



January 07, 2026

Don R. Berthiaume
Acting Inspector General
U.S. Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue NW
Washington, D.C. 20530

RE: *Request for Audit of Department of Justice's Compliance with the Epstein Files Transparency Act*

Dear Acting Inspector General Berthiaume:

Democracy Defenders Fund (DDF) respectfully requests that the Office of Inspector General (OIG) for the Department of Justice (Department) initiate an audit of the Department's processing, release, withholding, and redaction of documents required to be released pursuant to the *Epstein Files Transparency Act* (EFTA). Specifically, DDF calls on your office to determine the extent to which the Department is:

- Failing to release or is withholding in full responsive documents in violation of the EFTA
- Redacting information that is not permitted to be redacted under the EFTA
- Failing to justify its redactions through publication in the *Federal Register*
- Selectively releasing files for what appear to be partisan purposes

Background

The EFTA was signed into law by President Trump on November 19, 2025, after passing by unanimous consent in the Senate and by an overwhelming vote of 427-1 in the House.¹ Pursuant to section 2(a) of the EFTA, the Department is to "make available in a searchable and downloadable format *all* unclassified records" covered by the law "[n]ot later than 30 days after enactment."² That date was December 19, 2025.

Records required to be released under section 2(a) of the EFTA include "all unclassified records, documents, communications, and investigative materials" that "relate to" one of the following nine categories:

- Jeffrey Epstein including all investigations, prosecutions, or custodial matters.

¹ Joe Walsh, *Trump signs bill to release Epstein files after it passed House and Senate with overwhelming support*, CBS News (Nov. 19, 2025), <https://www.cbsnews.com/news/trump-says-signed-epstein-files-bill/>.

² Epstein Files Transparency Act, Pub. L. 119-38, 139 Stat. 656 (2025) (hereinafter "EFTA") (emphasis added).

- Ghislaine Maxwell.
- Flight logs or travel records, including but not limited to manifests, itineraries, pilot records, and customs or immigration documentation, for any aircraft, vessel, or vehicle owned, operated, or used by Jeffrey Epstein or any related entity.
- Individuals, including government officials, named or referenced in connection with Epstein’s criminal activities, civil settlements, immunity or plea agreements, or investigatory proceedings.
- Entities (corporate, nonprofit, academic, or governmental) with known or alleged ties to Epstein’s trafficking or financial networks.
- Any immunity deals, non-prosecution agreements, plea bargains, or sealed settlements involving Epstein or his associates.
- Internal DOJ communications, including emails, memos, meeting notes, concerning decisions to charge, not charge, investigate, or decline to investigate Epstein or his associates.
- All communications, memoranda, directives, logs, or metadata concerning the destruction, deletion, alteration, misplacement, or concealment of documents, recordings, or electronic data related to Epstein, his associates, his detention and death, or any investigative files.
- Documentation of Epstein’s detention or death, including incident reports, witness interviews, medical examiner files, autopsy reports, and written records detailing the circumstances and cause of death.³

Section 2(c) of the EFTA provides that the Department “may” “withhold or redact the segregable portions” of covered records that:

- contain personally identifiable information of victims or victims’ personal and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy
- depict or contain child sexual abuse materials (CSAM) as defined under 18 U.S.C. 2256 and prohibited under 18 U.S.C. 2252–2252A
- would jeopardize an active federal investigation or ongoing prosecution, provided that such withholding is narrowly tailored and temporary
- depict or contain images of death, physical abuse, or injury of any person
- contain information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.⁴

However, the EFTA makes clear that “[n]o record shall be withheld, delayed, or redacted on the basis of embarrassment, reputational harm, or political sensitivity, including to any government official, public figure, or foreign dignitary.”⁵

The Department is also subject to several reporting requirements. First, Congress directed that “All redactions must be accompanied by a written justification published in the Federal

³ *Id.*

⁴ *Id.* § 2(c).

⁵ *Id.* § 2(b).

