

## **AFFIDAVIT OF TERESA C. CHAMBERS**

1. My name is Teresa C. Chambers, and my mailing address is Post Office Box 857, Huntingtown, Maryland 20639.
2. I entered the law enforcement profession in 1976 and, after more than 21 years of service, retired at the rank of major from the Prince George's County Police Department, a large police department in the Washington, D.C., area, in order to accept a job as the Chief of Police in Durham, North Carolina, where I served for four years.
3. I received my bachelor's degree in law enforcement / criminology from the University of Maryland University College and a master's degree in applied behavioral science with a concentration in community development from The Johns Hopkins University. I am also a graduate of the FBI National Academy and the FBI's prestigious National Executive Institute.
4. I competed in the Fall of 2001 with candidates from across the United States for the position of Chief of the United States Park Police. I was offered the position by National Park Service (NPS) Director Frances P. Mainella and began working in that capacity on February 10, 2002. I soon learned that my day-to-day supervision would come from Deputy Director Donald W. Murphy.
5. On July 10, 2004, my employment with the National Park Service, United States Park Police, was terminated following a series of key events detailed in the paragraphs that follow. The primary issue for which I seek redress is my unlawful termination and the unlawful conspiracy by those who carried out acts to impede, intimidate, and interfere with the performance of my official duties as

Chief of the United States Park Police. Incidental to that action is the damage and loss of my personal property (as detailed herein), loss of salary and benefits, and legal fees and related costs.

6. The pages that follow describe, in a mostly chronological fashion, a number of significant issues, including but not limited to the following:
  - A. The agency's imposition on me of a gag order restricting my having any interviews with the press and prohibiting my talking about anything related to my employment.
  - B. The agency's broad-reaching gag order that could be interpreted as having prohibited me from engaging in interviews of any type and on any topic.
  - C. The agency's imposition of a gag order on me prohibiting me from communicating to Congress non-classified information regarding homeland security including deficiencies in our ability to protect the national monuments.
  - D. The agency's basing its decision to remove me in part on the exercise of First Amendment rights by third party members of the public who submitted their concerns and comments to the agency.
  - E. The agency's basing its decision to remove me in part on the notoriety the case gained due to national, regional and local press coverage which occurred due to the public interest nature of the story.
  - F. The agency's withholding and concealing a performance appraisal prepared by my previous supervisor, National Park Service Deputy Director Donald Murphy, in the Fall of 2003 and which evaluated my performance during the time period of some of the alleged infractions.
  - G. The agency's disregard of significant exculpatory evidence and witnesses and the deciding official considering information that was not provided to me as "information relied upon" by the proposing official in recommending my termination.
  - H. The agency's basing its decision to remove me in part on the mere fact that I exercised my statutory and constitutional due process rights to defend myself rather than simply conceding to the agency that its false allegations were correct, apologizing for offenses I did not commit, begging forgiveness, and throwing myself on the mercy of the agency decision makers.

- I. The agency failing to disclose the “findings of fact,” the actual reasons written by the deciding official in a draft document detailing his rationale for upholding the sustained findings and the recommendation of termination.
- J. The agency’s knowledge of a pattern of crimes committed against me and other members of the Executive Command Staff, including several break-ins to my office, computer crimes (removing data from my computer as verified by a computer technician), larceny of equipment from my personal bicycle, tampering with our assigned motor vehicles, vandalism and attempted vandalism, and assault (spraying pepper spray) within the United States Park Police offices, and possibly blackmail and falsification of documents and evidence regarding other United States Park Police officials.
- K. The agency placing a condition on any settlement that I must agree to have my communications with the media and Congress reviewed in advance, controlled, censored, and, in the agency’s discretion, gagged.
- L. The agency’s decision to abandon all settlement options including reinstatement, which was under serious consideration, even though the agency was inclined to settle, because of my husband’s exercise of his First Amendment rights by way of creation and maintenance of his web site and civil comments to the Director of the National Park Service seeking redress of grievances.
- M. The agency’s decision to take reinstatement off the negotiation table because of the exercise of First Amendment free speech rights by way of leafleting by third party members of the public seeking redress of grievances.
- N. The agency’s decision to take reinstatement off the negotiation table because of my exercise of my First Amendment free speech rights by way of my comments to the newspapers, radio and television.
- O. The agency’s improper diversion of citizens’ comments and communications concerned about my removal, which were petitions for redress of grievances under the First Amendment, away from all high level agency officials having the authority to redress such grievances rather than just those involved or in line to be involved in the decision on my removal.
- P. Improper agency procedures used at the time of my being placed on administrative leave that involved potential false arrest and reckless endangerment of my safety.

- Q. The agency's disparate treatment of my situation both as to their taking action against me and the discipline imposed in this matter.
  - R. Improper conversion, control, and theft of and damage to my personal property that was under the control and in the custody of the agency.
  - S. Agency violations of criminal and civil laws that have gone uninvestigated and unprosecuted.
  - T. Potential civil actions available to me that may address the above issues including any of the criminal violations that may have a civil law counterpart.
7. Prior to my arrival, key staff of the National Park Service identified tasks that needed to be completed related to my hiring. One of those tasks was to provide me training deemed necessary regarding Federal rules, laws, regulations, policies and procedures. That task was assigned to Major Michael Fogarty of the United States Park Police.
  8. I never received the promised training nor was I told that a member of my staff had been assigned that responsibility until after I had been terminated. The responsibility for this training as well as various other tasks are documented in an email from Dottie Marshall to Sue Masica, et. al, dated January 15, 2003. Deputy Director Donald Murphy is included among the recipients copied on this email. (See **Exhibit #1.**)
  9. I received no job description nor did I receive any training of any kind upon entering the Federal service. Additionally, I never received a performance appraisal as a Federal employee.
  10. The only position description provided to me by the Department of the Interior was one provided after my termination as a part of the Agency's response to my request for production of documents. The typewritten position description is dated

1988, 14 years before I was employed by the National Park Service. The position description shows the United States Park Police Chief reporting under a subunit of the National Park Service; however, since the time I was hired in 2002, the Chief of the United States Park Police has reported to the Director herself. The “supervisor” who signed the position description was Robert Stanton, who at the time the position description was originally prepared was identified on the form as the “Regional Director, National Capital Region,” even though Mr. Stanton’s most recent position was that as Director of the entire National Park Service and was retired before I was hired. It appears as though whatever name was typed in as the “employee” has been “whited out” and the name “Teresa Chambers” handwritten in its place. (See **Exhibit #2.**)

11. Soon after I began working in my position as Chief of the United States Park Police, I initiated individual meetings with my immediate supervisor, National Park Service Deputy Director Donald Murphy, and his supervisor, National Park Service Director Frances Mainella, to learn what I could about their expectations of me. In general, I was told that they knew I had been a chief of police for four years prior to coming to the National Park Service and that they expected that I would use common sense in deciding when to involve them in decision making and when to brief them on issues of importance.
12. Prior to the protected disclosures I made in the Summer, Fall, and Winter of 2003 and my increased focus on alerting my superiors to critical staffing and funding shortages, the relationship between me and Director Mainella, Deputy Director Murphy, and those above them was both professional and affable. I have dozens

of examples of emails and notes that indicate a close, collegial working relationship of respect and approval. A sample of these items spanning my first two years of employment is included as **Exhibit #3** (17 pages).

13. From the start, I was free to speak candidly with the public and the press and received only praise from my superiors for doing so. One month after beginning my job as Chief of the United States Park Police, Federal Times published an article in which I was featured. The theme of the article was my awareness, as the new chief of police, that the United States Park Police was severely understaffed and that, as described by the reporter, “Park Police employees are stretching themselves thin to keep up with the pressing workload of protecting the nation’s parks and monuments during the war on terrorism.” (See **Exhibit #4**, Federal Times, “Protecting the Parks is Monumental Role.”) I received only positive comments about that and dozens of other articles and interviews in which I engaged over the next two years.

14. There was no expectation that my interviews with the press had to have prior approval or clearance regardless of the topic. Many times, I was asked by Department of Interior press office employees to act as the Department of Interior’s spokesperson on specific matters regarding sensitive law enforcement and security matters. I was not provided guidance on how to handle these matters or what to say nor was I ever criticized or corrected in any manner by my superiors following these interviews. Conversely, I frequently received praise for my approach with the media and my ability to handle “tough” interviews.

15. I was encouraged by Director Mainella and Deputy Director Murphy to build positive relationships “on the Hill” with Congressional leaders and staffers. Never had I been cautioned against speaking with a member of Congress or with a staff member.
16. In March of 2003, an incident often described as “Tractor Man” occurred on National Park Service property between Constitution and Independence Avenues when a disgruntled farmer drove his farm tractor into a pond at Constitution Gardens and threatened to detonate explosives he alleged to have in an enclosed trailer behind his tractor.
17. During the 36-hour ordeal of “Tractor Man,” I kept Deputy Director Murphy and Director Mainella updated on the progress of the situation and, in fact, was called in by Department of the Interior Secretary Gale Norton herself for a personal briefing. I received praise from Department of the Interior officials, Congressional members, and others for my handling of this matter. (See **Exhibits #5, #6, and #7.**)
18. At no time during or after this incident did Deputy Director Murphy or any person in my chain of command direct me to work with the Office of the Solicitor or any of its members with regard to this matter except for Deputy Director Murphy’s direction to involve the Office of the Solicitor in reviewing the written critique of the operational aspect of this situation. This direction was followed, and I received praise for the quality of the report. (See **Exhibits #8 and #9.**)

19. In March of 2003, the United States Park Police under my direction, submitted the “budget call” information for Fiscal Year 2005 (FY '05) in the amount of approximately \$42 million. (See **Exhibit #10.**)
20. It became clear to me in the Summer of 2003 that we in the United States Park Police would be facing a dire fiscal crisis in Fiscal Year 2004, and I knew that it was my obligation to alert my supervisors to the situation and the possible ramifications of a funding shortage. I immediately began doing so as chronicled herein.
21. In an email to me dated May 22, 2003, National Park Service Comptroller Bruce Sheaffer unexpectedly threatened to take United States Park Police money allocated for a mandated narrowband radio conversion project, saying “I will not wait any longer,” and “I have people that can spend these funds today if you cannot.”(See **Exhibit #11.**)
22. During a conversation with Deputy Director Murphy on May 27, 2003, Ms. Pamela Blyth, the United States Park Police Executive Command Staff member responsible for fiscal oversight, and I expressed our concern over this email from Comptroller Sheaffer, the inappropriateness and, perhaps, illegality, of using these funds for other than their intended purpose, and the implications on the success of the radio conversion project if these funds were used elsewhere.
23. On June 3, 2003, I received a telephone call from a member of the National Park Service’s Human Resource Office regarding an inquiry from the Office of the Solicitor for the Department of the Interior into whether psychological evaluations had been given to Deputy Chiefs Barry Beam and Dwight Pettiford as part of their

- hiring in June 2002. (See **Exhibit #12**, an email from Terrie Fajardo dated June 4, 2003, documenting that this matter was discussed the previous day, June 3, 2003, with me and others.)
24. This inquiry by the Office of the Solicitor was a result of an ongoing investigation by the Office of Special Counsel (OSC) into the hiring of Deputy Chiefs Beam and Pettiford pursuant to a complaint filed by “one or more majors of the U.S. Park Police.” (See **Exhibit #13**, memorandum from Patricia Armstrong, Office of the Solicitor, to Janice Brooks [secretary to Deputy Director Donald Murphy], June 6, 2003.)
25. I had additional conversations regarding the evaluations with Patricia Armstrong, a member of the Solicitor’s Office, on June 5, 2003. (See **Exhibit #14**, a faxed handwritten note, fax machine stamped June 5, 2003, from Patricia Armstrong following a conversation we had earlier in the day.)
26. Also on June 5, 2003, I alerted Deputy Director Murphy as to the request from the Office of the Solicitor to have Deputy Chief Beam and Deputy Chief Pettiford take an entrance-level psychological test. Deputy Director Murphy expressed surprise by my notification and, in fact, openly recalled that he had waived that test in the case of the my hiring since the test is only geared toward young applicants who have never before held police positions. (See **Exhibit # 15**, the cover page and applicable page from a memorandum from Deputy Director Murphy to the appropriate Department of the Interior authority asking for and receiving a waiver of the psychological testing [and other matters] during my hiring process.)

27. Further, during this initial conversation with me on June 5, 2003, Deputy Director Murphy said he would have “them” (NPS Human Resources personnel) waive the requirement for the deputy chiefs.
28. On June 5, 2003, I was called by Larry Parkinson, Deputy Assistant Secretary for Law Enforcement and Security in the Department of the Interior, to meet with him regarding budget matters. Accompanying me were the civilian Executive Command Staff member responsible for all United States Park Police fiscal matters, Ms. Pamela Blyth, and the United States Park Police Budget Officer, Ms. Shelly Thomas. Also present in this meeting were United States Park Police FOP Labor Chairman, Jeff Capps, and DOI Budget Office member, Bob Baldauf.
29. My fiscal team and I believed that the purpose of this meeting was to discuss FY 2004 budget challenges. We were surprised that, instead, it was set up to review with us the National Park Service budget proposal for the United States Park Police for FY 2005.
30. It was in this June 5, 2003, meeting that my team and I learned for the first time that the National Park Service budget proposal for the United States Park Police for FY 2005 had gone forward to the DOI Budget Office without any conversation with Ms. Blyth or me. Without our input, the United States Park Police \$42 million enhancement submission had been reduced to approximately a \$3 million enhancement request to the Department of the Interior.
31. On June 6, 2003, Patricia Armstrong of the Department of the Interior Office of the Solicitor, contacted Deputy Director Murphy’s office and alerted him to the existence of the Office of Special Counsel investigation described in Exhibit #13

and about OSC's request for "documentation showing that Beam and Pettiford passed the physical and psychological tests" in the course of their being hired. In this written communication to Deputy Director Murphy's secretary, Ms. Armstrong wrote that "Due to Chief Chambers' involvement in this case, she believed that Mr. Murphy ought to make the decision for the Agency." (See **Exhibit #13**, memorandum from Patricia Armstrong to Janice Brooks [secretary to Deputy Director Donald Murphy], June 6, 2003.)

32. On June 11, 2003, I learned from the Office of the Solicitor that the psychological tests for Deputy Chiefs Beam and Pettiford had not been waived. During the evening of June 11, 2003, I called Deputy Director Murphy and asked for his assistance in resolving this matter. He seemed disturbed that the tests had not been waived, and he told me he would be meeting with someone from the Solicitor's Office the following day to discuss this matter.
33. On the evening of the following day, June 12, 2003, I called Deputy Director Murphy to see if he had been able to resolve the psychological testing issue involving the deputy Chiefs. Deputy Director Murphy told me that he had discussed the matter with the Office of the Solicitor representative and had decided to require the deputy chiefs to take these tests, even though they had been hired more than one year earlier.
34. During this conversation, Deputy Director Murphy told me that he thought it would be best if he (Deputy Director Murphy) called both Deputy Chief Beam and Deputy Chief Pettiford to his office to explain his decision and rationale to them.

35. On June 13, 2003, I notified Deputy Chiefs Beam and Pettiford that Deputy Director Murphy had decided that they should take the entrance-level psychological examination and that he would be meeting with each of them to explain his rationale.
36. On June 13, 2003, I notified Deputy Director Murphy and Director Mainella via email about the issue of the rise in traffic accidents on and a safety study of the Baltimore-Washington Parkway. I suggested that it would be beneficial to schedule a briefing for Deputy Director Murphy and Director Mainella regarding this topic. (See **Exhibit #16.**) Neither he nor Director Mainella responded to this email.
37. Rather than having a meeting with Deputy Chiefs Beam and Pettiford about the psychological testing issue, Deputy Director Murphy had a memorandum prepared for each individual and had the letters placed in two separate sealed envelopes. While I was at National Park Service Headquarters on or about June 16, 2003, Deputy Director Murphy's secretary, Janice Brooks, handed me the two memoranda and a third envelope addressed to me. The memoranda are dated June 16, 2003. (See **Exhibits #17 and #18.**)
38. As she handed the envelopes to me, Ms. Brooks stated that Deputy Director Murphy had asked me to ensure that the letters were given to the deputy chiefs.
39. As requested, I returned immediately to Headquarters and gave Deputy Chief Beam his envelope. Deputy Chief Pettiford was not in his office at the time, and I provided the envelope addressed to Deputy Chief Pettiford to Deputy Chief Beam

- for delivery. Deputy Chief Beam later confirmed that he had handed Deputy Chief Pettiford his envelope that same day.
40. On June 23, 2003, Deputy Chief Beam evidenced the steps he took that day to comply with Deputy Director Murphy's direction as provided by me. (See **Exhibit #19**, email from Barry Beam to Robin Brown, June 23, 2003.)
41. As evidence that I complied with the instructions from Deputy Director Murphy, Deputy Chief Beam sent an e-mail to me and Assistant Chief Benjamin J. Holmes on June 29, 2003, acknowledging receipt of the directive from Deputy Director Murphy and stating that he had, as directed, scheduled the psychological examination. (See **Exhibit #20**.)
42. In this same email, Deputy Chief Beam notified me and Assistant Chief Benjamin J. Holmes that he (Deputy Chief Beam) would be filing a formal grievance and EEO complaint in "reference to the directive and other work related issues," which he subsequently did. (See **Exhibit #20**.)
43. This grievance was later denied by Deputy Director Murphy, and Deputy Chief Beam dropped his EEO complaint. (See **Exhibit #21**.)
44. Contrary to Deputy Director Murphy's assertion in administrative charges placed against me in December of 2003 that he gave instructions to me on June 12, 2003, to have Deputy Chiefs Beam and Pettiford undergo psychological testing and that I failed to follow his direction, the evidence shows that I immediately complied by hand carrying the written directives of June 16, 2003, to them. This occurred after I informed Deputy Chiefs Beam and Pettiford of Deputy Director Murphy's direction and the requirement to comply on June 13,

2003, the first working day following Deputy Director Murphy's informing me of his decision. Any delay in testing was due to scheduling by the psychologist and others involved and not due to inaction by me.

