Title: Women and Crime - Three Essays

Author: Miss Helen Zimmerman and Ely Van De Warker, M.D.

Publisher: Read & Co

Date of Publication: 2020 (original publication 1873, 1875, 1876)

Pages: 68

Subject Index: None

Title: Virginia Giuffre – The Extraordinary Life Story of the 'Playtoy' who Pursued and Ended the Crimes of Millionaires Ghislaine Maxwell and

Pursued and Ended the Crimes of Millionaires Ghislaine Maxwell and Jeffrey Epstein

Author: Nigel Cawthorne Publisher: Gibson Square Date of Publication: 2022

Pages: 132

Subject Index: None

Title: The Lasting Harm - Witnessing the Trial of Ghislaine Maxwell

Author: Lucia Osborne-Crowley Publisher: 4th Estate/HarperCollins

Date of Publication: 2024

Pages: 324

Subject Index: None

Reviewer: Jocelynne A Scutt*

'Rarely is a woman wicked, but when she is, she surpasses the male.' These are the words of Caesare Lombroso, Italian psychiatrist recognised universally as the founder of criminology. In the late 19th century, when he conducted his research on male and female offenders, the discipline was known as criminal anthropology and drew parallels between contemporary criminals, primitive man (and woman), and 'creatures of the zoological world'. Biology and anatomy, including height, weight and bone structure, were central to Lombroso's calculations of what characterised people or 'made' people turn to crime. That the subjects of his study had 'turned to crime' was self-evident: a population incarcerated for offending was a

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ready-made 'criminal' population. Lombroso did not, however, fall into the pattern so often travelled by professional researchers in myriad fields, focusing on men to the exclusion of women. Albeit almost twenty years later, and a collaborative work with his doctoral student researcher, he followed *The Criminal Man (L'Uomo delinquent*, 1876) with *The Criminal Woman, the Prostitute, and the Normal Woman (La donna delinquent, la prostituta e la donna normale)*, coauthored by Guglielmo Ferrero in 1893.

The essays in *Women and Crime* pay tribute to Lombroso's work, Miss Helen Zimmerman in 'Criminal Woman' observing that he and Ferrero were initially 'groping in the dark' through the 'difficulty of collecting' the 'pieces of mosaic' that ultimately revealed not only the criminality of women, but the characteristics that underpinned criminal women's profile. Similarly embracing Lombroso's recognition that researching crime and criminals required including women, in 'The Relations of Women to Crime' (in Parts I and II) Ely Van De Warker, MD, opines that the lesser numbers of women criminals does not make women more moral than men:¹

... it would be obviously wrong to assert that, because twelve women to one hundred men are convicted of assassination, women represent more than eight times the morality of men in relation to this one offense ... Woman's want of opportunity, the nature of her occupations, and the absence of the same degree of temptation, must all be taken into consideration in forming an opinion of the moral equivalent of women in connection with the crime ... [I]n the class of crimes I have selected, involving infanticide, poisoning, parricide, assassination, and murder, we find this ratio nearly doubled, being thirty to one hundred, it is evident that women's tendency to crime must be measured by some other standard than innate morality ...

In 'The Relations of Sex to Crime', his essay rounding off this slim volume, Warker concludes that the difference in nature (eschewing differentials in numbers for this analysis) of male and female crime (prostitution features heavily in the statistics attributed to women) is due at least in great part to feeling or sentiment:²

Man, whose activities are less confined within the area of domestic life, is more able to resist the action of the emotions ... [This] comparatively releases

¹ Ely Van De Warker MD, 'The Relations of Women to Crime – Pts I and II' in *Women and Crime*, pp 15–54, at 21–22.

² Warker MD, 'The Relations of Sex to Crime' in *Women and Crime*, pp 55–68, at 61.

man from the criminal tendencies which grow out of a violated emotional life, as the weaker hold these emotions have upon his conscious life ...

Just as the focus in Lombroso and Ferraro's work is on offenders rather than on those who fall victim to crime – disproportionately women,³ so too with Women and Crime. Reading these essays of historical note, originally published in The Popular Science Monthly of (respectively) December 1873, November 1875 and April 1876, leads to a reflection of how far criminology has travelled, particularly when women and crime come into the equation. The stereotyping conclusions of Lombroso, Ferrero, Zimmerman and Warker did take some time to dislodge, bearing in mind Otto Pollak's 1950 work, Female Criminality, but the explosion of feminist crime research and writing emerging in the 1970s provided an antidote.⁵ Feminist scholarship preceded and sometimes crossed lines with the development of victimology as a 'standalone' discipline in the field of crime. This confluence coincided with a feminist focus on women as victims/survivors of crime, which has a far longer history.6 Frances Power Cobbe's 'Wife Torture in England', published in *The Contemporary Review* of 1878, is recognised as a landmark, as is the half-century earlier exposure by Caroline Norton (victim/survivor of an abusive husband) whose work led to the Custody of Infants Act 1939.8 When she discovered that if she left the marriage to escape George Norton's violence the law gave her no right to take the children or to gain access to them: her husband

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³ That is, although more men than women are victims of crime overall, women are disproportionately victims if one considers their lesser likelihood of committing crimes: they commit fewer crimes, yet are too often victims of the crimes committed by men.

⁴ Otto Pollak, Female Criminality, Greenwood Press, 1950.

⁵ See Routledge collection (republishing a number of female crime books), Routledge Library Editions: Women and Crime - Book Series - Routledge & CRC Press (accessed 1 October 2024), and Routledge Library Editions: Women and Crime - 1st Edition - Various – (republishing five women and crime books in one volume) (accessed 1 October 2024).

⁶ Men are more often victims of beatings, bashings or 'roughing up' by other men: The nature of violent crime in England and Wales - Office for National Statistics (ons.gov.uk) (accessed 1 September 2024); Men are more likely to commit violent crimes. Why is this so and how do we change it? (theconversation.com) (accessed 1 September 2024); Crime in England and Wales, victim characteristics - Office for National Statistics (ons.gov.uk) (accessed 1 September 2024).

⁷ Frances Power Cobbe, 'Wife Torture in England', *The Contemporary Review* (1866–1900), vol 32 (April 1878), pp 55–58.

