

June 12, 2020

Hon. Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Re: Request to Investigate Secretary of State Mike Pompeo

Dear Director Wray:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that the Federal Bureau of Investigation (“FBI”) immediately open an investigation into whether Secretary of State Mike Pompeo violated 18 U.S.C. § 1505, which prohibits the obstruction of pending official proceedings. By recommending to President Donald Trump that the President remove State Department Inspector General Steve Linick from his post while Mr. Linick’s office was investigating Secretary Pompeo for various potential ethics violations, Secretary Pompeo may have obstructed an investigation by the State Department Office of Inspector General (“OIG”) in violation of a criminal obstruction of justice statute.

Factual Background

Mr. Linick was appointed the State Department’s Inspector General in 2013 by then-President Obama.¹ On May 15, 2020, President Donald Trump announced that he intended to fire Mr. Linick.² In a letter to Speaker of the House Nancy Pelosi, the President wrote:

As is the case with regard to other positions where I, as President, have the power of appointment, by and with the advice and consent of the Senate, it is vital that I have the fullest confidence in the appointees serving as Inspectors General. That is no longer the case with regard to this Inspector General.³

The President’s letter did not provide further explanation for the intended firing. Mr. Linick is the latest agency’s internal watchdog to be removed by the Trump administration in recent weeks.⁴ Per the Inspector General Act of 1978, Mr. Linick will be fired 30 days from his announcement.⁵ President Trump also immediately named Ambassador Stephen J. Akard, a

¹ Department of State, Profile of Steve A. Linick, Inspector General, <https://www.stateoig.gov/about/IG>.

² Letter from President Donald J. Trump to Speaker of the House of Representatives Nancy Pelosi, May, 15, 2020, <https://bit.ly/3bOaQSI>.

³*Id.*

⁴ Melissa Quinn, The internal watchdogs Trump has fired or replaced, *CBS News*, May 19, 2020, <https://cbsn.ws/2B1NyyG>.

⁵ 5 U.S.C. App. § 3.

Trump political appointee and “trusted ally of Vice President Pence” to serve as acting Inspector General.⁶

Following President Trump’s declaration of his intent to fire Mr. Linick, several members of Congress pressed the administration for more answers. In a letter to President Trump, Senate Finance Committee Chairman Charles Grassley explained that the President’s “expression of lost confidence, without further explanation, is not sufficient to fulfill the requirements of the IG Reform Act.”⁷ House Foreign Affairs Committee Chairman Eliot Engel and Senate Foreign Relations Committee Ranking Member Robert Menendez initiated an investigation into Mr. Linick’s dismissal by sending information request letters to the White House, the State Department, and the State Department Office of Inspector General.⁸

When asked by reporters about the firing, President Trump stated that Secretary Pompeo asked him to fire Mr. Linick:

I was asked by the State Department, by Mike . . . I don’t know him. Never heard of him. But they asked me to terminate him. I have the absolute right as president to terminate . . . But you would have to ask Mike Pompeo. But they did ask me to do it, and I did it.⁹

To date, President Trump has not provided a response to requests for information from members of Congress seeking additional explanation, but his admission to reporters seems to undermine his claims in his letter to Speaker Pelosi that Mr. Linick was fired simply because the President lost confidence in his abilities.

Public reports indicate that Secretary Pompeo was under investigation by Inspector General Linick’s office regarding significant allegations of misconduct when he recommended President Trump fire Mr. Linick, and that he was aware he was being investigated. In a statement responding to the President’s announcement of his intention to remove Mr. Linick, Rep. Engel stated, “I have learned that the Office of the Inspector General had opened an investigation into Secretary Pompeo. Mr. Linick’s firing amid such a probe strongly suggests that this is an unlawful act of retaliation.”¹⁰ In subsequent congressional testimony, Mr. Linick confirmed that his office was investigating Secretary Pompeo at the time of his firing.¹¹

⁶ Felicia Sonmez, Key GOP Senator Asks Trump for ‘Detailed Reasoning’ for State Dept. Inspector General’s Removal, *Washington Post*, May 18, 2020, <https://wapo.st/36f0D0g>; see also Meridith McGraw and Nahal Toosi, Trump Ousts State Department Watchdog, *Politico*, May 15, 2020, <https://politi.co/3g1F489>.

