

July 29, 2025

James Comer, Chairman
Congress of the United States, House of Representatives
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Comer,

Thank you for your July 23 letter and the accompanying subpoena to Ms. Ghislaine Maxwell.

As you know, Ms. Maxwell is actively pursuing post-conviction relief—both in a pending petition before the United States Supreme Court and in a forthcoming habeas petition. Any testimony she provides now could compromise her constitutional rights, prejudice her legal claims, and potentially taint a future jury pool. Compounding these concerns are public comments from members of Congress that appear to have prejudged Ms. Maxwell's credibility without even listening to what she has to say or evaluating the extensive documentation that corroborates it.

Accordingly, our initial reaction was that Ms. Maxwell would invoke her Fifth Amendment rights and decline to testify at this time.

However, after further reflection, we would like to find a way to cooperate with Congress if a fair and safe path forward can be established. Several conditions would need to be addressed for that to be possible:

First, public reports—including your own statements—indicate that the Committee intends to question Ms. Maxwell in prison and without a grant of immunity. Those are non-starters. Ms. Maxwell cannot risk further criminal exposure in a politically charged environment without formal immunity. Nor is a prison setting conducive to eliciting truthful and complete testimony. The potential for leaks from such a setting creates real security risks and undermines the integrity of the process.

Second, Ms. Maxwell has served five years in prison, including nearly two years in pretrial detention under conditions that violated her constitutional rights and were, by any objective measure, torturous. To prepare adequately for any congressional deposition—and to ensure accuracy and fairness—we would require the Committee’s questions in advance. This is essential not only to allow for meaningful preparation, but also to identify the relevant documentation from millions of pages that could corroborate her responses. Years after the original events and well beyond the criminal trial, this process cannot become a game of cat-and-mouse. Surprise questioning would be both inappropriate and unproductive.

Third, we respectfully request that any appearance be scheduled only after the resolution of her Supreme Court petition and her forthcoming habeas petition. Proceeding before those matters are resolved would unfairly prejudice her if she is successful.

Please let us know whether the Committee is amenable to these conditions. If not, Ms. Maxwell will have no choice but to invoke her Fifth Amendment rights.

* * *

Of course, in the alternative, if Ms. Maxwell were to receive clemency, she would be willing—and eager—to testify openly and honestly, in public, before Congress in Washington, D.C. She welcomes the opportunity to share the truth and to dispel the many misconceptions and misstatements that have plagued this case from the beginning.

From the day of her arrest in 2020, Ms. Maxwell endured 23 months at MDC Brooklyn, a facility widely regarded as one of the worst in America. Her conditions were horrific. She was kept under 24/7 surveillance, deprived of sleep by guards shining lights in her eyes and jabbing her every 15 minutes, and denied adequate food, water, and access to prepare her defense. During legal visits, she was handcuffed, shackled, and forced to wear paper clothes—not because she was suicidal, but due to institutional paranoia. The toll on her was brutal, isolating, and psychologically devastating. Criticisms that she failed to testify at trial ignore the reality: she was, at the time of her trial, physically and mentally broken, denied even the most basic conditions needed to meaningfully defend herself and give evidence.

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Ms. Maxwell did not receive a fair trial. Prosecutors from the Southern District of New York wrongfully convinced the trial judge to unfairly limit Ms. Maxwell from presenting her defense, and at least one juror lied about a material fact during voir dire in order to serve on the jury—facts that go to the heart of the fairness of the proceedings.

In any event, Ms. Maxwell should never have been charged in the first place. In 2008, the United States government promised, in writing, that she would not be prosecuted. It broke that promise only after Mr. Epstein died in 2019—at which point Ms. Maxwell became a convenient scapegoat.

She merits relief.

* * *

We remain open to working with the Committee to find a path forward that respects her constitutional rights and enables her to assist the American people and the Committee in its important oversight mission.

With respect,

A handwritten signature in blue ink, appearing to read 'DOM', with a long horizontal flourish extending to the right.

David Oscar Markus
Leah Saffian
Melissa Madrigal
Counsel for Ghislaine Maxwell

DOM:cca