⁸ Custody rights and domestic violence - UK Parliament (accessed 1 October 2024); Custody of Infants Act of 1839 | COVE (covecollective.org) (accessed 1 October 2024).

possessed all child-rights,⁹ Norton became an intrepid campaigner. Toward the end of the 19th century, crimes including rape in marriage, child sexual abuse, and exploitation of women through sexual imposition were also in the forefront of women's campaigns. Josphine Butler, subjected to criticism by some in the 1970s/1980s¹⁰ as if ending child prostitution, raising the age of consent from 13 to 16 years, and waging a battle against sex trafficking was 'wowserism' or denial of a female right to agency, is rightly recognised for her women's rights-based, in other words feminist, achievements.¹¹

The victim/survivor perspective on crime has taken centre stage in contemporary activism, including the #MeToo movement, building on the now-fifty-years-ago activism of 1970s women's refuge campaigns and practice, 'Yes means Yes, No means No' rape law reform advocates and achievers, and campaigners against marital murder – now 'femicide' whose work positioned women's voice as elemental. Here, Nigel Cawthorne's *Virginia Giuffre – The Extraordinary Life Story of a 'Playtoy' who pursued and ended the crimes of millionaires Ghislaine Maxwell and Jeffrey Epstein*, is an attempt to view the notoriety of the Maxwell-Epstein story through the eyes of one of the young women used, abused and exploited by them. The conviction of Ghislaine Maxwell in December 2021, ¹² sentencing in June 2022 to twenty years, ¹³ and loss of appeal

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⁹ This was not confined to the United Kingdom: Henrik Ibsen's *A Doll's House* (also *A Doll House*), 1879 touches on the same lack of rights possessed by mothers of children born in wedlock. See Jocelynne A Scutt, 'When the Novel or the Play's the Thing – *Fin de Siècle* Meets Sex, Class, and Literary Ambition', *Synergies* – Journal of the University of Pisa, When the Novel or the Play's the Thing – "Fin de Siècle" Meets Sex, Class, and Literary Ambition | Synergies: A Journal of English Literatures and Cultures (edizioniets. eu) (accessed 23 June 2024).

¹⁰ Judith R Walkowitz, 'Male Vice and Feminist Virtue: Feminism and the Politics of Prostitution in Nineteenth Century Britain', pp 1–15, Male Vice and Feminist Virtue: Feminism and the Politics of Prostitution in Nineteenth-Century Britain on JSTOR (accessed 1 October 2024); Judith R Walkowitz, 'Women: Sex and Sexuality - Part 2', Signs, vol 6, no 1, pp 123–135.

¹¹ Jane Jordan, *Josephine Butler* (John Murray, 2001), Helen Mathers, *The Patron Saint of Prostitutes: Josephine Butler and a Victorian Scandal* (History Press, 2014); Jane Robinson, *Josephine Butler – A Very Brief History* (SPCK Publishing, 2020); Josephine Butler | Champion of Women's Rights | Blue Plaques | English Heritage (english-heritage. org.uk) (accessed 1 Octobert 2024).

¹² Ghislaine Maxwell: What next after guilty verdict? - BBC News (accessed 1 October 2024).

¹³ Ghislaine Maxwell sentenced to 20 years in prison for sex trafficking minor girls for Jeffrey Epstein | CNN (accessed 1 October 2024).

in September 2024,¹⁴ in recognition through the criminal justice system, confirms this pattern of criminality. The earlier conviction of Jeffrey Epstein effectively affirms Epstein's complicity (a 2006 report has him charged in Florida with 'multiple counts of unlawful sex acts with a minor', a 2007 Palm Beach grand jury returning an indictment of one count of soliciting prostitution, whereupon the FBI having become involved he eventually served time for lesser offences, with early release),¹⁵ as do civil settlements for damages or compensation – governed by

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¹⁴ Ghislaine Maxwell loses sex trafficking appeal - BBC News (accessed 1 October 2024) ¹⁵ See A Timeline Of Sex Offender Jeffrey Epstein's Convictions And New Allegations | HuffPost UK U.S. News (huffingtonpost.co.uk) (accessed 1 October 2024); Prosecutors worked to cut sex abuser Jeffrey Epstein a break | Miami Herald (accessed 1 October 2024). The Miami Herald reports that the investigation had access to young girls - minors as witnesses to Epstein's alleged conduct: 'In 2007, despite ample physical evidence and multiple witnesses corroborating the girls' stories, federal prosecutors and Epstein's lawyers quietly put together a remarkable deal for Epstein, then 54. He agreed to plead guilty to two felony prostitution charges in state court, and in exchange, he and his accomplices received immunity from federal sex-trafficking charges that could have sent him to prison for life. He served 13 months in a private wing of the Palm Beach County stockade. His alleged co-conspirators, who helped schedule his sex sessions, were never prosecuted. The deal, called a federal non-prosecution agreement, was sealed so that no one — not even his victims — could know the full scope of Epstein's crimes and who else was involved. The U.S. attorney in Miami, Alexander Acosta, was personally involved in the negotiations, records, letters and emails show.' It appears that the plea bargain resulted in 'trafficking' (a serious charge: Chapter 787 Section 06 - 2012 Florida Statutes - The Florida Senate (flsenate.gov) (accessed 1 October 2024); Human Trafficking Overview -Florida Courts (floourts.gov) (accessed 1 October 2024), which can be prosecuted under RICO - Racketeering Influenced and Corrupt Organizations law, state or federal: Statutes -Human Trafficking in Florida by Hannah Chisler - LibGuides at Ave Maria School of Law (accessed 1 October 2024)) being reduced to solicitation – a misdemeanour: Solicitation of Prostitution in Florida under Florida Statute §796.07 (2)(5)(a) (muscalaw. com) (accessed 1 October 2024). This charge ignores the minority status of the girls used by Epstein, and sees them as willing participants in the activity – which is contrary to the evidence and, in any event, 'consent' of a minor to sexual activity is no defence: the US term is 'statutory rape': statutory rape | Wex | US Law | LII / Legal Information Institute (cornell.edu) (accessed 1 October 2024). The plea bargain could be characterised, arguably, as a crime in itself: it labels young women, underage girls, as engaged in consenting activity in the prostitution trade, that is, as 'sex workers', 'prostitutes' or prostituted women. In Lasting Harm (4th Estate, 2024), Chapter 1 'New York City, 20210, pp 19–37, pp 29–31, Lucia Osborne-Crowley touches on this and the role of Julie Brown, investigative reporter with the Miami Herald, who pursued the Epstein case and to whom Osborne-Crowley attributes the fact that Epstein was finally arrested in 2019, and the trial

