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**From:** J [jeevacation@gmail.com]  
**Sent:** 12/6/2018 10:25:30 PM  
**To:** Steve Bannon [REDACTED]  
**Subject:** Re: Alex Acosta update | Power Line



<https://www.miamiherald.com/opinion/op-ed/article222705765.html>

On Thu, Dec 6, 2018 at 5:17 PM Steve Bannon [REDACTED] wrote:

Begin forwarded message:

**From:** Robert Grusky [REDACTED]  
**Date:** December 6, 2018 at 3:52:15 PM EST  
**To:** Steve Bannon [REDACTED]  
**Subject:** Alex Acosta update | Power Line

<https://www.powerlineblog.com/archives/2018/12/alex-acosta-update.php>

## Alex Acosta update

Earlier this week, pedophile Jeffrey Epstein [bought his way out](#) of a lawsuit that would have given some of his victims the opportunity to testify about his predatory and criminal conduct. Victims never got that opportunity when Epstein faced criminal charges, because Alex Acosta — then the lead prosecutor, now the Secretary of Labor — [let Epstein off](#) with a ridiculously lenient sentence. Despite having committed hideous sex offenses with dozens of minors, Epstein received a sentence of 13 months in jail, during which he was often free during the day.

Epstein's decision to buy his out of the civil lawsuit, one that he had the nerve to initiate, benefits Acosta. The trial would have provided non-stop headlines, coupled with frequent references to the sweetheart deal Acosta gave him. As [Randy Schultz](#) puts it, the trial would have been the occasion for a long overdue public shaming of Acosta. Now, he avoids this consequence.

But this doesn't mean Acosta is out of the woods. He faces calls for his ouster from the Trump cabinet.

Some calls are from the usual suspects. [Michelle Goldberg](#) of the New York Times has written a piece so obnoxious that it almost makes me want to see Acosta ride out the storm.

But some conservatives are also advocating Acosta's departure. [Concerned Women for America](#) is a stalwart conservative organization. It describes itself, accurately, as "focus[ed]

on seven core issues: the family, the sanctity of human life, religious liberty, education, **sexual exploitation**, national sovereignty, and support for Israel.” (Emphasis added)

Its leader, Penny Nance, has [called for Acosta’s resignation](#). Noting that labor trafficking, which the Labor Department combats, is often conjoined with sex trafficking, Nance says that President Trump would not have nominated Acosta if reports fully describing Acosta’s conduct in the Epstein case had emerged earlier.

Sen. Ben Sasse has also [weighed in](#). He sent a letter to the Justice Department asking it to investigate its treatment of Epstein, including the fact that the plea deal ensured that victims of the pervert would be denied the ability to comment on or object to the leniency of his sentence. Sasse is chairman of the Senate Judiciary Committee Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts.

Sen. Marco Rubio, a longtime supporter of Acosta, [says](#) it would be “very troubling” if political influence led to a light sentence for Epstein. In Rubio’s view, and that of every rational person, Epstein “should have been in jail for a long time.” Rubio added, however, that he will reserve judgment until he hears Acosta’s side.

That’s fair. But so far, Acosta has provided no real defense for letting Epstein off so lightly. In public, at least, he is standing by his argument that the deal was a reasonable one and that this is old news.

Previously, Acosta had a different defense. [He cited](#) “a year-long assault on the prosecution and the prosecutors” by “an army of legal superstars” who represented Epstein. This allegedly included “defense counsel investigat[ing] individual prosecutors and their families, looking for personal peccadilloes that may provide a basis for disqualification.” In this account, the deal was made to relieve the pressure, while still getting a conviction.

Acosta could hardly assert this explanation — i.e., that he wimped out — while seeking a cabinet position with the expectation of being appointed to more exalted jobs in the future. Nor is the explanation particularly plausible. Acosta isn’t the first prosecutor to face a scorched earth defense. Ask Ken Starr about this.

I don’t doubt that Acosta regarded escaping the wrath of the defense team as a benefit of reaching the plea deal. But I don’t believe this was incentive enough to cause him, in effect, to throw the case.

What was the true incentive? As I [wrote](#) when this story broke, I think it was the same incentive that explains much of his conduct in public life — Acosta’s desire to accommodate people he thinks can help him down the road.

Which people? Probably the lawyers at Kirkland and Ellis, where Acosta had once worked. Epstein enlisted Ken Starr\* and Jay Lefkowitz, both of Kirkland, for his defense team. Acosta reportedly worked out the terms of his surrender with Lefkowitz, a former colleague, at a meeting in a location far away from the prosecutor’s office.

The location of the meeting is itself suspicious. Prosecutors and other law enforcement officials normally demand that those seeking a deal come to them.

The fact that Acosta didn't is another sign — if one were needed — that this was a capitulation. It also casts further doubt on the claim that Acosta was capitulating for the purpose of sparing the folks who worked with him in the prosecutor's office.

The key point, though, is that Ken Starr and Jay Lefkowitz were power players in Washington — men who might help Acosta down the road.

Readers will be quite familiar with Starr's background. Lefkowitz was director of cabinet affairs and deputy executive secretary to the domestic policy council under President George H.W. Bush. Under President George W. Bush, Lefkowitz served as general counsel in the Office of Management and Budget and later as deputy director of domestic policy at the White House.

Accommodating such influential figures must have seemed like a good career move. Having Starr and Lefkowitz on his side might help Acosta get a judgeship, a cabinet appointment, or a high-paying job back at Kirkland and Ellis.

I'm speculating, of course. But my speculation finds support in Acosta's practice of accommodating the powerful.

Much of that accommodation is of Democrats. Indeed, at the time Acosta was working in Miami as a U.S. Attorney, he had alienated some Republicans by [such accommodation](#) while at the Department of Justice. Some say he was on the verge of being fired when Attorney General Alberto Gonzales [parachuted him to Miami](#). The Epstein settlement was a way for Acosta to shore up his standing with some influential Republicans.

Will Acosta be able to survive the current scandal? I don't have a clear sense about this yet. But President Trump, who isn't bashful about sacking cabinet members, may come to believe (if he doesn't now) that it's disadvantageous to have a cabinet member who sold out teenage victims of sexual abuse, especially when the sell-out benefited an ultra-wealthy serial offender.

\* Some on the left are trying to make something of the fact that Starr, who had investigated Bill Clinton in connection with sexual misconduct, later defended Epstein, a pervert. This is silly.

In both instances, Starr was doing his job as a lawyer. Perverts are entitled to a defense and there is nothing hypocritical about investigating Bill Clinton's misconduct when that was Starr's job and later joining the team that was defending Jeffrey Epstein.

Acosta, by contrast, was on the team seeking justice for Epstein and for his victims. He gave up this quest for reasons that can't be defended.

| Sent from my iPad

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