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News Releases

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CHAMBERS TERMINATION UPHELD—APPEAL PLANNED — Bitterly Divided Board Split on Validity of Charges and Whistleblower Protection

Washington, DC — The three-member U.S. Merit Systems Protection Board today issued a split-decision upholding the removal of Teresa Chambers as Chief of the U.S. Park Police. This long-awaited action finally frees Chambers to take her legal challenge to federal court, according to Public Employees for Environmental Responsibility (PEER).

Ms. Chambers has been waiting for more than 500 days for a ruling on her appeal seeking to overturn her termination in July 2004 for answers that she gave in an interview with The Washington Post. The Merit Systems Protection Board (MSPB), a presidentially-appointed civil service board, now consists of two Republicans and one Democrat. In the Chambers case, the Republican majority voted to support her termination, while the lone Democratic member, Barbara Sapin, wrote a vigorous dissent.

The MSPB majority rejected whistleblower and First Amendment defenses, devoting only one paragraph to its reasoning as to why it decided the removal was justified. The dissent, by contrast, found Ms. Chambers' comments to be protected under federal whistleblower law. Moreover, the dissent found that every one of the four remaining administrative charges against Ms. Chambers (two had been rejected in an earlier ruling) were either not supported by the evidence or were actions not constituting any offense at all.

“We will immediately and vigorously pursue an appeal of this extremely questionable ruling,” stated PEER General Counsel Richard Condit, a lawyer for Chambers, noting that the Board majority took nearly 18 months to issue its barely 24-page decision. “If this ruling is allowed to stand, it will be much more difficult for civil servants to report security breakdowns free from official reprisal – a development that will leave this country far less secure.”

The legal issues in the Chambers case revolve around whether a federal employee can be fired for telling the truth in the absence of explicit rules barring disclosure. The case marks the first time that a new category of “law enforcement sensitive” information has been used as a basis for discipline. In addition, the case involves the right of federal employees to communicate with Congress.

The MSPB majority decision ignored a number of the more than 40 legal errors raised in Chambers' petition. The majority also skipped over consideration of whether the charges against Chambers are even offenses that merit discipline.

"In the case of Teresa Chambers, the Merit Systems Protection Board has certainly not lived up to its name," Condit added. "In reading this ruling, it is hard to believe that the majority and the dissent were even deciding the same case."

A recent series of crimes committed on the National Mall has confirmed the concerns about low staffing voiced by then-Chief Chambers back in 2003. Despite added homeland security responsibilities, the number of U.S. Park Police officers is now at a 12-year low.

Ironically, with the recent resignation of National Park Service (NPS) Director Fran Mainella, virtually every official in the NPS and its parent agency, the Interior Department, involved in the effort to fire Chief Chambers has left federal service, been stripped of responsibilities or transferred, since Chambers filed her appeal.

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