

**Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET**

DATE OF DOCUMENT: 7/10/2019
DATE RECEIVED: 7/19/2019

WORKFLOW ID: 4298374
DUE DATE: 8/5/2019

FROM: The Honorable Elijah E. Cummings*
U.S. House of Representatives
Washington, DC 20515

TO: OPR

MAIL TYPE: Congressional Priority

SUBJECT: (Rec'd from OLA via email) Ltr from Chmn Cummings, Oversight and Government Reform Comte and CHMN Raskin, Subcomte on Civil Rights and Civil Liberties, stating in light of the recently unsealed criminal indictment against Jeffrey Epstein for alleged acts of child abuse and sex trafficking, requesting the Comte be provided with an update on the status of the investigation of alleged misconduct by Secretary of Labor Alexander Acosta during his tenure as USA for the S.D. of Florida. Advising there are significant concerns with Secretary Acosta's actions in approving an extremely favorable deal for an alleged sexual predator while concealing the deal from the victims of Mr. Epstein's crimes, which a judge found violated the Crime Victims' Right Act. Mentions earlier this year, the House of Representatives passed H.R. 202, the Inspector General Act, on a bipartisan basis to provide the Inspector General with the authority to investigate allegations of misconduct by DOJ attorneys and the bill is currently pending in the Senate. Further, until the bill is enacted into law, the ability to hold a DOJ attorney accountable rests with OPR, making it even more important that OPR provide transparency into its findings. The Comte requests a briefing from OPR on its review of the Epstein matter by 07/17/2019, including answers to the enclosed questions. Ltr also signed by MCs Speier, Wasserman-Schultz and Frankel. See related corres in ECMS.

DATE ASSIGNED
07/19/2019

ACTION COMPONENT & ACTION REQUESTED
OLA
For appropriate handling. Advise ES of any action taken.

INFO COMPONENT: OAG, ODAG, CRM, EOUSA, FBI, OPR

COMMENTS:

FILE CODE:

EXECSEC POC:

BODGER Pricillia: [REDACTED]

Congress of the United States
Washington, DC 20515

July 10, 2019

██████████
Director and Chief Counsel
Office of Professional Responsibility
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. ██████████

In light of the recently unsealed criminal indictment against Jeffrey Epstein for alleged acts of child abuse and sex trafficking, we request that you provide the Committee with an update on the status of your investigation of alleged misconduct by Secretary of Labor Alexander Acosta during his tenure as United States Attorney for the Southern District of Florida.

There are significant concerns with Secretary Acosta's actions in approving an extremely favorable deal for an alleged sexual predator while concealing the deal from the victims of Mr. Epstein's crimes, which a judge found violated the Crime Victims' Rights Act.

In March 2005, "the parents of a 14-year old girl told Palm Beach police that she had been molested by Epstein at his mansion."¹ Investigators soon discovered dozens of other girls in Florida who claimed to be victims of sexual abuse by Mr. Epstein between 2002 and 2005. By May of 2007, federal prosecutors in the Southern District of Florida had drafted a 53-page indictment outlining numerous federal sexual offenses committed by Mr. Epstein.²

On September 24, 2007, Mr. Epstein reached an agreement with the United States Attorney's Office to "defer federal prosecution in favor of prosecution by the State of Florida."³ Under the terms of the 2007 agreement, Mr. Epstein pleaded guilty to two charges of prostitution in Florida state court and served just 13 months in county jail in exchange for federal prosecutors

¹ *How A Future Trump Cabinet Member Gave a Serial Sex Abuser the Deal of a Lifetime*, Miami Herald (Nov. 28, 2018) (online at miamiherald.com/news/local/article220097825.html).

² *Jane Doe v. United States*, No. 08-80736-CIV, 3-7(S.D. Fla. Feb. 21, 2019) (order for summary judgment) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/Court%27s%20Summary%20Judgment%20Opinion%202-21-2019.pdf).

³ *Id.*

Mr. [REDACTED]
Page 2

dropping their case against him. Mr. Epstein received generous “work release privileges, which enabled him to leave the jail six days a week, for 12 hours a day, to go to a comfortable office that Epstein had set up in West Palm Beach.”⁴

On February 6, 2019, the Department of Justice (DOJ) announced that your office “opened an investigation into allegations that Department attorneys may have committed professional misconduct in the manner in which the Epstein criminal matter was resolved.” Your office committed to share its findings with Members of Congress “as appropriate.”⁵

On February 21, 2019, United States District Judge Kenneth Marra ruled that federal prosecutors in the Southern District of Florida violated the Crime Victims’ Rights Act by failing to appropriately notify Mr. Epstein’s victims of the non-prosecution agreement (NPA) in 2007 and 2008. The judge found that prosecutors worked to “conceal the existence of the NPA and mislead the victims to believe that federal prosecution was still a possibility.”⁶

The court’s decision prompted several Members of Congress, including on this Committee, to “request that the results of the Office of Professional Responsibility’s (OPR) review of Secretary of Labor Alexander Acosta’s decision to grant Epstein a non-prosecution agreement be made publicly available and provided to Congress.”⁷

On July 8, 2019, federal prosecutors in the Southern District of New York unsealed a new indictment outlining a host of additional charges against Mr. Epstein. According to the indictment, from 2002 to 2005, Mr. Epstein lured dozens of teenage girls to his homes in New York City and Palm Beach, Florida, and paid them to engage in sexual activity with him.⁸

Unlike other federal employees, misconduct by DOJ attorneys acting in their capacity to investigate, litigate, or provide legal advice, is not subject to the independent oversight of an Inspector General.⁹ Under current law, the authority to investigate attorneys is restricted to OPR.

