

**Congress of the United States**  
**Washington, DC 20515**

September 3, 2020

Diana R. Shaw  
Deputy Inspector General  
Department of State  
Office of the Inspector General  
1700 North Moore Street  
Arlington, VA 22209

Dear Deputy Inspector General Shaw:

As the Chairman of the House Foreign Affairs Committee and the Chairwoman of the House Appropriations Committee, we request that you launch an immediate inquiry into the Department of State's processes and determinations surrounding Secretary of State Pompeo's August 25, 2020, speech to the Republican National Convention (RNC). Secretary Pompeo's decision to make this speech appears to have violated long-standing prohibitions on Department employees' participation in political activities and sends a message that the rules and standards that govern most Department employees don't apply to the Department's senior political appointee.

The Secretary of State is our country's top diplomat, responsible for representing all of America to the rest of the world, not the narrow interests of a particular president or of a single political party. For this reason, Secretaries of State have long avoided weighing in on domestic political matters, and no Secretary of State in recent history has actively participated in a political party convention. There is no place for partisan politics in the halls and offices of the State Department, regardless of whether those offices are the Secretary's or the most remote consulate. The State Department is staffed by a professional, non-partisan, and talented workforce that has a rich history of delivering results for the American people, while avoiding domestic political entanglements. They deserve a leader who will set an example, not flaunt the regulations bearing his own signature.

Since it was reported that Secretary Pompeo would be speaking at the RNC,<sup>1</sup> numerous pieces of information have come to light that raise serious questions about appropriateness of the Secretary's activity. A December 2019 memorandum from the State Department Office of the Legal Adviser, which reportedly remained posted on the Department's internal ethics website even after the announcement of Secretary Pompeo's planned speech to the RNC, states unequivocally that political appointees such as Secretary Pompeo are prohibited from "[e]ngag[ing] in political activity in concert with a partisan candidate, political party, or partisan

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<sup>1</sup> Melissa Quinn, *RNC chair defends plans for Pompeo to address Republican convention*, CBS News, August 23, 2020 (online at: <https://www.cbsnews.com/news/rnc-chair-ronna-mcdaniel-defends-plans-for-pompeo-to-address-convention/>).

political group.”<sup>2</sup> The memo goes on to say that “**Senate-confirmed Presidential appointees may not even attend a political party convention or convention-related event**” (emphasis in original memo). Further, the memo affirms that no Department resources may be used to advance political causes and that Department employees may not “Engage in any political activity, even while off duty, in government work facilities, using government resources, or using your title or authority.”

Additionally, just over a month ago, a cable went out from the Secretary to every State Department office and diplomatic post reiterating this guidance to all Department personnel.<sup>3</sup> The Secretary emphasized that “[t]he Department works to advance the national interest abroad on behalf of all Americans in a non-partisan fashion,” emphasizing that the Department’s rigorous policies are necessary “to avoid any confusion or misperception in this regard.”

There is also a question of the Secretary’s use of taxpayer money in connection with the speech. The Department has claimed that “[n]o State Department resources will be used. Staff are not involved in preparing the remarks or in the arrangements for Secretary Pompeo's appearance.”<sup>4</sup> Yet the Secretary would not have been in Israel had U.S. taxpayers not funded his travel, his security detail, and his lodging. It seems to be a logical conclusion that at least some Department resources were used to facilitate Secretary Pompeo’s speech, in possible violation of the law, relevant regulations, and/or State Department guidance. Just recently, it was reported that the Secretary had also been considering filming a partisan campaign advertisement during his government-funded travel and changed these plans only after public outcry about his RNC speech grew.<sup>5</sup>

The glaring contradiction between the Department’s plain-language policies and the Secretary’s actions raises the question of whether the Secretary reviewed or even was aware of his own guidance on the matter. More puzzling, State Department lawyers reportedly determined

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<sup>2</sup> See Memo from Office of the Legal Adviser to All Presidential and All Political Appointees, December 3, 2019 (online at: [https://foreignaffairs.house.gov/\\_cache/files/e/e/eed06418-12ee-496f-8476-8c266c53ddb6/8F33EFAA29B676D27832D35876407707.hatch-act.pdf](https://foreignaffairs.house.gov/_cache/files/e/e/eed06418-12ee-496f-8476-8c266c53ddb6/8F33EFAA29B676D27832D35876407707.hatch-act.pdf))

