth. I'm sorry. When  
2 Ms. Blyth came and attended those meeting  
3 they weren't expecting that. They were used  
4 to seeing a uniform and there it wasn't  
5 appropriate to have a uniformed person tied  
6 up in a position such as that.

7           Q     On this day in August which may be  
8 on or about August 18, 2003, is there  
9 anything else about what Deputy Director  
10 Murphy said to you about this detail that you  
11 can recall about that particular  
12 conversation?

13          A     He did after I engaged him in some  
14 conversation about what an absolutely  
15 difficult and inappropriate time it would be  
16 for me to be without Ms. Blyth when we were  
17 facing a \$12 million shortfall. I needed her  
18 guidance and expertise to help us through it.

19                    She was also responsible for  
20 initiating the activity-based costing which  
21 at that time was supposed to go into effect  
22 October 1. She was responsible for

1 developing our strategic plan for the United  
2 States Park Police. She was responsible for  
3 developing leadership and ongoing training  
4 for supervisors. There were a number of  
5 tasks -- I think they numbered 20 by the time  
6 we sat and actually figured out those things  
7 that would just stop in midstream if she were  
8 pulled out at that time. It was particularly  
9 important because a finance officer's  
10 position that we had been afforded the  
11 opportunity to fill had not yet been filled.

12           And so Ms. Blyth at least provided  
13 that opportunity of oversight for me and  
14 she's a very critical thinker. She analyzes,  
15 she's got a political background in the  
16 community of Durham, very scrupulous in  
17 looking at numbers and questioning their  
18 authenticity and questioning how every dollar  
19 is spent and, frankly, with the schedule that  
20 I kept as part of the leadership team at the  
21 National Park Service I needed somebody at  
22 the helm that was watching that budget.

1           It was the one direction that I got  
2 from Deputy Secretary Griles my first day on  
3 the job. Get your budget in order, Chief. I  
4 took that seriously and Ms. Blyth was the key  
5 to that.

6           Q     What was Ms. Blyth's background in  
7 matters of budget?

8           A     Her background in matters of budget  
9 was simply from my experience oversight,  
10 oversight in her role as a consultant for a  
11 number of years and then as a city council  
12 member --

13          Q     What does oversight mean?

14          A     Reviewing it and making certain  
15 that the dollars literally added up, making  
16 certain that there was an analysis that made  
17 sense -- not just numbers for numbers sake.  
18 I've got a good budget officer there that  
19 could put the numbers in the right  
20 spreadsheet. I need somebody that would  
21 question assumptions and Ms. Blyth, that was  
22 her job.

1           Just because we've always used \$8  
2 million for -- there's that number again --  
3 for overtime doesn't mean that that's a good  
4 number. Maybe we can do it with 4. Maybe we  
5 need 12. Maybe we need a new shift plan.  
6 This whole concept of organizational  
7 development was a new one that I brought in  
8 that Director Mainella and Mr. Murphy  
9 embraced when they authorized my filling this  
10 position with a civilian. That was  
11 Ms. Blyth's primary role and a lot of other  
12 roles that went with it.

13           Q     Well, my question is what about  
14 Ms. Blyth's background or education made her  
15 the person that you wanted to rely on for  
16 this information?

17           A     I'd have to pull out her resume to  
18 look. She's got a master's degree and a  
19 breadth of experience but at that --

20           Q     In what subject is her master's  
21 degree?

22           A     Sir, I don't recall. I'd have to

1 pull -- I didn't do the hiring. The National  
2 Park Service did the hiring and the vetting  
3 of these people who competed for that job.  
4 Whatever she has put her at the top of the  
5 chart.

6 Q Who actually made the selection of  
7 Ms. Blyth?

8 A I made the ultimate selection with  
9 the approval of Deputy Director Murphy and  
10 Director Mainella.

11 Q What was it about her --

12 MR. HARRISON: Excuse me, counsel.  
13 Would you like to let witness finish her  
14 answer?

15 BY MR. L'HEUREUX:

16 Q Do you have something else to say?

17 A As long as you heard what the  
18 answer was with Deputy Director Murphy and  
19 Director Mainella that I -- yes, I made the  
20 decision.

21 Q So what was it about her education  
22 or experience that made you select her for

1 this position?

2 A Her hands-on experience in  
3 organizational development which included  
4 some financial oversight but it's larger than  
5 that. The financial role was one part of  
6 what the overall organizational development  
7 and fiscal management role was to accomplish  
8 in the Park Police. Frankly, we were in sad  
9 shape with regard to fiscal oversight in the  
10 Park Police when I arrived. That was  
11 changing by mid-'03.

12 Q What was her experience that  
13 persuaded you as you just described?

14 A Her hands-on experience in moving  
15 organizations from dysfunctional to highly  
16 functional. Budgeting is a very small part.  
17 Budgeting was a small part in an overall job  
18 description that was huge for the emphasis  
19 that we needed to place on it in the Park  
20 Police.

21 We were in the process of hiring a  
22 finance officer. I didn't need to worry

1 about whether she knew how to input  
2 information into federal spreadsheets. I  
3 needed a person who could come to me and say,  
4 you know, I think we're getting bad advice.  
5 Just because we've always done it a certain  
6 way your commanders are telling you we need  
7 to continue in this fashion and we need to  
8 explore further.

9 Q I must be expressing myself badly.  
10 My question is what specific experience did  
11 she have that persuaded that she had done  
12 this role successfully elsewhere?

13 A Well, when she first came on board  
14 the finance position was not even a part of  
15 what her role was to be. It evolved into  
16 that and, again, with the authority of people  
17 in human resources and the director's office  
18 that we needed closer oversight. The fiscal  
19 matters were in the hands of a major who,  
20 frankly, had no fiscal background. He just  
21 happened to be a major in charge of that  
22 command who, when I would ask information



1 about how are we going to pay for that, well,  
2 don't worry about that, chief. At the end of  
3 the year it will all work out. That's not  
4 okay in my book.

5 Ms. Blyth and I started analyzing  
6 the type of answers and the type of  
7 information that was being withheld from the  
8 executive command staff on a regular basis  
9 and we talked to Mr. Murphy about it and he  
10 said I was wondering when you were going to  
11 make that move. We moved this former person  
12 out of the position, gave Ms. Blyth oversight  
13 while we began a process to hire a real  
14 numbers-cruncher --

15 Q Now who are you talking about, this  
16 major?

17 A Michael Fogarty.

18 Q We're going to get back to  
19 Mr. Fogarty but, again, I must be expressing  
20 myself poorly. I would like to know what  
21 work experience or educational experience  
22 Ms. Blyth had that persuaded you that she was

1 able to perform in whatever role you wanted  
2 to put her in in the Park Police.

3 A She was a management consultant to  
4 manager, she owned her own business for many,  
5 many years. Frankly, because she didn't have  
6 police experience -- I wanted someone just  
7 like the NAPA report suggested. I wanted  
8 people that didn't have the group-think of  
9 sworn police officers. I wanted somebody  
10 that could stretch our imagination and  
11 challenge our assumptions and, frankly, move  
12 us into the modern world which, sadly, the  
13 Park Police are not there yet.

14 Q Back to Ms. Blyth now. She owned  
15 her own company. What kind of a company was  
16 it?

17 A A consulting business as I recall.  
18 And you're asking me things -- I don't have  
19 her resume in front of me. I hired her two  
20 years ago.

21 Q How long have you known Ms. Blyth?

22 A Four years prior to that, sir.

1 Q Four years prior to that. And what  
2 was the nature of your coming to know her?

3 A She was one of my boss's bosses.  
4 She was one of 13 council members in the City  
5 of Durham. I answered directly to the city  
6 manager.

7 Q Was she an elected official?

8 A Yes, sir, she was.

9 Q And what kind of consulting  
10 business did she have? What kind of  
11 consulting did it do?

12 A I know that it did quite a bit in  
13 health care in hospitals itself and that she  
14 did writing, freelance writing, for  
15 magazines. I don't have a list of her client  
16 base in front of me. It was part of her  
17 package.

18 Q But on what subject did she do  
19 writing?

20 A I don't remember. I'd be guessing,  
21 sir. I know some of it was management  
22 related but you'll ask me specifically and I

1 don't know.

2 Q Is there anything else you can tell  
3 me that impressed you about her  
4 qualifications to be the person who would  
5 give you advice of the type you just  
6 described?

7 A Yes, as a matter of fact. She  
8 wasn't afraid of controversy and that if the  
9 topic was unpopular and 12 members of council  
10 were saying that they agreed to something  
11 that just wasn't right Ms. Blyth didn't mind  
12 going on record and saying I have a different  
13 opinion, knowing that she would be outvoted,  
14 knowing that she may get beaten up in the  
15 newspapers, knowing that she may receive  
16 disfavor from her colleagues. When it was  
17 the right thing to do she researched it and  
18 she would speak her mind and let folks know  
19 where she stood. She wasn't persuaded by  
20 whatever was popular.

21 Q Did she have any specific  
22 background or experience that led you to

1 believe that she would be successful in  
2 advising you concerning specifically handling  
3 federal budget issues?

4           A     In the role I put her, yes, and  
5 that was the fact that she -- I watched her  
6 analyze line item by line item in the City of  
7 Durham many areas of the budget that she had  
8 no specific expertise in, trash collection,  
9 public works in general, building roads,  
10 things that she didn't have the specific  
11 background but she knew enough to ask  
12 questions that just weren't making sense,  
13 that weren't adding up. Remembering that  
14 what I need is a manager there, I needed  
15 somebody with that oversight. I didn't need  
16 her to understand the process.

17                 We were hiring that expert. We had  
18 come up with the idea when we moved Major  
19 Fogerty out that it was time to bring in a  
20 person, just as you're saying, with that  
21 strong federal background who could make  
22 certain that we didn't fall into a trap of

1 something that we should have known about the  
2 federal process that we didn't. But in the  
3 meantime I had 20 times more oversight with a  
4 position such as Ms. Blyth's than I was  
5 getting out of a sworn commander.

6 Q Did you establish a position  
7 description for Ms. Blyth when she took this  
8 job?

9 A Actually in concern with the  
10 National Park Service's human resource  
11 division the hiring was done entirely out of  
12 their shop. Now, they asked for my input in  
13 developing the job description but Ms. Terrie  
14 Fajardo actually is the one that handled the  
15 process and put the job description together.  
16 The job description has been updated at least  
17 one time since Ms. Blyth came on board.

18 Q Well, what position was Ms. Blyth  
19 applying for? Was it a new position or an  
20 existing position?

21 A It was a new position that was  
22 approved by Director Mainella. About the

1 second week that I was on board the Director  
2 and I were in New York together and it was  
3 our first opportunity to really have a heart  
4 to heart. I took her to dinner at the hotel  
5 that we were staying and talked about some  
6 things that I had seen in my first two weeks  
7 and some of the voids that I believed existed  
8 within the command staff.

9 I told her about this idea that I  
10 had that I thought would work, that NAPA  
11 clearly was asking that we implement, things  
12 of this sort, and there are other NAPA  
13 recommendations, at least one that I  
14 remember, that talked about combining those  
15 types of things that fall under -- they may  
16 not use the term "organizational development"  
17 but that's generally what their descriptive  
18 area talks about, and this would accomplish  
19 that. She wholeheartedly approved my moving  
20 forward and setting up a competitive process  
21 and putting it out there and seeing what  
22 would occur. And then I obviously vetted the

1 candidate through her once I had made a  
2 recommendation.

3 Q You've testified that you selected  
4 Ms. Blyth for this position. Were there any  
5 other applicants for this position?

6 A Yes, sir, there were.

7 Q Do you recall how many there were?

8 A I wouldn't have know the exact  
9 number. I would have only have seen the  
10 certs that came over and it seems like there  
11 may have been a half a dozen names on the  
12 cert.

13 Q Did you consider these other  
14 applicants?

15 A I absolutely did. I took the  
16 packages home and pored through every detail  
17 of them. I was not tremendously impressed  
18 with the people against whom she was  
19 competing. It was clear to see why, when  
20 Ms. Fajardo did the cert, Ms. Blyth rose to  
21 the top.

22 Q How did Ms. Blyth come to apply for



1 this position?

2 A I asked her to apply.

3 Q Did you provide her the  
4 announcement to which to apply?

5 A I don't believe so, sir. I  
6 directed her to contact Ms. Fajardo.

7 Q Earlier when you were describing  
8 your observations of Ms. Blyth's analytical  
9 activities in the past I think I understood  
10 but it wasn't clear to me in what context you  
11 were talking about having observed her do  
12 this. Was this while you were the police  
13 chief in Durham, North Carolina?

14 A Yes, sir.

15 Q And what was she doing when you  
16 observed her doing these analyses that  
17 impressed you so?

18 A In many cases holding me quite  
19 accountable. I had regular appearances in  
20 front of the council. I recalled standing at  
21 that podium standing in the gauntlet. There  
22 were two or three council members that knew

1 there stuff, did their homework, and there  
2 was no wiggle room. She held my feet to the  
3 fire.

4 Q So it was while she was an elected  
5 official in Durham that you observed her  
6 doing these things?

7 A Yes, sir.

8 Q Did you do an interview of these  
9 people before you selected --

10 A I did not do an interview. Once I  
11 saw what the candidates that were competing  
12 against her, their background, their lack of  
13 certain experiences, and I can't recall  
14 sitting here without reviewing those  
15 applications again who had what, there was no  
16 need for an interview at that time.

17 Q Let's go back to Deputy Director  
18 Murphy and his instructions to you. What I  
19 recall the last time we were talking about  
20 this, you responded to him that there was a  
21 number of projects pending for which  
22 Ms. Blyth was important to you. There were

1 some 20 of them. Which were the most  
2 important of those projects in your  
3 recollection now?

4 A Moving us through the budget  
5 process and there were several different  
6 things ongoing but certainly moving us  
7 through the budget process.

8 Q And was she the only person who  
9 could do this that worked for you?

10 A From the executive command staff,  
11 yes, sir. I would not have sent my budget  
12 officer alone to some of these meetings. I  
13 think they required -- I'm confident they  
14 required me had I been able to attend them  
15 all and, frankly, I couldn't attend them all  
16 and I needed to rely on the executive command  
17 staff. That was one of her primary roles,  
18 especially at that season, as we were getting  
19 geared up for whatever the final dollar  
20 figure was going to be for '04 and as we were  
21 moving through the earlier stages of the '05  
22 budget.

1           Q     You say I would not have sent my  
2 budget officer alone. Who were you  
3 describing as the budget officer?

4           A     Shelly Thomas.

5           Q     Why would you not have sent Shelly  
6 Thomas in place of Ms. Blyth to these  
7 meetings?

8           A     First of all it would have been  
9 inappropriate. It would have been like  
10 sending a private to replace me in a meeting  
11 with Deputy Assistant Secretary Parkinson.  
12 Just protocol is one of those. To have  
13 someone in there that clearly has the  
14 authority to speak for me or the members of  
15 the executive command staff was critical and  
16 that was one of her roles, to make certain  
17 that what was being committed to was  
18 consistent with where the executive command  
19 staff was trying to take the organization and  
20 that also Ms. Thomas, who as a subordinate  
21 employee was able to have somebody speak up  
22 for her.

1           She's a great employee. She's a  
2   great numbers-cruncher. It's not her role to  
3   be in there trying to defend herself against  
4   other office directors or bureau directors.

5           Q    After you explained to Mr. Murphy  
6   all of these reasons why you thought it not  
7   the right thing to do to move Ms. Blyth at  
8   that stage what did he respond to you?

9           A    Well, we continued the conversation  
10   a bit because I asked him to give me some  
11   examples. First of all let me back up. I  
12   had told you what Director Mainella had  
13   shared with me which was obviously vastly  
14   different than what Mr. Murphy was sharing  
15   about why Ms. Blyth would be moved. And when  
16   I told him what the Director had said I  
17   remember him saying I wish she hadn't told  
18   you that.

19           I was thinking to myself I'm sure  
20   you do, but I listened to what he had to say  
21   and partly I wanted to believe him because he  
22   had been kind to both me and Pamela in trying

1 to at least understand that we were new to  
2 the federal process. I remember asking him,  
3 you know, or saying -- I'm not sure if I was  
4 expecting an answer -- saying, you know, if  
5 you want us to fail as an organization this  
6 could be the move unless we find some way to  
7 make this happen while she's doing other  
8 assignments.

9 I said what is it that you think  
10 she could have done better for me. He says,  
11 for instance, the recruiting of new officers.  
12 I said, sir, she doesn't handle the  
13 recruiting of new officers. Ms. Robin Brown  
14 does. Oh, I didn't know that. Well, the way  
15 the fleet is handled. Sir, she doesn't  
16 handle the fleet. Chief Pettiford does. I  
17 didn't know that. So he named two or three  
18 things that he believed were reasons to move  
19 her that weren't things that she was  
20 handling.

21 I said have you looked at her job  
22 description. Are you aware of what she does?

1 And he says well, actually, no. I guess I  
2 should do that.

3 I said I think it would be a good  
4 idea. Close your eyes and put her in a  
5 uniform. She's my deputy chief for those  
6 functions that she's responsible for. She  
7 has the same authority. She sits at the same  
8 tables with them. She just doesn't command  
9 operational issues because that would be  
10 inappropriate. She has no police background.  
11 But it is very appropriate. Much as it is  
12 for Ms. Robin Brown to command the personnel  
13 section of the Park Police it is very  
14 appropriate for Ms. Blyth to command those  
15 sections under her control.

16 He says well, I didn't know that  
17 and you've made me think. And he says I can  
18 work with you. Let's come up with something,  
19 he says, but I think I've got to move her  
20 initially for the first few weeks. So we  
21 negotiated on that.

22 Q What does that mean?

1           A     He wanted her full-time for I  
2 believe he said the first two weeks. He may  
3 have a different recollection. But there was  
4 a period of time where, okay, give her two me  
5 for those first x number of weeks and then  
6 we'll work on it, and I said well, can we  
7 work on it from the start. And I named,  
8 again, some upcoming meetings. We had  
9 regular meetings now with Mr. Parkinson and  
10 Mr. ——— about the budget process. There  
11 were things that I was relying on that Pamela  
12 was following up on that, frankly, I didn't  
13 have the notes or the background for. Pamela  
14 was doing -- was accomplishing these things.

15                     And he said well, I'll consider it,  
16 he says, but I really want to make this  
17 happen. Can we negotiate? Which is -- and  
18 this is the kind of banter he and I would  
19 often engage in, causative, healthy debate as  
20 far as I was concerned, what I expected from  
21 my executive command staff.

22                     I was surprised when for the first



1 time ever in our conversations that I hear  
2 these words, well, I can order you to do it.  
3 I said yes, sir, you can but we've never  
4 solved things this way. And so we talked  
5 some more about what modifications could  
6 happen to his schedule X number of days a  
7 week or X number of hours 'til we had to  
8 pause that conversation because he and I were  
9 both due in Deputy Secretary Griles' office  
10 to talk about the radio narrow-band  
11 conversion issue so we put the conversation  
12 on hold and went upstairs. That's where that  
13 conversation was left.

14 Q Let's go on talking about the  
15 specification for a moment and then I want to  
16 go back to some things that you said earlier.  
17 The next sentence in here says that you  
18 stated that you were unwilling to allow  
19 Ms. Blyth to go on a detail because she was  
20 too valuable to you. Did you say that?

21 A Yes, sir.

22 Q And that placing Ms. Blyth on a

1 detail would send a message to your  
2 detractors at the US Park Police that they  
3 have been successful in getting rid of  
4 Ms. Blyth. Did you say that?

5 A I did in words similar to that  
6 effect, yes, sir.

7 Q What did you say? Do you recall  
8 saying something different from this?

9 A I don't know that I -- I may have  
10 used "detractors," I may have used  
11 "organizational terrorists," but it was clear  
12 that by this time Mr. Murphy and I had talked  
13 about a number of incidents that had been  
14 ongoing even prior to my hire. There had  
15 been a very strong, almost effective, move to  
16 keep me from coming in before I did and as  
17 much as I hated to as a new appointee -- I  
18 wasn't even —— yet -- I had to call  
19 Mr. —— and have him intervene before I  
20 even came on board.