⁷ Letter from Sen. Charles Grassley to President Donald J. Trump, May 18, 2020, <https://bit.ly/3bNU5Hh>.

⁸ Letter from Sen. Robert Menendez and Rep. Eliot Engel to White House Chief of Staff Mark Meadows, May 16, 2020, <https://bit.ly/2XkQnQ9>; Letter from Sen. Robert Menendez and Rep. Eliot Engel to Deputy Secretary of State Stephen Biegun, May 16, 2020, <https://bit.ly/2XhybH8>; Letter from Sen. Robert Menendez and Rep. Eliot Engel to Inspector General Steven Linick, May 16, 2020, <https://bit.ly/2ANp6hC>.

⁹ Myah Ward, Trump Says Pompeo Told Him to Fire State Watchdog, *Politico*, May 18, 2020, <https://politi.co/3g8tGaw>.

¹⁰ House Committee on Foreign Affairs, Engel Statement on the Firing of Inspector General Linick, May 15, 2020 – May 16, 2020, <https://bit.ly/2z74BME>.

¹¹ House Committee on Foreign Affairs, Press Release, Engel, Maloney, Menendez, Connolly, & Castro Statement on IG Linick’s Interview, June 3, 2020, <https://bit.ly/2Y2Jvr4> (“Linick Testimony Statement”); Josh Lederman,

According to Mr. Linick and news reports, at the time of Secretary Pompeo's request to the President, Mr. Linick had nearly completed an investigation into President Trump's and Secretary Pompeo's alleged fast-tracking of \$8 billion in arms sales to Saudi Arabia and the United Arab Emirates without consulting Congress, "on the grounds that the regional threat posed by Iran constituted a national emergency."¹² Mr. Linick was also "looking into allegations that a staffer for Secretary Pompeo was performing domestic errands and chores such as handling dry cleaning, walking the family dog and making restaurant reservations."¹³ In addition, Mr. Linick's office reportedly was probing conduct at the State Department's Protocol Office, which was responsible for holding lavish taxpayer-funded "Madison Dinners" featuring Secretary Pompeo, though it is unclear if that investigation involved him.¹⁴

Secretary Pompeo has claimed that he did not know whether Mr. Linick's office was investigating him. In one interview, Secretary Pompeo asserted that it is "simply not possible" that his recommendation to fire Mr. Linick "was based on any effort to retaliate for any investigation . . . [b]ecause I simply don't know. I'm not briefed on it. I usually see these investigations in final draft form 24 hours, 48 hours before the IG is prepared to release them."¹⁵ He also later claimed, "I have no sense of what investigations were taking place inside the Inspector General's Office."¹⁶ In particular, Secretary Pompeo broadly denied that he was aware of the investigation into the allegations he used an aide for personal errands.¹⁷ Secretary Pompeo did acknowledge that he was aware of the Saudi arms sale investigation and answered written questions about it, but claimed he didn't know the "scope" or even the "nature" of the investigation, other than what he could glean from the questions he was asked.¹⁸

However, Secretary Pompeo's comments appear to be inconsistent with Mr. Linick's recent testimony to Congress. According to Mr. Linick, he told Undersecretary of State Brian Bulatao, Executive Secretary Lisa Kenna, and Deputy Secretary Stephen Biegun – all of whom are top aides to Secretary Pompeo and work directly with him – about Mr. Linick's "review of

Fired watchdog tells Congress he informed top officials about probe into Pompeo and his wife, *NBC News*, June 3, 2020, <https://nbcnews.to/3dzgsC4>.

