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Subject: Barr Seized on Epstein Case as Doubts Mounted About Justice Dept.

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Barr Seized on Epstein Case as Doubts Mounted About Justice Dept.

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By Katie Benner
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Attorney General William P. Barr was at home in his study, working on a speech, when the call came from his chief of staff: Jeffrey Epstein, the financier accused of sex trafficking who had connections to an array of political power players, had died in federal prison.

Mr. Barr immediately knew that he would be engulfed in a scandal. The prison had promised to keep Mr. Epstein under constant surveillance until he could be tried on charges of sexually abusing dozens of underage girls. With his accusers now robbed of their day in court, the Justice Department, which oversees the Bureau of Prisons, looked incompetent at best. And as Mr. Barr scrambled for answers, unfounded conspiracy theories took root, casting an additional pall over the matter and threatening the public's faith in the department.

Over multiple briefings an hour, Mr. Barr spent that Saturday angrily grilling his deputies. He directed the F.B.I. to investigate Mr. Epstein's apparent suicide and the department's inspector general to look for lapses in protocol. After the Bureau of Prisons confirmed the death and the F.B.I. inquiry that morning, Mr. Barr issued a statement, surprising officials who believed the bureau would have the last word. "Mr. Epstein's death," he said, "raises serious questions that must be answered."

Attorneys general rarely follow up on inmate deaths, but Mr. Barr has continued to bird dog the investigation into how one as high-profile as Mr. Epstein could have died in federal care, evidence of how serious the matter is for the Justice Department. This account of his search for answers is based on interviews with six people involved in the investigation into Mr. Epstein's death, most of whom spoke on the condition of anonymity to describe internal department discussions.

Mr. Barr is personally overseeing the four federal inquiries into the matter and is briefed on them multiple times a day. In less than two weeks, he suspended the two prison employees who guarded Mr. Epstein the night he died, transferred the warden and found a new permanent director for the Bureau of Prisons. He stayed apprised of the autopsy and was alerted that the coroner would officially rule the death a suicide. And federal prosecutors in New York have subpoenaed more than a dozen prison officials and employees as the fast-moving investigation into Mr. Epstein's death intensifies.

That a tabloid-ready scandal could present any danger to Mr. Barr, one of the most politically shrewd and influential Trump cabinet members, speaks to the swirl of unresolved questions surrounding Mr. Epstein's short time in prison and the intense public interest in the case, itself fueled by how poorly the department handled an earlier sex trafficking investigation into Mr. Epstein and by the conspiracy theories about the financier's powerful acquaintances, including President Trump and former President Bill Clinton, that festered even before he died.

“Bill’s skill set is to doggedly get to the bottom of facts and makes decisions based on them,” said Paul T. Cappuccio, a key adviser to Mr. Barr when he first served as attorney general under President George Bush. “For anyone to try to draw anything more political or conspiratorial from this situation seems unfounded.”

Mr. Barr’s close handling of the case also underscores the toll that a nearly three-year war on the Justice Department’s credibility — waged chiefly by Mr. Trump when he attacked the Russia investigation — has taken. Mr. Barr has publicly defended the coroner’s ruling of suicide, even as some of the public and Mr. Epstein’s own lawyers reject it. And in the wake of Mr. Epstein’s death, the president amplified a baseless conspiracy theory that his political enemies were involved.

“Public confidence in the independence and integrity of high-profile federal criminal investigations is giving way to wild-eyed conspiracy theories propagated by the president himself,” said Christopher Hunter, a fellow at the Atlantic Council and former F.B.I. agent and prosecutor who served in the Obama and Bush administrations.

Before Mr. Epstein died, Mr. Barr seemed to have put his greatest initial challenge as attorney general behind him. He had delivered the Mueller report on Russia to the public, one of the most politically divisive Justice Department investigations since Watergate. Accusations that he misrepresented the findings to benefit Mr. Trump had begun to fade from the public consciousness, and much of official Washington had moved on to new outrages and concerns.

