



Office of Inspector General
United States Department of State

ESP-20-01

Office of Evaluations and Special Projects

November 2019

Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary



HIGHLIGHTS

Office of Inspector General
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What OIG Reviewed

In response to a referral from the Department of State (Department) and requests from several congressional committees, the Office of Inspector General (OIG) reviewed allegations of politicized and other improper personnel practices by political appointees in the Office of the Secretary.

What OIG Recommends

OIG made two recommendations to the Department: to institute training on the Department's merit-based personnel rules for political appointees and to consider discipline for any officials found to have violated these policies. The Department concurred with both recommendations.

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OFFICE OF EVALUATIONS AND SPECIAL PROJECTS

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What OIG Found

OIG reviewed allegations of politicized and other improper personnel practices involving officials in the Office of the Secretary. OIG ultimately determined that allegations pertaining to personnel decisions affecting five career employees at the Department warranted detailed analysis.

In one of these cases, OIG found that Department officials ended the detail of a career employee in the Office of Policy Planning after significant discussion concerning the employee's perceived political views, association with former administrations, and perceived national origin, which are non-merit factors that may not be considered in assigning career personnel under the Department's policies.

In two cases involving the assignment of career employees to Freedom of Information Act duties, OIG found no evidence that impermissible factors influenced the personnel decisions.

In the final two cases, there was inconclusive evidence, and OIG was unable to obtain essential information from key decisionmakers. Accordingly, OIG could not determine if improper considerations played a role in the decisions regarding the assignments of the two career employees.

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OBJECTIVES

In March 2018, the then-ranking members of the House Foreign Affairs Committee and the House Oversight and Government Reform Committee sent a letter to Deputy Secretary of State John Sullivan requesting information related to allegations that improper motives played a role in personnel decisions affecting Department of State (Department) employees.¹ On March 19, 2018, Deputy Secretary Sullivan forwarded this letter to the Office of Inspector General (OIG), as well as to the Office of Special Counsel (OSC) on March 20, and requested that both entities review the allegations. In addition, in April 2018, the then-ranking members of the House Foreign Affairs Committee, the House Oversight and Government Reform Committee, and the Senate Foreign Relations Committee sent a letter to OIG requesting that it “conduct an investigation into whether improper motives underlay personnel decisions affecting career State Department officials since January 2017.” Following receipt of both letters, OIG began a review of these allegations, which related primarily to officials who served within the Office of the Secretary.²

For this review, OIG reviewed thousands of emails sent and received by officials within the Office of the Secretary, as well as other relevant Department documents. OIG also requested and reviewed any records of complaints, grievances, or other allegations of improper personnel actions that involved political appointees. OIG conducted over 20 interviews of current and former Department employees with knowledge of the events at issue, including the five employees involved in the cases described in this report.³ Finally, in the course of OIG’s work, it reviewed materials relating to specific employees, as described in this report.

OSC is also reviewing allegations of prohibited personnel practices related to many of the same facts underlying this report. OSC is specifically charged with investigating and remedying prohibited personnel practices.⁴ Its investigative authority extends across the entire executive branch. OIG, in contrast, has oversight responsibilities for only the programs and operations of specific entities, *i.e.*, the Department of State and the U.S. Agency for Global Media. In addition, OIG and OSC have different investigative authorities. These differences in authorities and jurisdiction shape OIG’s approach to this matter. In order to avoid duplication of efforts and to ensure that each entity addresses its areas of expertise, OIG’s inquiry focused on compliance with Department policies, as set forth in the Foreign Affairs Manual (FAM).

¹ The House Oversight and Government Reform Committee is now named the Oversight and Reform Committee.

² OIG also reviewed similar allegations in the Bureau of International Organization Affairs, which are separately addressed in *Review of Allegations of Politicized and Other Improper Personnel Practices in the Bureau of International Organization Affairs*, ESP-19-05 (August 2019).

³ Some of these employees approached OIG to raise concerns about their treatment, while others were referred by Congress or identified by OIG as a result of its investigative work.

⁴ 5 U.S.C. § 1214.

BACKGROUND

The Department of State has both career employees and political appointees. Career employees include Civil Service employees and Foreign Service employees. Political appointee positions include presidential appointees (such as Assistant Secretaries and Ambassadors), non-career members of the Senior Executive Service (SES), and Schedule C positions. Schedule C positions are “positions which are policy-determining or which involve a close and confidential working relationship with the head of an agency or other key appointed officials.”⁵

Relevant Laws and Policies

Unlike political appointees, career employees must be hired, assigned, and assessed based on their merit, not political or other non-merit factors. These principles are memorialized in both federal law, such as the Civil Service Reform Act of 1978, and in Department policies that are set out in the FAM.