¹² Julian Borger, *Watchdog was Investigating Pompeo for Arms Deal and Staff Misuse before Firing*, *The Guardian*, May 18, 2020, <https://bit.ly/2LKRJ1b>; Edward Wong and David E. Sanger, *State Dept. Investigator Fired by Trump Had Examined Weapons Sales to Saudis and Emiratis*, *New York Times*, May 18, 2020, <https://nyti.ms/3c0eGrZ>; Linick Testimony Statement.

¹³ Mike DeBonis and John Hudson, *Fired Inspector General was Examining Whether Pompeo had a Staffer Walk His Dog, Handle Dry Cleaning, Official Says*, *Washington Post*, May 17, 2020, <https://wapo.st/3bQjwrN>; Linick Testimony Statement.

¹⁴ Josh Lederman, Laura Strickler, and Dan De Luce, *Pompeo's elite taxpayer-funded dinners raise new concerns*, *NBC News*, May 19, 2020, <https://nbcnews.to/3c1DX5e>; Nahal Toosi and Quint Forgey, *Fired State Department watchdog was probing protocol office*, *Politico*, May 20, 2020, <https://politi.co/2LWP5FM>.

¹⁵ Carol Morello, *Pompeo says he didn't know fired inspector general was investigating him*, *Washington Post*, May 18, 2020, <https://wapo.st/3c4CfzQ>.

¹⁶ U.S. Department of State, Secretary Mike R. Pompeo at a Press Availability, May 20, 2020, <https://bit.ly/2XM2t52>; Matthew Lee, *Pompeo denies retaliation but won't explain watchdog ouster*, *Associated Press*, May 20, 2020, <https://wapo.st/2yw0f1b>.

¹⁷ Morello, *Washington Post*, May 18, 2020.

¹⁸ U.S. Department of State, Secretary Mike R. Pompeo at a Press Availability, May 20, 2020; Lee, *Associated Press*, May 20, 2020.

use of resources by Pompeo and his wife.”¹⁹ Mr. Linick further testified that he had submitted a formal request for records relating to Secretary Pompeo’s and his wife’s use of resources before President Trump announced his intention to dismiss Mr. Linick.²⁰ Such requests are common practice at the commencement of an Inspector General investigation. In addition, according to Mr. Linick and press reports, Secretary Pompeo refused to be interviewed as part of the Saudi Arabia arms sale investigation after Mr. Linick insisted that a witness from OIG be present.²¹

On May 18, 2020, Secretary Pompeo confirmed that he asked President Trump to fire Inspector General Linick because Secretary Pompeo believed that Mr. Linick’s oversight work was “undermining” the State Department.²² Specifically, Secretary Pompeo stated:

I went to the President and made clear to him that Inspector General Linick wasn’t performing a function in a way that we had tried to get him to, that was additive for the State Department, very consistent with what the statute says he’s supposed to be doing . . . The kinds of activities he’s supposed to undertake to make us better, to improve us.²³

As of the date of this submission, Secretary Pompeo has not personally provided further details about his decision, or about his assessment of Mr. Linick’s job performance. In a June 8, 2020 letter to Council of the Inspectors General on Integrity and Efficiency (“CIGIE”) Chair Michael E. Horowitz, Undersecretary Bulatao claimed that Secretary Pompeo’s “recommendation was based, in part, on concerns related to” Mr. Linick’s alleged failure to refer a leak investigation to CIGIE as he had agreed with senior State Department leadership to do.²⁴

Potential Violation

Obstruction of Justice – 18 U.S.C. § 1505

Based on the foregoing facts, there is strong evidence that Secretary Pompeo may have committed criminal obstruction of justice in violation of 18 U.S.C. § 1505 when he recommended to the President that Inspector General Linick be dismissed while Mr. Linick’s office was investigating Secretary Pompeo. Obstruction of justice “reaches all corrupt conduct

¹⁹ Linick Testimony Statement; Lederman, *NBC News*, June 3, 2020. Secretary Pompeo appears to be particularly close with Undersecretary Bulatao, who Secretary Pompeo described as one his “longest best friends in the whole world.” Bryan Bender, Wesley Morgan, and Daniel Lippman, *Trump’s ‘West Point Mafia’ Faces a Loyalty Test*, *Politico*, Nov. 17, 2019, <https://politi.co/2Y2ovRk>.