NDAs (non-disclosure agreements) with young women brought into the Maxwell-Epstein web. Cawthorne reports that following his death in custody in 2019, Epstein's estate has paid out a further \$121m to some 150 victim/survivors, atop earlier settlements that included, amongst others, Guiffre. Unfortunately the book is poorly edited with typographical errors and at least one sentence ending precipitately in the middle of the thought it seeks to convey. Guiffre's story is yet to be told with merit. Nevertheless, Cawthorne's recitation of the way in which she was brought into couple's snare conveys clearly the pattern adopted by Maxwell in inveigling young women to do her and Epstein's bidding for what turned out to be sexual favours dressed up in duplicitousness, deceit and betrayal as mentoring and philanthropy. In Guiffre's case, it was 'legitimate training' for a masseuse.

After a 'troubled childhood' (Cawthorne's words)¹⁷ where she is living on the street, abandoned by her family and having run away, she is picked up by a trafficker in his 'black stretch limousine'¹⁸ to be included in his stable of 'escorts'. She is thirteen years old.

Next, having escaped to a tirade of abuse, spent time in drug rehabilitation and hung-out with a boyfriend her own age, at fifteen she begins working a summer job at 'Donald Trump's Mar-a-Lago'. It is there that her path crosses that of Ghislaine Maxwell:²⁰

of Ghislaine Maxwell proceeding in 2021, to Brown's investigative skill, persistence and fortitude.

¹⁶ Virginia Guiffre (Gibson Square, 2022) p 7. This pattern is typical of sexual crimes against young – and sometimes older – women – see for example books relating to Harvey Weinstein and payments to silence women whom he allegedly raped or otherwise sexually importuned: Jodi Kantor and Megan Twohey, She Said: Breaking the Sexual Harassment Story that Helped Ignite a Movement (Bloomsbury Circus/Bloomsbury Circus/Bloomsbury, 2019), and Ronan Farrow, Catch or Kill: Lies, Spies and Conspiracy to Protect Predators (Fleet/Little, Brown & Company, 2019); see also Jocelynne A Scutt, 'Ronan Farrow, Catch and Kill: Lies, Spies and Conspiracy to Protect Predators, Fleet/Little, Brown & Company, London, 2019, Jodi Kantor and Megan Twohey, She Said: Breaking the Sexual Harassment Story that Helped Ignite a Movement, Bloomsbury Circus/Bloomsbury, London, 2019, Rose McGowan, Brave – A revealing and empowering memoir, HarperCollins, New York/London, 2018', Denning Law Journal, 2020, vol 32, pp 193–207.

¹⁷ Chapter 1 'A Troubled Childhood', Virginia Guiffre (n16), pp 9–13.

¹⁸ Chapter 2 'Exploited', Virginia Guiffre (n16), pp 14–21, p 14.

¹⁹ Chapter 4 'A Picture of Innocence', Virginia Guiffre (n16), pp 27–38, p 27.

²⁰ Chapter 4 (n16), p 28.

It started innocently enough in the summer of 1998. Juan Alessi, who ran billionaire financier Jeffrey Epstein's mansion in West Palm Beach, was driving Epstein's girlfriend and the 'lady of the house' Ghislaine Maxwell to the exclusive club. Suddenly, Maxwell cried: 'Stop!'

Alessi obeyed, Maxwell alighted, and 'this young girl who was coming down the ramp', 'probably fourteen or fifteen' was accosted:²¹

'She looked young. She had blonde hair and was wearing a white uniform like a nurse ... She was certainly underage and, in her white Mar-a-Lago uniform, looked ... a picture of child-like innocence.' The girl was Virginia Roberts who had just turned fifteen in August ...

To Guiffre, Maxwell was 'a good-looking woman in her late thirties ... [with] a "proper" English accent ... Virginia was taken by this "beautiful, well-spoken, well-mannered woman with an English accent, prim and proper ..."²²

Time and again, whichever story one reads of the young women – girls, really – taken into the Maxwell-Epstein circle, the 'proper' English accent is remarked upon. Oh, how class, wealth, affluence play into the wishes, hopes and dreams of the Maxwell-Epstein targets, all of whom harbouring the ambitions of youth - ambitions to become artists, novelists, actors, dancers – or, as with Guiffre, masseuse.

Back then, at Mar-a-Lago, coming down the ramp - Maxwell asks about the book Guiffre carries, learns it's reading up on the skills of massage. Says she knows 'a wealthy man who may have an opening [for training in massage] and offer[s] to introduce her ... He's got amazing abilities to help people out. That's what he likes to do ...'.²³ And this is how it begins.

Guiffre's father (with whom there has been a rapprochement) drives her to her first appointment with Epstein. There's a long, curved staircase. An 'enormous, spiky crystal chandelier' lighting the space at the top of the stairs, furnished with tables bearing photographs 'of beautiful women and young girls, some of whom [are] naked'. Yet Maxwell's 'casual conversation' (in that 'perfect' English 'upperclass' accent) canvassing Guiffre's 'day at work' and 'how had it been', 'set her at ease' so that she 'disregarded these contradictory signals'. After all, she was there to try out for her future, her career (as she believed it and had been told) as a

²¹ Chapter 4 (n16), p 28.

²² Chapter 4 (n16), p 29.

²³ Chapter 4 (n16), p 31.

²⁴ Chapter 4 (n16), p 31.

professionally trained specialist to serve 'this older gentleman who's looking for a travelling masseuse ... He's super rich. He flies around everywhere. If you want, you can come for an interview.'25

Epstein lies naked. Maxwell advises 'follow my lead' in learning the basics of massage in a session that continues for some forty minutes during which the conversation focuses on Guiffre's 'young life'. When she relates the abuse she has suffered at the hands of the trafficking predator and his cohort, Epstein 'makes light of it and says she was "a naughty girl', implicating Virginia in the abuse [and] adding casually [that] he liked naughty girls ...'²⁶

The 'training' session ends with Maxwell naked, Guiffre sexually imposed upon, and she being 'frozen' and 'trapped', but concluding 'it was all worth it ... for the future they promised':²⁷

'During all of this time, I'm kind of like wondering what's going on? ... How do I act? What do I say? I was so afraid ... Not afraid or fearful for my life but unsure of how all this started and wanting to obtain a profession. I was so afraid about upsetting and disappointing them ...'