21 He knew that folks had been  
22 engaging in petty vandalisms, most of which I

1 disregarded as almost like a hazing until it  
2 began to affect the work product itself.  
3 Rumors abounded. People started things about  
4 Pamela making traffic stops, about having  
5 police equipment in her car, about -- we were  
6 investigated by the Inspector General because  
7 I allegedly gave her a whistle, which is not  
8 an issue, but those were the type of  
9 anonymous complaints that were continually  
10 coming forward to the Inspector General's  
11 office. Mr. Murphy was aware of this and I  
12 said, you know, done the wrong way people are  
13 going to see Pamela's office empty and say  
14 ah, one down and a couple more to go. Yes,  
15 we talked very frankly.

16 Q Let's stay on this subject a little  
17 bit. What do you mean by "internal  
18 terrorists"? Internal to what, first of all?

19 MR. HARRISON: She said  
20 "organizational" but it's the same concept.

21 THE WITNESS: Yes, either way, I've  
22 used both words interchangeably. People

1 within the United States Park Police, a term  
2 that I've used for many years in my  
3 leadership training and in teaching, people  
4 who often try to hide behind a good work  
5 product but all the while are sabotaging the  
6 work, sabotaging by influencing other people  
7 in the organization and moving away from the  
8 goals of the organization or the direction  
9 that the organization is going. And we had a  
10 number of such people. Some retired quickly.  
11 Some remain to this day.

12 BY MR. L'HEUREUX:

13 Q Who did you identify as being in  
14 that group of people?

15 A I don't remember who left when but  
16 there were a number of retirees that are in  
17 the group. Michael Fogarty by his own  
18 admission is in that group. Some of the  
19 shift commanders, I believe some of them are  
20 retired -- probably boasted to others that  
21 they were in that group.

22 Q And who were they by name?

1           A     If I saw a list of shift commanders  
2 of three months ago I'd be able to point them  
3 out. One of them just recently left but I've  
4 gone blank. I don't remember his name.

5           Q     And you say Michael Fogarty by  
6 admission was a member of that group? What  
7 do you mean by saying that he does so by  
8 admission?

9           A     Well, we had a very interesting  
10 heart to heart during the last command  
11 retreat March of '03 where in conversation  
12 with the majors and the deputy chiefs as a  
13 group we were being very frank with each  
14 other, the entire team, of expectations and  
15 things were going well and things that were  
16 failing.

17                     And I gave them an example as a  
18 whole that I expected that when we had issues  
19 that were debated that we would debate those  
20 behind closed doors, that you would be as  
21 frank with me as you felt appropriate and  
22 that that was fine, that there was no

1 retribution for doing so. But I expected a  
2 couple things, that when the door opened that  
3 the message that came out would be of one  
4 voice, that no employee would ever be, oh,  
5 well, Major Ferber didn't want that to happen  
6 or Deputy Chief Beam got his way on that one,  
7 that it was one voice when the door opened  
8 and that also I knew -- felt that we had an  
9 obligation that if you as a command officer  
10 were asked something by an employee that you  
11 didn't know the answer to, and primarily we  
12 were talking about rumors at that time, that  
13 you had an obligation to either tell them the  
14 truth, if you knew it was something you  
15 couldn't tell them, say that, or say I don't  
16 know but I'll find out.

17 Michael spoke up and said well, I  
18 disagree with you. I just saw an officer a  
19 little while ago and he wanted to know why  
20 did the chief do x, y, and z and I told him I  
21 don't know; she's always doing things like  
22 that. I said, well, Major, I disagree with

1 your approach. You have a responsibility to  
2 first of all not add the comment along those  
3 lines but to find out what the truth is. He  
4 says I do not. It is not our responsibility.  
5 I said you and I need to revisit that or  
6 perhaps you don't need to be in the role you  
7 are as a commander. You've got to take a  
8 command leadership role and be able, much as  
9 I do -- I said you'll never hear me come into  
10 this table and say you won't believe what  
11 Director Mainella has asked for now. I said  
12 no, in fact what you'll hear is here's the  
13 direction that we're heading and that's the  
14 way things would go.

15 In that same conversation, you  
16 know, I mentioned no-one's name. I said no,  
17 I know that there are supporters among this  
18 -- you know, it's a small group, like 10  
19 people total. I mean, there are people that  
20 have stepped up to the plate. There are also  
21 those who spend their time sitting and  
22 researching law books every day because your

1 employees tell me about it, researching ways  
2 to get me fired or to get another  
3 investigation from the Inspector General's  
4 office, to which Michael said I know exactly  
5 who told you that I'm doing that and I'm only  
6 doing that to make them think that I'm  
7 researching things. And he's implicated  
8 himself so yes, by his own admission he's a  
9 detractor who has tried since before I came  
10 on to have me moved out. He was in charge of  
11 my own personnel section at the time that I  
12 was under consideration for employment.

13 Q This meeting you described occurred  
14 in March 2003?

15 A Yes, sir, March of 2003.

16 Q Where did this meeting happen?

17 A West Virginia, sir, there's a  
18 training center that we use out there.

19 Q What was the purpose of the  
20 meeting?

21 A It was a -- well, the meeting  
22 itself was one the majors had asked for so



1 that they could have some face time with  
2 their chief and with the deputy chiefs and so  
3 I accommodated that. We went from about  
4 10:00 p.m. until about midnight.

5 Q And who was present at this  
6 meeting?

7 A Every major in the United States  
8 Park Police at the time, Assistant Chief  
9 Holmes, Deputy Chief Beam, Deputy Chief  
10 Pettiford, Ms. Blyth, myself.

11 Q We've gone far afield from where I  
12 was first asking questions. Let me ask  
13 again. The initial question had to do with  
14 what was Major Fogarty's admission about  
15 being an internal terrorist and your response  
16 seems to say that he admitted that he was  
17 looking up reasons to get you in trouble. Is  
18 that the gist of what you said?

19 A He didn't say the words but when I  
20 said it he spoke up almost in a spontaneous  
21 utterance that well, I know who told you  
22 that.

1           Q     Did the people who asked you for  
2 this meeting tell you that they had a  
3 specific reason for wanting to have this  
4 meeting?

5           A     They wanted to be included more and  
6 we made some commitments to each other that  
7 day that that would happen and I think both  
8 sides took steps to make certain that that  
9 inclusion was there, both I to the majors and  
10 the majors to us.

11          Q     Do you recall saying at that  
12 meeting whether you had any reasons why they  
13 had not been included more before that?

14          A     Yes.

15          Q     And what did you say?

16          A     That the trust had been broken  
17 early on by some of the members that weren't  
18 even currently there but through these  
19 examples such as Major Fogarty gave us  
20 sitting there that I had to be very guarded  
21 about what meetings I would include them in.  
22 If I couldn't trust that Major Fogarty or

1 others weren't going to go to an employee and  
2 say I don't know what the Chief's doing, she  
3 always does stuff like this, I'm certainly  
4 not going to bring them into confidence or  
5 conversations about the budget, about  
6 staffing, about things that were outside  
7 their command that they didn't need to know  
8 until that trust level was built back up.

9 Q Did you say anything about having  
10 to be guarded because employees were making  
11 complaints or bringing information to the  
12 Office of Inspector General?

13 A I probably did. I don't have a  
14 specific recollection of that.

15 Q Did you say anything about having  
16 to be guarded because employees present were  
17 making complaints to the Office of Special  
18 Counsel about you?

19 A I don't believe I said that any of  
20 those employees were because I've never been  
21 told with certainty who the complainants are  
22 but I did tell them a litany of complaints

1 between the Office of Special Counsel and the  
2 Inspector General's office that had been made  
3 so that they could see the wide spectrum of,  
4 frankly, in most cases right down ridiculous  
5 allegations such as the whistle one.

6 Q What were those allegations as you  
7 recall them today?

8 A One was that I gave Ms. Blyth a  
9 firearm and then when I decided that that was  
10 probably a bad move and tried to get it from  
11 her that she refused to give it to me. One  
12 was that I issued lights and sirens to put in  
13 Ms. Blyth's government vehicle and that I  
14 knew she was making traffic stops. Another  
15 was that I issued her a badge. Another was  
16 that I issued her a whistle.

17 Of course, the vehicle one, the  
18 complaint about my reminding officers to be  
19 generous to heroes and to cops, the  
20 organizations that helped us when Officer  
21 Farthing was killed in the line of duty.  
22 That may be it although now I understand

1 there's another one about a fund that's  
2 pending with the Inspector General's office.

3 Q Let me back up a little. One of  
4 the complaints the Office of the Inspector  
5 General made prior to March 2003 was that you  
6 had misused your official vehicle. Isn't  
7 that true?

8 A I know that I was disciplined in  
9 March 2003. I don't recall what the  
10 complaint or if I even know when the  
11 complaint was made but yes, that complaint is  
12 true. Yes, sir.

13 Q Do you equate in your own mind  
14 these internal terrorists and snipers with  
15 those who are making complaints to the Office  
16 of Inspector General?

17 A Yes, I'm convinced that many of the  
18 anonymous complaints since that's what we  
19 were told some of them were -- we were told  
20 by the Inspector General's team -- clearly  
21 had to be coming from somewhere. They  
22 weren't coming from the citizens at large so

1 my guess is that yes, they were coming from  
2 disgruntled employees.

3 Q And you thought it was  
4 inappropriate for these people to make these  
5 anonymous complaints?

6 A Yes, sir, when they're blatantly  
7 false.

8 Q Did you think it was inappropriate  
9 when they made complaints that were not  
10 blatantly false?

11 A I thought that there were different  
12 ways to handle it. I know that I would have  
13 handled it differently.

14 Q My question was if you thought it  
15 was inappropriate. Did you think these  
16 employees who had, for example, reported to  
17 the Inspector General that you had misused  
18 your official vehicle were entitled to go to  
19 the Inspector General about that?

20 A They're absolutely entitled to do  
21 it, yes, sir.

22 Q With respect to this litany that

1 you said that you described to the majors at  
2 this meeting about complaints to the Office  
3 of the Inspector General did you say anything  
4 else to the majors about this activity, about  
5 making complaints like this?

6 A Not that I recall, no sir. That  
7 was not the theme of the meeting and I know  
8 that we got kicked out of the building after  
9 a period of time and we had accomplished a  
10 lot of substantive things so I don't believe  
11 we dwelled on it for a long period of time.

12 Q At any course in that meeting did  
13 you say these words or words to this effect:  
14 "That's no way to stay a major"?

15 A Yes, sir.

16 Q And what was the context in which  
17 you said that?

18 A With regard to people who went to  
19 the podium and blamed decisions on those  
20 above them rather than selling the decision  
21 as part of the command staff.

22 Q Do you deny that that remark was

1 connected in that meeting with your  
2 description of complaints to the Office of  
3 Inspector General?

4 A I don't deny it but I don't have a  
5 specific recollection that it was. I think  
6 it was more towards what Major Fogarty had  
7 just told us that occurred with the officer  
8 who asked for information and he refused to  
9 seek it out and instead made the remark about  
10 he didn't know and he wasn't going to find  
11 out.

12 Q You said something about you're  
13 aware of some current complaint?

14 A Yes, sir.

15 Q And what is it you understand about  
16 any current complaint?

17 A That an investigator in the Office  
18 of Inspector General wants to talk with me  
19 about a fund called the Badge and Floral  
20 Fund. It's a fund that was set up decades  
21 ago in the Park Police. It's been audited,  
22 it's incorporated, it's a place they sell



1 t-shirts and those types of things so that if  
2 a relative of an employee dies we actually  
3 can spend those monies to send flowers, for  
4 instance. I think that's where it probably  
5 got its name. That's been ongoing for many,  
6 many years. It's one that I had audited,  
7 actually, as soon as I came in to make  
8 certain that monies were accounted for and  
9 that there were good accounting practices in  
10 place and we passed with flying colors.

11 Q When did someone from the Inspector  
12 General's Office contact you about this?

13 A Yes, sir, after I was terminated, a  
14 week or so after, asking for my cooperation.

15 Q Shortly after you were terminated,  
16 is that what you said?

17 A Yes, sir.

18 Q Not since then, not since shortly  
19 after you were terminated?

20 A No, sir. They're waiting for  
21 counsel and I to find time to get over there  
22 to be interviewed.

1           Q     I don't have any further interest  
2     in that transaction if that's what it really  
3     is.

4                     All right, Major Fogarty. You  
5     brought up Major Fogarty when you were  
6     describing Ms. Blyth and I think you said you  
7     said that you reassigned Major Fogarty,  
8     correct?

9           A     I did, sir.

10          Q     And what were your reasons for  
11     reassigning Major Fogarty?

12          A     Actually I reassigned every major  
13     but one at the same time. There had not been  
14     a rotation of majors ever that I can find in  
15     our history. Assignments were made more by  
16     entitlement. It was almost the right of the  
17     last person standing. So in other words if  
18     you were a captain in New York and you looked  
19     around and the major was getting ready to  
20     leave and there were no other captains you  
21     competed and you got the job.

22                     San Francisco's a great example.

1 Nobody wants to go that far unless they're  
2 already there and so it may not be the most  
3 talented people. It's whoever's left.

4           We had a lot of issues in the Park  
5 Police. I spent the first three months  
6 meeting quite a bit with the union, with  
7 individual work groups, and while I know that  
8 there's a lot of sour grapes, sometimes  
9 change is really healthy for the organization  
10 and it certainly is healthy for the  
11 commanders who may have never had the breadth  
12 of experience that I think I was responsible  
13 for giving those folks.

14           I told them in our first command  
15 retreat, which was in March of '02, that I  
16 was considering this, that you were no longer  
17 married to a position. It was generally well  
18 received but in hindsight I believe it was  
19 because most people were sitting there  
20 thinking, you know, those poor guys that are  
21 going to get moved and somehow thought that  
22 they would not be a part of it. I spent a

1 great deal of time analyzing what I had  
2 learned through individual interviews with  
3 command staff about their background where I  
4 thought they were strong, where I thought  
5 they needed some additional enhancement from  
6 their leadership skills and experience. I  
7 looked at where I had strong captains that I  
8 could probably have a less strong major and  
9 still have a good command and vice versa and  
10 identified an overall rotation. Major  
11 Fogarty was part of that group.

12 Q Did you have any specific reasons  
13 for wanting Major Fogarty not to be in a  
14 position he was when you arrived?

15 A I did.

16 Q And what were those reasons?

17 A That after a series of budget  
18 meetings -- and at first I thought perhaps it  
19 was just a communication style between the  
20 two of us but he was very -- I'm looking for  
21 the right word -- reluctant to share details  
22 about the budget in a manner that I was

1 comfortable with, details that then I could  
2 go and explain to a deputy secretary who says  
3 get your budget in order, which my own deputy  
4 director had directed, where the money was  
5 being spent.

6           He would -- in fact when the deputy  
7 chiefs came on board I didn't want have the  
8 same thing happen with them that had happened  
9 with me and have no training for them so I  
10 set up a full week -- actually Ms. Blyth set  
11 up an entire week of training and brought in  
12 people from across the Department of Interior  
13 to teach them a little about the budget  
14 process, about organizational structure.

15           Major Fogarty was part of that  
16 briefing as well and when they would ask  
17 specific things about their command -- and  
18 I'm paraphrasing but this is how it was  
19 interpreted by me -- I would hear things like  
20 you don't have to worry about that. I take  
21 care of it. As long as the numbers come out  
22 in the end it's okay. You don't worry about

1     how we're going to fund this new thing. I'll  
2     take it from somewhere at the end.

3                 Well, it did matter. The fact that  
4     we weren't held accountable for a line item  
5     budget at the National Park Service was no  
6     excuse for me as a manager not to require  
7     line item accountability within the Park  
8     Police. Major Fogarty wasn't willing to at  
9     least share that. He may have had that set  
10    up that way but I would have never known  
11    because he just wasn't willing to share.

12                Apparently Mr. Murphy had picked up  
13    on that as well and we talked in Yosemite  
14    about the fact that I was thinking of moving  
15    Major Fogarty and knowing that in the past  
16    not just Major Fogarty or perhaps never him  
17    but other officers had gone directly to the  
18    Park Service to complain about transfers. I  
19    thought I would nip it in the bud this time  
20    by letting Mr. Murphy know what I was  
21    thinking of and he said I was wondering when  
22    you were going to think of it.

1           And he even mentioned that day. He  
2       said if it continues -- and he meant it with  
3       all sincerity -- let me know and I'll  
4       transfer him to Alaska. I kind of chuckled  
5       and he said no, I'm serious. He works for  
6       the National Park Service and we can't have  
7       that kind of person in a command position  
8       that is trying to undo what you're trying to  
9       accomplish.

10           Q     In your affidavit you described and  
11       I think the language was "fiscal  
12       irresponsibility." Is that what you're  
13       talking about now?

14           A     It is, sir.

15           Q     Was there anything else? Were you  
16       accusing him of some fiscal impropriety in  
17       that?

18           A     Not specifically because I didn't  
19       have enough information, no. Now that we've  
20       had direct oversight of Shelly Thomas by  
21       Ms. Blyth for a period of time I've not seen  
22       anything that leads me to believe there was

1 any criminal misconduct but, frankly, at that  
2 time I didn't know. In fact the Yosemite  
3 meeting helped me solidify it. Major Fogarty  
4 was in that meeting as well and while I'm not  
5 talking about Park Police budgets per se  
6 there was a question that was on the floor  
7 about budgets in general and ——— was taken  
8 aback a little bit by a comment as well.  
9 Major Fogarty said well, any good budget  
10 officer can steal money. I thought thank  
11 you; that was the final decision point I  
12 needed to make because I didn't know if he  
13 was referring to himself and, frankly, I  
14 wasn't going to take that chance.

15 Q Let me go back to specification 1  
16 of charge 5 now unless there's anything else  
17 you'd like to say on that subject.

18 A No, sir.

19 Q The second paragraph of  
20 specification 1 goes like this. The first  
21 sentence says, "After your continued  
22 objections about my instructions, I," meaning



1 Mr. Murphy, "informed you," meaning you,  
2 "that I was giving you a specific order to  
3 detail Ms. Blyth." Did that occur?

4 A No, sir, it did not.

5 Q What did Mr. Murphy say on this  
6 subject that was not a specific order?

7 A When you and I were last talking  
8 about this probably 20 minutes ago or so now  
9 I told you that our conversation got  
10 interrupted to move upstairs to Deputy  
11 Secretary Griles' office. And at that point  
12 we had left it where he had not just  
13 intimated. He had said well, I could order  
14 you to do it but the conversation didn't  
15 break down at that point. I acknowledged  
16 that yes, I understood his authority to do  
17 that but he and I didn't problem-solve that  
18 way.

19 And we continued to talk about  
20 Ms. Blyth's worth and I'm realizing sitting  
21 here that I've got the same moral dilemma  
22 that now I'm expecting my majors to be able

1 to do and I'm thinking how am I going to go  
2 back and sell that which I can't buy into  
3 yet. I've got to get myself comfortable with  
4 it.

5           When we left Mr. Griles' office an  
6 hour or so later we had both obviously had  
7 time to think about the conversation and what  
8 had happened up to that point and although I  
9 think it was tense when we left his office  
10 that hour and a half time to just break away  
11 from the conversation was very helpful. And  
12 as we walked down the hall Mr. Murphy invites  
13 me back downstairs to continue the  
14 conversation and says something along the  
15 lines of so how about you and I meet with  
16 Pamela together. What do you think? And he  
17 said it in a very almost playful manner.

18           And I said I don't know. I'm just  
19 not there with you yet, Boss. And he  
20 playfully had a piece of paper in his hand  
21 and has it rolled up in like a tube and  
22 smacks me on the back of the head or the

1 shoulder and said come on, what's going on.

2           And I said no, really, I'm serious,  
3 Mr. Murphy. If you want me to sell this for  
4 you give me some words to say because I know  
5 I need to support you but I'm not there yet.  
6 Let's go talk. So I think he was  
7 disappointed in that but we did go back down  
8 to his office and we had what I think was a  
9 real constructive conversation and he said to  
10 me -- he said I know what the Director told  
11 you. He said do you believe that I see  
12 Pamela Blyth in a positive role. Do you  
13 believe that the way I've treated her, the  
14 way I've included her up to this point, is  
15 consistent with the words that I'm telling  
16 you that I believe in her worth and I'd like  
17 to see her succeed? I thought you got me. I  
18 said, yes sir, I do believe that and yes,  
19 your actions are consistent.