²⁰ *Id.*

²¹ Linick Testimony Statement; Edward Wong and David E. Sanger, *Pompeo Decline Interview Request From Inspector General About Saudi Arms Sales*, *New York Times*, May 19, 2020, <https://nyti.ms/2XzwLt0>.

²² Jennifer Hansler, Nicole Gaouette, and Kylie Atwood, *Pompeo Says He Asked Trump to Fire Inspector General because He Was ‘Undermining’ the State Department*, *CNN*, May 18, 2020, <https://cnn.it/3bMzvak>.

²³ *Id.*

²⁴ Letter from Under Secretary for Management Brian Bulatao to Council of the Inspectors General on Integrity and Efficiency Chair Michael E. Horowitz, June 8, 2020, <https://bit.ly/2XOtA0F>.

capable of producing an effect that prevents justice from being duly administered, regardless of the means employed.”²⁵

Under section 1505, it is crime for anyone to “corruptly . . . influence[], obstruct[], or impede[] or endeavor[] to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States.” That is, the statute criminalizes any conduct, whether successful or not, that is made for the purpose of corruptly influencing, obstructing, or impeding any agency proceeding.²⁶ Section 1505 has “been given a broad and all-inclusive meaning”²⁷ meant to encompass “the variety of corrupt methods by which the proper administration of justice may be impeded or thwarted, a variety limited only by the imagination of the criminally inclined.”²⁸ As a result, Secretary Pompeo violated the statute if he: (1) obstructed or endeavored to obstruct, (2) a pending official proceeding, (3) with the requisite corrupt intent.

Nexus to an Official Proceeding

To satisfy this requirement, Secretary Pompeo’s obstructive actions had to be related to an official proceeding. There is little question that a formal inspector general’s investigation falls squarely within the definition of a “pending proceeding . . . before any department or agency” under the statute. Where an investigative body has the power to issue subpoenas and compel sworn testimony in conjunction with an investigation, that investigation “constitute[s] a ‘proceeding’ within the meaning of § 1505.”²⁹ The State Department OIG has the authority to issue subpoenas and take sworn testimony,³⁰ making its investigations “proceedings.” In addition, Secretary Pompeo has publicly admitted that he was aware of at least the Saudi arms sale investigation at the time of his recommendation, and Mr. Linick’s testimony suggests that he was likely aware of the investigation into his use of department resources.

Obstruction of Proceeding

Efforts to stop an inspector general’s investigation fall squarely within the plain meaning of section 1505’s prohibitions: an attempt to stop an investigation certainly fits within efforts to “influence,” “obstruct,” or “impede” it.³¹ By recommending to President Trump that he remove Inspector General Linick from office, Secretary Pompeo appears to have endeavored to stop Mr. Linick’s investigation, and seemingly acted to obstruct it.

Attempting to stop an investigation, even by a party that does not have the independent power to do so, can constitute obstruction under section 1505. In *U.S. v. Mitchell*, for example,

²⁵ *U.S. v. Silverman*, 745 F.2d 1386, 1393 (11th Cir. 1984).

²⁶ *U.S. v. Cisneros*, 26 F. Supp. 2d 24, 38-39 (D.D.C. 1998).

²⁷ *U.S. v. Rainey*, 757 F.3d 234, 245 (5th Cir. 2014).

²⁸ *U.S. v. Griffin*, 589 F.2d 200, 206-07 (5th Cir. 1979).

²⁹ *See, e.g., U.S. v. Kelley*, 36 F.3d 1118, 1127 (D.C. Cir. 1994) (even preliminary inquiries by the Inspector General for the U.S. Agency for International Development constitute a proceeding) (internal citations omitted).

