MEMO

To: Interested Parties
Date: July 31, 2025
Re: Debunking Speaker Johnson's Misleading Claims About Epstein Files Transparency

During his appearance on Meet the Press on July 27, 2025 (video and transcript), Speaker Mike Johnson was asked "should all of the files related to Jeffrey Epstein be released and made public?" His answer was an unequivocal "yes."

Legislation by Rep. Thomas Massie (R-KY) and Rep. Ro Khanna (D-CA), the *Epstein Files Transparency Act (EFTA)*, would achieve exactly that — and do so in a responsible and careful manner to protect victims, protect ongoing law enforcement proceedings, and prevent the release of child sexual abuse material. (EFTA as a standalone bill is H.R. 4405; H.Res.581 would provide for inclusion of the Act in a larger bill, H.R. 185.)

However, Speaker Johnson followed up with numerous false or misleading claims about the Massie-Khanna legislation while ignoring the serious flaws in the House Republican alternative proposal (H.Res. 589), which is not binding and thus can be completely ignored by the Department of Justice and FBI.

Speaker Johnson's claims are debunked below.

I. Protection of Victims

In the interview, Speaker Johnson stated that "Our main concern here, though, is the protection of the innocent victims" and that "their language doesn't adequately produce that" while referring to the *Epstein Files Transparency Act*. His claim is wrong.

As Meet the Press moderator Kristen Welker correctly points out about the Massie-Khanna legislation, "They do say that they want victims' names redacted though just to be clear."

In fact, the *Epstein Files Transparency Act* would expressly allow the Attorney General to redact victims' identifying information. If the Department of Justice and FBI were to mistakenly release records under this legislation that they should not have, that would squarely be the Attorney General's fault.

Here is the exemptions language in the *Epstein Files Transparency Act*:

> *"(c) Permitted withholdings.—*
>
> *"(1) The Attorney General may withhold or redact the segregable portions of records that—*
>
> *"(A) 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;*

"(B) depicts or contains child sexual abuse materials (CSAM) as defined under 18 U.S.C. 2256 and prohibited under 18 U.S.C. 2252–2252A;

"(C) would jeopardize an active federal investigation or ongoing prosecution, provided that such withholding is narrowly tailored and temporary;

"(D) depicts or contains images of death, physical abuse, or injury of any person; or

"(E) 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.

II. Child Sexual Abuse Materials (CSAM)

Speaker Johnson falsely claimed that provisions in the *Epstein Files Transparency Act* to prevent the release of CSAM "cite the wrong provision of the federal code. And so it makes it unworkable." This claim is incorrect.

The *Epstein Files Transparency Act* correctly identifies the primary, controlling federal statutes governing and prohibiting CSAM, 18 U.S.C. 2256 and 18 U.S.C. 2252–2252A: "(B) depicts or contains child sexual abuse materials (CSAM) as defined under 18 U.S.C. 2256 and prohibited under 18 U.S.C. 2252–2252A."

The *Epstein Files Transparency Act* simply uses the definition of CSAM in 18 U.S.C. 2256 — the same as other bills that Speaker Johnson and his House Republican colleagues recently voted for and helped enact into law, including:

- Public Law No. 119-12
- Public Law No. 118-159
- Public Law No. 118-65
- Public Law No. 117-354

The *Epstein Files Transparency Act* explicitly exempts any CSAM in the Epstein files from public release by giving the Attorney General clear, unambiguous statutory power to withhold those materials. Even then, the *Epstein Files Transparency Act* does not need additional statutory authority to block public disclosure of CSAM because the cited statutes already criminalize it.

If the Department of Justice and FBI were to inadvertently release any CSAM in the Epstein files, again, the Attorney General should blame herself.

III. Grand Jury Materials

Speaker Johnson's framing of the Epstein grand jury materials as if they are nuclear secrets that must never see the light of day is a misleading, cynical side show. Grand jury materials sometimes are released to the public, and the federal grand juries used to investigate Epstein and Ghislaine Maxwell and the associated federal criminal prosecutions concluded years ago: Epstein died in 2019, and Maxwell was convicted in 2021.

In fact, at this very moment, President Trump is calling for the public release of the Epstein federal grand jury materials and the Department of Justice is asking the courts to unseal those judicial records!

Interested parties should ask why this administration is making a big public show of asking the courts to unseal Epstein records not in the administration's control — while conspicuously refusing to fully release the Epstein files that actually are in the administration's control. In fact, what former federal prosecutors say is that the grand jury materials are unlikely to contain anything new or interesting:

> *"People want the entire file from however long. That's just not what this is."*
> *"It's not going to be much because the Southern District of New York's practice is to put as little information as possible into the grand jury."*
> *"They basically spoon feed the indictment to the grand jury. That's what we're going to see."*
> *"I just think it's not going to be that interesting. . . . I don't think it's going to be anything new."*

Indeed, Department of Justice officials themselves recently admitted that the grand jury transcripts they are asking the courts to unseal contain testimony from only two witnesses, and that some of the factual accounts have already been publicly disclosed during civil litigation.