45. Throughout the time between Deputy Director Murphy's direction regarding this matter and the actual completion of the steps involved, I kept Deputy Director Murphy and Director Mainella updated as to the progress via email. (See **Exhibit #s 22, 23, 24, and 25.**)
46. The only notes produced by Deputy Director Murphy regarding the psychological testing issue involving Deputy Chiefs Beam and Pettiford and, according to the Agency, the only item relied upon in placing the administrative charge against me regarding this matter is a four-paragraph, typed document constructed by Deputy Director Murphy six months after this issue came to his attention. (See **Exhibit #26.**) The document is signed by "Donald W. Murphy" and is dated in handwriting "12/04/03."
47. Deputy Director Murphy's document described in the previous paragraph and identified as Exhibit #26 mistakenly states "June 1<sup>st</sup>" as the date he was notified by the Office of the Solicitor and that, in turn, he notified me. Documents in evidence support my assertion that it was I who notified Deputy Director Murphy about this matter on June 5 and that he received additional information from Patricia Armstrong of the Solicitor's Office the following day, June 6, 2003. (See **Exhibit #14**, a faxed handwritten note, fax machine stamped June 5, 2003, from Patricia Armstrong to me following a conversation we had earlier in the

day, and **Exhibit #13**, a memorandum from Patricia Armstrong to Janice Brooks [secretary to Deputy Director Donald Murphy], dated June 6, 2003.)

48. Deputy Director Murphy provided even more erroneous and misleading information to Deputy Assistant Secretary Paul Hoffman when he was interviewed by him in February of 2004, as described in subsequent paragraphs. (Neither I nor my attorneys were informed of this and other interviews conducted by Deputy Assistant Secretary Hoffman nor were we provided copies of the transcripts or any additional documents considered by Deputy Assistant Secretary Paul Hoffman in the course of the investigation he conducted until the Department of the Interior was preparing its case for the Merit Systems Protection Board.)
49. During the referenced interview, Deputy Director Murphy told Deputy Assistant Secretary Hoffman that six months had passed since he directed me to have the deputy chiefs participate in a psychological test. (See **Exhibit #27**, cover sheet and applicable page of transcript of interview of National Park Service Deputy Director Donald Murphy by Deputy Assistant Secretary Paul Hoffman, February 6, 2004, Page 88, Lines 6 – 11.) This would have meant that, as of December 16, 2003, nearly two weeks after my police powers were suspended and I was placed on administrative leave, neither of the deputy chiefs had complied, an assertion that evidence proves otherwise.
50. Evidence in the record shows the exact date that Deputy Chief Beam took his first steps to schedule the psychological testing – that being June 23, 2003, seven calendar days after being directed to do so. (See **Exhibit #19**.) Further

evidence shows the date that both Deputy Chief Beam and Deputy Chief Pettiford notified me that they had completed all requirements (See **Exhibit #23** and **#25**.)

51. Later in the interview, Deputy Director Murphy told Deputy Assistant Secretary Hoffman that he met with me about this matter “four or five months, maybe even more” after he had directed the psychological testing of Deputy Chiefs Beam and Pettiford and told Deputy Assistant Secretary Hoffman that, at that time, I had failed to follow his (Deputy Director Murphy’s) instructions regarding the psychological evaluations. (See **Exhibit #27**, cover page and applicable page of transcript of interview of National Park Service Deputy Director Donald Murphy by Deputy Assistant Secretary Paul Hoffman, February 6, 2004, Page 90, Lines 3 – 17.) This would have meant that, as of October 16, 2003 (“four months”), November 16, 2003 (“five months”), or later neither of the deputy Chiefs had complied, an assertion that evidence proves otherwise. (See **Exhibit #23** and **#25**.)

52. Deputy Director Murphy also told Deputy Assistant Secretary Hoffman that it was Deputy Chiefs Beam and Pettiford themselves, and not me, who provided updates to Deputy Director Murphy regarding the status of their compliance. Evidence in the record, however, shows that it was I who consistently kept Deputy Director Murphy updated. (See **Exhibit #s 22, 23, 24, and 25**.)

53. On July 10, 2003, I met with members of the Organization of American States (OAS) following a letter dated June 19, 2003, that James Harding, Assistant Secretary for Management, OAS, sent to me asking for the opportunity to meet

about the “Shelter in Place” program, which Assistant Secretary Harding described as “very positive.” (See **Exhibit #28**, letter from OAS dated June 19, 2003.)

54. During this meeting, OAS representatives provided me with a copy of a document outlining the working relationship between OAS and the United States Park Police. I thanked the OAS representatives for the document and the meeting which was in all respects cordial. At no time did anyone complain about any incident, and no one asked for a follow-up meeting or conversation as a result of this gathering. (See **Exhibit #29**, Cover Sheet and Page 148 from Deposition of Assistant Chief Benjamin J. Holmes [retired], August 19, 2004, Lines 1 – 14, and **Exhibit #30**, Cover Sheet and Page 14 from Deposition of United States Park Police Lieutenant Phillip Beck, August 26, 2004, Lines 10 – 21.)

55. Lieutenant Phillip Beck, Executive Officer for the Office of the Chief, United States Park Police, confirmed in his sworn deposition that this meeting was set up as “a meet and greet” as a result of a “contact” Lieutenant Beck had personally made. (See **Exhibit #30**, Cover Sheet and Page 14 from Deposition of United States Park Police Lieutenant Phillip Beck, August 26, 2004, Lines 10 – 21.)

56. Sometime after July 10, 2003, Randolph J. Myers, Senior Attorney, Branch of National Parks, Office of the Solicitor, scheduled a meeting with someone on my staff to meet with me on July 30, 2003. (See **Exhibit #31**, a computer print out of my calendar for July 30, 2003, including the words at the 2 pm location, “Meeting with Randy Myers – Canceled, Location: Chiefs [sic] office.”)

57. The July 30 meeting did not occur, and an entry on my calendar for that date shows the notation “Canceled” with no further explanation. (See **Exhibit #31**.)
58. My Executive Officer, Lieutenant Phillip Beck, recalled as he testified in his sworn deposition that either he or my secretary, Sharon Stephenson, made “subsequent tries” to reschedule the meeting with Mr. Myers but that the meeting was never rescheduled. (See **Exhibit #32**, Cover Sheet and Pages 30 and 31 from Deposition of United States Park Police Lieutenant Phillip Beck, August 26, 2004, Page 30, Line 21, through Page 31, Line 16.)
59. Lieutenant Phillip Beck also stated in his sworn deposition that he recalled seeing a document from Randolph Myers withdrawing his request for a meeting with me. (See **Exhibit #32**, Cover Sheet and Pages 30 and 31 from Deposition of United States Park Police Lieutenant Phillip Beck, August 26, 2004, Page 30, Lines 13 – 20.)
60. During his interview with Deputy Assistant Secretary Paul Hoffman and, in response to Deputy Assistant Secretary Hoffman’s question, “Would you describe for me the instructions that you gave Teresa Chambers about the OAS matter?” Deputy Director Murphy answered, “I [Deputy Director Murphy] don’t recall speaking with her [Chief Chambers] directly about this instance.” (See **Exhibit #33**, Cover Sheet and transcript of applicable pages of interview of National Park Service Deputy Director Donald Murphy by Deputy Assistant Secretary Paul Hoffman, February 6, 2004, Page 93, Line 22, through Page 94, Line 4.)
61. In answer to the follow-up question from Deputy Assistant Secretary Hoffman, “So you don’t recall telling Chief Chambers to meet with Randy Myers?”

- Deputy Director Murphy answered, “. . . I’m almost sure I did . . .” (See **Exhibit #33**, Cover Sheet and applicable pages of transcript of interview of National Park Service Deputy Director Donald Murphy by Deputy Assistant Secretary Paul Hoffman, February 6, 2004, Page 94, Lines 5 – 11.)
62. Despite Deputy Director Murphy admitting that he did not recall talking with me about meeting with the Solicitor’s office about this matter, Deputy Assistant Secretary Hoffman, nonetheless, sustained the administrative charge against me regarding my failure to carry out Deputy Director Murphy’s direction in this matter – direction that Deputy Director Murphy admitted to Deputy Assistant Secretary Hoffman he did not recall giving.
63. With regard to issues involving the budget, I was called by Deputy Assistant Secretary Larry Parkinson to meet with him regarding budget matters on Friday, July 11, 2003. In that meeting, I reviewed with him budget shortfalls that would be facing the United States Park Police in FY 2004 and 2005. Present with Deputy Assistant Secretary Larry Parkinson was a member of the DOI’s budget office, Bob Baldauf. My team and I were asked to quickly pull together additional information to present at a future meeting. The National Park Service Comptroller, Bruce Sheaffer, was not in attendance at this meeting nor was any other employee from his office.
64. On Monday, July 14, 2003, I alerted Director Fran Mainella in person that the July 11<sup>th</sup> meeting took place and provided her some basic details regarding what was discussed. I assured her I would keep her informed of further developments and would also keep her Comptroller, Bruce Sheaffer, “in the loop.”

65. In the early morning hours of July 16, 2003, I provided a copy of the draft staffing study the United States Park Police Executive Team had completed to Director Fran Mainella and Deputy Director Don Murphy via email (See **Exhibit #34.**) Sometime prior to the start of a meeting with Deputy Assistant Secretary Larry Parkinson later that day, Director Mainella and I spoke briefly on the phone regarding the study.
66. Director Mainella's only comment to me was that the numbers "did not look that far out of line" or words to that effect. I told her it was still a work in progress and that I looked forward to having the opportunity to talk with her further about it at some future date. I explained to her that if she and I could agree to an authorized strength for the United States Park Police, even if all of those positions weren't funded, it would give us a goal to work toward, both with regard to recruiting and with regard to funding. She seemed to agree; however, she never again spoke of the staffing study, and soon a series of mission and budget meetings began at the direction of Craig Manson, Assistant Secretary for Fish and Wildlife and Parks and chaired by Deputy Assistant Secretary Larry Parkinson.
67. Also in the early morning hours of July 16, 2003, I responded in writing to Bruce Sheaffer, the Comptroller for the National Park Service, to five written comments he had provided me and to which he had asked me to respond. The document I prepared was emailed to Mr. Sheaffer and copied via email to Director Fran Mainella and Deputy Director Don Murphy. (See email and four-page memorandum in **Exhibit #35.**)

68. Among other topics, this four-page document detailed some of the erosion of the United States Park Police base funding increase and explained the importance of replacing the United States Park Police aging helicopter, the critical status of our sworn staffing, and costs associated with staffing the icons (described therein as “Code Yellow” expenses). I received no response from Mr. Sheaffer regarding this information and no reaction from Director Mainella or Deputy Director Murphy.
69. On July 16, 2003, I attended an additional meeting with Deputy Assistant Secretary Larry Parkinson and Bob Baldauf. This time, the Comptroller for the National Park Service, Bruce Sheaffer, was also present. The United States Park Police Budget Officer, Shelly Thomas, and the Commander of the United States Park Police Planning Unit, Captain Kevin Hay, attended with me. Ms. Pamela Blyth joined us by telephone from our San Francisco Field Office.
70. Again, the shortfalls facing the United States Park Police in FY 2004 and FY 2005 were discussed. Additional detailed information was requested of us by Bob Baldauf, including the information provided in the draft staffing study previously forwarded to Director Mainella and Deputy Director Murphy. Mr. Baldauf asked that, within a very short timeframe, I provide information regarding what services normally provided by the United States Park Police would be cut in FY 2004 in order to work within our budget. Knowing that those decisions would be outside my authority, I asked for the opportunity to speak with Director Fran Mainella. A subsequent meeting was scheduled at which I was to provide more detailed information to Mr. Baldauf.

71. Following the July 16<sup>th</sup> meeting, I immediately reported to Director Mainella's office to let her know that the DOI Budget Office, through Bob Baldauf, was requesting additional information, including a prioritization of services and/or patrol locations that could be cut at the start of FY 2004. The Director agreed that I was correct to *not* provide that information to Bob Baldauf, and she and I made arrangements to talk over the following few days.
72. On July 18, 2003, I had a lengthy telephone conversation with Director Fran Mainella regarding the budget shortfalls that were facing the United States Park Police at the start of FY 2004. During this conversation, I informed Director Mainella of our dwindling staffing numbers in the United States Park Police and an attrition rate that was far surpassing our hiring authority. Director Mainella's response was an angry outburst regarding the size of our overtime budget.
73. During the July 18<sup>th</sup> conversation with Director Mainella, I further discussed with her the strain that the mandated staffing at our icon parks was putting on our ability to effectively accomplish our mission in the other parks at which we were assigned. Director Mainella asked who had mandated the staffing level at the icon parks.
74. I informed Director Mainella that the mandate for icon staffing had come from Secretary Norton through Deputy Assistant Secretary Larry Parkinson following a study and recommendations by the Department of Homeland Security. Director Mainella's reaction was another angry outburst during which she reminded me that I worked for her and that I did not work for Deputy Assistant Secretary Larry Parkinson or the Secretary and that the Secretary could not tell me how to staff.

75. During this conversation, Director Mainella expressed surprise to have heard that, during the July 16<sup>th</sup> budget meeting with Deputy Assistant Secretary Larry Parkinson and others, one of my staff members had used the example of the Baltimore-Washington Parkway as a “dangerous and deadly highway.”
76. I alerted Director Mainella to the staffing shortages on the Baltimore-Washington Parkway and to the increased number of traffic accidents and deaths there. I also told her that other National Parks and areas for which we were responsible were suffering reductions in police services as a result of staffing shortages and mandated icon staffing.
77. I also alerted Director Mainella to the lack of funds to pay for overtime staffing and that just hiring officers does not make it possible to immediately reduce the need for overtime since it takes nearly one year to get a newly hired officer trained, on the street, and qualified for “solo” patrol. I also informed her that, throughout Fiscal Year 2003, I had informed both Deputy Director Murphy and her Comptroller, Bruce Sheaffer, of these matters and had urged them to secure a supplemental appropriation for the United States Park Police and that the Comptroller had refused to do so.
78. During that same conversation with Director Mainella on July 18, 2003, and in emails I sent her at her request and immediately following that conversation, I alerted her and, by copies of the emails, Deputy Director Murphy, to my concerns over inconsistent directives and unclear funding issues regarding the United States Park Police radio narrowband conversion project, including potential

- improprieties with regard to the amount of money the Comptroller was claiming had been allocated for this project. (See **Exhibits #36 and #37.**)
79. Director Mainella told me that she had not previously been aware of these specific funding concerns regarding the radio narrowband project. Deputy Director Murphy, however, replied to my emails on this matter with one of his own, which stated simply, "I share your frustration. Call me." (See **Exhibit #38.**)
80. On July 19, 2004, I again wrote an email to Director Mainella regarding the issue of traffic safety on the Baltimore-Washington Parkway. (See **Exhibit #39.**) Director Mainella did not respond to this email.
81. On July 24, 2003, Deputy Director Murphy directed that I have the United States Park Police Budget Officer, Ms. Shelly Thomas, report to his office the following morning, July 25, 2003, and further directed that neither I nor her supervisor, Ms. Pamela Blyth, were to accompany her. He also told me that he decided to ask a National Park Service employee, Ms. Dottie Marshall, to meet with him and Ms. Thomas and to get immersed in the United States Park Police budget process. (See notes from this phone call at **Exhibit #40.**) I later learned that National Park Service Comptroller Sheaffer also attended the meeting.
82. Later in the day on July 24, 2003, Ms. Dottie Marshall came to my office and told me that, in preparation for the meeting the following morning with Deputy Director Murphy, Deputy Director Murphy had directed that I prepare budget documents that would show how I recommended that the United States Park Police could work within its budget in Fiscal Year 2004 despite the anticipated \$11.6 Million shortfall.

83. Ms. Blyth, Ms. Thomas, Ms. Marshall, and I worked into the late evening hours on July 24, 2003, identifying potential service cuts to balance the books for FY 2004.
84. During the late evening hours of July 24, 2003, after completing a series of budget reduction documents for FY 2004 for Deputy Director Murphy's meeting the following day, I faxed these items to his home at his request so that he could review them. (See **Exhibit #41**.) He promised that, after his review, he would call me on my cell phone on my way home and discuss the recommendations. Deputy Director Murphy did not contact me on my way home as promised and did not discuss these documents or information with me further.
85. These recommended service cuts, described in the previous two paragraphs, which would have reduced overtime and narrowed the mission of the United States Park Police, were apparently never shared with Congressional Staffer Debbie Weatherly, which, according to information she provided to Deputy Assistant Secretary Paul Hoffman in an interview he conducted of her on February 18, 2004, caused her to believe that I had taken no steps to fulfill this expectation of the Congressional committee for which Ms. Weatherly works. (See **Exhibit #42**, Cover Sheet and applicable pages of transcript from interview of Deborah Weatherly by Paul Hoffman, February 18, 2004, Page 16, Line 20, through Page 17, Line 8.)
86. During the meeting Deputy Director Murphy held with Ms. Marshall and Ms. Thomas on July 25, 2003, he made independent decisions regarding the final budget reductions for the United States Park Police. (See **Exhibit #43**, an email

from Ms. Dottie Marshall to me dated July 28, 2003, in which she forwarded an email from Comptroller Sheaffer dated July 25, 2003, in which he included his email to DOI Budget Officer, John Tresize, that same day. In his email to Mr. Tresize, Mr. Sheaffer states, “The priorities for 2005 are listed at the bottom, but not quite in the order Don [Murphy] and I agreed on . . .”)

87. Among the decisions Deputy Director Murphy made during this July 25, 2003, meeting was one that reduced the amount of overtime funding needed to staff the icons at the levels mandated by Secretary Norton following a study by the Department of Homeland Security. (See **Exhibit #44**, an email from Ms. Dottie Marshall to me following the meeting with Deputy Director Murphy. In this email, Ms. Marshall stated, “[Deputy Director Murphy] directed us to . . . reduce code yellow funding.” Ms. Marshall further stated that “I asked that [Deputy Director Murphy] discuss that directly with you . . . He said that he would follow-up on that.”)

88. I was greatly concerned about our ability to maintain safety and security at the icons as a result of the reductions made by Deputy Director Murphy and by the fact that Director Mainella had directed me to not reduce police services to the parks in order to increase staffing at the icons. During our July 18<sup>th</sup> telephone conversation, Director Mainella had made it clear that neither she nor Deputy Director Murphy had approved the staffing and that the mandates were, therefore, not valid.

