



January 22, 2025

Elon Musk
Department of Governmental Efficiency
c/o SpaceX
1155 F Street NW
Washington, DC 20004

Elon Musk
United States DOGE Service
Eisenhower Executive Office Building
1650 17th St., NW
Washington, D.C. 20006
USDS@omb.eop.gov

Re: Potential Unlawful Destruction or Removal of DOGE Communications

Dear Mr. Musk:

American Oversight writes to bring your attention to the likely unlawful destruction or removal of federal records by members of the Department of Governmental Efficiency (“DOGE” or “U.S. DOGE Service”) in violation of the Federal Records Act (the “FRA”), 44 U.S.C. §§ 3101 *et seq.*, and to request that you take action to recover these records and prevent any further destruction.

According to recent reports,¹ DOGE members have been communicating since at least December 2024 using the encrypted messaging platform, Signal, which can be set to automatically delete messages, metadata and other content as soon as the message is seen by recipients.² Communications conducted via Signal or other similar application with automatic deletion capabilities likely violate the FRA. DOGE’s members reportedly also have been meeting with staff and officials at multiple federal agencies, including the Departments of

¹ See, e.g., Ken Thomas, Kevin T. Dugan and Peter Rudegeair, *Inside the Early Days of DOGE*, Wall Street Journal (Jan. 17, 2025), https://www.wsj.com/politics/policy/doge-federal-reform-musk-ramaswamy-118a3833?reflink=desktopwebshare_permalink; Theodore Schleifer and Madeleine Ngo, *Inside Elon Musk’s Plan for DOGE to Slash Government Costs*, N.Y. Times (updated Jan. 21, 2025, 2:04 PM ET), <https://www.nytimes.com/2025/01/12/us/politics/elon-musk-doge-government-trump.html?partner=slack&smid=sl-share>.

² See *Disappearing Messages with a Linked Device*, Signal Support, <https://support.signal.org/hc/en-us/articles/5532268300186-Disappearing-Messages-with-a-Linked-Device>; see also *Stories*, Signal Support, <https://support.signal.org/hc/en-us/articles/5008009166234-Stories>; *Set and Manage Disappearing Messages*, Signal Support, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages>.



Defense,³ Treasury (including the Internal Revenue Service), Health and Human Services, Homeland Security, Veterans Affairs and the Office of Management and Budget; but according to the Washington Post, “more than a dozen federal agencies” have communicated with DOGE members “tied to [President] Donald Trump’s transition team.”⁴ On January 20, 2025, President Trump established DOGE through executive order, renaming the preexisting U.S. Digital Service as the U.S. DOGE Service.⁵ Among other things, the executive order requires agency heads to “assemble a team of at least four employees to serve on ‘DOGE teams’ that will report to [the United States DOGE Service],”⁶ indicating that more federal records are being created.

All written communications related to the pre-inaugural and post-inaugural DOGE meetings, activities and communications (collectively, “DOGE communications”), like all other “recorded information . . . made or received by a Federal agency under Federal law or in connection with the transaction of public business,” are “federal records” under the FRA, 44 U.S.C.

§ 3301(a)(1)(A), and must be preserved and safeguarded against removal or loss, *see id.*

§ 2904(c)(1) and § 3105. American Oversight asks that you take immediate action to preserve and/or recover all federal records reflecting or related to DOGE communications and take measures to preserve future records and prevent ongoing FRA violations.

Federal records related to DOGE are vitally important and of national significance. President Trump reportedly created DOGE to look “for ways to reduce spending, pare back the federal workforce and reorganize and downsize agencies,”⁷ and said it will drive “drastic change.”⁸ The U.S. DOGE Service’s decisions will have tremendous impacts not only on major federal agencies, programs and regulatory oversight, but on thousands of federal workers.⁹ In addition, the fact that you led the pre-inaugural DOGE and currently lead post-inaugural DOGE creates

³ See Thomas et al., *supra* n.1.

⁴ Faiz Siddiqui, Jeff Stein & Elizabeth Dwoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025),

<https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

⁵ *Establishing and Implementing the President’s “Department of Government Efficiency,”* The White House, Jan. 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

⁶ Jory Heckman, *Trump Installs DOGE within White House, Scrapping Plan for an Outsider Task Force*, Federal News Network, Jan. 20, 2025, <https://federalnewsnetwork.com/agency-oversight/2025/01/trump-administration-faces-lawsuits-over-doges-membership/>.

⁷ See Thomas et al, *supra* n.1. See also Schleifer & Ngo, *supra* n.1; Siddiqui et al., *supra* n. 4; Cat Zakrzewski & Jacqueline Alemany, *Elon Musk Isn’t the Only Tech Leader Helping Shape the Trump Administration*, Wash. Post, Jan. 13, 2025,

https://www.washingtonpost.com/politics/2025/01/13/andreessen-tech-industry-trump-administration-doge/?utm_medium=social&utm_source=twitter&utm_campaign=wp_main.

⁸ Schleifer & Ngo, *supra* n.1.

⁹ See, e.g., Alice Tecotzky and Bryan Metzger, *DOGE Officially Comes to Power Today. Here’s What’s Likely First on the Agenda*, Business Insider (Jan. 20, 2025),

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significant ethical concerns about conflicts of interest¹⁰ that are also of critical public importance. For example, you will be making decisions related to agencies that ensure regulatory compliance of companies you own.¹¹ For all these reasons, among others, records concerning DOGE’s work are “appropriate for preservation” under the FRA.

Furthermore, the public should have access to those records. Accordingly, American Oversight has submitted FOIA requests related to DOGE’s activities and communications and intends to submit additional requests. In the meantime, American Oversight has real concerns that these records, including, in particular, Signal communications, may not have been preserved and retained as required by both FOIA and the FRA, and are very likely subject to ongoing, real-time destruction in violation of those statutes.

In light of the special risks presented by the possibility that unofficial ephemeral messaging systems have been or are being used in violation of the FRA, 44 U.S.C. § 2911(a), DOGE and U.S. DOGE Service should take immediate action to preserve and recover any and all federal records. In addition, the FRA requires you to notify the Archivist of “any actual, impending, or threatened” unlawful removal, alteration, or destruction of federal records, and to initiate an action through the Attorney General to recover those records you have reason to believe were unlawfully removed. 44 U.S.C. § 3106(a). If there is any reason to believe that records have been unlawfully removed, American Oversight urges you to undertake an enforcement action through the Attorney General to ensure they are properly preserved so they may be accessed by the public.

Please promptly alert American Oversight when you have taken the requested action, at fein.ronald@americanoversight.org.