The Civil Service Reform Act established the merit system principles that federal agencies must apply to the management of all career personnel.⁶ These principles are designed to ensure fair and open recruitment and competition, and employment practices free of political influence or other non-merit factors. Likewise, the Civil Service Reform Act first established the prohibited personnel practices, a list of personnel practices that are banned in the federal workforce because they violate the merit system through some form of employment discrimination, retaliation, improper hiring practices, or failure to adhere to laws, rules, or regulations that directly concern the merit system principles.⁷ The protections from prohibited personnel practices do not extend to political appointees.⁸ Therefore, agencies may consider certain non-merit factors, including political beliefs, when selecting and assigning political appointees. However, the merit system principles and prohibited personnel practices always apply to a career employee, even if he or she is detailed or assigned to a position that could be held by either a career employee or a political appointee.⁹

The merit system principles and prohibited personnel practices are reflected in the Department’s policies. For example, the Department’s Equal Employment Opportunity policy states, “The Department of State provides equal opportunity and fair and equitable treatment in employment to all people without regard to race, color, religion, sex, national origin, age, disability, political affiliation, marital status, or sexual orientation.”¹⁰

⁵ 5 C.F.R. § 213.3301(a).

⁶ 5 U.S.C. § 2301.

⁷ 5 U.S.C. § 2302. These apply to the competitive service, the career Senior Executive Service, and career members of the excepted service. *Ibid.* Likewise, they apply to career members of the Foreign Service. 22 U.S.C. § 3905.

⁸ 5 U.S.C. § 2302(a)(2)(B).

⁹ 5 U.S.C. §§ 2301, 2302.

¹⁰ 3 FAM 1511.1 (July 15, 2005).

Similar principles are embodied in the Department's appointments policy, which states that "the Department's policy is to recruit and select the best qualified employees available, without regard to age, race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, marital status, sexual orientation, disability, genetic information, membership in an employee organization, parental status, military service, or other non-merit factor."¹¹ Likewise, the Department's policies for both Civil Service and Foreign Service employees state that "appointment, assignment, and promotion for all categories of personnel must be on the basis of merit."¹²

Finally, the Department's Leadership and Management Principles state that the Department relies on all employees to represent the U.S. Government in the course of carrying out its mission.¹³ However, managers and supervisors within the Department have a special responsibility to ensure the mission is carried out by leading by example to foster the highest attainable degree of employee morale and productivity. These principles require the Department's leaders to "be open, sensitive to others, and value diversity" and to "encourage an atmosphere of open dialogue and trust."¹⁴

The Office of the Secretary

The Office of the Secretary comprises the Secretary of State's immediate staff and directly supports his or her day-to-day activities. It encompasses several offices that directly support the Secretary, such as the Office of Policy Planning, an internal think tank for the Secretary that undertakes broad, analytical studies of regional and functional issues. It also contains the Executive Secretariat (S/ES), which is responsible for coordination of the work of the Department internally. S/ES serves as the liaison between the Department's bureaus and the Office of the Secretary and manages the Department's relations with the White House, National Security Council, and other Cabinet agencies. The Chief of Staff and Deputy Chief of Staff also work within the Office of the Secretary. In addition to supporting efficient Department operations, their duties include advising the Secretary, the Deputy Secretary, and other principal officials on the full range of U.S. interests, both foreign and domestic. The Chief of Staff and Deputy Chief of Staff counsel the Secretary and provide guidance to senior members of the White House, Congress, and Cabinet on international matters and events.

REVIEW OF ALLEGATIONS RELATED TO THE OFFICE OF THE SECRETARY

OIG began this review by examining grievances, complaints, and other allegations of mistreatment filed with the Department that involved political appointees and by examining the email accounts of senior officials in the Office of the Secretary. OIG also spoke with employees who were either referred to OIG by Congress or contacted OIG directly. Based on

¹¹ 3 FAM 2211 (October 4, 2013).

¹² 3 FAM 1212.1 (September 21, 2018); 3 FAM 1212.2 (November 16, 2011).

¹³ 3 FAM 1214 (September 21, 2018).

