

## **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. After competing 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 Director Fran Mainella and began working in that capacity on February 10, 2002.
5. I received no job description nor did I receive any training upon entering the Federal service. Additionally, I have never received a performance evaluation as a Federal employee.
6. I initiated individual meetings with my immediate supervisor, National Park Service Deputy Director Don Murphy, and his supervisor, National Park Service Director Fran 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.

7. 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 examples spanning my first two years of employment is included as **Exhibit 1** (20 pages).
8. I was unexpectedly praised publicly by Department of the Interior (DOI) Secretary Gale Norton during an informal event to which she had invited me on the rooftop of the Main Interior Building on the evening of July 4, 2002. I was greeted and embraced by President Bush following his speech to the nation from Ellis Island on September 11, 2002. I have been invited to private parties at Director Mainella's home on more than one occasion. These are only a few of the many indications that my work was valued and respected – indications I received on a continuing basis and, in many cases, as a result of the numerous media interviews I conducted over a two-year period and about which Deputy Director Don Murphy, Director Fran Mainella, Secretary Norton, and others were highly complimentary.

9. From the start, I always felt 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 2**, Federal Times, “Protecting the Parks is Monumental Role.”) I recall receiving only positive comments about that and dozens of other articles and interviews in which I engaged over the next two years.
10. 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.
11. I was encouraged by Director Fran Mainella and Deputy Director Don 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.
12. 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. In addition to providing law enforcement service to all the National Park Service properties for which we are responsible, it was also my obligation to ensure that United States Park Police employees were doing all that they could to safeguard those parks, monuments, and memorials that so visibly represent American's history and our democracy.

13. The following paragraphs, listed in chronological order, describe my internal disclosures to leadership in the National Park Service and the Department of the Interior. Some of the concerns I raised internally were raised by the Chairman of the United States Park Police Fraternal Order of Police (FOP) Labor Committee in the Washington Post article which was published December 2, 2003, and by me when I was interviewed by a Washington Post reporter on November 20, 2003. (See **Exhibit 3**, Fahrenthold, David A., The Washington Post, "Park Police Duties Exceed Staffing.") The following paragraphs also present additional relevant facts.
14. 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 4**.)
15. 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 and the implications for the success of the radio conversion

- project. Deputy Director Murphy commended us for the manner in which we had been dealing with Mr. Sheaffer saying that we were holding him accountable with a “sharpened pencil” rather than angry words. Deputy Director Murphy also said, with reference to Mr. Sheaffer’s email, “We don’t put things like that in writing.”
16. 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.
  17. 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. It was in this 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.
  18. On June 13, 2003, I notified Deputy Director Don Murphy via email that Captain Kevin Hay had discussed the issue of the rise in traffic accidents and a safety study of the Baltimore-Washington Parkway with Director Mainella back in March of 2003 during a United States Park Police leadership conference. (See **Exhibit 5**.) I copied Director Fran Mainella on the June 13<sup>th</sup> email. I suggested

to Deputy Director Murphy that I believed it would be beneficial to schedule a briefing for him and Director Mainella regarding this topic in order to “benefit from your direction on what the next steps should be.” Neither he nor Director Mainella responded to this email, and both of them later denied that they had any knowledge that there was a problem with traffic accidents on the Baltimore-Washington Parkway.

19. On June 16, 2003, I completed a memorandum to Deputy Director Murphy at his direction regarding the future of the United States Park Police Regional Law Enforcement Specialists. (See **Exhibit 6.**) I telephoned Deputy Director Murphy and made arrangements to fax the document to him the morning of June 17 so that he could have it with him to review while on travel. I explained to Deputy Director Murphy that I was interested in his feedback before I shared the memorandum with the Associate Director for Resource and Visitor Protection, Ms. Karen Taylor-Goodrich, who, among other responsibilities, oversees the National Park Service law enforcement ranger functions.
20. Early on June 17, 2003, I faxed the memo dated June 16 to Deputy Director Murphy. (See **Exhibit 7.**) My cover sheet documents the intent of this memorandum as a proposal, reminds Deputy Director Murphy that the majority of items included therein are functions already being performed by the regional captains, and tells him, as I also did in our telephone conversation of the previous evening, that I “look[ed] forward to receiving [his] comments and direction.” The proposal would have resulted in a significant cost savings for the National Park Service in that the Park Service would not have had to duplicate many aspects the

United States Park Police currently had in place and would have more easily put the National Park Service overall law enforcement program in compliance with the Secretary's Directives on Law Enforcement Reform.

21. On July 1, 2003, I was asked to meet with Director Mainella and Deputy Director Murphy about improving communications so that the United States Park Police was kept informed in a timely manner of National Park Service issues. Immediately upon entering Director Mainella's office, she asked me, "Do you want to be on this team?" I was stunned by the question and quickly responded, "Yes, ma'am! Of course I do!" Deputy Director Murphy then pulled out a copy of the June 16<sup>th</sup> memorandum regarding the Regional Law Enforcement Specialists.
22. Director Mainella told me I should have never written the June 16<sup>th</sup> memorandum and should have simply talked with Deputy Director Murphy about the issue. Deputy Director Murphy confirmed to Director Mainella that he and I had spoken about this matter on several occasions and that he had asked me to write a proposal. I asked for specific examples of what Director Mainella believed I could have done differently in the memorandum. Many of the items she and Deputy Director Murphy used as examples were functions that were already being performed by the United States Park Police regional captains. Director Mainella accused me of not respecting law enforcement rangers. I tried to assure her, as pointed out in the memorandum, that just the opposite was true. I was directed to rewrite the memorandum and to exclude all references of what things United States Park Police officers were better prepared to perform than law enforcement

rangers. Sometime later, Deputy Director Murphy told me that, prior to the July 1st meeting with Director Mainella and him on this topic, he had shared my proposal with Karen Taylor-Goodrich and provided her the original memorandum to keep.

23. On Friday, July 11, 2003, I was called by Deputy Assistant Secretary Larry Parkinson to meet with him regarding budget matters. 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.

24. 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."

25. 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 8**.) 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. Her 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.

26. 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 9**.) 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). My recollection is that I received no response from Mr. Sheaffer regarding this information and no reaction from Director Mainella or Deputy Director Murphy.
27. 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.

28. 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 Fran Mainella and Deputy Director Don 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.

29. Following the July 16<sup>th</sup> meeting, I immediately reported to Director Fran 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.

30. 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. Before we got into the substance and primary

purpose of this telephone conversation, Director Mainella angrily accused me of “hiring” the United States Park Police Budget Officer, Ms. Shelly Thomas, for a newly created position, the United States Park Police Finance Officer, a position that had been approved by Director Mainella and Deputy Director Murphy. Director Mainella insisted during this conversation that the National Park Service Comptroller, Mr. Bruce Sheaffer, must approve of whomever we hire for that position. Director Mainella also told me that I was not to promote Ms. Thomas to that position because Bruce Sheaffer didn’t have confidence in her. As I began to explain the status of the process and some of the difficulties we were having in getting straightforward answers from Mr. Sheaffer, Director Mainella interrupted, shouting, “Stop it! Just stop it! I am your boss! Don’t you forget that!” she then reiterated that I was not to fill the Finance Officer’s position without Bruce Sheaffer’s approval.

