

United States Senate

WASHINGTON, DC 20510

December 10, 2025

Don R. Berthiaume
Acting Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Acting Inspector General Berthiaume:

We write to request your office's assistance in ensuring public trust and transparency in the Department of Justice's forthcoming release of records related to Jeffrey Epstein. On November 19, 2025, President Trump signed into law the Epstein Files Transparency Act ("the Act") after overwhelming bipartisan support in Congress. The Act will require the Department of Justice, at long last, "to release all documents and records in possession of the Department of Justice relating to Jeffrey Epstein" by December 19, 2025.¹ The Act's passage was a rare moment of unity in Congress made possible only through relentless advocacy by survivors of Jeffrey Epstein and Ghislaine Maxwell's human trafficking operation and the interested public.

In furtherance of transparency, last week, a federal judge in Florida granted the Department of Justice's (DOJ) request to unseal grand jury transcripts from the investigation into Jeffrey Epstein and Ghislaine Maxwell.² Subsequently, a federal judge in New York granted the request to release grand jury transcripts and "voluminous discovery."³

Congress is determined to ensure that the Department of Justice implements the Act faithfully and transparently without further obfuscation or delay. On December 3, 2025, the bipartisan lead sponsors of the Act wrote to Attorney General Pamela Bondi to clarify recent comments that raise the concern that DOJ may withhold records and thereby fail to meet its statutory deadline this month.⁴ In parallel, **we write to request that your office conduct a prompt audit of all chain of custody forms relating to the records DOJ is required to**

¹ The Epstein Files Transparency Act, Pub. L. No: 119-38, Nov. 19, 2025, 139 Stat. 656, <https://www.congress.gov/bill/119th-congress/house-bill/4405/text>.

² Order Granting Motion to Unseal Grand Jury Transcripts, *In re: Grand Jury 05-02 (WBP)*, No. 25-80920-MC-SMITH (S.D. Fla. Dec. 5, 2025), available at <https://storage.courtlistener.com/recap/gov.uscourts.flsd.693993/gov.uscourts.flsd.693993.8.0.pdf>. See Melissa Quinn, *Judge Orders Unsealing of Grand Jury Transcripts from Epstein Case in Florida*, CBS NEWS (Dec. 5, 2025), <https://www.cbsnews.com/news/jeffrey-epstein-grand-jury-transcripts-unsealed-florida/>.

³ Opinion & Order, *U.S. v. Maxwell*, No. 1:20-cr-00330-PAE (S.D.N.Y. Dec. 9, 2025), at 13, available at <https://storage.courtlistener.com/recap/gov.uscourts.nysd.539612/gov.uscourts.nysd.539612.820.0.pdf>. See Jacob Rosen, *Justice Department Can Unseal Ghislaine Maxwell Sex Trafficking Case Records, Federal Judge says*, CBS NEWS (Dec. 9, 2025), <https://www.cbsnews.com/news/ghislaine-maxwell-sex-trafficking-case-records-justice-department-unseal-judge-says/>.

⁴ Letter to Attorney General Bondi from Senators Jeffrey A. Merkley, Lisa Murkowski, and Ben Ray Lujan, and Representatives Thomas Massie and Ro Khanna (Dec. 3, 2025), <https://www.merkley.senate.gov/wp-content/uploads/DOJ-Epstein-Files-Briefing-Request-Letter.pdf>.

release under the Act and that you promptly provide the Senate and House Judiciary Committees with the results of the audit once completed. This audit will help confirm for Congress and the public that the Epstein files that will be released are identical to those collected by law enforcement, other than any legally required redactions.

As DOJ's Acting Inspector General, you have a key role in maintaining confidence that the Epstein files are transmitted to Congress and the American people without tampering or concealment. Recent disclosures have raised questions about DOJ and the Federal Bureau of Investigation's (FBI) handling of Epstein-related records. According to internal FBI emails released pursuant to the Freedom of Information Act (FOIA) and information received through congressional oversight, Attorney General Bondi and FBI Director Kash Patel directed and oversaw an intensive effort beginning in March to review the massive trove of evidence in the government's possession, which resulted in around 1,000 FBI personnel working 24-hour shifts and required personnel to identify any mentions of President Trump.⁵ To reassure the American public that any files released have not been tampered with or concealed, the chain of custody forms associated with records and evidence in the Epstein files must be accounted for, analyzed, and released.

As you know, evidence chain of custody forms provide documentation of important facts, such as:

- a. who had custody of the specific evidence;
- b. when the individual had control or possession of the evidence;
- c. when and to whom evidence was transferred;
- d. any analysis or testing performed on the evidence; and
- e. the storage and disposition of the evidence.

The purpose of chain of custody documentation is to show in detail who had control of evidence so that questions concerning contamination, tampering, or concealment do not arise. We trust that such issues are rare at the FBI, whose career professionals have long worked tirelessly to protect public safety. However, in the context of the Epstein files, political interference in the review and release of the files, and public reporting about the large number of individuals who already participated in redacting the files, additional information is required to satisfy public confidence in DOJ's handling of this matter. District Court Judge Paul Engelmayer has already chastised the Department for misleading portrayals of the evidence and "paying lip service to Maxwell's and Epstein's victims."⁶

⁵ Letter to Attorney General Pam Bondi from Senate Judiciary Committee Ranking Member Senator Richard J. Durbin (Jul. 18, 2025), <https://www.judiciary.senate.gov/imo/media/doc/2025-07-18%20RJD%20Letter%20to%20AG%20Bondi%20re%20Epstein.pdf>; Jason Leopold, *Epstein Files: New FBI Emails Detail Review, "Special Redaction Project,"* BLOOMBERG (Nov. 25, 2025), <https://www.bloomberg.com/news/newsletters/2025-11-25/epstein-files-new-fbi-emails-detail-review-special-redaction-project>; Broadwater, Luke, *For Trump, Epstein Is the Story That Won't Go Away*, THE NEW YORK TIMES (Nov. 18, 2025), <https://www.nytimes.com/2025/11/18/us/politics/trump-epstein-files.html>.

⁶ Opinion & Order, *U.S. v. Maxwell*, No. 1:20-cr-00330-PAE (S.D.N.Y. Dec. 9, 2025), at 20.

Therefore, we request that Office of Inspector General's audit address the following questions by January 19, 2026:

1. Are there any irregularities in the chain of custody forms for evidence released under the Epstein Files Transparency Act?
2. Did the FBI or any other law enforcement agencies involved in the Epstein and Maxwell investigations create and maintain chain of custody forms in every required instance for material covered under the Epstein Files Transparency Act?
3. Since January 20, 2025, how many individuals have obtained custody over material covered under the Epstein Files Transparency Act?
4. Since January 20, 2025, how many agencies have obtained custody of material covered under the Epstein Files Transparency Act?

Congress and the American public expect that DOJ will release all material covered by the Act and will do so with maximum transparency. An expedited audit of chain of custody forms by your office would help allay questions about the integrity of the Epstein files and provide needed answers about the government's handling of Epstein-related evidence.

Thank you for your prompt attention to this important matter. We look forward to our continued cooperation.

Sincerely,



Adam B. Schiff
United States Senator



Richard J. Durbin
United States Senator