



April 2, 2025

VIA EMAIL, ONLINE PORTAL, & FACSIMILE

FOIA/PA Request
FOIA and Transparency
Department of the Treasury
Washington, DC 20220
FOIA@treasury.gov

Office of the Director of National
Intelligence
Gregory Koch
Director, Information Management
Office
ATTN: FOIA/PA
Washington, DC 20511
odni.foia@odni.gov

U. S. Department of State
Office of Information Access Liaison,
A/SKS/IAP/IAL
2201 C Street N.W., Suite B266
Washington, DC 20520
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

Central Intelligence Agency
Information and Privacy Coordinator
Washington, DC 20505
(703) 613-3007

Re: Expedited Freedom of Information Act Request

Dear FOIA Officers:

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.

Recent reporting reveals that White House National Security Advisor Michael Waltz and other National Security Council (NSC) staff conducted government business using personal Gmail accounts.¹ This reporting comes days after Jeffrey Goldberg—editor-in-chief of *The Atlantic*—revealed that he had been added to a Signal group chat in which U.S. national security leaders coordinated March 2025 military strikes in Yemen.²

¹ John Hudson, *Waltz and Staff Used Gmail for Government Communications, Officials Say*, Wash. Post (last updated Apr. 1, 2025, 7:05 PM), <https://www.washingtonpost.com/national-security/2025/04/01/waltz-national-security-council-signal-gmail/>.

² Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, *The Atlantic* (Mar. 24, 2025, 12:06 PM),



American Oversight seeks records with the potential to shed light on the Trump administration's use of personal accounts to conduct government business.

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:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) the officials listed below, and (b) any email accounts associated with National Security Advisor Michael "Mike" Waltz, or any staff of the NSC (including all nongovernmental email addresses, such as those ending in gmail.com).

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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.³ 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.⁴

Department of Treasury

- a. Secretary Scott Bessent
- b. Former Acting Secretary David Lebryk
- c. Anyone communicating on behalf of the Acting or actual Secretary, such as a chief of staff, assistant, or scheduler
- d. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Office of the Director of National Intelligence

- a. Director Tulsi Gabbard
- b. Former Director Stacey Dixon
- c. Anyone communicating on behalf of the Acting or actual Director, such as a chief of staff, assistant, or scheduler
- d. Anyone serving in the capacity of Senior Advisor to the Acting or actual Director

<https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/>.

³ 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).

⁴ See *Competitive Enter. Inst. v. Off. of Sci. & Tech. Pol'y*, No. CV 14-765, 2016 WL 10676292, at *3 (D.D.C. Dec. 12, 2016).

Department of State

- a. Secretary Marco Rubio
- b. Former Acting Secretary Lisa Kenna
- c. Anyone communicating on behalf of the Acting or actual Secretary, such as a chief of staff, assistant, or scheduler
- d. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Department of Defense

- e. Secretary Pete Hegseth
- f. Former Acting Secretary Robert Salesses
- g. Anyone communicating on behalf of the Acting or actual Secretary, such as a chief of staff, assistant, or scheduler
- h. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Central Intelligence Agency

- a. Director John Ratcliffe
- b. Acting Director Thomas Sylvester, Jr.
- c. Anyone communicating on behalf of the Acting or actual Director, such as a chief of staff, assistant, or scheduler
- d. Anyone serving in the capacity of Senior Advisor to the Acting Director or actual Director

Please provide all responsive records from January 20, 2025, through the date the search is conducted.

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."⁵ The public has a significant interest in communications members of the Trump administration may be having via personal Gmail accounts, including Gmail.⁶ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including whether and to what extent such communications are taking place and if so, whether they are in compliance with

⁵ 5 U.S.C. § 552(a)(4)(A)(iii).

⁶ See Hudson, *supra* note 1.

relevant laws, regulations, and guidance. 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."⁷ 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).⁸

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.⁹ Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;¹⁰ posting records and editorial content about the federal government's response to the COVID-19 pandemic;¹¹ 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;¹² 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

⁷ 5 U.S.C. § 552(a)(4)(A)(iii).

⁸ American Oversight currently has approximately 16,000 followers on Facebook and 95,100 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 2, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Apr. 2, 2025).

⁹ See generally *Our Latest*, American Oversight, <https://www.americanoversight.org/blog>.

¹⁰ *The Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

¹¹ 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>.

¹² 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/>.

waivers;¹³ and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹⁴

Accordingly, American Oversight qualifies for a fee waiver.