31. We then moved into a discussion of the United States Park Police budget. I informed Director Mainella of our dwindling staffing numbers and an attrition rate that was far surpassing our hiring authority. Her response was an angry outburst regarding the size of our overtime budget. She also mentioned the June 16<sup>th</sup> written proposal I submitted regarding the United States Park Police Regional Law Enforcement Specialists (Exhibit 6, discussed in Paragraphs 18 – 21 of this Affidavit.). Director Mainella referred to it as a “bad memo,” told me I should have never written it, and said that I was on a “slippery slope.”
32. 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. I informed her that the mandate 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.

33. 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." Director Mainella identified Ms. Pamela Blyth as the person who had made this remark, and Director Mainella asked why Ms. Blyth would say that since it wasn't true. I told Director Mainella that it was actually Captain Hay who made the remark and not Ms. Blyth.

34. 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. I alerted her 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 Don 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.

35. During that same conversation with Director Fran 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 Don 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 10 and 11.**) Director Mainella told me that she had not previously been aware of these specific funding concerns. Deputy Director Don Murphy, however, replied to my emails on this matter with one of his own, which stated, “I share your frustration. Call me.” (See **Exhibit 12.**)

36. 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 13.**) Director Mainella did not respond to this email.

37. 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 14**.) I later learned that National Park Service Comptroller Sheaffer also attended the meeting.
38. Also on July 24, 2003, I was informed by an employee in the United States Park Police Personnel Office that the “crediting plan” for the Finance Officer’s position we had received approval to establish had been sent to the National Park Service Personnel Office. (See **Exhibit 15**.) This position was geared toward a civilian member of the command staff who would oversee all aspects of budget, contracts, and finance. I had sought and achieved approval from Director Mainella and Deputy Director Murphy in the Spring or Summer of 2003 to establish and advertise this position.
39. 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, I was to 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.
40. 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.
41. 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 16**.) 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.
42. 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 17**, 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 . . .”)
43. 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 18**, an email from Ms. Dottie Marshall to me following the meeting with Deputy Director Murphy. In this email, Ms. Marshall states, “[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.”)
44. 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.

45. 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 19.**)

46. Later in the day on July 28, 2003, I again wrote to Ms. Marshall (See **Exhibit 20.**)

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 reads 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.

47. 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 21**.)
48. 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 Steve 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. 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.
49. 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.

50. The following workday, Deputy Secretary Griles telephoned me (via his secretary) 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.

51. On August 5, 2003, I met with Deputy Director Don 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 under the current budget projections. His 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.

52. 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. 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.

53. Later in the afternoon on the same day, August 5, 2003, I met one-on-one with Director Fran 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.

54. 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 Don Murphy in the near future. 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 was describing 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 attempted to point 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.

55. 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.

56. Also on August 5, 2003, I wrote a third time to Deputy Director Don Murphy with a copy to Director Fran Mainella regarding the Baltimore-Washington Parkway Safety Study. (See **Exhibit 22** – 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?

57. 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.

58. 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 23**, 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.)

59. The FY 2005 Policy Guidance document included in Exhibit 22 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.)

60. 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 write 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.

61. 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 Paragraph 54.) 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.

62. 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. Deputy Director Murphy provided me no effective date of Ms. Blyth's "detail" or transfer.

63. 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 24.**)

64. On August 12, 2003, in response to my email to Dottie Marshall (Exhibit 19), Ms. Marshall sent me an email suggesting that I "discuss the Code Yellow stipulation." (See **Exhibit 25** – bottom email.)

65. My response to Ms. Marshall (See **Exhibit 25** – 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.

66. 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 26.**) Copies were also hand

carried to Director Fran Mainella and Deputy Director Don Murphy with a handwritten note from me attached to each copy. (See **Exhibits 27 and 28.**)

67. 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.
68. 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."
69. 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 29.**) I thanked him 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.

70. Deputy Director Murphy responded with an email back to me that simply said, “Thanks.” (See **Exhibit 30**.)
71. 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. (I do not have copies of these emails.)
72. 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 on 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. At no time did Deputy Director Murphy provide me an effective date for Ms. Blyth’s “detail.”
73. When I learned of Deputy Director Murphy’s decision, I alerted Officer Jeff Capps (United States Park Police FOP Labor Committee Chairman) that certain projects would not move forward as planned because many of the projects in which Ms. Blyth was engaged involved the FOP. Officer Capps, who had developed a positive working relationship with Deputy Secretary Griles, telephoned Mr. Griles on August 23, 2003, and left a voice mail advising him that things were awry within the U.S. Park Police regarding the relationship with the NPS and urging Mr. 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.

74. By late Sunday evening, August 24, 2003, I had not heard from Deputy Secretary Griles and had been unable to reach Assistant Secretary Manson, who is in my chain of command, in order to alert him that Officer Capps had reached out to Mr. Griles and to tell him what had occurred regarding Ms. Blyth's transfer. It was also my intent to alert Assistant Secretary Manson of the potential outcomes of having Ms. Blyth pulled from the command staff at this critical time.

75. 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.

76. When I telephoned Deputy Secretary Griles, I expected to receive his voice mail and was surprised to get Mr. Griles himself. He began the conversation by acknowledging that Officer Capps had left an urgent message for him to call me. He indicated he was concerned about this "detailing of Ms. Blyth" and asked me to explain what was going on.

77. 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. 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 and I were talking, the relationship and ability to get the job done would worsen.

78. 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. At no time did Mr. 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 learns of the conversation, Deputy Secretary Griles assured me that no such retaliation would ever occur. He told me that I should not fear retribution. He thanked me for making him aware of the situation.

79. Later that same evening, 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. 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.

80. On August 25, just prior to midnight, Deputy Director Murphy sent an email to me. (See **Exhibit 31**.) In that email, Deputy Director Murphy acknowledged that he was aware that I spoke with Deputy Secretary Griles and that Deputy Secretary Griles overturned Deputy Director Murphy's decision to transfer Ms. Blyth. In the email, Deputy Director Murphy referred to my "intentions" as being "nefarious" and that my actions were "unacceptable" and "insubordinate," and that, since Deputy Director Murphy was out of town at the time, the "insubordination [was] all the more egregious." He advised me 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." I was never contacted by his assistant nor was I asked to appear before him and Director Mainella to explain my actions.

81. 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. 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."

82. On August 27, 2003, Director Mainella telephoned me via her secretary at approximately 3 p.m. Director Mainella 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 told me that she and Deputy Director Murphy were on their way to meet with Assistant Secretary Manson at his request.
83. 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.
84. Later in that same day, August 28, 2003, Deputy Secretary Steve Griles held a meeting with me, Director Fran Mainella, Deputy Director Don Murphy (although he 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.
85. 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.

86. 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."

87. In the meeting that followed, we reviewed, among other things, the general issue of budgetary and staffing challenges the United States Park Police 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.

88. 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 32**, an email I wrote to Assistant Secretary Manson to thank him for meeting with me.) 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.

89. 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.
90. 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.
91. 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 believe 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.

92. 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.
93. 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 33**.)
94. On September 9, 2003, Deputy Director Murphy wrote to Ms. Pamela Blyth and granted her approval to utilize Ms. Tonya Jackson, a member of the DOI Budget Office, to participate as a panel member to evaluate candidates for the United States Park Police Finance Officer position. (See **Exhibit 34**.) He asked us to "Please expedite this hiring process."
95. Three days later, on September 12, 2003, Deputy Director Murphy emailed Ms. Blyth and me and asked about the progress in hiring a Finance Officer. He stated that his expectation was that we would have our finance officer "hired and on board by October 1, 2003." (See **Exhibit 35**, bottom email.)
96. Later that same day, September 12, 2003, Ms. Blyth responded in writing to Deputy Director Murphy and provided an update of the hiring status for the United States Park Police Finance Officer. She reported that she did not anticipate any problems with the October 1<sup>st</sup> timing. (See **Exhibit 35**, top email.)
97. 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 36.**) 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.