Sincerely,

/s/ Ron Fein

Ron Fein
Chief Counsel
American Oversight

Cc: Dr. Colleen J. Shogan
archivistoftheunitedstates@nara.gov

¹⁰ See, e.g., Eric Katz, *DOGE Agency Deployments Raise Ethical and Influence Concerns*, Gov’t Exec. (Jan. 15, 2025 11:25 AM), <https://www.govexec.com/management/2025/01/doge-agency-deployments-raise-ethical-and-influence-concerns/402204/?oref=ge-topic-lander-top-story>.

¹¹ See, e.g., *id.*; see also John L. Dorman, *Elon Musk Could Become a 'Special Government Employee' as a Co-Lead of DOGE. Here's What That Means.*, Business Insider (Jan. 12, 2025 4:59 PM), <https://www.businessinsider.com/elon-musk-doge-special-government-employee-conflicts-of-interest-2025-1>.



January 22, 2025

Acting Secretary Robert G. Salesses
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Re: Potential Unlawful Destruction or Removal of DOGE Communications

Dear Acting Secretary Salesses:

American Oversight writes to bring your attention to the likely unlawful destruction or removal of federal records by your agency in violation of the Federal Records Act (the “FRA”), 44 U.S.C. §§ 3101 *et seq.*, and to request that you take action to recover these records and prevent any further destruction.

According to recent reports,¹ Department of Governmental Efficiency (“DOGE”) members have been communicating since at least December 2024 using the encrypted messaging platform, Signal, which can be set to automatically delete messages, metadata and other content as soon as the message is seen by recipients.² Communications conducted via Signal or other similar applications with automatic deletion capabilities likely violate the FRA. *See* 44 U.S.C. § 3105. DOGE’s members reportedly also have been meeting with staff and officials at multiple federal agencies, including the Department of Defense (“Defense”); according to the Washington Post, “more than a dozen federal agencies” have communicated with DOGE members “tied to [President] Donald Trump’s transition team.”³ On January 20, 2025, President Trump established DOGE through executive order, renaming the preexisting U.S.

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² *See* Disappearing Messages with a Linked Device, Signal, <https://support.signal.org/hc/en-us/articles/5532268300186-Disappearing-Messages-with-a-Linked-Device> (last visited Jan. 21, 2025); Stories, Signal, <https://support.signal.org/hc/en-us/articles/5008009166234-Stories> (last visited Jan. 21, 2025); Set and Manage Disappearing Messages, Signal, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages> (last visited Jan. 21, 2025).

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Digital Service as the U.S. DOGE Service.⁴ Among other things, the executive order requires agency heads to “assemble a team of at least four employees to serve on ‘DOGE teams’ that will report to [the United States DOGE Service],”⁵ indicating that more federal records are being created.

All written communications related to the pre-inaugural and post-inaugural DOGE meetings, activities and communications (collectively, “DOGE communications”), like all other “recorded information . . . made or received by a Federal agency under Federal law or in connection with the transaction of public business . . .” are “federal records” under the FRA, 44 U.S.C. § 3301(a)(1)(A), and must be preserved and safeguarded against removal or loss, *see id.* § 2904(c)(1) and § 3105. American Oversight asks that you take immediate action to preserve and/or recover all federal records reflecting or related to DOGE communications with Defense staff and officials, and take measures to preserve future records and prevent ongoing FRA violations.

Federal records related to DOGE are vitally important and of national significance. President Trump reportedly created DOGE to look “for ways to reduce spending, pare back the federal workforce and reorganize and downsize agencies,”⁶ and said it will drive “drastic change.”⁷ The U.S. DOGE Service’s decisions will have tremendous impacts not only on major federal agencies, programs and regulatory oversight, but on thousands of federal workers.⁸ In addition, the fact that Elon Musk leads both the pre-inaugural and post-inaugural DOGE creates significant ethical concerns about conflicts of interest⁹ that are also of critical public importance. For example, Mr. Musk will be making decisions related to agencies that ensure

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⁵ Jory Heckman, *Trump Installs DOGE Within White House, Scrapping Plan for an Outsider Task Force*, Federal News Network (Jan. 20, 2025, 5:11 PM), <https://federalnewsnetwork.com/agency-oversight/2025/01/trump-administration-faces-lawsuits-over-doges-membership>.

⁶ Thomas et al., *supra* n.1; *see also* Schleifer et al, *supra* n.1; Cat Zakrzewski & Jacquelin Alemany, *Elon Musk Isn’t the Only Tech Leader Helping Shape the Trump Administration*, Wash. Post (Jan. 14, 2025 12:22 PM), <https://www.washingtonpost.com/politics/2025/01/13/andreessen-tech-industry-trump-administration-doge>; Faiz Siddiqui, Jeff Stein and Elizabeth Dwoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

⁷ Schleifer et al, *supra* n.1

⁸ *See, e.g.*, Alice Tecotzky and Bryan Metzger, *DOGE Officially Comes to Power Today. Here’s What’s Likely First on the Agenda*, Business Insider (Jan. 20, 2025), <https://www.businessinsider.com/doge-elon-musk-vivek-ramaswamy-inauguration-first-steps-2025-1>.

⁹ *See, e.g.*, Eric Katz, *DOGE Agency Deployments Raise Ethical and Influence Concerns*, Gov’t Exec. (Jan. 15, 2025), <https://www.govexec.com/management/2025/01/doge-agency-deployments-raise-ethical-and-influence-concerns/402204>.

regulatory compliance of companies he owns.¹⁰ For all these reasons, among others, records concerning DOGE's work are "appropriate for preservation"¹¹ under the FRA.

Furthermore, the public should have access to those records. Accordingly, American Oversight has submitted FOIA requests relating to the records and intends to submit additional requests. In the meantime, American Oversight has real concerns that these records, including, in particular, Signal communications, may not have been preserved and retained as required by both FOIA and the FRA, and are very likely subject to ongoing, real-time destruction in violation of those statutes.

In light of the special risks presented by the possibility that unofficial ephemeral messaging systems have been or are being used in violation of the FRA, 44 U.S.C. § 2911(a), the Department of Defense should take immediate action to preserve and recover any and all federal records. In addition, the FRA requires you to notify the Archivist of "any actual, impending, or threatened" unlawful removal, alteration, or destruction of federal records, and to initiate an action through the Attorney General to recover those records you have reason to believe were unlawfully removed. 44 U.S.C. § 3106(a). If there is any reason to believe that records have been unlawfully removed, American Oversight urges you to undertake an enforcement action through the Attorney General to ensure they are properly preserved so they may be accessed by the public.

Please promptly alert American Oversight when you have taken the requested action, at fein.ronald@americanoversight.org.