⁴ *How A Future Trump Cabinet Member Gave a Serial Sex Abuser the Deal of a Lifetime*, Miami Herald (Nov. 28, 2018) (online at miamiherald.com/news/local/article220097825.html).

⁵ Letter from [REDACTED], Assistant Attorney General, Department of Justice, to Senator Ben Sasse (Feb. 6, 2019) (online at www.sasse.senate.gov/public/_cache/files/1e5e07ee-0138-4441-9e61-b6ec7037c4d5/-untitled-.pdf).

⁶ *Jane Doe v. United States*, No. 08-80736-CIV, 27-28 (S.D. Fla. Feb. 21, 2019) (order for summary judgment) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/Court%27s%20Summary%20Judgment%20Opinion%202-21-2019.pdf).

⁷ Letter from Reps. Debbie Wasserman Schultz, Jackie Speier, Jamie Raskin, et al., to Attorney General William Barr, Department of Justice (Mar. 1, 2019) (online at raskin.house.gov/sites/raskin.house.gov/files/2019.03.01%20DWS%20Frankel%20Speier%20Letter%20to%20DOJ.pdf).

⁸ Indictment, 1-2 (July 8, 2019), *United States v. Jeffrey Epstein*, S.D.N.Y. (No. 19-CR-490) (online at int.nyt.com/data/documenthelper/1362-epstein-indictment/01e39b8c091cbeac3797/optimized/full.pdf).

⁹ Inspector General Act of 1978 (5 U.S.C App.).

Earlier this year, the House of Representatives passed H.R. 202, the Inspector General Act, on a bipartisan basis to provide the Inspector General with the authority to investigate allegations of misconduct by DOJ attorneys. The bill is currently pending in the Senate. Until that bill is enacted into law, the ability to hold a DOJ attorney accountable rests with OPR, making it even more important that OPR provide transparency into its findings.

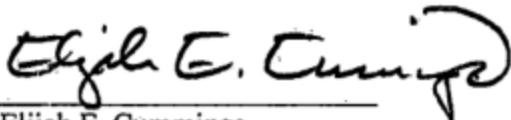
For these reasons, the Committee requests a briefing from OPR on its review of the Epstein matter by July 17, 2019, including the following questions:

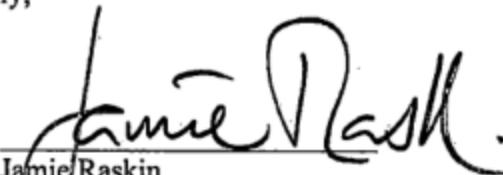
1. What is the status of your investigation? If it is not complete, when does OPR estimate that the investigation will conclude?
2. Did prosecutors in the Southern District of Florida comply with the DOJ's standards of professional responsibility for prosecutors in their management of the Epstein matter?
3. Did your review come to any findings or conclusions about the prosecutors? Did your review find any evidence of misconduct by the prosecutors?
4. What did your review reveal about why federal prosecutors did not inform victims about the resolution of the Epstein matter? Was this conduct intentional?
5. What, if any, changes should be made to the Department's policies to protect the rights of victims under the Crime Victims' Rights Act?

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

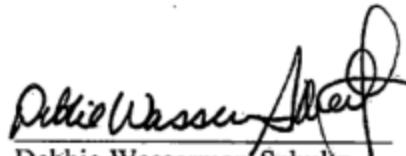
If you have any questions about this request, please contact Committee staff at [REDACTED]

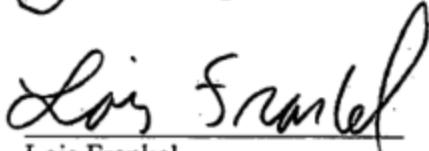
Sincerely,


Elijah E. Cummings
Chairman
Committee on Oversight and Reform


Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties




Jackie Speier
Member of Congress

Debbie Wasserman-Schultz
Member of Congress

Lois Frankel
Member of Congress

cc: The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

[REDACTED]

From: [REDACTED]
Sent: Friday, July 19, 2019 10:48 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Letter attached
Attachments: 2019-07-10.EEC JR Speier Schultz Frankel to [REDACTED]-DOJ re Acosta Investigation.pdf
Importance: High



Good morning,

I have one last request for an expedited log into IQ as I am preparing the response for OLA AAG ([REDACTED] signature). Can the attached incoming pls be entered as soon as possible? My apologies if this is already in the process of being controlled. Many thanks!

Best,
[REDACTED]

From: [REDACTED]
Sent: Friday, July 19, 2019 10:07 AM
To: [REDACTED]
Subject: FW: Letter attached

My apologies....

From: [REDACTED]
Sent: Thursday, July 18, 2019 4:37 PM
To: [REDACTED]
Subject: Letter attached

Hi [REDACTED]

Would you please review and ready the attached letter for signature in a folder? Looking to get this to [REDACTED] tomorrow morning if possible.

Thanks!
[REDACTED]