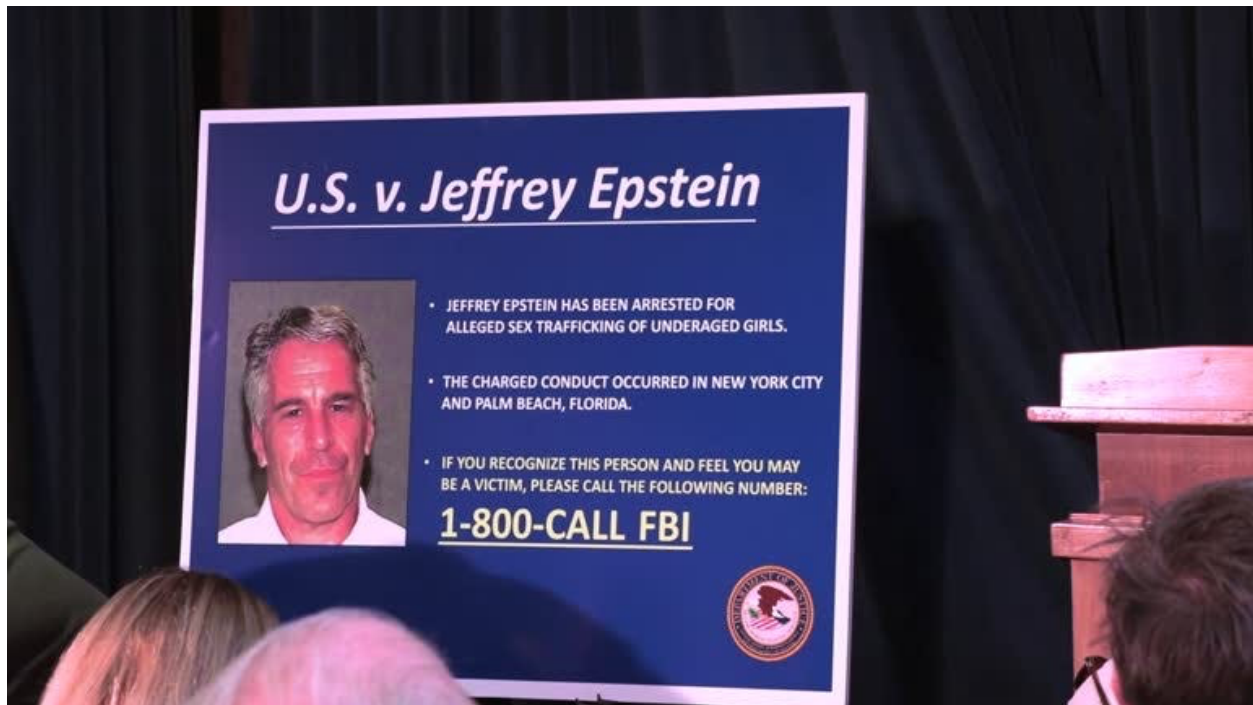


The Insane Multitude of Misconceptions About the Epstein Case

[MICHAEL TRACEY](#)

JUL 26, 2025



There's an absolutely enormous amount of material in the public record related to the matter of Jeffrey Epstein.

Quantifying the total number of court records produced throughout 15+ years of voluminous civil and criminal action might not even be mathematically possible, but a dedicated connoisseur could probably devote the next six months to reading every page, and still be far from the finish line. If you really want, you can study the lengthy reports on Epstein's ties with [Harvard](#) and [MIT](#), or an extensive DOJ Inspector General [report](#) on Epstein's death in federal custody. Questions as to the sources of Epstein's wealth are fair enough, but most of the people who menacingly ask such questions don't appear to have ever bothered reading the copious information that's already accessible to anyone with an

internet connection. There's a [report](#) on billionaire Leon Black's connections to Epstein that one may view on the SEC website. Likewise, one can also easily read a [report](#) on Epstein's financial relationship with billionaire Leslie Wexner. Do these reports necessarily contain the truth, the whole truth, and nothing but the truth? Of course not. Should we assume they are absolutely 100% comprehensive, and reflect every possible detail that could ever be discovered? No, that'd be silly. But so many of those who clamor the loudest for Epstein disclosure seem totally uninterested in evaluating what's already been disclosed. They'd rather sit around listening to three-hour podcasts with failed comedians pulling stuff out of their ass.

