

Thieves Fail to Catch Thief

On December 13 two Federal prosecutors confessed in open court that they had conspired to obstruct justice in Maryland. The *New York Times* trumpeted the news on page A-13, no doubt on the theory that it's hardly noteworthy when a cop gets away with speeding. Sure enough, neither man was perp-walked out of the courtroom in handcuffs, nor will he be until rivers run uphill and the blindfold drops from the eyes of Lady Justice.

The two unindicted felons are Jackie M. Bennett, Jr., and Stephen Binhak, both former prosecutors on the staff of independent counsel Kenneth W. Starr. Their boss, Judge Starr, remains similarly unindicted.

The only indictment in the Maryland case was that of America's Sweetheart, Linda R. Tripp, who faces a possible ten years in prison for taping her telephones conversations with Monica Lewinsky. Mrs. Tripp knew this was illegal in Maryland, and before betraying her young friend she asked Judge Starr's men for assurance that she would not be prosecuted for it.

They explained that they could only offer immunity in the Federal courts, not the Maryland ones. But they could and

did promise to obstruct justice if Maryland should be so picky as to enforce its laws.

Here is Mr. Bennett, testifying under oath: “As a constitutional matter we could not prevent Maryland from bringing a prosecution. What we could do is make it very, very difficult, if not insurmountable, for the state to do so.”

And Mr. Binhak: “I told her we would do all we could to make it an evidentiary problem for the State of Maryland.”

They kept their word, and it is very likely that Mrs. Tripp will walk as a result, like all those she ratted out.

And like Mr. Binhak and Mr. Bennett themselves, although of course their crime may be excused on grounds that it was committed in hot pursuit of the greater good. They were trying to nail President Clinton for obstructing justice.

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New York Times, May 26, 2000:

“...Earlier this week, the chief state prosecutor of Maryland dropped criminal wiretap charges against Mrs. Tripp, concluding the only criminal case against a major figure in the scandal.”

— Good work, guys!