98. 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 37.** Note represents opening comment of Secretary Norton: “. . . wanted to say again how much work you all did on the NFL kick-off.”) Even though we 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.

99. 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 38.**) In this email, Deputy Director Murphy also stated the following:



I understand that you are in the process of interviewing candidates for the USPP budget officer. Before you make an offer please send to me with a copy to the director your selection so that it can be reviewed by this office.

100. 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 39**.) The email states that Ms. Marshall "was never able to get a final copy of the document.."
101. By September 22, 2003, Ms. Blyth had concluded the interviews for the Finance Officer's position and had identified a candidate, Ms. Glenda Somerville, who she described in an email to me as a "highly qualified" candidate who had "significant experience working in the Federal financial system" and a "considerable understanding of the law enforcement function." (See **Exhibit 40**, bottom email.)
102. Within one hour, I forwarded Ms. Blyth's email to Deputy Director Murphy with my concurrence as to her recommendation. Knowing that Deputy Director Murphy wanted the Finance Officer's position filled by October 1, 2003, I asked Deputy Director Murphy for permission to make a job offer. (See **Exhibit 40**, top email.)
103. One week later, on September 29, 2003, Ms. Blyth asked me if I had received approval to hire Ms. Somerville. I immediately emailed both Deputy Director Murphy and Director Mainella and asked if they had had an opportunity to review the email of September 22. Deputy Director Murphy wrote back acknowledging that Ms. Somerville "appears . . . well qualified." He asked me to

“please schedule a time for her and you to come in and see me” as we had done when the deputy chiefs were hired. (See **Exhibit 41.**)

104. 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. 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.

105. 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.

106. On September 30, 2003, Ms. Blyth learned that the candidate for the Finance Officer’s position, Ms. Glenda Somerville, was out of state teaching and would not be back until Saturday, October 18. Ms. Blyth offered a suggestion of Deputy Director Murphy talking with Ms. Somerville via conference call. I, in turn, passed on this idea to Deputy Director Murphy. (See **Exhibit 42**, middle email.)

107. On October 1, 2003, Deputy Director Murphy wrote an email to me stating that he wanted to meet in person with Ms. Somerville. Unlike his first direction to me, this email said that he wanted to meet with Ms. Somerville alone. (See **Exhibit 42**, top email.) He directed that I work with his secretary to set up a convenient time. Later in that same day, I wrote back to Deputy Director Murphy to clarify whether he needed me there for part of the meeting as he had originally directed. He wrote back that same day saying, “There is no need for you to be there.” (See **Exhibit 43**.)
108. After identifying the first available date for Ms. Somerville, I contacted Deputy Director Murphy’s secretary, Ms. Janice Brooks, on October 6, 2003, and provided her the date and asked if Deputy Director Murphy was available. I copied Deputy Director Murphy on the email. Having not heard anything from Deputy Director Murphy or his secretary by the end of the next work day, October 7, 2003, I contacted both of them via email. Ms. Brooks wrote back stating that Deputy Director Murphy’s calendar was filled with an all day appointment but that she would “re-confirm the appointment with him” and would be “sure to let [me] know.” (See **Exhibit 44**.)
109. 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.
110. After more than one week had passed since the last communication with Deputy Director Murphy’s office regarding the Finance Officer candidate, I wrote to Deputy Director Murphy again and provided him other available dates for Ms.

Somerville. Deputy Director Murphy chose Monday afternoon, October 27, at 4:15 p.m. (See **Exhibit 45**.)

111. 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. No meetings 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.

112. 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 46** – email and Word document only.) 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.

113. On October 27, 2003, Ms. Glenda Somerville, candidate for the United States Park Police Finance Officer's position, met with Deputy Director Murphy. The following day, October 28, 2003, I wrote to Director Mainella and Deputy Director Murphy and asked if I could move forward and make a job offer to Ms. Somerville.

114. On October 28, 2003, I wrote to both Director Mainella and Deputy Director Murphy asking if, now that Deputy Director Murphy had met with Ms. Somerville, I could move forward with a job offer. (See **Exhibit 47**.)

115. On October 30, 2003, Ms. Dottie Marshall emailed me after giving a "quick look" to the analysis provided by Mr. Poe. (See **Exhibit 48**.) 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."

116. On November 2, 2003, Ms. Somerville wrote to me and made reference to the fact that she would be "DOA" (Dead on Arrival) at the United States Park Police and mentioned that I would have to "fight" for the individual I want to hire. I wrote back to Ms. Somerville to inquire further with regard to her meeting with Deputy Director Murphy. (See **Exhibit 49**.)

117. On November 3, 2003, approximately one week after Deputy Director Murphy interviewed Ms. Somerville, Deputy Director Murphy emailed me and said that he "interviewed the candidate" (Ms. Somerville) and that he has "some

remaining issues” that he would discuss with Deputy Assistant Secretary Larry Parkinson “before giving the approval to make an offer.” In that same email he asked if I had checked the references for Ms. Somerville and if I documented the results. (See **Exhibit 50**.)

118. Also on November 3, 2003, Ms. Somerville emailed me and said that the meeting with Deputy Director Murphy had not been one-on-one and that, instead, National Park Service Comptroller Sheaffer had participated. She stated that she was “surprised” when Deputy Director Murphy closed the meeting early by saying he had a train to catch. (See **Exhibit 51**.) She promised to send a synopsis the next day, which she did not.

119. I spoke with Ms. Somerville by telephone the evening of November 3, 2003. She told me that Comptroller Sheaffer was aggressive with her and that Deputy Director Murphy was rude. She said that Mr. Sheaffer wanted to know why she would want this job and that she appeared to be over qualified. She recalled that Deputy Director Murphy said something about her not having enough Federal budget experience (interestingly, DOI had contracted with her to TEACH activity based costing and other budgeting classes).

120. She also told me that Deputy Director Murphy told her that IF she got the job, she would be an employee of the United States Park Police but that she really answered to him. He told her he did NOT need her advocating for the Park Police because the Chief "did enough of that herself." She also said that he said he had some real concerns about some of the things I was doing with regard to

budgeting. She told me that she thought his comments about me as her potential future boss were very inappropriate.

121. 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 52**.) 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.”

122. In that same email, I mentioned the averaging of salaries and the 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.

123. 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.”

124. 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.
125. On November 4, 2003, I emailed Ms. Somerville and, based upon Deputy Director Murphy's direction in his email of November 3, 2003, (Exhibit 50) I asked her for a list of her references with phone numbers. (See **Exhibit 53**.)
126. On November 5, 2003, as I had done in the past and as I previously had been encouraged to do by Director Fran Mainella and Deputy Director Don Murphy in an effort to build positive relationships with Congressional staff members, I telephoned Ms. Debbie Weatherly, a staff member of the House Interior Appropriations Committee, to ask her for clarification regarding who was to pay for the upcoming NAPA report. When she returned my call, we had a pleasant conversation, and I provided her a general overview of the progress we had made toward the implementation of the NAPA goals. She seemed unaware and generally surprised by this information and even shared with me a story of a Federal employee who "bucked" a Congressional mandate similar to the NAPA study and that, 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 **Exhibit 54**, notes to file.)
127. 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. I returned to my office and wrote an email “to file” detailing the conversation with Ms. Weatherly and my conversation with Deputy Director Murphy regarding this matter. (See **Exhibit 54.**)

128. 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 asked if he knew what the topic was. Deputy Director Murphy said these words or something similar, “Apparently you have recommended some people for termination. You can’t just go around firing people. There are rules and laws you must follow you know!” I reminded Deputy Director Murphy that I had reviewed with him (Deputy Director Murphy) the incidents involving the four officers I had recommended for termination and that he concurred with those recommendations. One of those incidents involved two officers who intentionally left the Camp David area to run an errand 30 minutes before they were scheduled to be the only two United States Park Police officers on duty to handle their responsibilities with regard to Presidential protection, knowing that they could not return to camp in time to be in full gear and begin their tour of duty. Deputy Director Murphy said

he recalled my briefing him on those incidents but made no further comment on the matter, and I assured him I would contact Mr. Teufel.