If there is one report I would most implore people to read, it would be the Department of Justice Office of Professional Responsibility [report](#), published November 2020. I admit I hadn't read this in full until the epic Summer of Epstein meltdown these past few weeks. So many findings in the report are absolutely incredible in how manifestly they contradict central tenets of the dogma people have constructed around Epstein. When the report was first published, just after the 2020 presidential election, all the ensuing media headlines were practically identical:

DOJ review finds Alex Acosta used 'poor judgment' in Jeffrey Epstein deal

By Kara Scannell

🕒 4 min read

Updated 5:00 PM EST, Thu November 12, 2020



AXIOS



Nov 12, 2020 - Politics & Policy

DOJ finds Alex Acosta exercised "poor judgment" in Epstein plea deal



Shawna Chen



Justice Dept.: 'Poor judgment' used in Epstein plea deal

BY MICHAEL BALSAMO AND ERIC TUCKER

Published 10:07 PM EDT, November 12, 2020



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Jeffrey Epstein's Former Prosecutors Used 'Poor Judgment' In Deal, DOJ Says

NOVEMBER 12, 2020 · 5:56 PM ET



Jaclyn Diaz

I'm willing to bet that not a single one of these journalists or headline-writers read the entire 348 page report before blasting out their bite-sized summations, which of course were largely framed to cast maximum aspersion on Trump, whose first-term Labor Secretary, Alex Acosta, was deemed to have shown "poor judgment" in his handling of Epstein's federal plea agreement in 2007-2008, when Acosta was the US Attorney in South Florida.

It's true that the report does find Acosta responsible for "poor judgment" stemming from his determination that the federal interest in the Epstein matter could be satisfied by a Non-Prosecution Agreement, whereby Epstein would plead guilty to two state-level prostitution charges, serve a prison sentence, register as a sex offender, and agree to a mechanism for providing monetary damages to a certain class of individuals designated by the government as "victims." The report faults Acosta for being excessively concerned about questions of federalism (given that the Epstein prosecution originated locally in Palm Beach, creating various arcane jurisdictional issues) and structuring the

agreement in such a way that caused inadequate oversight of Epstein's sentence, which was deferred to under-resourced state authorities in Florida.

At the same time, Acosta is absolved of any "improper" conduct because investigators conclude "the decision to pursue a pre-charge resolution was based on various case-specific legal and factual considerations." These "factual considerations" represent perhaps the biggest gaping hole in the public understanding of the Epstein saga. If the entire US population were made to sit through a compulsory recitation of these "factual considerations," attitudes would change dramatically, overnight.

While the default popular supposition, informed by lazy and hysterical media narratives, is that Acosta did not more aggressively prosecute Epstein because he was swooned by Epstein's wealth and status, intimidated by Epstein's purported ties to "intelligence," or for other similarly nefarious reasons, the more banal but reality-based explanation is that prosecutors perceived massive legal and evidentiary obstacles to actually convicting Epstein at trial. "You had a tranche of witnesses who were not going to be reliable," one of the prosecutors, Jeffery Sloman, explained. "You had a tranche [of] witnesses who were going to be severely impeached. People who loved Jeffrey Epstein who thought he was a Svengali . . . who were going to say I told him I was 18 years old." Even the female prosecutor in Acosta's office who lobbied most aggressively to indict Epstein, Marie Villafaña, told OPR investigators that some of the purported Epstein "victims" she identified "wanted him not to be prosecuted at all." Another seemingly daunting evidentiary hurdle was that some of the government-designated "victims" had "made statements exonerating Epstein."

Amazingly, some of these "victims" were actually collaborating *with Epstein* against the government by passing information to Epstein's attorneys in hopes of stifling prosecutorial action. One "victim" had explained to the FBI that she "did not in any manner view herself as a victim," but still received a "victim notification letter" from the DOJ.

The “serious evidentiary challenges” documented in the 2020 OPR report were further illuminated when in July 2024, long-awaited records were unsealed from the Palm Beach District Attorney’s original investigation of Epstein. Here is the lead detective on that case, Joe Racarey, answering questions before the Grand Jury on July 19, 2006:

17 Q. Did any of the girls ever tell Jeff Epstein
18 that they were under 18?
19 A. Not to my knowledge.
20 Q. And some of them affirmatively lied and
21 said they were 18 when they were not, didn't they?
22 A. Correct.

Grand Juries can famously “indict a ham sandwich” if prosecutors really want them to, but in the Palm Beach case, grand jurors were told that some witnesses and/or “victims” were refusing to talk to police, and saying things like “I love Jeffrey, I’m not testifying against him.”

4 MS. BELOHLAVEK: And there are other
5 girls that refuse to talk to you?
6 THE WITNESS: Right.
7 MS. BELOHLAVEK: I love Jeffrey, I'm
8 not testifying against him.
9 THE WITNESS: Right.
10 A JUROR: One question. Didn't you
11 say that the place in Palm Beach has the
12 residence under surveillance?