Register and submitted to Congress.”⁶ In addition, “[w]ithin 15 days of completion of the release required under Section 2, the Attorney General shall submit to the House and Senate Committees on the Judiciary a report listing: (1) [a]ll categories of records released and withheld. (2) [a] summary of redactions made, including legal basis.”⁷

Request for Audit

Congress’s direction that the Department release all records set forth in section 2(a) of the EFTA, subject to only those redactions set forth in section 2(c), within 30 days of passage of the law is clear and unambiguous. Notwithstanding, the Department has failed to meet this obligation in several ways. An audit of the Department’s process is therefore necessary to understand the root cause of these violations, including whether the Department has willfully and intentionally withheld documents, redacted documents incorrectly, failed to release justifications for its redactions, or selectively released files for partisan purposes.

I. The Department Has Failed to Release Documents Required Under the EFTA

Attorney General Todd Blanche has admitted that the Department did not release all responsive records.⁸ Less than 4,000 new files were released by the statutory deadline.⁹ The Department has since confirmed that they have released less than 13,000 new files,¹⁰ far less than the “several hundred thousand” documents Deputy Attorney General Blanche promised to release before the statutory deadline passed.¹¹ Now the Department has announced that the Southern District of New York and the FBI identified another million documents that had not been previously released and it is reported that they are reviewing some 5.2 million documents.¹² This recent revelation is startling, given that the Executive Office for United States Attorneys (EOUSA) previously advised DDF that similar information requested under the Freedom of

⁶ *Id.* § 2(c)(2).

⁷ *Id.* § 3(a).

⁸ Alan Feuer & Michael Gold, *Justice Dept. Won’t Meet Friday Deadline to Release All Epstein Files*, The New York Times (Dec. 19, 2025), <https://www.nytimes.com/2025/12/19/us/politics/epstein-files-deadline.html>; Letter from Deputy Attorney General Todd Blanche to Congress about Epstein Files Release (Dec. 19, 2025), <https://www.nytimes.com/2025/12/19/us/politics/epstein-files-deadline.html>.

⁹ Maddy Varner et al., *Here’s What’s in the DOJ’s Epstein Files Release—and What’s Missing*, WIRED (Dec. 19, 2025), <https://www.wired.com/story/epstein-files-whats-in-doj-release-december-19/>.

¹⁰ James Hill, *Epstein files: 2 million records in various stages of review, DOJ says*, ABC News (Jan. 6, 2026), <https://abcnews.go.com/US/epstein-files-2-million-records-stages-review-doj/story?id=128935822>.

¹¹ Rebecca Beitsch, *Blanche says DOJ won’t release full Epstein files by Friday deadline*, The Hill (Dec. 19, 2025), <https://thehill.com/policy/national-security/5656765-blanche-says-doj-wont-release-full-esptein-files-to-congress-by-friday-deadline/>.

¹² Devlin Barrett & Michael Gold, *A Million More Epstein Documents Have Been Found, Justice Dept. Says*, The New York Times (Dec. 24, 2025), <https://www.nytimes.com/2025/12/24/us/politics/epstein-files-documents-doj.html>; Devlin Barrett, *Justice Dept. Is Now Said to Be Reviewing 5.2 Million Pages of Epstein Files*, The New York Times (Dec. 30, 2025), <https://www.nytimes.com/2025/12/30/us/politics/esptein-files-5-million-pages.html>.

