

From: "[REDACTED]" <[REDACTED]>
To: "[REDACTED]" <[REDACTED]>
Subject: RE: 2020-03-09, GM, prosecution memo, [REDACTED].docx
Date: Thu, 12 Mar 2020 16:29:55 +0000

Thanks-- talk soon. I have to jump to another call as soon as we finish this one, but if there are follow ups I should be free later this afternoon.

From: [REDACTED] <[REDACTED]>
Sent: Thursday, March 12, 2020 12:19 PM
To: [REDACTED] <[REDACTED]>
Subject: RE: 2020-03-09, GM, prosecution memo, [REDACTED].docx

I would just send this to the chiefs once you're all set with it – I don't think [REDACTED] has been able to respond to an Epstein email all week.

And of course I'll dial you in at 12:30! Call you in 10 mins.

From: [REDACTED] <[REDACTED]>
Sent: Thursday, March 12, 2020 09:44
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Subject: RE: 2020-03-09, GM, prosecution memo, [REDACTED].docx

Thanks, [REDACTED], do you have any comments before this goes to the chiefs.

Let's keep discussing these issues as we pass the draft up. On the perjury question, I think when we have time we should just print the transcript excerpts and talk through them as a team.

I think the child endangerment issue is a tough call, and definitely worth continuing to discuss.

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, March 11, 2020 9:05 PM
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Subject: 2020-03-09, GM, prosecution memo, [REDACTED].docx

I'm very sorry this took so much longer than I expected, but it's good to go from me, and per our usual I just made edits rather than peppering it with track changes or thought bubbles.

Two general thoughts, neither of which I think need to hold it up but just to flag (and potentially talk through with chiefs). First, I continue to be torn about using child endangerment as an underlying sexual activity for which any person could be charged. I think the Fourth Circuit really has the better of the argument on that, and I think a reasonable jury certainly could find that the sexual activity of having a girl who is 14 or 15 or 16 even just massage the feet of a grown man who's masturbating would be "likely to be injurious to the physical, mental, or moral welfare" of the girl and that such conduct would be for the "active pursuit of libidinal gratification." Clearly. And I think if all we established were those facts, we'd be facing a real risk of acquittal or Rule 29. All that said, I'm not wedded to it, I just wonder if either there's a way to do a verdict form that splits it out as an option, or even if not, if the calculated risk is worth it.

Somewhat similarly, I confess I'm not wholly persuaded by the argument here on perjury. I think some of her statements will be directly contradicted by our witnesses, including both [REDACTED] and [REDACTED] (her selected statements are attached for ease of reference). And I don't think it would be hugely difficult to explain the underlying lawsuit and why of course it would be material if she admitted to doing Thing A with Person B in a lawsuit about her accusation that she didn't do Thing A with Person A (basically). Though again, I can easily see the arguments in both directions. But Geoff is going to want it so we should be buttoned up on it either way.

Anyway on those two things, I added a footnote on endangerment and slightly softened the perjury section, and other than that just tinkered. [REDACTED] I'm totally happy to discuss anything that's useful, but also don't need to see it again if you want to do any additional edits and send it up (particularly since the edits up the chain will I'm sure be substantial in any event). Thanks for taking the laboring oar on this, and we'll see how it goes.