¹⁴ 3 FAM 1214 (September 21, 2018).

this work, OIG identified five cases of alleged improper personnel actions taken against career employees linked to the Office of the Secretary that merited further review. Two of these employees worked in offices within the Office of the Secretary: the Office of Policy Planning (S/P) and the Office of the Special Envoy for Guantanamo Closure (S/GC). The remaining three employees worked in other bureaus, but the allegations relate to the actions of officials within the Office of the Secretary. OIG analyzes each specific case below.

The relevant management officials within the Office of the Secretary at the time of the events described in this report were:

- Margaret Peterlin, Chief of Staff to Secretary Rex Tillerson¹⁵
- Christine Ciccone, Deputy Chief of Staff to Secretary Rex Tillerson¹⁶
- Brian Hook, Director of Policy Planning¹⁷
- Matthew Mowers, a Senior Advisor in the Office of the Secretary, responsible for liaison duties with the White House¹⁸
- Julia Haller, the Acting White House Liaison, responsible for helping with the selection of political appointees and coordination with the Presidential Personnel Office in the White House¹⁹
- Lisa Kenna, Executive Secretary, responsible for coordinating the work of the Department internally, serving as the liaison between its bureaus and the offices of the Secretary²⁰
- Edward Lacey, Deputy Director of Policy Planning²¹

In addition, Ambassador William Todd, then-Acting Director General of the Foreign Service and Director of Human Resources (HR), was involved in some of the cases described below.²²

¹⁵ Ms. Peterlin joined the Department as a non-career member of the SES in January 2017 and left the Department for the private sector in March 2018.

¹⁶ Ms. Ciccone joined the Department as a non-career member of the SES in January 2017 and left the Department in March 2018. She is currently an employee of the Department of Homeland Security.

¹⁷ Mr. Hook joined the Department as a non-career member of the SES in February 2017. In August 2018, Mr. Hook was reassigned from his position as Director of Policy Planning and appointed as the U.S. Special Representative for Iran and Senior Policy Advisor to the Secretary of State.

¹⁸ Mr. Mowers joined the Department as a non-career member of the SES in January 2017 and left the Department in March 2019.

¹⁹ Ms. Haller joined the Department under a temporary GS-15 Schedule C appointment in January 2017 and left the Department in March 2017. She is currently an employee of the Department of Housing and Urban Development.

²⁰ Ms. Kenna, a career member of the Senior Foreign Service, joined the Department in 2000 and is a current Department employee.

²¹ Mr. Lacey, a career member of the SES, joined the Department in 2000 and retired from federal service in June 2018.

²² Ambassador Todd, a career member of the SES, served as Acting Director General from June 2017 to January 2019. As of the time of publication, he is Deputy Under Secretary for Management.

Termination of the Detail of a Civil Service Employee from S/P

OIG examined the case of a GS-13²³ Civil Service employee, Employee One, who had been detailed to S/P.²⁴ OIG reviewed allegations that Department officials ended her detail because of her perceived national origin, political beliefs, or work on the priorities of the prior administration.

Facts

Employee One is a career civil servant who has been in the federal government since 2005 and at the Department since 2012. She began at the Department in the Bureau of Near Eastern Affairs (NEA) and was detailed to S/P in July 2016. The Department documented the terms and conditions of her detail²⁵ to S/P in a memorandum of understanding. The memorandum of understanding between NEA and S/P stated that her detail would last 1 year but that “any renewal of the detail for an additional year or other changes in the duration of the detail must be approved by S/P and NEA.”²⁶

On March 14, 2017, the website *Conservative Review* published an article titled, “Iran Deal Architect Is Now Running Tehran Policy at the State Department.” The article alleged that Employee One was a “trusted Obama aide” who had “burrowed” into the Department under President Trump. It stated, “Why Secretary Tillerson has decided to keep on a chief Obama policy official remains unclear.” The emails that OIG reviewed establish that this article was forwarded to Department political personnel in at least four different instances.

First, the same day the *Conservative Review* published the article, a White House staffer from the Office of Presidential Personnel (PPO)²⁷ emailed Department political appointees Christine Ciccone, Matthew Mowers, and Julia Haller and asked about Employee One’s “appointment authority.” The email had the subject, “Need an instant answer.” Ms. Haller responded (after

²³ The General Schedule (GS) classification and pay system covers the majority of civilian white-collar federal employees in non-executive positions. The General Schedule has 15 grades: GS-1 (lowest) to GS-15 (highest). Agencies establish the grade of each position based on Office of Personnel Management’s classification standards, which consider the level of difficulty, responsibility, and qualifications required.