129. 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 55**.)

130. On November 12, upon returning from a training session outside the country, Ms. Somerville provided me a list of references and phone numbers, and I reached out to them the following day. (See **Exhibit 56**, Page 1.)

131. On November 13, 2003, I prepared an email to Deputy Director Murphy with the results of my talking with Ms. Somerville's references. At the end of that email, I again asked Deputy Director Murphy's permission to make a job offer to Ms. Somerville. (See **Exhibit 56**, Page 2.)

132. Having heard nothing back from Deputy Director Murphy in five days, I emailed both him and Director Mainella on November 18, 2003, asking again for permission to make a job offer to Ms. Somerville. (See **Exhibit 56**, Page 3.)

133. Sometime later that same day, November 18, 2003, Deputy Director Murphy emailed me and said that he didn't intend for me to contact Ms. Somerville's references and that he expected that I would provide him with the names of the references so that he and Director Mainella could talk with them. (See **Exhibit 56**, Page 4.) This is clearly not what had been communicated to me in Deputy Director Murphy's email of November 3, 2003 (Exhibit 50).

134. Later in that same day, November 18, 2003, while attending a Partnership Conference with National Park Service leadership in Los Angeles, California, I asked Director Mainella and Deputy Director Murphy to meet with me to discuss the status of the hiring of the United States Park Police Finance Officer. I expressed my frustration at my inability to hire this well qualified candidate, despite their telling me that this hiring had to be expedited. I explained that in a number of budget meetings and happenstance encounters in hallways, I was asked by persons both in and outside our chain of command about the hiring of the United States Park Police Finance Officer and questioned as to what had delayed the process.

135. For the first time, Deputy Director Murphy told me that he was considering having the candidate, Ms. Somerville, engage in some type of practical exercise. I cautioned that he needed to be certain that whatever she was asked to do would be in line with the original KSAs (Knowledge, Skills, and Abilities) and advertised job requirements.

136. I again expressed my frustration at personally meeting every mandate and edict from Deputy Director Murphy in getting this hiring accomplished only to have the requirements change and new steps added. I referenced the email I received earlier that day from Deputy Director Murphy in which he stated that now he wanted to talk with references.

137. During the conversation I mentioned the credibility of Ms. Tonya Jackson of the DOI Budget Office, who sat on the interview panel for the candidates. Deputy Director Murphy stated that if I had told him that Ms. Jackson had been a

part of the hiring panel, he could have simply talked with her to increase his comfort level. I reminded Deputy Director Murphy that he had approved in writing Ms. Jackson's involvement. He agreed to contact her as well as the references and to do so in a short period of time.

138. Later that evening, November 18, 2003, I supplied one email to Deputy Director Murphy with Ms. Tonya Jackson's telephone number and Deputy Director Murphy's original email authorizing Ms. Jackson's involvement. (See **Exhibit 57**, Page 1.) I also prepared a second email to Deputy Director Murphy and Director Mainella summarizing the steps to which we had agreed earlier in the day. (See **Exhibit 57**, Page 2.)

139. On November 18, 2003, I completed an assignment given me by a member of Director Fran Mainella's staff, Mr. Leonard Stowe. (See **Exhibit 58**.) 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 59**.) I attached the draft letter I prepared to an email on which Director Mainella and Deputy Director Murphy were copied. (See **Exhibit 60**.) That draft letter 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.

140. 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 61**.) Officer Capps told me recently that he never received this or any written response to his letter to Secretary Norton.

141. On November 20, 2003, Deputy Director Murphy gave me approval to make a job offer to Ms. Glenda Somerville for the position of Finance Officer for the United States Park Police. I telephoned Ms. Somerville and also sent her an email. (See **Exhibit 62**, Page 1). I also emailed Deputy Director Murphy with a copy to Director Mainella, thanking him for giving me the "go-ahead) and memorializing additional steps upon which we had agreed. (See **Exhibit 62**, Page 2).

142. 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.

143. The information the reporter had, which was generally 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. 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 we were facing in the United States Park Police.

144. 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. Deputy Director Murphy asked me to notify Deputy Assistant Secretary Larry Parkinson and told me he would notify Director Fran Mainella. He 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 (DOI Press Officer). Deputy Director Murphy described the interview as “no big deal” and stated that National Park Service Ranger FOP representatives had recently done the same thing as our FOP Chairman had done.

145. That same evening, November 20, 2003, as directed by Deputy Director Don Murphy, I emailed Deputy Assistant Secretary Larry Parkinson with regard to the interview in which I had just engaged. (See **Exhibit 63.**)
146. I also emailed Sergeant Scott Fear and, as requested by Deputy Director Murphy, asked him to notify the National Park Service and Department of the Interior persons identified by Deputy Director Murphy. (See **Exhibit 64.**) In that email, I have 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.”
147. 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.
148. 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. She 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 I had notified Deputy Director Murphy immediately who said he would notify her. I told her 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 was.

149. 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.

150. 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. None of these concerns had ever been conveyed to me and, frankly, are simply untrue.

151. 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.



152. On Thanksgiving Day, Thursday, November 27, 2003, Assistant Chief Holmes sent me two emails detailing the pertinent conversations from the November 26<sup>th</sup> conference call (See both emails at **Exhibit 65**.) 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.

153. 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 66**.)

154. 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 67**.)

155. 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 National Park Service . . .”
156. Based upon that information, I contacted Director Mainella to ask what, if anything, she 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. 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 been held once) 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.
157. 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 to me as inappropriate behavior by Deputy Director Murphy during the nationwide conference call two days earlier. 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 him 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 let her know 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.

158. On Friday, November 28, 2003, at approximately 7 p.m., I submitted a memorandum to Director Fran Mainella at her request regarding my comments on the Fiscal Year 2005 OMB Passback so she could consider them as she considered whether she would appeal the National Park Service passback. (See **Exhibit 68**.) Copies of my memo were faxed to her home (see **Exhibit 69**) and included as an attachment in an email to her. (See **Exhibit 70**.) Copied on the email were Deputy Assistant Secretary Larry Parkinson and National Park Service Comptroller Bruce Sheaffer. Director Mainella had asked that this document be faxed to her home because she would be seeing Lynn Scarlett, the Assistant Secretary for Policy, Management, and Budget, on Sunday, November 30, and would be able to discuss it with her then.

