



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

August 12, 2026

Ed Forst
Acting Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

William P. Fischer
Acting Chief Records Officer
National Archives and Records Administration
8601 Adelphi Road
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cc: M. Sean O'Neill, Assistant Inspector General, U.S. Department of Justice

Re: Notice of Potential Failure to Preserve, Removal, or Destruction of Federal Records relating to the Department of Justice

Dear Mr. Forst and Mr. Fischer:

We write to alert you of the potential loss, removal, or destruction of federal records and circumvention of established agency programs of records management by former Attorney General Pamela Bondi. As detailed below, we request the National Archives and Records Administration ("NARA") immediately investigate and take appropriate remedial action in response to any failure by Ms. Bondi and the Department of Justice ("DOJ") to preserve federal records. We further request that NARA promptly advise Ms. Bondi that if she has conducted public business on non-official communications systems, such communications are federal records that must be preserved. **Please confirm by August 31, 2026** in writing that NARA and DOJ have commenced the actions requested below.

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. Federal law also specifically prohibits officers and employees of federal agencies from creating or sending records "using a non-official

electronic messaging account unless” they contemporaneously copy an official account when transmitting the message or forward the message to an official account within 20 days. *Id.* § 2911. These requirements apply to text messages, as “[t]ext messages about official acts are considered records that should be preserved.”¹ *See id.* §§ 2911(c)(1), 3301(a)(1)(A). Additionally, the FRA “strictly limits the circumstances under which records can be removed from federal custody or destroyed.”² 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).

The FRA further 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.*

Federal law thus requires the preservation of “federal records” and imposes certain mandatory obligations on NARA to facilitate such preservation.³ Federal records include electronic communications created, sent, or received in connection with the transaction of agency business, regardless of whether they are created or transmitted on an official government platform, service, account, or system, or on a non-official platform, service, account, or system. Nor does federal law draw a distinction between the type of electronic communications when defining federal records. It includes, for example, emails, text messages, direct messages, social media posts, and public and private messages on applications such as Twitter, X, Truth Social, Signal, and WhatsApp.

On June 10, 2026, it was publicly reported that former Attorney General Bondi “rarely used her Justice Department email” when she served as Attorney General.⁴ In an age in which virtually all written communication is conducted on electronic systems and email use is ubiquitous to communicate and transmit documents, and considering the wide range of important matters committed by law to the Attorney General, this reporting raises

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

² *Jud. Watch, Inc. v. Kerry*, 844 F.3d 952, 953 (D.C. Cir. 2016) (citing 44 U.S.C. § 3105(1)).

³ *See, e.g.*, 44 U.S.C. §§ 3106, 2905(a); 36 C.F.R. §§ 1230.14, 1230.16; *Jud. Watch*, 844 F.3d at 956 (D.C. Cir. 2016).

⁴ Maggie Haberman & Jonathan Swan, *Inside the White House Freakout Over the Epstein Files*, N.Y. Times (June 10, 2026), https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html?eafs_enabled=false.

significant concerns regarding (1) whether Ms. Bondi used alternative and non-official methods of communication to conduct official business as Attorney General and (2) whether such records were preserved in compliance with the FRA. This recent reporting also comes in the wake of multiple high-profile, embarrassing, and troubling examples of the President and other White House officials conducting sensitive government business on private electronic applications like Truth Social and Signal.⁵ For example, on September 20, 2025, President Trump publicly posted a Truth Social message, which was later reported to be an intended private message, to Ms. Bondi demanding that she be more aggressive in using the DOJ to criminally prosecute the President's perceived enemies.⁶

Similarly, from March 11 to March 15, 2025, Vice President JD Vance, former Chief of Staff for the National Security Council Brian McCormack, former National Security Advisor Mike Waltz, and White House Chief of Staff Susie Wiles, in addition to multiple cabinet secretaries and other officials, participated in a group chat on Signal, in which the group discussed impending military operations in Yemen, including attack plans, putting America's war plans and the welfare of members of the United States armed forces at risk.⁷ "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.⁸ Former NARA director of litigation Jason R. Baron told reporters that under applicable federal records laws "all government employees are prohibited from using electronic-messaging applications such as Signal for official business, unless those messages are promptly forwarded or copied to an official government account."⁹ 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.¹⁰ Some of the messages in the Signal group

