



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

January 13, 2022

The Hon. Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Re: Request for Reinstatement of the State Department's Policy Restricting the Political Activities of the Secretary of State and Other Political Appointees

Dear Secretary Blinken:

Citizens for Responsibility and Ethics in Washington ("CREW") respectfully requests that the Department of State ("State Department") reinstate its long-standing policy restricting the political activities of State Department political appointees, including prohibitions on addressing political party conventions and engaging in political activities while abroad. If you have not yet done so, this measure is necessary to address misconduct by your predecessor, deter future abuses, restore public trust in the State Department's foreign policy operations and maintain the State Department's standing as a leader in the global fight against corruption.¹

The State Department's long-standing policy restricting the political activities of State Department political appointees was designed to prevent the work of the State Department from being viewed as overtly partisan and to preserve an American tradition that "politics stops at the water's edge."² The policy was strictly adhered to by every Secretary of State since it was first implemented in 1994, until August 2020, when former Secretary Michael Pompeo changed the policy, against the advice of State Department lawyers, just a few days before he delivered a pre-recorded address to the Republican National Convention ("RNC").³ That speech was recorded and delivered to the RNC while Secretary Pompeo was on an official trip to Israel, which implicated a separate State Department policy that barred him and all other U.S. government employees from engaging in partisan political activities abroad, and from which he was granted a "one-time exception" by a subordinate.⁴

¹ See National Security Study Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest (June 3, 2021) ("NSSM"), <https://bit.ly/3pVymay>; White House Fact Sheet: Establishing the Fight Against Corruption as a Core U.S. National Security Interest (June 3, 2021), <https://bit.ly/3n0GB3d>.

² Office of Special Counsel, Investigation of Political Activities by Senior Trump Administration Officials During the 2020 Presidential Election, Nov. 9, 2021 ("OSC Report"), 30, <https://bit.ly/3HC5bjy>; Carol Morello, *Pompeo stirs up outrage among some diplomats over speech to RNC*, *Washington Post*, Aug. 25, 2020, <https://wapo.st/33afHiA>.

³ Memorandum from the Under Secretary of State for Management to the Designated Agency Ethics Official (Aug. 21, 2020), quoted in OSC Report at 30.

⁴ OSC Report at 31.

The Office of Special Counsel (“OSC”) subsequently determined that Secretary Pompeo violated 5 U.S.C. § 7323(a)(1), a civil provision of the Hatch Act that bars a covered employee from using his or her official authority or influence for the purpose of interfering with or affecting the result of an election.⁵ First, OSC found that Secretary Pompeo broke the law “by authorizing a last-minute change to State Department policy for the purpose of promoting President Trump’s reelection.” Second, OSC found that Secretary Pompeo violated the Hatch Act by “devoting nearly the entirety of his RNC speech to discussing matters within his purview as Secretary of State.”⁶ Secretary Pompeo’s Hatch Act violations were part of a litany of “willful” and “repeated” Hatch Act violations carried out by at least thirteen senior Trump administration officials in the lead up to the 2020 presidential election.⁷ The egregious nature of these violations and lack of meaningful OSC enforcement mechanisms led CREW to request a Department of Justice (“DOJ”) investigation into possible violations of 18 U.S.C. § 595, a criminal provision of the Hatch Act that falls under DOJ’s jurisdiction.⁸

If Secretary Pompeo’s policy change remains in effect, it leaves a clear impression that the State Department endorses an incumbent Secretary of State’s use of his official authority to further the partisan political interests of the incumbent president, and provides a dangerous precedent for future administrations seeking to manipulate the business of the government, including U.S. foreign policy interests, in pursuit of partisan ends. If not rescinded, the policy change undermines the leadership role played by the United States, and the State Department in particular, in the global fight against corruption, which President Biden has designated a “core U.S. national security interest.”⁹

As we enter another election year and primary season, and to help restore public trust in the integrity of State Department operations, CREW is requesting that, not later than February 28, 2022,¹⁰ the State Department reinstate, and publicly confirm, its long-standing policy restricting political appointees from engaging in political activities, including addressing political party conventions and engaging in any political activities while abroad. Such measures will not only deter future abuses, but will help the State Department maintain its standing as a leader in the global fight against corruption.

Sincerely,



Noah Bookbinder

⁵ OSC Report at 32.

⁶ *Id.*

⁷ OSC Report at 3-4.

⁸ Letter from Noah Bookbinder to Attorney General Merrick Garland and FBI Director Christopher Wray, Dec. 20, 2021, <https://bit.ly/3zrQhZy>.

⁹ NSSM, § 1.

¹⁰ The proposed timeframe is based on when the first congressional primary election will be held in 2022, which is scheduled for March 1 in Texas. See Federal Election Commission, 2022 Congressional Primary Dates and Candidate Filing Deadlines for Ballot Access, Dec. 17, 2021, <https://www.fec.gov/resources/cms-content/documents/2022pdates.pdf>.

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President

cc: The Hon. Dana A. Remus, Counsel to the President, The White House
The Hon. Henry J. Kerner, Special Counsel, U.S. Office of Special Counsel