159. Page Two of the referenced Friday, November 28, 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.

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

160. 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. No explanation was provided to me by Ms. Smith. I thanked her for the information.
161. During the afternoon of December 1, 2003, a two-page document I had prepared was hand carried to and distributed at a "Mission/Budget Meeting" hosted by Deputy Assistant Secretary Larry Parkinson. (See **Exhibit 71**.) A copy of this document was provided to Deputy Director Don Murphy at that meeting as well. This document included two attachments, a "Proposed Budget Reductions"

sheet (see **Exhibit 72**) 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 73**), which my notes indicate was modified by Deputy Director Murphy on July 28, 2003.

162. The “Mission / Budget” two-page document (Exhibit 71) clearly details 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 lists 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 provides information about criminal offenses that were already on the rise in the Washington area National Parks and indicates that many of our parks had already been “stripped of patrol officers.”

163. 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. 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 the release of my protected personnel information by Deputy Director Murphy and another employee of the National Park Service Personnel Office. 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 74**.)

164. 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 75**.)

165. In the early morning hours of December 2, 2003 (1:20 a.m.), I wrote to the same Congressional staff member to whom I have 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 our status 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 76**.)

166. As a result of The Washington Post story in the December 2<sup>nd</sup> paper (see **Exhibit 77**), numerous radio and film media contacted the United States Park Police press officer to set up interviews beginning early Tuesday morning, December 2, 2003. 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.

167. Despite the flurry of media activity that day and the presence 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.

168. 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. I had labeled the envelope in a fashion that indicated it was to be "opened only by Director Mainella." (See **Exhibit 78**.) 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 79**.) I received no reply from Director Mainella regarding my letter of complaint regarding Deputy Director Murphy's misconduct.

169. 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. Deputy Director Murphy first left two voice messages on my cell

phone at 6 p.m. and 6:10 p.m. He followed that with an email to me at 6:20 p.m. (See **Exhibits 80 and 81.**) 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.

170. Deputy Director Murphy, in a brief telephone conversation with me that evening, December 2, 2003, told me that he and Director Mainella would meet with me the following morning, Wednesday, December 3, to discuss the media interviews. That meeting never took place nor did any meeting regarding this matter.

171. 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 82.**)

172. Deputy Director Murphy responded back with an email that extended the prohibition to “all interviews.” (See **Exhibit 83.**)

173. Approximately three hours later, 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 United States Park Police issues.” (See **Exhibit 84.**)

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

174. 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 85**.) 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."

175. 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 86**.) This email went unanswered.

176. 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.

177. 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.
178. 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, although she does not know her (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."
179. 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.
180. Just prior to the start of the Pageant of Peace, President Bush approached me backstage, thanked me for the job I and my team do, and wished me a Merry Christmas, as did Mrs. Bush.

181. 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." 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.

182. 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 87**.)

183. 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 88**.) 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.

184. 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. (See **Exhibit 89**.) 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.”

185. 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.

186. 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.

187. 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."

188. 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.

189. 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 his office and was standing alongside the chair in which he was sitting when I was invited in. One additional person was in Deputy Director Murphy's office who I now believe was a member of the National Park Service Personnel Office.

190. 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."

191. 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.
192. 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 90**.) He told me I would be required to turn over certain items and equipment as described in Paragraph 3.
193. 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.”
194. 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.
195. Finally, after I pressed further, Deputy Director Murphy said, “Insubordination and violation of two Federal rules.” I asked if, by insubordination, Deputy Director Murphy meant “failure to obey a direct order.” He said he did. Knowing my own personal standards and ethics, I was shocked to hear these words and humbly asked Deputy Director Murphy when I had ever not done something he had asked me to do. His response was “That’s what we are

looking at.” In an attempt to clarify, I asked, “So you are going to look at two years of performance with hopes of finding a day that I forgot to do something so that you can later substantiate this charge?” He told me, “Oh, it’s been much more recent than that!” “What has been much more recent?” I asked. He refused to answer.

196. I then asked him what two “Federal rules” I had violated. He told me they were in the newspapers. I told him I had not seen them and asked him if he could give me the cite for them. He said, “That’s what we’re researching.” Again with surprise and yet humility, I asked, “So you’re going to open up all the Federal rules and laws and hope to find something that I have accidentally done wrong at some point in the last two years?”

197. Mr. Teufel stepped in at this point and said they were not saying anything more about it. Again for clarity, I asked if I should tell my attorney that they were refusing to tell me what I am alleged to have done. Mr. Teufel said that, if I had an attorney, he should be talking with the attorney. I assured him that, if I knew I was being lured to this office under false pretenses, I surely would have had an attorney with me.

198. Deputy Director Murphy interrupted and said that I had never been told that this was a meeting nor that the meeting would be with Director Mainella and him. I did not pursue the conversation, knowing I had a copy of the email at home.

199. 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!"

200. I asked how long I could expect to be in this suspended state. Deputy Director Murphy answered with a sarcastic tone, " Oh, it will all be over soon."

201. 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 conduct. I looked to Deputy Director Murphy for a reaction, and he was nodding affirmatively. Mr. Teufel responded verbally, "Yes, I have seen it." My only comment was, "Does the term 'whistleblower' mean anything to the two of you?" Neither Deputy Director Murphy nor Mr. Teufel answered.

202. I stood to leave and was instructed by the special agent to relinquish my firearm to her. I told her I would not do so without first unloading it. Although she told me it would be okay to give her a loaded firearm, I stated I would not do that, and I walked over to a corner near the door and unloaded my firearm. While that was occurring, the special agent, within close proximity of Deputy Director Murphy, said aloud with tears in her eyes, "This is so wrong." I told her kindly, "You are not the bad person here."

203. 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.



204. 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.

205. I was required to accompany two armed special agents of the National Park Service who escorted me from the Main Interior Building and was required by them to accompany them back to United States Park Police Headquarters. Despite my having my own driver with me and despite my stating that I would prefer to go back to Police Headquarters with him, I was not permitted to leave the company of the armed special agents. I was paraded past National Park Service coworkers and, at United States Park Police Headquarters, my own employees without my badge of office or firearm.

206. 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. 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.

207. It has taken months to recreate the database of emergency phone numbers. Some numbers are gone forever. My personal property remains outside my possession, access, and control as it has for the past seven months; and I have been deprived of its use since December 5, 2003.

208. Despite my being in a recognizable police uniform and having no civilian attire to wear on December 5, 2003, I was forced to find my own way home – unarmed – with the chance of encountering a crime in progress or becoming the victim of a crime with no way to defend myself and no way to call for assistance since all electronic equipment was confiscated from me.

209. The following week, Associate Solicitor Hugo Teufel contacted my lead attorneys and asked for the opportunity for him and Deputy Director Don Murphy to meet with them and me at an off-site location on Friday, December 12, 2003, in an attempt to settle this matter.

210. When we met on that date, 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.

211. 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, and I shared that with my attorneys. The agency inferred that they would be willing to halt all

action against me and write me a letter of recommendation if, in fact, I was in the process of seeking another job.

212. Also prior to talking about other aspects of my returning to work, Associate Solicitor Hugo Teufel told my attorneys that I was “out of control” and a “loose cannon” and, as an example, cited the case of my wanting to fire two officers who abandoned their responsibilities with regard to Presidential protection at Camp David, leaving no United States Park Police officer scheduled to be on duty at the camp to handle the assignment. The officers returned to the camp nearly one hour late and out of uniform. To my knowledge, no other examples were used.

213. Among the stipulations required for my reinstatement was that I would be required to obtain prior approval by Deputy Director Don 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.

214. Not only would agreeing to stipulations such as these have impeded my lawful right to communicate with Congress as well as inhibited my First Amendment freedoms but, from a practical standpoint, these types of prohibitions also would have made it impossible to function effectively as a chief of police.