Sincerely,

/s/ Ron Fein

Ron Fein
Chief Counsel
American Oversight

Cc: Dr. Colleen J. Shogan
archivistoftheunitedstates@nara.gov

¹⁰ See, e.g., *id.*; see also John L. Dorman, *Elon Musk Could Become a 'Special Government Employee' as a Co-lead of DOGE. Here's What That Means*, Business Insider (Jan. 12, 2025 4:59 PM), <https://www.businessinsider.com/elon-musk-doge-special-government-employee-conflicts-of-interest-2025-1>.

¹¹ See 44 U.S.C. § 3102(3).



January 22, 2025

Acting Secretary Dorothy Fink
U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Ave., S.W.
Washington, D.C. 20201

Re: Potential Unlawful Destruction or Removal of DOGE Communications

Dear Acting Secretary Fink:

American Oversight writes to bring your attention to the likely unlawful destruction or removal of federal records by your agency in violation of the Federal Records Act (the “FRA”), 44 U.S.C. §§ 3101 *et seq.*, and to request that you take action to recover these records and prevent any further destruction.

According to recent reports,¹ Department of Governmental Efficiency (“DOGE”) members have been communicating since at least December 2024 using the encrypted messaging platform, Signal, which can be set to automatically delete messages, metadata and other content as soon as the message is seen by recipients.² Communications conducted via Signal or other similar applications with automatic deletion capabilities likely violate the FRA. *See* 44 U.S.C. § 3105. DOGE’s members reportedly also have been meeting with staff and officials at multiple federal agencies, including the Department of Health and Human Services (“HHS”); according to the Washington Post, “more than a dozen federal agencies” have communicated with DOGE members “tied to [President] Donald Trump’s transition team.”³ On January 20, 2025, President Trump established DOGE through executive order, renaming the preexisting U.S.

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Digital Service as the U.S. DOGE Service.⁴ Among other things, the executive order requires agency heads to “assemble a team of at least four employees to serve on ‘DOGE teams’ that will report to [the United States DOGE Service],”⁵ indicating that more federal records are being created.

All written communications related to the pre-inaugural and post-inaugural DOGE meetings, activities and communications (collectively, “DOGE communications”), like all other “recorded information . . . made or received by a Federal agency under Federal law or in connection with the transaction of public business . . .” are “federal records” under the FRA, 44 U.S.C. § 3301(a)(1)(A), and must be preserved and safeguarded against removal or loss, *see id.* § 2904(c)(1) and § 3105. American Oversight asks that you take immediate action to preserve and/or recover all federal records reflecting or related to DOGE communications with HHS staff and officials, and take measures to preserve future records and prevent ongoing FRA violations.

Federal records related to DOGE are vitally important and of national significance. President Trump reportedly created DOGE to look “for ways to reduce spending, pare back the federal workforce and reorganize and downsize agencies,”⁶ and said it will drive “drastic change.”⁷ The U.S. DOGE Service’s decisions will have tremendous impacts not only on major federal agencies, programs and regulatory oversight, but on thousands of federal workers.⁸ In addition, the fact that Elon Musk leads both the pre-inaugural and post-inaugural DOGE creates significant ethical concerns about conflicts of interest⁹ that are also of critical public importance. For example, Mr. Musk will be making decisions related to agencies that ensure

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⁶ Thomas et al., *supra* n.1; *see also* Schleifer et al, *supra* n.1; Cat Zakrzewski & Jacquelin Alemany, *Elon Musk Isn’t the Only Tech Leader Helping Shape the Trump Administration*, Wash. Post (Jan. 14, 2025 12:22 PM), <https://www.washingtonpost.com/politics/2025/01/13/andreessen-tech-industry-trump-administration-doge>; Faiz Siddiqui, Jeff Stein and Elizabeth Dvoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

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regulatory compliance of companies he owns.¹⁰ For all these reasons, among others, records concerning DOGE's work are "appropriate for preservation"¹¹ under the FRA.

Furthermore, the public should have access to those records. Accordingly, American Oversight has submitted FOIA requests relating to the records and intends to submit additional requests. In the meantime, American Oversight has real concerns that these records, including, in particular, Signal communications, may not have been preserved and retained as required by both FOIA and the FRA, and are very likely subject to ongoing, real-time destruction in violation of those statutes.

In light of the special risks presented by the possibility that unofficial ephemeral messaging systems have been or are being used in violation of the FRA, 44 U.S.C. § 2911(a), HHS should take immediate action to preserve and recover any and all federal records. In addition, the FRA requires you to notify the Archivist of "any actual, impending, or threatened" unlawful removal, alteration, or destruction of federal records, and to initiate an action through the Attorney General to recover those records you have reason to believe were unlawfully removed. 44 U.S.C. § 3106(a). If there is any reason to believe that records have been unlawfully removed, American Oversight urges you to undertake an enforcement action through the Attorney General to ensure they are properly preserved so they may be accessed by the public.

Please promptly alert American Oversight when you have taken the requested action, at fein.ronald@americanoversight.org.

Sincerely,

/s/ Ron Fein

Ron Fein
Chief Counsel
American Oversight

Cc: Dr. Colleen J. Shogan
archivistoftheunitedstates@nara.gov

¹⁰ See, e.g., *id.*; see also John L. Dorman, *Elon Musk Could Become a 'Special Government Employee' as a Co-lead of DOGE. Here's What That Means*, Business Insider (Jan. 12, 2025 4:59 PM), <https://www.businessinsider.com/elon-musk-doge-special-government-employee-conflicts-of-interest-2025-1>.

¹¹ See 44 U.S.C. § 3102(3).



January 22, 2025

Acting Secretary of Homeland Security Benjamine Huffman
Office of the Executive Secretary
MS 0525 Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, D.C. 20528-0525

Re: Potential Unlawful Destruction or Removal of DOGE Communications

Dear Acting Secretary Huffman:

American Oversight writes to bring your attention to the likely unlawful destruction or removal of federal records by your agency in violation of the Federal Records Act (the “FRA”), 44 U.S.C. §§ 3101 *et seq.*, and to request that you take action to recover these records and prevent any further destruction.

According to recent reports,¹ Department of Governmental Efficiency (“DOGE”) members have been communicating since at least December 2024 using the encrypted messaging platform, Signal, which can be set to automatically delete messages, metadata and other content as soon as the message is seen by recipients.² Communications conducted via Signal or other similar applications with automatic deletion capabilities likely violate the FRA. *See* 44 U.S.C. § 3105. DOGE’s members reportedly also have been meeting with staff and officials at multiple federal agencies, including the Department of Homeland Security (“DHS”); according to the Washington Post, “more than a dozen federal agencies” have communicated with DOGE members “tied to [President] Donald Trump’s transition team.”³ On January 20, 2025, President Trump established DOGE through executive order, renaming the preexisting U.S.

