



## Press Release

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### **CHAMBERS WINS APPEAL AGAINST U.S. INTERIOR DEPARTMENT Privacy Act Violation for Bush Officials Destroying Favorable Personnel Evaluation**

Washington, DC — In a unanimous ruling, the U.S. Court of Appeals for the District of Columbia today upheld the claim of former U.S. Park Police Chief Teresa Chambers that records exonerating her may have been illegally destroyed by Bush administration officials. The ruling also sets a precedent for using the Privacy Act to redress improper shredding of personnel files and other records, according to Public Employees for Environmental Responsibility (PEER).

The case involves the disappearance of a favorable performance evaluation for Chief Chambers prepared by then-Deputy Park Service Director Donald Murphy covering the same period when Murphy later alleged Chambers had ignored the chain-of-command – allegations utterly absent from Murphy’s appraisal, according to sworn testimony. Chambers is seeking restoration as Chief of the U.S. Park Police following her dismissal in 2004 after an interview she gave to *The Washington Post* concerning staff shortages. Her dismissal was based in part on charges that would be impeached by a glowing performance evaluation.

In 2005, Chambers filed a lawsuit under the Privacy Act on the grounds that this key exculpatory evidence had been intentionally and wrongfully destroyed. In 2008, the federal district court dismissed the complaint, ruling that the government only had an obligation to undertake a diligent search for the document. Chambers appealed, arguing, among other things, that a diligent search was no remedy when the government had already improperly destroyed the document that was the object of the search.

“This is an important ruling not only for Teresa Chambers but for all citizens who rely upon the government to safeguard records about them,” stated PEER Senior Counsel Paula Dinerstein who argued the appeal. “The federal government cannot shred incriminating documents with impunity.”

The ruling remands the case back for a trial on whether Interior in fact intentionally destroyed the evaluation. In the meantime, Chambers’ direct challenge to her dismissal is before another federal appellate court, the U.S. Court of Appeals for the Federal Circuit. That latter panel has already ruled once for Ms. Chambers only to have two holdover Republican appointees on the Merits Systems Protection Board again reject her challenge. Her appeal on the underlying action will be argued this fall.

A definitive ruling on the missing performance evaluation would undermine Interior’s contention that the dismissal of Chief Chambers was justified on the merits.

“The long legal saga of Chief Chambers boils down to one question – May a public servant be fired for telling the truth, especially a truth vital to public safety?” Dinerstein added. “We also wonder how long the Obama administration will want to keep on defending the multiple acts of misconduct by their predecessors in this case.”