

The Herald

Starr's partner focus of GM trial Pines family alleges perjury

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The law partner of Independent Counsel Kenneth Starr will likely face a barrage of hostile questions next week intended to elicit evidence that Starr allowed a former witness to lie under oath.

Broward Senior Judge Arthur J. Franza agreed to allow Starr's partner, Jay Lefkowitz of Kirkland & Ellis, to testify next week in a Hollywood court after Lefkowitz's lawyer asked for more time to prepare.

Lefkowitz was subpoenaed in a lawsuit filed by Constance and Robert McGee of Pembroke Pines, who say their 13-year old son, Shane, died in a fiery July 1991 crash caused by a faulty fuel tank that General Motors knew about and refused to redesign.

Lefkowitz worked with Starr defending GM in several fuel-fed fire cases around the country.

The McGee case has taken on national political implications because Franza ordered GM to release several internal documents that had been kept secret for years.

The documents suggest that Starr and other GM lawyers may have allowed a GM engineer, Edward Ivey, to lie under oath in previous cases.

Ivey wrote a memo in 1973 assigning a \$ 200,000 cost to each fatality from fuel fed fires and suggesting it would not be cost-effective to redesign the fuel tank.

Ivey has consistently testified that he had no authorization to write a memo, that it was not GM policy and was not condoned by GM officials.

But records opened in the McGee case suggest that Ivey told GM lawyers in 1981 that he had authorization and that he may have circulated the memo to GM supervisors.

Starr, who fought hard to keep the 1981 Ivey interview secret, is now accused of allowing Ivey to give perjured testimony and then concealing evidence of a lie.

The allegations were made by the McGee's attorney.

Lefkowitz, represented by prominent Broward criminal defense attorney David Boegenschutz, was expected to take the stand today in answer to a subpoena for records.

But when it became apparent Wednesday that lawyers for the McGees intend to attack Lefkowitz, Boegenschutz asked Franza for more time. Franza also ruled that Lefkowitz's testimony will first be heard outside the presence of the five-woman, one-man jury in case Lefkowitz decided to invoke attorney-client privilege or his right against self-incrimination.

Boegenschutz said Wednesday that his client's role in GM's defense was "very limited", and Lefkowitz does not intend to invoke his Fifth Amendment right against self-incrimination.

"It would be extremely, extremely unlikely that my client would invoke the Fifth", Boegenschutz said. "But it's apparent

they intend to question him about alleged criminal misconduct.”

“It doesn’t take a rocket scientist to figure that out. I think it’s best we do it without the jury”, he added.