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Digital Service as the U.S. DOGE Service.⁴ Among other things, the executive order requires agency heads to “assemble a team of at least four employees to serve on ‘DOGE teams’ that will report to [the United States DOGE Service],”⁵ indicating that more federal records are being created.

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Federal records related to DOGE are vitally important and of national significance. President Trump reportedly created DOGE to look “for ways to reduce spending, pare back the federal workforce and reorganize and downsize agencies,”⁶ and said it will drive “drastic change.”⁷ The U.S. DOGE Service’s decisions will have tremendous impacts not only on major federal agencies, programs and regulatory oversight, but on thousands of federal workers.⁸ In addition, the fact that Elon Musk leads both the pre-inaugural and post-inaugural DOGE creates significant ethical concerns about conflicts of interest⁹ that are also of critical public importance. For example, Mr. Musk will be making decisions related to agencies that ensure

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⁵ Jory Heckman, *Trump Installs DOGE Within White House, Scrapping Plan for an Outsider Task Force*, Federal News Network (Jan. 20, 2025, 5:11 PM), <https://federalnewsnetwork.com/agency-oversight/2025/01/trump-administration-faces-lawsuits-over-doges-membership>.

⁶ Thomas et al., *supra* n.1; *see also* Schleifer et al, *supra* n.1; Cat Zakrzewski & Jacquelin Alemany, *Elon Musk Isn’t the Only Tech Leader Helping Shape the Trump Administration*, Wash. Post (Jan. 14, 2025 12:22 PM), <https://www.washingtonpost.com/politics/2025/01/13/andreessen-tech-industry-trump-administration-doge>; Faiz Siddiqui, Jeff Stein and Elizabeth Dwoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

⁷ Schleifer et al, *supra* n.1

⁸ *See, e.g.*, Alice Tecotzky and Bryan Metzger, *DOGE Officially Comes to Power Today. Here’s What’s Likely First on the Agenda*, Business Insider (Jan. 20, 2025), <https://www.businessinsider.com/doge-elon-musk-vivek-ramaswamy-inauguration-first-steps-2025-1>.

⁹ *See, e.g.*, Eric Katz, *DOGE Agency Deployments Raise Ethical and Influence Concerns*, Gov’t Exec. (Jan. 15, 2025), <https://www.govexec.com/management/2025/01/doge-agency-deployments-raise-ethical-and-influence-concerns/402204>.

regulatory compliance of companies he owns.¹⁰ For all these reasons, among others, records concerning DOGE's work are "appropriate for preservation"¹¹ under the FRA.

Furthermore, the public should have access to those records. Accordingly, American Oversight has submitted FOIA requests relating to the records and intends to submit additional requests. In the meantime, American Oversight has real concerns that these records, including, in particular, Signal communications, may not have been preserved and retained as required by both FOIA and the FRA, and are very likely subject to ongoing, real-time destruction in violation of those statutes.

In light of the special risks presented by the possibility that unofficial ephemeral messaging systems have been or are being used in violation of the FRA, 44 U.S.C. § 2911(a), the DHS should take immediate action to preserve and recover any and all federal records. In addition, the FRA requires you to notify the Archivist of "any actual, impending, or threatened" unlawful removal, alteration, or destruction of federal records, and to initiate an action through the Attorney General to recover those records you have reason to believe were unlawfully removed. 44 U.S.C. § 3106(a). If there is any reason to believe that records have been unlawfully removed, American Oversight urges you to undertake an enforcement action through the Attorney General to ensure they are properly preserved so they may be accessed by the public.

Please promptly alert American Oversight when you have taken the requested action, at fein.ronald@americanoversight.org.

Sincerely,

/s/ Ron Fein

Ron Fein
Chief Counsel
American Oversight

Cc: Dr. Colleen J. Shogan
archivistoftheunitedstates@nara.gov

¹⁰ See, e.g., *id.*; see also John L. Dorman, *Elon Musk Could Become a 'Special Government Employee' as a Co-lead of DOGE. Here's What That Means*, Business Insider (Jan. 12, 2025 4:59 PM), <https://www.businessinsider.com/elon-musk-doge-special-government-employee-conflicts-of-interest-2025-1>.

¹¹ See 44 U.S.C. § 3102(3).



January 22, 2025

Acting Secretary David Lebryk
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Acting Commissioner Douglas O'Donnell
Internal Revenue Service
1111 Constitution Avenue
Washington, D.C. 20224

Re: Potential Unlawful Destruction or Removal of DOGE Communications

Dear Acting Secretary Lebryk:

American Oversight writes to bring your attention to the likely unlawful destruction or removal of federal records by your agency in violation of the Federal Records Act (the "FRA"), 44 U.S.C. §§ 3101 *et seq.*, and to request that you take action to recover these records and prevent any further destruction.

According to recent reports,¹ Department of Governmental Efficiency ("DOGE") members have been communicating since at least December 2024 using the encrypted messaging platform, Signal, which can be set to automatically delete messages, metadata and other content as soon as the message is seen by recipients.² Communications conducted via Signal or other similar applications with automatic deletion capabilities likely violate the FRA. *See* 44 U.S.C. § 3105. DOGE's members reportedly also have been meeting with staff and officials at multiple federal agencies, including the Department of Treasury ("Treasury") and Internal Revenue Service ("IRS"); according to the Washington Post, "more than a dozen federal agencies" have communicated with DOGE members "tied to [President] Donald Trump's transition team."³

¹ *See, e.g.*, Ken Thomas, Kevin T. Dugan and Peter Rudegeair, *Inside the Early Days of DOGE*, Wall Street Journal (Jan. 17, 2025, 5:00 AM), <https://www.wsj.com/politics/policy/doge-federal-reform-musk-ramaswamy-118a3833>; Theodore Schleifer and Madeleine Ngo, *Inside Elon Musk's Plan for DOGE to Slash Government Costs*, N.Y. Times (updated Jan. 13, 2025, 2:04 PM), <https://www.nytimes.com/2025/01/12/us/politics/elon-musk-doge-government-trump.html>.

² *See* Disappearing Messages with a Linked Device, Signal, <https://support.signal.org/hc/en-us/articles/5532268300186-Disappearing-Messages-with-a-Linked-Device> (last visited Jan. 21, 2025); Stories, Signal, <https://support.signal.org/hc/en-us/articles/5008009166234-Stories> (last visited Jan. 21, 2025); Set and Manage Disappearing Messages, Signal, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages> (last visited Jan. 21, 2025).

³ Faiz Siddiqui, Jeff Stein and Elizabeth Dvoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025),



On January 20, 2025, President Trump established DOGE through executive order, renaming the preexisting U.S. Digital Service as the U.S. DOGE Service.⁴ Among other things, the executive order requires agency heads to “assemble a team of at least four employees to serve on ‘DOGE teams’ that will report to [the United States DOGE Service],”⁵ indicating that more federal records are being created.

