



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 26, 2025

The Honorable Marco Rubio
Acting Archivist of the United States
Secretary of State
National Archives and Records
Administration
700 Pennsylvania Avenue NW
Washington, DC 20408

Mr. James Byron
Senior Advisor
National Archives and Records
Administration
700 Pennsylvania Avenue NW
Washington, DC 20408

The Honorable Scott Bessent
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

The Honorable Pete Hegseth
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301

The Honorable John Ratcliffe
Director of the Central Intelligence Agency
The Central Intelligence Agency
1000 Colonial Farm Road
Langley, VA 22101

The Honorable Tulsi Gabbard
Director of National Intelligence
Office of the Director of National
Intelligence
1500 Tysons McLean Drive
McLean, VA 22102

Re: Notice of Potential Failure to Preserve, Removal, or Destruction of Federal Records by State, Treasury, DOD, CIA, and ODNI

Dear Messrs Rubio, Byron, Bessent, Hegseth, Ratcliffe, and Ms. Gabbard:

We write to alert you of the potential destruction of federal records and circumvention of established agency programs of records management by the U.S. Department of State (“State”), U.S. Department of the Treasury (“Treasury”), U.S. Department of Defense (“DOD”), Central Intelligence Agency (“CIA”), Office of the Director of National Intelligence (“ODNI”), their agency heads, and staff. As detailed below, we request the National Archives and Records Administration (“NARA”) immediately investigate and take appropriate remedial action. Please confirm by **April 4, 2025** in writing that NARA and the agencies have commenced the actions requested below.

On March 24, 2025, The Atlantic magazine reported that its editor-in-chief was included on a Signal chat with agency heads and other high-level officials discussing “the war plan” for “bombing Houthi targets across Yemen.”¹ “Signal is an open-source encrypted messaging service” that allows users to set messages to “disappear” after a set amount of time has elapsed, deleting the messages.² Public reporting indicates that because “in most cases, Signal cannot be downloaded onto official federal devices,” some of the officials in the Signal chat may have been using their personal devices.³

On March 11, 2025, Michael Waltz, President Trump’s national security adviser, reportedly sent a Signal connection request to Jeffrey Goldberg, The Atlantic’s editor-in-chief.⁴ Mr. Goldberg reportedly accepted the connection request and was added to a Signal chat group called “Houthi PC small group.”⁵ That group chat reportedly included accounts appearing to be from Marco Rubio, in his capacity as Secretary of State, Vice President JD Vance, Director of National Intelligence Tulsi Gabbard, Treasury Secretary Scott Bessent, Secretary of Defense Pete Hegseth, President Trump’s Middle East and Ukraine negotiator Steve Witkoff, White House Chief of Staff Susie Wiles, and various National Security Council officials.⁶ Some of the messages in the Signal group were reportedly set to disappear after one week, while others were set to disappear after four weeks.⁷

Reporting indicates that government officials in the Signal chat, including the Vice President and Secretary of Defense, discussed the policy implications of operations in Yemen and sent “information that might be interpreted as related to actual and current intelligence operations.”⁸ Secretary of Defense Pete Hegseth then reportedly sent a message containing “operational details of forthcoming strikes on Yemen, including information about targets, weapons the U.S. would be deploying, and attack sequencing.”⁹ According to public reports, two hours later, explosions were heard in Yemen.¹⁰ Officials then reportedly messaged in the Signal chat to celebrate the operation and assess the “damage done, including the likely death of a specific individual.”¹¹ White House Press Secretary Karoline Leavitt reportedly described the conversation as “deliberation amongst high-level senior

¹ Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, The Atlantic (Mar. 24, 2025), <https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/>.

² *Id.*; *Set and manage disappearing messages*, Signal Support, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages> (last visited Mar. 26, 2025).

³ Maggie Miller & Dana Nickel, *‘It’s so unbelievable’: Cyber world stunned over war planners using Signal*, Politico (Mar. 25, 2025), <https://www.politico.com/news/2025/03/25/signal-cybersecurity-trump-war-planning-00246881>.

⁴ Goldberg, *supra* note 1.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

staff [where] sensitive information was discussed.”¹² However, in a Senate Intelligence Committee hearing on March 25, Director of National Intelligence Tulsi Gabbard and CIA Director John Ratcliffe said that they did not believe classified information was shared in the chat.¹³

According to public reporting, “[s]everal Defense Department officials expressed shock that Mr. Hegseth had put American war plans into a commercial chat group Revealing operational war plans before planned strikes could also put American troops directly into harm’s way, the officials said.”¹⁴ On March 18, days after the Signal chat was created but before it was reported publicly, NPR obtained a copy of a “Pentagon-wide advisory” that was sent warning about the vulnerability of using Signal, “even for unclassified information.”¹⁵

State, Treasury, DOD, CIA, ODNI, and their agency heads’ apparent failure to preserve federal records, and their agency heads’ reported circumvention of established agency programs of records management leading to the destruction of federal records, appear to violate their statutory record-keeping requirements under the FRA.