As the story – and the exploitation – continues, well-known names appear. 'A Harvard professor'. ²⁸ Alan Dershowitz. ²⁹ John-Luc Brunel, MC2 model agency principal. ³⁰ Andrew Windsor of Buckingham Palace fame (or infamy). ³¹ Attorney Alex Acosta (by then Donald Trump's Secretary of Labor), ³² acting for Epstein in settling actions before Epstein was finally arrested for the second time, only to die in prison.

The replication of Guiffre's story, again and again and again and again, could fill days and days and days of any trial hearing, whether it be Epstein (had he lived) or Maxwell (who has).

Guiffre is not called as a witness in Maxwell's trial, which is covered masterfully by Lucia Osborne-Crowley in Lasting Harm – Witnessing the Trial of

²⁵ Chapter 4 (n16), pp 30, 32–33.

²⁶ Chapter 4 (n16), pp 35, 36.

²⁷ Chapter 4 (n16), p 37.

²⁸ Chapter 9 'Abortion and Sadomasochism', p 61.

²⁹ Chapter 13 'Virginia's First Victory', pp 90–95, p 93; Chapter 16 'The Real FBI', pp 105–114, pp110, 114.

³⁰ Chapter 12 'A Golden Cage', pp 82–89, p 84.

³¹ Chapter 10 'Belgravia', pp 66–74, 69–71; Chapter 12 (n30), p 88; and earlier 'Introduction', pp 5–8, p 8.

³² Chapter 16 (n29), p 120.

Ghislaine Maxwell. Osborne-Crowley, a journalist with legal training, sets out on flyleaves at the book's beginning a disclaimer:

The FBI declined to comment on the allegations made against them in this book.

preceded by a poem by Marie Howe, 'My Dead Friends' – whom she asks for their opinion 'when I'm weary and can't decide an answer to a bewildering question ... and the answer is often immediate and clear':³³

They stand in unison shaking their heads and smiling – whatever leads to joy, they always answer,

to more life and less worry...

I ask Billy if I should return the difficult phone call, and he says, yes. Billy's already gone through the frightening door,

whatever he says I'll do.

Osborne-Crowley has written in an earlier essay and volume, and in the Prologue to *Lasting Harm*, of her own struggles in dealing with abuse she suffered in training in a sport at which she excelled and in which she delighted, abuse at the hands of a gym teacher and, later, as a fifteen-year-old, raped by a stranger upstairs in a 'disused bathroom' at McDonalds:³⁴

It occurred to me that the thing that made me the sickest, the thing that made me suffer most, was the fact that I felt so compelled to hide what had been done to me. Because I believed it was all my fault.

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³³ My Dead Friends by Marie Howe - Poems | Academy of American Poets (accessed 1 October 2024).

³⁴ Lucia Osborne-Crowley, *I Choose Elena* (The Indigo Press, 2019); Lucia Osborne-Crowley, *My Body Keeps Your Secrets* (The Indigo Press, 2021), My Body Keeps Your Secrets by Lucia Osborne-Crowley | Goodreads (accessed 1 October 2024); 'Prologue', *Lasting Harm* (n15), pp 1–16, further at intervals through the book, and particularly Chapter 37, 'Oxfordshire, 2023', pp 321–324.

It was all my fault.

I believed it was all my fault.

Because I believed it was all my fault.

The mantra over and over and over. Women and young girls and children. At fault. To blame. *Because* ... Generated by and replicated in the myths strewn by Chief Justice Hale in the seventeenth century misogyny filling his *Pleas of the Crown*³⁵ whenever it comes to women raped or wed or both, and replicated by the High Court of Australia in *Longman v R*³⁶ - despite the fifteen-years-before scholarship of the California Court of Appeal in *People v Rincon Pineda*.³⁷ Women and young girls and children – false complaints, false complainants, liars all, and yet (this contradictory mix) to blame.

Osborne-Crowley challenges effectively the contention that once having been a victim/survivor of sexual abuse a person is unable to maintain objectivity. This contention arose specifically in the Maxwell case, a point raised with the trial judge after the trial's conclusion: one of the jurors had been a victim of child sexual abuse and had not disclosed this in his pre-trial juror questionnaire. Osborne-Crowley was the journalist who gained the scoop, for this experience and oversight were revealed to her in an interview she conducted with the juror post-trial. In *Lasting Harm*, Chapter 27 'New York, 2021', she canvasses the issues by reference to the judge's conclusions. Why should such an assumption arise? Why is the question asked? After all, if any woman (or man) were precluded from jury duty as a consequence of having been sexually importuned at any time in their lives – vast swathes of the female population (and a not inconsequential number of their male counterparts) would be eliminated, denied the right to sit as a juror in trials of their peers.

Osborne-Crowley sets out the reasoning, worth repeating.

As, on 1 April 2022, she listens, abed at 11pm in London, sitting in New York the court hands down its juror judgment. Commencing with the reflection that

³⁵ Item Information | Pleas of the crown, or, A brief but full account of whatsoever can be found relating to that subject by Sir Matthew Hale. | Early English Books Online | University of Michigan Library Digital Collections (umich.edu) (accessed 1 October 2024). First published 1636 and reprinted up to the present day: The History of the Pleas of the Crown: In Two Volumes - Matthew Hale - Google Books (accessed 1 October 2024).

³⁶ Longman v R [1989] HCA 60; (1989) 168 CLR 79 (6 December 1989) (austlii.edu.au) (accessed 1 October 2024).

³⁷ People v. Rincon-Pineda - 14 Cal.3d 864 - Thu, 07/31/1975 | California Supreme Court Resources (stanford.edu) (accessed 1 October 2024).

she – Judge Nathan – had presided over a murder trial where a juror was not 'struck for cause' despite having had a family member murdered:³⁸

So, too, victims of fraud serve faithfully in fraud trials and individuals who have been discriminated against serve fairly in discrimination cases. And survivors of rape have and can serve impartially in trials charging the crime of rape ...

