



U.S. Department of Justice

United States Attorney
Southern District of Florida

DELIVERY BY FACSIMILE

Martin G. Weinberg, Esq.
20 Park Plaza, Suite 1000
Boston, MA 02116

Re: Jeffrey Epstein

Dear Mr. Weinberg:

Thank you for your letter of July 22, 2011. In order to review and address the objections that you raised in that letter, the Office deferred making its planned disclosure to the District Attorney of the County of New York of the Non-Prosecution Agreement ("Agreement") and the list of identified victims that was provided to Mr. Epstein pursuant to the Agreement. Nonetheless, after completing a full review of your objections, the Office still intends to proceed with the planned disclosures.

The Agreement requires the Office only to provide Mr. Epstein with notice prior to a disclosure of the Agreement "[i]f the United States receives a Freedom of Information Act request or any compulsory process"; the Agreement does not require Mr. Epstein's concurrence in any disclosure. Contrary to your suggestion, the Agreement (including paragraph 13) also does not make the Agreement itself "confidential." On the contrary, the Agreement expressly contemplates that disclosures of the Agreement may be made, and the Agreement further contemplates, contrary to your suggestion, that such disclosures of the Agreement may be made other than in response to "compulsory process." Here, moreover, the District Attorney of the County of New York, as a local law enforcement agency, has provided a legitimate request for disclosure of the requested information, as well as a promise to maintain the confidentiality of the information, particularly the names of the minor victims.

Your objection pursuant to Federal Rule of Criminal Procedure 6(e) also does not impact the planned disclosures. The victim list itself is not grand jury material, and, thus, disclosure of that list to the District Attorney's Office will not violate Rule 6(e).

If you wish to supply any additional authority (other than citation to Rule 6(e) and to paragraph 13 of the Agreement) for your claims that the Office cannot disclose the Agreement and

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the victim list to the District Attorney of the County of New York, we would be willing to consider those authorities before making any disclosure, provided that any such authorities are furnished to us before 5:00 p.m. on July 29, 2011. Otherwise, seeing no obstacle to the previously-planned disclosures, the Office will be disclosing copies of both the Non-Prosecution Agreement and the list of identified victims that was provided to Mr. Epstein to the District Attorney of the County of New York at 5:00 p.m. on July 29, 2011.

Sincerely,

Wifredo A. Ferrer
United States Attorney