⁵ Kyle Cheney, *'We Can't Delay Any Longer': Trump Urges Bondi to Prosecute His Rivals*, Politico (Sept. 20, 2025), <https://www.politico.com/news/2025/09/20/trump-bondi-truth-social-00574380>; Kristen Welker & Rebecca Shabad, *Trump accidentally posted message pressuring Pam Bondi to charge his enemies, source says*, NBC News (Oct. 10, 2025), <https://perma.cc/LJ28-ZDMV>; Goldberg, *supra* note 1.

⁶ Cheney, *supra* note 5; Welker & Shabad, *supra* note 5.

⁷ Goldberg, *supra* note 1; Jeffrey Goldberg & Shane Harris, *Here Are the Attack Plans That Trump's Advisers Shared on Signal*, Atlantic (Mar. 26, 2025), <https://www.theatlantic.com/politics/archive/2025/03/signal-group-chat-attack-plans-hegseth-goldberg/682176/>; U.S. Dep't of Def. Off. of Inspector Gen., *Evaluation of the Secretary of Defense's Reported Use of a Commercially Available Messaging Application for Official Business* (Dec. 2, 2025), <https://www.politico.com/f/?id=0000019a-ea21-dd9e-afba-fa6d21b50000>; Owen Scott, *JD Vance texted in Hegseth's infamous Signalgate group at 2:30am after scandal broke*, Independent (Dec. 5, 2025), <https://www.independent.co.uk/news/world/americas/us-politics/jd-vance-hegseth-signal-chat-hou-thi-yemen-b2878815.html>.

⁸ Goldberg, *supra* note 1; *Set and manage disappearing messages*, Signal Support, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages> (last visited July 7, 2026).

⁹ Goldberg, *supra* note 1.

¹⁰ 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>.

were reportedly set to disappear after one week, while others were set to disappear after four weeks, raising concerns that the messages were not properly preserved.¹¹ The Signal chat only came to light because they also inadvertently included the editor-in-chief of The Atlantic magazine.¹²

Most recently, on June 29, 2026, it was publicly reported that some of President Trump's top advisors continued to use Signal even after the president publicly condemned its use in an April 24, 2025 interview saying, "If you want to know the truth. I would frankly tell these people not to use Signal."¹³ Just ten days after this interview, President Trump's then-special envoy for Latin America, Mauricio Claver-Carone, was texting in a Signal group chat with Secretary of State Marco Rubio and Rubio's then-counselor, Mike Needham.¹⁴ According to State Department records, the men had been conversing on Signal since as early as April 15, 2025.¹⁵ The same State Department release includes "13 Signal chats from the first six months of 2025 that have not been previously reported."¹⁶ Additionally, the identities of nearly all of the group members in the chats are visible in the release, "revealing even broader use of Signal by top Trump-administration officials than was previously known."¹⁷ Also visible are the names of the groups themselves, including one named "Iran/Ukraine Planning" and another labeled "State USAID."¹⁸

The repeated use of Signal and other private messaging applications by the highest placed officials within the Trump administration—including possibly to communicate with Attorney General Bondi—coupled with Attorney General Bondi's reported avoidance of using her email, creates an urgent public need to understand the extent to which Attorney General Bondi used non-official messaging systems to conduct government business.

That urgency is only enhanced by Ms. Bondi's troubling history of violating public disclosure laws prior to her appointment as Attorney General. While serving as Attorney General of Florida, Ms. Bondi was sued for allegedly "conspir[ing with Governor Rick Scott and his staff] to shield their communications from public-records law by using private Gmail accounts to send email,"¹⁹ destroying emails, and "fail[ing] to properly retain text

¹¹ Goldberg, *supra* note 1.

