

Bernie Sanders drops out of presidential race

Letter to Bill Clinton Regarding Employment of Linda Tripp

By [Attorney Stephen M. Kohn, et al](#) | July 7, 2008 | 8:27pm EDT



January 18, 2001

Via Facsimile and U.S. Mail

The Honorable William Jefferson Clinton
President of The United States of America
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C.

Dear Mr. President:

This firm represents Mrs. Linda Tripp, a federal employee currently working as a "Schedule C" appointee within the U.S. Department of Defense. Mrs. Tripp has been requested to resign her position with the DOD. After serious consideration of this request, we have recommended that Mrs. Tripp not resign from federal employment.

The U.S. Supreme Court has held that government employee speech on matters of public concern occupies the "highest rung" in the "hierarchy of First Amendment values" and is "entitled to special protection." *Connick v. Myers*, 461 U.S. 138, 145 (1983). Consistent with this recognition, the Supreme Court has protected patronage at-will political appointees from retaliation based on their speech. *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990).

In addition to these constitutional protections, as a federal employee, Mrs. Tripp was under a mandatory duty to report allegations of obstruction of justice, perjury and civil rights abuses to the Office of the Independent Counsel ("OIC").

Executive Order 12731 mandates that federal employees, such as Mrs. Tripp, "shall disclose" "abuse and corruption to appropriate authorities." Likewise, the Civil Rights Act of 1871, 42 U.S.C. § 1986, also contained a provision which mandated that Mrs. Tripp report potential perjury or obstruction of justice in civil rights cases (including sexual harassment claims).

Consequently, when Mrs. Tripp provided information to the OIC regarding misconduct by federal employees, including the President of the United States, she was performing a duty required of all federal employees. She was also engaging in speech protected under the First Amendment and the Civil Rights Act of 1871.

As you are aware, prior to becoming a presidential appointee, Mrs. Tripp was employed as a GS-13 federal civil servant as a member of The White House permanent staff. Well before the "Monica Lewinsky" scandal became known, and while still protected as a civil servant, Mrs. Tripp provided

sworn testimony to the Office of the Independent Counsel regarding misconduct within the White House. She also made internal disclosures to Mr. Bruce Lindsey, a White House counselor, concerning improper activities she witnessed at the White House. Mrs. Tripp was removed from her employment in The White House after making these disclosures. It was at this time that she was converted to a Schedule C presidential appointee, terminated from her White House job and offered employment within the Department of Defense.

In December 1997, Mrs. Tripp applied for a civil service position within the Department of the Army. She submitted all of the required paperwork and was selected as one of three best qualified applicants. However, while her application was pending, the "Monica Lewinsky" scandal broke in the national news media. Mrs. Tripp's nearly 20 year career as a government employee was shattered. She was improperly rejected from proper consideration for this civil service position. She was never afforded an opportunity to interview for the job. It was only through published news articles that she learned that she had, in fact, been rated one of the top three best qualified candidates for this position and that her name had been referred for interview or selection to the appropriate Department of the Army selection official.

Not only were her attempts to remain a civil servant stymied, after the Lewinsky scandal broke, Mrs. Tripp was never again permitted to perform work at her grade level and she never again received any performance review or evaluation. Prior to this, every job related evaluation of Mrs. Tripp was at the highest level, she had received numerous awards, promotions and merit salary increases and she was even highly praised by the Counselor for the President, Mr. Bernard Nesbaum.

Once Mrs. Tripp was identified as a critical witness in an OIC investigation into criminal wrongdoing within The White House, she also became the primary target of a political smear campaign unprecedented in its intensity and viciousness.

Mrs. Tripp's motives and conduct were mischaracterized and her reputation was forever destroyed in the eyes of the American people. As part of this smear campaign, a high ranking presidential appointee authorized an illegal search of Mrs. Tripp's confidential government files, and further authorized an illegal leak of highly confidential information critical of Mrs. Tripp. This leak, which was timed to coincide with Mrs. Tripp testimony before a Grand Jury, significantly contributed to the destruction of Mrs. Tripp's reputation, and undermined her ability to obtain any job whatsoever. The Department of Defense Office of Inspector General investigated this high-level misconduct and confirmed that Mrs. Tripp's rights were violated by the illegal leak of derogatory information.

As a direct result of her vilification, Mrs. Tripp has suffered significant damage to her ability to obtain federal employment and to her reputation. As a direct result of documented misconduct by presidential appointees, she has been forced to file a suit in U.S. District Court seeking redress caused by the illegal leak of confidential information and other retaliatory actions.

If required to submit her resignation, she has no realistic prospect of finding any employment commensurate with her current grade level. If terminated from employment, she will be unable to support her daughter, who is currently enrolled as a full time college student. Given the harm to her reputation which directly flowed from her protected (and mandatory) disclosures to the OIC, forcing Mrs. Tripp to leave her position may reasonably result in her permanent unemployment. It would have a devastating, immediate and irreparable negative impact on Mrs. Tripp, further exacerbating the damage she has already suffered.

Based on these facts, we believe that terminating Mrs. Tripp's employment would be inconsistent with Executive Order 12731 and would violate constitutional protections recognized under the First Amendment and the U.S. Constitution's Equal Protection Clause. It would also violate your obligation to protect witnesses such as Mrs. Tripp pursuant to 42 U.S.C. § 1986 and 18 U.S.C. § 1512, and would have a chilling effect on the willingness of other federal employees to report official misconduct. Under these circumstances, we ask that your administration's request that Mrs. Tripp submit her resignation be withdrawn. Mrs. Tripp should be permitted to remain in her current position pending a final resolution of her discrimination and Privacy Act claims.

Thank you in advance for your careful attention to these matters.

Respectfully submitted,

Stephen M. Kohn
David K. Colapinto
Michael D. Kohn

Attorneys for Mrs. Linda Tripp

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