

chatterbox**Gagging the Fuzz, Part 3**

The Office of Special Counsel takes the case.

By Timothy Noah

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It's hard to imagine a better example of an unjust firing than the Park Service's dismissal of Park Police Chief [Teresa Chambers](#). Chambers is being cashiered for answering truthfully, and on the record, some questions [posed by the *Washington Post's* David A. Farenthold](#) about the distribution of her police force since Congress ordered round-the-clock protection of Washington, D.C.,'s monuments in the aftermath of 9/11. (If you think this is an exaggeration, check out "Charge 2" in the Park Service's [Dec. 17 memo](#) to Chambers explaining why she's being fired. The Park Service also has its knickers in a twist over some routine conversations between Chambers and a congressional aide. For a fuller discussion of the Park Service's case against Chambers, click [here](#).)

Now the [Office of Special Counsel](#), a federal agency that represents whistleblowers before a personnel adjudication agency called the [Merit Systems Protection Board](#), has [informed](#) Chambers that it will investigate her case. Oddly, the *Post*, which owns this story, [buried this development](#) in a news roundup inside the "Metro" section. (For a fuller account, you have to go to the Web sites for [WTOP Radio](#), [WJLA-TV](#), or [WVEC-TV](#).)

The Office of Special Counsel's decision is important because it could lead to Chambers' reinstatement. She has a very good case. Under [5 USC Sec. 2303](#), which covers merit-system principles for the federal workforce, any government employee who does not work for an intelligence agency or the General Accounting Office enjoys protection from being fired for disclosure of information that the employee "reasonably believes" to demonstrate "specific danger to public health or safety." (An exception is made for any information whose release is specifically prohibited by law or executive order, which does not apply in Chambers' case.) Title 5 alone should be enough to win Chambers her job back. In an [amicus brief](#) filed on Chambers' behalf, the nonprofit Government Accountability Project further argues that Chambers' firing violates her free-speech rights under the First Amendment.

Faithful readers may remember Chatterbox's column about his childhood friend [Michael Italie](#), a sewing-machine operator fired by Goodwell Industries for dishing Marxist agitprop after hours. Italie was advised by the local chapter of the American Civil Liberties Union that his firing, while plainly unjust, was perfectly legal because the First Amendment doesn't prohibit suppression of free speech by Goodwell Industries. The same logic held in the similar case of [Bryan Keefer](#), a research assistant at the Service Employees International Union who was reprimanded for publicly criticizing an article that had appeared in the *Nation* because its author was a political ally of SEIU. The union is perfectly free to fire employees for failing to lend adequate support to the political left. In both instances, decency would have dictated allowing Italie and Keefer to spout whatever political beliefs they wished, just so long as they didn't do it on company time. But the law offered Italie and Keefer no protection.

It's different when the employer is the government. That's because the First Amendment *does* prohibit suppression of free speech *by the government*. That Chambers was merely stating non-secret information about government actions makes her constitutional challenge especially compelling. The Bush administration should worry a little less about employees who tell reporters about the ground-level impact of budget constraints and worry a little more about employees who tell reporters the [names of CIA agents](#).

Teresa Chambers Archive:

Jan. 12, 2004: "[Gagging the Fuzz, Part 2](#)"

Dec. 30, 2003: "[Gagging the Fuzz](#)"

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