One witness and/or “victim” indicated that she was more harmed and embarrassed by the prosecution itself than by her interactions with Epstein -- maintaining that her life was going well until she’d received a Grand Jury subpoena two days earlier. She said she would be extremely embarrassed to have to publicly testify about her dealings with Epstein, which included receiving cash for sexualized massages:

3 A JUROR: And would you testify
4 against him for what he has done and the
5 wrong he has done?
6 THE WITNESS: No. Because I would
7 like to put it behind me for the most part.
8 I was successful until about 2 days ago.
9 MS. BELOHLAVEK: Yes, ma'am?
10 A JUROR: Yes. So the reason that
11 you don't want to testify is more just
12 because of personal embarrassment?
13 THE WITNESS: Yes.
14 A JUROR: Okay.

It was only after the civil litigation floodworks opened years later that the wild, lurid theories we’ve all come to know and love started to emerge. The same person who had previously told the FBI that she did not view herself as a victim, who had expressed the opinion that “nothing should happen to Epstein,” and had specifically told prosecutor Villafaña that “she did not want Epstein prosecuted,” later switched attorneys and became a “Jane Doe #2” in civil litigation, positioning herself (and her attorneys) for a large financial payout.

It was this same sequence of litigation, in which purported victims claimed they were entitled to monetary damages under the Crime Victims' Rights Act (CVRA), that eventually spawned the grandiose child sex-trafficking claims — but only years after the fact, when serial fabulist Virginia Giuffre filed a scandalous motion for joinder in December 2014, alleging that she'd been sex-trafficked as a minor to Alan Dershowitz, Prince Andrew, unnamed “Presidents and Prime Ministers,” and a host of other prominent individuals. Giuffre eventually had to recant her false allegations against Dershowitz, and also left a long trail of other confabulations — but before she burst on the scene, at least as relates to the Florida case that produced the so-called “sweetheart deal” for Epstein, there was no inkling anywhere that any female engaged in any sexual acts with anyone other than Epstein himself — much less that minors were being elaborately “trafficked” to entrap and blackmail powerful politicians and celebrities.

“None of . . . the victims that we spoke with ever talked about any other men being involved in abusing them. It was only Jeffrey Epstein,” according to Marie Villafaña, the female prosecutor in Acosta's office who was the most aggressive in advocating for a vigorous prosecution of Epstein. Amazingly, a 2017 declaration from a female FBI agent in the CVRA litigation stated, “During interviews conducted from 2006 to 2008, no victims expressed a strong opinion that Epstein be prosecuted.” Somehow not a single one of these “victims” who we're now led to believe were ensnared in history's most notorious child sex-trafficking ring gave any contemporaneous indication that they had any “strong opinion” that Epstein needed to be stopped and/or punished. Not a single one of them (at least before the financial awards became available) evinced any strongly-felt determination to save other “victims” from Epstein. Instead they were relatively apathetic, often seeming more troubled by the prosecution itself and the public embarrassment they could face as a result, than by the harms purportedly inflicted on them by Epstein.

The latter-day mythologists have come to focus on a particular provision of the federal Non-Prosecution Agreement which they maintain is absolute proof that there was something deeply wicked going on. And it's true that the provision

was unusual, although not entirely unheard of. The agreement provides that four named female associates of Epstein, as well as "any potential co-conspirators," would be immunized from any future federal prosecution stemming from Epstein's criminal conduct. The "potential co-conspirators" are assumed by mythologists to be Epstein's rich and powerful accomplices, like Bill Clinton or Bill Gates or Donald Trump, to whom Epstein supposedly trafficked minors, surreptitiously filmed in illicit sexual encounters, and then blackmailed.

But as usual, the reality-based explanation is much more banal. Some of the "potential co-conspirators" in the crimes for which Epstein might have been federally charged could have included the purported *victims*, meaning teenage girls who recruited other teenage girls to go to Epstein's house in Palm Beach and provide him with "massages" in exchange for cash. At least one of the "victims" actually wanted another "victim" to be prosecuted, more than they ever seemed to want to prosecute Epstein. As the OPR report discloses, an "FBI agent's notes for one victim's interview reported that she wanted another victim to be prosecuted."

There's just no evidence anywhere that anyone who was contemporaneously involved with the 2007-2008 Florida prosecution had any notion that Epstein's "potential co-conspirators" could be anyone other than either the *victims themselves* or his low-level female staff and associates, who could be said to have "conspired" with him by placing phone calls to the teenage girls, facilitating transportation of the girls, or performing some other mundane task in furtherance of the girls providing "massages" to Epstein. The report states: "Although later press coverage of the Epstein case focused on Epstein's connection to prominent figures and suggested that the non-prosecution provision protected these individuals, Sloman told OPR that it never occurred to him that the reference to potential co-conspirators was directed toward any of the high-profile individuals who were at the time or subsequently linked with Epstein."