The Federal Records Act (“FRA”) imposes on federal agencies the obligation to “make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions” of the agency. 44 U.S.C. § 3101. Each agency must establish and maintain “an active, continuing program” for the management of federal records, including “effective controls over the creation and over the maintenance and use of records.” *Id.* § 3102. Further, the FRA “strictly limits the circumstances under which records can be removed from federal custody or destroyed.”¹⁶ NARA regulations outline that “[t]he penalties for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so, include a fine, imprisonment, or both.” 36 C.F.R. § 1230.12 (citing 18 U.S.C. §§ 641, 2071).

¹² Jeffrey Goldberg & Shane Harris, *Here Are the Attack Plans That Trump’s Advisers Shared on Signal*, *The Atlantic* (Mar. 26, 2025), <https://www.theatlantic.com/politics/archive/2025/03/signal-group-chat-attack-plans-hegseth-goldberg/682176>.

¹³ Julian E. Barnes, *Top Officials Reject Responsibility for Information Shared in Signal Chat*, *N.Y. Times* (Mar. 25, 2025), <https://www.nytimes.com/live/2025/03/25/us/trump-hegseth-war-plans-leak-signal/692faaa7-148d-596f-b78e-e1a42a57d595?smid=url-share>.

¹⁴ Helene Cooper & Eric Schmitt, *Hegseth Disclosed Secret War Plans in a Group Chat*, *N.Y. Times* (Mar. 24, 2025), <https://www.nytimes.com/2025/03/24/us/politics/hegseth-classified-war-plans-group-chat.html?smid=url-share>.

¹⁵ Quil Lawrence & Tom Bowman, *Days after the Signal leak, the Pentagon warned the app was the target of hackers*, *NPR* (Mar. 25, 2025), <https://www.npr.org/2025/03/25/nx-s1-5339801/pentagon-email-signal-vulnerability#:~:text=A%20Pentagon%20Dwide%20advisory%20went,March%2018%2C%20obtained%20by%20NPR>.

¹⁶ *Jud. Watch, Inc. v. Kerry*, 844 F.3d 952, 953 (D.C. Cir. 2016) (citing 44 U.S.C. § 3105(1)).

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Without preserving the messages through an official account, this use of Signal and its auto-delete function is not compliant with the FRA. Federal law specifically prevents officers and employees of executive agencies from creating or sending records “using a non-official electronic messaging account unless” they copy or forward the message to an official account within 20 days. 44 U.S.C. § 2911. Signal is a non-official electronic messaging platform, and it does not appear that any of the officials communicating via this Signal chat copied or forwarded messages to an official account to preserve the records in accord with their statutory obligations.

The FRA imposes on “[t]he head of each Federal agency” the obligation to “notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency” and “with the assistance of the Archivist” to “initiate action through the Attorney General for the recovery of [those] records.” 44 U.S.C. § 3106(a). Absent such action by the Administrator of these agencies, the FRA requires NARA itself to “request the Attorney General to initiate such an action” and notify the Congress. *Id.*

We request that NARA take appropriate action, including instructing these agencies and agency heads to immediately cease using Signal or their personal devices for public business, unless the federal records created on these devices are preserved pursuant to 44 U.S.C. § 2911; cease the destruction of records through the use of Signal’s auto-delete function; manage and preserve all federal records; and report any unlawful removal, alteration, or destruction of records to NARA.

Please confirm by **April 4, 2025** in writing that NARA and the agencies have commenced the requested actions. Please direct any communications about this matter to Donald Sherman at alerts@citizensforethics.org.

Sincerely,



Donald Sherman
Citizens for Responsibility and Ethics in
Washington

cc: William P. Fischer, Acting Chief Records Officer, National Archives and Records Administration; Sandra J. Lewis, Acting Inspector General, U.S. Department of State; Loren J. Sciurba, Deputy Inspector General, U.S. Department of the Treasury; Steven A. Stebbins, Acting Inspector General, U.S. Department of Defense; Office of Inspector General, Central Intelligence Agency; Tamara A. Johnson, Acting Inspector General of the Intelligence Community