20           He says then you've got to believe  
21 me on this that I'm doing it for the right  
22 reasons. And I said okay, would you consider

1 this. Would you consider picking up the  
2 phone and saying -- and I, again, very  
3 playfully, just like I'm about to say it --  
4 pick up the phone and say hey, Pamela, Don  
5 Murphy here? I've got a great idea for your  
6 future career. What do you think, kid?

7           Yeah, I can do that. I said I  
8 think it'll make a big difference. I said do  
9 you mind if I tell her to expect your phone  
10 call. He says no, that's appropriate. And  
11 so that's exactly what I did. I left that  
12 night. Pamela I believe was off that day. I  
13 contacted her at home and I said you're going  
14 to get a phone call where it may be a chance  
15 to meet with Mr. Murphy. He's got an  
16 opportunity for you. I said I want you to  
17 listen to him. I think his intent is good  
18 but it's best explained by him and the only  
19 thing I can tell you for certain is that he's  
20 promised to work with your schedule, Pamela,  
21 because I can't afford to lose you and I  
22 think you would agree it's not a good time

1 for you to step out.

2           So that was my last involvement  
3 with Mr. Murphy other than the e-mail that's  
4 now on record where I sent him -- I have a  
5 thanks for considering her schedule because I  
6 knew he was close to making a decision as to  
7 when he was going to move her and I wanted to  
8 make certain that I had a record that thanks  
9 for considering doing some on-and-off  
10 scheduling. Pamela had even given me some  
11 feedback from her meeting about how that was  
12 to happen. You know, please consider these  
13 before it happened and I got one word back,  
14 thanks. That's my last communication from  
15 him. I was never given a date with regard to  
16 when she was to report, not from Mr. Murphy.

17           MR. L'HEUREUX: Let's go off the  
18 record for a moment.

19                           (Whereupon, at 11:35 a.m., a  
20                           luncheon recess was taken.)

21  
22



1 that?

2 A The very first one, which I had put  
3 a stop to any internal investigation on, was  
4 closer to the hazing type category. The  
5 existing executive command team was  
6 embarrassed by it and thought I would be  
7 upset. I was not. There's only a single  
8 restroom on the second floor of police  
9 headquarters where the Office of the Chief  
10 is. It's a men's room and someone had taken  
11 the men's room sign off and hidden it and  
12 taken a women's room sign and put it on there  
13 which, you know, I interpreted it as hey,  
14 welcome aboard and nothing more than that.

15 But it didn't take long before  
16 things did escalate. I had suspected for  
17 weeks if not months that my office was being  
18 broken into, broken into in a legal term but  
19 not with force. There were no pry marks.  
20 Folks were clear that there had been keys  
21 abounding and passed on so it wasn't long  
22 before I had to change the locks.

1           But the desk was compromised more  
2 than once. There was ways that I would set  
3 it at the end of the night to make certain  
4 that it was locked only to come in the next  
5 day and see it unlocked and sitting open to  
6 where I know I hadn't left it that way.

7           The computer being tampered with  
8 was the next piece that I remember as being  
9 the most critical, that we had moved now  
10 beyond anything that was in good-natured fun  
11 or hazing. It was in October 2002. I know  
12 it specifically because we brought in an IT  
13 analyst from the Denver office who spent most  
14 of the day --

15           Q     The Denver office of what?

16           A     Of the National Park Service. It  
17 could be Department of the Interior. I think  
18 it's the National Park Service. It's where  
19 the IT gurus, so to speak, are housed. I  
20 talked to my own information technology  
21 commander, Lieutenant Dave Mulholland, in  
22 trying to figure out what had happened to as



1 many entries as I could imagine on my  
2 calendar. I had been looking for something  
3 that I knew was there. I asked my secretary  
4 about it. I thought perhaps it had been  
5 cancelled or she had accidentally deleted it  
6 and we were trying to work on a system where  
7 instead of just deleting she would have a  
8 notation but there was nothing there. When I  
9 looked further there was nothing there for  
10 the next few months, sporadically anyway.

11 Q Let me be sure I understand this.  
12 Is this an electronic calendar on her  
13 computer?

14 A Yes, sir, an electronic calendar.

15 Q And what you're saying is that  
16 entries about appointments and things were  
17 deleted from that?

18 A That's correct, sir, and I didn't  
19 suspect any wrongdoing initially. We were  
20 learning how to sync an electronic handheld  
21 device. It was before the Blackberry days  
22 but I had a personally-owned Clie, Sony Clie,

1 that I would sync with it, and I thought  
2 perhaps something went wrong there, Couldn't  
3 find anything.

4           The lieutenant searched and  
5 searched and finally brought this woman in  
6 from Denver who spent hours in there looking  
7 to see what had happened. And I had no idea  
8 at that point how much information I had lost  
9 but where I began to get suspicious is that  
10 it wasn't lost from a particular period  
11 forward or backwards. In other words there  
12 were some entries for some weeks and some  
13 days but there were other things missing,  
14 almost as if someone wanted it not to look as  
15 if it was intentional.

16           When I came back from meetings that  
17 afternoon -- and I'm sorry, I don't remember  
18 the woman's name; I'm sure I could recreate  
19 it if I needed to -- she was sitting at my  
20 desk and she says well, good news kind of. I  
21 think I found out what happened. And she  
22 shows me this screen and she said see, when

1 you had this screen up you accidentally  
2 deleted four hundred and some calendar  
3 entries. I said you can delete more than  
4 one. I thought you could only delete one at  
5 a time. That's how I had been deleting  
6 anything if I had made a mistake. I didn't  
7 know that there was a way to put them in a  
8 long list of appointments and delete it. So  
9 she's showing me a screen I had never seen  
10 before.

11 She says well, yeah, you must have  
12 gone to that screen and you hit the delete  
13 button. I said how do you know that it  
14 happened from this computer. How do you know  
15 it wasn't hacked into? She goes oh, it's  
16 very simple. And she shows me something else  
17 where you can tell that that keyboard hooked  
18 to that computer was accessed. And I said  
19 and when, and she said, Friday, October 25,  
20 at 7:00 p.m. And I said well, there's a  
21 problem with that. I was at dinner with my  
22 husband for his birthday in Durham at that

1 time. It was after hours.

2           Clearly my office was accessed and  
3 the computer entries were deleted. Now I  
4 knew that the hazing wasn't hazing. It was  
5 people trying to do something to disrupt my  
6 either my productivity or perhaps to get me  
7 in trouble by missing meetings. I don't know  
8 the intent, nor have we ever been able to  
9 figure out exactly who did it. It was after  
10 that that we installed an alarm system with  
11 motion controls in the Office of the Chief.

12           They continued and, I don't know,  
13 every month, every two months something new  
14 would happen. Ben Holmes, the former  
15 Assistant Chief under my command, walked in  
16 one day with Deputy Chief Pettiford. They  
17 were visibly upset. They had gone downstairs  
18 to move their cars and found -- I don't know  
19 the size of the nails. They were long  
20 galvanized nails, several dozen of them,  
21 under the cars for the executive command  
22 staff, the whole group, in broad daylight.

1 There were other nights that we'd find used  
2 condoms on and around the vehicles that were  
3 parked there in the Chief's spot, the Deputy  
4 Chief's, and Ms. Blyth's. I think the last  
5 incident that is recorded in both a crime  
6 report and an e-mail to Director Mainella was  
7 the pepper spraying of Deputy Chief  
8 Pettiford's door.

9 Q With respect to the computer  
10 incident did you have any investigation  
11 conducted to see who had access to the  
12 building at those hours?

13 A That was the investigation and the  
14 access is open to any police employee. It's  
15 the type of lock that you put in a code,  
16 punch the buttons --

17 Q A cipher lock --

18 A Yes, sir, a cipher lock. It wasn't  
19 a card reader and still isn't, I don't  
20 believe, and so any police employee of the  
21 United States Park Police would have had  
22 access to the building. There are cameras on

1 the top floor but they're not recorded  
2 anywhere and, frankly, in talking to folks  
3 from communications division as long as they  
4 saw a uniform then they would not pay any  
5 more attention because they assume the person  
6 belongs there.

7 Q Did you ever come to suspect any  
8 individual or individuals of doing the  
9 computer incident?

10 A No, sir.

11 Q Did your suspicions focus on any  
12 individual about these other episodes?

13 A No, sir.

14 Q What do you think was the  
15 motivation behind the people who were doing  
16 this?

17 A To distract us from the work at  
18 hand. I was not the only victim. Deputy  
19 Chief Beam had some computer sabotage as  
20 well. Both he and Deputy Chief Pettiford had  
21 their refrigerators sabotaged. I mean, minor  
22 things in and of themselves until you start

1 putting them together.

2 Q What do you mean by had the  
3 refrigerator sabotaged?

4 A Someone went in either during or  
5 after hours and turned the refrigerator up to  
6 its full capacity so that things like sodas  
7 started to freeze. I guess they could have  
8 popped. They didn't. They found it in time.

9 Q Very much like what was happening  
10 in here before I turned the air conditioning  
11 down?

12 A Similar, yes, sir.

13 Q What kind of information was  
14 deleted from your computer specifically?

15 A They were all calendar entries,  
16 sir, to the best of my knowledge. I never  
17 noticed any document or e-mail missing.

18 Q Was there a pattern to them of any  
19 kind?

20 A No, sir, it was random. That was  
21 the pattern is that it was random as if  
22 someone didn't want me to notice that things

1 were missing. Four or five entries would  
2 still be there for a week, three or four were  
3 missing.

4 Q And this occurred about when?

5 A It occurred on October 25, 2002.

6 Q On October 25, 2002?

7 A Yes, sir.

8 Q Had there been some event that was  
9 precipitating that occurred before that? Had  
10 there been some reign of terror that you  
11 introduced or something?

12 A No, sir.

13 Q Had there been any discipline  
14 imposed or anything before that?

15 A None of the significant cases, no,  
16 sir, significant in that those that led to  
17 termination came after that.

18 Q Anything else with regard to the  
19 incidents that you were describing?

20 A Not that come to mind, sir.

21 Q When was the last of these  
22 incidents that came to your attention?



1 A November, sir.

2 Q Of what year?

3 A 2003.

4 Q What occurred in November of 2003?

5 A That's when Deputy Chief  
6 Pettiford's door was pepper-sprayed while he  
7 was in his office in a meeting.

8 Q Oh, I see. I'm sorry. Did you say  
9 you were in the room with him?

10 A No, sir, I was not. I believe I  
11 was in the building. I can't swear to that  
12 but it was during the work day. He was in a  
13 meeting and my secretary was in there with  
14 him. The door was ajar about 8-10 inches.

15 Q And what happened in that incident?

16 A Someone walked down the hallway.  
17 It had to have been or they would have been  
18 seen. There is a reception area outside of  
19 Deputy Chief Pettiford's office. The  
20 receptionist was gone. It is possible to  
21 spray his door. It's about as far away as  
22 your wall behind Mr. Ruch from the hallway to

1 the door of Deputy Chief Pettiford's office.

2 Q Well, I'd say that's about 10 feet.  
3 Does that sound about right?

4 A I'd say it's about 10 feet, yes,  
5 sir, 10 to 15 feet, and it is possible with  
6 the aerosol canister for someone to draw it  
7 from their belt, hit a spray, put it back in,  
8 and keep walking. We're betting that's what  
9 happened only because within a few moments  
10 there were other people in the hallway and no  
11 one witnessed this happening.

12 Q Doesn't a report have to be made of  
13 a discharge of pepper spray?

14 A I would think so but I can't  
15 imagine the offending employee doing that.  
16 We did do a crime report with regard to what  
17 occurred.

18 Q You say you did a crime report. Is  
19 that just in the nature of an incident  
20 report?

21 A Yes, sir.

22 Q But I understood you to say there

1 had been no investigation. Was there a  
2 formal investigation done of that?

3 A We had the commander of internal  
4 affairs who actually was the first to notice  
5 the odor from the pepper spray when the  
6 secretary was complaining about a burning to  
7 her eyes and he noticed a wet spot on the  
8 door and recognized the smell as being that  
9 from pepper spray. He did an informal  
10 investigation checking with folks in  
11 communications. Again, it's a skeleton crew  
12 in there and they were focused on consoles  
13 and not on the cameras.

14 I apologize. I do want to add  
15 something. I had a theft to personal  
16 property occur as well. I had a bicycle  
17 which was legitimately stored in a storage  
18 location on the first floor. Access was  
19 limited to members of the communications  
20 division. I'd ride it often after work for a  
21 number of reasons.

22 One is to inspect the icons and see

1     how the staffing was there.  It was a real  
2     great covert way to get up close and see what  
3     was occurring with regard to my staffing.  
4     And also for exercise.  I went in there one  
5     night and there was a piece of equipment, an  
6     electronic horn, that had been removed.  I  
7     immediately notified communications.  They  
8     had an officer come out.  A detective  
9     investigated it but we got nowhere.

10         Q     What was the value of this horn?

11         A     Probably \$25, sir.

12         Q     Do you think that was personal or  
13     somebody just wanted the horn?

14         A     Sir, it was very personal.  There  
15     was only one bicycle stored in that building  
16     and that was mine.

17         Q     And you say the access was limited  
18     to certain individuals?

19         A     Yes, sir.

20         Q     And there was no resolution to  
21     this?

22         A     No, sir.  I mean, we're talking

1 about several dozen individuals. It's the  
2 entire group of communications personnel.  
3 The lieutenant in charge of communications,  
4 who was at that time Lieutenant Datcher,  
5 immediately changed who had access and  
6 limited it to the supervisors on the shift  
7 but we never found the culprit.

8 Q Again, focusing on Ms. Blyth, one  
9 of the things that you mentioned that  
10 Ms. Blyth was important to you, I think, in  
11 some 20 matters that you told Mr. Murphy it  
12 was important to help you with, if I recall  
13 you correctly, and please feel free to  
14 correct me if I don't, had to do with the \$12  
15 million shortfall. Is that one of the  
16 issues?

17 A I don't know if I outlined the \$12  
18 million. I'm sure the list talked about a  
19 number of budget matters. I'd have to look  
20 back at that e-mail that I sent to Mr. Murphy  
21 detailing what she was involved in. Clearly,  
22 though, that was in the midst of our dealing

1 with the \$12 million shortfall so yes, I  
2 would have been relying on her in that regard  
3 and would have shared that with him in a  
4 verbal communication.

5 Q Let me ask you to describe what  
6 you're talking about as a \$12 million  
7 shortfall. What does that mean?

8 A During fiscal year '03 the  
9 Department of Homeland Security had come in  
10 at the Secretary's request and, frankly, at  
11 mine and Deputy Assistant Secretary  
12 Parkinson's request to take a look at the  
13 manner in which we were deploying officers on  
14 the National Mall as well as physical  
15 security aspects that could enhance the  
16 security there. Once the report was  
17 completed and Secretary Ridge sent it to the  
18 Department of Interior Secretary Norton  
19 decided to adopt that which was most easily  
20 adoptable and that was the mandate of the  
21 staffing recommended at at least Code Yellow,  
22 which the country remains at, for those three

1 icons.

2           So halfway through the fiscal year  
3 of '03 suddenly our mandated staffing changes  
4 tremendously with no additional funds. The  
5 manner in which we were staffing the icons  
6 with the additional positions was through  
7 overtime dollars to the tune of about \$8.3  
8 million. On top of that and I don't have the  
9 figures in my head but some of the larger  
10 ticket items that came to be toward the end  
11 of '03 but would have to be picked up for a  
12 full fiscal year in '04 were a long-standing  
13 locality pay freeze that was lifted which was  
14 a hefty dollar figure that impacted only the  
15 United States Park Police, no other federal  
16 agency, no other part of the Department of  
17 Interior, as well as absorbing the cost of  
18 increased salaries. And that was something  
19 shared across the board. Every place across  
20 the federal government had to take their fair  
21 share of what wasn't funded for them  
22 otherwise. Certainly the cost of fuel had

1 gone up and some other things of that sort  
2 but those were the largest ticket items was  
3 new personnel we hired, carrying their  
4 salaries into the new year, the overtime that  
5 we were now going to have to stretch out for  
6 an entire year, and facing no additional  
7 fundings.

8 '04 was to come in flatlined, the  
9 same dollar figure basically as in '03, and  
10 we knew that without the authority to cut  
11 services in some of our parks or to cut out  
12 special events that we would have no choice  
13 but to either go anti-deficient or to not be  
14 able to do what the Secretary said to do,  
15 which wasn't a good option for two reasons,  
16 one, career and future, and, secondly, for  
17 protecting those icons and helping to prevent  
18 a future attack. Frankly I think we should  
19 have been able to do more but I knew at  
20 minimum we needed additional funds to be able  
21 to do what was expected of us short of  
22 pulling officers out of their beats.



1           Q     I understood you to say that the  
2     increased staffing at the icons required by  
3     this mandate was addressed by overtime. Did  
4     I understand that correct? Would you explain  
5     what that means, please?

6           A     Yes, sir, before the Department of  
7     Homeland Security's report came in there were  
8     already a certain number of officers -- it  
9     varied based on the icons -- a certain number  
10    of officers already deployed there, sometimes  
11    around the clock, sometimes only at peak  
12    hours. With the report came a mandate that  
13    this staffing level would be maintained 24/7.  
14    We already had certain mandates. We had the  
15    Statue of Liberty from a previous report that  
16    Mr. Parkinson's office had done and we had a  
17    similar mandate in California although it  
18    wasn't backed up by so much as a formal  
19    report.

20                    But now that these new positions  
21    came in there were no new officers that came  
22    with it. There was no new money that came

1 with it. The only way to get those  
2 additional positions at each of those icons  
3 in Washington, DC, and at the statue was to  
4 pull people that are already worked their  
5 shift and hold them over, pay them overtime  
6 or bring them in on days off. There just  
7 were no other officers to move around. There  
8 is not a surplus in fact. We were  
9 tremendously short and remain so.

10 Q Was that your only solution to this  
11 problem or did you redeploy officers from  
12 other assignments?

13 A I ultimately redeployed. Prior to  
14 the interview with the Washington Post -- in  
15 fact if you go back to the Post article  
16 itself, the actual article, you'll see a  
17 photograph there. And he's taken a photo of  
18 a lieutenant walking a foot beat inside of  
19 either the Jefferson's or the Lincoln's top  
20 base because our solution, mine and Pamela's  
21 and the Deputy Chief's solution, coming into  
22 '04, once October 1 hit, even though we were

1 on a continuing resolution and the budget had  
2 not yet been passed is we had to manage as if  
3 there was no more money and short of pulling  
4 even more officers out of patrol areas we  
5 involved every major, every captain, every  
6 lieutenant, every staff person from internal  
7 affairs, personnel division, planning, and  
8 made them also work a shift.

9 It varied from one shift a week to  
10 one or two shifts a month depending on their  
11 position. It still wasn't enough to cover  
12 every shift around the clock seven days a  
13 week. But the only thing left to do then was  
14 since we were not given the authority to  
15 cancel any of the big ticket events such as  
16 Wolf Trap, such as the 4th of July, Cherry  
17 Blossoms, St. Patrick's Day Parade, all the  
18 nice things we do, was to pull officers from  
19 patrol beats which is what we ultimately had  
20 to do.

21 Q When did you make that decision to  
22 pull officers off patrol beats, October 1,

1 2003?

2 A Correct, sir.

3 Q Fiscal year '04?

4 A That's correct.

5 Q What was Ms. Blyth's role with  
6 respect to these management initiatives that  
7 you were taking to cover this mandate?

8 A One of her primary roles was to  
9 visit the sites ourselves, talk to officers,  
10 talk to supervisors, commanders, meet with  
11 the deputy chiefs, find out what the options  
12 were. One of the things that she and I had  
13 both learned in our varied past experiences  
14 is that when I had fallen into the trap  
15 myself as a commander if you as my boss on a  
16 previous job and had come to me and said  
17 Chambers, how many people can you give up,  
18 I'm likely to go none, I don't have any I can  
19 give up.

