

March 26, 2025

Marco Rubio
Acting Archivist of the U.S. National Archives and
Records Administration (NARA)
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

RE: Urgent Need to Prevent Unlawful Destruction and Removal of Important Federal Records

To the Archivist of the United States and Senior NARA Officials:

Democracy Forward writes regarding an urgent matter of records preservation, as well as other serious violations of the Federal Records Act (FRA). As you are aware, on Monday *The Atlantic* published a report indicating that the nation's highest-ranking national security officials are communicating on Signal threads to coordinate classified operations. Demonstrating the lack of care with which these officials are handling sensitive and classified information, they inadvertently included a journalist on these messages.¹ Given standard security safeguards integrated into classified communications systems, the inadvertent inclusion of an individual outside government strongly suggests that these communications took place through unclassified—and possibly personal—devices.

We ask that NARA take immediate remedial action to recover any federal records that have been unlawfully removed or taken from agency custody, and to preserve any record at risk of deletion without preservation in violation of the Federal Records Act. In addition, given that you personally are a participant in the aforementioned Signal thread, we ask that you appoint a senior career official to consider this matter and take appropriate action to avoid a conflict of interest.

Signal is regularly used to communicate with a function that automatically deletes messages within short time periods ranging from minutes to weeks—far shorter than the applicable records preservation schedules for most federal communications records.² *The Atlantic* reported that for the matter at hand, senior officials set the auto deletion for some messages to “1 week” and for others to “4 weeks”.³ Further, federal employees and officials are legally prohibited from creating records concerning government business using non-official electronic messaging accounts unless they contemporaneously copy their official account or forward the records promptly to their official account.⁴ It is not plausible that all eighteen senior officials on this Signal thread are also copying or forwarding all those messages to a separate official messaging account where they will be preserved.

The preservation of federal records related to historic national security matters are of critical importance. This administration is advancing a broad range of unprecedented national security positions that will long remain

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/?gift=kPTlqn0J1iP9IBZcsdI5IVJpB2t9BYyxpzU4sooa69M&utm_source=copy-link&utm_medium=social&utm_campaign=share.

² Signal Support, *Set and Manage Disappearing Messages*, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages>.

³ See Goldberg.

⁴ 44 U.S.C. § 2911.

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matters of great public interest, including but not limited to: the goal of acquiring the territory of a NATO ally; discussions of annexing a longstanding ally as a 51st state; deporting individuals with no due process and in some cases no criminal histories; and much more.⁵ Indeed, Democracy Forward has sent Freedom of Information Act requests for communications of officials included in this thread on matters of intense public interest, and those records are at risk of permanent deletion.

Further, the fact that you and other Administration officials of the highest possible seniority—including multiple agency heads and senior White House officials—used Signal to communicate in this reported instance strongly indicates that unlawful use of Signal is widespread among appointees. Recovery and preservation efforts should thus be comprehensive and not limited to the inadvertently disclosed instance that is the subject of recent reports.

Consequently, you and your agency are obligated to take all immediate steps necessary—up to and including referral to the Attorney General—to ensure that all agency records created to date within Signal are preserved in accordance with the Federal Records Act and other applicable records laws.

Sincerely,

/s/ Skye Perryman

President and CEO

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⁵ Andrea Shalal, *et al.*, *Trump pushes US claims to Greenland as territory's leaders lambast US delegation trip*, Reuters (Mar. 24, 2025); Matina Stevis-Gridneff, *How Trump's '51st State' Canada Talk Came to Be Seen as Deadly Serious*, N.Y. Times (Updated Mar. 24, 2025), <https://www.reuters.com/world/wife-us-vice-president-vance-make-high-profile-visit-greenland-2025-03-23/>; <https://www.nytimes.com/2025/03/07/world/canada/trump-trudeau-canada-51st-state.html>; Armando Garcia, *'Many' alleged gang members deported by Trump didn't have criminal records in the US: ICE*, ABC News (Mar. 18, 2025), <https://abcnews.go.com/US/noncitizens-deported-alien-enemies-act-criminal-records-ice/story?id=119912375>.