LOC WATCHDOG · A FABLE BEFORE THE DOCUMENTS

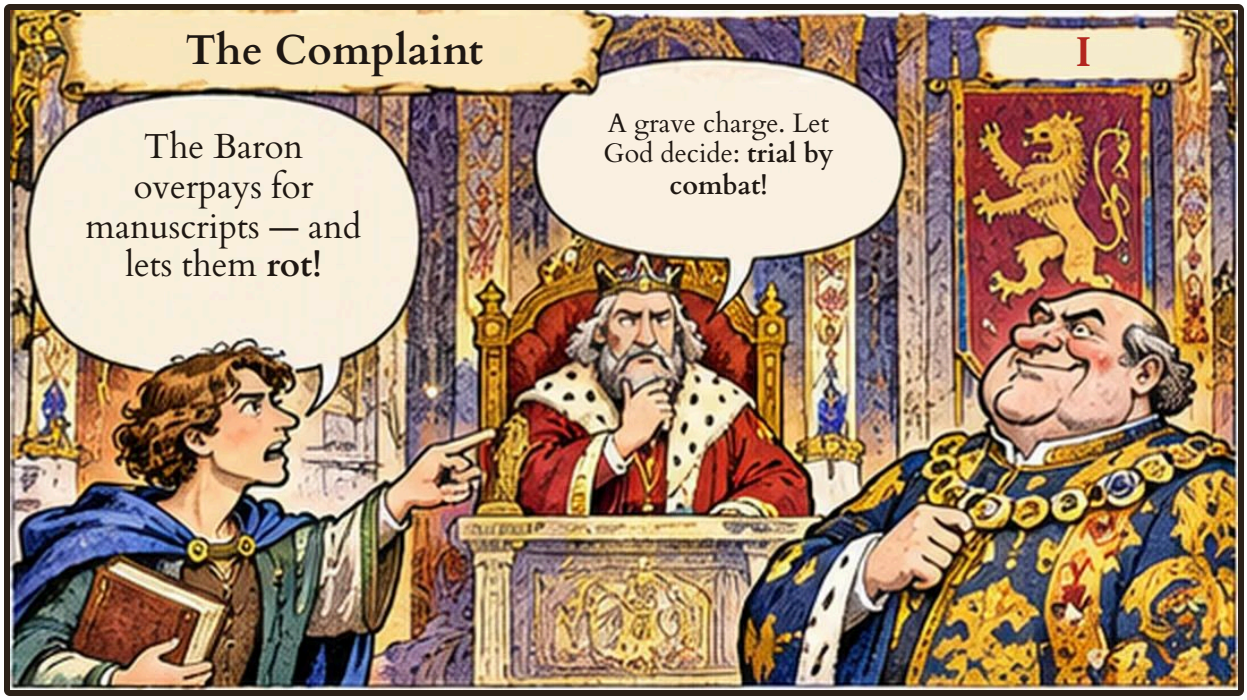
Trial by Combat 2.0

A Satirical History of Justice

In the fifteenth century, a scholar who accused a baron could be handed a lance and told to let God decide. Six centuries later we have courts instead. This is a short comic about what changed, and what did not.

Satire inspired by *Dines v. Office of Congressional Workplace Rights*, U.S. Court of Appeals for the Federal Circuit, No. 2025-1657 (judgment affirmed under Rule 36, without opinion, November 10, 2026). Characters and dialogue are invented and are not a transcript; no real judge or Library official is depicted. The note under each panel says what is documented.

