



What the Linda Tripp case can teach us about whistleblowers and impeachment

BY STEPHEN M. KOHN, MICHAEL D. KOHN AND DAVID K. COLAPINTO, OPINION CONTRIBUTORS — 10/01/19 02:30 PM EDT
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The last time a whistleblower disclosure triggered calls for a presidential impeachment was in the case of Linda Tripp. She was a federal employee who obtained evidence that Bill Clinton had abused his position as president and lied about it when questioned under oath.

The reaction to Tripp's whistleblowing was overwhelmingly political. Supporters of the president chose to attack the whistleblower's credibility, often with grotesque visceral. They danced to "shoot the messenger." The tactics were well known to any whistleblower: Dig into her background, find dirt (even if from her High School days), question her motive all of which was for one purpose – to detract from the objective evidence. The smear knew no bounds. It included political appointees illegally sneaking into her security clearance file and leaking derogatory information in clear violation of the Privacy Act.

Attacking the messenger and making threats is the distraction used to deflate whistleblower disclosures. That is why it is so important to protect the identity of a whistleblower. The U.S. Supreme Court has long

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recognized that anonymous speech is protected under the First Amendment. The whistleblower in the Nixon case, "Deep Throat," was not revealed, his credibility could not be attacked, and his information proved to be most devastating.

The drum beat to attack the whistleblower in the Trump case has already begun. Without even knowing the identity of the whistleblower President Trump has already speculated that he or she is partisan. Trump's public statements on whistleblowers are now sending a clear message to his supporters: It's okay to throw the dirt as hard as you can!

Let's hope that this time the focus of any investigation will be on the actions of the president, not innuendo designed to discredit whistleblowers. Mudding up the whistleblower will only interfere with the willingness of other employees to step forward with important evidence. That is the entire point of the attack: Scare potential witnesses into silence by publicly destroying a whistleblower's reputation or career.

When we first met Ms. Tripp, we looked at her evidence, not at the political portrait that had been painted of her. The evidence was solid. Her political background or biases, if any, were irrelevant. She fit the mold of whistleblowers we had represented since the 1980s. In a whistleblower case, "it's the evidence, stupid." The issue debated by Congress, the press and the American public should be focused on what the president did and whether that was a valid basis for being removed from office.

Linda Tripp did not deserve the firestorm that destroyed her reputation and career and neither does whoever this whistleblower may be. Focus on the evidence not the personality of the witnesses. Focus on the truth, not smokescreens. Focus on what the president did.

We know firsthand how hard it is for people to put strongly held political beliefs aside in a whistleblower case. We stayed out of the partisan fights when we decided to defend Linda Tripp from retaliation based on her truthful whistleblower disclosures. No matter where you stand on issues related to Donald Trump, don't shoot the messenger.

Stephen M. Kohn, Michael D. Kohn and David K. Colapinto have practiced whistleblower law together for more the 30 years and co-founded the National Whistleblower Center. They also represented Linda Tripp in her whistleblower retaliation/Privacy Act case.

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