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One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

May 26, 2020

The Honorable Stephen Biegun
Deputy Secretary
U.S. Department of State
2201 C Street, NW
Washington, DC. 20520

Dear Mr. Deputy Secretary:

We are deeply concerned by the President's removal of Steve Linick from his position as the State Department's Inspector General in what appears to be an act of retaliation. President Trump has confirmed that Mr. Linick's termination came at the recommendation of Secretary Pompeo, while the Committee has learned that Mr. Linick's office was conducting at least two investigations related to Secretary Pompeo. One of these was related to Secretary Pompeo's possible misuse of government resources for his personal or political benefit. The other was one that this Committee specifically asked the State Department's Office of the Inspector General (OIG) to undertake: an investigation into the process and legal justifications the State Department used in declaring a phony emergency to ram through \$8 billion in arms sales to Saudi Arabia and other Gulf countries.¹ If Secretary Pompeo's recommendation to remove Mr. Linick was made to chill or curtail these, or any, investigations the State Department's Office of the Inspector General (OIG) was pursuing, we believe Mr. Linick's termination could be considered an unlawful act of retaliation and should be reversed immediately.

Secretary Pompeo has sought to brush aside these concerns, arguing that it was not possible for him to have targeted Mr. Linick for retaliation because the Secretary lacked knowledge of "any investigation that was going on or is currently going on."² "I simply don't know," he claimed, "[s]o it's simply not possible for this to be an act of retaliation. End of story."³ That explanation is hard to believe. In June 2019, just days

¹ See *Foreign Affairs Committee Democrats Call for Investigation of Phony Emergency and Arms Sales*, June 20, 2019 (online at: <https://foreignaffairs.house.gov/press-releases?ID=58D214D3-D6D9-40D4-970D-6FE371808A7C>).

² See Carol Morello, *Pompeo Says He Didn't Know Fired Inspector General Was Investigating Him*, Washington Post, May 18, 2020 (online at: https://www.washingtonpost.com/national-security/pompeo-says-he-didnt-know-fired-inspector-general-was-investigating-him/2020/05/18/3ab08dca-9923-11ea-b60c-3be060a4f8e1_story.html).

³ *Id.*

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after a contentious hearing on the topic with Assistant Secretary of State R. Clarke Cooper, this committee publicly requested the OIG open an investigation into the Saudi Arms sale. It has been publicly reported that Mr. Linick's office sought to interview Secretary Pompeo as part of that investigation, but the Secretary refused.⁴ At a press conference on May 20, Secretary Pompeo recalled having provided written answers to the Inspector General on at least one topic.⁵ To borrow Secretary Pompeo's phrase, "it's simply not possible" that the Secretary answered questions from the OIG in an investigation and yet had no idea of any OIG investigations that were going on.

As we await more information about Mr. Linick's firing and Secretary Pompeo's motivations for recommending it, Mr. Linick's termination has already had a chilling effect on the OIG and its work as an independent watchdog. The President's decision to name Stephen Akard as Acting Inspector General while also keeping him directly under Secretary Pompeo's authority further erodes the OIG's independence. The law requires that inspectors general be independent from the agencies on which they are conducting oversight. But Ambassador Akard is, and will apparently remain, the State Department's Director of the Office of Foreign Missions. As has been noted in previous correspondence with the Department,⁶ these dual responsibilities mean that Ambassador Akard cannot be independent. Moreover, Mr. Akard has no investigatory or law enforcement experience. Thus, even if he were to completely sever his ties with the Department, he would remain unqualified to run the OIG, especially in these challenging times. We are left with the unavoidable impression that the real reason for placing Ambassador Akard in the OIG is so that he may undermine and scale back the work of the office and provide a pipeline to funnel information on what OIG may be investigating back to Secretary Pompeo.

The chilling effect of the Secretary's actions goes beyond its impact on OIG and directly affects the State Department workforce for which the Secretary has expressed such dedication. His recommendation to fire Mr. Linick also undercuts Department employees who seek out the OIG as one of the primary resources for reporting waste, fraud, or abuse without fear of

⁴ Andrew Desiderio, *Fired Watchdog Was Investigating Arms Sales to Saudi Arabia*, Politico, May 18, 2020 (online at: <https://www.politico.com/news/2020/05/18/linick-administration-arms-sales-saudi-arabia-265024>).

⁵ *Secretary Michael R. Pompeo at Press Availability*, May 20, 2020 (online at: <https://www.state.gov/secretary-michael-r-pompeo-at-a-press-availability-6/>)

⁶ See Maloney, Engel, Connolly, and Castro *Condemn Firing of State Department IG After Reports Reveal Ongoing Scrutiny of Pompeo's Actions*, May 21, 2020 (online at: <https://oversight.house.gov/news/press-releases/maloney-engel-connolly-and-castro-condemn-firing-of-state-department-ig-after>)

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retaliation. It is difficult to imagine that a whistleblower could plausibly expect confidentiality or the guaranteed protections given the extraordinarily troubling circumstances around Mr. Linick's dismissal and the appointment of his replacement.

We recognize that the appointment or removal of Inspectors General is an authority afforded to the President—though not one he may exercise without articulated reasons. Given that, we reiterate and underscore Speaker Nancy Pelosi's May 18 request that the President provide Congress with a detailed justification of Mr. Linick's termination.⁷ The firing has created ongoing, clear, and present threats to the Department's workforce generally, and specifically within the OIG, that we expect Department leadership to help address.

Unfortunately, we cannot direct this letter to Secretary Pompeo given his role in recommending the firing as an apparent act of retaliation. Given the circumstances, we must ask you to accept and carry out the Department's responsibilities in this matter by taking the following steps:

- 1) advise the President to reverse his decision to fire Mr. Linick given the concerns surrounding Secretary Pompeo's recommendation that inspired it,
- 2) take all necessary steps to rescind the appointment of Ambassador Stephen Akard as acting Inspector General and head of the OIG or ensure he is removed from Secretary Pompeo's reporting chain or otherwise recuses himself from conflicts of interest in performing the acting Inspector General duties, and
- 3) take all necessary steps to ensure that Department employees are not subject to retaliation for whistleblowing or exercising their professional duties, in light of the hostile climate created by Mr. Linick's dismissal.

We appreciate your prompt attention to this matter and ask you to keep the Committee apprised of your efforts in this regard.

Sincerely,

ELIOT L. ENGEL
Chairman

BRAD SHERMAN
Member of Congress

⁷ See *Pelosi Sends Letter to President Trump on the Firing of State Department Inspector General*, May 18, 2020 (online at: <https://www.speaker.gov/newsroom/51820>)

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