89. On July 28, 2003, I wrote an email to Ms. Marshall thanking her for her involvement (and in response to her July 25, 2003, email, included herein as Exhibit 18). In that email, I wrote:

I noticed on the schedule that comes from the Director's Office that she and both Deputy Directors are out all week. Did Mr. Murphy give any indication as to who was going to break the bad news to the Secretary that we were disregarding the staffing numbers for 'yellow' icon park protection which have been mandated? I can't imagine that he and the Director want me broaching that subject without their involvement, but how long will it take until the word is out? Did you and Shelly get any direction to pass on to me? I have not heard from Mr. Murphy since he told me Thursday of your involvement. (See **Exhibit #45.**)

90. Later in the day on July 28, 2003, I again wrote to Ms. Marshall (See **Exhibit #46.**) In that email, I told Ms. Marshall that I felt badly that she was put in a position of having to communicate between me and my chain of command and me and Comptroller Sheaffer. Nonetheless, I asked her to "Please pass on my concerns described in the next paragraph to whomever receives the revised spreadsheet that Pamela has shipped to you." That paragraph read as follows:

When you, Shelly, Pamela, and I worked in my office last week to balance the books for FY 2004, I understood the task and also understood that I did not have the authority to change my Code Yellow staffing numbers. However, since there was no other manner by which to bring the numbers down, I went through the exercise. In doing so, I looked at each icon and area of responsibility under Code Yellow and thoughtfully reduced the numbers to those that I could defend and that would still allow us to protect those areas. With any additional reduction, however, I can no longer do that. In addition to the seven positions I eliminated from Code Yellow staffing in the proposed reductions I prepared, the additional \$877,112 we have been mandated to take away from Code Yellow projected costs equates to five fewer officers on a 12-hour shift for an entire year. I cannot in good conscience say that I can adequately protect these parks with such scarce resources.

91. Approximately one hour later, Ms. Marshall sent me an email informing me that she had forwarded my message (Exhibit 20) to National Park Service Comptroller Bruce Sheaffer (See **Exhibit #47.**)
92. Sometime after normal business hours on either July 31 or August 1, 2003, I was stopped in a hallway of the Main Interior Building by Deputy Secretary J. Steven Griles who asked me detailed questions about what he had heard was a significant budget shortfall for the United States Park Police for FY 2004. Deputy Secretary Griles did not reveal the source of his information.
93. I explained to Deputy Secretary Griles that I was uncomfortable speaking with him about National Park Service matters; however, he insisted that I do so and assured me that I should never fear retribution for speaking with him and that he needed to rely on employees to be candid with him when he reached out to them. I reluctantly answered his questions about the projected shortfalls.
94. I shared with Deputy Secretary Griles my concerns of being unable to adequately protect the icon parks if we were not permitted to either reduce services in other areas or if we did not receive a supplemental budget for FY 2004. Deputy Secretary Griles directed me not to mention our conversation to Deputy Director Murphy or Director Mainella and promised that he would arrange a meeting with me and DOI budget officials the following week. He again reiterated that I had nothing to “worry about” by talking with him and that it was he who had reached out to me. I thanked him for that assurance.
95. The following workday, Deputy Secretary Griles telephoned me and told me that he had changed his mind about involving the Department’s budget office at this

- point and, instead, had asked Assistant Secretary Craig Manson, who is in the chain of command for the United States Park Police and to whom Director Mainella directly reports, to intervene. To my surprise, Deputy Secretary Griles asked me if his decision was “okay” with me. He directed me to reach out to him “if things don’t go right” and again stated that I should not fear retribution for doing so.
96. On August 5, 2003, I met with Deputy Director Murphy to review with him, step-by-step, the budget challenges for FY 2004. I alerted him to the fact that it would be impossible to continue to meet the mandated staffing at the icon parks in all three cities (Washington, D.C., San Francisco, and New York) under the current budget projections.
97. Deputy Director Murphy’s response was to tell me that it was “okay to go anti-deficient” and that he would assist us if that occurred. With no additional conversation or input from him, Deputy Director Murphy acknowledged that “I know it’s going to be hard,” and he walked out of his office. (See **Exhibit #48**, Cover Sheet and Applicable Testimony by Congressional Staff Member Deborah Weatherly during the Merit Systems Protection Board Hearing, September 8, 2004, Pages 228, Line 21, through Page 229, Line 7, during which she decries the act of going “anti-deficient.”)
98. Later in that same day, August 5, 2003, Deputy Assistant Secretary Larry Parkinson hosted another meeting regarding budget challenges. At this meeting, we learned what the Department of the Interior’s “pass-back” for the United States Park Police would be for Fiscal Year 2005.

99. In addition to the usual attendees at this meeting was Assistant Secretary Craig Manson. Assistant Secretary Manson confirmed that, despite any challenges or shortfalls, the United States Park Police must continue to staff at Department-mandated levels at the icon locations. He assured me that he would make certain that both Deputy Director Murphy and Director Mainella understood this mandate.

100. Later in the afternoon on the same day, August 5, 2003, I met one-on-one with Director Mainella to review the details of our budget numbers. During this five-hour meeting, we reviewed the history of the pre- and post-9-11 budget numbers for the United States Park Police and how our mandates had changed since that time. Director Mainella asked a number of questions but offered no solutions or advice.

101. Director Mainella's only response to these challenges during the August 5 meeting was to inform me that the United States Park Police Executive Command Staff member responsible for pulling us through these fiscal challenges, Pamela Blyth, was going to be transferred (or "detailed") by Deputy Director Murphy in the near future.

102. Director Mainella said that people in the Main Interior Building, especially in the National Park Service, "didn't like Pamela" because she wore a "badge." This was how Director Mainella described a name placard that civilian commanders in the United States Park Police wear when representing our organization at meetings and events. Director Mainella also said Ms. Blyth was being detailed because people resented the fact that Ms. Blyth attended meetings

with me. I pointed out that Ms. Blyth attends those meetings that deal with issues within her span of control, and that the Deputy Chiefs do likewise for items within their purview.

103. I asked for Director Mainella's consideration of the key role Ms. Blyth played as a member of the Executive Team and especially with regard to working with me as we addressed these budget and staffing challenges. Director Mainella stated that she would defer to Deputy Director Murphy and allow him to decide how to handle Ms. Blyth's assignment.

104. Also on August 5, 2003, I wrote a third time to Deputy Director Murphy with a copy to Director Mainella regarding the Baltimore-Washington Parkway Safety Study. (See **Exhibit #49** – email without slides attached.) This time, I attached a copy of the slide presentation to the email. In that email, I asked Deputy Director Murphy the following:

Would you like Captain Hay to make this presentation to you and the Director? This information was presented to Mr. Carlstrom and members of his team about one year ago. This was before the most recent data included in Captain Hay's presentation included herein and prior to the report coming back from the Federal Highway Administration. Shall I set something up that works for yours and the Director's calendars?

105. Deputy Director Murphy and Director Mainella did not respond to this email, and Deputy Director Murphy later denied that he had any knowledge that there was a problem with traffic accidents on the Baltimore-Washington Parkway.

106. On August 6, 2003, the United States Park Police Budget Officer received a fax from the National Park Service Budget Office with the FY 2005 Policy Guidance, which required our response the following week. (See **Exhibit #50**,

including a routing slip from the United States Park Police Budget Officer, the fax sheet from the National Park Service Budget Office, and the FY 2005 Policy Guidance with handwritten notes.)

107. The FY 2005 Policy Guidance document included in Exhibit 50 makes clear that the staffing levels at the icon parks for which the United States Park Police is responsible were mandated by the Department of the Interior:

Regarding Threat Level Yellow, the National Park Service shall ensure that the staffing of the Code Yellow monuments are covered in 2004 and 2005, in accordance with the *Department's approved security plans for the USPP Yellow posts*, including the use of newly sworn United States Park Police officers, contract guard services, and National Park Service rangers, as necessary. The cost of Code Yellow in 2003 at USPP Yellow posts is estimated at \$8.3 million in overtime. NPS, working with USPP, and OLES shall also include a plan for OMB that shows how USPP Code Yellow posts will be staffed in 2004 and 2005 to fully implement *the Department's Code Yellow requirements*. (Emphasis added.)

108. On August 7, 2003, Director Mainella and I met over lunch and further discussed issues of budget, staffing, and communication. She asked that I begin copying her on every email that I wrote to Deputy Director Murphy. She assured me of her commitment to make certain that the communication lines between the two of us would remain open and that I could always access her to discuss issues of concern.

109. On August 8, 2003, Deputy Director Murphy informed me for the first time of his intent to "detail" Ms. Blyth and assured me she would work directly for him and that he would mentor her. This explanation was quite different than that which I received from Director Mainella. (See previous paragraphs.) Deputy Director Murphy provided no anticipated date that this assignment would begin.

110. I expressed my concern that the United States Park Police would likely fail if Ms. Blyth were moved from her regular position at this particular time. While I did not understand the rationale in his and Director Mainella's wanting to move Ms. Blyth, I respected their authority to do so.
111. While discussing the issue of Ms. Blyth's transfer, I suggested to Deputy Director Murphy that, perhaps, it would be appropriate for him to speak directly with Ms. Blyth in an effort to assure her that the move was temporary and that, as he had assured me, he would work with her to accommodate her continuing involvement in United States Park Police projects in which she was involved. He agreed to do so, reiterating his commitment to work with the two of us and her schedule.
112. Deputy Director Murphy provided me no effective date of Ms. Blyth's "detail" or transfer during the August 8, 2003, meeting or at any date or time before or after that meeting.
113. On August 11, 2003, in response to an email from Ms. Dottie Marshall, I replied with an email that, in part, says:
- With regard to Code Yellow, it seems as though you have hit my point exactly. While we cannot maintain the Code Yellow levels, I have been directed that I **MUST** maintain the Code Yellow levels. Which begs the question, "What parks and parkways will we choose not to patrol in '04?" (See **Exhibit #51**.)
114. On August 12, 2003, in response to my email to Dottie Marshall (Exhibit 45), Ms. Marshall sent me an email suggesting that I "discuss the Code Yellow stipulation," which, Ms. Marshall wrote, "can't be remedied in a budget

document.” (See **Exhibit #52** – bottom email.) Ms. Marshall did not suggest with whom I should discuss the matter.

115. My response to Ms. Marshall (See **Exhibit #52** – top email) states in part:

Actually, I’ve talked with everyone up my chain who will listen – to no avail (although Judge Manson is the first to seem to “get it”). I have been directed that the staffing numbers are NOT negotiable. We will staff those positions whether anything else is staffed or not.

116. On August 18, 2003, I hand carried to Bruce Sheaffer, the Comptroller of the National Park Service, a two-page document entitled “Response to National Park Service FY 2005 Policy Guidance.” (See **Exhibit #53**.) Copies were also hand carried to Director Mainella and Deputy Director Murphy with a handwritten note from me attached to each copy. (See **Exhibits #54 and #55**.)

117. Although it was in draft form, this document explained to Mr. Sheaffer, Director Mainella, and Deputy Director Murphy the minimum number of recruit classes necessary to sustain the United States Park Police sworn strength through FY 2005. It would require one more recruit class than the number for which we were, at that time, expected to be funded. It also explained that it would not be possible in FY 2005 to staff the icon security posts with new officers without compromising community and officer safety.

118. On Thursday, August 21, 2003, Deputy Director Murphy met with Pamela Blyth and introduced her to a person who was to be her new supervisor, Michael Brown. At some point in the conversation, Deputy Director Murphy stepped out of his office, and Mr. Brown told Ms. Blyth that her assignment would be full time and that she would not be permitted to continue to work on United States

Park Police projects. Ms. Blyth told me later that Mr. Brown informed her that I was no longer Ms. Blyth's "boss."

119. On August 21, 2003, I prepared a lengthy email to Deputy Director Murphy detailing the top 20 projects in which Ms. Blyth had significant involvement and responsibility. (See **Exhibit #56**.)

120. In the email described in the previous paragraph (Exhibit #56), I thanked Deputy Director Murphy for the willingness he had expressed to me to consider these assignments in deciding how many hours or days Ms. Blyth would devote each week to her "detail" within the National Park Service. I did not reference a date when Ms. Blyth would begin this assignment since, as far as I knew, Deputy Director Murphy had not yet identified a date for it to begin.

121. Deputy Director Murphy responded with an email back to me that simply said, "Thanks." (See **Exhibit #57**.) Again, Deputy Director Murphy failed to identify a date that Ms. Blyth's assignment would begin, leaving me to believe that he would consider the many projects in which Ms. Blyth was involved before developing a schedule for Ms. Blyth.

122. On August 22, 2003, Ms. Blyth emailed Deputy Director Murphy and said that she would like to discuss some concerns and questions she had about her "detail." Deputy Director Murphy wrote back and advised Ms. Blyth that he was not in the office but that they could talk on the telephone Saturday, August 23, 2003.

123. On Saturday, August 23, 2003, Ms. Blyth and Deputy Director Murphy spoke via telephone. Ms. Blyth learned for the first time that she was to report to

Michael Brown's office two days later, Monday, August 25, 2003, and that he was her new supervisor and that she would be working for him for up to 120 days. Ms. Blyth contacted me and informed me of the direction she had received from Deputy Director Murphy.

124. At no time did Deputy Director Murphy provide me an effective date for Ms. Blyth's "detail."

125. When I learned from Ms. Blyth of Deputy Director Murphy's decision, I alerted Officer Jeff Capps (United States Park Police FOP Labor Committee Chairman) that certain projects involving the FOP in which Ms. Blyth had been involved would not move forward as planned.

126. Sometime after learning that information, Officer Capps, who had developed a positive working relationship with Deputy Secretary Griles, telephoned Mr. Griles on August 23, 2003, without prior notification to me, and left a voice mail advising him that things were awry within the United States Park Police regarding the relationship with the National Park Service and urging Deputy Secretary Griles to call me. Officer Capps then telephoned me and alerted me that he had contacted Deputy Secretary Griles to have him call me regarding an urgent matter.

127. Sometime after receiving this information from Officer Capps, I attempted to contact Assistant Secretary Manson, who is in the chain of command for the United States Park Police, in order to alert him that Officer Capps had reached out to Deputy Secretary Griles and to tell him what had occurred regarding Ms. Blyth's transfer. It was also my intent to alert Assistant Secretary Manson to the

potential outcomes of having Ms. Blyth pulled from the command staff at that critical time.

128. Assistant Secretary Manson was on travel and did not answer his cell phone. I left a message asking Assistant Secretary Manson to call me. Although Assistant Secretary Manson did not return the call for several days, he testified in sworn deposition and confirmed the message I left him and confirmed that he was on travel and had turned off his cellular telephone. See **Exhibit #58**, Cover Sheet and Pages 100 – 102 of Deposition of Assistant Secretary Harold Craig Manson, August 20, 2004, Page 100, Line 21 – Page 102, Line 6.)

129. Aware and concerned that the detail of Ms. Blyth was due to start the following morning on August 25, 2003, I telephoned Mr. Griles myself with the intent of leaving him a brief message to explain why Officer Capps had called. Officer Capps had previously alerted me that Mr. Griles was on travel and would not be back until much later Sunday night.

130. When I telephoned Deputy Secretary Griles, I expected to receive his voice mail and was surprised to get Deputy Secretary Griles himself. It is unclear to me whether the conversation continued at that moment or whether Deputy Secretary Griles called me back soon thereafter. In his sworn deposition and testimony, Deputy Secretary Griles also expressed uncertainty whether he initiated the telephone call to me.

131. When Deputy Secretary Griles and I did talk, Deputy Secretary Griles began the conversation by acknowledging that Officer Capps had left an urgent

message for him to call me. Deputy Secretary Griles indicated he was concerned about this “detailing of Ms. Blyth” and asked me to explain what was going on.

132. I explained to Deputy Secretary Griles the circumstances surrounding Ms. Blyth’s “detail” and appealed to him to overturn it. I reminded Deputy Secretary Griles of the staffing and budgetary challenges we were facing and the potential catastrophic impact they could have on the protection of the icon parks for which United States Park Police officers are responsible.

133. I explained my concern that these staffing and funding decisions had the potential to result in future problems that would discredit the Administration and the entire Interior Department. In fact, I suggested that he consider moving the United States Park Police out from under the National Park Service. I explained that, not only were there philosophical differences between the two entities regarding law enforcement, but I also feared that, upon the Director and Deputy Director learning that he (Deputy Secretary Griles) and I were talking, the relationship and ability to get the job done within the National Park Service would worsen.

134. During the conversation, I informed Deputy Secretary Griles that I had appealed to Director Mainella in earlier conversations regarding Ms. Blyth’s “detail” and that Director Mainella had made it clear that she was leaving the decision on how to handle Ms. Blyth’s “detail” in Deputy Director Murphy’s hands.

135. I also explained to Deputy Secretary Griles that, although Deputy Director Murphy had originally agreed to allow Ms. Blyth to work on her assignments with

the United States Park Police while also participating in her assignment in his office, he had most recently told Ms. Blyth that she would be working fulltime for Michael Brown of the National Park Service Strategic Planning Office and that Deputy Director Murphy had just that weekend told Ms. Blyth to report Monday, August 25, 2003, to begin this assignment.

136. At no time did Deputy Secretary Griles suggest that my call was inappropriate or that I should go back through any other member of my chain of command. To the contrary, when I expressed concerns of retaliation at the point when Deputy Director Murphy would learn of the conversation, Deputy Secretary Griles assured me that no such retaliation would ever occur. He told me that I should not fear retribution, and he thanked me for making him aware of the situation.

137. Later that same evening or the following morning, Deputy Secretary Griles called me at home and reversed Ms. Blyth's transfer. He assured me that Assistant Secretary Manson would get involved in working to resolve these issues of public safety and security and protection of the icons raised by me.

138. During that phone call, Deputy Secretary Griles directed me to notify Ms. Blyth that she was to report to U.S. Park Police Headquarters Monday, August 25, and not to the location Deputy Director Murphy had directed her to report. He told me that he would ensure that Deputy Director Murphy and Director Mainella were notified of his (Deputy Secretary Griles') decision.

139. On Monday evening, August 25, just prior to midnight, Deputy Director Murphy sent an email to me. (See **Exhibit #59**.) In that email, Deputy Director

Murphy acknowledged that he was aware that I had spoken with Deputy Secretary Griles and that Deputy Secretary Griles overturned Deputy Director Murphy's decision to transfer Ms. Blyth.

140. In the email (Exhibit #59), Deputy Director Murphy referred to my "intentions" as being "nefarious" and that my actions were "unacceptable" and "insubordinate," and that, since he (Deputy Director Murphy) was out of town at the time, the "insubordination [was] all the more egregious."

