

Congress of the United States

Washington, DC 20515

March 26, 2025

The Honorable Pamela Jo Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Bondi,

We write to express our shock and disgust at the recent alarming report about the most senior officials in the Trump administration sharing classified military operations plans with a reporter on an open-source, commercial messaging app, as detailed in *The Atlantic* article, “The Trump Administration Accidentally Texted Me Its War Plans.”¹ This remarkably careless and dangerous episode calls into question the integrity of our national security procedures and the security of our most sensitive military and intelligence information. Given the gravity of this error and the need for independent review, we believe that your appointment of a special counsel to investigate the conduct of these senior administration officials in this case is both urgent and necessary.

According to Jeffrey Goldberg, the editor-in-chief of *The Atlantic*, National Security Advisor Michael Waltz added Goldberg to a Signal chat entitled “Houthi PC small group,” which included a principals committee of 18 of the most senior members of the Administration – including Vice President JD Vance, Secretary of Defense Pete Hegseth, Secretary of State Marco Rubio, Secretary of the Treasury Scott Bessent, Director of National Intelligence Tulsi Gabbard and CIA Director John Ratcliffe, among others. On this group chain that included a journalist, Secretary Hegseth included a detailed tick-tock from Central Command of a highly classified planned military strike in Yemen. Signal is an unsecure messaging app likely targeted by surveillance from adversaries such as China, Russia and Iran; indeed, we are lucky that the Houthis did not receive the detailed plans with sufficient time to prepare a counterattack, jeopardizing the security of our servicemen and women.

Notwithstanding Secretary Hegseth’s prototypical denial of the clear facts by attacking Mr. Goldberg, the Trump administration has confirmed the authenticity of the text chain.² This egregious breach of security protocol – from an Administration whose leader was criminally charged with violating laws related to classified materials and who once called for a political opponent to be jailed for possessing classified materials on a private email server – is unacceptable and demands an immediate and independent investigation. This security breach

¹ Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, THE ATLANTIC (Mar. 24, 2025), 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 *Id.*

may run afoul of multiple laws, including those requiring the proper protection of classified information and requiring that all official communications be preserved.

Under 18 U.S.C. § 798 of the Espionage Act, unauthorized disclosure of national defense information can be punished by a fine or imprisonment. Specifically, the statute criminalizes any of the following uses of classified information: communicating the information or making it “available” to unauthorized persons; publishing the information in any manner; or using the information in any other manner that goes against U.S. interests or benefits a foreign entity. To successfully prosecute an individual under 18 U.S.C. 798, the government must prove the following elements of the crime beyond a reasonable doubt: (1) the information in question is classified; (2) the disclosure was unauthorized; and (3) knowledge and intent of the disclosure – unless it is an act of *reckless negligence*. As the first two elements are undoubtedly met, an investigation is necessary to determine whether there is evidence that *reckless negligence* occurred.

Separately, the Federal Records Act (44 U.S.C. § 31) requires federal agencies to maintain records documenting their activities, ensuring safe storage and efficient retrieval, and disposing of records according to agency schedules. In the event that records have been unlawfully removed, destroyed or altered, Section 3106 mandates that federal agency heads notify the Archivist of the United States and initiate action with the Attorney General to recover unlawfully removed records, or the Archivist will do so if the agency head fails to act. In this case, Mr. Waltz, set the messages to be deleted after one or four weeks. An investigation is required to determine if there were any protocols set in place to preserve these records, and whether other such Signal chats are being used to circumvent the Federal Records Act and possibly the Freedom of Information Act (FOIA).

Further, the Department of Defense (DOD) has an express prohibition on the use of Signal as a means of transmitting non-public DOD information unless previously authorized.³ As the head of the Department, Secretary Hegseth’s adherence to DOD’s own regulations is, of course, essential as an example to those who serve under him. Moreover, an investigation is needed to determine whether other classified information or materials have been shared on Signal by the Secretary of Defense or other members of DOD.

Given the fact that those included in the Signal group include the Vice President, other cabinet officials and the most senior officials in the White House, it is self-evident that you, as a similarly-situated politically appointed cabinet official, cannot conduct an investigation without the appearance of a conflict of interest. Under 28 CFR § 600.1, the Attorney General is required to appoint a special counsel when she determines that criminal investigation of a matter is warranted and that investigation by a United States Attorney's Office or litigating Division of the Department of Justice (DOJ) would present a conflict of interest; and it is in the public interest to appoint an outside Special Counsel. Here, this standard is easily met.

³ Department of Defense, Memorandum on the Use of Unclassified Mobile Applications in Department of Defense (Oct. 6, 2023) at 3, dodcio.defense.gov/Portals/0/Documents/Library/Memo-UseOfUnclassMobileApps.pdf.

As Attorney General, it is your duty to enforce criminal laws designed to protect our nation's and our military's security. It is also your duty, as you acknowledged at your Senate confirmation hearing, to impartially enforce our criminal laws, including by avoiding the appearance of conflicts of interest. We trust that you will take swift and decisive action by appointing a special counsel to investigate this breach and, if appropriate, charge anyone who knowingly and willfully violated our criminal laws, jeopardizing the safety and security of our most closely held secrets and our service men and women. Thank you for your attention to this critical issue.

Sincerely,



Dan Goldman
Member of Congress



Jason Crow
Member of Congress



Mikie Sherrill
Member of Congress



Patrick Ryan
Member of Congress



Wesley Bell
Member of Congress

cc: Kashyap Patel, Director, FBI