FABLE invented for the joke THE RECORD documented events, findings and positions



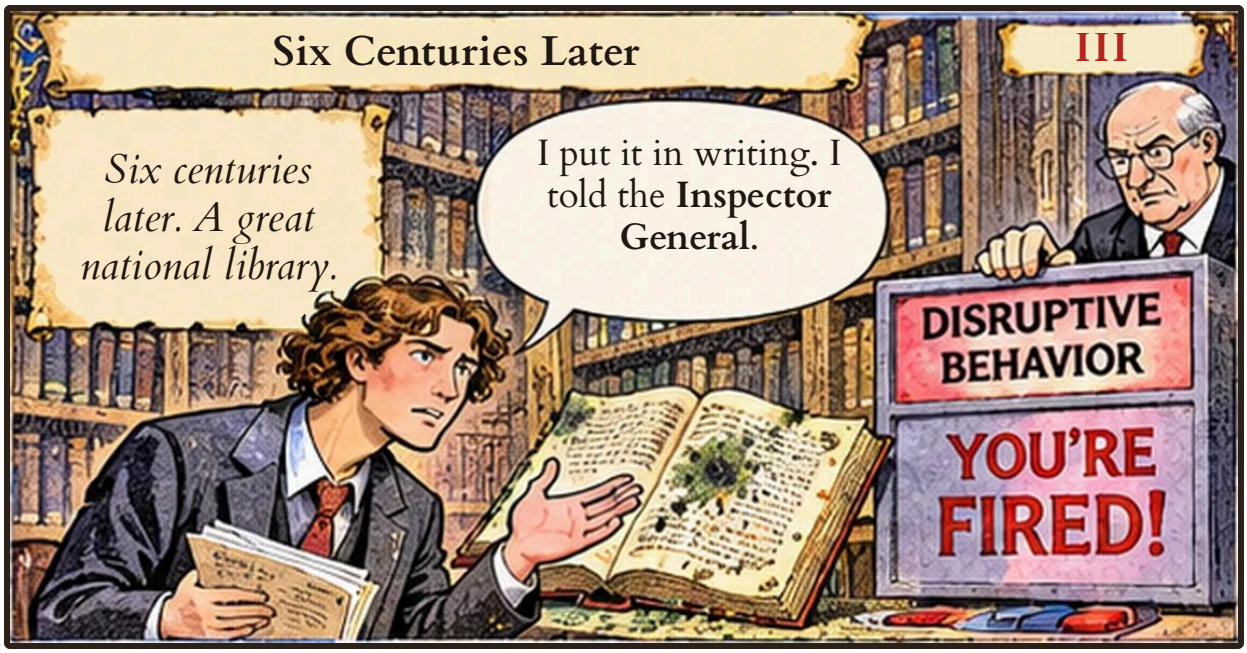
THE RECORD In 2023 Dr. Dines reported to his supervisors that the Library was overpaying for acquisitions and that items in its collection were damaged by mold, and supplied photographs. His second-line supervisor wrote: “Is it possible the Library has paid high prices for acquired items, absolutely.” The proceedings that followed concerned his dismissal, not the prices.



