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5 friends of Tripp slated to testify; Prosecution seeks evidence to use in wiretapping case

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State prosecutors have subpoenaed local friends of Linda R. Tripp, a Newsweek editor, two Radio Shack employees and their own law clerk to testify next week in hearings that will determine whether they can use critical evidence in their wiretapping case against the Columbia resident.

Tripp was indicted in July on two counts of violating Maryland's wiretapping law when she tape-recorded a Dec. 22, 1997, conversation with White House intern Monica Lewinsky. The tapes led to independent counsel Kenneth W. Starr's investigation of Lewinsky's affair with President Clinton.

Lawyers will present arguments next week in Howard County Circuit Court about the way state prosecutors gathered evidence.

The outcome of the hearings, which begin Monday and are expected to last a week, probably will determine the fate of the prosecution.

Tripp's lawyers are seeking to have the indictment dismissed, saying prosecutors used their client's immunized testimony against her. State prosecutors deny that.

Five of Tripp's friends, including four members of her bridge group, are expected to testify that they knew about the tape recording before Tripp's immunized testimony to a federal grand jury became public. All five appeared before the Howard County grand jury that investigated Tripp.

The Newsweek editor, Ann McDaniel, was subpoenaed to testify about the story her magazine published in February 1998 that was based, in part, on the Dec. 22 tape. A Tripp lawyer, James Moody, played that tape for Newsweek reporters and editors.

At least one of the workers told a Howard County grand jury that he always warns customers who purchase recording devices that it is illegal to tape conversations of other people in Maryland without their consent.

A former law clerk in the state prosecutor's office, Gavin Patashnick, was subpoenaed to testify about his role during the investigation. He read and wrote a memo about the report that Starr, the independent counsel, submitted to Congress. State prosecutors say they never read the memo or Starr's report.

State prosecutors have subpoenaed five former staff members in Starr's office. The four lawyers and one investigator are expected to testify about when they offered Tripp her immunity deal.

Tripp's lawyers say their client is protected from Maryland prosecutors because she received a letter from Starr's office granting her immunity Jan. 16, 1998.

State prosecutors argue that the immunity deal did not become official until 34 days later, when a federal judge signed an order protecting Tripp.

If Howard Circuit Judge Diane O. Leasure rules that the immunity deal began Jan. 16, state prosecutors would not be able to use the tape, a key piece of evidence.

A Tripp lawyer turned over the Dec. 22 tape, along with many others, to Starr's office Jan. 16.

State prosecutors are expected to subpoena other witnesses, including Lewinsky, and attorneys who worked with Paula Jones and spoke with Tripp before the scandal with Lewinsky erupted in January 1998.

Tripp's information helped those lawyers question Clinton during his deposition in Jones' sexual harassment suit against the president. His answers led to his impeachment.

Other expected witnesses include Lucianne Goldberg, a literary agent and Tripp confidante, and Goldberg's son.