All written communications related to the pre-inaugural and post-inaugural DOGE meetings, activities and communications (collectively, “DOGE communications”), like all other “recorded information . . . made or received by a Federal agency under Federal law or in connection with the transaction of public business . . .” are “federal records” under the FRA, 44 U.S.C. § 3301(a)(1)(A), and must be preserved and safeguarded against removal or loss, *see id.* § 2904(c)(1) and § 3105. American Oversight asks that you take immediate action to preserve and/or recover all federal records reflecting or related to DOGE communications with Treasury and IRS staff and officials, and take measures to preserve future records and prevent ongoing FRA violations.

Federal records related to DOGE are vitally important and of national significance. President Trump reportedly created DOGE to look “for ways to reduce spending, pare back the federal workforce and reorganize and downsize agencies,”⁶ and said it will drive “drastic change.”⁷ The U.S. DOGE Service’s decisions will have tremendous impacts not only on major federal agencies, programs and regulatory oversight, but on thousands of federal workers.⁸ In addition, the fact that Elon Musk leads both the pre-inaugural and post-inaugural DOGE creates

<https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

⁴ *Establishing and Implementing the President’s “Department of Government Efficiency,”* The White House (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

⁵ Jory Heckman, *Trump Installs DOGE Within White House, Scrapping Plan for an Outsider Task Force*, Federal News Network (Jan. 20, 2025, 5:11 PM), <https://federalnewsnetwork.com/agency-oversight/2025/01/trump-administration-faces-lawsuits-over-doges-membership>.

⁶ Thomas et al., *supra* n.1; *see also* Schleifer et al, *supra* n.1; Cat Zakrzewski & Jacquelin Alemany, *Elon Musk Isn’t the Only Tech Leader Helping Shape the Trump Administration*, Wash. Post (Jan. 14, 2025 12:22 PM),

<https://www.washingtonpost.com/politics/2025/01/13/andreessen-tech-industry-trump-administration-doge>; Faiz Siddiqui, Jeff Stein and Elizabeth Dwoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

⁷ Schleifer et al, *supra* n.1

⁸ *See, e.g.*, Alice Tecotzky and Bryan Metzger, *DOGE Officially Comes to Power Today. Here’s What’s Likely First on the Agenda*, Business Insider (Jan. 20, 2025), <https://www.businessinsider.com/doge-elon-musk-vivek-ramaswamy-inauguration-first-steps-2025-1>.

significant ethical concerns about conflicts of interest⁹ that are also of critical public importance. For example, Mr. Musk will be making decisions related to agencies that ensure regulatory compliance of companies he owns.¹⁰ For all these reasons, among others, records concerning DOGE’s work are “appropriate for preservation”¹¹ under the FRA.

Furthermore, the public should have access to those records. Accordingly, American Oversight has submitted FOIA requests relating to the records and intends to submit additional requests. In the meantime, American Oversight has real concerns that these records, including, in particular, Signal communications, may not have been preserved and retained as required by both FOIA and the FRA, and are very likely subject to ongoing, real-time destruction in violation of those statutes.

In light of the special risks presented by the possibility that unofficial ephemeral messaging systems have been or are being used in violation of the FRA, 44 U.S.C. § 2911(a), the Department of Treasury and the IRS should take immediate action to preserve and recover any and all federal records. In addition, the FRA requires you to notify the Archivist of “any actual, impending, or threatened” unlawful removal, alteration, or destruction of federal records, and to initiate an action through the Attorney General to recover those records you have reason to believe were unlawfully removed. 44 U.S.C. § 3106(a). If there is any reason to believe that records have been unlawfully removed, American Oversight urges you to undertake an enforcement action through the Attorney General to ensure they are properly preserved so they may be accessed by the public.

Please promptly alert American Oversight when you have taken the requested action, at fein.ronald@americanoversight.org.

Sincerely,

/s/ Ron Fein

Ron Fein
Chief Counsel
American Oversight

Cc: Dr. Colleen J. Shogan
archivistoftheunitedstates@nara.gov

⁹ See, e.g., Eric Katz, *DOGE Agency Deployments Raise Ethical and Influence Concerns*, Gov’t Exec. (Jan. 15, 2025), <https://www.govexec.com/management/2025/01/doge-agency-deployments-raise-ethical-and-influence-concerns/402204>.

¹⁰ See, e.g., *id.*; see also John L. Dorman, *Elon Musk Could Become a ‘Special Government Employee’ as a Co-lead of DOGE. Here’s What That Means*, Business Insider (Jan. 12, 2025 4:59 PM), <https://www.businessinsider.com/elon-musk-doge-special-government-employee-conflicts-of-interest-2025-1>.

¹¹ See 44 U.S.C. § 3102(3).



January 22, 2025

Acting Secretary Todd Hunter
Office of the Secretary
U.S. Department of Veterans Affairs
810 Vermont Ave., NW
Washington, D.C. 20420

Re: Potential Unlawful Destruction or Removal of DOGE Communications

Dear Acting Secretary Hunter:

American Oversight writes to bring your attention to the likely unlawful destruction or removal of federal records by your agency in violation of the Federal Records Act (the “FRA”), 44 U.S.C. §§ 3101 *et seq.*, and to request that you take action to recover these records and prevent any further destruction.

According to recent reports,¹ Department of Governmental Efficiency (“DOGE”) members have been communicating since at least December 2024 using the encrypted messaging platform, Signal, which can be set to automatically delete messages, metadata and other content as soon as the message is seen by recipients.² Communications conducted via Signal or other similar applications with automatic deletion capabilities likely violate the FRA. *See* 44 U.S.C. § 3105. DOGE’s members reportedly also have been meeting with staff and officials at multiple federal agencies, including the Department of Veterans Affairs (“VA”); according to the Washington Post, “more than a dozen federal agencies” have communicated with DOGE members “tied to [President] Donald Trump’s transition team.”³ On January 20, 2025, President Trump established DOGE through executive order, renaming the preexisting U.S.

¹ *See, e.g.*, Ken Thomas, Kevin T. Dugan and Peter Rudegeair, *Inside the Early Days of DOGE*, Wall Street Journal (Jan. 17, 2025, 5:00 AM), <https://www.wsj.com/politics/policy/doge-federal-reform-musk-ramaswamy-118a3833>; Theodore Schleifer and Madeleine Ngo, *Inside Elon Musk’s Plan for DOGE to Slash Government Costs*, N.Y. Times (updated Jan. 13, 2025, 2:04 PM), <https://www.nytimes.com/2025/01/12/us/politics/elon-musk-doge-government-trump.html>.

