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News Releases

For Immediate Release: October 8, 2004

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CHAMBERS FIRING FOR WASHINGTON POST INTERVIEW UPHELD — Broad Ban on Release of Information Sets Up 1st Amendment Fight

Washington, DC -- A U.S. Merit Systems Protection Board judge has issued "an initial decision" that the firing of former U.S. Park Police Chief Teresa Chambers was justified due to statements she made in a newspaper interview. The ruling marks the first time that a new category of "law enforcement sensitive" information has been used as a basis for disciplining a federal employee.

In a ruling dated October 6, MSPB Judge Elizabeth Bogle found that statements that Chief Chambers made to a Washington Post reporter were a legitimate basis for disciplining her. Bogle also found that termination was justified, in part, because Chambers "expressed no remorse."

"Public servants should not be fired because they tell the truth; we will vigorously appeal this initial decision," stated Richard Condit, General Counsel for Public Employees for Environmental Responsibility (PEER), the organization that led her legal defense. "The judge made several errors of law and leaps of logic that will not stand up under review."

The Bogle decision concedes the truth of Chambers' disclosures but –

- Creates for the first time, a category of information, undefined in law or regulation, which may not be released. Bogle contended that Chief Chambers could therefore be punished for confirming the number of uniformed staff that were in plain sight;
- Finds that Chief Chambers' statements about danger to park visitors and monuments on the National Mall did "not reveal a substantial and specific danger to any particular person, place or thing"; and
- Concludes that "gag orders" are not an appealable personnel action.

In other matters, Bogle found Chief Chambers circumvented the chain of command by directly calling Deputy Interior Secretary Steve Griles but cited no rule forbidding such communication. Bogle also upheld a count of "failure to carry out a supervisor's instructions" that did not "require proof that the failure was intentional."

"The legal fight has just begun," Condit added.

Bogle's ruling is a recommendation to the full Merit Systems Protection Board (a three member review panel). In addition, since the case involves First Amendment rights and the right of federal employees to communicate with Congress, there will be separate federal court challenges available as soon as her MSPB remedies are exhausted.

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