20 So Pamela's role was to take a  
21 broader look on behalf of the entire  
22 organization, the United States Park Police,

1 and say what's good for the organization, how  
2 can we accomplish the greater good, how can  
3 we accomplish the Secretary's law enforcement  
4 reforms for one, number two, protect the  
5 icons per her directives, and then get back  
6 to me with recommendations and it was my  
7 ultimate decision of what to pick and choose  
8 from what she brought forth.

9 Q Would you agree or disagree with  
10 this characterization of your stance with  
11 regard to redeployments: that you resisted  
12 taking officers off other patrol functions  
13 and assigning them to staff the icons?

14 A That's blatantly false because  
15 that's exactly how I staffed the icons. I  
16 wish I didn't have to do it because it left a  
17 very unsafe situation for visitors and  
18 ultimately unsafe situation for officers like  
19 those parks in the hands of others, perhaps,  
20 that shouldn't be visiting -- the Anacostia  
21 Park is one that comes to mind. It becomes  
22 very violent sometimes but we had no choice.

1           Q     Did you sense any criticism from  
2 Mr. Murphy or Ms. Mainella or anyone else in  
3 a management position of your handling of  
4 this \$12 million shortfall problem?

5           A     I sensed primarily a confusion. I  
6 don't believe that they ever understood  
7 completely. They showed very little interest  
8 initially in learning about what the  
9 shortfall was about. I heard criticism that  
10 we just had too much of an overtime budget.  
11 When I finally did sit down with the director  
12 and showed her dollar for dollar she seemed  
13 to grasp it a little more. Mr. Murphy  
14 initially wasn't interested in sitting down.

15                     They were -- not they, perhaps --  
16 Director Mainella was more interested in  
17 challenging why I was staffing the icons with  
18 the number of officers that I was staffing.

19           Q     Once again, why were you doing it  
20 at that level?

21           A     Because it was the Secretary's  
22 direction through Mr. Parkinson to me.

1           Q     Were expenditures for overtime a  
2 large or major component of this \$12 million  
3 shortfall?

4           A     Yes, sir.  If I was to continue  
5 staffing the icons into '04 using overtime,  
6 which is how we staffed in '03.  Remember in  
7 '03, we only had to staff it for a certain  
8 number of months.  The Homeland Security  
9 report came in on the summer of '03.  There's  
10 only three months left for the fiscal year.  
11 So it only cost maybe \$2-1/2 million.  I  
12 don't have that figure in front of me either  
13 but it was low.

14                     Now we had to project it out for 12  
15 months.  Absent that, that I had to have  
16 authority to either pull out of certain  
17 parks, like shut down an entire beat and not  
18 be in Fort Washington and not be in Marshall  
19 Hall or a number of the southern beats which  
20 I don't have the authority to do because that  
21 leaves the Regional Director with no police  
22 officers.  He has no law enforcement rangers

1 in the capital region at least in the center  
2 up towards Washington, D.C. Or I could close  
3 down special events. It is a huge  
4 expenditure, as you can imagine, to put  
5 together a 4th of July, an NFL kick-off, a  
6 Cherry Blossom Parade. I can cancel two of  
7 those and I can staff the icons all year.

8 I didn't have the authority to do  
9 either of those and in fact I had ——— the  
10 number of budget reduction recommendations  
11 through Mr. Murphy to Director Mainella.  
12 Some of them were accepted by Mr. Murphy.  
13 Ultimately they were never put in place  
14 because they also weren't unrealistic. He  
15 had recommended further reducing the number  
16 of officers at the icons which I didn't  
17 believe he and I have the authority to do.

18 So yes, overtime was a huge chunk.  
19 When we didn't get that overtime then the  
20 only choice was to compromise the safety of  
21 the community and on those parkways by  
22 further reducing the number of officers.



1 Four officers between Washington, D.C., and  
2 Baltimore is far too short as it is, but I  
3 had to take half of them so that we could put  
4 our attention and I don't regret that because  
5 I think -- I don't think, I know that in the  
6 wake of the terror that the country suffered  
7 on 9/11 that but for the grace of God we  
8 still have these icons standing. I know that  
9 we're still a target as I sit here today and  
10 so putting officers there is the right thing  
11 to do but there was a cost involved. And  
12 it's still ongoing outside in the community  
13 parks and our parkways.

14 Q Besides going out and talking to  
15 the folks and getting some ground level  
16 information what other role did Ms. Blyth  
17 play with respect to dealing with this  
18 shortfall problem?

19 A From my perspective and, frankly, I  
20 hope you ask me this same questions as well,  
21 I expected a product from her. I didn't know  
22 \_\_\_\_\_ but she was responsible for putting

1 the final print finish product together. I  
2 don't mean a spreadsheet with the numbers. I  
3 mean the package that we could help explain.  
4 She accompanied me to briefings with  
5 Mr. Parkinson and Mr. ——— Mr. Murphy  
6 seldom attended and then at one point decided  
7 to have budget meetings absent me and  
8 Ms. Blyth.

9 But she was the one who would go  
10 there with finished product with ——— a  
11 couple of deponents have already talked  
12 about. I refer to them as mission and budget  
13 meetings. I've heard them referred to as  
14 weekend meetings. We had four of them during  
15 the time I was there. But Ms. Blyth would go  
16 with a finished product that would help  
17 explain our beat structure or the function of  
18 a particular unit.

19 The way she was able to do that is  
20 because she learned it herself and she  
21 learned it from top to bottom where she could  
22 go in as my advocate alongside of me and

1 explain how we got to where we are, what it  
2 costs, and why and then turn to subject  
3 matter experts in the room as well to help  
4 her with any of the details.

5 Q You've heard other deponents talk  
6 about a problem of accountability for the  
7 expenditures of some \$12 million. I presume  
8 we are talking about the same amount of money  
9 from the same place. What did you understand  
10 the problem to be about accountability?

11 A Frankly one of the largest problems  
12 was the manner in which the Comptroller Bruce  
13 Shaeffer would go about explaining it to  
14 others. I had no problem once I got immersed  
15 in this budget process. Shelly Thomas, our  
16 budget officer, and I don't say this to be  
17 bragging but it is a comparison, she says of  
18 all the years she's worked at the Park Police  
19 she has never had a chief get involved in the  
20 nuts and bolts of the budget.

21 Well, I needed to do that because I  
22 was fearing that criticism and I kept

1 reflecting back to Mr. Griles for his  
2 admonition. Get your budget in order. Then  
3 I'm hearing that a \$12 million shortfall is  
4 incredible so I thought okay, I'm not going  
5 to take anybody's word for it. Show me where  
6 the money is. Shelly was able to do that and  
7 if I would have the spreadsheets here in  
8 front of me from that work product I'd be  
9 able to show you as well and say got myself  
10 ——— and so I was convinced that the  
11 numbers were accurate.

12           There's a name that you may have  
13 seen pop up from time to time, Dottie  
14 Marshall, a National Park Service employee  
15 not associated with Park Police. Bruce  
16 Shaeffer has a lot of confidence in her.  
17 Mr. Murphy has a lot of confidence in her.  
18 Twice she has helped us with our budget  
19 process. Mr. Murphy asked her to become  
20 involved again when this budget shortfall  
21 came about.

22           It was actually satisfying to have

1 Dottie sit there and she said yeah, not only  
2 are your numbers credible. I told Bruce a  
3 year ago that you are going to be in this  
4 predicament if he didn't give you the  
5 supplemental budget going into '04. We  
6 predicted it. We predicted it two years ago.  
7 He couldn't allow you to keep hiring and not  
8 then support it once we got to this point.

9           So I was convinced that the numbers  
10 were there. The way that it was packaged and  
11 sold to the Park Service level to the  
12 Director I think was clearly a problem with  
13 things like, well, their overtime budget is  
14 just too high. What does that mean? Too  
15 high for what? What do we cut out? So it  
16 was a packaging with an -- I never saw an  
17 accountability problem that I questioned.

18           Q    Is it your testimony that to at  
19 least some extent you were not authorized to  
20 redeploy forces from some areas to staff the  
21 icons? You needed approval of others higher  
22 up. Is that correct?

1           A     I needed the approval to remove  
2 services from parks.

3           Q     From which parks?

4           A     Any park.  So in other words to go  
5 from four to two officers in a patrol area I  
6 didn't need anyone's approval for that.  If I  
7 were to recommend pulling out of certain  
8 parks I absolutely did not have the authority  
9 to do that and more than once  
10 Director Mainella said we would not cut  
11 services.

12          Q     Did you actually propose to remove  
13 services from some parks and was it approved  
14 or disapproved?

15          A     Actually I proposed to cut some of  
16 the speciality events that were high ticket  
17 items knowing that that wasn't a popular  
18 decision but I took it down to basics and  
19 that was our primary role as a law  
20 enforcement officer is to protect the life  
21 and property of individuals.  So when I  
22 looked at where I'm spending my money,

1 officers patrolling parks so the people can  
2 recreate there free of being victims of  
3 crime, that was among our primary mission.

4           Secondary to that was building up  
5 traffic so that a parade can go by. I don't  
6 mean to diminish that. That's part of the  
7 culture of the National Park Service and part  
8 of our history by doing these kind of events.  
9 But they cost huge amounts of money and these  
10 were all being budgeted by the Park Police.  
11 Wolf Trap is a good example, a great place  
12 for the performing arts, but the  
13 superintendent doesn't pay for law  
14 enforcement services out of his budget. The  
15 Park Police do.

16           So if I had to decide do I want  
17 kids to be able to play on the banks of the  
18 Anacostia and not have to worry about the two  
19 or three guns that we get out of there a  
20 night during the summer time then I've got to  
21 think which is more important, directing  
22 traffic at Wolf Trap or ——— the Anacostia.

1           So I had cuts like Wolf Trap on the  
2 charge that I send up. Those were all turned  
3 down. They were all put back in the budget  
4 for us to handle. So when it came time to  
5 start the fiscal year there was really very  
6 little that had been approved what we had  
7 sent forward. It was here's the amount of  
8 money you're getting. You figure it out.

9           Q     To wrap up on this, on the  
10 specification on the charge 5 is it your  
11 position as we sit here today that at no time  
12 were you given a specific instruction by  
13 Mr. Murphy that Ms. Blyth was to be detailed?

14           MR. HARRISON:  Objection, vague,  
15 doesn't say by whom.

16           MR. L'HEUREUX:  I said by  
17 Mr. Murphy.

18           MR. HARRISON:  No, you didn't say  
19 who the detail would be by?

20           MR. L'HEUREUX:  No, I didn't and  
21 I'll have an answer, please.

22           THE WITNESS:  I'm sorry.  Between



1 the two of you now I've lost the intent of  
2 your question. Can you restate?

3 BY MR. L'HEUREUX:

4 Q Let me restate the question again.  
5 Is it your position as we sit here today that  
6 at no time were you give an instruction that  
7 Ms. Blyth was to be detailed, to make it  
8 clear, that you were to cause Ms. Blyth to be  
9 detailed?

10 A I can only answer by telling you  
11 what Mr. Murphy did tell me and that was it  
12 was his intent to detail her. He did not  
13 provide a date, he did not provide to me a  
14 date, the person to whom she should report,  
15 the time to report, or what her duties would  
16 be other than she would be working for him  
17 and then he would allow her to work a certain  
18 number of hours a days a week so that she  
19 could continue working with the Park Police.  
20 I never received final instruction in any  
21 manner from him with regard to the date,  
22 time, or place to report for Ms. Blyth.

1           Q     Let's move on to specification 2  
2     for charge 5.  Specification 2 says, "On  
3     May 8, 2003, the Office of Special Counsel  
4     requested proof that Deputy Chief Barry Beam  
5     (?) has successfully passed a psychological  
6     evaluation associated with his appointment to  
7     his position within the US Park Police and  
8     that Deputy Chief Dwight Pettiford had  
9     successfully passed a medical and  
10    psychological evaluation associated with his  
11    appointment to his position with the US Park  
12    Police.

13                    These requests were part of an  
14    ongoing OSC investigation into alleged  
15    prohibited personnel practices in the hiring  
16    of Ms. Blyth, Messrs Beam and Pettiford.  On  
17    or about June 12, 2003, I instructed you to  
18    direct these two employees to undergo the  
19    required evaluations."  Mr. Murphy is saying  
20    that he instructed you, Ms. Chambers, to do  
21    this.  Did that happen?

22           A     Let me ask for the record did you

1 read that they had successfully completed on  
2 the May 8th or that they had not?

3 Q They requested proof that they had  
4 successfully passed --

5 A They requested proof, okay.

6 Q That's how that reads. Do you want  
7 me to read this sentence again?

8 A No, and again without going back to  
9 the affidavit where I'm confident of the  
10 dates that are put together there I don't  
11 know the exact date that Mr. Murphy and I  
12 first talked about it but actually I was the  
13 one who notified him. I knew that it was  
14 something that would very likely rise to his  
15 level.

16 I had been informed by the  
17 solicitor's office that with this ongoing OSC  
18 investigation that there was a concern about  
19 the psychological testing requirement that  
20 seemed to appear in the job announcement.

21 I talked with someone on my  
22 personnel staff and then also someone in the

1 solicitor's office -- I'd have to look at my  
2 notes to see who was assigned that case --  
3 and reminded them that those were supposed to  
4 have been waived if any candidate had come  
5 from the outside because I had remembered  
6 Mr. Murphy's instructions that if it were an  
7 outside candidate who was selected their  
8 hiring would be handled exactly as mine was.

9 I also reminded the person from the  
10 solicitor's office that the DOI manual says  
11 that the psychological is for -- I don't know  
12 if the word is entrance level or basic or  
13 beginning employed, but clearly for the brand  
14 new police officer, the 21 year old coming  
15 into policing for the first time, and it was  
16 my understanding that the tests were going to  
17 be waived.

18 Nonetheless I -- it was either that  
19 night -- I believe it was that night or the  
20 following night that I telephoned Mr. Murphy,  
21 told him that this was happening and asked if  
22 it had been his intent to waive them and he

1 said he had. He was surprised to hear that  
2 they had not been waived up to that point.

3 (Interruption)

4 BY MR. L'HEUREUX:

5 Q My question is related to what's in  
6 the specification.

7 A Yes, sir.

8 Q "On or about June 12th I instructed  
9 you to direct these two employees to undergo  
10 the required evaluation." Did Mr. Murphy on  
11 or about June 12th instruct you to direct  
12 Mr. Beam and Mr. Pettiford to undergo these  
13 evaluations?

14 A Yes, sir, he directed me through  
15 his secretary Janice Brook to deliver a memo  
16 to the two gentlemen that I subsequently  
17 found out directed them to undergo the  
18 psychological tests which they did.

19 Q So is it your testimony that  
20 Mr. Murphy never directed you personally to  
21 give this instruction?

22 A No, very clearly he never did. But

1 he and I spoke about it the last -- when I  
2 say the last time the last time before his  
3 final decision was made because there were  
4 two nights in a row that we spoke about it.  
5 One night he said yes, I do remember telling  
6 Lynn Smith or someone from his shop that to  
7 make sure that the waivers was done. I  
8 believe they would've been the ones who did  
9 the actual paperwork or whatever for  
10 Mr. Murphy to sign and then he says I'm  
11 surprised it wasn't done he says, but I'm  
12 meeting with somebody from the solicitor's  
13 office on this tomorrow.

14           So he had told me let me wait until  
15 I see what they have to say before I make a  
16 final decision. But he had intimated that  
17 evening that he was leaning very strongly  
18 toward waiving them. I thought that was a  
19 good idea because those employees had been on  
20 over a year by this point. It just seemed  
21 ridiculous to now go back. And I was  
22 familiar with the test. He had waived it my

1 case because it was no test for a seasoned  
2 law enforcement officer. The test asked  
3 things like what was your favorite topic in  
4 seventh grade, very little relevance I could  
5 see for a deputy chief who have been carrying  
6 a gun for 23, 25, 28 years.

7           When I called Mr. Murphy the second  
8 night on my way home it was a late evening as  
9 most were. All right, I initiated the phone  
10 call because I deserved to tell these two  
11 deputy chiefs what was expected. They knew  
12 this was an issue and they weren't real happy  
13 about the possibility -- not that they were  
14 afraid of anything.

15           Number one, it's frankly demeaning.  
16 Number two, it's very time consuming. It  
17 takes an entire day, I am told, to do the  
18 test and then the analysis. But I called  
19 Mr. Murphy to find out whether he had had the  
20 meeting and I said I'm almost afraid to ask.  
21 What's your decision tonight? He says well,  
22 you won't like it but now that I've heard the

1 rationale behind it I'm going to confer with  
2 the solicitor's office and I'm going to ask  
3 you to have these two take the test.

4 I said would you hear me out just  
5 one last time. He said sure, which again was  
6 the normal kind of bantering conversation in  
7 which we engaged and I had bragged up until  
8 the end of 2003 about what a very supportive  
9 boss he had been, that it was one of the few  
10 times in my career that I really thought I  
11 had someone who would listen to me, then make  
12 a decision and knowing that I would carry it  
13 out.

14 Once he listened to me he said you  
15 know what I'm inclined to do. Why don't I  
16 call the guys in so they can hear my  
17 rationale? I said beautiful. Because these  
18 guys aren't going to be recalcitrant.  
19 They're going to do what you want. They're  
20 going to do what I want but yet they feel  
21 like they've been stepped on and I may have  
22 mentioned internal terrorists again but that



1 every time we turn around we have somebody  
2 doing something that stops our work product,  
3 stops us from forward momentum, but I know  
4 that if you take time to talk to these two  
5 guys they will, number one, appreciate it  
6 from you as an individual.

7           Instead of meeting with them,  
8 though, and I don't fault him for this -- I  
9 don't know his schedule. I know -- I'm sure  
10 it was much busier than mine. Instead of  
11 meeting with them within a few days -- I have  
12 to again look back into my affidavit to see  
13 the dates -- his secretary handed me two blue  
14 envelopes, the traditional envelope for  
15 confidential material, and then perhaps a  
16 third that had my own copies in it but asked  
17 me -- she asked me per Mr. Murphy to deliver  
18 these personally to Deputy Chiefs Beam and  
19 Pettiford.

20           I get back to the office and gave  
21 actually both of them to Beam, who was going  
22 to see Pettiford later in the day and

1 confirmed later that, number one, they have  
2 both been delivered and, number two, that  
3 they contained memoranda in there directing  
4 them from Mr. Murphy to take steps to get the  
5 psychological test done.

6 I know that within a week I had an  
7 e-mail from Deputy Chief Beam and it may have  
8 been in a matter of days telling me that he  
9 had complied with that request and he had  
10 taken steps to set it up. I know in  
11 conversation that they also told me it would  
12 be several months before they could get on a  
13 calendar of the psychologist or psychiatrist,  
14 whichever it is that actually analyzes the  
15 test.

16 Taking the test is only the first  
17 part. The employee controls that. You can  
18 do that -- it takes, again, four to five  
19 hours, maybe eight hours, to do hundreds and  
20 hundreds of tests in two part -- test  
21 questions in two parts. If that doesn't  
22 complete the requirement then you are held

1 hostage while you wait to get on the calendar  
2 of the psychologist that's under contract to  
3 sit and review the results.

4 Q Mr. Murphy says that he instructed  
5 you a second time after one of your  
6 discussions. The way this reads is after the  
7 discussion on or about June 12, 2003, where  
8 you gave a lot of reasons why this shouldn't  
9 happen Mr. Murphy says, "I instructed you for  
10 a second time to direct Beam and Pettiford to  
11 undergo the required evaluations." Is it  
12 your testimony that that did not occur?

13 A There was never a first time, sir,  
14 and there was never a second time.

15 Q He says that I gave you lawful and  
16 proper instructions; you failed to carry them  
17 out. It's your testimony that you were not  
18 given any instructions?

19 A My instructions were to hand  
20 deliver the memos. I did that the same day.

21 Q Is there anything else you want to  
22 say about this particular specification?

1           A     Mr. Murphy's memory is in error.  
2     We accomplished the task and there's  
3     documentation to prove it. It was done in a  
4     timely manner to deliver the memos, the only  
5     direction I've ever been given, and that  
6     those deputy chiefs followed through.