² *See* Disappearing Messages with a Linked Device, Signal, <https://support.signal.org/hc/en-us/articles/5532268300186-Disappearing-Messages-with-a-Linked-Device> (last visited Jan. 21, 2025); Stories, Signal, <https://support.signal.org/hc/en-us/articles/5008009166234-Stories> (last visited Jan. 21, 2025); Set and Manage Disappearing Messages, Signal, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages> (last visited Jan. 21, 2025).

³ Faiz Siddiqui, Jeff Stein and Elizabeth Dwoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.



Digital Service as the U.S. DOGE Service.⁴ Among other things, the executive order requires agency heads to “assemble a team of at least four employees to serve on ‘DOGE teams’ that will report to [the United States DOGE Service],”⁵ indicating that more federal records are being created.

All written communications related to the pre-inaugural and post-inaugural DOGE meetings, activities and communications (collectively, “DOGE communications”), like all other “recorded information . . . made or received by a Federal agency under Federal law or in connection with the transaction of public business . . .” are “federal records” under the FRA, 44 U.S.C. § 3301(a)(1)(A), and must be preserved and safeguarded against removal or loss, *see id.* § 2904(c)(1) and § 3105. American Oversight asks that you take immediate action to preserve and/or recover all federal records reflecting or related to DOGE communications with VA staff and officials, and take measures to preserve future records and prevent ongoing FRA violations.

Federal records related to DOGE are vitally important and of national significance. President Trump reportedly created DOGE to look “for ways to reduce spending, pare back the federal workforce and reorganize and downsize agencies,”⁶ and said it will drive “drastic change.”⁷ The U.S. DOGE Service’s decisions will have tremendous impacts not only on major federal agencies, programs and regulatory oversight, but on thousands of federal workers.⁸ In addition, the fact that Elon Musk leads both the pre-inaugural and post-inaugural DOGE creates significant ethical concerns about conflicts of interest⁹ that are also of critical public importance. For example, Mr. Musk will be making decisions related to agencies that ensure

⁴ *Establishing and Implementing the President’s “Department of Government Efficiency,”* The White House (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

⁵ Jory Heckman, *Trump Installs DOGE Within White House, Scrapping Plan for an Outsider Task Force*, Federal News Network (Jan. 20, 2025, 5:11 PM), <https://federalnewsnetwork.com/agency-oversight/2025/01/trump-administration-faces-lawsuits-over-doges-membership>.

⁶ Thomas et al., *supra* n.1; *see also* Schleifer et al, *supra* n.1; Cat Zakrzewski & Jacquelin Alemany, *Elon Musk Isn’t the Only Tech Leader Helping Shape the Trump Administration*, Wash. Post (Jan. 14, 2025 12:22 PM), <https://www.washingtonpost.com/politics/2025/01/13/andreessen-tech-industry-trump-administration-doge>; Faiz Siddiqui, Jeff Stein and Elizabeth Dwoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

⁷ Schleifer et al, *supra* n.1

⁸ *See, e.g.*, Alice Tecotzky and Bryan Metzger, *DOGE Officially Comes to Power Today. Here’s What’s Likely First on the Agenda*, Business Insider (Jan. 20, 2025), <https://www.businessinsider.com/doge-elon-musk-vivek-ramaswamy-inauguration-first-steps-2025-1>.

⁹ *See, e.g.*, Eric Katz, *DOGE Agency Deployments Raise Ethical and Influence Concerns*, Gov’t Exec. (Jan. 15, 2025), <https://www.govexec.com/management/2025/01/doge-agency-deployments-raise-ethical-and-influence-concerns/402204>.

regulatory compliance of companies he owns.¹⁰ For all these reasons, among others, records concerning DOGE's work are "appropriate for preservation"¹¹ under the FRA.

Furthermore, the public should have access to those records. Accordingly, American Oversight has submitted FOIA requests relating to the records and intends to submit additional requests. In the meantime, American Oversight has real concerns that these records, including, in particular, Signal communications, may not have been preserved and retained as required by both FOIA and the FRA, and are very likely subject to ongoing, real-time destruction in violation of those statutes.

In light of the special risks presented by the possibility that unofficial ephemeral messaging systems have been or are being used in violation of the FRA, 44 U.S.C. § 2911(a), the VA should take immediate action to preserve and recover any and all federal records. In addition, the FRA requires you to notify the Archivist of "any actual, impending, or threatened" unlawful removal, alteration, or destruction of federal records, and to initiate an action through the Attorney General to recover those records you have reason to believe were unlawfully removed. 44 U.S.C. § 3106(a). If there is any reason to believe that records have been unlawfully removed, American Oversight urges you to undertake an enforcement action through the Attorney General to ensure they are properly preserved so they may be accessed by the public.

Please promptly alert American Oversight when you have taken the requested action, at fein.ronald@americanoversight.org.

Sincerely,

/s/ Ron Fein

Chief Counsel
American Oversight

Cc: Dr. Colleen J. Shogan
archivistoftheunitedstates@nara.gov

¹⁰ See, e.g., *id.*; see also John L. Dorman, *Elon Musk Could Become a 'Special Government Employee' as a Co-lead of DOGE. Here's What That Means*, Business Insider (Jan. 12, 2025 4:59 PM), <https://www.businessinsider.com/elon-musk-doge-special-government-employee-conflicts-of-interest-2025-1>.

¹¹ See 44 U.S.C. § 3102(3).



January 22, 2025

Director Russell Vought
The Office of Management and Budget
725 17th St., NW
Washington, D.C. 20503

Re: Potential Unlawful Destruction or Removal of DOGE Communications

Dear Director Vought:

American Oversight writes to bring your attention to the likely unlawful destruction or removal of federal records by your agency in violation of the Federal Records Act (the “FRA”), 44 U.S.C. §§ 3101 *et seq.*, and to request that you take action to recover these records and prevent any further destruction.

According to recent reports,¹ Department of Governmental Efficiency (“DOGE”) members have been communicating since at least December 2024 using the encrypted messaging platform, Signal, which can be set to automatically delete messages, metadata and other content as soon as the message is seen by recipients.² Communications conducted via Signal or other similar applications with automatic deletion capabilities likely violate the FRA. *See* 44 U.S.C. § 3105. DOGE’s members reportedly also have been meeting with staff and officials at multiple federal agencies, including the Office of Management and Budget (“OMB”); according to the Washington Post, “more than a dozen federal agencies” have communicated with DOGE members “tied to [President] Donald Trump’s transition team.”³ On January 20, 2025, President Trump established DOGE through executive order, renaming the preexisting U.S.

