

Moose's testimony focused on opportunity, dedication

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Montgomery County Police Chief Charles A. Moose was passionate about why he wants to write his book and pained about having his ethics questioned by the county's Ethics Commission.

"I never fathomed that I would have this opportunity," the 49-year-old chief told the five ethics commissioners during a March 3 hearing, according to a transcript of the two-hour meeting made public last week. "But also, even with this good fortune, I don't fathom that I'm going to get a second opportunity."

The 59-page transcript was filed in Montgomery County Circuit Court in Rockville as part of the appeal Moose filed in April of the commission's March 20 decision denying him permission to write his book. He also sued the commission May 14 in U.S. District Court in Greenbelt, claiming that its denial violated his First Amendment right to free speech.

During the hearing, Moose fretted that because of comments made by commission staff, he was being portrayed as breaking the law.

"You know, I am being touted from my perspective in the media as an ethical violator, as an unethical person," he said. "And I find that very troubling and painful."

Commissioners acknowledged Moose's key role in the October sniper attacks investigation but said their appreciation had nothing to do with whether a public official should be allowed to profit from his public role. Ethics rules forbid county employees from using the prestige of their office for personal gain -- a rule that the commission cited in rejecting Moose's book and movie deal 17 days later.

"If it's important to Montgomery County, Montgomery County ought to be getting you to do it on what we're paying you to do it," Commissioner Steven A. Shaw told Moose, according to the transcript.

Another commissioner, Jerome Joseph, said the book, slated for release in October when the first of two sniper suspects goes on trial in Prince William County, Va., "would be harmful to the trial."

"I care a lot more about this case than anybody in this room," Moose retorted. "So, to have people say to me that I'm going to jeopardize these people going to prison or accepting the death penalty so I can write a book is like about the meanest thing anybody can say to me."

Shaw asked how Moose could make the book interesting without including confidential behind-the-scenes information. "The publisher is going to kick you right out the door."

Part of the book would probably talk about his anxiety "that thank goodness people didn't see," Moose responded.

"The fact that I'm driving home at 3 a.m. scared to death that those last three good leads fell off the board, and when I left headquarters there were no leads. And I'm just praying on my drive home that when I get back tomorrow morning, there's going to be some leads," he said.

If the sniper suspects had not been caught, his job would have been on the line, Moose testified.

"I would assume I would run the risk of not being employed, I certainly would risk being seen as incompetent, be seen as a laughingstock," he said, according to the transcript. "It didn't come out that way."

Moose described the worldwide attention he attracted in the wake of the sniper attacks as unprecedented, as were the offers he received from publishers and book agents.

"I didn't cause that. I didn't make any of that happen," he told the commissioners. "But all I'm doing is saying, it has happened, folks, and I want to do this extra work. If it helps me and my family with the law school bills that my wife has, the law school bills that Lincoln [Moose's son] has -- he just took the bar -- it's my good fortune."

Moose's wife, Sandra Herman Moose, also testified, describing herself as his attorney.

She wanted to "kick his butt," according to the transcript, because he did not apply for an ethics waiver for his teaching job at Montgomery College, a job he has held since 2000. But she noted that county officials knew in 1999, when Moose was hired as police chief, that he would continue teaching and serving in the Air National Guard. Indeed, Moose's 1999 employment contract -- also made public as part of his court case -- specifies that he will be allowed "teaching, training, speaking engagements, and other consulting activities," provided he obtain ethics commission approval.

Sandra Moose, who has compared her husband's fight to write to the principled stances of Martin Luther King Jr. and Nelson Mandela, told commissioners that her husband's life was a story even before the sniper attacks.

"This is the story of a black man who came from a successful black family, but they lived in segregation, they ate in the back room, he has served in organizations that's full of institutionalized racism beyond anything that you can imagine," she said. "Now we come to you ... and he is asking a fully white group to give him the permission to make some money."

Moose signed a \$100,000-plus deal in January with Dutton Books. The contract is contingent on clearing any ethics hurdle. Moose also received a \$4,250 advance for an 18-month contract he signed with Cates/Doty Production of Los Angeles for a made-for-television movie.

Bruce F. Romer, the county's chief administrative officer and Moose's direct boss, also testified and urged the commission to grant Moose the waiver to pursue his book and movie deals.

Ten weeks after the hearing, Moose sued the ethics commission.