

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TERESA C. CHAMBERS,

Plaintiff,

V.

UNITED STATES DEPARTMENT OF
THE INTERIOR,

Defendant.

Case No: 05-380 (JR)

DECLARATION OF DONALD W. MURPHY

I, Donald W. Murphy, hereby declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am the Deputy Director for External Affairs, National Park Service ("NPS"), United States Department of the Interior (the "Department"). I have held this position since October 1, 2001. As part of my official responsibilities, I manage and oversee the law enforcement program for NPS, which includes the United States Park Police ("USPP"). The Chief of the USPP reports directly to me. As a result, I am familiar with documents created and used to evaluate the performance of Teresa Chambers. All information set forth herein is based upon my personal knowledge or upon information furnished to me in my official capacity.

2. Richard Condit submitted a request on behalf of Teresa Chambers, pursuant to the Freedom of Information Act and the Privacy Act, dated October 26, 2004. A copy of the request is attached to this declaration as Exhibit A. I have read and am familiar with this request. It involves a written "draft employee evaluation . . . concerning Chief Teresa Chambers during the

time period covering 2002 and/or 2003" and routing and transmittal documents related to the aforementioned draft evaluation. By letter dated January 26, 2004, Mr. Condit clarified his earlier request by specifying that he sought the "performance appraisal" that I had mentioned in an August 2004 deposition.

3. The document to which I referred in the August 2004 deposition is an unsigned document, dated February 11, 2003, titled "U.S. Department of the Interior, Senior Executive Service Performance Plan." The document is not, as I mistakenly stated in my deposition, a performance appraisal of Teresa Chambers. Rather, the document is a performance plan enumerating a set of "Performance Elements" to be used to measure Teresa Chambers' performance. I did not have the opportunity to review this document with Teresa Chambers during her employment. On September 22, 2003, I sent an e-mail to Teresa Chambers informing her that the performance plan was ready for review and discussion. It is customary for an employee to review his or her performance plan with a supervisor prior to the commencement of an appraisal period.

4. On March 14, 2005, the Department released the performance plan to Mr. Condit. This is the only document created in connection with the review of Teresa Chambers' performance. I have reviewed my files to confirm that there are no documents that are either labeled as or constitute a performance evaluation or appraisal.

5. I never drafted or completed a performance evaluation or appraisal of Teresa Chambers. I have drafted a performance plan, discussed in paragraph 4, which has been released. At no time have I or any other member of my staff destroyed documents related to any

performance evaluation of Teresa Chambers. I have personal knowledge that the document that the plaintiff seeks never existed. I would have been the person to prepare such a document, and I never did.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 13, 2005.



Donald W. Murphy
National Park Service
United States Department of the Interior