

## DOJ Officials May Join Landis Whistleblower Lawsuit

Lance Armstrong may have made all his fans from 1998 to 2005 by winning seven consecutive Tour de France titles but the year 2012 brought an end to his unmatched legacy.

This was after the U.S. Anti-Doping Agency (USADA) submitted its [reasoned decision](#) against the 41-year-old retired Texan rider that banned the cyclist for life and stripped him of all his titles since 1998, the year in which he first won the Yellow Jersey. His woes don't seem to end as now the U.S. Department of Justice officials are considering whether or not to join a whistleblower lawsuit filed by his former teammate, [Floyd Landis](#). According to court documents made public in the last month, the cyclist has been subpoenaed for documents in the case; the documents also suggest that Armstrong has been fighting vigorously to control the flow of information.

It was revealed by the court documents that Lance Armstrong was subpoenaed by the United States Postal Service's Office of the Inspector General in fall, 2010. The Postal Service was the team sponsor of Armstrong during six of his seven Tour de France victories. Under the contract with the Postal Team, riders were prohibited from using performance enhancing drugs.

The Justice Department wanted the court records made public. "The sealing of judicial records is not appropriate," it wrote, "if it is done merely to protect parties from embarrassment." Robert Luskin, an attorney for the cyclist, said the subpoena put Armstrong in an unfair and difficult position as it puts Lance in a trick box where he would assert his Fifth Amendment rights because of the criminal investigation and then they would leak it to embarrass him and added that we thought that was improper. Armstrong's lawyer, John Kecker, warned that if the public found out that Armstrong had "intended to assert his Fifth Amendment rights," that it would "further damage Mr. Armstrong's reputation."

Lawyers with the Justice Department's civil division asked the U.S. District Court in Washington, D.C., to step in and enforce it when Armstrong did not comply initially with the subpoena. For more than a year, the proceedings were kept under seal but U.S. magistrate judge Deborah Robinson ordered that seal to be lifted and the legal battle became public. The lawyers of the Justice Department who attempted to enforce the subpoena are the same ones representing the government in its consideration of whether to intervene in the whistleblower lawsuit. The lawsuit accused the cyclist of defrauding the U.S. Postal Service because he allegedly used performance enhancing drugs in violation of the team contract. In the lawsuit, Floyd Landis sued on behalf of the government under the Federal False Claims Act that allows citizens to sue for alleged fraud against the government.

The government under the whistleblower law can intervene in Landis's suit, essentially pursuing the case on its own behalf. Landis stands to collect up to 30 percent of any money the government recovers though the case is technically convened on behalf of the government. Armstrong and others named in the suit would be liable for triple the amount of the sponsorship if found to have violated the False Claims Act.