141. Deputy Director Murphy further advised me in his email (Exhibit #59) that his "assistant" would be contacting me to set up a meeting with him and Director Mainella where I would be expected to "explain [my] actions" which he said he "deem[ed] totally inappropriate."

142. I was never contacted by Deputy Director Murphy's assistant nor was I asked to appear before him and Director Mainella (or any other person) to explain my actions.

143. Once back in cell phone range on August 26, 2003, Assistant Secretary Manson called me and advised that Deputy Secretary Griles had left a voice mail for him, as had I. He advised me that he would be informing Deputy Director Murphy, who was out of town, that the Blyth detail had been rescinded.

144. During that phone conversation with Assistant Secretary Manson, I alerted him to the e-mail Deputy Director Murphy had sent me criticizing my contacting the Deputy Secretary and classifying my actions as "nefarious." In response, Assistant Secretary Manson commented that, "I **told** him not to do that. I will take care of Mr. Murphy."

145. On August 27, 2003, Director Mainella telephoned me at approximately 3 p.m. and asked me if I had spoken with Deputy Secretary Griles and whether I had put anything in writing to him. I confirmed to her that Deputy Secretary Griles and I had spoken and that nothing was in writing. She expressed relief that nothing had been put in writing. She told me that she and Deputy Director Murphy were on their way to meet with Assistant Secretary Manson at his request.
146. On Wednesday, August 28, 2003, the first in what became a series of meetings on the mission and budget of the United States Park Police was held with Deputy Assistant Secretary Larry Parkinson, Deputy Assistant Secretary Paul Hoffman, Deputy Director Don Murphy, and others. That first meeting focused entirely on the beat patrol structure of the Washington Metropolitan area. Discussions included clear dialogue regarding staffing shortages and stretched resources.
147. Later in that same day, August 28, 2003, Deputy Secretary Steve Griles held a meeting with me, Director Fran Mainella, Deputy Director Don Murphy (who left after about five minutes), and Assistant Secretary Craig Manson. Prior to my being invited into the meeting, Deputy Secretary Griles met with these individuals and others about the issue of his reversing Ms. Blyth's transfer and about the United States Park Police budget shortages.
148. Deputy Secretary Griles himself came out into the hallway after approximately one and one-half hours to invite me into the conference room where the meeting was being held. Before we stepped toward the room, however,

Deputy Secretary Griles told me firmly, “Nothing bad is going to happen to you.” I acknowledged in a manner that apparently made him believe that I thought he was referring to the meeting. He stopped me and told me he was not referring to the meeting but, instead, was referring to any retaliation or retribution of any kind as a result of his intervening and reversing Ms. Blyth’s transfer. I told him I appreciated that assurance.

149. Soon after Deputy Secretary Griles and I entered the conference room, Deputy Director Murphy told Deputy Secretary Griles that he had “a train to catch” and would have to leave. As Deputy Director Murphy was standing up, he looked at Deputy Secretary Griles and said, “And, no, I am not mad.”

150. In the meeting that followed, we reviewed, among other things, the general issue of budgetary and staffing challenges the United States Park Police organization was facing. I shared with Deputy Secretary Griles, Director Mainella, and Assistant Secretary Manson (I believe Deputy Director Murphy was gone by this point) that I believed that the icon parks were in danger due to our limited resources and that, while I respected Director Mainella and Deputy Director Murphy, I had a greater obligation to the Secretary, the President of the United States, and the American people to not stand silently by and watch something catastrophic occur.

151. On September 3, 2003, in response to a request I made through the chain of command to meet with Assistant Secretary Manson, he and I met to review budget and staffing challenges. He assured me that he would begin conducting monthly meetings with me and Director Mainella and that he would ask Director

- Mainella to meet with me on a regular basis. (See **Exhibit #60**, an email I wrote to Assistant Secretary Manson to thank him for meeting with me.)
152. No meetings were ever established with Assistant Secretary Manson, Director Mainella, and me; and the bi-weekly meetings that were to be established between me and Director Mainella only occurred on one occasion, October 6, 2003.
153. On Thursday, September 4, 2003, the National Football League held its kick-off events on the National Mall. The United States Park Police force was responsible for security at the event. Prior to the event, I provided a security walk-through to Deputy Director Murphy and answered any questions that he had about the procedures we intended to employ later that afternoon.
154. During the event, Secretary Norton had a member of her staff seek me out and invite me to her private VIP tent with Deputy Secretary Griles, NFL Commissioner Tagliabue, and others. Secretary Norton spoke with me at length about mostly non work-related issues; however, she did express her pleasure at the security plans that we had put in place.
155. Also while at the tent, I was approached by Deputy Secretary Griles. He asked me how things were “going” since his meeting with me, Deputy Director Murphy, Director Mainella, and Assistant Secretary Manson the previous week. I described the atmosphere as “tense” and, yet, positive in that it had forced us to engage in meaningful conversation about the status of our budget and the challenges we were facing. Once again, in a firm voice, Deputy Secretary Griles assured me that I had done “nothing wrong” and that he would ensure that

“nothing bad” happened to me. He reiterated that he had to rely on key employees, such as me, to be candid with him and let him know what was going on, and he invited me once again to let him know if things started “going badly.” I thanked him for his leadership and his assurance of protection against any possible retaliation.

156. On September 8, 2003, Assistant Secretary Manson met with me a second time to get a sense of how things were going with regard to the events that occurred a few weeks earlier. Assistant Secretary Manson again committed to meet with me and Director Mainella on a monthly basis, which did not occur.

157. Also on September 8, 2003, Deputy Assistant Secretary Larry Parkinson wrote an email regarding the NFL Event that said, in part, “Teresa: Just a note to say congratulations to you, Sal, and the rest of the USPP team on a terrific NFL event. I have heard nothing but praise for your efforts.” (See **Exhibit #61.**)

158. On September 12, 2003, Mr. Terry Carlstrom, the Regional Director for the National Capital Region of the National Park Service, wrote a memo to me expressing his concern over anticipated cuts in service to which I had alerted him with regard to the upcoming fiscal year, Fiscal Year 2004. (See **Exhibit #62.**)

159. In this memorandum, Mr. Carlstrom stated that “the proposed elimination of these police services will have an alarming impact on our park programs.” His memo indicates that copies were sent to National Park Service Comptroller Bruce Sheaffer and National Park Service Director Fran Mainella.

160. Also on September 12, 2003, I received an unexpected and unusual telephone call from Secretary Norton herself. (See shorthand notes taken at start

of conversation in **Exhibit #63**. Note represents opening comment of Secretary Norton: “. . . wanted to say again how much work you all did on the NFL kick-off.”)

161. Even though Secretary Norton and I had spoken at length during the NFL Kick-Off events the previous week, she again expressed during this telephone call her pleasure at the work I and the United States Park Police team had performed in planning and carrying out the security details for the NFL events. When I inquired during this telephone conversation as to whether I could assist her with anything in particular, Secretary Norton assured me that she just wanted to let me know how pleased she was with that event and my overall performance.

162. On September 16, 2003, Deputy Director Murphy emailed me and informed me that “NAPA” consultants would be returning to conduct a follow-up assessment of the United States Park Police in the near future and that he needed an update as to our progress prior to an upcoming meeting he, I, and others would be attending with members of the NAPA team. (See **Exhibit #64**.)

163. Also on September 16, 2003, I learned via an email from Dottie Marshall that the previous NAPA update that she assisted the United States Park Police in preparing was changed by the National Park Service Comptroller’s office prior to the document being transmitted to Congress. (See **Exhibit #65**.) The email states that Ms. Marshall “was never able to get a final copy of the document..”

164. On September 29, 2003, I attended a meeting with members of NAPA’s consulting team who were clearly pleased upon learning from me of the progress

we had made toward the implementation of 20 recommendations they had made regarding the United States Park Police in 2001.

165. In that meeting, in the presence of Director Mainella and Deputy Director Murphy, the NAPA team leader suggested strongly that I contact Ms. Debbie Weatherly, a Congressional staff member of the House Interior Appropriations Committee, to let her know how successful we had been up to that point in time. Neither Director Mainella nor Deputy Director Murphy reacted in any manner to that comment. The team leader told me that Ms. Weatherly was the person who had asked the NAPA team to return.

166. On September 30, 2003, both a meeting to prepare for an OMB meeting and the OMB meeting itself were held regarding the FY 2005 budget. Both of these meetings included an overview of FY 2004 shortfalls that were projected. Deputy Director Murphy and National Park Service Comptroller Bruce Sheaffer were among the attendees at both meetings, as were Pamela Blyth and Shelly Thomas of my staff and me.

167. On October 10, 2003, I attended the second in a series of mission and budget meetings with Deputy Assistant Secretary Larry Parkinson, Deputy Assistant Secretary Paul Hoffman, Deputy Director Don Murphy, and others.

168. On October 17, 2003, the third in the series of United States Park Police mission / budget meetings with Deputy Assistant Secretary Larry Parkinson and others was held, and on October 31, 2003, the fourth meeting was held. Each of these meetings addressed the budget and staffing challenges in meeting the

obligations for which each of the components of the United States Park Police was responsible.

169. None of the budget meetings as described in the previous paragraph were held during the month of November 2003. The next meeting, and the last meeting I was permitted to attend, was held on December 1, 2003.

170. On October 23, 2003, I sent an email to Director Fran Mainella and Deputy Director Donald Murphy alerting them to an incident that had occurred the previous day in which an unknown person sprayed a blast of OC spray (pepper spray) on Deputy Chief Pettiford's office door while Deputy Chief Pettiford was conducting a meeting in his office. (See **Exhibit #66**.) Deputy Assistant Secretary Larry Parkinson, Deputy Assistant Secretary Paul Hoffman, Assistant Secretary Craig Manson, and Inspector General Earl Devaney were copied on this email.

171. The email described in the previous paragraph also detailed a series of incidents perpetrated against me and members of my executive team during 2002 and 2003, including "a series of office break-ins, computer tamperings, refrigerator tampering, nails under their vehicle tires, and used condoms on and around their vehicles." (See **Exhibit #66**.)

172. On October 27, 2003, Mr. Larry Poe, a member of the National Park Service Budget Office working for National Park Service Comptroller Bruce Sheaffer, sent me an email in which he attached a Word document and spreadsheets "analyzing the FY 2004 funding situation for the USPP." Mr. Poe

asked for feedback from me and the United States Park Police Budget Officer, Ms. Shelly Thomas. (See **Exhibit #67** – email and Word document only.)

173. This analysis concluded that, if the United States Park Police returned to “FY 2001 levels for travel, equipment, supplies, and contracts,” we would be within budget in Fiscal Year 2004 and have nearly \$1 Million to cover these expenses. I knew based on the work I had personally done and the close scrutiny I had given to our budget documents that it was unrealistic that we could return to a Fiscal Year 2001 spending level in most areas. I also recognized that there were a number of assumptions made, based upon the explanations and data Mr. Poe provided in the package, that were inaccurate and that would distort the results.

174. On October 30, 2003, Ms. Dottie Marshall emailed me after giving a “quick look” to the analysis provided by Mr. Poe. (See **Exhibit #68**.) She said, in part, that she was “somewhat uncomfortable using an average salary” as Mr. Poe had done, and she stated that “the equipment costs are way below even a minimum replacement level.”

175. On November 3, 2003, I sent an email to Bruce Sheaffer and copied, among others, Director Fran Mainella, Deputy Director Don Murphy, Deputy Assistant Secretary Paul Hoffman, and Deputy Assistant Secretary Larry Parkinson. (See **Exhibit #69**.) I alerted Mr. Sheaffer and others in that email that a document prepared by a member of his staff regarding the funding for the United States Park Police was based on “several faulty assumptions” which would “greatly skew the outcome.” I also expressed my concern and hope that the document had not been distributed since the header “United States Park Police”

could logically lead one to believe that the document had been prepared and/or authorized by my team.

176. In that same email, I mentioned the averaging of salaries and the faulty assumption that “Code Yellow” overtime in FY 2003 was sufficient for the anticipated cost of overtime in FY 2004. A significant paragraph in that email states:

I do not know whether a specific request to your office prompted the analysis that has been provided. These documents were, however, the topic of discussion during a regularly scheduled briefing last week as part of a series of briefings with Deputy Assistant Secretaries Hoffman and Parkinson and Mr. Murphy during which the overall mission of the United States Park Police, the specific functions of each component of the USPP, and the dollars necessary to maintain each function are being reviewed. I would sincerely hope that the documents prepared by your office have not been submitted in any formal fashion since it would appear to the reader, based upon the headings on each page, that they were prepared by the United States Park Police. Further, the assumptions made could lead one to erroneous conclusions.

177. I concluded that same email by saying, “We look forward to discussing these analyses further with you and your staff as we delve further into the figures and assumptions presented by your team.”

178. I received no response to this communication; and, within weeks (November 26, 2003), we learned that the OMB passback was returned to the Department of the Interior and ultimately to the United States Park Police with \$5 Million cut from the United States Park Police budget compared to that which was proposed by the Department of the Interior.

179. On November 3, 2003, Deputy Director Murphy’s secretary, Ms. Janice Brooks, contacted me and, on behalf of Deputy Director Murphy, asked me to

- provide an account number with regard to where the NAPA study should be charged. (See **Exhibit #70**, top email from me to Janice Brooks responding to an earlier request by Ms. Brooks.)
180. Upon receiving this request, I telephoned my budget officer, Ms. Shelly Thomas, in an effort to learn which organization pays for something like this when Congress decides to have a study conducted. Ms. Thomas was not immediately available to speak with me. I then sent an email to Ms. Thomas to obtain the account number. (See **Exhibit #70**, Page 2, Last Paragraph.)
181. After an hour or two had passed during which I did not hear back from Ms. Thomas and, in an effort to get an answer, I telephoned Ms. Debbie Weatherly, a staff member of the House Interior Appropriations Committee, as I had done in the past (and as I previously had been encouraged to do by Director Mainella and Deputy Director Murphy). I intended to ask Ms. Weatherly for clarification regarding who was to pay for the upcoming NAPA report. I left a brief telephone message for Ms. Weatherly since she, too, was unavailable.
182. Prior to Ms. Weatherly returning my call, Ms. Thomas spoke with me and also responded to my email. (See **Exhibit #70**, middle email.) Ms. Thomas explained in the telephone call to me that the United States Park Police would, in fact, have to pay for the NAPA study, and, in the email (**Exhibit #70**), she provided me an Account Number.
183. In turn, I forwarded Ms. Thomas' email with the account number to Ms. Brooks and copied Deputy Director Murphy on the email. (See **Exhibit #70**, top

email.) This was all accomplished on November 3, 2003, the same day I was asked for this information by Deputy Director Murphy through Ms. Brooks.

184. When Ms. Weatherly returned my call, we had a pleasant conversation. I first explained to Ms. Weatherly why I had originally called and told her that, in the meantime, I had received an answer to my question. (See my notes to file, **Exhibit #71**.)

185. Ms. Weatherly then asked me, “What’s going on over there?” and inquired as to the progress (or what Ms. Weatherly believed was a lack of progress) regarding the NAPA recommendations of 2001. I provided Ms. Weatherly a general overview of the progress that had been made toward the implementation of the NAPA goals. (See my notes to file, **Exhibit #71**.)

186. Ms. Weatherly seemed unaware and generally surprised by this information and even shared with me a story about a Federal employee who “bucked” a Congressional mandate similar to the NAPA study. According to Ms. Weatherly, Congressman Regula had this employee fired. Ms. Weatherly and I agreed to meet informally once each month to share insights and information. (See my notes to file, **Exhibit #71**.)

187. On November 6, 2003, I was summoned to Deputy Director Murphy’s office with no explanation as to the topic. He asked if I had called Debbie Weatherly and, upon my confirmation, told me that he found it “highly inappropriate” and asked for a detailed explanation as to the content of the conversation. After explaining to Deputy Director Murphy the substance of my conversation with Ms. Weatherly, Deputy Director Murphy simply left his office

to go to another meeting without reacting to what I had told him and without providing any direction as to his expectations in the future.

188. Deputy Director Murphy did not indicate in any manner that he was dissatisfied with my explanation nor did he indicate that he intended to take any further action regarding this incident. I returned to my office and wrote an email “to file” detailing my conversation with Ms. Weatherly and my conversation with Deputy Director Murphy regarding this matter. (See my notes to file, **Exhibit #71.**)

189. Just prior to Deputy Director Murphy walking out of his office, he told me that Associate Solicitor Hugo Teufel needed to talk with me. I acknowledged this and assured him I would contact Mr. Teufel. I attempted to contact Mr. Teufel within the next two minutes, but he was not available.

190. On the afternoon of November 6, 2003, I emailed Deputy Director Murphy and informed him that, per his direction, I had reached out to Hugo Teufel via his private line and had left a message for him to call me. (See **Exhibit #72.**) This direction to talk with Mr. Teufel is the only direction I ever received from Deputy Director Murphy during the time we worked together wherein Deputy Director Murphy directed me to talk with or meet with a member of the Solicitor’s Office.

191. At some point after receiving my message, Mr. Teufel contacted me and asked for an opportunity to meet with me on a number of topics. I immediately accommodated that request by finding time on my schedule to meet with Mr. Teufel.

192. On November 7, 2003, I met with Mr. Teufel who was accompanied by Randy Myers of his staff and whom he supervised. Among the topics discussed was a draft agreement from the Organization of American States which my staff had, at my request, sent to Mr. Myers for his review.
193. I told Mr. Teufel that I had been surprised to have learned that Mr. Myers characterized a meeting I had with members of the Organization of American States as a “complaint” and explained to Mr. Teufel the tenor of the meeting, which was a “meet and greet” and during which the draft agreement had been presented to me.
194. I again asked Mr. Myers to review the document and work with the staff of the United States Park Police Planning Section on this matter. Following this meeting with Mr. Teufel and Mr. Myers on November 7, 2003, I considered this matter closed and received no further request during that meeting or at any time thereafter from either Mr. Teufel or Mr. Myers (nor from Deputy Director Murphy) for additional meetings regarding the Organization of American States.
195. On November 18, 2003, I completed an assignment given me by a member of Director Mainella’s staff, Mr. Leonard Stowe. (See **Exhibit #73.**) That assignment asked me to prepare a response for Director Mainella’s signature to a letter United States Park Police FOP Labor Committee Chairman Jeff Capps had written to DOI Secretary Gale Norton on October 22, 2003, about his concerns regarding staffing at the icon parks. (See **Exhibit #74.**)
196. In response to the assignment described in the previous paragraph, I prepared a draft letter and attached it to an email on which Director Mainella and

Deputy Director Murphy were copied. (See **Exhibit #75**.) That draft letter, prepared by me and shared with Director Mainella and Deputy Director Murphy, acknowledged, among other things, the following:

Recognizing the drain to personnel the icon staffing mandates have imposed, Chief Chambers has taken steps to expand the existing contract for security guards and to expand the number of guards employed by the United States Park Police. These guards will take the place of some of the officers working at these posts, allowing those officers to return to other patrol functions. Some of those officers could potentially be used in a special enforcement component as you have described in your letter or in an undercover capacity.

