

United States Senate

WASHINGTON, DC 20510

February 25, 2019

The Honorable William P. Barr
Attorney General of the United States
950 Pennsylvania Avenue Northwest
Washington, D.C. 20530

Dear General Barr,

Congratulations on your recent confirmation. I write to you today in regard to recent developments on a matter I raised with you during your hearing before the Senate Judiciary Committee.

On November 28, *The Miami Herald* published the results of a lengthy investigation into the crimes of Jeffrey Epstein. Epstein, a wealthy hedge-fund manager, “assembl[ed] a large, cult-like network of underage girls — with the help of young female recruiters — to coerce into having sex acts behind the walls of his opulent waterfront mansion as often as three times a day”¹ and “was also suspected of trafficking minor girls, often from overseas, for sex parties at his other homes in Manhattan, New Mexico and the Caribbean.”² According to *The Miami Herald*:

Facing a 53-page federal indictment, Epstein could have ended up in federal prison for the rest of his life. But . . . a deal was struck — an extraordinary plea agreement that would conceal the full extent of Epstein’s crimes and the number of people involved. Not only would Epstein serve just 13 months in the county jail, but the deal . . . essentially shut down an ongoing FBI probe into whether there were more victims and other powerful people who took part in Epstein’s sex crimes, according to a *Miami Herald* examination of thousands of emails, court documents and FBI records. The pact required Epstein to plead guilty to two prostitution charges in state court. Epstein and four of his accomplices named in the agreement received immunity from all federal criminal charges. But even more unusual, the deal included wording that granted immunity to “any potential co-conspirators” who were also involved in Epstein’s crimes. . . . As part of the arrangement, [the Department of Justice] agreed, despite a federal law to the contrary, that the deal would be kept from the victims.³

On February 21, a federal court issued a ruling in a civil suit brought against the federal government by two of Epstein’s victims, holding that the Justice Department did indeed “conceal

¹ Julie K. Brown, *How a future Trump Cabinet member gave a serial sex abuser the deal of a lifetime*, MIAMI HERALD, Nov. 28, 2018, <https://www.miamiherald.com/news/local/article220097825.html>.

² *Id.*

³ *Id.*

the existence of the [non-prosecution agreement] and mislead the victims to believe that federal prosecution was still a possibility”⁴ in violation of the Crime Victims’ Rights Act. I am relieved that the court agrees that it was wrong to hide this child rapist’s pathetically soft deal from his victims in violation of federal law. The fact that it has taken this long to get this far is heartbreaking and infuriating.

In its order, the court instructed “[t]he parties [to] confer and inform the [c]ourt within 15 days . . . how they wish to proceed on determining the issue of what remedy, if any, should be applied in view of the violation.”⁵ The court specifically noted that it had “previously held” that “the CVRA authorizes the rescission or ‘reopening’ of a prosecutorial agreement, including a non-prosecution agreement, reached in violation of a prosecutor’s conferral obligations under the statute.”⁶ I write to you today to urge you to do just that. The Department of Justice should use this opportunity to reopen its non-prosecution agreement so that Epstein and anyone else who abused these children are held accountable.

Sincerely,



Ben Sasse
United States Senator
Chairman, Senate Judiciary Subcommittee on Oversight,
Agency Action, Federal Rights and Federal Courts

⁴ Doe v. United States, No. 08-80736-CIV-MARRA, slip op. at 27–28, 33 (S.D. Fla. Feb. 21, 2019).

⁵ *Id.* at 33.

⁶ *Id.* at 26.

From: DOJ Correspondence (SMO) [REDACTED]
Sent: Monday, February 25, 2019 5:09:04 PM
To: DOJExecSec (JMD)
CC: Tolson, Kimberly G (JMD)
Subject: FW: Letter from Sen. Sasse to Gen. Barr re: Epstein non-prosecution agreement/Doe v. United States

Pls assign to EOUSA; see related WF 4167042 & 4167070. Thanks.

From: Escalona, Prim F. (OLA) <[REDACTED]>
Sent: Monday, February 25, 2019 4:05 PM
To: [REDACTED] DOJ Correspondence (SMO)
<[REDACTED]>
Cc: [REDACTED]
Subject: FW: Letter from Sen. Sasse to Gen. Barr re: Epstein non-prosecution agreement/Doe v. United States

From: Payne, William (Sasse) [REDACTED]
Sent: Monday, February 25, 2019 3:28 PM
To: B [REDACTED]
Subject: Letter from Sen. Sasse to Gen. Barr re: Epstein non-prosecution agreement/Doe v. United States

[REDACTED],

Please find attached a letter from Sen. Sasse to Attorney General Barr in regards to the Epstein non-prosecution agreement and the recent order in the Doe v. United States litigation. Given the time-sensitive nature of the issue, I wanted to flag for you two personally. Do please acknowledge receipt.

Thanks,

Will

William R. Payne
Chief Counsel to Sen. Ben Sasse
U.S. Senate Committee on the Judiciary

[REDACTED]