7           Q     Anything else?

8           A     In all respect for Mr. Murphy he  
9     may be remembering a conversation that we had  
10    ——— Teufel was a part of it where -- I'm  
11    not even sure whether it was Mr. Teufel or  
12    Mr. Parkinson. I had enquired about the  
13    status of whether these were going to be  
14    done. Murphy was on the speaker phone. He  
15    had missed his train then when he was at  
16    home. This was in Director Mainella's  
17    office. So Mr. Teufel was hearing perhaps  
18    for the first time, certainly for the first  
19    time for me, what had occurred and what the  
20    status was.

21                   I got the impression Mr. Teufel  
22    believed that I was somehow resistant ——

1 hadn't been forward and he seemed pleasantly  
2 surprised when I said no, I mean, both of  
3 these guys are in the process. I don't  
4 understand. I mean, they don't -- I don't  
5 understand why someone would think that we  
6 haven't moved forward because we certainly  
7 have and I just -- I don't know how far it is  
8 but both guys have taken steps to accomplish  
9 what they were directed to do. I'm confident  
10 that if you had either deputy chief sitting  
11 here they would tell you clearly that  
12 although they were not happy with what  
13 Mr. Murphy asked them to do that I clearly  
14 told them they would carry it out, period.

15 Q Anything else?

16 A No, sir.

17 Q Let's move then to specification 3  
18 for charge 5. This one says that, "In March  
19 of 2003 after the Constitution Gardens  
20 tractor man incident I instructed you to  
21 fully cooperate and work with attorneys in  
22 the Solicitor's Office in connection with any

1 information and/or assistance they needed  
2 regarding the incident".

3 This is Mr. Murphy writing this so  
4 Mr. Murphy is saying that he instructed you  
5 to fully cooperate and work with attorneys in  
6 the Solicitor's Office in connection with any  
7 information and/or assistance they needed  
8 regarding the incident. Did you receive that  
9 instruction from Mr. Murphy?

10 A No, sir, I did not.

11 Q Did you receive any instruction  
12 from him similar to that?

13 A No, sir.

14 Q Is it your testimony there was  
15 nothing like an instruction from Mr. Murphy  
16 to cooperate with the solicitor in regard to  
17 this incident?

18 A No, sir, there was an -- there was  
19 a critique of the tractor man issue in  
20 general that ——— from Mr. Parkinson's  
21 office Inspector General's Office more  
22 involved in and then later the solicitor's

1 office expressed interest in which doesn't  
2 then speak to the rest of that charge but  
3 Mr. Murphy had never given any instruction  
4 with regard to my cooperating with anybody  
5 about the tractor man incident or anything  
6 related to it.

7 Q The specifications goes on to say  
8 that, "On several occasions during July 2003-  
9 September 2003," which I presume means July  
10 through September 2003, "Randolph J. Myers, a  
11 Solicitor's Office senior-level attorney,  
12 sought your specific assistance to meet with  
13 him and discuss a complaint that had been  
14 made to you by the Organization of American  
15 States." Did that happen?

16 A I know that Mr. Myers was scheduled  
17 on my calendar at one point and that it had  
18 something to do with OAS and the item was  
19 taken off, shown as postponed, cancelled.  
20 I'm not sure the word that Lt. Beck used. He  
21 managed the more important items on my  
22 calendar. He was a gatekeeper of sorts, of

1 things that came and went, so I knew that a  
2 meeting had been scheduled. I also knew that  
3 it was taken off and I knew soon thereafter I  
4 received a memo from Mr. Myers about that.

5 Q Who is Lt. Beck?

6 A Lt. Beck is the Executive Officer  
7 for the Office of the Chief, right. He was  
8 my right hand. He handled incoming  
9 correspondence, outgoing. He kept the pulse  
10 of the agency close at hand so that I didn't  
11 lose touch with what was going on with patrol  
12 officers and what was happening on the  
13 street. That was a new position that was  
14 created -- that I created upon my coming to  
15 Park Police.

16 Q Is there a description for this  
17 position?

18 A Yes, sir, I haven't reviewed it  
19 since the position was stood up but yes, sir.

20 Q Is Lt. Beck still there as far as  
21 you know?

22 A Yes, as far as I know.



1           Q     Do you know anything else about any  
2 other efforts Mr. Myers may have made to  
3 communicate with you about this tractor man  
4 incident?

5           A     The memo that he sent following --  
6 sometime following the meeting being  
7 cancelled. He sent me a memo about that  
8 whole incident, the fact that it was on the  
9 calendar and now wasn't on the calendar.

10          Q     And what did you do when you got  
11 that memorandum?

12          A     I asked Beck if he knew anything  
13 about it because for the first time the word  
14 "complaint" occurred in there that Mr. Myers  
15 seemed to think that there was some  
16 complaint that had been expressed in one  
17 fashion or another by members of the Office  
18 of American States to me. I asked Beck. I  
19 remember standing there reading and saying,  
20 Beck, what's this about.

21                     He says I don't know, and then I  
22 read two sentences later and Mr. Myers said

1 that because we didn't have this meeting the  
2 Office of the Solicitor was closing their  
3 inquiry and I said good, what inquiry. If  
4 there's no complaint here, Beck, handle this.  
5 I don't recall hearing anything more about  
6 it. I knew that -- I do know that Lt. Beck  
7 attempted to coordinate calendars a couple of  
8 times and then let it drop.

9 Q How do you know that?

10 A Because it never happened and we  
11 had Mr. Myers' letter saying that since we  
12 weren't meeting he was dropping his inquiry,  
13 didn't ask for an inquiry. I did ask him to  
14 review a memorandum of understanding that I  
15 had received from the representatives from  
16 the Office of American States.

17 Q Did you interpret Mr. Myers' memo  
18 to be saying that you had asked for a meeting  
19 and for some reason it wasn't going to  
20 happen? Is that what I understand that you  
21 said?

22 A It wasn't clear to me at all that I

1 certainly had not asked for a meeting. He  
2 had asked for the meeting. He had gotten on  
3 the calendar and then removed himself from  
4 the calendar. Lt. Beck wasn't able to find a  
5 mutually agreeable date and then Mr. Myers  
6 sent this memo at some point thereafter. I  
7 don't remember how many weeks after.

8 Q Did you question Lt. Beck about his  
9 efforts to arrange a meeting with Mr. Myers?

10 A Lt. Beck had kept me apprised that  
11 he had tried several times and ——  
12 questioning. It was very fast conversation.  
13 What's going on with this, do you know  
14 anything about a complaint, do you know what  
15 he's talking about. He goes no, this is --  
16 and all we asked him to do is to look at the  
17 memorandum of understanding or whatever the  
18 agreement was called that the Office of  
19 American States have presented to me on the  
20 date that I didn't meet with them and we just  
21 asked for his legal review before we put it  
22 either in a general order in its entirety or

1 by reference.

2 Q I'm going to show you a document  
3 now from the agency file concerning removal  
4 and it's tab 4k that I'm going to turn your  
5 attention to. Counsel, I've made a copy of  
6 this particular exhibit for your attention.  
7 I'm not going to have it marked as an exhibit  
8 because it's already part of the record in  
9 this case and I can dig it out from behind  
10 me.

11 MR. HARRISON: Do you wish the  
12 witness to use my copy?

13 MR. L'HEUREUX: No, that's for you.  
14 I have a copy for her to examine.

15 BY MR. L'HEUREUX:

16 Q What I'm giving you now is the  
17 agency file on the removal, volume 1, and I'm  
18 looking at Exhibit 4K if I can get my fingers  
19 to work. Let me ask you to look that over  
20 and let me know when you've examined it.

21 A Okay.

22 Q Have you examined it?

1           A     I have, sir. I didn't read every  
2 word. Just now I recognized it is one of the  
3 document I reviewed last night in preparation  
4 for today's deposition.

5           Q     Exhibit 4K on its face is a  
6 memorandum written by Randolph Myers dated  
7 January 13, 2004. I'm really describing it  
8 now for the record. Let me explain to you  
9 that its organization is in response to  
10 statements made in the written reply to the  
11 proposed removal that was submitted by your  
12 attorneys.

13                   Before I ask you any questions  
14 about this let me ask you if you have any  
15 reason to disagree with any statements of  
16 fact that were made by your attorneys on your  
17 behalf in the written reply that you  
18 submitted in this case?

19           A     No, I have no reason to question  
20 this.

21           Q     Did you review that in detail  
22 before it was submitted?

1           A     I did, sir.

2           Q     Then let's turn to the second page,  
3 page 2 of this. At the beginning my  
4 comments, meaning Mr. Myers comments, he says  
5 to begin with the scheduled meeting that are  
6 requested regarding the OAS was cancelled by  
7 the Chief's office. Is that in accord with  
8 your recollection?

9           A     It does not accord with what  
10 Lt. Beck told me, sir.

11          Q     What did Lt. Beck tell you?

12          A     That Mr. Myers needed to cancel,  
13 that's my recollection.

14          Q     Do you remember when Lt. Beck told  
15 you that?

16          A     Probably the day of meeting, sir.  
17 I don't have a specific --

18          Q     The day the meeting was supposed to  
19 occur?

20          A     That's correct so in other words as  
21 he and I were going over my calendar for the  
22 day would've -- it would've been an

1 appropriate time for him to tell me that  
2 something that I believed was on there is no  
3 longer on there.

4 Q Going on in that same paragraph at  
5 the top of the first full paragraph at the  
6 top of page 2, Mr. Myers said "further, it  
7 was never rescheduled and at no time did I  
8 receive any messages from Lt. Beck to  
9 reschedule the meeting." Does that accord  
10 with your recollection?

11 A It doesn't -- it doesn't fit with  
12 what Lt. Beck told me. I don't have direct  
13 knowledge of this. Lt. Beck was the one  
14 handling the schedule.

15 Q And what do you recall Lt. Beck  
16 told you about this specific issue?

17 A Then he had tried on more than one  
18 occasion to find a mutually agreeable time  
19 for both Mr. Myers and I to meet on whatever  
20 it is Mr. Myers wanted to talk about about  
21 the OAS issue.

22 Q Did Lt. Beck tell you that he had

1 spoken directly to Mr. Myers about this?

2 A I don't remember whether he said he  
3 did or did not. I don't know who he's  
4 dealing with in the in the Office of the  
5 Solicitor.

6 Q What would've happened as a matter  
7 of routine? Would he have tried to reach out  
8 to Mr. Myers or to some assistant of  
9 Mr. Myers about scheduling a meeting?

10 A I don't that level of detail, sir.  
11 I didn't handle my own calendar. I had to  
12 require on the staffs -- I had to require --  
13 I had to rely on staff to do that.

14 Q The third full paragraph on there  
15 says, Mr. Myers having written this, "On two  
16 separate occasions Chief Chambers was advised  
17 by the Solicitor's Office both times in  
18 writing that a meeting was needed, that the  
19 purpose of meeting was important so that the  
20 Solicitor's Office could determine whether  
21 the Park Police violated the OAS Treaty or  
22 violated the Park Police general orders



1 requiring contact with the State Department.  
2 Chief Chambers never responded to either  
3 written notices, the pertinent portions of  
4 which are excerpted below."

5 Did you receive these writings from  
6 Solicitor's Office?

7 A I don't recall two memoranda. I  
8 remember the one that he quotes and I believe  
9 this also attached that talks about an OAS  
10 complaint which I believe is the first time I  
11 hear the word "complaint" or had heard the  
12 word "complaint" with reference to OAS and  
13 where he also says that he is closing or we  
14 are closing our enquiry, I suppose meaning  
15 the Office of the Solicitor.

16 Q Have you examined the two memoranda  
17 attached to this tab there at the very back?  
18 Let me ask you to do some now if you haven't.

19 A Well, I see that the last document  
20 dated August 13 clearly pertains to this OAS  
21 meeting that apparently Mr. Myers wanted to  
22 have and I do recall reading that. A second

1 memorandum that is just before it has to do  
2 with an after-action critique with regard to  
3 it becoming known as Tractor Man in the case  
4 of Dwight Watson. Now, without stopping to  
5 read every word I have not seen a  
6 reference -- oh, yes, I do now, the second  
7 paragraph with regard to OAS. I don't recall  
8 having seen it before. If you want I'll take  
9 a moment and read that paragraph.

10 Q Please do.

11 A Okay, I've read it now.

12 Q Have you seen that memorandum  
13 before?

14 A I have seen it -- I have no clear  
15 recollection whether I read it in detail. I  
16 know it was something that Mr. Murphy had  
17 asked to be appended to an after-action  
18 critique that the words of which Ms. Blyth  
19 had actually put together after attending  
20 with us a number of critiques, one first  
21 handled by the Deputy Chief Pettiford, one  
22 handled by the FBI, including other

1 information from folks involved in that  
2 incident. Mr. Murphy also wanted to have  
3 something from the Solicitor's Office  
4 attached. I know that when this came in, it  
5 was forwarded over to be a part of that  
6 document. I don't have an independent  
7 recollection of seeing this and reading it to  
8 make a connection with OAS.

9 I'm still struck by the fact,  
10 though, that Mr. Myers seems to think there  
11 was a complaint, and absent him showing me a  
12 complaint that his office received, I know  
13 that we never received a complaint ———

14 Q This was a pretty controversial  
15 episode within the Department, was it not,  
16 this Tractor Man incident?

17 A Sir, I wouldn't classify this as  
18 controversial. I would classify it as an  
19 overwhelming success from the Secretary right  
20 down to my immediate supervisor.

21 Q I didn't suggest that this wasn't a  
22 success. I said that there was a lot of

1 controversy about it. I'm asking you if it's  
2 true that there was a lot of controversy  
3 about this Tractor Man incident within the  
4 Department?

5 A I would say no, sir.

6 Q There was a lot of interest in it  
7 after the fact, was there not?

8 A Sir, I'd ask you to define  
9 "interest." I mean, I was interested in how  
10 we could learn from it and repeat some of the  
11 many positive things that happened and  
12 perhaps do things a little different if that  
13 was appropriate, but very little controversy,  
14 as I recall.

15 Q You said that you received both of  
16 these memoranda from Mr. Myers. Is that  
17 correct?

18 A I remember seeing -- I remember  
19 reading, personally reading the August one.  
20 I remember now seeing the September one and  
21 making certain that it went with the package  
22 to catch up with our critique and

1 Mr. Murphy's office before he sent it on to  
2 wherever he sent it on. I'm not sure where  
3 in the hierarchy he sent it.

4 Q If I understand your testimony, it  
5 is that you have no recollection, or you are  
6 denying that Mr. Murphy ever ordered you to  
7 meet with Mr. Myers from the Solicitor's  
8 Office. Is that correct?

9 A On this topic, sir?

10 Q On this topic about the Tractor Man  
11 incident, I'm trying to determine what your  
12 denial means. Are you are denying that  
13 Mr. Murphy ever instructed you to meet with  
14 Mr. Myers in the Solicitor's Office?

15 MR. HARRISON: Objection; vague to  
16 the extent that the question does not specify  
17 whether we are talking about the Tractor Man  
18 incident generally or the alleged complaint  
19 of the Organization of American States  
20 specifically.

21 MR. L'HEUREUX: Let me ask both  
22 questions then.

1 BY MR. L'HEUREUX:

2 Q Did Mr. Murphy at any time ever  
3 direct you to contact the Solicitor's Office  
4 concerning any question the Solicitor's  
5 Office may have had about the Tractor Man  
6 incident?

7 A I don't recall him putting it that  
8 way. He asked me to make certain that we  
9 included a review by the Office of the  
10 Solicitor of our after-action critique before  
11 it was submitted through him up the chain of  
12 command which we complied with.

13 Q Mr. Murphy says that he instructed  
14 you to fully cooperate with and work with  
15 attorneys in the Solicitor's Office in  
16 connection with any information and/or  
17 assistance they needed regarding the  
18 incident. Are you denying that's what  
19 happened?

20 A Which incident, sir?

21 Q The Tractor Man incident. And we  
22 are not talking about any other incident with

1 respect to the specification.

2 A I thought perhaps you were talking  
3 about the Office of American -- Organization  
4 of American States.

5 MR. HARRISON: So did I.

6 THE WITNESS: Which is --

7 BY MR. L'HEUREUX:

8 Q I have no questions that will  
9 concern themselves with whether they made a  
10 complaint. The specification alleges that  
11 you were instructed by Mr. Murphy to  
12 cooperate and work with attorneys in the  
13 Solicitor's Office in connection with any  
14 information and/or assistance they needed  
15 regarding the incident.

16 A I recall never -- I don't recall  
17 ever receiving anything close to that. I do  
18 recall him asking me to include them so that  
19 they would have a chance to add their  
20 comments to the after-action critique,  
21 because I had frankly not thought to pass the  
22 after-action critique through them. And at

1 his direction, Ms. Blyth and I did that. It  
2 was an oversight on my part. I didn't see  
3 the relevance of having them involved when we  
4 first sat down to do the critique.

5 Q Turning to the last document under  
6 this tab, which is the note to you from  
7 Mr. Myers dated August 13th.

8 A Yes.

9 Q The fact that he describes an OAS  
10 complained in there, didn't that cause you  
11 any concern that Mr. Myers was describing  
12 some sort of a complaint from the OAS?

13 A Yes, which is why I asked Lt. Beck  
14 if he knew what he was talking about, what  
15 Mr. Myers was talking about, since he is the  
16 one who had set up the initial meeting, and  
17 he said no. I said well, call him and see if  
18 there is something that I don't know about.  
19 But I have a feeling that he's just mistaken,  
20 that perhaps he thinks we received a  
21 complaint from the Organization of American  
22 States which we did not.



1           We had just included him because I  
2 was trying to learn the process of when to  
3 include the Office of the Solicitor, and in  
4 this case, I had -- and on hindsight perhaps,  
5 I should not have or we wouldn't be here with  
6 this charge today, but --

7           Q     Well, do you know if Lt. Beck ever  
8 did call Mr. Myers about this?

9           A     I know that he reached out to  
10 Mr. Myers. I can't with certainty tell you  
11 whether they ever spoke about it.

12          Q     Why would you not call Mr. Myers  
13 yourself concerning something like this?

14          A     Sir, with the schedule I kept,  
15 that's why I had to have a staff that I could  
16 rely on. There was no time for individual  
17 phone calls about meetings or about  
18 information that could very easily be handled  
19 by another staff member.

20          Q     I'm not going to read the whole  
21 specification because it has a lot of  
22 background information, but the last sentence

1 in the specification says, "Contrary to my  
2 instruction to you, however, you did not  
3 respond to Mr. Myers' request to meet with  
4 you regarding this serious matter." Is that  
5 true?

6 A It is true that I never met with  
7 Mr. Myers, because he cancelled and said that  
8 he was dropping his inquiry. It is not true  
9 that Mr. Murphy ever told me to meet with  
10 Mr. Myers in this incident.

11 Q Well, as to whether Mr. Myers  
12 cancelled and was dropping his inquiry,  
13 that's not exactly what Mr. Myers says in  
14 here, is it?

15 A No, sir, it's not. Mr. Myers also  
16 doesn't give me direction to meet with him or  
17 not to meet with him, nor am I charged with  
18 not doing what Mr. Myers has asked.

19 Q Very well. Now, is it your  
20 testimony then that you cooperated as fully  
21 as you thought you needed to with respect to  
22 whatever Mr. Myers needed?

1           A     Especially based on the fact that  
2     Mr. Murphy had never weighed in on this  
3     issue, because I doubt that he even knew that  
4     there was an issue at all or that I had ever  
5     met with the Organization of American States.

6           Q     You believe that with respect to  
7     departmental enquiries, you were cooperative  
8     with anyone who needed to communicate with  
9     you about this Tractor Man incident?

10          A     Absolutely, sir.

11          Q     Do you think that the Inspector  
12     General thinks that you were cooperative with  
13     him with respect to this incident?

14          A     I think that the Inspector General  
15     had a misinterpretation of the written  
16     communication that went to his office and  
17     thought prematurely that this was an  
18     after-action critique. He and I have talked  
19     since then and I'm confident have a good  
20     relationship.