The juror at issue, in questioning by Judge Nathan, established through questioning 'even in the light of his past experience of sexual abuse ... that he too could serve fairly and impartially'. Hence:³⁹

... the critical question, as for any juror, is whether the juror has the ability to decide the case based only on the evidence presented in court, not extraneous information, and without bias, prejudice, or sympathy ... Juror 50 repeatedly and unequivocally affirmed his ability to do just that. And for all the reasons articulated above, the Court found that testimony credible.

Further, in full:40

To imply or infer that Juror 50 was biased – simply because he was himself a victim of sexual abuse in a trial related to sexual abuse and sex trafficking, and despite his own credible testimony under the penalty of perjury, establishing that he could be an even-handed and impartial juror ... would be tantamount to concluding that an individual with a history of sexual abuse can never serve as a fair and impartial juror in such a trial. That is not the law, nor should it be ...

For *Lasting Harm*, in addition this, chapter 27, and to the Prologue, thirty-six further chapters relate the trial, interwoven with backstories and the interplay of characters during the trial. Chapter titles need to be set out here, for they tell their own story of place, time, trial, and after, and memories through evidence of Jane, Carolyn, Annie Farmer and Kate, the four women called as witnesses (Annie Farmer the only one identified by her given and family name). The chapters?

³⁹ Osborne-Crowley (n15), p 227. Citing *US ex rel Owen v McMann* 435 F2d 813, 818 (2d Cir 1970).

³⁸ Osborne-Crowley (n15), p 227.

⁴⁰ Osborne-Crowley (n15), p 227.

Chapters 1 – 6 'New York City, 2021' – covering Jane's examination in chief and cross-examination, Chapter 7 'West Palm Beach, 1994' – Jane's initial contact with Jeffrey Epstein and Ghislaine Maxwell, at Summer Camp, Chapters 8 and 9 'New York City, 2021' – Jane's cross-examination, continued, Chapter 10 'Los Angeles, 2007' and Chapter 11 New York City, 2021' – Jane's revelation to her then boyfriend and partner Matt, and his evidence at the Maxwell trial – confirming Jane's recounting at some time during their six-year relationship of the Epstein-Maxwell intrusion into her life.

Chapter 12 'New York City, 2021' – Carolyn comes to the stand, Chapter 13 'West Palm Beach' – Epstein and Maxwell meet Carolyn, a school drop-out and drug abuser, at four-years-old sexually molested for the first time, fourteen-years when ensnared by the Maxwell-Epstein duo. Chapter 14 New York City, 2021 evidence in chief and cross-examination: Carolyn recounts being arrested on drugs and stolen property charges. Osborne-Crowley remarks:⁴¹

All I can think about, in this moment, is the fact that Carolyn is the only person in this entire sex trafficking ring who has ever spent time in prison after having been convicted of a crime ...

This chapter observes⁴² that the FBI 'interviewed some of the victims in 2007, but only took handwritten notes and did not record the interviews'. These notes were never seen by the victims 'to verify that they reflected what was said in the interview'. Being hearsay, as the FBI officers authoring them were not prepared to testify (although they could have been subpoenaed – why not? This the book does not answer, at least at that point), the notes were not admitted into evidence in the Maxwell trial.

Chapter 15 'New York City, 1995' and back to Annie Farmer, just 16, living with her mother in Phoenix, visiting her older sister Maria, aspiring to be an artist and 'making it big' in New York. Along comes Epstein, buying a painting and offering 'a private artist's residence in one of his mansions in Ohio'. Of course Maria agrees. It could be 'her big break'. And this is the pattern throughout the trial of Ghislaine Maxwell: holding out to the victims-to-become-and-to-be, the chance of the golden cascade at the rainbow's end. For now, their eyes light on Maria's little sister, aspiring to a university degree, without the funds, and 'I'd love to meet her ...' Epstein 'wants to see if [he] can help'. And then, at their meeting: 44

⁴¹ Osborne-Crowley (n15), p 108.

⁴² Osborne-Crowley (n15), p 111.

⁴³ Osborne-Crowley (n15), p 124.

⁴⁴ Osborne-Crowley (n15), p 125.

'What do you hope to achieve in life?' he asked kindly.

'I want to go to college, but I don't know where to go or how,' Annie responded.

'How about UCLA? ... I think that would be a good fit for you ...'

Chapter 16 'New York City, 2021', Annie Farmer's on the stand. 'She's going to be the prosecution's star witness ...', as back she comes for the concluding stages of her direct examination. Then, she's cross-examined, challenged as to her evidence being 'reconstructed memory, isn't it?'⁴⁵

Chapter 17 'New Mexico, April 1996'. Jeffrey Epstein calls Annie Farmer's mother asking if her daughter can 'come on an all-expenses-paid trip to his ranch in New Mexico'. This is how it works, as it did with Virginia Guiffre (her father being persuaded of the genuineness of the Epstein-Maxwell offer for masseuse training for his daughter) and so many of the others caught up in the trap. '... a weekend away for bright students that Jeffrey was mentoring, and he would teach her crucial skills and help with her college applications. It sounded perfect.'46

Chapters 18, 20 and 22 'New York City, 2021' and Annie Farmer's testimony, thence to Kate and on to defence witness Elizabeth Loftus, psychologist and University of California, Irvine, professor. In between, Chapter 19 'Paris, 1994', then, also interposed, Chapter 21 'Palm Beach, 1996' – Paris, Kate ambushed, corralled into that same trap, hoping to become, to be, a musician. Meeting up with Ghislaine then, back in London, rung: 'I'd love to catch up – I was wondering if you'd like to come around for tea?' Ghislaine, 'everything [Kate] wanted to be – sophisticated, elegant, independent. Beautiful.'⁴⁷ Kate, seeing herself reflected in the eyes of the sophisticate gazing at her now, over the rim of her porcelain teacup. Oh, is it Meissen? Thence to Palm Beach, over six years – from 18 to 24 – Kate, flying four or five times, first from London to Epstein's house in El Brillo Way, approached by Maxwell 'clutching a schoolgirl outfit in one hand'. At Maxwell's behest serving Epstein afternoon tea 'in this ... it might be fun ...' Kate complying:⁴⁸

'I didn't know how to say no ... I didn't know anyone in Palm Beach; I wasn't sure if they'd make me leave if I said no ...'

