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Why Pam Bondi Didn't Publish All the Epstein Files in 30 Days

The answer is simple: It was not possible.

By William P. Barr

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A redacted Justice Department photo of files documented during a 2019 search of Jeffrey Epstein's home in the U.S. Virgin Islands. /ASSOCIATED PRESS

House Democrats, aided by a handful of misguided Republicans, forced passage of the Epstein Files Transparency Act in November. The statute directed Attorney General [Pam Bondi](#) to release publicly in electronic form, with certain redactions, all unclassified materials related to the [Jeffrey Epstein](#) case within 30 days. This has required the review of more than five million pages of material—in linear feet more than three times the height of the Washington Monument. Ms. Bondi and her team at the Justice Department have done a commendable job. Contrary to the fulminations of critics, they have faithfully implemented the law as expeditiously as possible given the Herculean effort involved.

In releasing the first installment of documents in December, Deputy Attorney General Todd Blanche noted that the practical demands of the review process made it impossible to release all materials within 30 days. He said the department was working as fast as possible and would release the rest of the files on a rolling basis.

That wasn't good enough for the administration's critics, some of whom are claiming that Ms. Bondi has flouted the law and should be impeached or censured.

Anyone familiar with the realities of document production of this magnitude would understand the 30-day deadline was patently unreasonable. The upfront work needed to prepare this staggering volume of material for review—collecting everything responsive; uploading it onto the required platform; and promulgating protocols to train hundreds of reviewers—could easily consume most of the 30 days by itself.

The massive effort required for page-by-page review is far more time-consuming. Items that would reveal a victim's personal information or jeopardize ongoing investigations must be redacted. A tidbit of information might seem innocuous on its face, but when combined with other information from other records could reveal sensitive information. The review process requires careful research and cross-checking.

The department's ability to complete such painstaking work in 30 days doesn't constitute a violation of the law. In cases like this, it is a well-settled legal principle that an impractical deadline should be interpreted as requiring a reasonable, good-faith effort, not literal compliance—especially where Congress hasn't expressly stated the consequences of missing a deadline. This is common sense. As courts have observed, Congress understands that agencies often face constraints of volume, complexity and resources, and it shouldn't be assumed that lawmakers intend to command the impossible.

Allowing flexibility is also a constitutional imperative. By statute, authorizations and appropriations, the Justice Department is charged with enforcing an array of laws and is constantly engaged, across the full span of its mission, in litigation and investigations that require compliance with statutory and court-imposed deadlines. Congress hasn't provided extra resources to produce Epstein documents, so resources will have to be diverted from these other obligations. Ultimately, it is the job of the attorney general, as the head of an executive agency, to judge how scarce resources can best be allocated among competing demands to carry out all the department's responsibilities.

Ms. Bondi has assigned well over 400 personnel from elsewhere in the department to help review Epstein documents—a massive but reasonable shift of resources. Under the law, a time requirement like this one can't be read as compelling an agency head to satisfy that deadline regardless of how it hurts the agency's ability to perform other legally required functions.

The administration's critics have also accused Ms. Bondi of making redactions that the act doesn't permit. This claim is likewise baseless. The department's redactions are firmly grounded in law.

The requirement to release Epstein-related documents was enacted against a backdrop of other laws that restrict public release of specific types of information. The act doesn't explicitly override those restrictions, and it omits standard language Congress uses when it intends to override pre-existing law, namely, that the new law's requirements apply “notwithstanding any other law.”

Thus, to apply the act properly, the department had to analyze how the statute was meant to interact with pre-existing law. Its analysis is, in my opinion, unassailable. First, it agreed with the statute's proponents that the act was best read as intended to override the Federal Rules of Criminal Procedure's prohibition on release of grand-jury material. This conclusion was based on the statute's specific reference to release of all investigation and prosecution documents.

Conversely, the department correctly found that the statute did not abrogate long-established privileges, including deliberative-process privilege, work-product privilege and attorney-client privilege. According to longstanding legal principle, statutes “requiring disclosure, but silent on the question of privilege, do not override customary privileges.”

Similarly, the department concluded that the act wasn't intended to override all protections under the federal Privacy Act. The department has made clear that it isn't using privacy considerations to redact the names of politicians or politically exposed persons.

In short, the attorney general is doing a conscientious and admirable job with the ridiculous hand Congress dealt. The attacks on her by the administration's opponents are political theater, a farce. Threats of impeachment or censure should not be taken seriously.

Rather than unfairly going after the attorney general in their crusade against the president, lawmakers should focus on passing legislation that will help the attorney

general combat real dangers confronting the American people: violent crime, the trafficking of murderous drugs, and the breathtaking levels of fraud in government social service and welfare programs. Every prosecutor working on Epstein redactions is one less prosecutor working on these critical issues.

Mr. Barr served as U.S. attorney general, 1991-93 and 2019-20.

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