³⁰ 1 FAM 053-1.1; 5 U.S.C. App. § 3.

³¹ *See generally* Barry Berke, Noah Bookbinder, and Norm Eisen, *Presidential Obstruction of Justice: The Case of Donald J. Trump*, 2d. ed., Brookings Institution (2018), at 89, <https://brook.gs/2ALg8Bm>.

the Fourth Circuit upheld the conviction of two brothers who accepted a \$50,000 payment from a company then under investigation to “persuade” their uncle, the congressman leading the investigation, to stop it.³² The brothers won the “contract” by promising the company’s CEO that they would “get rid of the problem” – that is, stop the congressional investigation.³³ While the brothers could not stop the investigation themselves, the court concluded that getting “paid for their ability to thwart the investigation solely through their ties to their uncle . . . [is] a use of influence [that] constitutes a corrupt endeavor punishable under § 1505.”³⁴ Special Counsel Robert Mueller similarly concluded that President Trump’s attempt to use a private citizen, Corey Lewandowski, to convey a message to then-Attorney General Jeff Sessions to end the Special Counsel investigation into whether President Trump obstructed justice would constitute an obstructive act even if the message were never conveyed, so long as the message would “naturally obstruct the investigation.”³⁵

If Secretary Pompeo’s intent in recommending that President Trump fire Inspector General Linick was to stop any investigation (even if, as discussed below, that was only part of his intent), it likely was also a corrupt endeavor under section 1505.³⁶ Furthermore, Secretary Pompeo’s recommendation would constitute an obstructive act if it had the “natural and probable effect” of interfering with or impeding the investigation.³⁷ Secretary Pompeo likely was aware that the probable effect of him making the recommendation was that President Trump would terminate Mr. Linick. Indeed, President Trump acknowledged he had never even heard of Mr. Linick when he fired him, and that when Secretary Pompeo asked him “to do it, . . . I did it.” Secretary Pompeo also was likely aware that the probable effect of terminating the State Department Inspector General would be to delay or disrupt any investigation into him and that it would provide the President with the opportunity to appoint an Inspector General who might take an approach to the investigation more protective of Secretary Pompeo’s personal interests. Even if the removal of the Inspector General would not technically prevent the investigation from continuing under a new appointee, Secretary Pompeo’s act certainly had the potential to delay further action in the investigation, chill the actions of any replacement, and otherwise impede the investigation.³⁸

Corrupt Intent

To violate section 1505, a person must act with the requisite corrupt intent – acting “knowingly and dishonestly” or “with an improper motive.”³⁹ The requisite showing is made

³² 877 F.2d 294, 296-97 (4th Cir. 1989).

³³ *Id.*

³⁴ *Id.* at 300; *see also U.S. v. Grubb*, 11 F.3d 426, 438 (4th Cir. 1993) (affirming section 1503 obstruction conviction of a state court judge who lied to an FBI agent about his involvement in a friend’s donation to a campaign in exchange for part-time employment and proffered innocent explanations for why his friend was hired because it constituted an “endeavor to stymie the grand jury investigation”).

³⁵ Report on the Investigation into Russian Interference in the 2016 Election Vol. 2, 97.

³⁶ *See U.S. v. Aguilar*, 515 U.S. 593, 599 (1995); *U.S. v. Richardson*, 676 F.3d 491, 503 (5th Cir. 2012); *U.S. v. Blair*, 661 F.3d 755, 766 (4th Cir. 2011).

³⁷ *Aguilar*, 515 U.S. at 599.

³⁸ *See Report on the Investigation into Russian Interference in the 2016 Election Vol. 2*, 87-88.