⁴⁵ Osborne-Crowley (n15), p 134.

⁴⁶ Osborne-Crowley (n15), p 135.

⁴⁷ Osborne-Crowley (n15), p 149.

⁴⁸ Osborne-Crowley (n15), p 159.

Chapters 22 and 23 'New York City, 2021' concludes Part 1 'The Trial'. The defence case has rested primarily on Professor Loftus as expert, although hers may not be the conclusive evidence for which the defence may have hoped. Loftus 'has testified in 150 criminal trials ... and in 149 of those trials she testified for the defence', including appearing for Harvey Weinstein, Bill Cosby, Michael Jackson, Ted Bundy, OJ Simpson. Osborne-Crowley describes her as 'arguably the most well-known and divisive memory expert in the US', having 'spent 50 years studying the nature of human memory, and [asserting] she has proven the existence of false implanted memories ...' But this claim to fame is based in a study where participants are said to have had implanted a false memory of having been lost in a shopping mall as a child, with 'some recounting memories of this ... even though the researchers had invented both the idea and the fact that the parents had relayed it to them'. The proposition run by the Maxwell defence is that the memories providing the foundation of the case for the prosecution have been generated, falsely, by the prospect of money. As Osborne-Crowley describes it: 52

Realising they could make money from Epstein's estate, the women "made up a story" about Ghislaine Maxwell in order to bolster their claims for compensation from the Epstein fund, the defence argues. They heard about the impending criminal case against Maxwell, the theory goes, and believed that cooperating with the government to help prosecute Maxwell would help them get payouts from the fund. It seems the defence plans to use Loftus's research to try to back up that argument – the backbone of their case.

In evidence in chief, Loftus provides a response to a question on traumatic events and reliability of memory. These, she says, may provide a 'core of what happened' that 'can be subject to post-event suggestion that can exaggerate or distort or change the memory'. It is this admission as to memory of a 'core' where an event is traumatic that is 'seized on again and again' by the prosecution in closing.⁵³

In cross-examination the prosecution turns to meeting Bugs Bunny at Disney World (16% of participants 'remembered' that), the 'lost in the mall' memory implant (three of 20 subjects 'remembered' that) and another memory experiment

⁴⁹ Osborne-Crowley (n15), p 161.

⁵⁰ Osborne-Crowley (n15), p 161.

⁵¹ Osborne-Crowley (n15), p 161.

⁵² Osborne-Crowley (n15), p 162.

⁵³ Osborne-Crowley (n15), p 166.

involving a rectal enema – where none of the subjects 'remembered' that.⁵⁴ With a return to 'core' memory of traumatic events:⁵⁵

'I want to talk about memories of trauma. The core memory of trauma is stronger than other types of memory, right?' Moe says now, in cross-examination.

'There are studies that show typically people can remember a core event and some core details, [so there is] support for that proposition, yes.'

'People tend to remember the core or essence of trauma events, right?'

'They can, yes.'

'People may forget some of the peripheral details of a trauma event, right?'

'That can happen, yes.'

'But the core memories of a trauma event remain stronger, right?'

'I probably agree with that.'

I probably agree with that. The prosecution team has got what they wanted.

And thence to closing. Judge Nathan sets out the counts:56

Count one: Conspiracy to Entice Minors to Travel to Engage in Illegal Sex Acts

Count two: Enticement of a Minor to Travel to Engage in Illegal Sex Acts

⁵⁴ Osborne-Crowley (n15), pp 168–170. Citing a study by Kathy Pezdek: K Pezdek and B Hodge, 'Planting false childhood memories in children ...', *Child Development*, 1999, vol 70 no 4, pp 887–895, Planting false childhood memories in children: The role of event plausibility. (apa.org) (accessed 1 October 2024); Kathy Pezdek, Kimberly Finger and Danelle Hodge, 'Planting False Childhood Memories ...', *Psychological Science*, 1997, vol 8, no 6, pp 437–441, Planting False Childhood Memories: The Role of Event Plausibility on JSTOR (accessed 1 October 2024); Katy Pezdek, Iris Blandon-Gitlin, Shirley Lam, Rhiannon Ellis Hart and Jonathan W Schooler, 'Is knowing believing? The role of event plausibility ...', *Journal of Memory & Cognition*, 2006, vol 34 no 8, pp 1628–1635, Is knowing believing? The role of event plausibility and background knowledge in planting false beliefs about the personal past (springer.com) (accessed 1 October 2024).

⁵⁵ Osborne-Crowley (n15), p 170.

⁵⁶ Osborne-Crowley (n15), p 174.

Count three: Conspiracy to Transport Minors with Intent to Engage in Criminal Sexual Activity

Count four: Transportation of a Minor with Intent to Engage in Criminal Sexual Activity

Count five: Conspiracy to Sex Traffic a Minor

Count six Sex Trafficking of a Minor

She sets out the law under the New York Penal Code, referencing the 'sex' counts and the law on 'trafficking', alluding to the evidence from each of the witnesses on travel, explaining the law on 'conspiracy' in relation to which direct and circumstantial evidence may apply to prove the crime beyond reasonable doubt. Osborne-Crowley quotes directly, paraphrases and explains (her own legal training helpful here – both in substantive terms and in legitimating the book's value at this point in particular).

And what of 'knowledge', central to Maxwell's role and whether the verdict will be, should be, guilty or not guilty. Judge Nathan is quoted (with Osborne-Crowley following up with a recitation of some of the evidence going to support this definition – or not):⁵⁷

An act is done knowingly when it is done voluntarily and intentionally and not because of accident, mistake or some other innocent reason. Now, knowledge is a matter of inference from the proven facts. Science has not yet devised a manner of looking into a person's mind and knowing what that person is thinking. Whether Ms Maxwell acted knowingly may be proven by Ms Maxwell's conduct and by the facts and circumstances surrounding the case.