21                   MR. L'HEUREUX: Let talks about  
22     that. Counsel, I'm going to have this marked

1 as deposition exhibit next number in order.  
2 Once again, let me ask you to examine this  
3 document this exhibit and let me know when  
4 you have examined it.

5 (Deposition Exhibit No. 2 was  
6 marked for identification.)

7 THE WITNESS: Yes, sir, I recall  
8 this clearly.

9 BY MR. L'HEUREUX:

10 Q And what is this Deposition Exhibit  
11 No. 2?

12 A It's a memo from Inspector General  
13 Earl Devaney to me on August 5, 2003, that  
14 was actually FedEx'd to my office and opened  
15 by my secretary. Clearly he is disappointed,  
16 to put it mildly, with regard to a memo that  
17 he had received from my office on  
18 July 3, 2003. He uses some strong language  
19 with regard to my performance, but it was  
20 clear after my initial shock on reading it  
21 that he believed this was -- that that  
22 document of July 3rd was the after-action

1 critique in its totality, and from that venue  
2 and from feedback I received from  
3 Mr. Parkinson later, I may not condone the  
4 tone of his memo but I understand it if he  
5 thought that was my final product, because it  
6 was by no means the final product. And if he  
7 thought it was, frankly, he would have a  
8 right to be upset with my performance.

9 Q Did I understand you to say that  
10 you had a subsequent conversation with the  
11 Inspector General about this?

12 A I did. We did not go about into  
13 great detail about this in particular, but we  
14 had talked -- it had to be within a month of  
15 this incident. I had called him about an  
16 inspection I had had done at the Washington  
17 Monument where, frankly, a couple of my team  
18 members failed miserably.

19 I called Mr. Devaney about it to  
20 tell him myself. He was thrilled. He said  
21 that's exactly the kind of proactive work I'm  
22 looking for. I shouldn't have to be out

1 there. We need to start getting together and  
2 talking rather than writing those types of  
3 things, and unfortunately, I wasn't there  
4 long enough to see that to fruition. I don't  
5 excuse away what may have happened that made  
6 him write that on a particular day, but that  
7 was not indicative of the relationship that I  
8 shared with Mr. Devaney on a regular basis,  
9 which is why I also didn't pursue it.

10 I talked to Director Mainella about  
11 it, told her that I was pretty disappointed  
12 in the lack of professionalism in that the  
13 memo -- and I was hoping that she would at  
14 least share with an appropriate person that a  
15 phone call would do or a visit even to my  
16 supervisor. But to put that in writing  
17 through my own staff was inappropriate. But  
18 I didn't pursue beyond that.

19 Q What did you understand the  
20 Inspector General be complaining to you about  
21 in this memorandum?

22 A I knew that he was complaining

1 about a particular memo that answered a set  
2 of questions that he may not have known that  
3 another member of his staff had asked a very  
4 narrow set of questions. I believe, and I  
5 believe Mr. Parkinson believed, after looking  
6 at this and my memo as well, that Mr. Devaney  
7 thought that was an overall after-action  
8 critique. And he and I talked in depth about  
9 what my after-action critique would look like  
10 versus what his action critique, which the  
11 Secretary had him asked to do, would look at  
12 and how we could complement each other  
13 without crossing over into each other's  
14 territory.

15 He was waiting for my after-action  
16 critique to finalize his report, and when he  
17 got this very not curt but very bland,  
18 just-the-facts type memo that someone on  
19 my staff had penned and I had signed, I can  
20 imagine his outrage that after all these  
21 months, he felt this is the product that has  
22 come out of it and his assumption was

1 premature.

2 Q I have no further questions about  
3 that document right now, and I won't later,  
4 either.

5 Concerning Mr. Myers and meeting  
6 with Mr. Myers or anyone from the Solicitor's  
7 Office, do you have anything to add to your  
8 recollection of what happened in these  
9 incidents to what you've said already?

10 MR. HARRISON: Object to the extent  
11 it calls for a narrative. It's not clear  
12 what specific question the witness is  
13 supposed to respond to. You can answer.

14 THE WITNESS: Thank you. I know  
15 that -- it had to be November, Mr. Murphy did  
16 ask me to contact Mr. Teufel. It's important  
17 in a couple of ways. One is that it shows  
18 the responsiveness with which I always  
19 followed Mr. Murphy's direction. Within 30  
20 seconds of him directing me to contact  
21 Mr. Teufel, I had done so, and left a message  
22 for him.



1                   And actually what Mr. Teufel wanted  
2 to do was to sit down with me and Randy Myers  
3 to talk about that communication that  
4 Mr. Myers had sent saying that there is a  
5 complaint, and since you wouldn't meet with  
6 me, now I'm going to close the inquiry. I  
7 was convinced that that was set aside. We  
8 also talked about a couple of other -- couple  
9 of other pending issues in the Office of the  
10 Solicitor at that time.

11                   I found it a very productive  
12 meeting. I was surprised when this came out  
13 of nowhere ——— charged with something that  
14 was stale, from the Tractor Man incident nine  
15 months earlier in March, that suddenly ended  
16 up as part of the document on December 18th,  
17 considering that we had talked about  
18 everything. And there was no confusion when  
19 Mr. Teufel, Mr. Myers, and I met in  
20 December -- November. I'm sorry.

21                   BY MR. L'HEUREUX:

22                   Q     That's a meeting subsequent to

1 these events that are described in Mr. Myers  
2 memorandum, including that --

3 A Yes, sir, perhaps it was because I  
4 didn't know at that time that he had written  
5 that memo to Mr. Teufel. Perhaps it was  
6 because as a supervisor, he thought it was  
7 important that he make sure that there was  
8 communication going on between the two of us.

9 Q I think we are going to turn to  
10 charge 6 at this point. Charge 6 has one  
11 specification. The charge is labeled as  
12 failure to follow the chain of command. And  
13 the specification says, "As noted in  
14 specification 1 for charge 4 above, on or  
15 about August 18, I instructed you to detail  
16 Pamela Blyth to the Office of Strategic  
17 Planning for 120 days." We have already  
18 discussed that at some length.

19 The next sentence says, "In  
20 response, you expressed your unwillingness to  
21 carry out my instructions." We discussed  
22 that in length, too. "Thereafter, during my

1 absence from work during the week of  
2 August 18, 2003, you appealed to Deputy  
3 Secretary Griles and convinced him to cancel  
4 my instructions that Ms. Blyth be detailed to  
5 the Office of Strategic Planning." Did you  
6 do that?

7 MR. HARRISON: Objection; vague.  
8 What's the "that"?

9 THE WITNESS: First, I'd like to --  
10 I know the word "unwilling" came up before,  
11 and I never told Mr. Murphy I was unwilling.  
12 I told him it was not a decision that I was  
13 fond of. "Unwilling" to me would indicate  
14 that if he were to tell me to do it, I would  
15 refuse to do it, and that did not happen. He  
16 did know that I was not pleased with losing  
17 her for any period of time, but I also had  
18 his assurance that he was going to make  
19 certain that didn't happen.

20 He never told me when she was to be  
21 detailed. And it was Ms. Blyth herself who  
22 finally had to share the information with me.

1 And at that point, it was a weekend already,  
2 I believe a Saturday, and the transfer was to  
3 take effect that Monday.

4 BY MR. L'HEUREUX:

5 Q By whom had Ms. Blyth been directed  
6 to go someplace on Monday?

7 A Mr. Murphy had communicated that  
8 directly to her without going through me.

9 Q Did you ever learn why he did that?

10 A No, sir, I didn't. He and I have  
11 never talked about that since it occurred,  
12 other than in the presence of Mr. Griles.

13 Q When did you discover that  
14 Ms. Blyth was to report on that Monday that  
15 we're talking about?

16 A My recollection is that it was that  
17 Saturday morning. Again, in my affidavit,  
18 the dates in that are going to be more clear,  
19 but it was all compressed within a weekend.  
20 It was either a Friday night or Saturday  
21 morning that she told me that she had spoken  
22 to Mr. Murphy, and she was clearly upset

1 because -- not so much because of the date.  
2 I mean, she was -- she was, as that memo from  
3 me indicated, was looking forward to growing  
4 in this job. And in fact, she was -- figured  
5 that she was able to stretch herself more  
6 than I was believing she could do so. I  
7 thought if I lost four hours a week, that was  
8 going to be a stretch. She believed she  
9 could give up an entire day.

10 To her surprise, after Mr. Murphy  
11 seemed to indicate a willingness to consider  
12 that before he made that -- the final date  
13 effective, she had this final phone call with  
14 him and learned that, number one, she was not  
15 working directly for him; that she was going  
16 to work for somebody by the name of Michael  
17 Brown in Strategic Planning office. That was  
18 not part of what Mr. Murphy had shared with  
19 me.

20 Secondly, it was to begin that  
21 Monday. Third, she would work only for  
22 Mr. Brown and would not work for me. Fourth,

1 she would work only on Mr. Brown's projects  
2 and not on any with the Park Police; that he  
3 would look at it again in two weeks and  
4 decide then whether to start rotating her  
5 back or whether it would continue for 120  
6 days. And then finally, that he had told her  
7 that she may decide that there were other  
8 places in the National Park Service she  
9 wanted to go at the end of this detail, which  
10 also was a concern of whether she was ever  
11 going to come back at all.

12 But the most immediate concern was  
13 what's going to happen with the budget  
14 process and to every other project that she  
15 was working with, and why haven't I gotten  
16 the information about when she was about  
17 to -- when she was supposed to report for  
18 this detail or transfer.

19 Q So what did you do next?

20 A I had a telephone conference with  
21 the entire executive command staff:  
22 Assistant Chief Holmes, Deputy Chiefs

1 Pettiford and Beam, and Ms. Blyth. We talked  
2 for what seemed like hours about the options.  
3 All agreed that it would be a critical blow  
4 to the executive command staff to have  
5 someone plucked out.

6           It would be the same impact as  
7 pulling Assistant Chief Holmes or one of the  
8 deputy chiefs out without anyone trained to  
9 take their place, without any opportunity  
10 ahead of time to get people up to speed; and  
11 that we needed to think through the options  
12 of what we could possibly do. It wasn't long  
13 before, and we had not completely come up  
14 with what we were going to do.

15           We thought about -- we could go  
16 over to Department of Interior and work our  
17 way through the chain of command. We knew  
18 that Mr. Murphy and Director Mainella were  
19 out of town, but frankly, I had already been  
20 through them. We knew that Judge Manson was  
21 out of town. That only left one person left  
22 and we were still considering that option

1 when Officer Capps called me.

2           Officer Capps had been notified,  
3 appropriately so, I believe, by Ms. Blyth  
4 about projects in which she was involved with  
5 the FOP grievances that she may have been --  
6 without going back to -- I can't remember all  
7 that she was dealing with the FOP, but she  
8 needed to tell officer Capps those were all  
9 on hold.

10           They were held in abeyance until  
11 she found out what the future was. He was  
12 incensed. I mean, here he is in the midst of  
13 trying to advocate for his officers, for  
14 their safety and the safety of the public and  
15 knowing Ms. Blyth was doing her dead-level  
16 best to get the correct information out to  
17 the troops and then bring that information  
18 back to me; and that in -- in a manner never  
19 before done in the Park Police except for  
20 back in the '50s when their chief was sent to  
21 Puerto Rico or someplace; literally he was  
22 sent offshore, that we can't find a time that



1 that was done, where anyone reached into the  
2 Park Police and just arbitrarily moved a  
3 person.

4 So Officer Capps took it upon  
5 himself as the FOP president to make a phone  
6 call to Deputy Secretary Griles. He got his  
7 voice mail and then learned that he was on  
8 travel. He said that he had left a message  
9 with Mr. Griles, and I don't -- I don't how  
10 detailed and I don't remember that he shared  
11 with me how detailed, but he urged Mr. Griles  
12 to call me at home and left my home phone  
13 number.

14 Q You said you considered it was  
15 appropriate that Ms. Blyth had told Officer  
16 Capps, is it?

17 A Yes, sir.

18 Q Why do you say that's appropriate?

19 A Because she was working on projects  
20 that he was expecting the work product from  
21 on behalf of the union and his membership  
22 that was not going to happen in the time in

1 which they had agreed upon.

2 Q What were those projects?

3 A I'd have to ask Ms. Blyth, sir. I  
4 don't remember sitting here with certainty.

5 Q Is it your testimony that Ms. Blyth  
6 had work to do that she was going to deliver  
7 or share with the union in some respects?

8 A She has many projects involving the  
9 union, including visiting different roll  
10 calls at times specified; sitting down and  
11 learning more about their needs; all part  
12 of -- no, not all part of, but mostly  
13 surrounding the budget process. All of that  
14 was going to be on hold because of her  
15 transfer a day and a half, two days later.

16 And she had an obligation, and I  
17 agreed that she had an obligation, to let her  
18 customer, Officer Capps, know that that would  
19 not be occurring in that time frame. And  
20 there was no secret as to why she told him  
21 why; that she was being detailed for a period  
22 of time.

1           Q     I may not have heard you right.  
2     Did I hear you describe Officer Capps as her  
3     customer?

4           A     Yes, sir.

5           Q     That's what you said?

6           A     Yes, sir.

7           Q     In what sense was he her customer?

8           A     Sir, the entire organization were  
9     her customers; my organization, chief is at  
10    the bottom of the organizational structure,  
11    and our job, everybody above me is to hold up  
12    the rest of the organization.

13                    We are there to serve them as they  
14    at the front line of the -- of the  
15    organizational chart, at the top of the  
16    chart, they have to serve the external  
17    customer. That's the way I manage. That's  
18    the way I --

19           Q     And it was your practice that you  
20    considered the union to be one of the  
21    customers?

22           A     Yes, sir, every employee was one of

1 my customers.

2 Q The union of course is not an  
3 employee, the union represents a class of  
4 employees. Isn't that true?

5 A Sir, the union is made up of only  
6 employees, and each one is my customer.  
7 Officer Capps was a quick way to get to  
8 several hundred of our employees with one  
9 phone call.

10 Q Did you know ahead of time that  
11 Officer Capps was going to call Mr. Griles?

12 A I absolutely did not. I was  
13 surprised but not shocked. I knew that he  
14 and Mr. Griles had a fairly comfortable  
15 relationship; in fact, Mr. Griles had called  
16 me in from the hallway one day to ask me  
17 about Officer Capps -- not something uncommon  
18 for Mr. Griles -- but he had seen me and  
19 brought me in and said, "Who is this guy  
20 Capps? Should I be talking to him, and is it  
21 okay with you." And I explained the  
22 relationship with the union. I told him I

1 saw it as only positive, except for those  
2 things that we may think are so confidential  
3 that we can't share; the more that we can  
4 share information with Officer Capps, he had  
5 shown himself to be a leader who would go out  
6 and put out -- put down rumors and put out  
7 actual factual information. And that was  
8 helpful to us.

9 Q What did Mr. Capps say to you, with  
10 as much exactness as you can muster, about  
11 his communication to Mr. Griles?

12 A I remember that he said something  
13 along the lines of, you know, I'm not looking  
14 for your approval, I just want you to know  
15 that I've left a message for Deputy Secretary  
16 Griles, and I've told him that it's urgent  
17 that he call you. I -- but I do not remember  
18 whether he said -- I do not remember whether  
19 he said to me that he had told Mr. Griles the  
20 reason for the urgency. I don't remember  
21 whether he had -- told me that he had  
22 mentioned the transfer or anything else.

1           Q     Do you know what Mr. Capps thought  
2 was the reason for the urgency?

3           A     Mr. Capps, Officer Capps knew  
4 the -- the reason for the urgency, and that  
5 was -- that Ms. Blyth was going to be plucked  
6 from the executive command staff by the start  
7 of the next work day, which was going to  
8 impact the work that all of us were trying to  
9 do with regarding the budget. So this budget  
10 year was one that -- we were working hand in  
11 hand with the union.

12                     It's been expressed to me in the  
13 past that prior to my coming, that the police  
14 force would go through -- the police force  
15 would go to the Comptroller of the National  
16 Park Service; the police force also had  
17 lobbyists they would send in to Congress; and  
18 then the union would go in. And there would  
19 be three different messages coming in from  
20 the United States Park Police about what the  
21 means were.

22                     She urged me to find a way to work

1 with the union, so that on most things that  
2 we could agree to that, we were one voice.  
3 We were successful in doing that, especially  
4 under Officer Capps' leadership. He knew  
5 that much of that communication and much of  
6 that forward momentum was going to halt with  
7 Ms. Blyth's removal, for whatever period of  
8 time she was going to be gone, or forever.

9 Q Did Ms. Blyth ask you specifically  
10 to do anything about this detail?

11 A Oh, no, sir, not at all. She was  
12 one who would like to stay below the radar.  
13 As much as she was stunned that Mr. Murphy  
14 would do this without even so much as a  
15 courtesy phone call to me, she was still  
16 trying to find the positives; she was  
17 concerned about what would happen to her  
18 projects; she was concerned about whether the  
19 budget was going to continue to move forward,  
20 or whether Bruce Sheaffer's shop would just  
21 continue to -- to handle it as he had done in  
22 the past, with little to no input from the

1 Park Police, or what would be left of her  
2 shop by the time she get back.

3 I'm her immediate supervisor; I  
4 don't have time to hand -- to personally  
5 supervise the people as she did. I had to  
6 figure out even who was going to answer to  
7 whom. This was going to require complete  
8 reorganization with the removal of Ms. Blyth.

9 Q By "complete reorganization," what  
10 do you mean?

11 A Her direct reports were going to  
12 have to report elsewhere, with -- with the  
13 realigning of the Park Police when I came in  
14 moving up to the directorate, they were just  
15 under the directorate level -- at the  
16 leadership level; my time to spend in-house  
17 doing the fund stuffs that are part of --  
18 that are police work -- during the  
19 operations, was greatly minimized.

20 My time commitments in the  
21 Department of Interior went from probably 10  
22 percent in the time under Chief ranks, but



1 was up to 80 percent of the time for me.

2 Very little time at my office.

3           And so the few people that did  
4 report to me, like Ms. Blyth and Lt. Beck,  
5 had to be self-starters that I knew needed  
6 very little supervision. Pamela Blyth, on  
7 the other hand, supervised the folks in the  
8 planning unit; that she supervised the folks  
9 in the fiscal unit under Shelly Thomas. She  
10 had a project person who worked for her as  
11 well, an administrative-type person. Those  
12 folks were going to have to be moved  
13 elsewhere in the organization once Ms. Blyth  
14 left.

15           Q    Well, let's get back to Mr. Capps.  
16 What did he communicate to you that he  
17 thought the urgency was?

18           A    That the transfer was effective the  
19 next work day ——— to get a conversation  
20 going with Mr. Griles and me so that in his  
21 best wishes so that this could be halted.

22           Q    Have you had any experiences with

1 labor unions in your past before you came to  
2 the federal government?

3 A Yes, sir, I have.

4 Q Did it ever happen before that the  
5 union interfered with a change of management  
6 employees?

7 A It happened all the time, sir.

8 Q Give me an example of what had  
9 happened?

10 A Twenty-one years at Prince George's  
11 County if the union went to the county  
12 executive and said if you bring that major to  
13 this district station there's going to be a  
14 walk-out that transfer stopped.

15 Q Did you ever have an occasion to  
16 observe the union go and complain because a  
17 commander was being transferred from one  
18 place to another?

19 A Yes, sir.

20 Q Away from one place?

21 A Yes, sir, popular commanders, the  
22 unions would often advocate for that person.

1           Q     Did you think that that was an  
2 appropriate thing for a union to do with  
3 respect to federal labor-management issues?

4           A     Actually I thought it was a  
5 compliment to the manner in which our  
6 executive command team was operating that the  
7 union president would go to that level. I  
8 didn't tell him whether it was a good or bad  
9 thing. In fact I kind of gulped hard  
10 realizing that without our having decided  
11 exactly what we were going to consider as our  
12 options the union had kind of moved it to a  
13 new level but I also believe that everything  
14 happens for a reason and that so be it.