¹² *Id.*

¹³ See Michael Scherer et al., *Hegseth, Rubio, and Caine Had an Auto-Deleting Signal Chat*, The Atlantic (June 29, 2026), https://www.theatlantic.com/national-security/2026/06/trump-administration-signal-chat-marco-rubio/687735/?gift=SCYx-5scVta3-cr_lIlgTyTi4ImrUbPLjByL_AyLRx5g.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Jacob Gershman, *Florida Governor Settles Lawsuit Alleging Conspiracy to Shield Email*, Wall Street Journal (Aug. 7, 2015), <https://www.wsj.com/articles/BL-LB-51867>.

messages” even after the plaintiff had filed a document hold request.²⁰ Ms. Bondi was similarly sued after her office allegedly refused to provide meeting notes stored by Bondi on her iPad.²¹ In 2015, Governor Scott and the state of Florida agreed to pay \$700,000 to settle these lawsuits and several others that also contended that Governor Scott and other state officials “flouted the state’s public records law.”²² Regarded as “one of the larger payments ever approved in an open government case in Florida history,” the six-figure settlement was paid out through the use of taxpayer money that came from Governor Scott’s office, Ms. Bondi’s office, and two other state agencies.²³

In short, Ms. Bondi has created her own track record of non-compliance with public records and transparency laws prior to being appointed Attorney General, and both the conduct of Trump administration and public reporting indicate that such non-compliance may have continued during her federal service, where she conducted extremely consequential and sensitive work on behalf of the American people. It is imperative that NARA investigates and takes appropriate remedial action in order to determine whether Ms. Bondi used non-official electronic messaging systems in violation of federal law.

We request that NARA take appropriate action, including instructing DOJ to manage and preserve all federal records; and report any unlawful removal, alteration, or destruction of records to NARA. To the extent Ms. Bondi created, received, stored, or maintained federal records on a personal phone and may be in possession of alienated federal records, NARA and the DOJ must identify and recover these records, including but not limited to requesting Ms. Bondi provide or preserve the federal records on her personal phone.

Please confirm by August 31, 2026 in writing that NARA and the DOJ have commenced the requested actions. Please direct any communications about this matter to Donald Sherman at alerts@citizensforethics.org.

Sincerely,

²⁰ *Id.*; Mary Ellen Klas, *Attorney says missing emails prove Attorney General Pam Bondi’s office violated records laws*, Tampa Bay Times (Apr. 4, 2014), <https://www.tampabay.com/news/politics/legislature/lawyer-accuses-attorney-general-pam-bondis-office-of-destroying-public/2173636/>.

²¹ The Associated Press, *Governor Scott and attorney general sued for not turning over records*, The Florida Times-Union (Nov. 25, 2013), <https://www.jacksonville.com/story/news/2013/11/25/governor-scott-and-attorney-general-sued-not-turning-over-records/15805889007/>; Reps. Comm., *RCFP reviews Pam Bondi’s record on newsgathering, First Amendment issues*, Reps. Comm. for Freedom of the Press (Jan. 27, 2025), <https://www.rcfp.org/pam-bondi-ag-special-analysis/>.

²² *Florida to Spend \$700K to Settle Public Records Lawsuits*, NBC 6 South Florida (Aug. 8, 2015), <https://www.nbcmiami.com/news/local/florida-to-spend-700k-to-settle-public-records-lawsuits/54435/>.

²³ *Id.*; Gary Fineout, *Gov. Rick Scott defends payout in records lawsuit*, Florida Politics (Aug. 20, 2015), <https://floridapolitics.com/archives/188701-gov-rick-scott-defends-payout-in-records-lawsuit/>.

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A handwritten signature in black ink, appearing to read 'DSH', with a long horizontal stroke extending to the right.

Donald Sherman
Citizens for Responsibility and Ethics in
Washington