



March 25, 2025

VIA ONLINE PORTAL

Department of Defense
OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301
Via Online Portal

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer(s):

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

On March 24, 2025, Jeffrey Goldberg — editor-in-chief of *The Atlantic* — revealed that he had previously been added to a Signal group chat in which U.S. national security leaders coordinated March 2025 military strikes in Yemen.¹ American Oversight seeks records with the potential to shed light on this matter.

Requested Records

American Oversight seeks expedited review of this request for the reasons identified below and requests that your agency produce the following records as soon as practicable, and at least within twenty business days:

1. All guidance issued by, provided to,² or otherwise in the possession of your office — including directives, instructions, directions, memoranda, policies, procedures, informal email guidance, and/or any other written guidance — (a) on the use of ephemeral messaging platforms — including, but not limited to, Signal — and (b) issued, created, or modified **since January 20, 2025**.
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent

¹ Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, The Atlantic (Mar. 24, 2025, 12:06 PM), <https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/>.

² This request includes, but is not limited to, guidance provided by the White House Counsel's Office. For further identifying information, see Karoline Leavitt (@PressSec), X (Mar. 25, 2025, 8:35 AM), <https://x.com/PressSec/status/1904512527699968437>.



by Chief Records Officer Mark Patrick³— and/or anyone communicating on their behalf, such as an assistant, chief of staff, and/or secretary — and containing any of the key terms listed below.

Key Terms:

- a. Ephemeral
- b. FRA
- c. “Federal Record”
- d. “Records Act”
- e. “records law”
- f. “The Atlantic”
- g. “theatlantic.com”
- h. “Houthi PC”
- i. “group chat”
- j. “Signal thread”
- k. “Signal conversation”
- l. “Signal chat”
- m. “on Signal”
- n. “Signal messenger”
- o. “Signal message”
- p. Retention
- q. Retain
- r. Preservation
- s. Preserve
- t. “auto-delete”
- u. “auto delete”
- v. “automatically delete”

In an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part two of this request to emails sent by any of the listed officials, and/or anyone communicating on their behalf, such as an assistant, chief of staff, and/or secretary. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an official’s response to an email and the initial received message are responsive to this request and should be produced.

For part two of this request, please provide all responsive records from January 20, 2025, through the date the search is conducted.

³ If Max Patrick is no longer Chief Records Officer, please provide the requested communications for all officials serving in and/or fulfilling the duties of that position — whether in an interim and/or permanent capacity — for the entire timeframe of this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."⁴ The public has a significant interest in the Trump Administration's use of an unapproved, ephemeral messaging platform to transmit classified military plans.⁵ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including whether, to what extent, and by what means multiple high-profile members of the Trump Administration potentially violated federal law by coordinating military strikes in Yemen over Signal. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request "is not primarily in the commercial interest of the requester."⁶ In fact, as a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose, and the release of the information requested is not in American Oversight's commercial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).⁷

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁸ Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those

⁴ 5 U.S.C. § 552(a)(4)(A)(iii).

⁵ See Goldberg, *supra* note 1.

⁶ 5 U.S.C. § 552(a)(4)(A)(iii).

⁷ American Oversight currently has approximately 16,000 followers on Facebook and 95,000 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 25, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Mar. 25, 2025).

⁸ See generally *Our Latest*, American Oversight, <https://www.americanoversight.org/blog>.

contacts;⁹ posting records and editorial content about the federal government's response to the COVID-19 pandemic;¹⁰ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;¹¹ the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;¹² and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹³

Accordingly, American Oversight qualifies for a fee waiver.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 32 C.F.R. Part 286, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed to inform the public concerning actual or alleged government activity. On March 24, 2025, Jeffrey Goldberg — editor-in-chief of *The Atlantic* — revealed that he had been added to a Signal group chat on March 13, 2025, in which U.S. national security leaders coordinated military strikes in Yemen.¹⁴

⁹ *The Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

¹⁰ See generally *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

¹¹ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Audit the Wall: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://americanoversight.org/audit-the-wall-no-plans-funding-or-timeline-and-no-wall/>.

¹² *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.documentcloud.org/documents/25544090-doj-records-relating-to-solicitor-general-noel-franciscos-recusal-american-oversight>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹³ See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

¹⁴ See Goldberg, *supra* note 1.