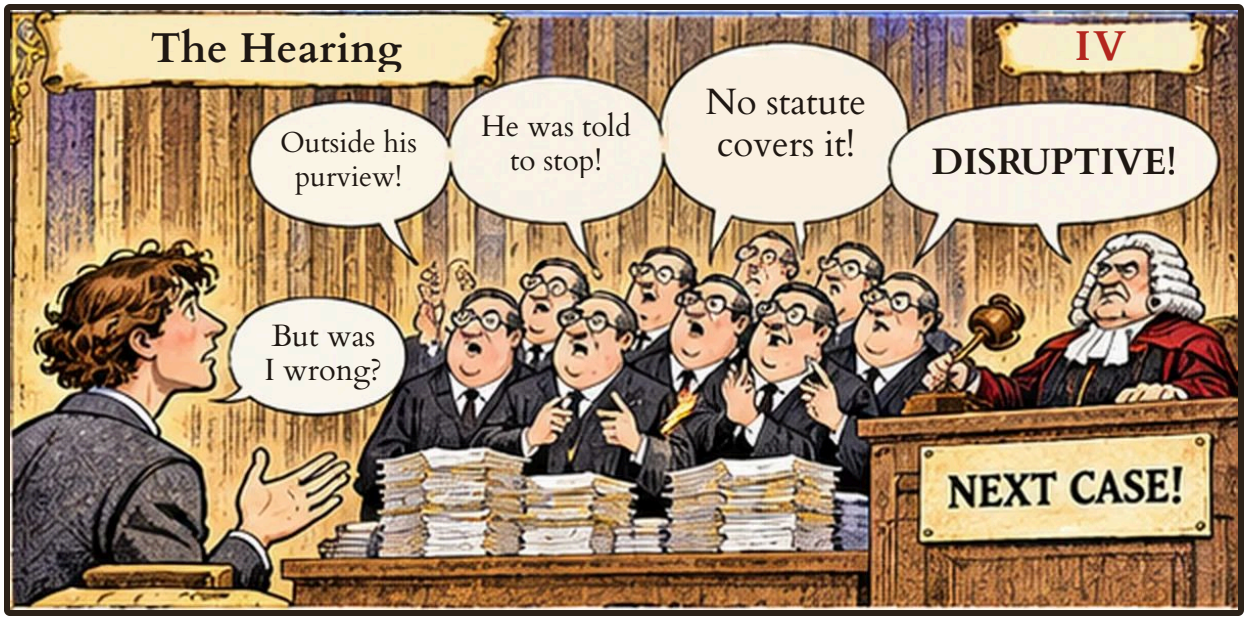
FABLE Trial by combat was a real procedure in medieval Europe, on the theory that God would give victory to the side in the right. The Baron and his lance are our invention.



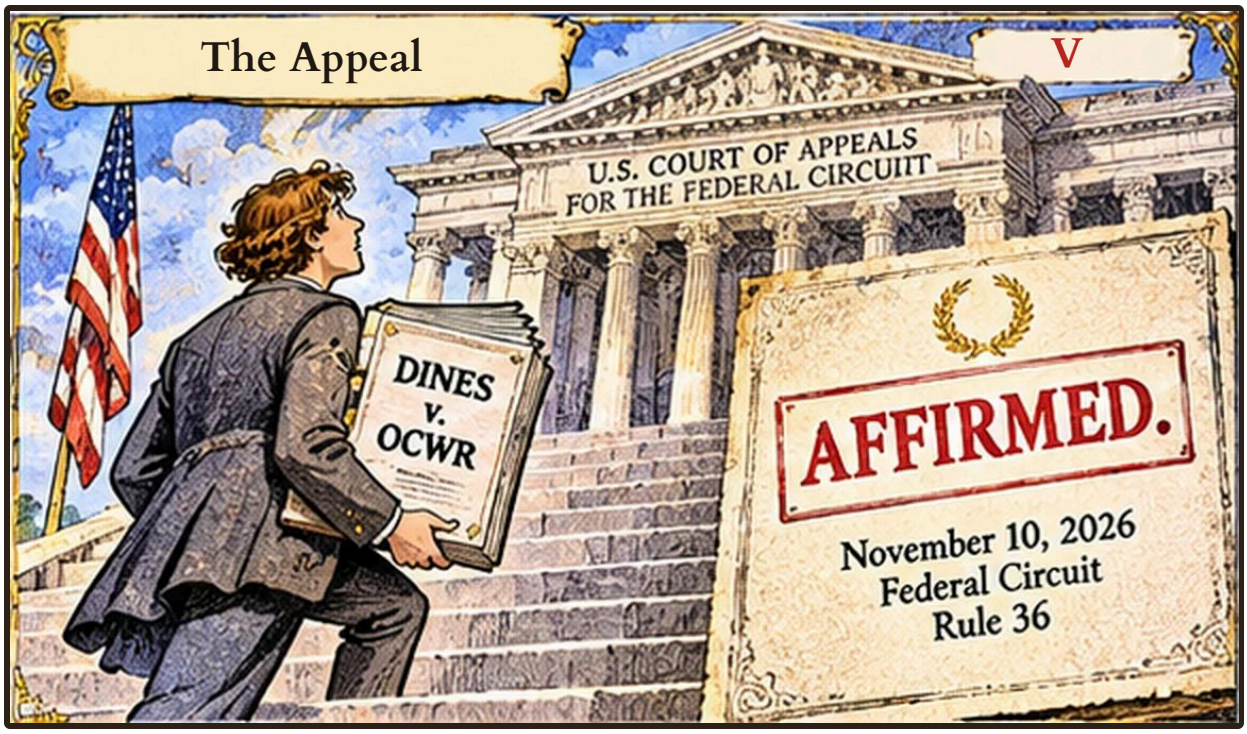
FABLE The angel is right about one thing: courts replaced the lance. What a court owes the losing side is the subject of the next four panels.



