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Couple Thought Tape Was 'Part of History'

Floridians Tell of Recording Call By GOP Leaders, Then Trip to Hill

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The tape was "part of history," John Martin said, and he and his wife Alice wanted to share it with someone. Their congresswoman told them to take their tape to the ethics committee and give it Rep. Jim McDermott (D-Wash.).

On the tape was a phone conversation Dec. 21 involving Speaker Newt Gingrich (Ga.) and other members of the House Republican leadership that the Martins had overheard on their police scanner. Gingrich and the group were discussing how to limit the political damage Gingrich would face for admitting to having broken House rules.

Last Wednesday, after waiting outside the ethics committee hearing room, the Martins gave the tape to McDermott. Two days later, after copies of the tapes were given to two newspapers, the whole country knew about Gingrich's conversation. One of the papers, the New York Times, said the tape came from a Democratic House member.

For McDermott, a practicing psychiatrist first elected to Congress in 1988, the Martins' disclosures yesterday afternoon at a news conference in Gainesville, Fla., could have serious consequences.

It is a federal crime to intentionally disclose the contents of an intercepted telephone call. House GOP leaders have asked Attorney General Janet Reno to investigate the case, and she has referred it to the Justice Department's Public Integrity Section, which could issue a decision in the next few days.

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McDermott issued a brief statement from his district office in Seattle after he was identified by the Martins, saying only that he had "communicated with the chair of the Committee on Standards of Official Conduct about this matter."

"It is therefore an issue before the committee," the statement continued. "I have not made comments about the substance before the committee in the past. I will make no comment now."

Over the weekend House Republicans first suggested they thought McDermott leaked the tape. "If he did it," said House Republican Conference Chairman John A. Boehner (Ohio), "he should resign the Congress immediately."

Yesterday, Boehner, whose cellular phone was the source for the Martin's tape, said: "This case is so open-and-shut that even Barney Fife could solve it."

House rules are fuzzy on how to treat a member convicted of a crime, saying only that if the crime requires a two-year prison sentence, the convicted member "should refrain" from performing his duties in committee and "should refrain" from voting, but neither sanction is a requirement.

The law under which McDermott could be investigated carries a sentence of up to six years and a fine of up to \$250,000. Expulsion from the House, for any reason, has nothing to do with the Justice Department and requires a two-thirds vote of the members.

The Martins too are bound by the same federal law and could be prosecuted. Asked at their news conference if he was aware of this, John Martin simply replied "yes." Alice Martin, visibly discomfited, swallowed, grinned nervously and answered: "Yeah, if we have to be."

For all their nerves, however, John Martin, a maintenance man at Lake City Middle School near Gainesville, and Alice, a teacher's aide, clearly seemed to enjoy the experience of accidentally eavesdropping on the Republican brain trust and putting the tape recording in the

place where it was guaranteed to have the most effect.

The story began Dec. 21, when the Martins were driving to Jacksonville to do some Christmas shopping, and passing the time by listening to John Martin's police scanner, purchased in September with money he received for his birthday.

They "recognized some voices" on the scanner, said their lawyer, Larry Turner, and, realizing that the conversation had something to do with the Gingrich ethics investigation, they turned on a tape recorder they had in the car. Martin said he was on the Florida Board of Directors of the National Educational Association.

They contacted Rep. Karen Thurman (D-Fla.), their congresswoman, and gave her the tape at her district office in Gainesville. She took it and sealed it in an en-

velope. Last week, the Martins drove to Washington to attend the swearing-in of Rep. Allen Boyd (D-Fla.), and saw Thurman again.

The following day, at Thurman's behest, the Martins visited the congresswoman in her office, where she returned the tape to them, evidently without having listened to it. She told them to give it to McDermott and directed them to the ethics committee offices in the dark corridors on the "terrace" level beneath the Capitol's first floor.

Thurman helped the Martins draft a cover letter to McDermott: "Enclosed in the envelope you will find a tape of a conversation heard December 21, 1996 at about 9:45 a.m. The call was a conference call heard over a scanner," the letter said. "We felt the information included were of importance to the committee."

The letter said that "we also understand that we will be granted immunity" and that "we pray that committee will consider our sincerity in placing it in your hands."

Thurman has said little about her role, noting only that "the Martins are hard-working people who unintentionally stumbled upon something they felt had national significance."

Strolling through the Capitol after visiting Thurman, Alice Martin was awestruck at "how really beautiful" the building was, "with murals on the wall." Down in the terrace catacombs, however, it was dark and confusing.

After asking for directions, she was told "we just had to make a couple of turns." Outside the ethics committee, focal point of the Gingrich investigation, television lights glared harshly as reporters gathered.

The Martins stayed back, not wanting to trespass. Alice said they asked a police officer if he could point out McDermott "because we have to give him something." The policeman replied, "Sure." When McDermott arrived, the Martins followed him into the office, handed over the tape and left.

Alice Martin said yesterday she and her husband thought they had done the right thing, even though her initial impulse was to keep the recording for her grandson Matthew, who is due to be born later this month.

"We were thinking how neat it would be to play this tape for" Matthew, Alice Martin said, "and him hear the voices of people we thought were important."

"I was so excited to think I'd heard a real politician's voice," she said.

"We just thought it was part of history," her husband said.

Madigan reported from Gainesville, Gugliotta from Washington.