215. In the past and without warning, I have been called to the scenes of crimes and other police-related incidents only to be faced with a barrage of cameras, some or all of which are running “live.” The discovery of the remains of Chandra Levy is a good example of such a scene. It would be impossible and impractical

to hold camera crews and reporters at bay while I telephoned Deputy Director Murphy to clear each question before I answered it. That type of arrangement simply will not work in law enforcement for any chief of police, and such prohibitions would have made it impossible for me or any chief of police in that situation to do his or her job. To my knowledge, no such prohibitions had ever been imposed on a prior United States Park Police chief or on a park superintendent or Regional Director.

216. 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. 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 believe that I would have been an accessory to a prohibited personnel practice.

217. On December 18, 2003, six days after refusing to agree to these stipulations on December 12, 2003, I received a memorandum from Deputy

Director Don Murphy dated December 17, 2003, placing charges against me and recommending my termination. (See **Exhibit 91.**)

218. To the best of my knowledge, no investigation was conducted regarding any of the charges placed against me at any point up to or since the time the charges were placed. No one in my chain of command or investigative arm of the Department of the Interior has talked with me at any time about any of the allegations or specifications set forth in the written charges filed against me. Although some of the charges surround incidents involving Ms. Pamela Blyth, Deputy Chief Barry Beam, and Deputy Chief Dwight Pettiford, none of those employees has been interviewed by anyone other than the Office of Special Counsel with regard to my case. 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.

219. I have in my possession hundreds of examples of persons in the National Park Service and the Department of the Interior who have 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 those cases other than mine.

220. It is my desire to be immediately returned to duty pending the outcome of this process and hearing and to remain in my position as Chief of the United States Park Police to continue the work I have begun. Facts to support this request are set forth in the paragraphs that follow.

221. The agency's justification for its action is without merit. Many of the charges constitute retaliation against my legally protected whistleblowing disclosures. I would anticipate that the likelihood of success on the merits of my whistleblower case is great.
222. Additionally, the agency will not be able to show that, absent my protected disclosures, it would have taken this action. In fact, many of the charges are based solely on my disclosures. Accordingly, the agency's action is the direct response to the disclosure and would not have occurred absent the disclosure.
223. The agency cannot show that it has taken similar action against similarly situated employees.
224. There is no nexus between what I am alleged to have done and the suspension of my law enforcement authority and responsibilities. Never in my 28 years of policing have I heard of any police officer being treated in this manner – at any rank—unless one is suspected of a felony or an exigent circumstance exists, such as an officer who is under the influence of alcohol or drugs.
225. Failure to return me to my position would condone and encourage continued unlawful activity by the National Park Service and the Department of the Interior and will cause irreparable harm not only to me, my family, and my professional career, but to the growth and future development of the United States Park Police and, perhaps, to the safety and security of our nation's priceless symbols of freedom.
226. I assumed the position of Chief of the United States Park Police in February 2002. In these two years, I have implemented strategies, decisions, and

personnel moves to effectively combat crime in our nation's national parks and other areas within the jurisdiction of the Park Police, including San Francisco and New York.

227. The progress of these past two years of hard work has been halted since December 5, 2003. The decisions I implemented require constant monitoring, flexibility, and adaptation. If I remain on administrative leave pending the outcome of the MSPB process, I will not be in a position to ensure the effective implementation and completion of the United States Park Police mission and agenda.

228. Morale among the employees of the United States Park Police is suffering in my absence, and officers are concerned about the future of their Chief, of their jobs, and of their organization. In fact, at least one officer decided to leave for other employment in light of the actions taken against me and the manner in which he has seen the organization decline since December. (See **Exhibit 92** [Permission was granted by this officer for use of his letter in whatever manner needed at the time he presented a copy to me.] )

229. Dozens of other officers, many of whom I have never met, have written to me over the past seven months and talked about the declining state of organizational health within the United States Park Police. Sadly, an email I received this week from an officer described the officers' outlook as, "Who cares what happens? If something were to happen, then the park service would have to give us more money and realize how much trouble we are in." (See **Exhibit 93.**) That is certainly not the attitude I want our officers to have, yet I am not in a

position to positively impact these impressionable young officers who see little hope.

230. The impact on morale has extended to other National Park Service employees, especially the law enforcement rangers who, through their Fraternal Order of Police Lodge and via a formal press release, have called for the termination of Deputy Director Don Murphy. (See **Exhibit 94**.)

231. On December 15, 2003, I received an email at home from Ms. Glenda Somerville, the candidate to whom we had made a job offer for the position of Finance Officer for the United States Park Police. (See **Exhibit 95**.) Ms. Somerville had recently turned down the job offer. In her email, Ms. Somerville listed a number of key reasons why she did not accept the job as Finance Officer;

- a. The “considerable amount of time – during a critical budget period – for the decision to be made about who to offer the position to.”
- b. “. . . if the Chief can be escorted from his or her office in such a public manner, any employee could also be treated the same demoralizing way.”
- c. She had wished that my “positive leadership would allow the police officers, risking their lives for our country, to work in an environment they would be proud of and for a Chief who would support them.”
- d. She saw that I had “supported” the officers and that “they are proud” of me” and that, “as any other employee, [she] would want the same.”
- e. “As the events unfolded, [she] watched with the same shock and dismay as others.”



f. “. . . working for the United States Park Police is, when the Chief is being escorted out, not a place [she] want[s] to work.”

Clearly, the United States Park Police permanently lost a talented and experienced candidate through the actions taken against me, and that loss is likely irreparable.

The position of Finance Officer, seven months later, has still not been filled.

232. Since being placed on administrative leave since December 5, 2003, the National Park Service has delegated my job functions to someone else on an interim assignment. The first Acting Chief served 33 years with the United States Park Police and had notified me in the Fall of 2003 of his intention to retire in the near future. He did so in March of this year.

233. Regardless of the talent of any person in an “acting” role, that person is a “place holder” without the ability to move the organization forward until the future is established for him or her. In the current situation within the United States Park Police, there is not only an Acting Chief of Police but also two Acting Deputy Chiefs as well and, undoubtedly, acting majors, captains and so forth as a result of the void.

234. These “acting” positions are filled with persons who did not compete for and were not hired into their positions based upon credentials and a valid competition as occurred when I competed in 2001.

235. The National Park Service took more than six months to search for and screen candidates to identify a Chief of Police when Director Mainella selected me. In my absence, whoever happens to be next in line has been placed in the

position by default – an unhealthy situation for the persons in the acting positions, for the Force, and for the community and citizens we serve.

236. The current Acting Chief was chosen from the third level of command in the United States Park Police. In the case of both acting chiefs, decisions have been made and more are planned that are contrary to the vision I established for the United States Park Police, and some are the type of decisions that cannot be easily reversed (i.e. promotions, transfers, policies, etc.).

237. For example, a person who has been elevated to Acting Deputy Chief in my absence was transferred by me at the rank of major from a position of fiscal oversight to an operational command because of his questionable fiscal practices and unwillingness to share critical financial information with the Executive Team. This person has been consistently openly critical of the United States Park Police leadership team and has taken specific steps in an attempt to prevent my hiring to the position of United States Park Police Chief in 2002, to usurp my authority, and to derail initiatives. Now, he is in charge of every operational employee in the Washington Metropolitan area.