An ongoing review is currently being conducted at the direction of the Assistant Secretary for Fish and Wildlife and Parks, Judge Craig Manson, in order to better understand the role and funding challenges of the United States Park Police.

197. I received no feedback from either Director Mainella or Deputy Director Murphy regarding the draft response I had prepared; however, from the member of Director Mainella's staff who reviewed the letter, I received the following feedback: "The draft is very good . . . The letter will be taken over to the Director for signature by COB today (11/19/03). Thank you very much for all of your help!" (See **Exhibit #76**.)

198. Officer Capps told me as recently as August 2004 that he never received this or any written response to his letter to Secretary Norton.

199. On Thursday, November 20, 2003, I was interviewed by a reporter from The Washington Post regarding information he had been provided by the Chairman of the United States Park Police FOP Labor Committee, Officer Jeff Capps. The reporter asked me to react and respond to various data he had with regard to United States Park Police staffing and budget.

200. The information the reporter had, which was largely unknown up to that time by the general public, dealt with issues of staffing and community and motorist safety. Impacting these issues was, of course, the matter of the United States Park Police budget, of which the Washington Post reporter had already been provided a great deal of detail by the United States Park Police FOP Labor Committee Chairman.
201. My responses to the reporter were candid and, yet, supportive of the National Park Service leadership and the Administration. During the interview, given the lack of success in remedying the situation through internal efforts, I felt it was important to inform the public through the media that there were public safety implications and consequences of the budget and staffing limitations facing the United States Park Police.
202. Immediately upon concluding the interview, I telephoned Deputy Director Murphy and notified him of the detailed information the reporter had and the type of questions I was asked.
203. During this telephone conversation, Deputy Director Murphy asked me to notify Deputy Assistant Secretary Larry Parkinson and told me he (Deputy Director Murphy) would notify Director Mainella. I notified Deputy Assistant Secretary Parkinson via email, copying Deputy Assistant Secretary Paul Hoffman, Director Mainella, and Deputy Director Murphy. (See **Exhibit #77.**)
204. Deputy Director Murphy also asked that I have the United States Park Police Press Officer, Sergeant Scott Fear, notify Lisa Harrison (National Park Service Communications Director), David Barna (National Park Service Press

- Officer) and John Wright (Department of the Interior Press Officer) about the interview that had just taken place with the Washington Post. This request to Sergeant Fear was accomplished via email from me. (See **Exhibit #78**.)
205. In the email to Sergeant Fear, I recorded that I notified Deputy Director Murphy that “the reporter asked some basic questions about our funding numbers over the past few years, our staffing numbers, and whether our obligations have increased since 9-11.” (See **Exhibit #78**.)
206. When I described the interview to Deputy Director Murphy during the telephone conversation on November 20, 2003, Deputy Director Murphy characterized the interview as “no big deal” and stated that National Park Service Ranger FOP representatives had recently done the same thing as the United States Park Police FOP Chairman had done.
207. Deputy Director Murphy at no time asked for any additional information regarding this interview nor did he send any written communication to me asking for additional information regarding this matter.
208. On November 21, 2003, National Park Service Press Officer, David Barna, emailed Deputy Director Donald Murphy and others informing them that the United States Park Police Fraternal Order of Police had contacted the Washington Post “about funding short falls” and that I had been interviewed by the Post the previous day. (See **Exhibit #79**.)
209. Mr. Barna also indicated in this email that either Director Mainella or Deputy Director Murphy would have an opportunity to be interviewed by the Post reporter. Mr. Barna recommended, however, that, since I had already been

interviewed, neither Director Mainella nor Deputy Director Murphy should agree to an interview. (See **Exhibit #79**.)

210. In his testimony during the Merit Systems Protection Board hearing, Deputy Director Donald Murphy identified this email and confirmed that he had been notified that the Fraternal Order of Police “had spoken with the Post reporter” and that he “and other officials of the Park Service had an opportunity to be interviewed by the Washington Post, had [they] chosen to do so, regarding that same article before it came out.” (See **Exhibit #80**, Cover Sheet and Pages 141 and 142 of Merit Systems Protection Board transcript, September 8, 2004, Page 141, Line 21, through Page 142, Line 24.)

211. On Monday, November 24, 2003, I received a telephone call from Mr. John Wright, the press officer for Secretary Norton. He asked me about the interview with The Washington Post and about the type of questions I was asked, the type of answers I provided, and the extent of the information with which the reporter was armed. After hearing from me, Mr. Wright informed me that I was to remain the sole contact and spokesperson for the Department of the Interior on this matter.

212. On Tuesday, November 25, 2003, while attending an unrelated event with Director Mainella, she asked me if I had recently been interviewed by The Washington Post. I confirmed that I had and provided her a brief summary of what occurred.

213. During that same conversation, Director Mainella reminded me that she would have preferred to have learned about the interview immediately after it

- occurred. I explained to her that I anticipated that she would and that, as a result, I had notified Deputy Director Murphy immediately who said he would notify Director Mainella himself.
214. I also told Director Mainella about the subsequent telephone call from John Wright. Director Mainella asked if I was “careful” with what I said to the Post. I assured her that I had been.
215. On Wednesday, November 26, 2003, a scheduled day off for me, a nationwide conference call was conducted within the National Park Service that included Director Mainella, both Deputy Directors, all Regional Directors and their budget officers, all Associate Directors, the United States Park Police Assistant Chief of Police (the #2 position in the organization), and the United States Park Police Budget Officer. The conference call was in reference to OMB’s FY 2005 passback. (See **Exhibit #81**.)
216. During that conference call, according to Assistant Chief Benjamin J. Holmes (now retired) and Budget Officer Shelly Thomas, in response to a Regional Director’s concern over limited funding for the United States Park Police, Deputy Director Murphy went “into a tirade” blaming me for the United States Park Police not having sufficient funds. Deputy Director Murphy accused me of never responding when asked about budget matters nor cooperating in the budget process.
217. None of these concerns had ever been conveyed to me and, frankly, are simply untrue.

218. This incident was documented by Assistant Chief Benjamin J. Holmes in two emails he forwarded to me on November 27, 2003. (See both emails at

**Exhibit #82.**) Key parts of the first email include the following:

Mr. Murphy then went into what I consider a tirade about the fact that this situation came about because early on in the process, the Chief did not cooperate in providing information to them and some other things along this line which I can't remember verbatim. However, it was very clear that in responding to Terry's concerns, Mr. Murphy was laying the blame for USPP only getting \$3 million squarely at your feet. Neither the Director nor Bruce said anything to confirm or deny the validity of Mr. Murphy's statements and they certainly did not come to your defense.

When I spoke with Mr. Parkinson about Mr. Murphy's comments, he was shocked, first that he would say such a thing since he remembers that when the 05 budget was originally being worked up, National Park Service has done the USPP portion without any input from the Force (by the way, he stated that what they had proposed then was \$3 million – Hmmm); and second that Mr. Murphy would make such statements in the forum that he did. I did advise him that they (either the Director or Bruce) stated that regarding law enforcement (NPS and USPP) matters in the passback they would be looking to him for guidance. He thanked me for the heads up.

219. Also on November 26, 2003, Deputy Assistant Secretary Larry Parkinson telephoned me, told me what the United States Park Police passback was for Fiscal Year 2005, and read me the relevant language. He also asked me if Assistant Chief Holmes had told me what had occurred during the conference call regarding Deputy Director Murphy.

220. On November 27, 2003, I emailed Deputy Assistant Secretary Parkinson and asked if it would be possible for him to fax or electronically transmit the language from the Fiscal Year 2005 passback he had read to me the day before. (See **Exhibit #83.**)

221. On Friday, November 28, 2003, at 9:38 a.m., in response to my email of November 27, 2003, Deputy Assistant Secretary Parkinson sent me an email in which he typed the language that appeared in the FY 2005 passback as it pertained to the United States Park Police. (See **Exhibit #84.**)
222. In that same email, Deputy Assistant Secretary Parkinson wrote, “I’m in the office today – trying to figure out what the Department wants to appeal. I’ve gotten no feedback from NPS . . .” (See **Exhibit #84.**)
223. Based upon that information and soon after receiving the email on November 28, 2003, from Deputy Assistant Secretary Parkinson, I contacted Director Mainella, to ask what, if anything, Director Mainella needed from me regarding the OMB passback, since I had been informed by Deputy Assistant Secretary Parkinson that morning that bureau passback appeals were due that afternoon.
224. In that phone conversation, Director Mainella indicated she had not decided whether to appeal the law enforcement budget for the National Park Service and she asked me to put together my thoughts and fax them to her home. Director Mainella mentioned that she would be seeing Assistant Secretary Lynn Scarlett, (Policy, Management, and Budget) over the weekend and would possibly discuss it with her.
225. While Director Mainella and I were talking, I asked her if our Monday morning meeting (one of the bi-weekly meetings that she had committed to but had only actually scheduled on one occasion) was still scheduled. She said we would either meet that morning or later in the week and that she definitely wanted

the opportunity to meet with me. She told me that, if she had to cancel Monday's meeting, I should tell her secretary to schedule a time later in the week.

226. I thanked Director Mainella for that commitment and told her that, among any other topic that she had for discussion, I was interested in speaking with her about what two witnesses had described as inappropriate behavior by Deputy Director Murphy during the nationwide conference call two days earlier.

227. Director Mainella, who was present in the same room with Deputy Director Murphy and witnessed Deputy Director Murphy's comments during the conference call, assured me that she had spoken with Deputy Director Murphy immediately after the conference call and that she told him that what he had done was improper. I thanked her for taking that stance and asked her for the opportunity to discuss with her the fact that this action on the part of Deputy Director Murphy was just the latest, and one of the most serious, events that had occurred over the previous few weeks and that I was interested in our talking about how we could keep something like this from happening again.

228. On Friday, November 28, 2003, at approximately 7 p.m., I submitted a memorandum to Director Fran Mainella as she had requested regarding my comments on the Fiscal Year 2005 OMB Passback so she could review them as she considered whether she would appeal the National Park Service passback. (See **Exhibit #85**.) Copies of my memo were faxed to her home (see **Exhibit #86**) and included as an attachment in an email to her. (See **Exhibit #87**.) Copied on the email used to transmit the memo were Deputy Assistant Secretary Larry Parkinson and National Park Service Comptroller Bruce Sheaffer.

229. Page Two of the referenced Friday, November 28, 2003, memorandum includes two key paragraphs alerting those who read and received it to the crisis we were facing:

As you know the fiscal challenges of FY '04 make it uncertain as to whether any recruit classes will be hired during this fiscal year. The FY '05 passback does not provide funding for hiring during that fiscal year, which could potentially bring our sworn staffing to its lowest point since 1987 and more than 250 officers below the level recommended by the Director of the National Park Service in his report to Congress in March 2000 – one and one-half years before the horrific events of September 11, 2001, that tremendously increased the staffing needs of law enforcement agencies across the country.

Given our current lack of adequate staffing, I must alert you that the National Park Service's ability to protect these precious historical icons – the Statue of Liberty, the White House, the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, the grounds that support the Golden Gate Bridge – or our guests who visit them is increasingly compromised. The continuing threat to the future of these American symbols becomes even more acute with any additional loss of personnel. My professional judgment, based upon 27 years of police service, six years as chief of police, and countless interactions with police professionals across the country, is that we are at a staffing and resource crisis in the United States Park Police – a crisis that, if allowed to continue, will almost surely result in the loss of life or the destruction of one of our nation's most valued symbols of freedom and democracy.

(See **Exhibit #85.**)

230. I received no response from Director Mainella regarding this memorandum or any of the information supplied therein.

231. Prior to the start of the workday on Monday, December 1, 2003, Director Mainella's secretary, Ms. Deb Smith, telephoned me and told me that my meeting with Director Mainella that morning would have to be canceled. I told her that I knew that was a possibility and that Director Mainella had told me that, if that

occurred, we were to schedule something later in the week. Ms. Smith said that Director Mainella had told her that I might mention that and that, if I did, to let me know that we would not be meeting at all.

232. During the afternoon of December 1, 2003, I hand-carried and distributed a two-page document I had prepared to attendees at a “Mission/Budget Meeting” hosted by Deputy Assistant Secretary Larry Parkinson. (See **Exhibit #88**.) Deputy Director Murphy was one of the attendees at that day’s meeting and received a copy of the referenced document. This document included two attachments, a “Proposed Budget Reductions” sheet (see **Exhibit #89**) and a “United States Park Police FY 2003 Recurring Operational Costs to FY 2004 Operational Budget Reductions and FY 2005 Immediate Budget Needs” sheet (see **Exhibit #90**), which my notes indicate was modified by Deputy Director Murphy on July 28, 2003.

233. The “Mission / Budget” two-page document (Exhibit 71) clearly detailed that, in addition to other steps, in order to balance the budget for FY 2004, we would need to cut three of the four scheduled recruit classes, cut all speed enforcement overtime on the Baltimore-Washington Parkway, add contract guards into the icon staffing plans, cut a great deal of the patrol overtime budget, and make a number of other significant cuts. Page Two of the document listed some of the impacts of these budget reductions, including a staffing level more than 250 officers below the level recommended by the National Park Service to Congress in March of 2000. It provided information about criminal offenses that

were already on the rise in the Washington area National Parks and indicated that many of our parks had already been “stripped of patrol officers.”

234. After returning home from work the evening of Monday, December 1, I reduced to writing some of the incidents regarding Deputy Director Murphy’s behavior that I had wanted to discuss with Director Mainella at the meeting she had canceled and directed not be rescheduled. Included in this two-page typewritten letter to Director Mainella were the previously described outburst of Deputy Director Murphy during the nationwide conference call on November 26, 2003, as well as an incident involving a possible criminal violation, the release of my protected personnel information by Deputy Director Murphy and another employee of the National Park Service Personnel Office, Steve Krutz. (See **Exhibit #91.**)

235. In my letter, I asked Director Mainella to have an investigation conducted and told her that I was available to provide additional examples and documentation. (See **Exhibit #91.**)

236. Sometime during the evening of Monday, December 1, 2003, I learned that the story for which I was interviewed by The Washington Post on November 20, 2003, would be printed in the December 2<sup>nd</sup> edition of the Post. I immediately sent an email to Director Mainella, Deputy Director Murphy, and Deputy Assistant Secretary Larry Parkinson and copied Deputy Assistant Secretary Paul Hoffman and National Park Service Press Officer David Barna regarding this information. (See **Exhibit #92.**)

237. In the early morning hours of December 2, 2003 (1:20 a.m.), I wrote to the same Congressional staff member to whom I had reached out on a number of occasions, Ms. Debbie Weatherly, to seek her counsel on how to better inform members of Congress and OMB about the progress of the United States Park Police with regard to NAPA recommendations. I also alerted her to the dangerous situation that currently existed and would continue to grow if the United States Park Police continued to be without adequate funding. (See **Exhibit #93**.)
238. As a result of the Washington Post story in the December 2<sup>nd</sup> paper (see **Exhibit #94**), numerous radio and film media contacted the United States Park Police press officer to set up interviews with me beginning early Tuesday morning, December 2, 2003. As previously described, I had already been designated by the Department of the Interior Press Officer as the sole contact for this story.
239. I participated in a live interview with WTOP News Radio during my commute to work that morning. Soon after arriving at Police Headquarters, I participated in a number of taped film interviews with various news stations, and I engaged in at least one live “talk back” with a local television station. Most, and perhaps all, of these taped interviews were used during noon newscasts and again during the evening newscasts.
240. Despite the flurry of media activity that day and the publication of the Washington Post article, no one in my chain of command and no one from either the National Park Service or Department of the Interior press offices contacted me to caution me about anything that I had said in the print story or in any of my

radio or film interviews. I engaged in approximately one dozen media interviews that day.

241. On Tuesday, December 2, 2003, at approximately 3 p.m., the same day that the Washington Post article appeared and the media interviews described above were conducted, Lieutenant Phil Beck, the Executive Officer for the Office of the Chief, hand delivered to Director Mainella's office a sealed envelope which contained the typewritten complaint I had prepared the previous evening regarding the conduct of Deputy Director Donald Murphy and National Park Service employee Steve Krutz. I had labeled the envelope in a fashion that indicated it was to be "opened only by Director Mainella." (See **Exhibit #95**.) At 4:12 p.m. I alerted Director Mainella via email that a confidential envelope had just been delivered on my behalf to her office. (See **Exhibit #96**.)

242. I received no reply from Director Mainella regarding my letter of complaint regarding Deputy Director Murphy's misconduct. Instead of forwarding the complaint regarding Deputy Director Donald Murphy's misconduct to the Inspector General as required by Department of the Interior regulation, Director Fran Mainella chose to take no action regarding the complaint and, instead, was a part of the decision to silence me, as discussed below.

243. At approximately 6 p.m. on Tuesday, December 2, 2003, I was ordered by Deputy Director Murphy to cease all interviews of any kind and to not discuss the "President's budget." These orders were issued electronically while I was conducting a meeting with officers at the United States Park Police District 4 substation.