Information Act was “not information maintained by EOUSA or by the individual United States Attorney’s Offices.”¹³

The Department should not have been surprised that it would need to release the required files under the EFTA; nor should the Department have been unprepared to release such files. President Trump promised he would release the files during his presidential campaign. Attorney General Bondi committed to releasing the files in February 2025 and actually released a small tranche of records at that time.¹⁴ Congress began considering legislation to require the release of Epstein-related files in July 2025.¹⁵ And the FBI issued a letter in July 2025 stating that it had “exhaustive[ly]” reviewed all files related to Jeffery Epstein.¹⁶ In addition, the Department has been subject to several FOIA lawsuits for the documents in question.¹⁷

A root cause analysis is necessary to determine why the Department has released so few records given the clear direction to release “all” records in the EFTA and the Department’s purported holding of over a million records that have not been released. In particular, DDF requests that the OIG consider whether the Department has (1) been less than candid in its proclamations regarding its review of Epstein-related files (2) has failed to adhere to appropriate records keeping requirements, including records retention and disposition requirements set forth under the Federal Records Act and applicable records schedules (3) has intentionally withheld documents that are required to be released.

II. The Department Has Applied Redactions Beyond What is Permitted Under the EFTA

The EFTA provides that the Attorney General “may withhold or redact segregable portions of records” that contain information that falls neatly into only one of five narrowly tailored exceptions. These categories are narrowly drawn and differ in many respects from existing records release laws such as the FOIA,¹⁸ the Ethics in Government Act,¹⁹ or the Presidential Records Act.²⁰

¹³ Democracy Defenders Fund v. U.S. Department of Justice, No. 25-cv-02791, Document 19-1, 19 (Dec. 4, 2025), https://fb1cd5ab-5a51-475c-87d1-10904a61146d.usrfiles.com/ugd/fb1cd5_f94070f1c9e54257a6b1a064d2668a11.pdf.

¹⁴ Press Release, Department of Justice, Attorney General Pamela Bondi Releases First Phase of Declassified Epstein Files (Feb. 27, 2025), <https://www.justice.gov/opa/pr/attorney-general-pamela-bondi-releases-first-phase-declassified-epstein-files>.

¹⁵ Providing for consideration of the bill (H.R. 185) to advance responsible policies, H.R. Res. 581, 119th Cong. (2025), <https://www.congress.gov/bills/119th-congress/house-resolution/581/text>.

¹⁶ Memorandum from U. S. Dep’t of Just. & F.B.I. about Review of Epstein Files (July 2025), <https://www.justice.gov/opa/media/1407001/dl?inline>.

¹⁷ Democracy Defenders Fund v. U.S. Department of Justice, No. 25-cv-02791, Document 19-1 (Dec. 4, 2025), https://fb1cd5ab-5a51-475c-87d1-10904a61146d.usrfiles.com/ugd/fb1cd5_f94070f1c9e54257a6b1a064d2668a11.pdf; Democracy Forward Foundation v. U.S. Department of Justice and Federal Bureau of Investigation, No. 25-cv-2597, Document 1 (Aug. 8, 2025), https://democracyforward.org/wp-content/uploads/2025/08/DFP-v-FBI-FILED-Compl_25-cv-2597.pdf.

¹⁸ 5 U.S.C. § 552(b).

¹⁹ 5 U.S.C. § 13107(b).

²⁰ 44 U.S.C. § 2204.

Two of these categories relate to images of child sexual abuse or the death, physical abuse, or injury of any person. The other three categories cover information that would (1) “jeopardize an active federal investigation or ongoing prosecution, provided that such withholding is narrowly tailored and temporary” (2) “contain information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order” or (3) that contains personally identifiable information (PII) of “victims.”²¹ Specifically, the last exemption provides that the Department can only redact portions of records that:

contain personally identifiable information of victims or victims’ personal and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.²²

The “victim information” exception is based on exemption 6 of the FOIA, which provides that an agency is not required to release

personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.²³

The EFTA’s victim information exemption is narrower than the FOIA, however, in that it only applies to the files of victims.²⁴ Although the term “victim” is not defined, context suggests that it was a person who was harmed as a result of crimes perpetrated by Epstein or Maxwell.²⁵ Witnesses, subjects, co-conspirators, federal officials, and others who were not harmed by Epstein and Maxwell’s crimes would not be victims whose information could be prevented from release. Had Congress wanted to cover additional categories of persons to the EFTA exemption, it could have incorporated exemption 6 full stop or provided additional classes of persons whose information could be withheld. It did not, however.