238. Since, based on all that I have read in the media and learned from those employees who have reached out to me, there has been no increase in staffing and an even more serious budget deficit, the safety issues to the communities and parks we serve remain high. Not only are the more famous parks at risk but so are those parks that are in our City neighborhoods and that are a part of the fabric of our communities.

239. Following several failed inspections by both the DOI Office of Inspector General and the staff of the Deputy Assistant Secretary for Law Enforcement and Security at our icon parks, I implemented strong measures and inspection components to enhance our performance and presence at these parks. Long before I was directed to take firm steps, I transferred two command officers who I believed did not have the requisite attributes of leaders who were serious about combating terrorism. I also issued an email that clearly laid out my expectations and commitment to this crucial role. (See **Exhibit 96**.)

240. On October 10, 2003, I established an Icon Security Unit and hand picked a commander who had shown great promise and interest in improving the security of these monuments and memorials. I provided him persons who were trained in physical security inspections and environmental design to improve the total security package at these locations. I mandated formal inspections around the clock and a detailed reporting of the findings.

241. Since my departure in December, the commander I identified to command this unit has been returned to his previous assignment. The commander who has been given this responsibility is one who I had removed from oversight of these monuments because of his lackadaisical attitude about the potential for terrorist attacks in Washington, D.C., and his lack of forthrightness when he was interviewed by an investigator in the Office of the Inspector General. Now he is in charge of all the icons in Washington, D.C., as well as having other responsibilities.

242. Shift commanders who were mandated to conduct a minimum of six inspections per 12-hour shift and to submit written reports regarding their findings are no longer required to do so. The practice of the chief of police submitting weekly written reports to Deputy Assistant Secretary Larry Parkinson as to the status of the security inspections has been discontinued.
243. The involvement of the Commander of the United States Park Police Staff Inspections Unit to conduct covert inspections at the icon parks in Washington, D.C., has been discontinued. Clearly, the focus on ensuring compliance with the Secretary's mandate of appropriate staffing and effective safeguards has been abandoned by the current leadership of the United States Park Police.
244. Mandatory supervisory and leadership training for soon-to-be promoted sergeants and lieutenants has been withdrawn, and promotions have been recently made with no formal training of any kind being provided to these new supervisors and managers.
245. Some of the decisions that have already been made and others that are about to be made will halt the progress of the implementation of the Congressionally mandated NAPA recommendations already set in motion by me before my removal from my position. For instance, I had slated many of the vacant command positions for elimination in an effort to flatten the organization and to further civilianize certain jobs in order to more effectively utilize the available sworn police personnel.
246. Progress in that regard has not continued in my absence. Specifically, one major's position had been identified for elimination. Instead of going forward

and allowing attrition to provide that opportunity, a captain has just been promoted to major. This will tie up the position for years to come.

247. A dormant Deputy Chief's position was reestablished and justified largely by taking primary functions away from Ms. Pamela Blyth, the only civilian member of the Executive Command Staff within the United States Park Police. This directly contradicts the intent and direction of several recommendations of the NAPA consultants in 2001.

248. NAPA just completed a follow-up study of the United States Park Police as mandated by Congress last year. Unfortunately, the NAPA team members were not permitted to interview members of the United States Park Police until after I had been removed from office.

249. Now, the latest NAPA study has been concluded and the report has been published. The members of the NAPA team were not permitted to interview me; and, in many instances, I am the only person who could provide the details necessary for them to accurately assess the progress toward implementation of their earlier recommendations and the feasibility of the United States Park Police and the National Park Service achieving them. The first acting chief named the major (serving as Acting Deputy Chief) described in Paragraph 237 as the official United States Park Police liaison responsible for coordinating communication with NAPA consultants during my absence. This is the individual whom I transferred some time ago because of his lack of support and his unwillingness to share critical financial information with the Executive Command Staff.

250. The damage to the organization both structurally and with regard to its reputation and effectiveness has already begun to take hold. The Fiscal Year 2005 House Appropriations Bill has recently been passed and published. The only narrative Congress included regarding the United States Park Police is as follows:

The Committee continues to be disappointed over the long delay in resolving the fiscal and management problems of the U.S. Park Police. The first phase of the second report of the National Academy of Public Administration, issued February 2004, documents that while some minor recommendations have been implemented, the balance have either been only partially implemented or not addressed at all.

The Committee holds the Park Service responsible for not managing this problem, and urges the Service and the Department, in the strongest of terms, to deal with these issues before the end of calendar year 2004.

Congress Members have never had the opportunity to communicate directly with me about the United States Park Police progress toward achieving the NAPA recommendations nor to express any concerns they might have about that progress.

251. Contrary to what Congress must have been told based upon what was written in the appropriations language, tremendous progress has been made toward the implementation of the NAPA recommendations. Much focus is often given to the first recommendation in the original NAPA report of 2001, that of redefining the mission of the United States Park Police. This recommendation was left up to the National Park Service leadership, yet that task has yet to be accomplished. While we in the United States Park Police would have been pleased to update our own mission statement, clearly it was the intent of Congress

and the NAPA team that our direction be guided by the leadership of our parent organization, the National Park Service.

252. National security concerns are among the most important issues at stake if I remain away from the job for any additional time. Decisions I made to improve the defense of those national parks for which the United States Park Police force is responsible have already begun to deteriorate and will undoubtedly continue to do so.

253. Additionally, since December 5, 2003, I have been forced to miss critically important briefings regarding terrorist activities and known threats – information that is crucial for decisions that I must make whenever I return to my position if I am to be effective in protecting our nation’s most recognizable symbols of democracy, the officers who work there, and the people who visit there.

254. As one of very few Department of the Interior, National Park Service, and United States Park Police employees who holds an SCI security clearance, it is imperative that I be permitted to return to my position immediately to have access to this ongoing intelligence information. Additionally, I am the Department of the Interior’s only representative on the International Association of Chiefs of Police Terrorism Committee and, since my absence, NO intelligence or other information from that committee has made its way back to the Department of the Interior. Likewise, I am the only representative on a myriad of other task forces, work groups, and committees representing not only the interests and concerns of the United States Park Police but of the entire Department of the Interior.

255. Crucial information has been lost and continues to be lost with each passing day that I am forced to remain away from the job for which I competed and was hired. We have already had the opening of the World War II Memorial and, as I learned through the media recently, are about to embark on the opening of a portion of the Statue of Liberty.

256. I was hired for my expertise in the field of law enforcement and security, and yet I have not had the chance to even review the security plans for these two locations to know whether they are appropriate and effective. I was unsuccessful in having either Deputy Director Don Murphy or Deputy Assistant Secretary Larry Parkinson accompany me to the New York Field Office to review the security issues at any time during my two years of active duty.

257. The week after I was sent home, both Deputy Director Murphy and Deputy Assistant Secretary Parkinson traveled to New York for just that purpose, a trip in which I was scheduled to advance them and then accompany them upon their arrival. Both Deputy Director Murphy and Deputy Assistant Secretary Parkinson have returned to the Statue several times since my departure, yet neither has a traditional law enforcement background nor were they hired to assess security needs of the National Park Service.

258. The damage to the United States Park Police, the National Park Service, the Department of the Interior, and the overall reputation of the law enforcement programs within it grows larger each day as the issue involving the actions taken against me drags on. As the most visible Federal law enforcement agency in the country, the United States Park Police is in the spotlight, and any controversy is



magnified and projected across the nation. This damage can begin to be reversed with my return to full duty.