Part 2 'The Verdict' comprises Chapters 24 to 27 'New York City, 2021', reflections on Ghislaine Maxwell's key place in the Maxwell-Epstein enterprise, and on Annie and Kate and Jane and Carolyn. Her sophistication and persuasiveness. Her standing as a 'reference' for Epstein. Legitimating the operation in a way that convinced parents that all was well. Their daughters looked after, taken care of, their hopes and aspirations affirmed and advanced. 'The lady of the house.'

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⁵⁷ Osborne-Crowley (n15), p 179.

After some 40 hours of deliberating,⁵⁸ the judge returns. In files the jury for the verdict. Ghislaine Maxwell, standing, turns so facing them. 'Her first act of humility,' writes Osborne-Crowley:⁵⁹

The foreperson stands up with a microphone

'Have you reached a unanimous verdict?' Judge Nathan asks.

'We have,' the foreperson replies, and hands up the verdict sheet.

'I will now read the verdict,' Judge Nathan says quietly.

No one breathes.

'Count one: guilty.

'Count two: not guilty. [Jane – Enticement of a Minor to Travel to Engage in Illegal Sex Acts]

'Count three: guilty.

'Count four: guilty.

'Count five: guilty.

'Count six: guilty.'

If you believe these women, that's it. Ghislaine Maxwell is guilty.

On Count two, Scotty David (his given names, no family name), Juror 50 whose failure to tick 'yes' to the convoluted question⁶⁰ as to prior sexual abuse victimisation explains to Osborne-Crowley that it wasn't that Jane was 'less credible' as a witness than Carolyn, Annie or Kate:⁶¹

'We simply didn't see enough direct evidence to convict on count two,' he said. 'It wasn't about not believing Jane.'

⁵⁸ As it happened: Ghislaine Maxwell convicted of grooming girls for Jeffrey Epstein - BBC News (accessed 1 October 2024).

⁵⁹ Osborne-Crowley (n15), pp 210–211.

⁶⁰ Judge Nathan in her dismissal of the defence contention that Juror 50's failure and presence on the jury should condemn the guilty outcome referenced and critiqued the complexity of the question: Osborne-Crowley (n15), Chapter 27 'New York City, 2021', pp 212–228.

⁶¹ Osborne-Crowley (n15), pp 217–218.

Part 3 of *Lasting Harm* addresses 'The Stories You Didn't Hear at Trial'. Chapter 28 'New York City, 1991', Chapter 29 'Lower Manhattan, 9 July, 1991'. Jessica Michaels, whose dream was to be a professional dancer – and dancing with MC Hammer and Aretha Franklin was set to soar high. Until Epstein. Chapter 30 'New York City, 1994'. Liz – '... on her way to her job at Henri Bendel's flagship store in Manhattan ... a dream come true. [She] had always known she wanted to work in the fashion industry ...':⁶²

Just after lunch, a woman came in and looked around the section as though hunting for something. She was complaining that her personal shopper was off sick and asked Liz to help her ... She was tall and thin and looked like a model. She was immaculately dressed, and Liz could tell from a mile away she was one of the store's high-end clients ...

The way she walked. Shoulders back. Invisible string running parallel to her spine. Expensive handbag. Slender wrist delicate hand dainty gestures cut glass accent ... Ghislaine Maxwell. Jeffrey Epstein. Liz escapes to Bloomingdales. Pursued.

And so it goes.

Though – the 1991 reflection introduces a new character, Christine, who has disappeared to Italy? France? Out of the limelight that shades Ghislaine, an earlier edition of Maxwell, perhaps?

Part 4 'The Sentencing'. Chapter 31 'New York City, June 2022'. Victim impact statements read. Prosecution and defence present. Twenty years.

Yet it's not so abrupt nor fleeting. Liz Stein, not a witness, now reading her statement to the court, 'three years' of 'assault, rape and trafficking countless times in New York and Florida ...' Pregnancy. Abortion:⁶³

'To Ghislaine I say: you broke me in unfathomable ways. But you didn't break my spirit ...

'I changed jobs, apartments, cities and even states to try to get away ... After meeting Jeffrey Epstein and Ghislaine Maxwell, it felt like someone shut off the lights to my soul.'

Then, the dénouement:64

⁶² Osborne-Crowley (n15), pp 247–248.

⁶³ Osborne-Crowley (n15), pp 270–271.

⁶⁴ Osborne-Crowley (n15), p 272.

'For the past 25 years, Ghislaine Maxwell has been free to live a life of wealth and privilege that is almost unimaginable. Meanwhile I have had virtually none of the life experiences I might have had, had we never met. For over two and a half decades, I felt like I was in prison.'

Liz pauses for a long moment.

'She's had her life,' she says. 'It's time to have mine.'

Part 5 'A Never Ending Story'. Chapters 32 to 37, from 'New York City, 2022' through 'Oxfordshire, 2023', 'London, 2023' x 3 and, finally, 'Oxfordshire, 2023'. The narrative, the covering of the trial, the reflections on her own story, the long-enduring, long-endured wound ... Osborne-Crowley concludes *The Lasting Harm* re-admitted for inpatient trauma treatment. Carolyn (with whom she became close). The stress 'of trying to tell these stories right.' The endeavour, in the final chapters, to address 'what's wrong with the system' – a system that operates, still, in ignorance of the truth of *Rincon-Pineda* half a century ago that rape is *not* a charge easily made. *Not* hard to be defended against. *Not* a trial for the innocent to struggle to escape, but a trial that should be there to find guilt for the guilty.

This book makes clear 'the lasting harm'. The damage done. The lives impaired. The futures impoverished. And yet – it compounds the lie that is told in the language of 'grooming', that so much of what happened here was 'grooming' – words, actions, imprecations leading to 'something'. Albeit 'grooming' is now incorporated into United Kingdom criminal law as a word in section 15 of the Sexual Offences Act 2023,65 the provision is drafted as if 'grooming' in itself is not the crime, but employing 'grooming' to engage in future crime – meeting up or communicating to meet up with the child or young person *is*. 'Meeting a child following sexual grooming, etc.' This fails to recognise that the conduct constituting 'grooming' is an abuse and violation in and of itself. The breach of trust in leading a person to believe that she is valued for herself, as a human being, as someone talented, with capability to be nurtured, with ability to be mentored, with intrinsic worth – when truth is, there is no such valuing, no such assumption or belief in worth or talent or capability or ability or even the right to a life well-lived.