The White House acknowledged and confirmed the veracity of Goldberg's published revelation that he was inadvertently included in this discussion of highly sensitive information over an unclassified messaging platform.¹⁵ Within hours of Goldberg's reporting, the White House stated that it was "reviewing how an inadvertent number was added" to the Signal conversation.¹⁶ Given the highly sensitive nature of the conversation that took place over Signal, which is not approved by the government for sharing classified information,¹⁷ the American public is entitled to records responsive to American Oversight's requests centered on the Trump administration's use of Signal for the sharing of classified information. The American public has a substantial and urgent interest in understanding the Trump Administration's recent disclosure of classified military plans over Signal, especially amidst reporting of potential violations of numerous federal laws, including the Federal Records Act and the Espionage Act.¹⁸

Moreover, I certify to be true and correct to the best of my knowledge and belief that there is an urgent need to inform the public about the use of an unapproved, ephemeral messaging platform to transmit classified military plans. There is an urgent need to obtain the requested records to inform the public about whether, to what extent, and by what means multiple high-profile members of the Trump Administration potentially violated federal law by coordinating military strikes in Yemen over Signal. Since the initial publication of Goldberg's reporting, multiple members of Congress from both parties have spoken out, with one Senator writing that "every single one of the government officials on this text chain have now committed a crime," and another Senator calling it "a huge-screw up."¹⁹ Multiple members of the House of Representatives called for "administrative accountability" and "a full investigation" into the matter.²⁰ The public requires the requested information in order to engage with their senators or representatives who may be able to investigate the matter.

¹⁵ See, e.g., Dan Lamothe & Michael Birnbaum, *White House Acknowledges 'Inadvertent' Leak Involving Top Trump Officials*, Wash. Post (Mar. 24, 2025, 3:34 PM), <https://www.washingtonpost.com/national-security/2025/03/24/trump-leak-signal-jeffrey-goldberg-atlantic/>.

¹⁶ Daniel Arkin, *Trump Administration Is Reviewing How Its National Security Team Sent War Plans to a Magazine Editor*, NBC (Mar. 24, 2025, 3:29 PM), <https://www.nbcnews.com/politics/national-security/atlantic-jeffrey-goldberg-trump-houthis-rcna197847>.

¹⁷ See Goldberg, *supra* note 1.

¹⁸ See, e.g., Joseph Gedeon, *Outrage After White House Accidentally Texts Journalist War Plans: 'Huge Screw-Up'*, The Guardian (March 24, 2025, 3:55 PM), <https://www.theguardian.com/us-news/2025/mar/24/journalist-trump-yemen-war-chat-reaction>; see also Helene Cooper & Eric Schmitt, *Hegseth Disclosed Secret War Plans in a Signal Group Chat with Top Atlantic Editor*, N.Y. Times (updated Mar. 24, 2025, 3:59 PM), <https://www.nytimes.com/2025/03/24/us/politics/hegseth-classified-war-plans-group-chat.html>.

¹⁹ See *id.*

²⁰ See, e.g., Andrew Solender et al., *'Heads Should Roll': Congress Erupts Over Stunning Trump Admin Leak*, Axios (updated Mar. 24, 2025, 4:19 PM), <https://www.axios.com/2025/03/24/atlantic-yemen-signal-hegseth-jeffrey-goldberg>.

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,²¹ American Oversight "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience."²² American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).²³ As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.²⁴

Accordingly, American Oversight's request satisfies the criteria for expedition.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

²¹ See *ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

²² *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

²³ American Oversight currently has approximately 16,000 followers on Facebook and 95,000 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 25, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Mar. 25, 2025).

²⁴ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; see, e.g., *Emails and Resume of Trump's Pick to Head Government Personnel Office*, American Oversight, <https://www.americanoversight.org/emails-and-resume-of-trumps-pick-to-head-government-personnel-office>; *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>; *State Department Releases Ukraine Documents to American Oversight*, American Oversight, <https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight>; *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

- **Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request.** If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.
- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or X (formerly Twitter) direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.²⁵ It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.²⁶

²⁵ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

²⁶ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,²⁷ and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Loree Stark at foia@americanoversight.org or (304) 913-6114. Also, if American Oversight's request

²⁷ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Loree Stark

Loree Stark
on behalf of
American Oversight