While it is true that the Federal Rules of Criminal Procedure generally provide for confidential grand jury proceedings, the courts can and do sometimes release grand jury records. As the Department of Justice has noted, "there are certain 'special circumstances' in which release of grand jury records is appropriate even outside the boundaries of the rule." As the Congressional Research Service has also advised Congress: "In the balance to be struck in the process of determining whether 'the need for disclosure is greater than the need for continued secrecy,' the district court enjoys discretion to judge each case on its own facts."

Here, the particular facts of the Epstein scandal and now the federal government's suspicious stonewalling are damning. That is why Congress can and should enact Reps. Massie and Khanna's *Epstein Files Transparency Act* and affirm that full transparency into the Epstein files in the Department of Justice's control is in the American public's best interests.

The *Epstein Files Transparency Act* would also achieve this transparency in a responsible and careful manner by providing clear statutory exemptions, which will allow the Department of Justice to redact records like the victims' personally identifiable information and their medical records, as well as CSAM and other such materials.

The Epstein files in the government's possession (including copies of grand jury records in the judiciary's possession) that the administration is fighting so hard to keep secret from the American people may very well contain embarrassing or politically sensitive information — potentially including the government's handling of the grand jury proceedings. But those legal

proceedings and the associated criminal prosecutions ended literally years ago. And the risk of embarrassment is no excuse for the government to keep these Epstein files secret.

It's past time for the DOJ and FBI to finally come clean.

IV. Fatal Flaws in Speaker Johnson's Preferred Alternative

Speaker Johnson claimed during his Meet the Press appearance that "We are for maximum disclosure. We want all transparency." Unfortunately, his alternative proposal, H.Res. 589, would achieve the opposite.

First, this phony alternative cannot become a federal law and cannot be binding on the executive branch. H.Res. 589 is merely a resolution of only one chamber of Congress expressing its opinion — which the Department of Justice and FBI are always free to ignore. (The House Resolution version of the Massie-Khanna legislation, H.Res. 581 would insert the statutory language of the *Epstein Files Transparency Act* into a larger bill, H.R. 185, which itself can be enacted into law.)

Second, even if the content of Speaker Johnson's preferred alternative were to be enacted into a federal statute, it contains fatal flaws that would doom any transparency goal. Perhaps that's the point. Specifically:

A. Exemptions generally

Speaker Johnson's alternative resolution is not a binding bill that cannot be enacted into a federal law. It is a simple resolution of the House expressing just that chamber's opinions, which the Department of Justice and FBI can just ignore. Furthermore, if the Department of Justice and FBI were to choose on their own to release more of the Epstein files, they could simply ignore what Speaker Johnson's resolution expresses about the records that should be withheld.

B. CSAM

Speaker Johnson's resolution, H.Res. 589, does not even define CSAM; instead, H.Res. 589 only refers to “child pornography” and “child sexual abuse or similar materials.” This construction could be exploited by the Department of Justice and FBI to define those terms however they wish and release child sexual abuse materials to the public.

In contrast, Reps. Massie and Khanna’s *Epstein Files Transparency Act* would not allow the Department of Justice and FBI to define those terms themselves. Instead the *Epstein Files Transparency Act* relies on the same definition of CSAM already in the United States Code that Speaker Johnson himself has previously backed using in bills that he voted for and helped pass into law.

C. "Credible" and "false or unauthenticated"

Speaker Johnson's resolution limits release of information to what is "credible" and also contains deliberately vague language in Section c(1)(G) exempting "demonstrably false or

unauthenticated" records from release. Both provisions would be easily exploited by the Department of Justice and FBI to conceal or suppress all sorts of Epstein files that the American public should be allowed to review for themselves.

Ask yourself: do you trust the federal government to decide what information is "false" especially when we have a president who reflexively says any news or information he doesn't like is "fake"?

Under the language of Speaker Johnson's phony resolution, the Department of Justice and FBI could easily withhold whistleblower documents, leaked materials, non-government records in the government's possession, and so forth — that is, virtually any information that conflicts with the government's preferred narrative. Speaker Johnson's resolution would give the power to censor and hide anything that is incriminating to the president or any administration official to those same government officials — from Attorney General Pam Bondi (former State Attorney General of Florida, i.e., ground zero of the Jeffrey Epstein scandals) to former top Department of Justice official Emil Bove (President Trump's former personal lawyer and now Senate-confirmed federal appeals court judge).

In fact, under Speaker Johnson's (non-binding) resolution, the federal government could withhold virtually *everything* and not release a single Epstein file even if it were enacted into a binding law. Enabling this level of government cover-up is the opposite of "maximum transparency."