15                     I had by this point left a message  
16 for Assistant Secretary Manson. He was next  
17 to my chain in command. I had been to the  
18 Deputy Director. I had been to the Director  
19 who had previously told me when I asked her  
20 to reconsider the transfer of Pamela that she  
21 would defer to Mr. Murphy on all matters with  
22 regard to it. Next to mine was the Assistant

1 Secretary. His secretary had told me  
2 probably on an unrelated matter but on Friday  
3 that Judge Manson was in Acadia and I knew  
4 from being up there before that the cell  
5 phone coverage is spotty but nonetheless I  
6 left him a voice mail message, asked him to  
7 contact me, that it was a matter of some  
8 urgency, and that if I didn't hear from him  
9 within a certain period of time I, you know,  
10 may be taking it up the chain of command but  
11 I really wanted to talk with him. In the  
12 meantime Officer Capps contacted me and I  
13 realized he had already elevated into that  
14 level.

15 Q What happened next?

16 A I believe it was Saturday night.  
17 It could have been Sunday night. Again, this  
18 was all compressed within a two-day period  
19 over the weekend. I had not heard back from  
20 Judge Manson. I had tried -- I believe I  
21 only left one voice mail but I had tried his  
22 cell phone on more than one occasion. I knew

1 that within a short period of time -- it  
2 could have been as short as 24 hours or short  
3 as 12 -- and Ms. Blyth was to report  
4 somewhere else and the momentum that we had  
5 built in the Park Police was about to come to  
6 a screeching halt.

7 I had been through my chain. I  
8 also knew that Mr. Griles had a message to  
9 call me and I thought all right, it's time  
10 for me to make the call. I knew from talking  
11 to his secretary Friday that he wasn't  
12 expected back until like much later on Sunday  
13 night so when I reached out to him I expected  
14 to get his voice mail and to my surprise he  
15 actually answered the phone, having caught an  
16 earlier flight.

17 Q What was your purpose in calling?

18 A My purpose in calling him was to  
19 see if he could intervene or give me any  
20 guidance with regard to Ms. Blyth's transfer  
21 and also to let him know that I was aware  
22 that Office Capps had called and left an

1 urgent message of some sort and I wanted him  
2 to know that I did know that Capps had done  
3 this, that I learned about it after the fact.

4 Q Is it Deputy Secretary Griles as I  
5 understand?

6 A Deputy secretary, yes.

7 Q It was your purpose, was it not, to  
8 have Mr. Griles rescind that order for  
9 Mr. Murphy for the detail?

10 A I was certainly hoping that would  
11 be the outcome, sir, but I know I couldn't  
12 control that. I could only give him the  
13 information. I just kept remembering him  
14 telling me get your budget in order, and if  
15 he wanted that to continue to be successful  
16 then I needed to let my command staff be left  
17 in tact.

18 Q What happened during this  
19 conversation that you just described with  
20 Mr. Griles?

21 A He began once he -- once I  
22 identified who I was and he said yes, I just

1 got this phone message from Officers Capps;  
2 I'm getting into a cab. I was about to call  
3 you. I asked if this was a good time to talk  
4 and he says no, go ahead. Tell me what's  
5 going on. It was a short conversation. I  
6 don't remember with any specificity the exact  
7 words other than to tell him that -- remind  
8 him what he had -- he had given me his  
9 direction on day one and that I was confident  
10 we were moving in the right direction.

11 I reminded him of conversations  
12 that he had had before that I believe you've  
13 already seen in my records with Mr. Griles.  
14 It was not unusual for him to say hey, kid,  
15 what's going on with your budget, and he knew  
16 the dire straits that we were in. He knew  
17 about the shortfalls we were facing. He knew  
18 about the creative things that we were trying  
19 to accomplish and it was time that he knew  
20 that the person who was most responsible for  
21 the positive change that had happened so far  
22 in the organization was about to be plucked

1 out of the organization and that, you know, I  
2 needed him, number one, to either understand  
3 that it was about to happen so that when he  
4 sees things stopping, the forward progress  
5 stopping, he would understand how or why it  
6 was occurring but ultimately if there was a  
7 way that he felt comfortable intervening that  
8 that would be wonderful and I told him.

9 I said I know I'm taking a huge  
10 risk going in the personal factor, that  
11 although I'm doing this the right way things  
12 will never be the same with the relationship  
13 in the Park Service once they realize that  
14 I'm talking to you, and that was not the  
15 first time I have heard these words from him.  
16 He had said then as he had said before you  
17 don't worry about that. Nothing bad is going  
18 to happen.

19 He says I'm going to have to have  
20 somebody to talk to Don Murphy at some point.  
21 I'm not going to tell you exactly what I'm  
22 going to do yet but just stand by and I'll



1 call you back before the weekend is out, and  
2 he did.

3 Q He did call you back?

4 A Yes, sir, he did.

5 Q How much longer was that before he  
6 called you back?

7 A I believe it was the same night, a  
8 few hours later. I can't be certain. It was  
9 definitely before the start of business  
10 Monday morning so if this conversation that  
11 I'm having with him was on a Sunday night  
12 which I believe it was then it was later  
13 Sunday night more towards 10:00 o'clock at  
14 night and that's what I believe it was. I  
15 believe it was Sunday when he was returning  
16 from the plane and when I reached out and  
17 Capp had left a message for him and that he  
18 called me back after that short conversation.

19 My understanding now was during  
20 that interim that he was making phone calls  
21 either to Judge Manson or just somebody at  
22 the Deputy Director level or Director level

1 in the Park Service.

2 Q What happened during the second  
3 conversation you had with him?

4 A The bulk of the conversation was  
5 simply that it was handled at least for now,  
6 that Ms. Blyth was to report to police  
7 headquarters Monday and not whatever location  
8 Deputy Director Murphy had directed her to  
9 report, that Judge Manson would be calling me  
10 and be handling it from this point with  
11 regard to making certain that there was no  
12 retribution and making certain that we sat  
13 down and talked about future relationships  
14 and where we were going and how things were  
15 being managed because I had expressed very  
16 serious concern about whether the Park Police  
17 could even stay in the Park Service because  
18 of a number of issues and this one was the  
19 most recent one, that I wasn't certain that  
20 my bosses could move beyond the fact that our  
21 Deputy Secretary was willing to intervene on  
22 our behalf to keep the organization afloat.

1 He mentioned then although he says I don't  
2 know when, he says, but I'm going to want to  
3 get together with everybody next week. I  
4 thought that was a good idea, told him I'd  
5 look forward to it.

6 Q During either of these telephone  
7 conversations what are the specific reasons  
8 for urgency that you communicated to  
9 Mr. Griles about --

10 A That the -- that the transfer was  
11 going to happen a few hours later.

12 Q Did you explain to Mr. Griles why  
13 that shouldn't happen right away?

14 A I did, sir. I went through --

15 Q What did you say to him?

16 A I explained to him the varied  
17 functions in which Ms. Blyth was involved  
18 which were much fresher in my mind than they  
19 are now but those that are listed in e-mail  
20 to Mr. Murphy. I had explained to him how  
21 the conversation had come up and that on one  
22 hand Director Mainella was telling me that

1 Ms. Blyth was being transferred because she  
2 wore a badge and people didn't like her and  
3 on the other hand Mr. Murphy was giving me  
4 another reason and, frankly, those reasons  
5 were suspect when I two completely different  
6 stories by the first two people in my chain  
7 of command. I told him that I had expressed  
8 to Mr. Murphy my concern over the fact that  
9 this could very well cause the Park Police to  
10 fail, that no, we didn't -- we didn't revolve  
11 around one person but at a critical budget  
12 moment like this it certainly was the most  
13 influential person in that organization, that  
14 Mr. Murphy had initially expressed his  
15 willingness to let Ms. Blyth just work a few  
16 hours a week, and that suddenly it changed to  
17 full-time and that if he, Mr. Griles, wanted  
18 us to succeed and wanted us to be able to  
19 continue to move the Secretary's law  
20 enforcement initiatives and reforms forward,  
21 a package that she had put out as directives  
22 for law enforcement, and to live within our

1 budget and to -- and to implement NAPA which  
2 I knew was critical for the Park -- well, I  
3 thought it was critical for the Park Service  
4 although we didn't always get the cooperation  
5 we needed but I knew it was critical for  
6 the -- for the Secretary when she appeared  
7 before Congress.

8           If that was going to continue then  
9 I needed his help and I needed it prior to  
10 Monday because I was convinced that once  
11 Ms. Blyth began her transfer there was a good  
12 likelihood we were never going to see her  
13 back and I couldn't stand by and allow that  
14 to happen and then have things fail and have  
15 folks like Mr. Griles say, Chambers, why  
16 didn't you tell me. If you would've only  
17 told me I could've helped.

18           Q     Did you say anything else about  
19 Mr. Griles concerning the reasons for having  
20 him intervene about this detail?

21           A     Not that I recall. He was  
22 familiar, very familiar, with the struggles

1 we were facing with the budget and he seemed  
2 to understand the criticality. He had met  
3 Ms. Blyth on a number of occasions and I  
4 think held her in high esteem. He understood  
5 what the two of us and the two Deputy Chiefs  
6 and Assistant Chief Holmes were trying to  
7 accomplish in an organization that, frankly,  
8 was several decades behind in its thinking,  
9 not in the talent there, good, talented  
10 people, but had not moved forward in a lot of  
11 years. We were taking them leaps at a time  
12 through changes that were clearly  
13 uncomfortable.

14 Q And it was your position that  
15 Ms. Blyth was important to this process of  
16 change?

17 A She was critical to the change,  
18 yes, sir.

19 Q What made her critical?

20 A If I had to line up the change  
21 agents in the organization she was at the top  
22 of the chart, primarily because, I believe,

1 she has no formal police background. She had  
2 some police oversight in her role as a city  
3 council member which was good for us, these  
4 terms and how work is performed and how we  
5 deploy and officer safety issues and  
6 equipment were not new to her but, myself  
7 included, 28 years of doing this job, I have  
8 a difficult time seeing things from a  
9 corporate perspective or seeing that there  
10 may be a different way of doing things.

11 I learned to value several chiefs  
12 in my own organizations, mentors of mine, the  
13 value of civilianizing, the value of bringing  
14 in people who have varied backgrounds so that  
15 we don't get this group think that happens in  
16 any organization and primarily in police  
17 organizations. Pam Blyth was critical in  
18 that. She told me and the Deputy Chiefs and  
19 the Assistant chiefs what we needed to hear,  
20 not what we wanted to hear, and I don't have  
21 another person in that organization today  
22 that can do that.

1           Q     Did she submit reports to you in  
2 writing of what she was doing?

3           A     Occasionally. I mean, it depended  
4 on what the assignment was. They were not  
5 reports for reports sake. There was not that  
6 kind of time to do busy work. Dear boss,  
7 here's what I have accomplished today. It  
8 was generally she and I there until  
9 7:00, 8:00, 9:00 o'clock at night on a  
10 regular basis accomplishing reports primarily  
11 to Mr. Murphy and Mr. Parkinson with regard  
12 to either NAPA or the law enforcement reforms  
13 for icon security. We spent -- he showed me  
14 a package earlier that we had prepared that  
15 was Ms. Blyth and I with Mr. Hoffman and  
16 Mr. Parkinson preparing that report after  
17 gleaning information from the deputy chiefs.

18                     Our job was to make sure that the  
19 operational commanders were free to do their  
20 jobs. To the best of our ability we kept  
21 them out of administrative-type meetings at  
22 DOI or at NPS. That's not a good use of the



1 sworn deputy chiefs' time or majors or  
2 captains for that matter and so we took on a  
3 lot of that responsibility ourselves.

4 Q Ms. Chambers I'm going back to your  
5 testimony. I recall you saying that it was  
6 something like a Saturday morning before that  
7 Monday that you learned that Ms. Blyth was to  
8 be detailed on Monday?

9 A Yes, sir.

10 Q And you convened a meeting of the  
11 group which I think you called the executive  
12 staff or something like that?

13 A Yes, sir.

14 Q Is that the correct name?

15 A Executive command staff, yes, sir.

16 Q Executive command staff.

17 A Yes, sir.

18 Q Where was that meeting convened?

19 A It was over the telephone, sir.

20 Q Over the telephone?

21 A Yes.

22 Q Who was present during that

1 meeting?

2 A There was me, Assistant Chief  
3 Holmes, Deputy Chief Pettiford, Deputy Chief  
4 Beam, and Ms. Blyth.

5 Q With respect to the importance of  
6 Ms. Blyth not being detailed on Monday  
7 morning what did Chief Holmes have to say  
8 about that?

9 A He said that we needed to be of one  
10 mind. He had even proposed at one point that  
11 the five of us arrive at Department of  
12 Interior at 7:00 a.m. and be standing outside  
13 of Mr. Griles' office. He said that it  
14 was -- it was important that this did not  
15 look like a battle that Theresa Chambers was  
16 taking on herself and that it wasn't a battle  
17 just about Pamela Blyth but this was about  
18 keeping a command team together that was  
19 working well, that was making progress, and  
20 this from a man who grew up in the Park  
21 Police, this from a man who had over 30 years  
22 of service with the old guard, so to speak,

1 but who valued the progress that was being  
2 made and was not willing to stand idly by and  
3 see that undermined and then that's how I  
4 believe he saw it.

5 Q Did he say anything else that you  
6 recall during that telephone conference?

7 A That was the most critical that I  
8 recall and we all talked for a long time and  
9 it must have been an hour and a half or two.

10 Q Have I got the title right? Is it  
11 Deputy Chief Pettiford?

12 A Yes, sir.

13 Q Deputy Chief Pettiford, what did he  
14 say on this topic?

15 A He stayed mostly quiet. He does  
16 most of the time. He's the thinker and the  
17 analyzer. He's the one that will take the  
18 information away from a group meeting and a  
19 day later have a profound creative idea but  
20 seldom would throw his two cents in in a real  
21 forceful way. Everyone agreed without my  
22 nudging that they would consider leaving the

1 job if the team were split up.

2 Q Each person on this conference said  
3 that?

4 A Yes, sir.

5 Q Did Chief Pettiford say that?

6 A I believe Deputy -- I mean  
7 Assistant Chief Holmes put that on the  
8 table and Deputy Chiefs Beam and Pettiford at  
9 least said well, you could certainly say I'm  
10 considering it or something along those  
11 lines.

12 Q That leaves two other persons if I  
13 recall the attendance list correctly. One is  
14 it Deputy Chief Beam? Was that his title?

15 A Yes.

16 Q What did Deputy Chief Beam have to  
17 say during this conference?

18 A Well, the same thing, that he  
19 thought it was inappropriate, first of all,  
20 that someone would be plucked from the middle  
21 or the highest levels at the Park Police  
22 force and that yes, he too would consider

1 walking. As important as this job was to all  
2 of us it was also important that we not allow  
3 specific steps to set us up for failure.

4 But we also believed that there was  
5 power in numbers. We also we believed that  
6 our bosses believed in us and that if they  
7 understood how critical this position was, as  
8 was any of the five positions that were left  
9 intact, I believe that that's what Mr. Griles  
10 saw and it never came to anything beyond that  
11 other than my using the chain of command  
12 effectively and getting his intervention.

13 Q Did you tell Mr. Griles that the  
14 executive command staff was saying that they  
15 would resign if this order stood?

16 A I didn't say that they would  
17 resign. I may have shared with him how the  
18 conversation escalated at the point where  
19 even that was on the table but I -- it would  
20 not have been unlike me to share that. I  
21 would have been willing to share that with  
22 him. I just don't have the specific

1 recollection of whether I did.

2 Q What would you have done,  
3 Ms. Chambers, if a group of officers had  
4 approached you with a similar proposition  
5 when you resolved to remove one of their  
6 commanders?

7 A I would have sat down with them and  
8 I would have listened, intently listened, to  
9 my detractors. That's another great lesson I  
10 learned from my mentors is I better listen to  
11 what people were saying especially when I  
12 don't want to hear what they're saying  
13 because there's something in there important  
14 to me. That didn't happen in this case.

15 Q Is it your position now that it was  
16 appropriate for you to telephone Secretary  
17 Griles to have your superior's order  
18 countermanded in this way?

19 A Sir, it's always appropriate to go  
20 through the chain of command if you don't  
21 agree with a decision. It's not only proper.  
22 It's the right thing to do when you know that

1 to do less will be abdicating my  
2 responsibility to do what's best for the  
3 force and for the Department of Interior.

4 Q You didn't go through the chain of  
5 command, though, did you? That's  
6 the accusation and the charge.

7 A That's the accusation, sir. I told  
8 you every person I went through and that is  
9 my entire chain of command.

10 Q Well, you didn't go to Mr. Murphy  
11 about the order that Ms. Blyth was to be  
12 transferred on Monday, did you?

13 A I had told Mr. Murphy that I  
14 disagreed with moving Pamela Blyth on a full-  
15 time basis or for any portion that was more  
16 than couple of hours a week. Mr. Murphy had  
17 taken matters in his own hand, went around me  
18 and told Ms. Blyth when to report, had  
19 changed all the parameters with regard to  
20 what the detail would be about.

21 It was clear his decision had been  
22 made. He had -- it was also clear that he

1 not only heard me but they decided no longer  
2 to include me by going around me to Ms. Blyth  
3 herself to give her the details of her  
4 transfer.

5 Q Why do you suppose he did that?

6 A I have no idea, sir.

7 Q Concerning this specific order that  
8 Ms. Blyth would be detailed as of Monday  
9 morning you did not go to Ms. Mainella again  
10 about having that order revisited, did you?

11 A I did not. I had never gotten the  
12 order but I had not gone back to  
13 Director Mainella with regard to what  
14 Ms. Blyth told me, no.

15 Q When I say order let me be clear.  
16 I'm referring to Mr. Murphy's order that  
17 Ms. Blyth be some place on Monday morning  
18 other than in your office. That's the order  
19 I'm talking about.

20 A His order -- his order to her.

21 Q Yes.

22 A I did not go back to



1 Director Mainella not primarily but solely  
2 because she had told me before that she would  
3 defer to Mr. Murphy on all matters with  
4 regard to this. She and I had a long  
5 conversation in her office when we talked  
6 about a number of issues one day and we  
7 talked specifically about this and I said,  
8 you know, if it comes to the point where it's  
9 time to make this happen I certainly hope you  
10 will allow me to be heard. Please understand  
11 how critical this is.

12 And I gave her the same line. If  
13 you want us to fail then let this happen  
14 because it can very likely be the beginning  
15 of our downfall. She says well, I'm just  
16 going to let Mr. Murphy handle that so  
17 whatever he decides I've told him that's his  
18 to handle and so just you take that up with  
19 him. Yes, ma'am.

20 MR. L'HEUREUX: This might be an  
21 appropriate time to take a break.

22 THE WITNESS: Sure, sure.

1           MR. L'HEUREUX:  Why don't we take  
2  whatever people need?

3                           (Recess)

4           BY MR. L'HEUREUX:

5           Q     Just to wrap up on charge 6, again  
6  I'll make it in the nature of an invitation.  
7  On a specific question if there is anything  
8  about the charge or specification in charge 6  
9  that you would like the record to reflect I'm  
10 inviting you to say so at this time.

11           MR. HARRISON:  Let me note by way  
12 of objection that it's an open-ended question  
13 that would appear to call for a narrative but  
14 the chief obviously incorporates by reference  
15 her prior file, the affidavit and so forth,  
16 in response.  But if you wish to add  
17 something today you are welcome to do so.

18           THE WITNESS:  No, sir, nothing  
19 comes to mind.

20           BY MR. L'HEUREUX:

21           Q     Considering the detail of  
22 Ms. Blyth, however, in the response to our

1 interrogatory which you've signed you report  
2 that Chief Pettiford said that he had been  
3 requested to detail Ms. Blyth?

4 A That's correct, sir.

5 Q How did you come by this  
6 information?

7 A I attended as did he this year's  
8 annual gathering at the United States Park  
9 Police Retirees Association in Brunswick,  
10 Georgia. It's the first time that I had seen  
11 or talked with Deputy Chief Pettiford since  
12 December and we spent some time just  
13 reconnecting that evening after dinner and he  
14 was sharing some of the issues that he is  
15 dealing with since there certainly was no  
16 prohibition about that and one of the things  
17 he says he deals with is that not a week goes  
18 by that he is not told to transfer Pamela  
19 Blyth by Don Murphy and Fran Mainella and he  
20 tells them no.