<sup>3</sup> See Cable to All Diplomatic and Consular Posts Collective, July 24, 2020 re: Hatch Act/Political Activities, signature: Pompeo (online at: [https://foreignaffairs.house.gov/\\_cache/files/8/0/805ea04a-93b3-46c0-8baf-8a2d37b16730/4265E7B626B880B793C28C23199903C2.20-state-71636eml.pdf](https://foreignaffairs.house.gov/_cache/files/8/0/805ea04a-93b3-46c0-8baf-8a2d37b16730/4265E7B626B880B793C28C23199903C2.20-state-71636eml.pdf)).

<sup>4</sup> Carol Morello, *Pompeo stirs up outrage among some diplomats over speech to RNC*, The Washington Post, August 25, 2020 (online at: [https://www.washingtonpost.com/national-security/pompeo-stirs-up-outrage-among-some-diplomats-over-speech-to-rnc/2020/08/25/66ddd666-e6cf-11ea-a414-8422fa3e4116\\_story.html](https://www.washingtonpost.com/national-security/pompeo-stirs-up-outrage-among-some-diplomats-over-speech-to-rnc/2020/08/25/66ddd666-e6cf-11ea-a414-8422fa3e4116_story.html)).

<sup>5</sup> *Pompeo nixed filming campaign ad in Israel after Jerusalem speech furor – report*, The Times of Israel, September 1, 2020 (online at: <https://www.timesofisrael.com/pompeo-nixed-filming-campaign-ad-in-israel-after-jerusalem-speech-furor-report/>).

that the speech would be “lawful and appropriate.”<sup>6</sup> If so, Department lawyers either found that the speech comported with Department policy (“You may not... [e]ngage in political activity in concert with a partisan candidate, political party, or partisan political group”<sup>7</sup>), or there was a waiver or change to the guidance issued, presumably at someone’s request. Either way, the American people deserve to know how the Department arrived at that conclusion.

To that end, we request your office conduct a probe into this matter that includes the following elements:

1. A review of any and all Department guidance regarding legal and policy restrictions on political activities, including but not limited to the Hatch Act, relevant regulations, and the Foreign Affairs Manual (“Department Guidance”), issued since January 1, 2019. This should include a review of the process by which such guidance was formulated, including which senior officials were involved in clearing the guidance and ensuring its dissemination as well as an analysis of how such guidance differed from or comported with guidance issued by prior secretaries of state.
2. A review of all communications between the Office of the Legal Adviser and the Office of the Secretary concerning the Secretary’s RNC speech and his compliance with, or request to modify or exempt the Secretary from, Department Guidance. Specifically, this review should address whether and when the Office of the Legal Adviser was consulted prior to the Secretary’s decision to make his speech and what officials, whether career or politically appointed, were consulted. It should also assess whether updated guidance was prepared permitting the Secretary’s speech to the RNC, and if so when, why, by whom, and at whose request.
3. A review of whether and how any Department State resources, including personnel, material and/or funds, were used to support the Secretary’s travel, security, lodging, or any other expenses in connection with the drafting, editing, or delivery of his RNC remarks.
4. A review of any and all discussions, plans or communications regarding the possibility of Secretary Pompeo recording a campaign advertisement during his August 2020 travel.
5. A review of whether the Department has taken disciplinary actions against any Department employees for violations of Hatch Act regulations under the Trump Administration.

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<sup>6</sup> Wilner, Michael, *Lawyers examined Pompeo’s plan to address GOP convention from Jerusalem, aides say*, McClatchy, August 23, 2020 (online at: <https://www.mcclatchydc.com/news/politics-government/election/article245180890.html>)

<sup>7</sup> *supra*, 2.

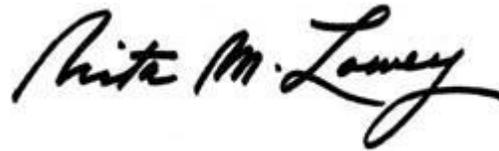
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Given the seriousness of these allegations and the nation's attention on them, we urge you to give this matter your most immediate and urgent attention.

Sincerely,



ELIOT L. ENGEL  
Chair  
House Committee on Foreign Affairs



NITA LOWEY  
Chair  
House Committee on Appropriations