244. Deputy Director Murphy first left two voice messages on my cell phone at 6 p.m. and 6:10 p.m. (See **Exhibit #97**.) He followed that with an email to me at 6:20 p.m. (See **Exhibits #98**.) I did not receive the voice mail messages until after the meeting had concluded (approximately 9 p.m.) and did not receive the email message until I arrived at my home at approximately 10 p.m.
245. Deputy Director Murphy's first phone message (**Exhibit #97**) and his email to me (**Exhibit #98**) made it clear that Director Fran Mainella was involved in the decision making process regarding the prohibition regarding interviews. The first voice mail message said, in part, "I just got off the phone with the Director, and we are both agreeing that you need to not do any more of these live shots or stand-up interviews until you get these interviews cleared with us and the Department." The email from Deputy Director Murphy stated in part, "You are not to grant anymore interviews [*sic*] without clearing them with me or the director."
246. Immediately upon receiving the voice mail messages from Deputy Director Murphy, I called him at home. During the brief conversation that followed, Deputy Director Murphy, told me that he and Director Mainella would meet with me the following morning, Wednesday, December 3, to discuss the media interviews. I was never contacted further by Deputy Director Murphy, Director Mainella, or anyone on their staff regarding this meeting, and no meeting has ever been held with me about this matter.
247. On Wednesday, December 3, 2003, I sent an email to Deputy Director Murphy in an attempt to verify that the prohibition on interviews would not apply

to a positive piece I was scheduled to do the following morning for the Pageant of Peace and the lighting of the National Christmas Tree by President Bush that was to occur that evening. (See **Exhibit #99**.)

248. Deputy Director Murphy responded back with an email that extended the prohibition to “all interviews.” His email did not limit the prohibitions to only media interview or to only those interviews pertaining to my employment with the National Park Service. (See **Exhibit #100**.)

249. The written order in Exhibit #98 and Exhibit #100, prohibiting interviews of any kind, remained in effect until my termination in July of 2004. Each time my attorneys attempted to clarify his intent – hoping that he surely did not mean that I could not engage in “interviews” of any sort with doctors, lawyers, neighbors, or others on any topic, Deputy Director Murphy and attorneys for the Department of the Interior simply pointed back to the December 2, 2003, email (Exhibit #98), prohibiting all interviews.

250. Approximately three hours after sending his response described above (**Exhibit #100**), Deputy Director Murphy sent another email alerting me that he and Director Mainella wanted to meet with me and Assistant Chief Holmes on Friday, December 5, 2003, at 4 p.m. to discuss what he described as “general USPP issues.” (See **Exhibit #101**.) The exact content of that directive was as follows:

The director and I want to meet with you and Assistant Chief, Ben Holmes, on Friday afternoon. I understand that you are scheduled to be at the FBI academy on Friday, however the meeting on Friday is mandatory and we ask that you reschedule or cancel your FBI engagement. Friday, late afternoon would be best for the

director. Please be in the director's office at 4 PM on Friday. The subject of the meeting will be general USPP issues.

Don Murphy

251. On that same day, December 3, 2003, Deputy Director Murphy participated in an interview with a Washington Post reporter. His comments, recorded below, appeared in an article that was printed on Saturday, December 6, 2003, but were made prior to the action he took against me on December 5, 2003. (See **Exhibit #102.**) The relevant section was recorded as follows in the Post article:

On Wednesday, Murphy was asked whether Chambers had been suspended, fired or otherwise disciplined. He said that officials were "not even contemplating that."

252. On December 3, 2003, after receiving Deputy Director Murphy's directive to attend the December 5<sup>th</sup> meeting, I wrote an email to him asking what files to bring and what issues I should be prepared to discuss. (See **Exhibit #103.**) This email went unanswered.

253. On the evening of Wednesday, December 3, 2003, I attended a social function related to the Pageant of Peace. My husband accompanied me. There, we saw Director Mainella and her husband, with whom we have interacted many times in the past at other functions. Although only a small group was in attendance, Director Mainella made obvious attempts to walk away from me and my husband, including averting her glance. Even with just four of us in the elevator as we left, Director Mainella did not engage in conversation and left abruptly as the door opened.

254. On Thursday, December 4, 2003, I worked in my official capacity at the Pageant of Peace events. Soon after arriving, Assistant Chief Holmes approached me and told me he had seen Director Mainella earlier that day and that she approached him and gently shook his hand. He said that she asked him quietly and in a sad voice how he was doing. He told me that, in a surprised voice, he said "Fine." He said that Director Mainella then shook her head and said, "It's so sad. It didn't have to come to this." She did not elaborate.
255. Shortly after Assistant Chief Holmes told me this, Sergeant Sandra Hammond approached and said that she had encountered Director Mainella in the Main Interior Building that same day. She said that Director Mainella approached her, even though Director Mainella does not know Sergeant Hammond (Sergeant Hammond was in uniform), shook her hand gently, and quietly asked her how everyone was holding up. Sergeant Hammond said that she was surprised by this and answered "Fine."
256. A short time before the Pageant of Peace began, I encountered both Director Mainella and Secretary Norton exiting the United States Park Police mobile command post. Director Mainella gave a quick acknowledgement to me and walked past; and Secretary Norton, normally pleasant and affable in my company, was noticeably uncomfortable, shook my extended hand, and kept walking.
257. When the event concluded, Deputy Secretary Griles walked past me as he was exiting the seating area. After a quick professional greeting, knowing that something was odd in how I was being treated by both Director Mainella and

Secretary Norton, and not knowing what I could have done wrong, I asked Deputy Secretary Griles somewhat facetiously, “So, am I going to survive this?” Deputy Secretary Griles, with a sad look in his eyes, shook his head slowly and said, “I don’t know. I just don’t know.”

258. Surprised by Deputy Secretary Griles’ response, I asked him what I had done. Deputy Secretary Griles walked behind me and with his hands on my shoulders said, “You’ve got to get to Fran [Mainella]. You know I love ya’, kid, but you’ve GOT to get to Fran. That’s the only thing that will help now.” I asked him what I needed to “get to Fran” about, but he did not answer.

259. Late in the evening on Thursday, December 4, 2003, following the Pageant of Peace, I emailed Director Mainella, congratulated her on a successful event, and asked her if it would be possible for the two of us to meet prior to the 4 p.m. meeting the next day so that she and I would have a chance to talk about the written complaint I had Lieutenant Beck deliver to her office Tuesday afternoon. (See **Exhibit #104.**)

260. Early on Friday, December 5, 2003, I sent a second email to Director Mainella, this time asking her about the nature of the 4 p.m. meeting scheduled for that afternoon and alerting her to rumors that were abounding regarding the nature and purpose of that meeting. (See **Exhibit #105.**) As with the email I had sent to Deputy Director Murphy, I asked Director Mainella what files I should bring and what issues I should be prepared to discuss. Like my similar inquiry to Deputy Director Murphy, this email to Director Mainella went unanswered.

261. Just prior to noon on Friday, December 5, 2003, Director Mainella responded to my email of the previous evening in which I asked for the opportunity to meet with her prior to the 4 p.m. meeting already scheduled with her and Deputy Director Murphy. Director Mainella wrote, "I have received your letter and we meet *[sic]* with *[sic]* in the future on this. Today will not work for me." (See **Exhibit #106.**)

262. Sometime in the early afternoon on Friday, December 5, 2003, my Executive Officer, Lieutenant Phil Beck, received a telephone call from Deputy Director Murphy's secretary, Janice Brooks. Ms. Brooks told Lieutenant Beck that, according to Deputy Director Murphy, I was to bring "nothing" in preparation for the 4 p.m. meeting but that I was not to park on "C" Street, where I and other visitors would normally park. Instead, I was to park in the garage accessed via the "B" ramp, a garage reserved for officials in the Department of the Interior.

263. I opted to have Lieutenant Beck drive me and Assistant Chief Holmes to the meeting. Upon entering the hallway leading to Director Mainella's and Deputy Director Murphy's offices, I encountered several people who, upon seeing me, abruptly turned and walked back into their offices, closing their doors behind them.

264. I cheerfully greeted two secretarial employees in the hallway. Each looked up with tears in her eyes. One asked sympathetically, "How are you doing?" I responded, "I'm great!" Quietly and with surprise in her voice, she said "You are?" The second employee, whom I had never met, asked me if I was

the Chief. I told her I was, to which she responded with tear-filled eyes, “I am so sorry for what is about to happen to you.” “Am I losing my job?” I asked. She could barely say, “God will be with you.”

265. Within a few minutes, Deputy Director Murphy appeared from behind his closed door. He told me he would be with me in a few minutes. He went back into his office, closing the door behind him. An attorney from the Solicitor’s Office, Hugo Teufel, appeared and entered Deputy Director Murphy’s office.

266. At about the same time, three armed special agents of the National Park Service appeared. Two stayed outside Deputy Director Murphy’s office, each taking up a position on each side of the exterior door frame of his office. The third, Special Agent in Charge Pat Buccello, entered Deputy Director Murphy’s office.

267. When Deputy Director Murphy asked me to come into his office, he directed that Assistant Chief Holmes remain outside in the hallway. Special Agent in Charge Pat Buccello was standing alongside the chair in which Deputy Director Murphy sat. One additional person was in Deputy Director Murphy’s office who I now believe was a member of the National Park Service Personnel Office.

268. Despite the promise that the “meeting” would include Director Mainella, she was not present. I asked where she was, and Deputy Director Murphy said, “She’s not here.” I told Deputy Director Murphy I would like to meet with her, and he said, “Well, you’re not going to meet with her.” I asked him if he was

refusing to let me meet with Director Mainella, and Deputy Director Murphy said, “Yes.”

269. Although the email directing me to attend this meeting indicated that Assistant Chief Holmes would be a part of the “meeting,” he was not permitted to enter the office while I was there.

270. Deputy Director Murphy handed me a memo entitled “Administrative Leave” and told me he was placing me on administrative leave and that the memo would be self explanatory. (See **Exhibit #107.**) He told me I would be required to turn over certain items and equipment as described in Paragraph 3.

271. As I read the memorandum, I realized that it did not indicate why I was being sent home nor why my police powers were being suspended, other than to say, “This action is taken pending the completion of a review of your conduct that may result in a proposal for disciplinary action.”

272. I asked Deputy Director Murphy what conduct of mine was being investigated. He told me, as did the representative of the Solicitor’s Office, Hugo Teufel, that, if they found enough to charge me, I would learn at the time of proposed discipline that with which I was being charged. I asked what I was suspected of doing. Neither Deputy Director Murphy nor Mr. Teufel would answer.

273. I questioned why I had been lured into this meeting under false pretenses, having been told by Deputy Director Murphy that “the meeting” was to discuss “general USPP issues” with Deputy Director Murphy and Director Mainella, and why I had not been notified that I should consider bringing my own attorney to

the meeting. Deputy Director Murphy denied that he had told me that this was to be a meeting or that Director Mainella was to be present.

274. I told Deputy Director Murphy I would need time to go home and get the family van so that I could empty personal property (office decorations, resource and reference materials, bicycle gear, etc.) from my office. Deputy Director Murphy told me, "That won't be necessary! You don't need to move anything out!"

275. Before leaving Deputy Director Murphy's office, I asked Mr. Teufel, in the presence of Deputy Director Murphy, if he was aware of the written complaint I had submitted "on Tuesday" regarding Deputy Director Murphy's and Steve Krutz' conduct. Deputy Director Murphy nodded affirmatively. Mr. Teufel responded verbally, "Yes, I have seen it."

276. While unloading my firearm so as to safely relinquish it to Special Agent in Charge Buccello as she and Donald Murphy had directed, she said to me with tears in her eyes and loud enough for Deputy Director Murphy to hear, "This is so wrong."

277. After the special agent took possession of my gun and badge, she touched me gently on the arm and escorted me across the hall to another office and closed the door behind us while she described the other items she needed to take, all of which were back at Police Headquarters.

278. As we exited Deputy Director Murphy's office, Assistant Chief Holmes was standing just outside facing the door. When he saw my badge and firearm missing, he cursed loudly and then walked in Deputy Director Murphy's office.

Later, Assistant Chief Holmes told me that, when he walked in, Deputy Director Murphy was on the phone, apparently with Director Mainella, whom he told, "OK, you can come back now." Soon, Director Mainella joined Deputy Director Murphy and Assistant Chief Holmes in Deputy Director Murphy's office.

279. Even though I had my own transportation available (the Executive Officer for the Office of the Chief, Lieutenant Phil Beck), I was forced to accompany two armed special agents who escorted me back to my office (even after my gun and badge had been taken from me) where I was paraded in front of National Park Service employees, including numerous United States Park Police officers and the media who filmed this event. I was directed by Deputy Director Murphy that I should not remove my personal property from my office since, according to him, "that would not be necessary."

280. With regard to the December 5, 2003, "meeting," I was summoned to my supervisor's office under false pretenses. Once there, I was, according to the elements of arrest I have learned and which have been reinforced throughout my 28-year law enforcement career, placed "under arrest." All the elements were present. Either the National Park Service special agent had authority or, at least at the time, I believed she had the authority. She had two firearms (mine and hers). She had two armed back-ups waiting in the hallway. There was a requisite touching as I was escorted by her from my supervisor's office to an office across the hall. I asked if I could leave on my own and have my lieutenant drive me back to headquarters. I was told by the Special Agent that Donald Murphy had said that I could NOT leave on my own and that I HAD to be escorted by two

armed special agents. I was escorted by her and one other armed special agent to their vehicle and taken by armed escort back to Police Headquarters where I was paraded, unarmed and without a badge, past my own employees.

281. After being returned to my office by the two special agents, turning over my cell phone, pager, police radio, and other communication devices, I was left to find my own way home – in uniform and without a weapon – placing me in grave personal danger and risk to my life.

282. This disregard for my personal safety was confirmed by Mr. David G. Davies, a division chief for the National Park Service Human Resources Division in the Washington office who was consulted by Deputy Director Donald Murphy regarding various aspects of the actions taken against me. (Interestingly, Mr. Davies' role in the National Park Service would not have normally included his involvement in this matter. As described later in this document, he was given the assignment because the division chief whose responsibility did include involvement in this matter was barred from participation because she disagreed with the manner in which it was being handled.)

283. During Mr. Davies' sworn deposition on August 26, 2004, the following exchange occurred between him and my Counsel:

Q. Mr. Davies, when the decision was made to place Chief Chambers on administrative leave, was there any discussion between you and Mr. Murphy or other non-lawyer officials as to the potential risk to Chief Chambers as a pretty well-known police official in this area if she were to be removed of her badge and her gun on short notice without planning, for example? That she might be put in a vulnerable position during her? For example, her travel home on that particular day?

A. Yes.

Q. And apparently the decision was made to relieve her of her badge and gun nonetheless?

A. Yes.

(See **Exhibit #108**, Cover Sheet and Page 125 of Deposition of David G. Davies, August 26, 2004, Page 125, Lines 1 – 14.)

284. Once back at United States Park Police Headquarters, I asked the newly named Acting Chief of Police, Benjamin Holmes, to allow me time to retrieve critically needed phone numbers from my Blackberry and cellular telephone, including but not limited to essential information relating to my seriously ill senior parents, such as phone numbers for nursing homes, social workers, doctors, siblings, other relatives, neighbors, and the like.

285. Soon after I made that request, Acting Chief Holmes received a telephone call from Deputy Director Murphy directing him to immediately confiscate the electronic equipment from me. I was unable to retrieve any of the telephone numbers prior to the equipment being taken from me, causing great hardship to my siblings and my parents who often relied upon my having access to that information. To this day, some of that information has never been recaptured.

286. The use of “office equipment for personal uses that involve only negligible expense to the Government (such as electricity, sheets of paper, ink, and ordinary wear and tear) and do not interfere with official business” is permitted by the Department of the Interior as detailed in its Departmental Manual, Part 410, Chapter 2, Section 2.5.

287. On December 5, 2003, I had thousands of dollars of personal property confiscated from me – personally owned property used to furnish, equip, and

decorate my office at United States Park Police Headquarters. I was deprived of the use of that personal property for more than seven months.

288. On that evening (December 5, 2003), I asked Donald Murphy for the opportunity to go home and get the family van in order to get my belongings out of my office. He refused to let me do so and directed that I turn over all my keys and building passes to the Special Agent.

289. The conversion of my property not only prevented me from using and enjoying it during those seven months but, as will be detailed later, resulted in much of my property being damaged, destroyed, and stolen or discarded.

290. From the moment these actions were taken against me, beginning with the “gag” orders of December 2, 2003, and culminating that week in the suspension of my police powers, it is clear that Department of the Interior officials took exception with the expression of First Amendment rights by non-federal employees on my behalf. Examples are included throughout many of the paragraphs that follow.

291. It is also clear that Department of the Interior officials had not identified specific, alleged wrongdoing on my part at the time of their actions on December 5, 2003, and were unable on that date or for sometime thereafter to articulate what behavior or performance they found objectionable.

292. On December 9, 2003, Associate Solicitor Hugo Teufel and another member of the Solicitor’s office, Tim Elliot, reached out to ascertain if there was a way to resolve this matter. As of that date, I had not been charged with any wrongdoing nor had anyone informed me of what I was alleged to have done

wrong. When asked what the allegations and charges were against me, Hugo Teufel said he would have to speak to his client to ascertain if he was at liberty to discuss the nature of the charges. As with my conversation with Mr. Teufel in Deputy Director Murphy's office on December 5, 2003, it seemed clear that Mr. Teufel and his "client" still had not identified any alleged wrongdoing to justify their actions against me.

293. During this same conversation, Mr. Teufel brought up the issue of a recent newspaper article. Mr. Teufel opined that it was in both parties' interest that this matter not be in the press. He indicated that Mr. Capps, the Union President, had been quoted extensively in the papers as if to intimate that I was somehow responsible for that independent action.

294. That same week, Associate Solicitor Hugo Teufel contacted my counsel and asked for the opportunity for them and me to meet with him and Deputy Director Murphy at an off-site location on Friday, December 12, 2003, in an attempt to settle this matter – even though I had yet to be charged with any wrongdoing nor had I been told of any wrongdoing in which I was alleged to have been involved.

295. When we met on December 12, 2003, the agency indicated that they were willing to withhold placing charges of any kind against me and would bring me back to work immediately provided I was willing to agree to adhere to a number of stipulations, described in more detail in subsequent paragraphs.

296. Prior to moving into substantive communication, Attorney Hugo Teufel inquired as to whether I was a finalist for any other chief's job since he had heard

that “rumor.” I was not a finalist or an applicant in any process, yet the agency inferred that; if I were, they would be willing to halt all action against me and write a letter of recommendation on my behalf.

297. Also prior to talking about other aspects of my returning to work, Associate Solicitor Hugo Teufel commented that I was “out of control” and, as his only example, cited the case of my recommending terminating the employment of two officers who abandoned their responsibilities with regard to Presidential protection at Camp David, leaving no United States Park Police officer on duty at the camp to handle the assignment. The officers returned to the camp nearly one hour late, out of uniform, and with the odor of alcoholic beverage about them.

