

January 8, 2021

Jeff McElfresh
Chief Executive Officer
AT&T Inc.
Whitacre Tower
208 S. Akard Street
Dallas, TX 75201

Dear Mr. McElfresh,

In case you have not already done so, I request that AT&T work to immediately preserve all Short Message Service communications and Multimedia Message communications created by or sent to AT&T subscribers during the period beginning at 12:01 a.m. January 3, 2021, through 12:01 a.m. January 7, 2021. I encourage you to undertake this step to ensure AT&T is able fully to respond to formal legal processes for the production of materials related to Wednesday's insurrectionist attack on the United States Capitol.

Along with the rest of the world, I know you watched with horror as an angry mob incited by the President and prominent Republican officials and media personalities ransacked the Capitol and threatened the safety and lives of those within it. These lawless acts resulted in a number of deaths, including the tragic death of a Capitol Police officer. This mob was organized, coordinated, and in many cases broadcast via popular communications services and products. Efforts to bring the perpetrators to justice will inevitably involve digital evidence associated with those products and services.

While the rioters attacked and roamed the halls of the Capitol, hundreds of them took the time and the opportunity to record or take pictures of the events, later posting them to their social media accounts or sharing them via text or mobile messaging platforms to celebrate their disdain for our democratic process. Others livestreamed their traitorous acts, broadcasting their crimes to the world in real-time.

The United States Capitol is now a crime scene. The FBI and other law enforcement agencies are currently investigating the events of that day, and trying to piece together what happened and the perpetrators involved. The prospect of litigation on behalf of the victims of the mayhem also is highly likely. Messaging data to and from your subscribers that may have participated in, or assisted, those engaged in this insurrection – and associated subscriber information – are critical evidence in helping to bring these rioters to justice.

I appreciate your prompt attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Mark R. Warner". The signature is written in a cursive, flowing style.

Mark R. Warner