²⁴ To preserve the confidentiality of witnesses who provided information to OIG, this report does not use the names of the individual employees or other individuals with whom OIG spoke, except for senior officials and subjects of this review who are at the GS-15 or FS-1 level and above. (FS-1 represents the highest grade on the corresponding pay schedule for Foreign Service employees.)

²⁵ A detail is a temporary assignment to different duties for a specified period, with the employee retaining the official position of record and returning to his or her position of record upon the completion of the assignment. In contrast, in a reassignment, the employee’s official position of record changes. Details may be terminated early in a wide range of circumstances (such as a change in an agency’s staffing needs), as long as the detail is not terminated for prohibited reasons (such as a protected status).

²⁶ OIG notes that this memorandum of understanding did not technically comply with the FAM requirement that details may only be made in 120-day increments. 3 FAM 2412.3 (June 3, 1996).

²⁷ PPO is the White House Office with responsibility for vetting candidates for political appointments in the Executive Branch.

asking HR officials to research the question), copying all of the original recipients, that Employee One was a career-conditional employee on detail to S/P.²⁸

Ms. Haller added to her response, “It is easy to get a detail suspended and because she’s a conditional career, we just need to confirm the year she is in.” Ms. Haller told OIG that she had assumed that career-conditional meant that Employee One was a probationary employee and could be easily removed. However, Ms. Haller was incorrect in her assumption; career-conditional employees who have completed their probationary period enjoy the same protections as other career employees, and agencies may not base personnel actions, including those involving details, on non-merit factors. Ms. Haller concluded her email with the comment, “As background, she worked on the Iran Deal, specifically works on Iran within S/P, was born in Iran and upon my understanding cried when the President won.”²⁹

Ms. Haller told OIG that she added the comment about Employee One’s perceived national origin because Ms. Haller believed it could raise questions of “conflict of interest” because Employee One was assigned to work on Iran policy at the Department. Ms. Haller also believed the information was relevant because it could be an issue that could make Employee One ineligible for a security clearance if she had foreign contacts. Ms. Haller told OIG that she knew foreign contacts were regularly examined in the security clearance investigation. She also knew Employee One already had a security clearance but said that she was not sure if any of her foreign contacts were previously examined. Ms. Haller told OIG that she likely heard the information about her reaction to President Trump’s election as office gossip, but she conveyed the information because she believed it could raise a question of “loyalty to the United States.”

When OIG interviewed Mr. Mowers about the email exchange, Mr. Mowers told OIG that he did not take anything that Ms. Haller said seriously because she had a history of “nutty theories.” Nonetheless, he forwarded the email chain discussing Employee One, including Ms. Haller’s comments, to S/P Director Brian Hook with the comment “additional info.” Mr. Hook responded, “This initial info is helpful. But what does career conditional mean? I’m familiar with politicals, FSOs, and civil servants but not career conditionals. . . . I’ve emailed friends who tracked the Iran deal for intel on her and waiting to hear back.”

Also on March 14, 2017, Deputy White House Counsel Makan Delrahim forwarded the *Conservative Review* article to Ms. Ciccone, who forwarded it to Mr. Mowers and Ms. Haller.³⁰

²⁸ Permanent employees are generally hired under a career-conditional appointment. The primary difference between a career-conditional appointment and a full career appointment (which an employee achieves after 3 years of creditable service) is that a full career appointment includes the right to non-competitive reinstatement if the employee resigns from federal service. 5 C.F.R. § 315.201. A career-conditional employee is different than a probationary employee. Generally, all career and career-conditional employees must complete a 1-year probationary period, during which time they may be removed with minimum formal procedure. 5 C.F.R. pt. 315, Subpart H.

²⁹ Employee One was actually born in the United States.

³⁰ Mr. Delrahim told OIG that he did not know whether the article was true, but he forwarded it to Ms. Ciccone to alert her to the article and to flag that there were allegations that a political appointee may have “burrowed in” to the Department.

In her forward to Mr. Mowers and Ms. Haller, Ms. Ciccone stated “[I] know you are looking into this – wanted to make sure you saw this article.” Ms. Haller responded and reminded Ms. Ciccone that she had already learned that Employee One was a career-conditional employee. Ms. Haller also forwarded her response to Ms. Ciccone to Brian Hook with the comment, “Hey Just fyi – We can end the detail today and send her back to NEA, but we’re looking into it because it appears she is a political with a career position.”