Mr. Epstein’s death prompted an unexpected challenge to Mr. Barr’s credibility. The Justice Department has faced accusations that it mishandled an earlier investigation into the financier by making a deal in 2008 that allowed Mr. Epstein to elude federal charges and serve prison time from his office. It also shielded his six known co-conspirators. That deal led to the resignation last month of the labor secretary, R. Alexander Acosta, who had brokered the agreement while serving as United States attorney in Miami.

To quell renewed furor over the deal, the Justice Department opened an internal review. Prosecutors in Manhattan had also opened a new sex trafficking investigation, but Mr. Epstein’s connections with powerful figures all over the world prompted skepticism that charges would ever be filed. Even Mr. Barr had chance ties to Mr. Epstein: His old law firm, Kirkland & Ellis, had worked with Mr. Epstein on the Miami deal, and decades earlier, Mr. Barr’s father had hired Mr. Epstein to teach at Dalton, the elite private school in Manhattan.

But in July, Manhattan prosecutors charged Mr. Epstein with sex trafficking, putting the financier behind bars while he awaited trial. Thirty-three days later, Mr. Epstein, 66, was found dead in his cell.

From the moment he learned that Mr. Epstein had killed himself, Mr. Barr has been largely consumed by the inner workings of the prison where Mr. Epstein was housed, the Metropolitan Correctional Center in Manhattan.

Mr. Barr knew that Mr. Epstein — a high-profile and politically connected prisoner — could pose a problem, especially after he was found unconscious in his cell last month in a possible suicide attempt. But within a week, prison officials determined that he could be taken off suicide watch, and they assured the Justice Department that he would be monitored around the clock and be placed with a cellmate, whose presence could deter self-harm.

It is not clear whether “appropriate oversight from Justice Department leadership was brought to bear before Epstein committed suicide to make sure that the Bureau of Prisons was meeting its responsibilities,” said David Laufman, a former Justice Department official.

“The attorney general or the deputy attorney general’s office should have communicated directly and forcefully with bureau leadership to ensure that it was dedicating maximum resources and oversight to prevent Epstein from doing harm to himself,” Mr. Laufman said.

After Mr. Epstein killed himself, Mr. Barr moved to quell doubt that the department would seek justice.

He immediately determined that prison employees and the warden had broken protocol several times. Mr. Epstein’s cellmate had been removed. The employees overseeing him had stopped their regular checks into his cell the night he

died, even though prison supervisors and officials knew that he was to be constantly watched. And the prison had yet to officially determine whether he had earlier tried to commit suicide.

Mr. Barr put on leave the two employees who were responsible for watching over Mr. Epstein the night he died and moved the warden, Lamine N'Diaye. And when he asked Kathleen Hawk Sawyer last Friday to return to run the Bureau of Prisons — a job he had appointed her to in 1992, during his first stint as attorney general — she was impressed by the amount of detail he had gathered about Mr. Epstein's death and the conditions at the prison where he died, according to a person with knowledge of the conversation who was not authorized to share details.

Ms. Sawyer told Mr. Barr that she took the job in large part because she believed she would have Mr. Barr's support to make difficult decisions necessary to address the Epstein case and the bureau's continuing struggles with staff and funding shortages, prison violence and workplace discrimination issues at its 120 facilities, according to the person.

Mr. Barr has not shied away from publicly commenting on the Epstein case. Two days after the suicide, Mr. Barr said that "serious irregularities at this facility" demanded "accountability," and that the Justice Department would pursue Mr. Epstein's co-conspirators.

On Wednesday, Mr. Barr defended the coroner's report, saying that he had seen nothing to contradict it. And he said that the department could soon "report to Congress" a fuller picture of those irregularities and that the results had been delayed by witnesses who would not speak without union and legal representatives.

Mr. Barr unfairly painted the jail employees as uncooperative, said Eric Young, the president of the union that represents federal prison workers, adding that the department has refused to grant immunity to workers involved in the Epstein inquiry, which he said was typical in similar federal investigations.

But even as Mr. Barr closes in on a definitive account of the failings that led to Mr. Epstein's suicide, questions remain. The Bureau of Prisons has not yet said whether security cameras in the cell block showed anyone entering and leaving Mr. Epstein's cell in the hours before he died. And it is still not clear why the prison broke promises to regularly check on Mr. Epstein and keep him with a cellmate.