³⁹ *Richardson*, 676 F.3d at 508; *U.S. v. Gordon*, 710 F.3d 1124, 1151 (10th Cir. 2013).

when a person acted with an intent to obtain an “improper advantage for [him]self or someone else, inconsistent with official duty and the rights of others.”⁴⁰ The Supreme Court provided a baseline definition in *U.S. v. Aguilar*: “An act is done corruptly if it’s done voluntarily and intentionally to bring about either an unlawful result or a lawful result by some unlawful method, with a hope or expectation of either financial gain or other benefit to oneself or a benefit of another person.”⁴¹ Critically, a person does not need to harbor the specific purpose of obstructing the due administration of justice; it is enough that he should have reasonably foreseen that the natural and probable consequence of the success of the scheme would achieve that result.⁴²

Even if, under normal circumstances, the Secretary of State may be allowed to weigh in on Inspector General nominations or dismissals, doing so for the purpose of stopping or slowing an investigation into the Secretary himself would amount to an action with corrupt intent. Courts regularly consider otherwise lawful conduct to be obstruction if undertaken with corrupt intent.⁴³ For example, in *U.S. v. Cueto*, an attorney obstructed justice by preparing and filing pleadings and other court papers encouraging the State Attorney to indict an investigator who was looking into an illegal gambling scheme in which Cueto was involved.⁴⁴ The court upheld his conviction because “[o]therwise lawful conduct, even acts undertaken by an attorney in the course of representing a client,” can violate the obstruction statutes if they are taken with a corrupt motive.⁴⁵ This principle applies widely to obstruction of justice offenses: “any act by any party—whether lawful or unlawful on its face—may abridge [the obstruction statutes] if performed with a corrupt motive.”⁴⁶

Nor does the law require the government to prove that obstruction was a defendant’s sole, or even primary, purpose. Most courts that have considered mixed motives in the obstruction of justice context have determined that so long as a defendant’s obstructive acts were motivated *in part* by a corrupt motive, it does not matter if a defendant was driven by other motives.⁴⁷ Courts “recognize[] that there may be multiple motives for human behavior.”⁴⁸ This doctrine is not

⁴⁰ Ballentine’s Law Dictionary 276 (3d ed. 1969); see *U.S. v. Pasha*, 797 F.3d 1122, 1132 (D.C. Cir. 2015); *Aguilar*, 515 U.S. at 616 (Scalia, J., concurring in part and dissenting in part) (characterizing this definition as the “longstanding and well-accepted meaning” of “corruptly”).

⁴¹ *Id.*

⁴² *U.S. v. Neiswender*, 590 F.2d 1269, 1273 (4th Cir. 1979); accord *U.S. v. Buffalano*, 727 F.2d 50, 54 (2d Cir. 1984).

⁴³ See, e.g., *U.S. v. Cueto*, 151 F.3d 620, 631 (7th Cir. 1998); *U.S. v. Cintolo*, 818 F.2d 980, 992 (1st Cir. 1987); *Badders v. U.S.*, 240 U.S. 391, 394 (1916) (noting that “[i]ntent may make an otherwise innocent act criminal, if it is a step in a plot”).

⁴⁴ *Cueto*, 151 F.3d at 628-29, 631.

⁴⁵ *Id.*

⁴⁶ *Cintolo*, 818 F.2d at 992.

⁴⁷ See, e.g., *U.S. v. Brand*, 775 F.2d 1460, 1465 (11th Cir. 1985) (“[O]ffending conduct must be prompted, at least in part, by a corrupt motive.”); *U.S. v. Technodyne LLC*, 753 F.3d 368, 385 (2d Cir. 2014); *U.S. v. Durham*, 432 Fed. Appx. 88, 89 (3d Cir. 2011) (noting that “[e]ven if [the officer’s] primary motivation was to extricate the sister of his childhood friend from a troubled situation, he still could have intended to obstruct the [] investigation to accomplish this goal”). See also *U.S. v. Machi*, 811 F.2d 991, 996-97 (7th Cir. 1987) (approving jury instructions for a section 1503 violation which read: “Corruptly means to act with the purpose of obstructing justice. The United States is not required to prove that the defendant’s only or even main purpose was to obstruct the due administration of justice.”).