On March 15, 2017, Ms. Ciccone forwarded Ms. Haller’s response to the PPO staff member mentioned above with the statement “Can we discuss.” The PPO staffer responded, “Of course. But, my opinion is that once we found out she is a career employee of DOS we shouldn’t be involved.” Ms. Ciccone did not respond to Ms. Haller’s email. When OIG interviewed Ms. Ciccone in March 2019 about the email exchange, she told OIG that she did not recall any conversations with Ms. Haller or others about the information concerning Employee One. When asked specifically about whether she had a discussion with Mr. Hook concerning ending Employee One’s detail in S/P, Ms. Ciccone responded that she did not recall but that “it’s very possible there [were] conversations in passing but it was not something that was an important issue driving the inner workings of what we were doing.” Ms. Ciccone also told OIG that she discussed Ms. Haller’s skill set with the PPO staffer, specifically, that Ms. Haller “did not have ... probably the appropriate background and training to be ... managing personnel issues.”

Mr. Hook had independently received still another copy of the article from a visiting fellow at the Center for a New American Security, and he forwarded it to his deputy, Edward Lacey.³¹ Mr. Lacey responded to Mr. Hook’s email by stating: “This article highlights the main issue I wanted to raise with you. With few exceptions – notably, me – your immediate predecessors hand-picked all of the S/P staff – including the career civil servants on detail to us ([Employee One] being one of them). Their picks, without exception, were Obama/Clinton loyalists not at all supportive of President Trump’s foreign policy agenda. All of these detailees have tried to stay on in S/P. I succeeded in ousting five whose details expired before your arrival³² . . . Other detailees are . . . fully on board with President Trump’s agenda. We really need to find 30 minutes to discuss this issue when you return.”

Mr. Hook replied, “This is helpful. Let’s discuss on Monday. [My assistant] can schedule.” When interviewed, Mr. Hook told OIG that Mr. Lacey frequently commented on the political leanings of career staff, but he generally ignored such comments. When asked by OIG why he nonetheless said that the information was helpful, Mr. Hook simply reiterated that he would not have taken the information into consideration because he needed staff steeped in policy rather than just “political hacks.”

³¹ Mr. Hook told OIG that he forwarded it to Mr. Lacey because he was responsible for personnel issues in S/P. Mr. Lacey supervised Employee One for several years and stated in an email that he knew that she was a career civil servant.

³² OIG reviewed information regarding these details and confirmed that they expired before the change of administration and were not terminated early.

On March 15, 2017, former Speaker of the House of Representatives Newt Gingrich forwarded to Margaret Peterlin the *Conservative Review* article. The article had been forwarded to Speaker Gingrich by a former advisor to Vice President Richard Cheney who stated, "I think a cleaning is in order there. I hear Tillerson actually has been reasonably good on stuff like this and cleaning house, but there are so many that it boggles the mind." Speaker Gingrich then forwarded the article to Ms. Peterlin with the subject, "Margaret i thought you should be aware of this newt." Ms. Peterlin then forwarded the email without comment to Ms. Ciccone and Mr. Mowers. Mr. Mowers responded to both Ms. Ciccone and Ms. Peterlin, "Thanks. We're working with Brian on how best to organize his team and have discussed where [Employee One], a career employee detailed to that office previously, may be of best use to the agency if not in S/P." In responding to this discussion of Employee One, Ms. Ciccone sent an email to Mr. Mowers consisting, in its entirety, of the following question, "Is this person one of the four who refused to shake his hand the first day he started?"³³

Also on March 15, Employee One forwarded a copy of the article written about her to Mr. Hook and identified what she described as misinformation. She stated that she was a career civil servant who began her government service in the Bush administration and that she always "adapted [her] work to the policy priorities of every administration [she] worked for." She asked for Mr. Hook's thoughts on ways to respond to the article and potentially correct the record. She noted that the author previously personally targeted her. She also wanted to discuss her concerns regarding her physical and online safety. Mr. Hook did not respond to her email or to a subsequent follow-up email, although he did forward her original email to Mr. Lacey. In late March, Employee One met with Mr. Hook³⁴ and explained to him that she had received threats when her name had previously appeared in the media and she was concerned that similar threats could re-occur. According to Employee One, Mr. Hook said "virtually nothing" in response to these concerns. Mr. Hook told OIG that he recalled telling her that the article was "fairly standard" and to be expected for individuals working on high-profile policies. Mr. Hook told OIG that he told her that he had experienced a similar situation and advised that it was best to ignore the article.