In fact, Congress went out of its way to make it clear that the Department must disclose information pertaining to “[i]ndividuals, including government officials, named or referenced in connection with Epstein’s criminal activities, civil settlements, immunity or plea agreements, or investigatory proceedings” and that no record could be redacted on the basis of “embarrassment, reputational harm, or political sensitivity, including to any government official, public figure, or foreign dignity.”²⁶ As a result, information about other private individuals is not permitted to be redacted unless it would contain information that is classified by Executive Order or would jeopardize an active federal investigation.²⁷

²¹ EFTA, § 2(c)(1)(A), (C), (E).

²² *Id.* at § 2(c)(1)(A).

²³ 5 U.S.C. § 552(b)(6).

²⁴ *Id.* at § 2(c)(1)(A).

²⁵ *See, e.g.*, Victim, Black’s Law Dictionary (12th ed. 2024) (defining “victim” as “[a] person harmed by a crime, tort, or other wrong”); Victim, Oxford English Dictionary (Rev. 2024) (defining “victim” as “[a] person who has been intentionally harmed, injured, or killed as the result of ... [a] crime”); *see also* 18 U.S.C. (defining a “victim” for purposes of human trafficking laws as “the individual harmed as a result of a crime under [the applicable section]”); 18 U.S.C. § 2259(c) (defining a “victim” for purposes of child pornography crimes as “the term ‘victim’ means the individual harmed as a result of a commission of a crime under [the applicable section]”).

²⁶ EFTA, § 2(a)(4); § 2(b).

²⁷ *Id.* § 2(c)(1)(C), (E).

The Department has, however, argued that wider redaction is permitted under the Privacy Act and the common law deliberative-process privilege, work-product privilege, and attorney-client privilege.²⁸ That assertion is incorrect.

First, assuming some of the documents required to be released under the EFTA may be covered by the Privacy Act, 5 U.S.C. § 552a, that Act would not preclude the disclosure of information that is required to be disclosed by law. As an initial matter, much of the information is already covered by express routine uses. For example, the FBI has promulgated a blanket-wide routine use that applies to all records it controls that permits disclosure of any information “mandated by Federal statutes or treaty.”²⁹ In addition, it is a settled principle of statutory construction that where there is a conflict between statutes, a later-in-time more specific enactment governs.³⁰ Given the express requirements to release the documents in question under the EFTA, failure to release any documents on the basis that they are covered by section 2(a) cannot be based on withholding under the Privacy Act.

Second, the law requires the disclosure of “internal DOJ communications” information from “government officials” in connection with “investigatory proceedings” and “any investigative proceedings.”³¹ The fact that Congress required the disclosure of such documents—and did not expressly exempt them as it did under the FOIA—suggests that Congress intended to override such common law privileges (to the extent to which they even applied).³²

As such, the Department is redacting broader categories of information than is permitted under the EFTA. The “Privacy Notice” on the DOJ Epstein Library webpage states that “all reasonable efforts have been made to review and redact personal information pertaining to victims, *other private individuals, and protect sensitive materials from disclosure.*”³³ Individual disclosures likewise show that private individual information beyond that of victims has been

²⁸Letter from Deputy Attorney General Todd Blanche to Congress about Epstein Files Release (Dec. 19, 2025), <https://www.nytimes.com/2025/12/19/us/politics/epstein-files-deadline.html>.

²⁹ 66 Fed. Reg. 33558, 33559 (BRU-5) (June 22, 2001).

³⁰ See, e.g., *United States v. Estate of Romani*, 523 U.S. 517, 530–31 (1998) (“[A] specific policy embodied in a later federal statute should control our construction of the [earlier] statute, even though it ha[s] not been expressly amended”).

³¹ EFTA, § 2(a)(4), (7), (8).