⁴⁸ *Technodyne LLC*, 753 F.3d at 385.

limited to the obstruction context; it applies throughout the body of criminal law.⁴⁹ An improper motive is not “negated by the simultaneous presence of another motive” as well.⁵⁰

Here, there is strong circumstantial evidence that Secretary Pompeo recommended firing Mr. Linick at least in part to impede one or more investigations. Secretary Pompeo acknowledged he was aware of one investigation involving arms sales to Saudi Arabia. Considering that Mr. Linick notified Secretary Pompeo’s close aides about the investigation into his use of staff for personal errands, it is likely he was aware of others. That Mr. Linick’s firing was likely to benefit Secretary Pompeo directly by removing the Inspector General he knew was overseeing probes into his own alleged transgressions suggests that the Secretary acted for personal benefit – that is, with corrupt intent. As Special Counsel Mueller concluded in similar circumstances, an official’s “direct or indirect action . . . to end a criminal investigation into his own or his family members’ conduct to protect against . . . legal liability would constitute a core example of corruptly motivated conduct.”⁵¹ Secretary Pompeo’s statements regarding his knowledge of inspector general investigations may provide additional evidence of his corrupt intent. Secretary Pompeo’s denial that he knew about the investigation into his alleged misuse of resources appears inconsistent with Mr. Linick’s testimony that he notified Secretary Pompeo’s close advisors about it. His claim that he lacked substantial knowledge of the investigation into Saudi arms sales similarly appears to be undermined by his refusal to be interviewed about it – a decision that seemingly would require knowledge of its nature and scope. These statements suggest that Secretary Pompeo may have been withholding information he knew could damage him.

Secretary Pompeo’s claim that he recommended the firing of Mr. Linick because Mr. Linick was somehow “undermining” the State Department does not clear him of wrongdoing. Nor does Undersecretary Bulatao’s assertion that Secretary Pompeo fired him in part because he failed to refer a leak investigation to CIGIE. Even if those self-serving assertions were determined to be credible, Secretary Pompeo’s corrupt intent is established under section 1505 if ending Mr. Linick’s investigation was only one of his motives. As discussed above, the facts here suggest that likely was at least part of his intent and provide more than enough justification to begin an investigation of Secretary Pompeo for criminal obstruction of justice.

Conclusion

Federal law prohibits any person from willfully and corruptly obstructing proceedings before departments or agencies, including investigations by offices of inspectors general. The available facts strongly suggest that Secretary Pompeo recommended that President Trump remove Inspector General Linick from his position at least in part because the State Department OIG was investigating Secretary Pompeo’s alleged misconduct regarding use of political appointees for personal reasons and a Saudi arms sale. Secretary Pompeo’s behavior may run

⁴⁹ See, e.g., *Anderson v. U.S.*, 417 U.S. 211, 226 (1974) (conspiracy); *Spies v. U.S.*, 317 U.S. 492, 499 (1943) (tax-evasion); *U.S. v. Biaggi*, 909 F.2d 662, 683 (2d Cir.1990) (bribery).

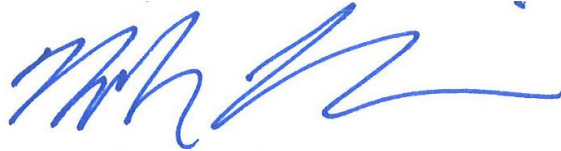
⁵⁰ *U.S. v. Smith*, 831 F.3d 1207, 1217 (9th Cir. 2016).

⁵¹ Report on the Investigation into Russian Interference in the 2016 Election Vol. 2, 178.

Hon. Christopher A. Wray
June 12, 2020
Page 9

afoul of 18 U.S.C. § 1505, and the FBI should commence an immediate investigation into the conduct described in this letter and take any appropriate action against him.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Noah Bookbinder', with a long horizontal flourish extending to the right.

Noah Bookbinder
Executive Director