CREW

CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 30, 2023

The Honorable Jeffrey D. Zients
Chief of Staff
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Re: Request to Fill the U.S. Department of State's Inspector General Vacancy

Dear Mr. Zients:

I am writing on behalf of Citizens for Responsibility and Ethics in Washington ("CREW") to urge President Biden to fill the Inspector General vacancy at the U.S. Department of State ("State Department" or "Department") as soon as possible.

At a time when the State Department is leading efforts to protect U.S. national security interests in Ukraine including significant financial and employee resources,[1] it is of utmost urgency that President Biden fill this position, which has lacked a Senate-confirmed appointee for more than two years. Failure to do so has the potential to undermine efficacy of and public trust in State Department programs and operations. This enduring vacancy also suggests an insufficient commitment more broadly to independent oversight and government accountability.

The Inspector General for the State Department is responsible for leading a global workforce whose mission is to detect and deter waste, fraud, abuse, and misconduct and to promote economy, efficiency, and effectiveness in the State Department and U.S. Agency for Global Media programs and operations.[2] Yet, the Department has lacked a Senate-confirmed Inspector General since May 2020, when President Donald J. Trump unceremoniously fired Steven Linick, the State Department's then-Inspector General.[3] Mr. Linick was "abruptly terminated" from the position following reports that his office was investigating possible misconduct by then-Secretary of State Mike Pompeo.[4]

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[1] *Ukraine Response Oversight,* U.S. Department of State's Office of the Inspector General website as of Feb. 28, 2023, https://www.stateoig.gov/ukraine-response-oversight.

[2] *Diana Shaw, Deputy Inspector General performing the duties of the Inspector General*, U.S. Department of State's Office of the Inspector General website as of Feb. 28, 2023, https://www.stateoig.gov/about/meet-the-ig.

[3] Michele Kelemen, Trump Removes State Department Inspector General Steve Linick, *NPR*, May 16, 2020, https://www.npr.org/2020/05/16/857334790/president-trump-removes-state-department-inspector-general-steve-linick.

[4] Philip Rucker, Karen DeYoung, Lisa Rein, and Hannah Knowles, Trump ramps up retaliatory purge with firing of State Department inspector general, *Washington Post*, May 16, 2020, https://www.washingtonpost.com/politics/trump-ramps-up-retaliatory-purge-with-firing-of-state-department-inspector-general/2020/05/16/8f8b55da-979a-11ea-82b4-c8db161ff6e5_story.html.

Although Mr. Linick's firing by President Trump was widely condemned as "retaliatory," no successor has ever been nominated to replace him, which further undermines the independence of that office.[5] Instead, those duties are being performed by the State Department's Deputy Inspector General, Diana Shaw, whose ability to provide robust oversight appears to be hindered by her acting status.[6] For example, Deputy Inspector General Diane Shaw recently declined a request by CREW to investigate allegations that former Secretary Mike Pompeo may have violated the Global Magnitsky Act, the implementing executive order, and executive branch ethics regulations in connection with his participation in the decision made in the final days of the Trump Administration to quietly lift U.S. sanctions against Dan Gertler, an international businessman who was under U.S. sanctions for engaging in corrupt activity in the Democratic Republic of the Congo that threatened U.S. national security interests.[7]

Given Mr. Linick's problematic dismissal by former President Trump, pressing matters currently before the State Department's Office of Inspector General ("OIG"), and the significant role that the State Department plays in our ongoing diplomatic and security efforts in Ukraine and across the globe, permanent leadership at State OIG must be a priority. As Senator Chuck Grassley noted nearly eight years ago, "Every agency needs a permanent, independent inspector general … The position is too important to assign to a placeholder." Grassley continued that, despite their best efforts, "an acting inspector general doesn't have the mandate to lead, and he or she might not be able to withstand pushback from an agency that doesn't want to cooperate with oversight."[8]

The State Department Inspector General position has lacked a Senate-confirmed appointee for more than 1000 days. To prevent any further erosion of that office's independence and functionality, it is vital to U.S. credibility, the integrity of State Department operations, and our national security and foreign policy

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[5] *Id.*

[6] *Diana Shaw, Deputy Inspector General performing the duties of the Inspector General*, U.S. Department of State's Office of the Inspector General website. In the interim period following Mr. Linick's removal, in addition to Ms. Shaw, two other government officials served on an acting basis as the State Department Inspector General. Nahal Toosi, State Department gets another new acting inspector general, *Politico*, Sept. 9, 2020, https://www.politico.com/news/2020/09/03/state-department-new-inspector-general-408314.

[7] Letter from Diana R. Shaw, Deputy Inspector General Performing the Duties of the State Department Inspector General, to Noah Bookbinder and Virginia Canter, Jan. 12, 2023, https://acrobat.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3A2a838281-341a-49fb-834a-bd93d65fd84a&viewer%21megaVerb=group-discover; Letter from Noah Bookbinder to Acting Treasury Department Inspector General Richard K. Delmar and Acting State Department Inspector General Diana R. Shaw, Dec. 16, 2022, https://www.citizensforethics.org/wp-content/uploads/2022/12/OIG-Complaint-Gertler-12-16-22-final-1.pdf.

[8] Press Release, *Grassley Probes Record Lack of Permanent Watchdog At State Department,* Aug. 27, 2015, U.S. Senator Chuck Grassley's website, https://www.grassley.senate.gov/news/news-releases/grassley-probes-record-lack-permanent-watchdog-state-department.

interests that President Biden take immediate measures to see that an Inspector General nomination is put forth to the Senate for confirmation as soon as possible.

Sincerely,

Noah Bookbinder
President and Chief Executive Officer

cc: The Honorable Antony Blinken, Secretary of State
The Honorable Stuart Delery, White House Counsel
The Honorable Gautam Raghavan, Director of Presidential Personnel