¹ *See, e.g.*, Ken Thomas, Kevin T. Dugan and Peter Rudegeair, *Inside the Early Days of DOGE*, Wall Street Journal (Jan. 17, 2025, 5:00 AM), <https://www.wsj.com/politics/policy/doge-federal-reform-musk-ramaswamy-118a3833>; Theodore Schleifer and Madeleine Ngo, *Inside Elon Musk’s Plan for DOGE to Slash Government Costs*, N.Y. Times (updated Jan. 13, 2025, 2:04 PM), <https://www.nytimes.com/2025/01/12/us/politics/elon-musk-doge-government-trump.html>.

² *See* Disappearing Messages with a Linked Device, Signal, <https://support.signal.org/hc/en-us/articles/5532268300186-Disappearing-Messages-with-a-Linked-Device> (last visited Jan. 21, 2025); Stories, Signal, <https://support.signal.org/hc/en-us/articles/5008009166234-Stories> (last visited Jan. 21, 2025); Set and Manage Disappearing Messages, Signal, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages> (last visited Jan. 21, 2025).

³ Faiz Siddiqui, Jeff Stein and Elizabeth Dwoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.



Digital Service as the U.S. DOGE Service.⁴ Among other things, the executive order requires agency heads to “assemble a team of at least four employees to serve on ‘DOGE teams’ that will report to [the United States DOGE Service],”⁵ indicating that more federal records are being created.

All written communications related to the pre-inaugural and post-inaugural DOGE meetings, activities and communications (collectively, “DOGE communications”), like all other “recorded information . . . made or received by a Federal agency under Federal law or in connection with the transaction of public business . . .” are “federal records” under the FRA, 44 U.S.C. § 3301(a)(1)(A), and must be preserved and safeguarded against removal or loss, *see id.* § 2904(c)(1) and § 3105. American Oversight asks that you take immediate action to preserve and/or recover all federal records reflecting or related to DOGE communications with OMB staff and officials, and take measures to preserve future records and prevent ongoing FRA violations.

Federal records related to DOGE are vitally important and of national significance. President Trump reportedly created DOGE to look “for ways to reduce spending, pare back the federal workforce and reorganize and downsize agencies,”⁶ and said it will drive “drastic change.”⁷ The U.S. DOGE Service’s decisions will have tremendous impacts not only on major federal agencies, programs and regulatory oversight, but on thousands of federal workers.⁸ In addition, the fact that Elon Musk leads both the pre-inaugural and post-inaugural DOGE creates significant ethical concerns about conflicts of interest⁹ that are also of critical public importance. For example, Mr. Musk will be making decisions related to agencies that ensure

⁴ *Establishing and Implementing the President’s “Department of Government Efficiency,”* The White House (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

⁵ Jory Heckman, *Trump Installs DOGE Within White House, Scrapping Plan for an Outsider Task Force*, Federal News Network (Jan. 20, 2025, 5:11 PM), <https://federalnewsnetwork.com/agency-oversight/2025/01/trump-administration-faces-lawsuits-over-doges-membership>.

⁶ Thomas et al., *supra* n.1; *see also* Schleifer et al, *supra* n.1; Cat Zakrzewski & Jacquelin Alemany, *Elon Musk Isn’t the Only Tech Leader Helping Shape the Trump Administration*, Wash. Post (Jan. 14, 2025 12:22 PM), <https://www.washingtonpost.com/politics/2025/01/13/andreessen-tech-industry-trump-administration-doge>; Faiz Siddiqui, Jeff Stein and Elizabeth Dwoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

⁷ Schleifer et al, *supra* n.1

⁸ *See, e.g.*, Alice Tecotzky and Bryan Metzger, *DOGE Officially Comes to Power Today. Here’s What’s Likely First on the Agenda*, Business Insider (Jan. 20, 2025), <https://www.businessinsider.com/doge-elon-musk-vivek-ramaswamy-inauguration-first-steps-2025-1>.

⁹ *See, e.g.*, Eric Katz, *DOGE Agency Deployments Raise Ethical and Influence Concerns*, Gov’t Exec. (Jan. 15, 2025), <https://www.govexec.com/management/2025/01/doge-agency-deployments-raise-ethical-and-influence-concerns/402204>.

regulatory compliance of companies he owns.¹⁰ For all these reasons, among others, records concerning DOGE's work are "appropriate for preservation"¹¹ under the FRA.

Furthermore, the public should have access to those records. Accordingly, American Oversight has submitted FOIA requests relating to the records and intends to submit additional requests. In the meantime, American Oversight has real concerns that these records, including, in particular, Signal communications, may not have been preserved and retained as required by both FOIA and the FRA, and are very likely subject to ongoing, real-time destruction in violation of those statutes.

In light of the special risks presented by the possibility that unofficial ephemeral messaging systems have been or are being used in violation of the FRA, 44 U.S.C. § 2911(a), the OMB should take immediate action to preserve and recover any and all federal records. In addition, the FRA requires you to notify the Archivist of "any actual, impending, or threatened" unlawful removal, alteration, or destruction of federal records, and to initiate an action through the Attorney General to recover those records you have reason to believe were unlawfully removed. 44 U.S.C. § 3106(a). If there is any reason to believe that records have been unlawfully removed, American Oversight urges you to undertake an enforcement action through the Attorney General to ensure they are properly preserved so they may be accessed by the public.

Please promptly alert American Oversight when you have taken the requested action, at fein.ronald@americanoversight.org.

Sincerely,

/s/ Ron Fein

Ron Fein
Chief Counsel
American Oversight

Cc: Dr. Colleen J. Shogan
archivistoftheunitedstates@nara.gov

¹⁰ See, e.g., *id.*; see also John L. Dorman, *Elon Musk Could Become a 'Special Government Employee' as a Co-lead of DOGE. Here's What That Means*, Business Insider (Jan. 12, 2025 4:59 PM), <https://www.businessinsider.com/elon-musk-doge-special-government-employee-conflicts-of-interest-2025-1>.

¹¹ See 44 U.S.C. § 3102(3).



January 22, 2025

Dr. Colleen J. Shogan
The National Archives and Records Administration
8601 Adelphi Rd.
College Park, MD 20740
archivistoftheunitedstates@nara.gov

Re: Potential Unlawful Destruction or Removal of DOGE Communications

Dear Dr. Shogan:

American Oversight writes to bring your attention to the likely unlawful destruction or removal of federal records of several U.S. agencies in violation of the Federal Records Act (the “FRA”), 44 U.S.C. §§ 3101 *et seq.*, and to request that you take action to recover these records and prevent any further destruction.