259. Moreover, as set forth in my response to the proposal, I have done nothing wrong to warrant the actions taken against me. The high publicity this case has earned is unique. Except for those few, specific cases where my attorneys have been successful in getting approval from Deputy Director Don Murphy, I have been precluded from speaking to the press to defend myself against the malicious and defamatory attack on my career and character.

260. I must have “approval” to engage in any interview – not strictly those relating to my employment. I am not permitted to say where I work or what my status is. A recent restatement of these directives by Deputy Director Murphy has added the prohibition that I “cannot discuss issues related to [my] employment.” Additionally, in that same letter, Deputy Director Murphy further curtailed my communications with Congress by stating that I was prohibited from “respond[ing] to any questions concerning either the United States Park Police or homeland security” when talking with members of Senator Akaka’s staff. (See **Exhibit 97.**)

261. This harm to my career and my reputation is immeasurable. The character assassination can only stop by permitting me to return to my position pending the outcome of this process.

262. Because of the unique nature of police work, my personal safety has been jeopardized with the suspension 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 currently able to protect myself or others from harm either by the authority of my badge or the protection of a weapon. 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.

263. While returning to active duty is my ultimate goal, the restoration of my police powers would return my sense of personal security and safety and my sense of identity. There is no nexus between what I have been accused of doing and the forced relinquishing of my badge and firearm. This action is reserved for only the most egregious offenses of which a police officer might stand accused, such as being suspected of committing a felony, or in cases of exigency, such as a police officer who is drunk on duty.

264. My “crimes,” even if they had been committed as laid out in the charging document and if they actually violate some rule, regulation, law, or policy, would have been only minor indiscretions and would have been the type of issues for which I should have received training and direction when I entered the Federal service more than two years ago. There is no relationship with those alleged infractions and my ability to carry out my duties as a law enforcement officer. My husband and I fear for my safety, and we are hopeful the Merit Systems Protection Board will be a vehicle to reverse this grievous injustice.

265. 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. Many days, such as the ones involved

in the preparation of this Affidavit, 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 since the fight against the resources of Federal Government takes every ounce of our energy and time.

266. The distress of seeing a loved one go through the trauma of dealing with false accusations and unthinkable treatment or being that person myself as well as the time necessary to defend my case is taking its toll not only on our emotional and physical health but on that of our senior parents. It has clearly accelerated the decline in the health of my elderly mother and father who ask regularly why “they” are doing this to me after a spotless career of more than 27 years. My husband’s heart condition, as a survivor of a heart attack, is certainly exacerbated by the stress of all that has occurred through no fault of our own.

267. My reputation as an employable chief of police outside my current job is at jeopardy with every passing day. A stay of my administrative leave would be a positive affirmation to help me begin to regain my status within the nationwide law enforcement community – a position I held with great esteem and with my head held high. Now, for seven months, because I am prohibited from “perform[ing] official business,” I have been disallowed from attending professional associations, training sessions, task force meetings, retirement celebrations, graduations, and other critical gatherings necessary for professional development in any walk of life.

268. By leaving me in an administrative leave status with my police powers suspended for the additional months this step may take to complete, the Park

Service officials who took this unlawful action will be, in effect, rewarded by having their retaliatory goals accomplished for that period of time.

269. The rhetoric of a “whisper campaign” has been ongoing from the National Park Service since the first few weeks of the action taken against me. Director Fran Mainella herself has said publicly on more than one occasion, “There is so much more” to my case than simply talking with The Washington Post, yet I have been charged with a series of minor infractions which have not been proven and for which no evidence has been presented.

270. My written complaint regarding the behavior of Deputy Director Don Murphy has never been investigated. This matter was brought to the attention of the Inspector General for the Department of the Interior, Earl Devaney, by my attorney via letter received by Mr. Devaney on March 31, 2004. The Inspector General informed my attorney that, until that time, he had never seen the complaint I submitted on December 2, 2003. (See **Exhibit 98**.) 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. Nonetheless, Mr. Devaney declined to involve himself in investigating the matters about which I complained. He did say, however:

. . . shortly following Chief Chambers’ suspension, Director Mainella and Deputy Director Murphy asked me if the OIG should get involved in this matter.

He furthered:

I told them then, and reiterate to you now, that the OIG does not involve itself in adverse action matters that fall within the jurisdiction of the MSPB.

271. Mr. Devaney does not state in his letter the exact date when he had this conversation with Director Mainella and Deputy Director Murphy. Based upon his description of this meeting being “shortly” after my “suspension,” it is likely that this occurred before any charges were placed against me or proposed discipline initiated.

272. Interestingly, yet troubling, is Mr. Devaney’s next paragraph:

The substance of Chief Chambers’ complaint, although not explicitly set forth in her letter, appears to be inextricably intertwined with the underlying adverse action matter pending against her. Therefore, it would have been inappropriate for the OIG to become involved in this matter, even if the letter had been referred according to policy.”

273. My complaint against Deputy Director Murphy’s conduct was submitted on December 2, 2003. The charges placed against me were included in a memorandum to me from Deputy Director Murphy dated December 17, 2003, which I received on December 18, 2003, sixteen days after I submitted my complaint to Director Mainella. If Mr. Devaney is correct that my “complaint” against Deputy Director Murphy is “inextricably intertwined with the underlying adverse action matter pending against” me, he could only know that if Director Mainella or Deputy Director Murphy shared this retributive motive with him.

274. Any hardship that may be anticipated by the agency in my return to active duty is worsened by my continuing to be prohibited from acting in my role as the Chief of the United States Park Police. My return to active duty will put an immediate end to the unusually high focus citizens across the United States have given this matter.

275. The progressive steps I had taken to comply with the NAPA recommendations of the Summer of 2001 will again be made a priority upon my return. Much of the progress I had made has been reversed in my absence, which is contrary to a Congressional mandate. The greater hardship to the agency occurs in my continued absence.

276. A return to a focus of professional development for United States Park Police employees, including critical supervisory and managerial training and ongoing opportunities for input from all levels of the organization, especially the frontline officers who deliver customer service to our parks, will be rekindled upon my return in an attempt to revitalize the waning morale that officers all across the country have described to me over the past seven months. The agency must rely on these employees to carry out its mission and interact with the public.

277. A sincere focus on homeland security will again be at the forefront of our priorities in the United States Park Police upon my return. Currently, the agency and, in fact, the Department of the Interior itself, are suffering a hardship by not having a representative on key committees and task forces across the county in an effort to disrupt any terrorist activities before they are brought to fruition. Because of my background of 26 years of municipal policing, my involvement in nationwide organizations has been key in making current information, strategies and resources available to the Department of the Interior and specifically to our most recognizable symbols of our democracy and freedom.

278. My role upon returning to active duty will be to do everything within my power to mitigate any perceived or anticipated hardship on the part of the agency.

Media accounts will show that, during those few interviews in which I have been permitted to engage over the past seven months, I have been steadfast in my conviction to focusing on working with the employees of the United States Park Police to serve the American people and other visitors to the parks for which we are responsible. The role of the Chief of the United States Park Police is far too critical to homeland security to allow myself to dwell on this incident or to let it interfere in any manner in my level of intensity or performance upon my return. Any tension which might exist by employees or officials will, I am sure, be mitigated by the manner in which I comport myself and effectively transition back into an active duty role.

279. More than 120 days have elapsed since I filed my January 29, 2004 complaint of prohibited personnel practices and request for corrective action to the Office of Special Counsel (OSC). The OSC has not terminated its investigation and has not notified me of any findings it has reached.

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.

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Teresa C. Chambers

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Date