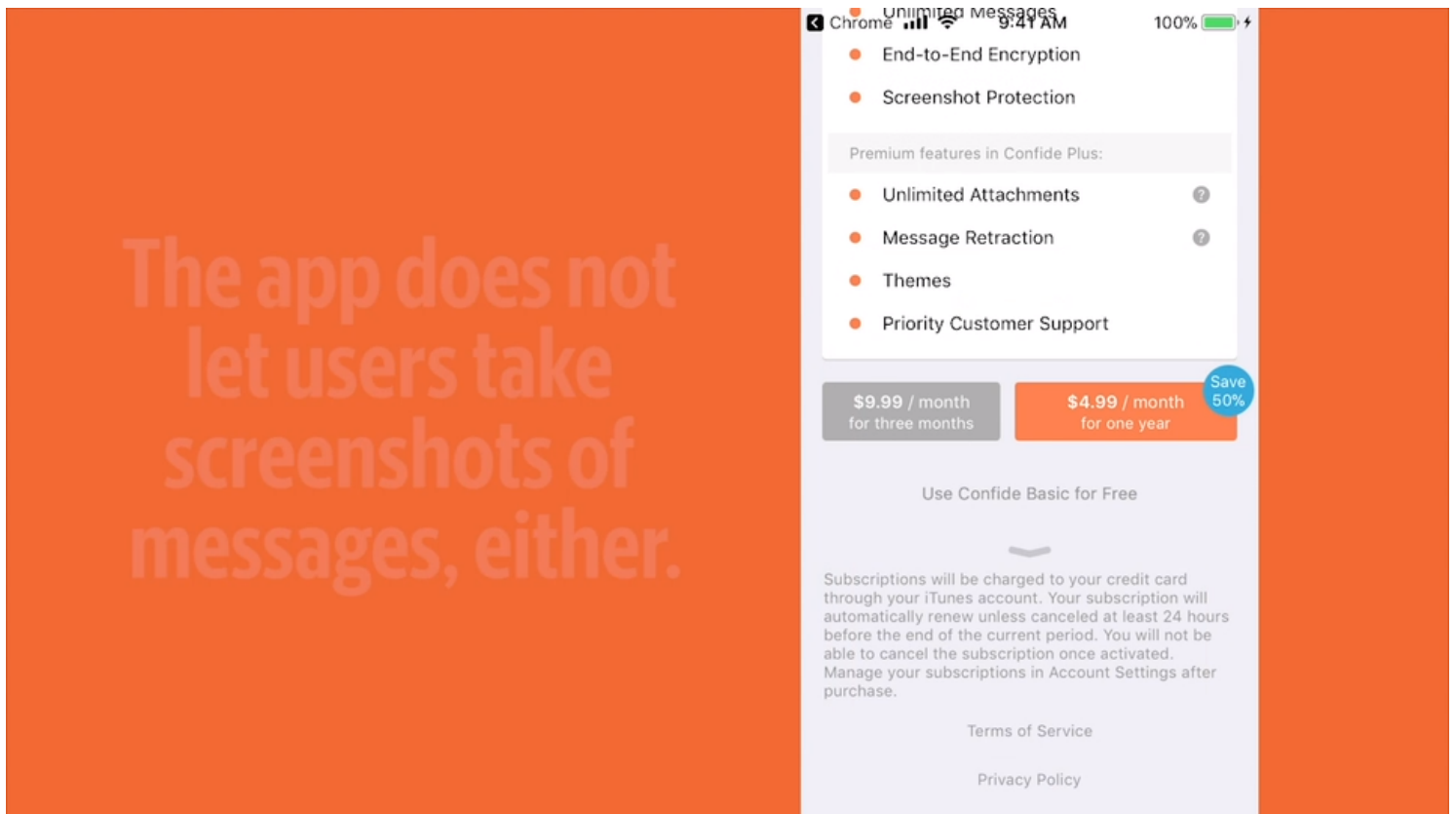


GOVERNMENT & POLITICS

Greitens admits using secret texting app with staff but says he didn't violate laws

BY JASON HANCOCK

   
MAY 14, 2018 12:33 PM

With Confide, messages can't be saved, so it's impossible to know whether former Gov. Eric Greitens and his senior staff were using it to conduct state business out of the public eye.

