

## LETTER TO EDITORS REGARDING EDITORIAL “The Cowardly Labor Secretary”:

Your editorial dated March 1, 2019 is riddled with factual errors and conclusions that were in profound conflict with the reality as we knew it. The underlying premise that the leadership of one of the largest United States Attorneys Offices in the country – the Southern District of Florida – including not only the then United States Attorney Alex Acosta but experienced senior prosecutors in his office would “capitulate” and surrender legitimate federal prosecutorial interests because Jeffrey Epstein had a legal team of “high priced” defense counsel was categorically denied in a column authored by the Southern District’s then First Assistant Jeffrey H. Sloman which appeared in the Miami Herald on February 15, 2019. Mr. Sloman correctly represented that the case against Mr. Epstein was at its core a quintessentially local case meaning that it lacked the credible and compelling proof that is required by federal criminal statutes. He also correctly represented that the Government achieved its principal objective – a felony plea, incarceration, millions of dollars in restitution and monetary settlements, and lifetime sex offender registration through its Agreement with Mr. Epstein.

What your editorial also entirely omits is that the Agreement between Epstein’s counsel and Mr. Acosta’s United States Attorneys Office was reviewed at multiple levels of the Department of Justice i.e. at the highest levels of Government. Both the DOJ Criminal Division and its Deputy Attorney General endorsed the exercise of discretion by Mr. Acosta and his United States Attorneys Office. To mischaracterize the Agreement as an act of “capitulation” needing “accountability” is profoundly at odds with reality. Yes, both sides worked towards an Agreement not trial. That is how over 96% of federal cases get resolved, through negotiations by two teams of experienced professionals.

That the guilty plea was in state not federal court reflected the absence of evidence that Mr. Epstein used the internet, traveled to a location away from his home for the purpose of having illegal sex, commercially trafficked women to others, engaged in force, fraud or coercion, used drugs or alcohol to entice young women who came to his house to exchange sexual massages for money, possessed child pornography, or in other ways violated the federal law. At its essence, the offenses being investigated in 2007-8 (the payment of money to young women for sexual conduct) were within the heartland of state criminal law, traditionally prosecuted by state prosecutors, and, by contrast, would, if federally prosecuted, been at or outside the

boundary of any precedent that would have supported federal criminal charges.

Factually, your claims regarding the number of young women involved in the investigation was vastly exaggerated, there was no “international sex-trafficking operation”, and there was never evidence that Mr. Epstein “hosted sex parties” at his home. Mr. Epstein did periodically invite scientists to converse at his home. To the extent one and only one of the young women involved in the investigation claimed she was “loaned” to academics and public figures, the others have when accused categorically denied the allegation. There was even an allegation made by the same source that President Clinton and Vice President Gore were at Mr. Epstein’s residence in the Virgin Islands, an allegation that was not substantiated by the Secret Service.

Finally, Mr. Epstein has gone to prison and made enormous monetary settlements relying on his negotiated Agreement. He is as entitled to finality as every other defendant. The contention made by two of the young women – each one relied on the Agreement to further their monetary damage claims and then entered settlements that fully satisfied their claims - - that a violation by the Government of the Crime Victims Act (CVRA) would extinguish the rights of Mr. Epstein who as a citizen had no obligations under the CVRA, who fully performed his contractual obligations, and who is entitled by constitutional law to have his Government honor its promises just like every other citizen or company that enters plea agreements – or non-prosecution agreements – is a matter that will be litigated in court and not in the media. That is why Mr. Epstein’s counsel have been silent until today, because of their respect for the legal system and their belief – that was sadly shown to be unwarranted by your editorial – that the facts would not be misrepresented or distorted in a paper such as yours.

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