With respect to American Oversight's request to the Department of the Treasury only: notwithstanding its fee waiver request, pursuant to 31 C.F.R. § 1.5(7)(e), American Oversight hereby states that it is willing to pay fees in an amount not more than \$25.00.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and the FOIA expedition regulations of your agency, 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 in order to inform the public concerning actual or alleged government activity. In April 2025, reporting revealed that National Security Advisor Michael Waltz and other senior officials conducted NSC business using personal Gmail accounts.¹⁵ This news comes after Waltz included Jeffrey Goldberg—editor-in-chief of *The Atlantic*—in a Signal group chat discussing military strikes in Yemen.¹⁶ In response to Waltz's personal Gmail use, NSC officials said "NSC staff have guidance about using 'only secure platforms for classified information.'" ¹⁷ Given the use of Gmail accounts by the NSC, which data security experts warn against, even for sharing unclassified materials,¹⁸ the American public is entitled to the swift release of records responsive to American Oversight's requests centered on the Trump administration's use of personal email accounts to conduct government business. The American public has a substantial and urgent interest in understanding the Trump

¹³ *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>.

¹⁴ 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>.

¹⁵ See Hudson, *supra* note 1.

¹⁶ Dan Lamothe et al., *Trump Officials Shared War Planning in Unclassified Chat With Journalist*, Wash. Post, last updated Mar. 24, 2025, <https://www.washingtonpost.com/national-security/2025/03/24/trump-leak-signal-jeffrey-goldberg-atlantic/>.

¹⁷ See Hudson, *supra* note 1.

¹⁸ *Id.*

administration's recent use of unsecured platforms to discuss matters of national security.

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 email platform to transmit matters of national security. Since the initial reporting by the *Washington Post*, NSC spokesperson Brian Hughes said he "has seen no evidence of Waltz using his Gmail as the outlet's sources described."¹⁹ There is an urgent need to obtain the requested records to inform the public about whether, to what extent, and by what means multiple NSC officials of the Trump administration conducted NSC business over Gmail.

To the extent provided for by your agency's regulations, American Oversight's request also meets the standard for expedited processing for requests concerning a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. To that end, I also certify to be true and correct to the best of my knowledge and belief that there is widespread and exceptional media interest in the subject of this request, and there exist possible questions concerning the government's integrity, which affect public confidence. The use of Gmail by members of the Trump administration has been the subject of intense media scrutiny, including questions of whether Trump administration officials are violating the Federal Records Act by conducting government business on unmonitored, personal accounts.²⁰

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

¹⁹ Andrew Solender, *Scoop: Jeffries Rips 'Unqualified' Waltz Over Gmail Report*, Axios, (Apr. 2, 2025), <https://www.axios.com/2025/04/02/hakeem-jeffries-mike-waltz-gmail-signal-hegseth>.

²⁰ See, e.g., Solender, *supra* note 19; Connor Stringer, *Mike Waltz 'Used Gmail for Government Business'*, The Telegraph (Apr. 1, 2025, 9:55 PM), <https://www.telegraph.co.uk/us/news/2025/04/01/mike-waltz-gmail-government-business-signal-leak/>; Maggie Haberman & Tyler Pager, *'Should I Fire Him?' Inside Trump's Deliberations Over the Fate of Michael Waltz*, N.Y. Times, Mar. 29, 2025, <https://www.nytimes.com/2025/03/29/us/politics/trump-signal-michael-waltz.html>; Jedd Zeleny & Kevin Liptak, *White House Closes Case on Signal and Stands by Waltz, With Key Questions Still Unanswered*, CNN (Mar. 31, 2025, 5:35 PM), <https://www.cnn.com/2025/03/31/politics/mike-waltz-donald-trump-signal-questions/index.html>; Olivia Milman, *National security adviser Michael Waltz reportedly conducted business via Gmail*, Guardian (Apr. 2, 2025, 11:32 AM), <https://www.theguardian.com/us-news/2025/apr/02/michael-waltz-gmail-signal-national-security>; Victor Nava, *White House suggests national security adviser Mike Waltz received work-related emails on his personal Gmail account*, N.Y. Post (Apr. 1, 2025, 10:19 PM), <https://nypost.com/2025/04/01/us-news/national-security-council-confirms-mike-waltz-and-staff-used-gmail-for-government-communication/>.

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:

- 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

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 95,100 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 2, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Apr. 2, 2025).

²⁴ See generally *Our Latest*, 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>.

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 or Mattermost.

- 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 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,²⁵ 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.
- 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.

²⁵ 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>.

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 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