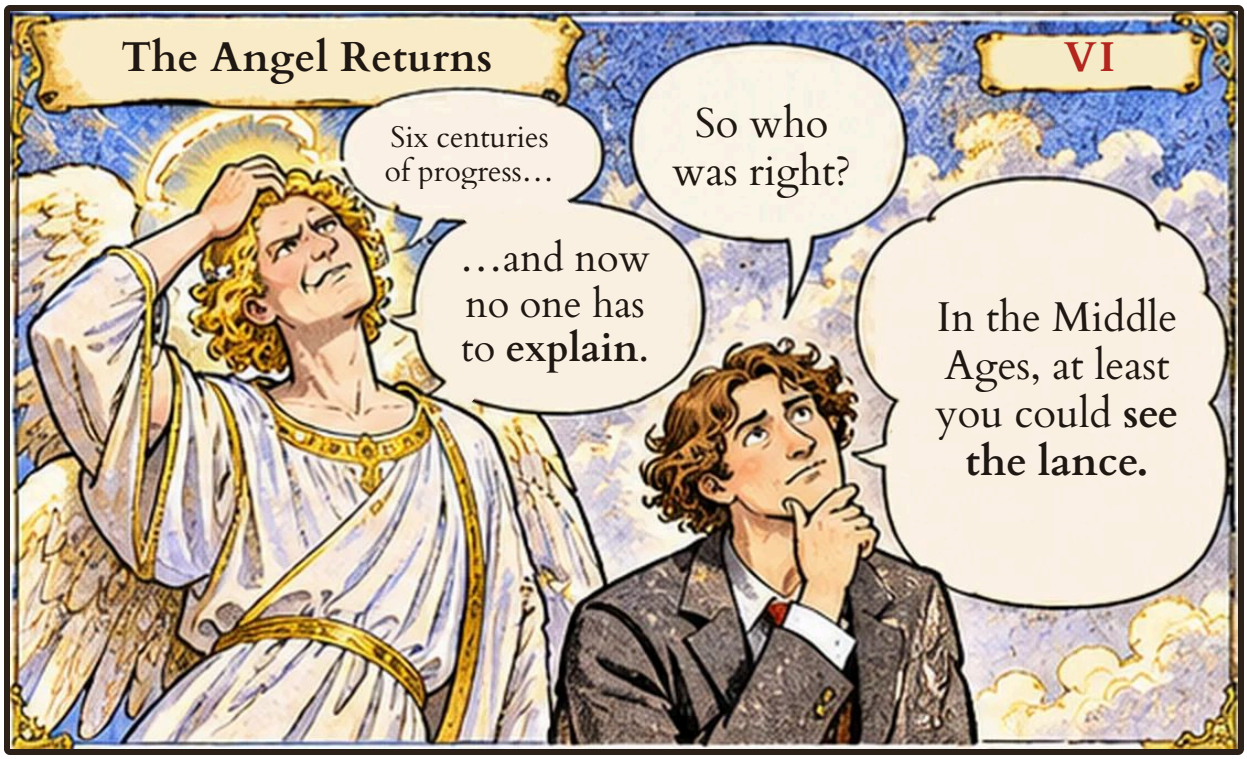
THE RECORD In mid-August 2023 he took his acquisition concerns to the Library's Inspector General and General Counsel. He was dismissed on September 20, 2023. **Finding:** the Merits Hearing Officer found the Library gave him no written negative remarks about his work, and listed his repeated raising of acquisition concerns among the conduct the Library relied on. **The Library's position:** he was dismissed for legitimate reasons, including its conclusion that he gave an untrue account of a September 2023 meeting. The signs in the picture are our caricature, not the Library's wording.