The young women and girls in the Maxwell story were regarded as subhuman or not human at all. Their lives were not equal to the lives of those who used them for and to their own self-indulgent ends. 'Grooming' implies 'leading up to'. Not the reality of what it constitutes, and is. It must be replaced by the truth-telling that is required in what happened here and elsewhere, everywhere: 'predatory injury',

⁶⁵ Sexual Offences Act 2003 (legislation.gov.uk) (accessed 1 October 2024).

'predatory abuse', 'predatory conduct', 'predatory imposition', 'predatory exploitation', 'predatory use', 'predatory maltreatment', predatory harm', or 'predatory hurt'. Yes, the crimes committed once this end was accomplished were and are real. But the conduct leading up to them was equally heinous in its essence and substance, its reality and impact. It is what, in the end, not only leads to lasting harm. It is lasting harm. Predatory abuse of trust. The law must recognise it, name it for what it is.

Then, finally, back to the trial and the conclusion reached at the end of Chapter 31 'New York City, 2022' and the sentencing. Judge Nathan:⁶⁶

'Ghislaine Maxwell is not being punished as a proxy, but for the role *she played* in the scheme.' Judge Nathan pauses after the words 'she played' and let's them hang in the room ... 'The harm caused by the defendant is incalculable ...'

Yet, earlier, Chapter 30, 'New York City, 1994', in the stories gone unheard at the trial:⁶⁷

Liz was trafficked to countless men during the years she was entrapped by Jeffrey Epstein – So when we talk in 2022, she says: 'What about those men?' What about those trials? Why is there no accountability for them?'

And then she says something about the Maxwell trial that every single piece of my reporting over the last twelve months has led me to believe: 'It was a show trial. They just wanted everyone to think it was over, we could move on from this story. But it was a sham.'

The appellations attached to Ghislaine Maxwell are redolent of those appearing in the work of Lombroso and Ferrero, and their adherents and admirers Zimmerman and Warker: 'master manipulator', 'perpetrator of heinous crimes against children', 'facilitator [or 'enabler'] of abuse', 'conspirator in setting up a scheme to lure young girls into sexual relationships with [Jeffrey] Epstein', and 'carrying out a years-long scheme with her longtime confidante Jeffrey Epstein to groom and sexually abuse underage girls ...' – or, alternatively, a 'scapegoat', running the trial gauntlet as a substitute for Epstein and his crimes.

However damaged she has been through her life as a child, young girl, as a woman (as some may be led to conclude – and her vulnerability underpins her

⁶⁶ Osborne-Crowley (n15), p 274.

⁶⁷ Osborne-Crowley (n15), p 258.

predatory self, too), the evidence revealed at the trial of Ghislaine Maxwell, the recounting of it by Osborne-Crowley, the narrative incorporated into *The Lasting Harm* – all lead to a conclusion as to the jury's deliberative rightness. Yet equally so, it is no surprise that it was Ghislaine Maxwell on trial alone. Once Epstein was dead, a collective breath could be heard speeding around the world, emitted from the lips of those men implicated in his circle. Relief. It would all go away. And yet, to their chagrin, because the women are brave, it did not. It stayed. So someone had to go down.⁶⁸

And so – yes, rightly prosecuted yet simultaneously a lamb to the slaughter. So much the better if it's a woman. And so the negation of women's personhood, that women count just as much as men, is replicated in this trial. Ghislaine enabling those men who breathed their sighs of relief to repeat them, now, at her conviction and imprisonment. Surely, this time, it will all go away?

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For those with any memory of history, this approach was played out by Richard Nixon as President when, Watergate hanging over his head, he had Vice President Spiro Agnew 'let go' - On 10 October 1973 Spiro Agnew resigned, indicted 'for accepting thousands of dollars in bribes while serving as Baltimore county executive, governor of Maryland and vice president': October 10, 1973: Vice President Spiro Agnew Resigns | The Nation (accessed 1 October 2024). The Nation explains that Agnew 'had long been the enemy of liberals and the left, whom he variously derided—in terms crafted by future New York Times columnist William Safire—as "pusillanimous pussyfooters" and "hopeless, hysterical hypochondriacs of history." In an editorial 'The Big Trophy', where Agnew is dubbed 'a mediocrity' (as is his replacement, Gerald Ford), The Nation 'offered no sympathy for President Richard Nixon, who claimed he had been personally pained by the resignation of his lieutenant'. On the contrary, The Nation saw him as 'once again placing his immediate personal political interests above the welfare of the nation': October 10, 1973 | PDF | Juvenile Delinquency | Richard Nixon (scribd.com) (accessed 1 October 2024). 'Personally pained' or not, it is no coincidence that the Agnew dilemma and departure arose conveniently when Nixon was under pressure, Nixon exercising none of his presidential power to save Agnew, nor the shrewdness (cunning?), a talent with which he was renowned and exercised to save himself during his lengthy political career. The hope, then, Agnew's departure would leave the public satisfied. Someone from the White House was gone. Yet it was not enough. Neither his ability for scheming, his shrewdness or guile, nor Agnew's departure in the end saved Nixon - but it did buy him almost a year more in the White House: under threat of impeachment, on 8 August 1974 as the first President to do so, he resigned: Nixon announces he will resign | August 8, 1974 | HISTORY (accessed 1 October 2024); BBC ON THIS DAY | 8 | 1974: President Nixon to resign from office (accessed 1 October 2024). Do Epstein's erstwhile friends, colleagues, hangers-on reflect upon the possibility that the 'show trial', however much she convicted is rightly to bear responsibility, may not be enough?

Osborne-Crowley doubts it. 'There is so much more that I know,' she writes, wishing she could 'print it in this book':⁶⁹

I cannot tell you those things now, but I can promise you that I tried. I did everything that I could. I hope that one day the courts and the lawyers and newspapers and publishers will be brave enough to print everything I know ...

I don't have an answer. I just have anger, and sadness, and a raging sense of injustice that will keep me working on this story until every single grown man who sexually abused my friends has been named and held to account.

Working on the Ghislaine Maxwell trial, the women of courage who came forward became her friends. Together with them, Osborne-Crowley is brave.

⁶⁹ Osborne-Crowle (n15), p 323.