³² The Department argues that the EFTA could only override the common law privileges if it did so “clearly.” Letter from Deputy Attorney General Todd Blanche to Congress about Epstein Files Release (Dec. 19, 2025), <https://www.nytimes.com/2025/12/19/us/politics/epstein-files-deadline.html>. The Department, however, mistakes the difference between “clear” and “express.” While a statute is not considered to alter the common law unless that disposition is clear, “[the alternation] need not be express, nor should [a statute’s] clear implication be distorted.” Antonin Scalia & Bryan Garner, *Reading the Law*, 318 (2012). When legislation, like the EFTA, provides “a course of conduct, the parties, the things affected, and limitations and exceptions [that] are minutely described, [it] indicates a legislative intent that a statute should totally supersede and replace the common law. Sutherland Statutory Construction § 50:5, Statutes superseding the common law (7th ed.); *Isbrandtsen Co. v. Johnson*, 343 U.S. 779, 783 (1952) (“The rule that statutes in derogation of the common law are to be strictly construed does not require such an adherence to the letter as would defeat an obvious legislative purpose or lessen the scope plainly intended to be given to the measure”) (citations omitted). Here, the EFTA clearly suggests that it intends to abrogate the common law as it relates to retention of documents, like attorney records, set forth in the law.

³³ *Search Full Epstein Library*, Dep’t of Just., <https://www.justice.gov/epstein/search>, (emphasis added).

redacted. For example, the names of attorneys with the Department have been redacted, including redactions from emails with members of the public.³⁴ In addition, the Department has redacted the faces of many people who appear in photographs with Epstein, but who do not appear to be victims of his crimes. Furthermore, the Department has re-released many files that were previously released under FOIA containing previous withholdings and redactions.³⁵ Although those withholdings and redactions might be appropriate under the FOIA, the EFTA requires a broader swath of disclosure. The Department should have, therefore, released the full underlying files or clarified that the underlying files no longer existed.³⁶

The Department's over-redaction of the documents released under the EFTA therefore raises substantial questions about whether they are willfully and intentionally precluding the release of information that would be embarrassing to the Department or that would be politically sensitive, in violation of EFTA § 2(b). For this reason, it is imperative that OIG provide an independent assessment of the Department's redactions and to order corrective action where there are illegal redactions.

III. The Department has Failed to Justify its Redactions

Even if all the redactions the Department applied were correct (which they are not), the Department has failed to justify those redactions as required by law. Section 2(c)(2) mandates that "[a]ll redactions must be accompanied by a written justification published in the Federal Register and submitted to Congress." As of January 7, 2026, the Department has not published any justification for its redactions in the *Federal Register*. The text of EFTA makes it clear, however, that each redaction must be "accompanied by" a written justification. The term "accompanied by" means "with" or "existing at the same time" or "go[ing] . . . together."³⁷ The implication is that the justifications for the redactions would appear at the same time as the redactions themselves. The Department's failure to provide a contemporaneous listing of its redactions is in violation of the plain text of the EFTA.³⁸

The Department has also not otherwise sufficiently explained its redactions. The documents released do not include individualized justifications (or any justifications) attached to the documents themselves. There is also no index of redactions. In fact, the only explanation provided is on the landing page for the Epstein Library which, as described above, vaguely references redaction that "pertain[] to victims, other private individuals, and protect sensitive

³⁴ Miranda Jeyaretnam, *What's Redacted in the New Epstein Files and What Isn't*, TIME (Dec. 24, 2025), <https://time.com/7342581/jeffrey-epstein-doj-justice-department-files-documents-redactions/>.

³⁵ *Freedom of Information Act (FOIA)*, Dep't of Just., <https://www.justice.gov/epstein/foia>.

³⁶ The Federal Records Act (FRA) provides that all federal records must be disposed of consistent with existing disposition schedules. 44 U.S.C. ch. 33. To the extent to which any records were destroyed inconsistently with applicable disposition schedules, such destruction would violate the FRA and might constitute a criminal action under 18 U.S.C. §§ 641 and 2071. DOJ OIG should also consider whether any destroyed records were handled consistent with the FRA.

