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# The message behind National Whistleblower Day

BY STEPHEN M. KOHN, OPINION CONTRIBUTOR — 08/02/17 06:20 PM EDT  
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On Aug. 1, 2017, the United States Senate adopted the “National Whistleblower Appreciation Day” resolution by unanimous consent. This resolution, which the Senate has passed every year since it was first introduced by Sen. Charles Grassley (R-Iowa) in 2013, commemorates the enactment of America’s first whistleblower law.

The history behind this resolution is remarkable. It marks one of the first real tests of American democracy and how those in power would treat whistleblowers who exposed wrongdoing within the revolutionary government itself.



The Marine Committee took testimony from Captain Grannis, which is recorded in the records of the Continental Congress. Captain Grannis explained that the Commodore was “unfit to command” and told the Committee that he was “moved” to take the action against his commander out of “love to my country,” along with the other whistleblowers. The Continental Congress’ actions were swift and sent a clear message. They did not punish Captain Grannis for leaving his ship without permission. Instead, they suspended the Commodore from his position and, eventually, terminated him on Jan. 2, 1778.

Eight days after Congress fired the Commodore, the Commodore filed a criminal libel action against the whistleblowers. The lawsuit was lodged in a Providence, Rhode Island court. The Commodore belonged to a powerful Rhode Island family, and his brother had served as governor. Two of the whistleblowers were captured and thrown in jail, not being able to meet the “enormous bail” set by the court. From prison, these whistleblowers wrote to Congress again. Their letter reflects the ideals of so many whistleblowers: “Your petitioners, not being persons of affluent fortunes but young men who have spent most of their time in service of their country . . . finding themselves arrested for doing what they believed and still believe was nothing but their duty, held to bail in a state where they were strangers, without connections that can assist them . . . humbly implore the interposition of Congress in their behalf.”

Two weeks later, Congress again took up the cause of these whistleblowers. History was made. Congress voted unanimously to pay the legal costs for the whistleblowers so that they would have a first-rate defense in the Rhode Island libel case. Congress also agreed to release all of the papers related to the whistleblower claims, even though many of these were embarrassing to the new government that was fighting for its very survival. Finally, Congress enacted America’s first whistleblower law. Its words ring as true today as they did 239 years ago:

“...It is the duty of all persons in the service of the United States, as well as all other inhabitants thereof, to give the earliest information to Congress or any other proper authority of any misconduct, frauds or misdemeanors committed by any persons in the service of these states.”

A jury acquitted the whistleblowers. They credited Congress for their stunning victory.

The Founding Fathers, at the height of the American revolution, understood that without whistleblowers the newly born democracy could not survive. A republican form of government needs information from those insiders who had the courage to demand that those holding the most powerful positions in the new government follow the law. They needed whistleblowers to ensure that every official of the new republic would be held fully accountable for their misconduct. In its resolution, Congress viewed whistleblowing as a duty of all citizens and all “inhabitants” of the new republic.

The Whistleblower Day resolution that the U.S. Senate passed on Aug. 1, 2017 is not ceremonial. It is a reminder to everyone that it is their duty to expose wrongdoing. Its goal is also to remind every government official that they are not above the law. Happy Whistleblower Day.

*Stephen M. Kohn is a partner at the law firm of Kohn, Kohn and Colapinto and has represented whistleblowers for the past 30-years. The historical research behind Whistleblower Day was first published in his book The New Whistleblower's Handbook: A Step-by-Step Guide to Doing What's Right and Protecting Yourself (Lyons Press).*

The views expressed by this author are their own and are not the views of The Hill.

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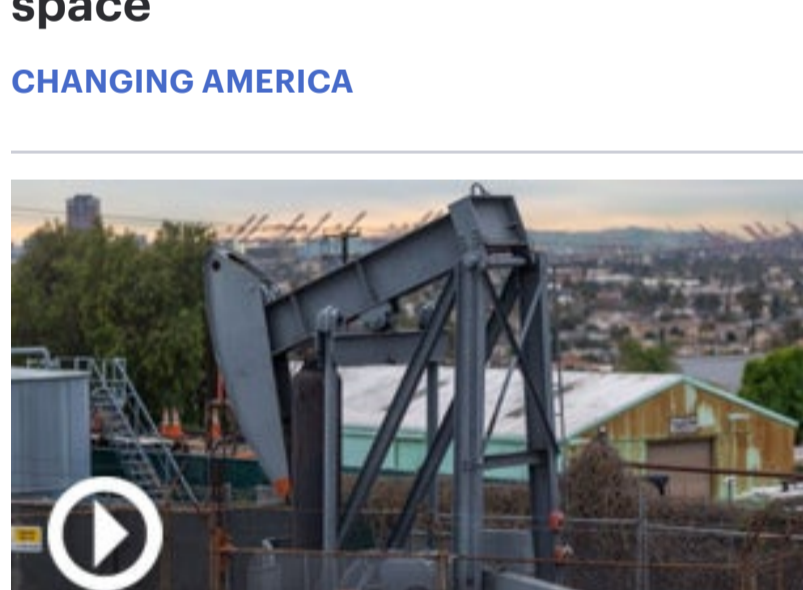
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