Another of the federal prosecutors, Andrew Lourie, "posited that victims who recruited other underage girls to provide massages for Epstein 'theoretically'

could have been charged as co-conspirators. He told OPR that when he saw the provision, he may have understood the reference to unnamed ‘co-conspirators’ as ‘a message to any victims that had recruited other victims that there was no intent to charge them.’”

Ironically, the Epstein mythologists who scream on social media and vegetate in front of podcasts have been convinced that this provision was inserted to protect Epstein’s pedophilic sex-trafficking partners, but everything in the record indicates the diametric opposite — it was understood to have principally immunized purported “victims,” in addition to Epstein’s young adult female assistants, who nobody thought it’d be worthwhile to prosecute. (The government ultimately ended up tossing the agreement in the trash anyway, and charged Ghislaine Maxwell in 2020 for being a co-conspirator of Epstein, who was by then deceased.)

This again gets to a core reason why Acosta and his colleagues were motivated to secure a plea arrangement with Epstein, rather than go to trial. Due to evidentiary and jurisdictional problems, they thought there was a perilously high chance that they would actually *lose*, Epstein would be acquitted, and then he’d face no punishment at all. Acosta conceived of his role as federally interceding only to provide a “backstop” for the state-level prosecution, which was understood to be going nowhere — in part, yes, due to the extremely high-powered and high-profile defense attorneys that Epstein had the resources to retain. And so eliciting a state-level guilty plea was seen as a viable option to ensure Epstein faced some measure of penalty. His high-powered attorneys vehemently argued for a resolution whereby Epstein would not need to register for life as a sex offender, but failed. Epstein *did* have to serve some term of incarceration, even though, yes, he was able to use his extremely expensive representation to obtain relatively permissive accommodations from the Palm Beach authorities. And then he did have to acquiesce to a convoluted process for settling civil claims with purported “victims.” Conversely, moving forward with a federal indictment of Epstein would’ve been a “crap shoot,” according to one DOJ specialist in child exploitation matters who was brought in from DC to work on the case. “If we took this case to trial, would we risk losing

everything,” another prosecutor said. Virtually all who worked on this matter in 2007-2008, even if they strenuously believed that Epstein *should have* been federally prosecuted, seems to acknowledge there were potentially fatal evidentiary hurdles that could've enabled Epstein to actually prevail at trial, especially given the Dream Team of lawyers he had at his disposal — one of whom, Dershowitz, had recently gotten an acquittal for OJ Simpson!

The dead giveaway that almost no one has ever bothered to read this OPR report, especially in Podcaster La La Land where the existence of pedophilic sex-trafficking and blackmail has already been established beyond a reasonable doubt, is that the report has Acosta directly disclaiming (under oath, and under penalty of perjury) that he ever had any knowledge that Epstein was an “intelligence asset.” It’s the only known declaratory statement Acosta has made on this matter — but almost entirely unknown among social media personalities who fervently screech about an Epstein “coverup” that’s now allegedly being perpetrated by... Donald Trump. Instead, they all recite in unison the same [triple-hearsay quote](#) that’s become like a weird religious incantation for these people: that Acosta was purportedly told that Epstein “belonged to intelligence”, and Acosta should therefore “leave it alone.” The actual source of that quote was almost certainly Steve Bannon spreading speculative gossip, like he always does — except when you ask him about his [hidden Epstein interview footage](#). Even if one wants to credit the provenance of that quote as *potentially* legitimate, to just completely ignore countervailing evidence that is directly and unambiguously attributable to Acosta is 100% emblematic of how the Epstein mythologists operate.

Just for the record, no, I am not claiming that Epstein never did anything objectionable. I am not “defending” his unsullied moral reputation. The evidence does suggest he supplied himself with a rotating cast of teenage girls, enticed by the allure of quick cash, for regular “massages” that featured varying degrees of sexualization. Some of the girls were probably under 18, and even if they did lie about their age, that’s generally no defense for a 50-something year old man. Even among the girls who *were* of age, I can imagine most fathers

strongly counseling their 18 or 19-year-old daughters not to get involved in such activities.

Still, it's amazing how many misconceptions and mythologies one can unravel about this whole affair simply by examining the available facts and evidence, employing some dispassionate reasoning, and ignoring the trolls who want to vindictively impute some foul motivation for doing so. People tweet me all day and night, alleging that Donald Trump is currently in the throes of a gigantic pedophilia scandal. Or that I'm now compromised by Israel. Speaker Mike Johnson terminated legislative business this week and prematurely adjourned the House of Representatives ... because of Epstein. If the entire political and media world is going to be engulfed in a mania that I rationally regard to be at least 90% divorced from reality, and I'm in a position to provide some measure of a corrective, that's what I'm going to do!