

The Epstein Fiasco and the Flaws with Our Criminal-Justice System

The Jeffrey Epstein charges and all aspects of this case are terribly serious, and the case ramifies far beyond the deceased.

by Conrad Black



The death of Jeffrey Epstein is a tragedy at every level. Any suicide is a tragedy other than for people facing intolerable but just punishment for their crimes and for whom suicide is an easier course (Hitler was the most infamous, but recent terrorists and mass murderers are also in this category), or those incurably ill and suffering acute physical pain as well as mental anguish. It is, after all, murder, and a person

generally has a right not to be murdered, even by himself. The complete absence of a word of reflection on the human tragedy of an able-bodied man of apparently sound mind supposedly benefiting from a presumption of innocence is shaming. All we have heard is statements of vengeance and of resentment that Epstein had escaped justice. Though he was charged with terrible crimes, Epstein's life was not judicially in danger. There were, as the attorney general (William Barr) implied, likely sighs of relief or at least of hopefulness that some aspects of the story might be buried with him.

Sex (or any) slavery, exploitation of underaged people, and any sex not entered into by validly consenting adults are all obviously horrifying. The Florida prosecutor, Alexander Acosta, has been so fiercely criticized for the relatively gentle sentence he agreed to with Epstein (13 months in Palm Beach County jail but able six days out of seven to go to work during the day), that he had to resign as Labor secretary. But every legally experienced person knows that cases of this kind are difficult to prove, and Acosta said that the agreement he reached was fair. None of any of these questions about how strong a case the New York prosecutors had were ever raised.

And President Trump was wrong to have tweeted out scurrilous imputations about a connection between Epstein and President Clinton.

I was a prisoner in two low-security federal prisons in Florida for a total of three years (for offenses I have now been found officially not to have committed, as was always my contention). They were not like a metropolitan detention center, which is a maximum-security catchment for those accused of the most grievous crimes in a large city, awaiting processing. In such places as the one where Jeffrey Epstein died, neither the residents nor the so-called correctional officers can be relied upon to behave with any civility. It is scarcely possible to imagine a more depressing environment. But the circumstances of Jeffrey Epstein's death must include

official negligence, and for once the tin-foil hat brigade who claim he was knocked off at the behest of important people whom he could compromise deserves a better hearing than usual. The removal of the acting director of prisons is a start, but the entire bureau, like most of the American criminal-justice system, needs radical reform. It would be a surprising and unsought legacy if Jeffrey Epstein's death led to any professional elevation of the Bureau of Prisons.

The public should know why it took so long to get any more evidence than was revealed in Miami, and who else was complicit in it all, and where his large fortune really came from. Beyond this case, the media, which with rare exceptions has been obscenely complacent about the rotten structure of the American criminal-justice system, should lift the rock on the corrupt plea-bargain system that enables prosecutors to extort and suborn false inculpatory evidence with impunity to achieve a success rate of over 90 percent of cases, and in more than 90 percent of them without a trial, so impossible are the chances of success for a defendant, regardless of the facts. The Supreme Court slept through many terms, and the country dozed with it as the Bill of Rights guarantees of due process, no seizure of property without just compensation, access to counsel, an independent grand jury, impartial jurors, prompt justice and reasonable bail have all been shredded. The great crusading liberal media have been silent witnesses to the greatest crime of all, of the rights of Americans.

At the same time the dangerous trend to a justice system of mere denunciation must be reversed. Not only is due process a fraud because of the loaded odds in favor of prosecutors, but there is no due process for anyone. The feminist and ultra-feminist lynch mobs make the Red Queen seem like the Solomonic head of the ACLU. The prominent and urbane television interviewer Charlie Rose was accused by eight women of improper conduct well short of sexual assault, in professional

circumstances and over a period of years, on Nov. 20, 2017, in a letter to the *Washington Post*. The next day, after a whirlwind "investigation," he was fired by CBS and other employers and in the following weeks the number of plaintive women swelled to 50, giving new definition to the movement-name "Me Too."

I did not care for Senator Al Franken politically and thought he stole his election from Norm Coleman in Minnesota in 2008. But he was deserted by his colleagues in a day and hounded from his high office because of an old photograph showing his hands over the breast of a sleeping beauty queen. He didn't touch her (though she claimed that he groped her bottom on another occasion), and she wasn't aware of the photograph until later. He now says he has suffered depressively since. He was an opinionated and often nasty leftist and should have been made of sterner stuff, and should have told his accusers in the Congress to try to make a case for removal by recognized norms and at least fought it out. That he did not does not whitewash the process. In his case, the woman, Leanne Tweeden, is an impressive person, but there was no justice for Senator Franken, no process at all, let alone due process.

The Jeffrey Epstein charges and all aspects of this case are terribly serious. They require thorough exploration, and the attorney general has promised to unearth everything underneath what is known and alleged. This case ramifies far beyond the deceased and his alleged victims and accomplices. The United States is threatened by lynch-mob denunciation-justice compounded by media cowardice and complicity, legislative torpor, and a fundamental lack of any sense of human decency. This is a menace to American civil society and to the status of the United States as a society of laws.

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