

JPMorgan: V.I. trying to block release of embarrassing Epstein docs

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ST. THOMAS — The V.I. government is refusing to disclose certain public records, according to a new filing by an attorney representing JPMorgan Chase bank, who says the records are not confidential, but are embarrassing to government officials who dealt with Jeffrey Epstein.

The bank is currently defending against a lawsuit by the V.I. government, which claims that employees kept Epstein on as a client despite his suspicious cash transactions, and media reports that he had been sexually abusing underage girls.

The bank's lawyers have fired back with claims that V.I. government officials were aware of Epstein's activities, but failed to hold him accountable for the 20 years he lived in the territory before his August 2019 suicide while awaiting trial on new charges.

On Monday, attorney Linda Singer filed a memorandum on behalf of the V.I. government that included exhibits with partially redacted emails and communications between bank officials, discussing how to manage the fallout from Epstein's criminal activity, and whether to keep him on as a client.

The bank's lawyers have been trying to file similar exhibits publicly since May 23, but are currently blocked by the government's confidentiality claims, according to a letter from JPMorgan Chase attorney Felecia Ellsworth to Judge Jed Rakoff, which was also filed Monday.

"Yet, although USVI lacks any basis to maintain confidentiality over the exhibits cited in that filing, it has refused to withdraw its confidentiality designations, thereby requiring this Court's interven-

tion," according to Ellsworth.

Ellsworth's next sentence included several redactions, but hinted at the contents of the sealed exhibits: "Specifically, USVI has asserted confidentiality over public records reflecting embarrassing communications [redacted] that reveal the USVI's [redacted] and its abject failure to [redacted]. But avoiding embarrassment is not a basis to keep court filings sealed."

The Virgin Islands government has long refused to release many types of records that are commonly considered public in other jurisdictions, such as police incident and arrest reports, death certificates, and law enforcement personnel records showing whether an officer has a history of misconduct.

Government officials sometimes ignore public records requests or refuse to respond, citing confidentiality provisions in public employee union contracts that are not codified in law.

The Virgin Islands Code lists certain types of documents that are exempt from public disclosure, but the law is permissive — meaning government officials could choose to release exempt records that are in the public interest.

Government officials typically never release such records, citing the list of exemptions as if the law fully prohibits their disclosure.

The government's lack of transparency has been so egregious, the Society of Professional Journalists awarded the Virgin Islands government the 2015 "Black Hole Award" for its "bald and breathtaking contempt of the public's right to know."

That award was given to the administration of former Gov. Kenneth Mapp, but according to Ellsworth, current Gov. Albert Bryan Jr.'s administration is using

similar tactics to withhold public records related to Epstein.

Epstein had close contact with numerous government officials during his lifetime, including former first lady Cecile deLongh, who worked as Epstein's employee for 20 years.

V.I. Delegate to Congress Stacey Plaskett acknowledged during a May 9 deposition that she met privately with Epstein several times to solicit campaign contributions.

Plaskett served as the V.I. Economic Development Authority attorney from 2007 to 2012 while Bryan was EDA chairman and Epstein, who had already been living in the Virgin Islands for about a decade, was convicted of child sex crimes in Florida in 2008.

Epstein continued to receive millions of dollars in tax exemptions from the EDA, despite being a known sex offender, and Bryan signed off renewal of Epstein's benefit certificate in 2013.

Bryan was scheduled to be deposed on June 6, according to a public docket entry, but the transcript from his deposition has not yet been publicly released.

Some documents and depositions in the case may never be publicly released, as there is a protective order in place to keep victims' identities and other sensitive information confidential.

But Ellsworth argued in Monday's filing that the V.I. government is trying to extend the blanket of secrecy to public records that should be released.

"The documents USVI seeks to shield from the public view are public records," produced in response to the bank's document requests, according to Ellsworth's filing, which contains a fully redacted description of the documents' contents.

"The USVI does not identify any basis in the Protective Order for it to des-

ignate these materials as confidential," according to Ellsworth, who listed several reasons why the documents could be considered confidential, such as financial information or "materials related to ownership of a non-public company, trade secrets, information of an intimate nature," etc.

Rather than citing the protective order, the V.I. government "incorrectly asserts that exhibits must be kept confidential under a U.S. Virgin Islands statute related to sex offender registration," Ellsworth wrote.

The law lists certain information about convicted sex offenders that must be publicly disclosed, "but it does not provide that other government records — for example, communications between" [redacted] "must be kept confidential or are not otherwise subject to disclosure in civil litigation," Ellsworth wrote.

Ellsworth cited another section of the V.I. Code, in which "It is hereby declared to be the policy of the Government of the Virgin Islands that the public is entitled to the fullest practicable information regarding the decision making processes of the government," and gives citizens the right to examine and copy all government records upon request, "unless some other provision of the Code expressly limits such right or requires such records to be kept secret or confidential."

The law includes a list of records that are exempt from the disclosure requirement, but the statute does not actually prohibit those records from being disclosed publicly.

The listed records "shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly autho-

rized to release information," according to the law.

That means government officials could choose to release "confidential" records that are in the public interest.

Ellsworth also noted that, "Absent from that list of fifteen record types is any mention of records related to sex offender registration."

Still, the government is insisting that the law doesn't allow any information to be made public that isn't on the list of information that must be included on the sex offender registry website.

Ellsworth called the argument "dubious," given that the law also includes a list of what information cannot be included on the website. In addition, federal law includes similar exemptions from public records disclosure, and "similarly, none of them apply to the information USVI seeks to shield."

The V.I. government has also failed to explain why the records must be kept confidential at all, other than to protect individual privacy, Ellsworth wrote.

"Yet the only individual discussed in the documents is Jeffrey Epstein. It would be strange indeed if USVI now seeks to protect Jeffrey Epstein, whose crimes form the basis for its lawsuit and who has been dead for almost four years," she added.

Ellsworth asked the judge to order the V.I. government to allow the bank to refile its May 23 opposition to the government's motion to strike the bank's affirmative defenses, "along with exhibits redacted only to the extent necessary to prevent the disclosure of personal information regarding unrelated individuals."

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