³⁷ Cambridge Dictionary, *accompanied by someone/something*, <https://dictionary.cambridge.org/dictionary/english/accompanied-by?q=Accompanied-By>, (last visited Jan. 6, 2026).

³⁸ The Federal Register permits emergency filings to address legally required *Federal Register* publications. 1 C.F.R. § 17.4. As a result, there is no basis to argue that the Department's inability to publish its justifications for redactions is a result of the Office of the Federal Register.

materials from disclosure.” That is not the detailed justification of redactions that is anticipated by the text of the EFTA.

The Department’s failure to justify its redactions through contemporaneous publication in the *Federal Register* is inconsistent with the text of the EFTA. An OIG audit is necessary to understand why the Department has not yet filed its justifications as is required by law, and whether the decision to not do so was willful and intentional.

IV. The Department’s Releases Appear to Be Tainted by Partisan Political Motivations

Finally, an OIG investigation is necessary to assess whether the release of documents pursuant to the EFTA has been tainted by partisan political motivations. The President has repeatedly called the Epstein files a “Democrat hoax.”³⁹ Upon passage of the EFTA, Trump stated that “[w]e have nothing to do with Epstein, the Democrats do . . . It’s really a Democrat problem.”⁴⁰ As recently as December 26, 2025, the President called on the Department to “release all of their [Democrats] names, embarrass them, and get back to helping our Country.”⁴¹ The documents that have been released by the Department so far have included several unredacted photos of former President Bill Clinton, notwithstanding that the names and faces of other apparent non-victim private individuals have been redacted. In addition, while there was one photograph of President Trump in the original file release, the Department took the photo down once it was released.⁴² The photo was later put back up, but the Department released no reason why it had originally retracted the photo.

The EFTA is a bi-partisan bill. It requires the release of all information related to potential perpetrators, facilitators, and accomplices to Jeffery Epstein and Ghislane Maxwell’s misconduct regardless of party affiliation. The EFTA makes that clear in section 2(b) by prohibiting redaction of information based on “political sensitivity.” Yet the President’s animus towards Democrats suggests the possibility that the Department will only release those files that include the names of potential political enemies of the President. It is necessary for OIG to audit the Department’s release of files to ensure that it is being administered in an even-handed and legally compliant way and that the Department is not gaming the process for partisan purposes.

V. Conclusion

The EFTA establishes straightforward requirements for the Department: release all covered records, minus minimal redactions that are accompanied by a justification, within 30 days. The Department has failed to do so. The American people deserve to know why. DDF is therefore calling on the OIG to audit the process the Department has used to withhold, redact,

³⁹ Kinsey Crowley, *How Trump changed his tune on Epstein from 'interesting' to 'hoax'*, The Palm Beach Post (Dec. 19, 2025),

<https://www.palmbeachpost.com/story/news/trump/2025/12/19/trump-epstein-comments-evolution/87842756007/>.

⁴⁰ *Id.*

⁴¹ Joe Walsh, *Trump calls for release of any Epstein files naming Democrats: "Embarrass them"*, CBS News (Dec. 26, 2025), <https://www.cbsnews.com/news/trump-calls-for-release-epstein-files-naming-democrats/>.

⁴² Ana Faguy, *Image in Epstein files that features Trump reinstated after backlash*, BBC (Dec. 22, 2025), <https://www.bbc.com/news/articles/c208y2wxeno>.

and release files under the EFTA and to report on why the Department has failed to meet its statutory obligations.

Sincerely,

/s/

Ambassador Norman L. Eisen
(ret.)
Executive Chair and Founder
Democracy Defenders Fund

/s/

Virginia Canter
Chief Counsel and Director for Ethics and
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Democracy Defenders Fund

/s/

Christopher Swartz
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