

NIT-PICKS: THE WHITE HOUSE'S STEALTH APRIL 8 ARCHIVE OF "PARTS" OF THE HOUTHİ SIGNAL CHAT

On April 14, declarants from DOD, ODNI, CIA, and State submitted filings in American Oversight's lawsuit regarding the Houthi Signal text that confirmed that the Signal chat had not been preserved on John Ratcliffe's phone. As CIA's Chief Data Officer Hurley Blankenship revealed in a declaration dated April 11,

the Director's personal Signal account was reviewed and a screenshot of the Signal Chat at issue was captured from the Director's account on 31 March 2025, and transferred to Agency records systems the same day. I understand that the screenshot reflects the information available at the time the screenshot was captured, which I characterized as "residual administrative content" in my initial declaration. I used that terminology because the screenshot does not include substantive messages from the Signal chat; rather, it captures the name of the chat, "Houthi PC small group", and reflects administrative notifications from 26 March and 28 March relating to changes in participants' administrative settings in this group chat, such as profile names and message settings.

That led American Oversight to file an amended complaint on April 21, which included both Mike Waltz and Pete Hegseth's additional known Signal use, and also complained that Marco Rubio was failing to take remedial action in his role as Acting Archivist.

Their motion for a Preliminary Injunction filed the next day used the CIA declaration to substantiate their claim that some records had been destroyed.

Some of Defendants' Signal messages have already been lost or destroyed, see, e.g., Suppl. Blankenship Decl. ¶ 4, ECF No. 15-3, and others will be imminently destroyed in violation of the FRA without further judicial intervention. Under the FRA, "[n]o records may be 'alienated or destroyed'" without authorization of the Archivist and unless the records "do not have 'sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government[.]'" *Armstrong v. Bush*, 924 F.2d 282, 285 (D.C. Cir. 1991) (quoting 44 U.S.C. § 3314). Autodelete settings are plainly inconsistent with this standard.

In a response submitted today, the government claims that American Oversight is "nit-pick[ing]."

To respond to the proof that some of the messages had been destroyed, the response reveals that the White House Counsel provided "a consolidated version of the Signal group chat."

Plaintiff nit-picked at the adequacy of Defendants' declarations, and after a second hearing, Defendants agreed to file supplemental declarations providing a few additional facts for certain Defendants, specified by the Court on the record, such as when searches were conducted. Defendants timely filed those supplemental declarations on April 14, ECF No. 15. Plaintiff complained about the CIA's declaration, ECF No. 16, and Defendants filed a reply, ECF No. 20.

In addition to their own preservation

efforts about which the Court ordered declarations, the defendant agencies received an email from the White House Counsel's Office containing a consolidated version of the Signal group chat. The consolidated version was created from publicly available information and information saved from participants to the chat's phones. The document includes content that has not been published by The Atlantic. This document is now saved in the agencies' recordkeeping systems. See Decl. of David P. Bennett ¶ 2, Exhibit 3; Decl. of Christopher Pilkerton ¶ 8, Exhibit 4; Decl. of Robert A. Newton ¶ 3, Exhibit 5; Decl. of Mary C. Williams ¶ 5, Exhibit 6; Decl. of Mallory D. Rogoff ¶ 3, Exhibit 7.

What the response doesn't admit is that there may be more than one consolidated chat. While Treasury, ODNI, CIA, and State all submitted declarations describing receiving a consolidated chat on April 8 – which was before the April declarations submitted by all but Treasury!! ...

The U.S. Department of State received an email from the White House Counsel Office on April 8 containing a consolidated version of the Signal group chat referenced in the March 24 and 26, 2025 articles in The Atlantic, which was created for federal records purposes. The document was created based on publicly available information and information saved from participants' phones. The document includes content that has not been published by The Atlantic. This document is now saved in FRA-compliant systems of the Department.

... DOD described receiving a consolidated chat on May 7, almost a month later.

The Department of Defense received an

email from the White House Counsel's Office on May 7, 2025, containing a consolidated version of the Signal group chat referenced in the March 24 and 26, 2025, articles in The Atlantic, which was created for federal records purposes. The document was created based on publicly available information and information saved from participants' phones. The document includes content that has not been published by The Atlantic. This document is now saved in FRA-compliant systems within the Office of the Secretary of Defense.

That is, even for CIA, where there were clearly messages destroyed, Hurley Blankenship could have but did not claim that the consolidated set received from the White House Counsel amounted to FRA compliance. Blankenship did not write the declaration filed today; only Treasury's Christopher Pilkerton filed all the declarations from that agency.

That kind of compartmentation suggests they're still hiding things – like maybe how much of the chat they were unable to preserve.

And DOJ's response stops well short of claiming that the entirety of the chat has been preserved.

Plaintiff's irreparable harm argument is that as a FOIA requester, it faces irreparable harm as a result of the Signal chats that allegedly have been destroyed and that Plaintiff speculates will be destroyed in the future. The argument is based on Plaintiff's assumption that significant portions of the Signal group chat have been deleted because then National Security Advisor and chat participant Michael Waltz enabled the autodelete function, and on Plaintiff's speculation that Waltz would do so on future Signal chats initiated by his team. Mem. of Law in Supp. Pl.'s

Mot. for a Prelim. Inj. at 24, ECF No. 19-1 ("Pl.'s Mem."). But as the declarations Defendants have already submitted establish, the agencies have in fact **preserved parts of** the Signal group chat from Defendants' and other participants in the Signal group chat's phones. As the declarations submitted with this brief show, the agencies have also **preserved a consolidated version of the chat** that they received from the White House Counsel's Office, which was created from publicly available information and information saved from participants to the chat's phones. And as these declarations further attest, the document is saved in the agencies' recordkeeping systems. [my emphasis]

The passage admits that the agencies were only able to preserve "parts of" the chat, and that they needed to rely on public information to reconstruct the "consolidated version." They describe the consolidated version includes stuff that's not public. But nowhere do they say the White House Counsel was able to preserve everything that was sent.

The silence on that point strongly implies they were not able to preserve everything.

Indeed, the response seems to confess that participants on the Houthi chat destroyed at least some of what Jeffrey Goldberg published, perhaps in an attempt to hide the classified information they exchanged.

Bizarrely, days after Mike Waltz was photographed sending Signal texts to (among others) Tulsi Gabbard and Marco Rubio, the response claims that firing Mike Waltz, but not Whiskey Pete and his multiple Signal threads, mitigates any harm.

Michael Waltz is no longer in the role of National Security Advisor, which further undermines any claim to

irreparable harm in the future.

But it only adds to the problems. Acting Archivist Marco Rubio has been passive throughout this scandal, and assuming the “consolidated” chat received from WHCO lacks messages, it would mean Rubio, too, destroyed parts of the chat.

With each new filing, these bozos dig their hole deeper.

Treasury

Pilkerton, March 27

Pilkerton, May 7

State

Rogoff, March 29

Kootz, April 14

Rogoff, May 7

CIA

Blankenship March 31

Blankenship, April 11

Williams, May 6

ODNI

Koch, March 31

Newton, April 14

Newton, May 7

DOD

Dziechichewicz, March 27

Bennett, March 31

Bennett, April 14

Bennett, May 7