

chatterbox**Gagging the Fuzz, Part 7**

An inauspicious ruling.

By Timothy Noah

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Two weeks ago Chatterbox [reported](#) that in formally terminating Teresa Chambers, the Park Police chief fired for [answering truthfully](#) questions about her budget posed by the *Washington Post*, the Park Service had mooted Chambers' [motion for a stay](#) from the Merit Systems Protection Board, the government agency that adjudicates whistle-blower cases. That was true as a matter of common sense, but not as a matter of law. MSPB Judge Elizabeth Bogle went ahead and [denied the stay](#) yesterday, and while Chambers' case will get a fuller hearing on Sept. 8, Bogle rejected one of Chambers' key arguments. The [Whistleblower Protection Act](#), Bogle ruled, does not protect Chambers' comments to the *Washington Post*.

The Whistleblower Protection Act defines "whistle-blowing" as

the disclosure of information by an employee [of the federal government], former employee, or applicant that the individual reasonably believes evidences a violation of law, rule, or regulation, gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health or safety.

The law's emphasis on disclosures involving criminal or near-criminal abuses is a weakness characteristic of government oversight generally. The federal government would work much better if its employees and various watchdog agencies had more freedom to share with the public information addressing more routine (and usually more important) questions, such as "Is this government program doing what it's supposed to?" As things stand now, a government employee usually has to work himself up into a state of hyperventilation about criminal conspiracies in order to earn the right to tell the public how its tax dollars are spent. (Alternatively, the government employee may leak that information to the press. This is why anonymous leaks are so prevalent in Washington.)

Even granting the whistle-blower statute's inadequacy, Chambers' revelation that budget constraints were forcing reductions in police patrols in certain Washington, D.C.-area parks ought to qualify as a "substantial and specific danger to public health or safety." If you've ever lived in D.C., whose murder rate sometimes inspires wags to call it "Dodge City," you know that taking cops out of its parks is never a good idea. After the number of Park Police assigned to the Baltimore-Washington Parkway was halved from four to two, Chambers told the *Post*, traffic accidents increased, as one might expect. Traffic fatalities are the [leading cause of death](#) among Americans aged 33 and younger. More than 40,000 Americans die each year in traffic accidents. That sounds pretty "substantial and specific" to Chatterbox.

But Bogle disagreed. Chambers' complaints, she said, concerned matters that are "debatable," and therefore not protected. Observe the Catch-22: If we can debate whether a government policy is good or bad, we may not discuss it. But how the hell do you debate something *without* discussing it?

Teresa Chambers Archive:

July 12, 2004: "[Gagging the Fuzz, Part 6](#)"

April 14, 2004: "[Gagging the Fuzz, Part 5](#)"

March 25, 2004: "[Gagging the Fuzz, Part 4](#)"

Feb. 19, 2004: "[Gagging the Fuzz, Part 3](#)"

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

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

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