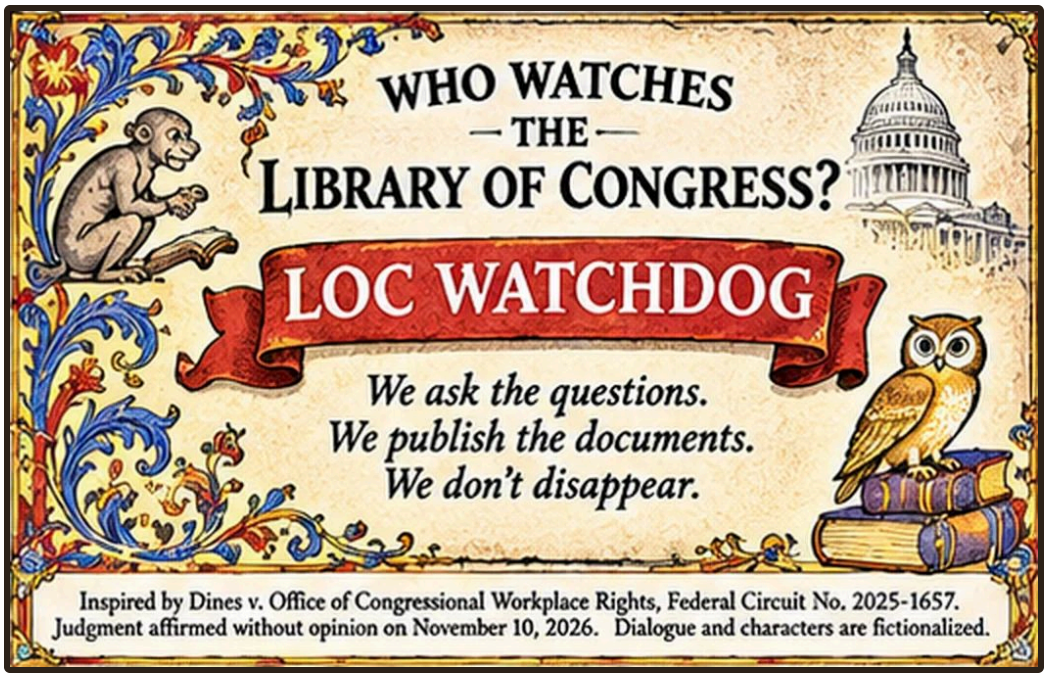
THE RECORD **Findings:** the OCWR Merits Hearing Officer ruled for the Library on July 8, 2024, and the OCWR Board of Directors affirmed on March 24, 2025. **The law:** the Whistleblower Protection Act does not cover Library of Congress employees, so a report made only to managers has no statutory protection against reprisal. The courtroom, the wig and the chorus of lawyers are invented; none depicts a real person.



THE RECORD On November 10, 2026 the U.S. Court of Appeals for the Federal Circuit affirmed in No. 2025-1657 under its Rule 36, which allows judgment without an opinion. A Rule 36 affirmance is lawful and common. It does not say why.



FABLE — AND WHAT COMES NEXT The angel's embarrassment is imagined. The next step is real: a petition to the U.S. Supreme Court, due by February 8, 2027, asks whether Congress may deny its own employees the whistleblower protection it gave the rest of the federal workforce.



The documents: locwatchdog.org/case.html · Judgment: leagle.com/decision/infco20261110144 · OCWR Board decision: ocwr.gov · Legal analysis: Kriger, B. (2026), "Rights Without Remedies," *Legal Research & Analysis* 4(4): 24–43, https://doi.org/10.69971/lra.4.4.2026.217 · LOC Watchdog is an independent nonprofit, not affiliated with the Library of Congress. (888) 533-4323.