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## State cops get gag order in faulty radar gun case

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A federal judge in Harrisburg has issued a wide-ranging gag order that prohibits lawyers from releasing documents that surface during the discovery process in the ever-growing radar gun scandal.

U.S. Middle District Judge Sylvia Rambo issued the order on Tuesday in response to an oral request from Pennsylvania State Police lawyers. The state police asked for it in the wake of stories in the *Daily News* last week about the state police covering up problems with their Genesis hand-held radar gun. The story referenced internal state police documents subpoenaed by attorney Don Bailey.

Bailey represents state police radar expert Tim Shingara in a civil suit against his employer. Shingara said his radar duties were stripped from him after he testified publicly about the gun giving inaccurate speed readings.

Bailey said he intends to challenge the order, which was issued after he and the state police lawyer had a telephone conference on Monday morning.

"If she does not drop or modify the order, I intend to take it to the U.S. Supreme Court if necessary," he said.

Bailey also noted that yesterday State Police Commissioner Jeffrey Miller had an op-ed piece in *The (Harrisburg) Patriot-News* about the radar gun scandal. The column is also posted on the home page of the Pennsylvania State Police website.

"Is Mr. Miller covered by the gag order?" Bailey said. "And if not, is this a situation where there's an effort to take unfair advantage of what the judge had to say? This is precisely the uneven turf I complained about to Judge Rambo."

Rambo and Jack Lewis, a state police spokesman, declined to comment.

Lucy DalGLISH, executive director of the Reporters Committee for Freedom of the Press in Arlington, Va., said the order violates federal law.

"They made the motion orally, didn't give any notice, and didn't give the *Daily News* an opportunity to contest it," she said, adding that she hopes the *Daily News* files a motion to at least get the order narrowed because it has grounds to do that.

Paul McMasters, the First Amendment ombudsman at the Freedom Forum in Arlington, Va., said orders like this should be a last resort, especially in a case that is of such high public interest and consequence.

"We're talking about policies and activities of people who have the power to arrest and punish citizens," he said. "The more openness there can be, the better for all concerned, including the courts."