21 Q I see. Was anyone else present  
22 when you had this conversation with him?

1           A     No, sir.

2           Q     Did you have any other  
3     conversations with Chief Pettiford on that  
4     specific subject?

5           A     It was -- it was at the same time  
6     it was along the lines of, you know, he is  
7     telling Pamela to keep her head down and he  
8     had taken a number of functions away from her  
9     just to pretty much keep her out of the  
10    Department of Interior building and out of  
11    sight, out of mind.

12          Q     And in your response and various  
13    pleadings there is some discussion that  
14    Ms. Blyth was engaging in conduct which you  
15    believe to be protected.  What was it that  
16    Ms. Blyth was doing that you believe to be  
17    protected?

18          A     Specifically she had alerted me and  
19    then ultimately Mr. Murphy, Mr. Parkinson,  
20    Mr. Hoffman, Mr. ——— from the Department  
21    of Interior's Budget Office, and Mr.  
22    Shaeffer himself first directly to try to get

1 resolution to it to some inconsistencies that  
2 she first found and brought to my attention  
3 with regard to the budget process and the  
4 budget numbers for one particular project  
5 that comes to mind at the United States Park  
6 Police and that was the radio narrow-band  
7 conversion monies, that the dollar amount  
8 changed at various meetings that we went to,  
9 that the procedure to be used to spend those  
10 monies continued to adjust as we would -- as  
11 we would comply with one request from the  
12 Comptroller's Office suddenly there would be  
13 a new set of directions and, frankly, she  
14 became suspicious and then I did as well with  
15 regard to what the actual dollar figure was,  
16 whether those monies were really there,  
17 whether we were ever going to see them used  
18 for the purpose that they had been intended  
19 to be used.

20 She also alerted us -- the most  
21 recent one that I -- the most recent  
22 notification that I remember was in an open

1 meeting. I keep referring to the mission  
2 budget meetings. We heard a few witnesses  
3 call them weekly meetings but I believe we're  
4 talking about the same meetings where  
5 Mr. Hoffman, Parkinson, Murphy were often  
6 there and budget folks. She had reminded  
7 them again that we had been, frankly,  
8 completely cut out of the '05 budget process  
9 by the National Park Service, probably the  
10 '04 as well but we were too new -- this is a  
11 two-year process -- to realize what was  
12 happening and that the manner in which  
13 documents were moving forward under the  
14 heading of United States Park Police as if we  
15 had somehow had a say or buy-in or agreement  
16 with was if not simply unethical perhaps even  
17 illegal and had alerted leadership in the  
18 Department to that and in that forum that I  
19 know of.

20           So I know that she had raised the  
21 flag on those types of issues and now  
22 suddenly is being told that she is going to

1 be moved to a new assignment.

2 Q What did you think the illegality  
3 was? Which law did you think was being  
4 violated?

5 MR. HARRISON: She may answer but  
6 I'll object to the extent it calls for a  
7 legal conclusion.

8 THE WITNESS: I've had no legal  
9 training in regard to what I have -- you  
10 know, in retrospect, as I thought over lunch,  
11 Ms. Blyth and I both had attended a couple of  
12 federal budget training programs when we  
13 first came on board. In fact her first week  
14 on the job was the first command staff  
15 retreat that she and I both attended in  
16 Shepherdstown in April '02 and in that we had  
17 a full day presentation by Glenda  
18 Summerville, who has a strong lengthy  
19 background in federal budgeting, and then  
20 several hours presentation by Bruce Shaeffer  
21 So we knew enough to know that  
22 there's supposed to be involvement. Whether

1 that's by federal statute or regulation I  
2 don't know either of this know at this point  
3 but she knows that as to why that you can't  
4 spend more than you have and yet she knew  
5 that I had been encouraged to do just that so  
6 in that regard that would certainly be  
7 illegality and she had the courage to bring  
8 it up in a meeting. It was not received well  
9 by the leadership in that meeting but she had  
10 the courage to bring it up.

11 BY MR. L'HEUREUX:

12 Q Well, describe the meeting that  
13 you're talking about?

14 A The budget -- mission budget  
15 meetings chaired by Mr. Parkinson.

16 Q When did that meeting occur?

17 A I don't know, sir. I'd have to go  
18 back and look through notes and see if I  
19 could piece it together --

20 Q Well, close to the time that you  
21 were placed on administrative leave or not  
22 close to that time?



1           A     The meetings began in August.  
2     That's when they first began.

3           Q     So is it fair to say it would be  
4     between August and --

5           A     December.

6           Q     December.

7           A     December 1 was the last one that I  
8     attended. They were intended to be weekly  
9     meetings. There were four during that time.

10          Q     Who was present at the meeting that  
11     you're recalling?

12          A     Mr. Parkinson chaired it. I can  
13     assure you that Mr. Hoffman was there. Then  
14     I don't remember the faces but I know there  
15     was representation from the Comptroller's  
16     Office of the National Park Service and from  
17     the budget office, often Steve Calvary from  
18     Larry Parkinson's office sat there.  
19     Mr. Murphy would come and go. Sometimes he'd  
20     come in for a little while and leave,  
21     sometimes he stayed the whole time, sometimes  
22     he wasn't there at all.

1           Q     At the meeting that you're  
2 recalling what do you recall that Ms. Blyth  
3 said specifically?

4           A     In that one she stated that the  
5 budget process which we were engaged that the  
6 United States Park Police had been cut out  
7 off and that she wasn't convinced that that  
8 type of action may not be illegal along those  
9 lines.

10          Q     What do you mean by or what did you  
11 understand Ms. Blyth to mean when she said  
12 that the Park Police had been cut out of the  
13 process?

14          A     That we had not been consulted with  
15 and the dollar figures had moved forward on  
16 documents that if I were the reviewer not  
17 being part of the Park Police I would believe  
18 had been initiated by the Park Police because  
19 of the heading that said just that, United  
20 States Park Police.

21          Q     Were you prevented from presenting  
22 information during the budget process?

1           A     We never knew the budget process  
2     had moved forward. We never knew that the  
3     National Park Service Comptroller's Office  
4     had passed forward a dollar figure to the  
5     department's budget office on behalf of the  
6     Park Police because we hadn't had even so  
7     much as a conversation. We never had the  
8     opportunity to defend our budget request to  
9     the director of the Park Service. We'd never  
10    had an opportunity to defend it to the  
11    Comptroller for that matter.

12           Q     Are you saying to defend?

13           A     To defend, yes.

14           Q     Had you actually presented what you  
15    thought your budget requirements were to the  
16    National Park Service before the budget  
17    office sent anything forward?

18           A     There is a paper process that went  
19    forward, a wish list for want of a better  
20    term, that went forward from budget officer  
21    to budget officer and I naively believed that  
22    the next step would be now an opportunity for

1 either me and my peer Bruce Shaeffer to sit  
2 down so that he could advise the director or  
3 ideally that I would sit down with Mr. Murphy  
4 and/or the director to say here's why we've  
5 requested these, here's the implications --  
6 here are the implications that certain things  
7 aren't funded, here are the options, here are  
8 the priorities as I see them. I assume that  
9 that's what they would want to have happen.

10 I know that they got a lot more to  
11 fund than just the Park Police but I also  
12 understand that if I were in their position I  
13 would want to know the repercussions with  
14 regard to the lives of citizens and employees  
15 if things in which the Park Police are  
16 involved aren't funded. We were never asked  
17 for any dialogue or any further justification  
18 at that time.

19 Q I interpret from things that have  
20 been submitted by you and your attorneys in  
21 this case that you have or had some reason to  
22 believe that the detail by Mr. Murphy of

1 Ms. Blyth was in retaliation for some  
2 protected action. Do you in fact believe  
3 that?

4 A I believe it's certainly a  
5 possibility.

6 Q What is it you think that he was  
7 retaliating for and what was he doing to  
8 retaliate?

9 A Pamela Blyth in budget meetings  
10 before the mission budget meetings when -- it  
11 goes back to June if I recall and we can  
12 verify it through the affidavit but when  
13 Pamela and Shelly Thomas and I were first  
14 called to Mr. Parkinson's office to go over  
15 the budget that happened to be the meeting  
16 that Officer Capps was there as well. Capps  
17 was there for a different meeting with  
18 Mr. Parkinson. Mr. Parkinson wanted to put  
19 the budget one first and he says, Capps, come  
20 on; you might as well stay. So he is there  
21 for it as well.

22 We believe that we're there to

1 explain our \$12 million shortfall so we dig  
2 out all of our documents. We think  
3 everything is fine. To our surprise Bob  
4 ——— who was there starts talking about  
5 some \$3 million figure in '05 and I never  
6 assumed that I have seen other than I was  
7 supposed to see. So I'm looking for clues  
8 from Shelly Thomas and Pamela Blyth, you  
9 know. What's this guy talking about? And  
10 they are looking at each other. It's clear  
11 that neither of them had any idea.

12           Finally I had to admit to  
13 Mr. ——— that I have no idea what he's  
14 talking about. He says well, it's right  
15 here. See, it says United States Park  
16 Police. This is your submission for \$3  
17 million. I said I've never seen that  
18 document. Oh, sure, you wrote this  
19 narrative, and he reads a narrative that was  
20 purportedly written by me or someone on my  
21 staff. We had never seen that document.

22           Pamela challenged as she should

1 have in her role Bruce Shaeffer later on in  
2 meetings about why we were cut out of the  
3 process and how do we stay involved and,  
4 frankly, she communicated to Bruce that she  
5 wanted to learn what the appeal process was  
6 so that if we didn't get more than this \$3  
7 million and we knew that there were really  
8 negative repercussions how did we communicate  
9 that and to whom did we communicate that. I  
10 wasn't present for those meetings so  
11 certainly my testimony now is third hand at  
12 best. She will be our best witness or your  
13 best witness there. But she was surprised by  
14 Bruce's lack of willingness to tell her how  
15 she could appeal that and in fact told her to  
16 be very careful about doing that, that there  
17 were bad people that wouldn't take kindly to  
18 that.

19           It's best to hear it from her words  
20 because I would be going by memory of what  
21 she told me that she said. But it was clear  
22 right then that she had stepped into

1 territory that apparently no other leadership  
2 in the Park Police had ever wanted to go.  
3 Mr. Murphy had first complimented us for  
4 doing that months earlier but, frankly, as  
5 Pamela at each of these meetings would hold  
6 people accountable and how do I know she had  
7 stepped on toes? Because the director called  
8 me on the carpet one day for it because  
9 Ms. Blyth had questioned Mr. Shaeffer in a  
10 meeting and appropriately so.

11 He was making allegations, broad  
12 allegations, with no substance and I want to  
13 hear constructive criticism but to sit in a  
14 meeting with department leadership and say  
15 well, we just never get answers out of the  
16 Park Police, Ms. Blyth, and she will do as  
17 she did as a council member, says no, wait.  
18 We are not moving off this topic.  
19 Mr. Shaeffer, give me an example right now  
20 before you leave this meeting. That didn't  
21 set well because he would go back and  
22 describe it to the director because then she



1 would describe it to me.

2 The director also herself pretty  
3 much said that one of the reasons Pamela was  
4 moving was she was a bad influence on me or  
5 at least that was her belief. That sounds  
6 very clear like retaliation for something the  
7 director believed had occurred and I believe  
8 it was budget-related.

9 Q It's true, isn't it, that  
10 Mr. Murphy went to bat for the Park Police on  
11 that \$3 million amount to get it raised?

12 A I heard Mr. Murphy testify to that.  
13 I never saw a document that Mr. Murphy went  
14 to bat for the Park Police. I attended those  
15 meetings almost entirely by myself. There  
16 was one final pre-OMB meeting in  
17 Mr. Parkinson's office that Mr. Murphy  
18 attended because it was, frankly, right  
19 before we met with OMB the next hour.

20 I'm sure he needed to be there to  
21 hear what was being said and I heard him  
22 agree that we needed an increase. I have

1 never heard Mr. Murphy advocate for our  
2 increase. In fact when I went to explain  
3 my \$12 million shortfall to Mr. Murphy he  
4 told me that well, I know it's going to be  
5 tough and that it was okay to go anti-  
6 deficient and he walked out of his office.  
7 So if he advocated he did so quietly.

8 Q When you say he walked out of his  
9 office you mean leaving you there?

10 A Yes, sir, leaving me there. It  
11 wasn't the first time but yes, he called me  
12 into his office to go over the budget since  
13 now Mr. Parkinson was involved and I went  
14 over it step by step. That was the only  
15 feedback I got and then he left.

16 Q Was there anyone else in the office  
17 when he left you there?

18 A No. No, sir, there was no one.

19 Q What did you do then?

20 A I picked up my stuff and left. He  
21 said he had a meeting to go to. I mean, he  
22 didn't just walk out without saying anything

1 but he gave me no constructive feedback  
2 whatsoever. Now, within a couple of days is  
3 when he asked Dottie Marshall to come in and  
4 take a look at our budget. I don't deny that  
5 he had the authority to do it and he did it  
6 absent telling me that he was going to. He  
7 made Dottie come over and tell me but she's a  
8 good sport and she's a really talented  
9 employee and so I valued her input.

10 But he also sent Dottie to me with  
11 an assignment that was due that night to pull  
12 together a projected balanced budget for '04  
13 of how we would manage the cuts I referred to  
14 earlier, where we would cut, how we would  
15 possibly stay in the black into -- I mean, in  
16 fiscal year '04. So Dottie and Pamela and  
17 Shelly and I worked until 9:30-10:00 o'clock  
18 at night in the office.

19 Mr. Murphy had -- I had called him  
20 at one point. I told him I was working on  
21 this document. He needed it for a meeting  
22 the next morning to which Dottie Marshall and

1 Shelly Thomas were invited with the specific  
2 instructions that neither Pamela or I were to  
3 appear, that he wanted to meet with these two  
4 alone.

5 I took that on the chin and thought  
6 perhaps he wanted to make sure that we  
7 weren't making Shelly say something that  
8 wasn't true. I called Mr. Murphy at home  
9 early in the evening and asked what he wanted  
10 me to do with these documents once they were  
11 done. He said fax them to my house. I'll  
12 review them and I'll call you in the car. I  
13 said that's great. It's an hour's drive  
14 home. I look forward to it. I'm still  
15 waiting for that phone call. He and I have  
16 never discussed it beyond that night.

17 Q You have said in your appeals, in  
18 both the IRA appeal, the independent right of  
19 action appeal, and then the appeal of your  
20 removal that you believe you were retaliated  
21 against for protected conduct?

22 A Yes, sir.

1 Q Without going into the specific  
2 protected conduction what official or  
3 officials do you believe did retaliate  
4 against you?

5 A Specifically Donald Murphy as the  
6 proposing official and now at this point I  
7 would have to supposedly included Hoffman  
8 since he's the deciding official.

9 Q Any other officials you believe  
10 retaliated against you?

11 A Not that I have personal knowledge  
12 of because I don't know who else was involved  
13 in the decision.

14 Q You say you don't have personal  
15 knowledge. Do you have any knowledge of  
16 other officials that you believe may have  
17 retaliated against you?

18 A I suspect my entire chain of  
19 command in some regard because I haven't  
20 stopped this action.

21 Q Do you have any specific reason for  
22 believing that people above Mr. Hoffman may

1 be participating in retaliation besides what  
2 you just said?

3 A No, sir, not that comes to mind.

4 MR. L'HEUREUX: I would like to  
5 take a brief recess, Counsel, while we go  
6 over and see if we have finished. I believe  
7 I have and I just want to go over everything  
8 to make sure. Say 10 minutes.

9 MR. HARRISON: Okay.

10 (Recess)

11 MR. L'HEUREUX: I have no further  
12 questions as part of this deposition but  
13 before I surrender you to your counsel to ask  
14 questions if he has any I would like to state  
15 on the record that Exhibit 1, that  
16 September 30, '99, letter from you to  
17 Mr. Parkinson, will be maintained in the  
18 record of the deposition. But because of its  
19 sensitivity I do not want that disclosed  
20 outside the hearing. I mean, we intend to  
21 introduce it as an exhibit. We did and I  
22 understand produced this to you but it is

1 clearly sensitive and the portions which are  
2 even more sensitive than what we've talked  
3 about are the responses described to increase  
4 security conditions and what the reaction  
5 will be. That should not be disseminated  
6 beyond the parties and their counsel.

7 THE WITNESS: You may have  
8 misstated the year. 1999?

9 MR. L'HEUREUX: I'm sorry. Did I  
10 say '99? Which one is it? It's the --

11 MR. HARRISON: 2003.

12 MR. L'HEUREUX: 2003, I'm sorry,  
13 I'm stuck in the past. September 30, 2003,  
14 is Deposition Exhibit No.1 and specifically  
15 my caution is those attachments in  
16 Appendix IV which describe the staffing  
17 levels at orange and red. I didn't want to  
18 redact those before we talked about it  
19 because I don't want any questions about the  
20 authenticity but I want to remind counsel of  
21 the extreme sensitivity of that specific  
22 information right now because as far as I

1 know that's never been disclosed and should  
2 not be disclosed so before you intend to make  
3 any disclosure beyond the judge or the  
4 parties I would appreciate being told and  
5 given an opportunity to try to prevent it.

6 MR. HARRISON: Regarding that  
7 document or just certain portions?

8 MR. L'HEUREUX: Regarding those  
9 portions of the document, regarding  
10 Appendix IV of that document. As far as I  
11 know that Appendix IV is the portion that I  
12 deem to be extremely sensitive and the  
13 portions of that that I deem to be extremely  
14 sensitive are those advanced threat staffing  
15 levels described in there.

16 I wouldn't like the public to get  
17 that. Maybe we ought to consider the entire  
18 document shouldn't be disclosed outside this  
19 process because it does talk about reacting  
20 to security vulnerabilities. Let me ask you  
21 to discuss it. If you intend to disseminate  
22 that beyond the parties and counsel and the



1 administrative judge let's discuss how we  
2 might protect that information.

3 MR. HARRISON: We'll agree to let  
4 you know if we intend to disseminate it  
5 beyond the parties and --

6 MR. L'HEUREUX: I had considered  
7 submitting it under seal but I did not.

8 MR. HARRISON: Understood. My  
9 understanding of the document is that at one  
10 point in time because parts of it were  
11 sensitive that the entire document was  
12 stamped if this is the one I'm thinking of.  
13 Portions of it are sensitive. Do you know  
14 whether pages 1 through 4 have ever been  
15 classified as sensitive?

16 THE WITNESS: The cover sheet.

17 MR. L'HEUREUX: There is a cover  
18 sheet on the entire document.

19 MR. HARRISON: Well, I see that but  
20 I don't see these other pages stamped like  
21 the other --

22 MR. L'HEUREUX: No, they are not

1 stamped but my understanding at this point is  
2 that the entire document was at least at one  
3 point and I don't know that this change was  
4 stamped law enforcement sensitive which is  
5 why when I submitted it to the record it had  
6 this cover sheet and what I'm asking you to  
7 agree to is to give us sufficient notice  
8 before you intend any dissemination of this  
9 so we may seek an appropriate order.

10 MR. HARRISON: I think we can agree  
11 to give you notice without agreeing or  
12 disagreeing with any assertion you make about  
13 the sensitive nature of any content of it.

14 MR. L'HEUREUX: Thank you. I  
15 appreciate that. With that I have no further  
16 questions to ask and if counsel has  
17 questions, go ahead.

18 MR. HARRISON: I don't have  
19 questions for the witness, who will obviously  
20 have her testimony at trial, but I would note  
21 that her position on the issues goes beyond  
22 what you've asked her and she has no

1 obligation to tell you anything other than  
2 the answers to the questions that you asked,  
3 so her statements today do not represent her  
4 entire legal position or her entire universe  
5 of factual information. Do you have anything  
6 you wish to put on the record?

7 THE WITNESS: No, sir.

8 MR. HARRISON: So I think we are  
9 okay to finish.

10 MR. L'HEUREUX: Very well, then the  
11 deposition is closed. Thank you very much.

12 MR. HARRISON: Thank you.

13 (Whereupon, at 3:20 p.m., the  
14 deposition of THERESA C. CHAMBERS  
15 was adjourned.)

16 \* \* \* \* \*

17

18

19

20

21

22