298. Among the agency stipulations required for my reinstatement was that I would be required to obtain prior approval by Deputy Director Murphy or his designee before I could engage in contacts with the media or with a member of Congress or any Congressional staff member. Both the contact and the content of those conversations had to be approved ahead of time.

299. I declined to agree to this stipulation since that would have made it impossible for me to function effectively as a Chief of Police (for example, response to the media’s inquiries about crime scenes such as in the Chandra Levy case) and would have impeded my lawful right and obligation to communicate with Congress. No other prior Chief of the United States Park Police had ever had such a gag order imposed upon them.

300. Another stipulation to which I would have been required to agree was the transfer of Ms. Pamela Blyth for a specified period of time. After Deputy

Secretary Griles intervened and reversed Ms. Blyth's transfer in August, Director Mainella told Ms. Blyth and me that, since Ms. Blyth had, on her own initiative, registered to attend the National Park Service's "Fundamentals" training, the "detail" or transfer would not be necessary.

301. I believed then, as I do now, that this originally intended transfer as well as the stipulation of Ms. Blyth's transfer as part of the conditions of my return to active duty were in retaliation for protected activities engaged in by both Pamela Blyth and me in persistently raising concerns about the consequences of inadequate staffing and funding on public safety and protection of the national icons. Had I transferred Ms. Blyth in August 2003 or had I had agreed to this stipulation on December 12, 2003, I would have been an accessory to a prohibited personnel practice.

302. On December 14, 2003, the Chairman of the United States Park Police Fraternal Order of Police Labor Committee, Jeff Capps, wrote an email to Department of the Interior Secretary Gale Norton in which he took full responsibility for contacting the Washington Post without my knowledge or endorsement. Officer Capps furthered, "Chief Chambers has done nothing wrong except to state the truth when questions were posed. When the Post asked Mr. Barna, NPS spokes person [*sic*], for a statement concerning the article, he replied, 'The U.S. Park Police handle those questions.'" (See **Exhibit #109.**)

303. Also on December 14, 2003, Officer Capps wrote a similar email to President George W. Bush. (See **Exhibit #110.**)

304. Officer Capps was never contacted regarding his communication to Secretary Norton or President Bush nor was he interviewed by Deputy Assistant Secretary Paul Hoffman during a series of interviews he conducted in February of 2004 – interviews we were unaware of until the discovery phase of the Merit Systems Protection Board process.
305. On December 18, 2003, six days after I had refused to agree to the stipulations on December 12, 2003, Deputy Director Don Murphy, through Department of the Interior counsel, provided my attorneys a copy of a memorandum from him dated December 17, 2003, placing administrative charges against me and recommending my termination. (See **Exhibit #111.**)
306. There has been no evidence produced that shows that any investigation was conducted regarding any of the charges placed against me at any point up to the time the charges were placed. No one in my chain of command or investigative arm of the Department of the Interior has ever talked with me at any time about any of the allegations or specifications set forth in the written charges filed against me.
307. Although some of the charges surrounded incidents involving Ms. Pamela Blyth, Deputy Chief Barry Beam, and Deputy Chief Dwight Pettiford, to the best of my knowledge, none of those employees has ever been interviewed by anyone other than the Office of Special Counsel with regard to my case. Likewise, I believe that neither the former Chairman of the United States Park Police FOP Labor Committee, Officer Jeff Capps, nor the United States Park Police Press

Officer, Sergeant Scott Fear, has been interviewed except by the Office of Special Counsel investigator.

308. As required, following the December 17, 2003, proposed removal memorandum, Deputy Director Murphy provided documentation on which he relied in developing the charges and proposed discipline detailed in his memorandum.

309. One of only two documents he supplied (other than copies of rules, policies, or procedures he believed applied) was a “memorandum” purportedly written by him to a subordinate of mine, Pamela Blyth, directing that she be detailed to a different assignment on an unspecified date (one of the administrative charges alleged that I failed to follow Donald Murphy’s direction to “detail” Ms. Blyth). (See **Exhibit #112.**)

310. The narrative of Deputy Director Murphy’s proposed removal document did not address the unsigned memorandum to Pamela Blyth in any fashion, yet I believe a reasonable person would conclude (and that Donald Murphy would want them to conclude) that this was a memorandum he had sent to Ms. Blyth (and perhaps to me) at the time her assignment was to begin.

311. We learned from later documents and testimony that Donald Murphy did not send this document to Ms. Blyth or to me even though his title, “Deputy Director” is on it in the “From” section. In fact, he claimed he didn’t even prepare it; yet, in including it as an official document on which he relied, he may have knowingly used a “false” document to influence the outcome of the actions taken against me.

312. Interestingly, the memorandum described above has a blank space in the portion of the memorandum that would have indicated an effective date for Ms. Blyth's "detail" to begin. (See **Exhibit #112.**)
313. On December 31, 2003, Counsel for Department of the Interior, Associate Solicitor Hugo Teufel, wrote a letter to my attorney of record at that time. In part, that letter says, "Additionally, I want to reiterate to you our profound displeasure at your client's continuing bad faith. I recently became aware of a pro-Chief website with the domain name of honestchief.com. The site claims that 'Teresa Chambers has not endorsed or contributed to this site.' The site provides no indication of its ownership or management." (See **Exhibit #113.**)
314. The December 31, 2003, letter from Hugo Teufel goes on to say that he has searched the domain name and found that it is registered to my husband. Mr. Teufel opined that, "It requires a tremendous suspension of disbelief that . . . Ms. Chambers has nothing to do with the website her husband established. We believe, therefore, that since Ms. Chambers has materially breached the parties' mutual agreement on confidentiality regarding the case, neither the Department nor its attorneys are bound by the agreement." (See **Exhibit #113.**) Mr. Teufel has made it clear that I would be held responsible for independent actions of my husband in exercising his Constitutional rights.
315. Neither I nor my counsel were aware of any "mutual agreement on confidentiality regarding the case" as described by Mr. Teufel.
316. The December 31, 2003, letter continues, "Notwithstanding your client's continuing bad faith, I want to assure you that my attorneys and I have

appreciated the professional and civil manner in which your *[sic]* have represented your client. I trust that we will continue to represent our clients without personal rancor.” (See **Exhibit #113.**)

317. On January 2, 2004, Associate Solicitor Teufel again wrote to my attorney. (See **Exhibit #114.**) The first two paragraphs of that letter are as follows:

There are two issues that I must raise with you and Bill [Rudman, co-counsel] regarding your client, Teresa Chambers. Attached to this letter you will find a printout from honestchief.com. Of concern is the website’s call for letters, faxes, and e-mails to the deciding official, Deputy Assistant Secretary Paul Hoffman, on the proposed removal and to the Assistant Secretary for Fish, Wildlife and Parks, Craig Manson, Mr. Hoffman’s superior.

We are gravely concerned about Mr. And Mrs. Chambers’s *[sic]* attempts to improperly and inappropriately influence the administrative process. By this letter, I admonish your client and her husband for these efforts. Further I am informing you that the Department has taken steps to divert improper and inappropriate communications from reaching either the deciding official or any other departmental officials senior to him who may hear a subsequent appeal of Mr. Hoffman’s decision. We are doing so to protect the integrity of the administrative process and to protect the due process rights of Ms. Chambers.

318. Associate Counsel Hugo Teufel wrote to my attorney again on January 14, 2004, this time expressing his displeasure over the involvement of an organization, the Public Employees for Environmental Responsibility (PEER), and their role in my case and holding me responsible for actions PEER had taken. (See **Exhibit #115.**) The first three paragraphs of that letter are as follows:

We note that Public Employees for Environmental Responsibility (‘PEER’), in a press release dated January 12, 2004, states that it has ‘joined the legal team’ of Ms. Chambers. Since we have not received formal notification from PEER or Ms. Chambers, we are writing to you.

We are troubled by this turn of events and its impact on the administrative process. A check of PEER's website indicates that PEER placed on its site the texts of the proposal for removal and response. Additionally, it would appear that various print and electronic media have copies of the proposal for removal and Ms. Chambers's written response. I suspect that Ms. Chambers is the ultimate source of the publication of these documents. Under relevant precedent, we view these disclosures as waiving any Privacy Act rights that Ms. Chambers might have had regarding the substance of the documents. *Hoffman v. Rubin*, 193 F.3d 959, 966 (8<sup>th</sup> Cir. 1999). Assuming that PEER is responsible for the releases, and their website indicates potential culpability, PEER's actions may well have endangered your client's legal rights, generally, and with respect to the Privacy Act, specifically. As a fellow officer of the court, I believe it is my duty to call this to your attention.

I have communicated with PEER previously on personnel matters and our interchange might be instructive to you and your client, especially given that your client has apparently engaged in a campaign to influence the decision-making process by suggesting that members of the public contact Deputy Assistant Secretary Paul Hoffman and others in the chain-of-command. As you can see from the attached letters, dated March 6 and 29, 2002, PEER alleged violations of law when various members of Congress complained about the performance of certain Department employees. We pointed out to PEER then, and we reiterate now to you: Under 5 U.S.C. § 2302 (b)(2) it is a prohibited personnel practice for an employee who has the authority to take, recommend, or approve any personnel action to consider any recommendation with respect to an individual under consideration for any personnel action, unless the recommendation is based on the personal knowledge or records of the person furnishing it.

319. In February of 2004, Deputy Assistant Secretary Paul Hoffman, who was designated by someone in the Department of the Interior as the "deciding official" in this case, conducted taped interviews of selected people involved in these personnel actions.

320. Those persons who, as described in my appeal of January 9, 2004, to Deputy Assistant Secretary Paul Hoffman, could have provided exculpatory

information and testimony, were not invited by Deputy Assistant Secretary Hoffman to be interviewed by him.

321. Deputy Assistant Secretary Paul Hoffman also considered a written declaration of Department of the Interior Press Officer John Wright (see **Exhibit #116**) and a written memorandum supplied by Randolph J. Myers, an attorney in the Department of the Interior Office of the Solicitor (see **Exhibit #117**).

322. Neither I nor my attorneys were informed of these documents nor were we provided copies of them or any additional documents considered by Deputy Assistant Secretary Paul Hoffman in the course of the investigation he conducted until the Department of the Interior was preparing its case for the Merit Systems Protection Board and submitted these documents as part of the Agency's Response to Appellant's Removal Appeal.

323. I have in my possession hundreds of examples of persons in the National Park Service and the Department of the Interior, including former United States Park Police Chief Robert Langston, who engaged in behavior similar to that which is alleged of me and which has been deemed by my superiors as inappropriate. To the best of my knowledge, no adverse action has been taken or threatened in any of those cases other than mine.

324. I am also personally aware of criminal violations committed by senior members of the National Park Service management team (superintendent level) during my active-duty time with the United States Park Police. In both of the cases of which I have personal knowledge, neither superintendent was terminated and it is not clear to me whether either was charged with anything

administratively. I am not aware of whether they are still working for the National Park Service at this time or whether they have retired.

325. In February 2004 after receiving a request from me, the Office of Special Counsel opened an investigation into matters I brought to their attention regarding my case. As part of their standard practice, mediation was attempted in early March 2004.

326. On March 8, 2004, outside the formal mediation meeting with the Office of Special Counsel (OSC), Linda Myers related that the Department of the Interior was upset about “leafleting.” (Supporters, without my suggesting or urging, developed leaflets and, on two occasions, stood outside the Department of the Interior and distributed information about my situation as employees came to work.) Ms. Myers indicated that the leafleting caused Department of the Interior officials to be in a position where the only thing they would consider was a buy-out rather than returning me to my job. Again, I was being held responsible for the independent action of others.

327. On March 25, 2004, I heard from a coworker in the United States Park Police. He said that he had seen and talked with a member of the Department of the Interior Solicitor’s Office that day, Randy Myers. He said that Myers asked him what he thought about the “Chambers’ situation.”

328. The coworker expressed to Mr. Myers something “safe,” stating that he hoped the matter would be “resolved soon” and “for the good of the Park Police” and hoped that I would be returned to work. Myers told the coworker that would “never happen” because “She has burned too many bridges with her website.”

Myers told the coworker that “they” were coming up with a cash settlement and that “Everyone has a price. They just have to find hers.”

329. On April 12, 2004, Department of the Interior Counsel, Jackie Jackson expressed her concerns with the flurry of activity that happened on Friday (media interviews that were scheduled once she, on behalf of her “client,” indicated that there was no “gag order” in place prohibiting me from engaging in interviews.) She specifically mentioned the WTOP radio interview and the HonestChief Website registered to and managed independently by my husband.

330. In a letter from Department of the Interior Inspector General Earl E. Devaney dated April 13, 2004, Mr. Devaney confirmed that until he had received a letter from my attorney on March 31, 2004, he had never seen the complaint I submitted on December 2, 2003, regarding the conduct of Deputy Director Donald Murphy and National Park Service employee Steve Krutz. (See letter from Inspector General Devaney, **Exhibit #118.**)

331. The Inspector General also confirmed that his policies required that my complaint should have been forwarded to his office upon receipt by Director Fran Mainella but that it had not been. (See **Exhibit #118.**)

332. Nonetheless, Inspector General Devaney declined to involve himself in investigating the matters about which I complained, and my written complaint regarding the behavior of Deputy Director Donald Murphy and Steve Krutz has never been investigated.

333. On or about May 10, 2004, Department of the Interior Counsel Jackie Jackson expressed her displeasure at what she described as “the most

unprofessional manner” in which she had ever seen an employee handle an appeal of a personnel action. Specifically she mentioned again the HonestChief.com website. She also mentioned her displeasure at a comment I had provided a television reporter who, at the start of Police Week activities, asked me about my case and my being there in civilian attire. I commented positively that the important focus of the week was on our fallen heroes and those law enforcement officers serving the community every day. Ms. Jackson complained that I had said I hoped to be back in uniform soon.

334. On May 11, 2004, in anticipation of a meeting the staff of U.S. Senator Akaka’s office had requested with me, Jackie Jackson said that I was prohibited from talking about anything dealing with Homeland security.

335. On the evening of May 13, 2004, at an annual Police Week Candlelight Vigil, my husband politely and calmly approached Director Fran Mainella and asked her about putting a stop to my situation. I could see the encounter but could not hear the exact words spoken except when my husband first called out Director Mainella’s name.

336. Director Mainella turned with a smile on her face to approach my husband, not realizing initially who had called her name. After he made a brief comment, I heard Director Mainella say, “Oh, Jeff!” and she turned and walked away briskly. Director Mainella was being escorted by a United States Park Police lieutenant at the time, and the encounter lasted 10 seconds or less.

337. On May 25, 2004, Jackie Jackson indicated that the agency was not going to offer me my job back. She also raised the issue regarding my husband meeting

Fran Mainella “in the park” after the event on May 13, 2004. She said Director Mainella was “very disturbed” and “frightened” by my husband’s actions. She also indicated that the decision not to hire me back was made the following morning and that, although she did not know if that was the reason, it did not help. As had been the pattern from the start, I was once again being held accountable for the independent expression of private individuals.

338. In a June 1, 2004, letter to my attorney, National Park Service Deputy Director Donald Murphy confirmed his broad gag order previously issued. (See **Exhibit #119**). In fact, in this letter, he broadened the application of the gag order.

339. In the letter, Deputy Director Murphy stated, “As regard the stipulations I gave to allow Ms. Chambers to be interviewed by Senator Akaka’s office, I had instructed that she could not represent the U.S. Park Police (USPP) and that she could not respond to any questions concerning either the USPP or homeland security.”

340. Here, Donald Murphy has prohibited me from sharing any personal opinion I might have had as an individual regarding homeland security and from answering any questions I might be asked or providing information regarding the United States Park Police as a whole or anything that occurred during my time there or generally related to my employment there. In other words, I could not even confirm that I had been employed with the United States Park Police.

341. Also in this June 1<sup>st</sup> letter, Donald Murphy, instead of clarifying the circumstances under which his gag order of December 2, 2003, applied, referred

my attorney back to his (Murphy's) email to me of December 2, 2003, and his December 5, 2003, memorandum placing me on administrative leave which, in part, stated that I was not permitted to “. . . represent [my]self as a representative of the U.S. Park Police . . .” (See **Exhibit #119**.)

342. Additionally, in this June 1<sup>st</sup> letter, Donald Murphy more narrowly defined and added new prohibitions when he wrote, “I believe those documents provide your client with sufficient instruction regarding interviews. To repeat those instructions clearly instruct that Ms. Chambers cannot represent herself as a member or representative of the U.S. Park Police or National Park Service and she cannot discuss issues related to her employment.” (See **Exhibit #119**.)

343. With the addition of the language described in the previous paragraph, for the first time, Deputy Director Murphy added that I could not represent myself as a member or representative of the National Park Service and, for the first time, prohibited my discussing “issues related to [my] employment.”

344. In short, Deputy Director Murphy's prohibitions disallowed me from acknowledging that I had ever been employed by either the National Park Service or the United States Park Police nor to talk about any part of my two-year employment with them. This made filling out forms, submitting renewal applications for organizations and associations, and updating resumes awkward if not impossible.

345. On June 28, 2004, I submitted the necessary paperwork to begin a review of the personnel actions which had been taken against me with the Merit Systems Protection Board.

346. On July 9, 2004, my attorneys, on my behalf, filed a Motion for Stay of Personnel Action with the Merit Systems Protection Board. (See **Exhibit #122.**)
347. Within hours of the Department of the Interior being served with a copy of the Motion for Stay and supporting evidence, a final letter of termination, described below, was signed and sent to one of my attorney's offices. (See **Exhibit #120.**)
348. The July 9, 2004, letter to me from Deputy Assistant Secretary Paul Hoffman upheld each of the administrative charges and the proposed termination. (See **Exhibit #120.**)
349. Among the many pages of narrative in the July 9, 2004, letter are several items that are of concern and interest. One issue is that Deputy Assistant Secretary Hoffman stated, "While I understand that no deficiencies in your work performance have been formally noted, I am aware that there is evidence of problems with your ability to get along with others." Deputy Assistant Secretary Hoffman cited as his only example outside the case at hand the following: ". . . you have alleged that you believe that 'snipers' and 'detractors' in the U.S. Park Police, presumably your subordinates, have gone to great lengths to harass and/or intimidate you. This allegation has not been corroborated." (See **Exhibit #120.**)
350. Contrary to Deputy Assistant Secretary Hoffman's assertion, crimes had been committed against me and other members of the Executive Command Staff, including several break-ins to my office, computer crimes (removing data from my computer as verified and documented by a computer technician), larceny of equipment from my personal bicycle (documented in a police report), tampering

with our assigned motor vehicles, vandalism and attempted vandalism, and assault (spraying pepper spray – also documented in a police report). (See email to Director Fran Mainella, **Exhibit #66.**)

351. Also in the July 9<sup>th</sup> letter, Deputy Assistant Secretary Hoffman justified his decision by stating, “From your Reply, I determined that you believe that you have done nothing wrong and that you are not contrite about the actions resulting in your proposed removal.” (See **Exhibit #120.**) Apparently, Deputy Assistant Secretary Hoffman believes that an employee who defends herself is, by doing so, providing justification for her own removal.

