

Congress of the United States
Washington, DC 20510

March 2, 2020

The Honorable Mike Pompeo
Secretary of State
Department of State
Washington, DC 20520

Dear Secretary Pompeo:

We are writing to follow up on the discussion we had with you at the Munich Security Conference last month about morale at the State Department, and to reiterate concerns expressed by Senator Whitehouse and Representative Malinowski about this administration's failure to support nonpartisan, non-political public service. We also want to correct the record about the current size of the Foreign Service.

During our meeting in Munich, you told Senator Whitehouse that there are currently more Foreign Service Officers (FSOs) than at any other time in the Department's history. This claim appears to be incorrect, according to data we reviewed from the Bureau of Human Resources and the American Foreign Service Association: FSO numbers peaked in 2016 at 8,165 after a steady increase over the preceding eight years, while totals for the Foreign Service as a whole (including both FSOs and Foreign Service Specialists) were down by about 3 percent in 2019 from their high point in 2016. While these declines have not yet been dramatic, we believe they will accelerate if attacks on the idea of non-partisan, career public service in the State Department, the intelligence community, and our nation's law enforcement agencies continue unabated and unchallenged.

We appreciate comments you made in our meeting about your commitment to "building this institution," and we were hopeful that steps you took early in your leadership of the Department, including increasing the number of career officers promoted to the ranks of the Senior Foreign Service, would help restore sagging morale. But the events of recent weeks and months—including the public campaign by agents and supporters of the president to smear the reputations of distinguished career public servants; the removal of officials who obeyed duly authorized congressional subpoenas for testimony; and a White House spokesman's admission just this week that the administration is actively seeking to oust government employees deemed insufficiently loyal to the president—have very likely undermined any previous efforts to engender goodwill in the workforce.¹ As Rep. Malinowski made clear in our meeting, we are not suggesting you are responsible for these attacks, including accusations that career public servants represent a "deep state" that seeks to undermine President Trump. We are simply asking that you take steps to publicly defend your people and your institution against them.

¹ Eric Katz, "White House Confirms It's Purging Disloyal Employees 'From the Bowels of the Federal Government'," *Govexec.com*, February 25, 2020.

On October 1 of last year, 27 former career diplomats and senior political appointees from both parties wrote to you to express “full and strong support for Ambassador Marie Yovanovitch” in light of her involvement in what they referred to as “the whistleblower controversy.”²

Ambassador Yovanovitch deserves your unstinting support, as do other career diplomats who may become ensnared in the upcoming Congressional investigation and impeachment process. All employees of the Department – Foreign Service officers, civil servants, and political appointees – need to know that you have their backs against scurrilous political attacks and smears.

Your failure to speak up in defense of Ambassador Yovanovitch was a missed opportunity to send a positive message to your entire workforce, one we fear will have lasting and severe consequences. This episode, as well as the recent firing of acting Director of National Intelligence Joseph McGuire, will only increase the anxiety of career personnel that they are not welcome in this administration if they say something that might displease the president. As you know, the State Department’s Foreign and Civil Service Officers have faithfully implemented President Trump’s policies, as they are sworn to do, even where these policies dramatically depart from President Obama’s—for example, on Iran and Cuba. But career officers also have a duty to provide you and other political appointees with their best advice and the truth as they see it, while reporting through appropriate channels conduct they believe to be unethical or unlawful.

As you no doubt are aware, the State Department’s Office of Inspector General (OIG) in November published the findings of its investigation into allegations of politicized and other improper personnel practices involving the office of the previous Secretary. Along with disciplinary action against the individuals found to have behaved improperly, OIG recommended the Department institute training for political appointees on “merit-based personnel rules”—a recommendation with which the Department concurred. These rules, which specify that “appointment, assignment, and promotion for all categories of personnel must be on the basis of merit,” are designed to ensure the most effective execution of the State Department’s mission. According to the OIG report,

[f]ailure to adhere to those policies hinders the effectiveness of the Department, and questioning the ‘loyalty’ and political opinions of career employees and circulating communications suggesting that a ‘cleaning is in order’ undercuts ‘an atmosphere of open dialogue and trust.’ It also strikes at the heart of the career service, which envisions professional employees who serve across administrations.³

Though OIG’s investigation pertained to the conduct of a previous leadership team at the Department, these observations are worthy of your attention. Our non-partisan foreign and civil service is a national treasure. The men and women who faithfully report to you do not deserve to be vilified or punished for doing their jobs, or for believing that they owe their loyalty to our

² Jamie Gangel, “Nearly 30 Former State and National Security Officials Call on Pompeo to Defend Former Ambassador to Ukraine,” *CNN.com*, October 11, 2019.

³ “Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary,” Report ESP-20-01 of the Office of Inspector General, United States Department of State, November 2019, p. 12.

country and to the Constitution rather than to the personal interests of the president. They need to know that their Secretary of State will back them up on this, even if it means having a fight with the White House. The position you took during our Munich meeting—accusing Members of Congress of being misinformed and denying that morale problems even exist at the Department—was not encouraging. We urge you to reconsider. A Department that fails to defend those who serve with patriotism and integrity cannot long expect to retain talented people, nor convince others to join. And that would be a tragedy both for this administration and for our country.

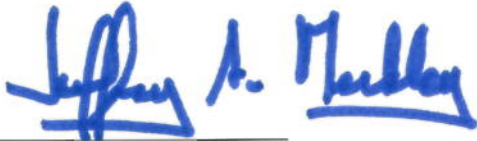
Sincerely,



Sheldon Whitehouse
United States Senator



Tom Malinowski
Member of Congress



Jeffrey A. Merkley
United States Senator