According to recent reports,¹ members of the pre-inaugural Department of Government Efficiency (“DOGE”) have been communicating with one another and with various federal agencies since at least December 2024 using the encrypted messaging platform, Signal, which can be set to automatically delete messages, metadata and other content as soon as the message is seen by recipients.² Such communications conducted via Signal or other similar application with automatic deletion capabilities likely violate the FRA. *See* 44 U.S.C. § 3105. DOGE’s members reportedly also have been meeting with staff and officials at multiple federal agencies since at least December 2024. Specific agencies that have reportedly communicated and met with DOGE officials include Departments of Defense,³ Treasury (including the Internal Revenue Service), Health and Human Services, Homeland Security, Veterans Affairs and the Office of Management and Budget; but according to the Washington Post, “more than a dozen federal agencies” have communicated with DOGE members “tied to [President] Donald

¹ *See, e.g.*, Ken Thomas, Kevin T. Dugan and Peter Rudegeair, *Inside the Early Days of DOGE*, Wall Street Journal (Jan. 17, 2025), https://www.wsj.com/politics/policy/doge-federal-reform-musk-ramaswamy-118a3833?reflink=desktopwebshare_permalink; Theodore Schleifer and Madeleine Ngo, *Inside Elon Musk’s Plan for DOGE to Slash Government Costs*, N.Y. Times (updated Jan. 21, 2025, 2:04 PM ET), <https://www.nytimes.com/2025/01/12/us/politics/elon-musk-doge-government-trump.html?partner=slack&smid=sl-share>.

² *See* Disappearing Messages with a Linked Device, Signal Support, <https://support.signal.org/hc/en-us/articles/5532268300186-Disappearing-Messages-with-a-Linked-Device>; *see also* Stories, Signal Support, <https://support.signal.org/hc/en-us/articles/5008009166234-Stories>; Set and Manage Disappearing Messages, Signal Support, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages>.

³ *See* Thomas et al., *supra* n.1.



Trump’s transition team.”⁴ On January 20, 2025, President Trump established DOGE through executive order, renaming the preexisting U.S. Digital Service as the U.S. DOGE Service.⁵ Among other things, the executive order requires agency heads to “assemble a team of at least four employees to serve on ‘DOGE teams’ that will report to [the United States DOGE Service],”⁶ indicating that more federal records are being created.

All written communications related to the pre-inaugural and post-inaugural DOGE meetings, activities and communications (collectively, “DOGE communications”), like all other “recorded information . . . made or received by a Federal agency under Federal law or in connection with the transaction of public business,” are “federal records” under the FRA, 44 U.S.C. § 3301(a)(1)(A), and must be preserved and safeguarded against removal or loss, *see id.* § 2904(c)(1) and § 3105.

Federal records related to DOGE are vitally important and of national significance. President Trump reportedly created the Department to look “for ways to reduce spending, pare back the federal workforce and reorganize and downsize agencies,”⁷ and said it will drive “drastic change.”⁸ The U.S. DOGE Service’s decisions will have tremendous impacts not only on major federal agencies, programs and regulatory oversight, but on thousands of federal workers.⁹ In addition, Trump’s appointment of Elon Musk to lead both the pre-inaugural and post-inaugural DOGE has created significant ethical concerns about conflicts of interest¹⁰ that are also of critical public importance. For example, Mr. Musk will be making decisions related to agencies

⁴ Faiz Siddiqui, Jeff Stein & Elizabeth Dwoskin, *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

⁵ *Establishing and Implementing the President’s “Department of Government Efficiency,”* The White House, Jan. 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

⁶ Jory Heckman, *Trump Installs DOGE within White House, Scrapping Plan for an Outsider Task Force*, Federal News Network, Jan. 20, 2025, <https://federalnewsnetwork.com/agency-oversight/2025/01/trump-administration-faces-lawsuits-over-doges-membership/>.

⁷ *See* Thomas et al, *supra* n.1. *See also* Schleifer & Ngo, *supra* n.1; Siddiqui et al., *supra* n. 4; Cat Zakrzewski & Jacqueline Alemany, *Elon Musk Isn’t the Only Tech Leader Helping Shape the Trump Administration*, Wash. Post, Jan. 13, 2025, https://www.washingtonpost.com/politics/2025/01/13/andreessen-tech-industry-trump-administration-doge/?utm_medium=social&utm_source=twitter&utm_campaign=wp_main.

⁸ Schleifer & Ngo, *supra* n.1.

⁹ *See, e.g.*, Alice Tecotzky and Bryan Metzger, *DOGE Officially Comes to Power Today. Here’s What’s Likely First on the Agenda*, Business Insider (Jan. 20, 2025), <https://www.businessinsider.com/doge-elon-musk-vivek-ramaswamy-inauguration-first-steps-2025-1>.

¹⁰ *See, e.g.*, Eric Katz, *DOGE Agency Deployments Raise Ethical and Influence Concerns*, Gov’t Exec. (Jan. 15, 2025 11:25 AM), <https://www.govexec.com/management/2025/01/doge-agency-deployments-raise-ethical-and-influence-concerns/402204/?oref=ge-topic-lander-top-story>.

that ensure regulatory compliance of companies he owns.¹¹ For all these reasons, among others, records concerning DOGE's work are "appropriate for preservation" under the FRA. Furthermore, the public should have access to communications and other records exchanged with DOGE members. Accordingly, American Oversight has submitted FOIA requests for such records and intends to submit additional requests. In the meantime, American Oversight has real concerns that these records, including, in particular, the Signal communications, may not have been preserved and retained as required by both FOIA and the FRA, and are very likely subject to ongoing, real-time destruction in violation of those statutes.

In light of the special risks presented by the possibility that unofficial ephemeral messaging systems have been or are being used in violation of the FRA, 44 U.S.C. § 2911(a), we ask that you take immediate action with the heads of the United States DOGE Service, the Office of Management and Budget, and the Departments of Defense, Treasury (including Internal Revenue Service), Health and Human Services, Homeland Security and Veterans Affairs, to preserve and recover any and all DOGE communications.

The FRA also requires you to initiate an action through the Attorney General to recover those records you have reason to believe were unlawfully removed. *See* 44 U.S.C. § 3106(a). If there is any reason to believe that records have been unlawfully removed, American Oversight urges you to undertake an enforcement action promptly through the Attorney General to ensure the records are properly preserved so they may be accessed by the public.

Please promptly alert American Oversight when you have taken the requested action, at fein.ronald@americanoversight.org.

Sincerely,

/s/ Ron Fein

Ron Fein
Chief Counsel
American Oversight

¹¹ *See, e.g., id.; see also* John L. Dorman, *Elon Musk Could Become a 'Special Government Employee' as a Co-Lead of DOGE. Here's What That Means.*, Business Insider (Jan. 12, 2025 4:59 PM), <https://www.businessinsider.com/elon-musk-doge-special-government-employee-conflicts-of-interest-2025-1>.