352. The July 9<sup>th</sup> letter from Paul Hoffman also holds me responsible for the notoriety of this matter: “Your misconduct and Removal Proposal have been the subject of numerous newspaper articles and radio and television news stories. The notoriety of your offenses has had a negative impact on the productivity and efficiency of the National Park Service and the Department of the Interior. For example, numerous Departmental and National Park Service officials and employees have spent a great deal of time responding to letters and telephone calls concerning your offenses – attempting to ensure inquirers that members of the U.S. Park Police are trustworthy and responsible civil servants. The individuals who spent their time responding to inquiries about your misconduct should have spent that time working on matters to advance the mission and goals of the National Park Service and the Department of the Interior.” (See **Exhibit #120.**)

353. With regard to the previous paragraph, Deputy Assistant Secretary Hoffman failed to define any inquiries regarding my alleged “offenses.” Instead, the news reports and inquiries that the Department of the Interior provided during the discovery phase of the Merit Systems Protection Board process all complained of the Department of the Interior’s handling of this matter and their over reaction to an employee’s candid statements. Additionally, the employee, in this argument by Deputy Assistant Secretary Hoffman, is being held responsible for individual citizens exercising their right to petition their government on a matter of concern.

354. During the deposition of Deputy Assistant Secretary Hoffman, we learned that a draft final removal letter had been prepared by him but had not been provided to us. In that draft, he included his “findings of fact,” his reasons for upholding the sustained findings and the termination. These findings were not provided to us in any fashion and were not included in the final letter of July 9, 2004 (Exhibit #120). (See applicable pages of Deputy Assistant Secretary Paul Hoffman’s deposition, **Exhibit #121**.)

355. During a “status” conference call with Department of the Interior counsel, my attorneys, and the Merit Systems Protection Board Administrative Judge on July 12, 2004, Department of the Interior attorney, Deborah Charette, agreed with one of my attorneys to “work out” the details on whether I needed to pack my office belongings and return my equipment and when to do so. Ms. Charette agreed to communicate to United States Park Police and National Park Service officials to keep my belongings “as is” and intact while we awaited word from the

Merit Systems Protection Board Administrative Judge regarding our Request for Stay.

356. Conversations with Department of the Interior counsel throughout May and up to and including a conversation on July 14, 2004, involving settlement of any type always included the Department's demands that my husband shut down his website, HonestChief.com.

357. During a July 27, 2004, "status conference call" with the Merit Systems Protection Board Administrative Judge, three attorneys for the Department of the Interior, two of my attorneys, and me, counsel for the Department, Robert L'Heureux stated that I was "unwelcome" back in the agency due to what he described as "many" of my "intemperate remarks." He told the Administrative Judge that I had been "vilifying agency managers and supervisors." L'Heureux provided no examples. My attorneys and I had never been told why reinstatement was off the table, and we were hearing it for the first time during this conference call.

358. During this same July 27<sup>th</sup> conference call, Attorney L'Heureux told the Administrative Judge that their prior offer had included a provision that the HonestChief website "come down."

359. During this same July 27<sup>th</sup> conference call, Department of the Interior attorney Deborah Charette agreed that my personal belongings and possessions in my office would be left "as is" until we had an order from the judge regarding our Motion for Stay.

360. On July 28, 2004, I received the Merit Systems Protection Board administrative judge's order denying our motion for stay. Immediately upon my learning of the judge's decision on July 28, I contacted the Acting Chief of Police and identified a date, August 5, 2004, that I wanted his approval to retrieve my belongings.
361. Although I never heard back from Acting Chief Pettiford, attorneys for the Department of the Interior did notify my attorneys 24 hours ahead of time that the date and time I picked would be acceptable and that, as I had suggested, a member of the Internal Affairs Division would accompany me and a representative of my legal team to remove my property.
362. On August 5, 2004, I, accompanied by my husband and one of my attorneys, Jeff Ruch, went to my office to retrieve my personal property, which we had been assured by attorneys for Department of the Interior would be left in place for my personal care and attention. To our surprise, when the office door was unlocked by the Internal Affairs investigator who met us there, my belongings were no longer where they once had been. Items had been stripped from the walls, desk top, table tops, and book shelves. Most items were in boxes. Some of those items were wrapped in newspapers. Others were simply tossed in open cardboard boxes. (See **Exhibits #123 – #130**, photos of stripped office with personal items carelessly tossed unprotected in boxes or stacked on desks and furniture.)

363. It was necessary to unwrap, identify those items that were mine, inventory the items, and repack each and every item that belonged to me. The task took nearly seven hours -- taking us into the wee hours of the morning.
364. Hundreds of dollars of damage had been done to my property -- including valuable collectibles -- and at least two small pieces are missing altogether. (See an example of the damage at **Exhibits #131 - #133.**)
365. An itemization of the items that were missing, broken, or destroyed was made by me in the presence of the Internal Affairs investigator and my attorney, Jeff Ruch. (See **Exhibit #134.**) The items in brackets seen in Exhibit #134 were missing on the night that I gathered my belongings but were turned over to me by an employee who found them in an outer office within weeks of the date I first discovered them missing.
366. Even with the items that were later found, a conservative estimate of damaged personal property is \$620.00. (See **Exhibit #134.**)
367. On September 9, 2004, during his sworn testimony as part of the administrative hearing of the Merit Systems Protection Board, Deputy Assistant Secretary Paul Hoffman stated, with regard to the severity of the penalty, "Well, I guess I did find that Teresa Chambers exhibited hostility toward her supervisor." (See **Exhibit #135**, Cover Sheet and applicable pages of testimony of Deputy Assistant Secretary Paul Hoffman during Merit Systems Protection Board hearing, Day 2, September 9, 2004.)

368. At least twice in his letter of termination, Paul Hoffman referred to my exhibiting “hostility” toward Donald Murphy but provided no explanation or examples. (See **Exhibit #120.**)
369. When asked during his testimony why he found that I had “exhibited hostility,” Deputy Assistant Secretary Hoffman said, “Well, it's clear reading the conclusion of her reply to the proposal to remove.” (See **Exhibit #135.**) The document to which Deputy Assistant Secretary Hoffman is referring is the written appeal to my proposed termination dated January 9, 2004, and prepared with input from me but authored by my two attorneys at the time, Peter Noone and William Rudman, and signed by Peter Noone. (See **Exhibit #136.**) I had no role in writing the “conclusion” to that proposal.
370. When pressed by my attorney during the Merit Systems Protection Board hearing to find what in the January 9<sup>th</sup> letter my attorneys had written caused Deputy Assistant Secretary Hoffman to believe I had “exhibited hostility,” Deputy Assistant Secretary Hoffman said the following: “It ‘points to the fact that Mr. Murphy is unworthy of belief. His post hoc justifications, his illogical and strained reasoning, his unseemly attempt to convert acts of executive discretion into actionable misconduct, his puerile reaction to his decision about Ms. Blyth being overruled, and his failure to’ -- I think that pretty much covers it.” (See **Exhibit #135.**)
371. During my testimony at the Merit Systems Protection Board hearing, I made it clear that the “Conclusion” was prepared by my attorneys and included

their own opinions in their own words. Cleary, Deputy Assistant Secretary Hoffman held me responsible for the independent thoughts of my attorneys.

372. The harm to my career and my reputation is immeasurable. I have been excluded from vital security and terrorism updates over the past two years, and I have been unable to maintain certifications and necessary training to keep me abreast of the latest technology and trends in my profession.

373. Because of the unique nature of police work, my personal safety has been jeopardized with the stripping of my police authority. While tens of thousands of people in the metropolitan area in which I live and conduct personal business know me by sight and recognize me as a police officer, I am not able to protect myself or others from harm. Additionally, I still live and travel in the area in which I patrolled for more than 21 years as a police officer and where the felons and misdemeanants I arrested still live and work.

374. The irreparable harm to my health and that of my husband and our parents is apparent. My husband and I have each worked an average of 16 hours a day on the defense of my case since December 5, 2003. Many days, such as the ones involved in the preparation of this document, have required 30 or more straight hours of work without sleep. We have been forced to miss celebrating holidays, birthdays, and other significant events since December 5, 2003, since the fight against the resources of Federal Government takes every ounce of our energy and time.

375. The distress of seeing a loved one go through the trauma of dealing with false accusations and unthinkable treatment has taken its toll on the emotional and

- physical health of us and our senior parents. It has clearly accelerated the decline in our parents' health as they concern themselves with every aspect of this case.
376. My employability as a chief of police is doubtful in that, despite the unwarranted actions taken against me in this matter, my supervisors in the National Park Service never presented me with a performance appraisal during my more than two years with the National Park Service (see details in subsequent paragraphs). As a result, I have nothing tangible to show a prospective employer regarding my performance.
377. On September 22, 2003, I received an email from my supervisor, National Park Service Deputy Director Donald W. Murphy in which he wrote, in part, "I have completed your performance appraisal" and that "Janice [Donald Murphy's secretary] will contact you to set up a time for us to go over the appraisal." (See **Exhibit #137.**)
378. On or about September 22, 2003, National Park Service Deputy Director Donald W. Murphy saw me in person and told me that he had "completed" my performance appraisal and added, "Don't worry. It's a good one."
379. Deputy Director Murphy never presented me with the performance appraisal that he told me he had completed.
380. This performance appraisal would have been the only performance appraisal presented to me in my nearly two years of active duty service with the National Park Service.
381. During Deputy Assistant Secretary Paul Hoffman's interview of Deputy Director Murphy on February 6, 2004, and, in response to Deputy Assistant

Secretary Hoffman asking Deputy Director Murphy if he (Deputy Director Murphy) had given me a performance appraisal, Deputy Director Murphy said “No . . . although one was prepared” and then confirmed, “. . . there is one that’s actually prepared and it was – the only reason it hadn’t been done was because of scheduling conflicts.” (See **Exhibit #138**, Cover Sheet and applicable page of transcript of interview of Donald Murphy by Paul Hoffman, February 6, 2004, Page 105, Lines 8 – 16.)

382. During his sworn deposition on August 11, 2004, Deputy Director Donald Murphy answered “Yes” when he was asked by my Counsel if he had prepared a performance appraisal for me. Deputy Director Murphy stated that it was “titled performance appraisal” and that “it was a final” rather than a draft document. (See **Exhibit #139**, Cover Sheet and Pages 18 – 26 of Deposition of Donald Murphy, specifically Page 18, Line 16 through Page 19, Line 6, and Page 20, Lines 14 through 18.)

383. During his deposition, Deputy Director Murphy also stated that the period of time covered by the performance appraisal was from “the previous September [2002] through the following September [2003].” (See **Exhibit #139**, Page 24, Lines 13 – 22.)

384. Deputy Director Donald Murphy also testified during his sworn deposition that he had prepared my performance appraisal “. . . in conjunction with the Human Resources office” of the National Park Service (see **Exhibit #139**, Page 21, Lines 1 – 5), specifically “Terrie Fajardo” (see **Exhibit #139**, Page 23, Lines 2 – 5).

385. Despite our submitting a FOIA / Privacy Act request to the National Park Service / Department of the Interior for the release of my performance appraisal, no such document has been turned over to us.
386. A letter dated March 7, 2005, from the Department of the Interior FOIA officer states, “The NPS has advised the Department that . . . it conducted another search of its files and located responsive information.” The FOIA officer added, “The National Park Service is currently making a determination on whether to release the information it located.” (See **Exhibit #140**.)
387. A March 14, 2005, letter from the National Park Service contradicted what the Department of the Interior FOIA officer had said in the previous week’s letter. This March 14<sup>th</sup> letter stated, “We have searched our files and found one document that is *potentially* responsive to your request.” (Emphasis added.) The FOIA officer added, “We are releasing this *draft* document entitled ‘U.S. Department of the Interior Senior Executive Service Performance Plan’ dated February 11, 2003 in its entirety (3 pages).” (Emphasis added.) (See **Exhibit #141**.)
388. The three-page document released by the National Park Service is a document entitled “U.S. Department of the Interior Senior Executive Service Performance Plan” and shows a date of February 11, 2003. (See **Exhibit #142**.)
389. The Department of the Interior Senior Executive Service Performance Plan released by the National Park Service includes in the “Employee’s Name” section the name “Teresa Chamber” *[sic]* (see **Exhibit #142**); however, it is a

document that was never presented to me by anyone at any point during my employment with the National Park Service.

390. The three-page document released by the National Park Service is not a performance appraisal. The section following the words “Appraisal Period” has been left blank, the document is not signed by either the “Employee” or the “Supervisor,” and the grade level “SP-14” is not the correct grade level for the Chief of the United States Park Police (the correct grade level is SP-11 according to the most recent SF-50 received by me). (See **Exhibit #142.**)

391. On April 13, 2005, Deputy Director Donald Murphy signed a “Declaration” “under the penalty of perjury” that says, in part: “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.” (Emphasis added.) (See **Exhibit #143**, Paragraph 3.)

392. Deputy Director Murphy’s email to me dated September 22, 2003, stated that he has completed my “performance **appraisal**” (emphasis added), not my

- “performance plan” as he stated in his sworn declaration. Additionally, his email stated that he would have his secretary contact me to set up a time for he and I “to go over the *appraisal*.” (Emphasis added.) The referenced email does not include the term “performance plan” anywhere in the email. (See **Exhibit #137**.)
393. Deputy Director Murphy also included in his sworn declaration, “I never drafted or completed a performance evaluation or appraisal of Teresa Chambers . . . I have personal knowledge that the document that the plaintiff seeks never existed.” (See **Exhibit #143**, Paragraph 5.)
394. As part of a civil action filed on my behalf in the United States District Court regarding my request that my performance appraisal be turned over to me, my counsel recently conducted a deposition of Terrie Fajardo, the retired National Park Service division chief who was identified by Deputy Director Murphy in his August 2004 deposition as having assisted him with the preparation of my performance appraisal. (See **Exhibit #139**, Page 23, Lines 2 – 5).
395. During Ms. Fajardo’s deposition, she described her clear recollection of preparing my performance appraisal at Deputy Director Murphy’s request. (See **Exhibit #144**, Page 21, Lines 8 – 12.)
396. Ms. Fajardo also recalls Deputy Director Murphy describing my performance as “fine” (See **Exhibit #144**, Page 21, Line 12, through Page 22, Line 9.) Ms. Fajardo also recalls that the final performance appraisal indicated the category of “achieved” for each area of my performance that was rated. (See **Exhibit #144**, Page 30, Line 6, through Page 31, Line 2.)

397. Throughout her sworn deposition, Ms. Fajardo provided precise details regarding how she completed the document, how it was transmitted to Deputy Director Murphy, and where electronic and hard copies were kept. (See **Exhibit #144**, Page 13, Line 14, through Page 14, Line 4; Page 19, Line 4, through Page 22, Line 19; Page 25, Line 19, through Page 26, Line 5; Page 27, Line 5, through Page 28, Line 8; Page 30, Line 6, through Page 31, Line 2; Page 33, Line 22, through Page 34, Line 9; Page 51, Line 10, through Page 52, Line 14; Page 56, Lines 12 – 17; Page 62, Line 3, through Page 66, Line 11; and Page 67, Line 6, through Page 70, Line 16.)
398. Also during her sworn deposition, Ms. Fajardo confirmed that, in her particular division chief position in the National Park Service Human Resources office, it would have been her role to provide advice with regard to any personnel action taken against me and to actually handle the matter. (See **Exhibit #144**, Page 85, Line 4, through Page 86, Line 5.)
399. Ms. Fajardo confirmed that she knew that action was being taken against me in the latter part of 2003 and that she had not been asked to participate in what was occurring. (See **Exhibit #144**, Page 85, Line 18, through Page 86, Line 8.)
400. Further, Ms. Fajardo stated that she is aware of why she was not asked to participate (see **Exhibit #144**, Page 86, Lines 9 – 22).
401. Ms. Fajardo stated that she was “left out of that loop” because she “did not believe that the issue pertaining to Chief Chambers warranted so severe an action.” (See **Exhibit #144**, Page 90, Line 14, through Page 91, Line 11.)

402. Ms. Fajardo, who in her official capacity and as described by her throughout her deposition (see **Exhibit #144**) handled the advertisement for my position before I was hired, handled the processing of the paperwork involved in my hiring, developed the performance standards pertaining to my position, and wrote my performance appraisal as requested by my supervisor, Deputy Director Donald Murphy, was barred from participating in personnel actions against me that resulted in my termination – barred because she disagreed with what was taking place.

403. My salary at the time of my dismissal was \$136,000. With a 30 percent benefits computation, that figure increases to \$176,800 annually. Since July 10, 2004, the effective date of my termination, I have lost nearly **\$250,467** in wages and benefits (17 months' salary and benefits).

404. It was my intent and desire, as had the previous two chiefs of the United States Park Police, to work in that position for **at least** 10 years. The loss of salary from being forced from the job seven years and seven months earlier than the ten-year mark, even without considering cost of living or other salary and benefit enhancements in the future, computes to a total loss of salary and benefits projected out to February of 2012 at **\$1,340,733**.

405. Combined with the cost estimate for the damaged and destroyed personal property from my office (\$620), the total is **\$1,341,353**. Because we have chosen not to seek professional help for the distress incurred by my husband and me as a result of the personnel actions taken against me, we have no medical bills to submit.

406. We do, however, have attorneys fees and out-of pocket expenses of approximately \$100,000. A precise itemization can be provided upon request. These costs bring the total damages detailed herein to \$1,441,353.

Further affiant sayeth not.

Pursuant to 28 U.S.C. Section 1746, I, Teresa C. Chambers, hereby swear, under penalty of perjury, that the foregoing statements are true and correct to the best of my information and belief.



\_\_\_\_\_  
Teresa C. Chambers



\_\_\_\_\_  
Date