By Leah Becerra, Jason Hancock and Jason Boatright

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JEFFERSON CITY — Gov. Eric Greitens used [an app that erases text messages](#) to communicate with his taxpayer-funded staff, although he denies any suggestion that doing so violated Missouri's open records laws.

The revelation comes in response to a lawsuit filed in December by two St. Louis attorneys over Greitens and his senior government staff using Confide, an app that allows someone to send a text message that automatically erases after it is read.

Confide also prevents anyone from saving, forwarding, printing or taking a screenshot of the text, raising concerns among government transparency advocates that the app could be used to subvert the state's open records laws.

In response to a series of questions from the attorneys suing Greitens, the governor's lawyers admitted in court filings that prior to Jan. 17, 2018, Greitens "occasionally used Confide to communicate with members of the Office of Governor about scheduling in a manner that was consistent with the requirements of the Open Records Law."

While the governor refused to either confirm or deny that he still uses Confide, Greitens' attorneys wrote that after Jan. 17, 2018, "any communications made using Confide did not concern public business."

Jan. 17 was when the governor's office [implemented a new record retention policy](#) to specifically prohibit staff from using Confide to conduct public business.

The governor's attorneys wrote that Greitens "has only ever used the application in a way that the law allows."

Greitens admits that he understood members of his staff used Confide to communicate with each other, but is not aware of "any use of Confide in the Office of the Governor that was inconsistent with the requirements of the Open Records Law."

Greitens denies he used Confide to communicate with government officials outside his office, with lobbyists, or to discuss pending legislation or policies of the governor's office.

The governor also denies that he instructed staff to use or download Confide.

Greitens would neither admit nor deny that he used Confide to communicate with political donors, nonprofits, political action committees or staff of the president or vice president's office.

The governor also refused to admit or deny that he used Confide to communicate with a list of people associated with his campaign's obtaining the donor list of a veterans charity called The Mission Continues. The use of the charity's donor list is the subject of a felony computer tampering charge in St. Louis.

The governor's attorneys argued that any communications with these groups or individuals would not involve public business and is therefore irrelevant to the lawsuit.

"It's not up to the governor to decide whether the governor broke the law," said Mark Pedroli, one of the attorneys suing Greitens. "That's the decision of the judge or jury."

Pointing to the several dozen times Greitens answered the written questions with the answer, "we neither admit nor deny," Pedroli said he would seek to obtain a "court order compelling him to answer."

Greitens' explanation of how he used Confide lines up with [a handful of his senior staff who were interviewed by the attorney general's office](#). Greitens' staff said Confide was used to discuss their governor's schedule, and they described their Confide communications as consisting entirely of non-substantive matters such as le

All told, 12 senior members of Greitens staff have admitted they had Confide accounts associated with their personal cell phones. Greitens also has an account under the user name "Er Robert."

The Star first reported [in early December](#) that Greitens and his senior staff were using Confide. The revelation sparked an investigation by Attorney General Josh Hawley into whether Confide was being used to destroy public records.

The attorney general's investigation concluded in March, determining that there was no evidence of wrongdoing — in part because the app itself ensured there was no evidence.

Hawley has defended the probe but admitted it was hampered by the fact that his office doesn't have subpoena power in Sunshine Law investigations. He vowed to reopen the Confide inquiry if lawmakers grant his office subpoena power.

Greitens said in his response to plaintiff's questions that to the best of his knowledge, he first downloaded Confide sometime in 2016.

Eight of Greitens' senior staff members were interviewed by the attorney general's office and admitted they had Confide accounts associated with their personal cell phone: chief of staff Mike Roche, chief operating officer Drew Erdmann, policy director Will Scharf, director of management and budget Jennae Neustadt, deputy chief of staff Nick Maddux, deputy policy director Logan Spena, general counsel Lucinda Luektemeyer and special counsel Sarah Madden.

The attorney general's office did not interview four other staff members who had Confide accounts associated with their personal cell phones: deputy legislative director Brad Green, deputy legislative director Jeff Earl, legislative and policy adviser Todd Scott, and press secretary Parker Briden.

The attorney general's office also didn't interview Greitens.

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