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Tripp loses court ruling; Judge allows state to pursue its case on Lewinsky taping; Ex-intern likely to testify; Starr immunity deal was too late to avoid prosecution in Md.

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Linda R. Tripp's criminal defense team was dealt a major blow yesterday when a Howard County circuit judge ruled that immunity granted by federal prosecutors does not protect their client from a state prosecution.

Though the ruling by Judge Diane O. Leasure allows state prosecutors to press ahead with their case against the Columbia resident on two counts of violating Maryland's wire-tapping law, it does not guarantee they can use their evidence against Tripp.

State Prosecutor Stephen Montanarelli was the sole witness yesterday, testifying about the scope and independence of his investigation. He revealed that Tripp told her bridge club members that she was taping telephone conversations with a woman named Monica who was having an affair with President Clinton.

Investigators in Montanarelli's office and the members of Tripp's bridge club are expected to testify today, with Monica Lewinsky expected to be called as a witness tomorrow. Leasure is trying to establish whether state prosecutors gathered their evidence independently from what Tripp told federal authorities after she was granted immunity by a federal judge on Feb. 19, 1998.

Tripp's attorneys tried to play down yesterday's ruling by Leasure, which supported the state prosecutors' contention that Tripp's immunity deal started 34 days after Tripp agreed to cooperate with independent counsel Kenneth W. Starr. Tripp's attorneys had argued that the immunity deal took effect Jan. 16, 1998, when Tripp received a letter from Starr's office promising immunity. On Feb. 19, a federal judge approved the immunity deal, making it official.

"Linda said she wasn't surprised," said her attorney, Joseph Murtha, who called his client after Leasure's ruling. "This is something we anticipated and it didn't shock us."

Had Leasure ruled that immunity began Jan. 16, prosecutors feared they would lose crucial evidence, particularly the tape recording cited in the state's indictment of Tripp. Tripp turned over that and other recordings to Starr's office on Jan. 16, before the judge approved the immunity deal.

Tripp was indicted in July, accused of recording a conversation with Lewinsky on Dec. 22, 1997, and then disclosing the tape's contents to Newsweek magazine. The disclosure of Tripp's tapes revealed a sexual relationship between Lewinsky and Clinton and led to the president's impeachment last December.

'Really held all the cards'

Leasure ruled that Starr's prosecutors should have applied for their judicial order earlier and Tripp didn't have to turn over the tapes until later. "Ms. Tripp really held all the cards and all the leverage," Leasure said.

When Starr's staff gave Tripp a spoken promise of immunity without a judge's formal order, they apparently did not follow the usual Justice Department practice, department sources said.

Under cross-examination by Murtha, Montanarelli conceded that a law clerk in his office composed a memorandum summarizing Starr's report to Congress and also retrieved an FBI report, used in Starr's case, about a potential state witness.

Told of taping illegality

In July 1998, Montanarelli testified, he officially began his investigation, after mining newspapers and magazines for leads.

He said state prosecutors eventually questioned lawyers for Paula Corbin Jones, who sued Clinton for sexual misconduct and spoke with Tripp several times before Tripp disclosed the tapes to Newsweek and Starr's office.

One of those attorneys told Tripp that it was illegal in Maryland to tape a conversation without the other person's consent and asked her if she could tape Lewinsky in another state so he could use the conversation in his case against Clinton, Montanarelli testified.

During her bridge club groups, Montanarelli said, Tripp would tell her friends about her taping activities.

"She was telling them that she was tape-recording a woman named Monica who was having a sexual relationship with the president," Montanarelli testified.

Warning among friends

Some of the friends said that Tripp brought Lewinsky to her holiday party and they met her, he said. One of the friends warned another, "When you call Linda, be careful, she might be tape-recording you," Montanarelli said.

One friend asked Tripp if it was legal to tape-record conversations. Tripp responded, "No, but nobody ever gets prosecuted for it," Montanarelli testified.

Montanarelli also revealed that Tripp's former attorney, James Moody, provided a tip that helped solidify the state's case. An

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investigator was driving Moody home after his appearance during a hearing at Howard County Circuit Court in February when Moody told him, "Your boss has got the wrong attorney," Montanarelli testified.

A search of newspaper stories revealed another attorney who might have knowledge about Tripp's taping: George Conway, who advised Jones' attorney in her sexual misconduct case.

Conway eventually told state prosecutors that Moody came to his Washington hotel on Jan. 16, 1998, and made a phone call. Conway and Moody then went to the Howard Johnson hotel and met two "well-dressed men," Montanarelli testified. Those men, members of Starr's office, gave Moody a copy of the Dec. 22 tape. Moody had turned the original over to Starr's investigators that morning.

After that meeting, Moody and Conway went to Newsweek's office, where Moody gave reporters a copy of the tape, Montanarelli testified. Newsweek used the tape in an article about the scandal.

Montanarelli said a review of Conway's phone records from the hotel room showed a call to the independent counsel's office that day. Montanarelli said the copy of the tape was later returned to Starr's office.

That raises questions about leaks coming from Starr's office. Stephen Bates, a former Starr staffer, described the transfer of the tape and 16 others from Moody to his office Jan. 16 in an affidavit filed in Howard County Circuit Court. He said Moody complained about repeated calls from a Newsweek reporter who threatened to write a "story highly damaging to Ms. Tripp." He also said that Moody wanted copies of the tapes.

Bates said yesterday that his office did not turn over a copy of the tape because of the reporter's calls.

Sun staff writers Lyle Denniston, Jamal E. Watson and Jonathan Weisman contributed to this article.