On March 23, 2017, Mr. Lacey emailed Mr. Hook and said that it would be an "opportune time" to wrap up Employee One's detail.³⁵ Mr. Hook told OIG that in April 2017, Mr. Mowers and Ms.

³³ Based on OIG's review of other emails, it appears that, notwithstanding Ms. Ciccone's question, there was only one individual who refused to shake the hand of a political appointee and that this individual was not Employee One. OIG has no additional information regarding whose hand the employee in question allegedly would not shake.

³⁴ Mr. Hook acknowledged to OIG that he knew Employee One was a career employee at the time of the meeting. Indeed, on March 16, 2017, Mr. Lacey sent Mr. Hook an email specifically stating, "Brian, well, I know [Employee One] is in fact a career civil servant."

³⁵ In this email, Mr. Lacey also discussed the expiration of the detail of another career civil servant, who he had earlier identified as an "Obama/Clinton loyalist." This employee's detail was not terminated early and was in fact extended into 2018, partly because the office from which she had been detailed was no longer in existence. Mr. Lacey also asked Mr. Hook if he wanted to end the detail of a civil servant who Mr. Lacey had earlier identified as "fully on board with Trump's agenda," noting that "it would be a clean sweep (though we'd be pretty thin by that point)." The latter detailee continued to serve in this position until he left the Department in September 2017.

Ciccone told him that Employee One “did not belong” in S/P and asked if he objected to ending her detail. Mr. Hook told OIG that Ms. Ciccone and Mr. Mowers did not provide a rationale as to why Employee One “did not belong” in S/P. Mr. Mowers told OIG that he had no recollection of making this statement, and Ms. Ciccone denied that she had made this statement. Mr. Hook told OIG that he was about to hire a specific individual as a Schedule C employee, J. Matthew McInnis, to handle the Iran portfolio, which Employee One currently held, and that he also considered himself to be an “expert” on Iran. Therefore, he did not need someone to fill the Iran portfolio, so he told Mr. Mowers and Ms. Ciccone that he did not object to ending the detail. Mr. Hook added that he also did not object because he preferred employees who were “go-getters” and he did not consider Employee One to be a “go-getter.” Mr. Hook stated that unlike other S/P staff, Employee One did not seem to engage him with ideas.

On April 7, 2017, Mr. Lacey emailed Mr. Hook and said, “Brian, I just spoke with Matt Mowers, who said he has spoken with you. He asked me to initiate the process of wrapping up [Employee One’s] detail and returning her to NEA. Unless I hear otherwise from you, I will do so today.” Mr. Hook replied, “Yes I agree,” and Mr. Lacey initiated the termination of her detail before its scheduled expiration. Mr. Lacey then met with Employee One and told her that her detail was ending immediately, approximately 3 months early, rather than in July. She asked Mr. Lacey if the termination had to do with the recent article published about her. Mr. Lacey denied that it did. According to Employee One, Mr. Lacey told her that Mr. Hook had his “own Iran person” whom he planned to bring on as early as the next week. In an April 7 email to NEA concerning the termination of Employee One’s detail, Mr. Lacey noted that “The Director of Policy and Planning is now bringing on a new foreign affairs expert to cover the Iran and Gulf portfolio, eliminating the need for us to continue to impose upon NEA’s generosity.”

Employee One’s detail to S/P from NEA ended on or about April 17, 2017, although it was scheduled to end on or about July 4. Mr. McInnis, the replacement Schedule C appointee to cover S/P’s Iran work, started in September 2017.

Analysis

As noted previously, the Department generally has broad flexibility to make personnel decisions, including decisions to terminate details. Details may be terminated early in a wide range of circumstances, such as a change in an agency’s staffing needs. However, under Department policies, this discretion is not unbounded. Decisions—including decisions regarding details—relating to career employees may not be based on non-merit reasons, such as perceived political opinions, associations with prior administrations, and national origin. OIG acknowledges that if there was evidence that a career employee’s political leanings and associations demonstrably affected his or her willingness or ability to implement the Department’s policy priorities, this might constitute sufficient evidence of a performance (merit-based) issue to support a personnel action. In this case, however, the conversations regarding Employee One appear to have been prompted by the *Conservative Review* article. That article did not address her capabilities, and the subsequent conversations did not establish—or even contend—that she would be unwilling or incapable of implementing the Department’s new priorities on Iran. In fact, Employee One told Mr. Hook that she had always

“adapted [her] work to the policy priorities of every administration [she] worked for.” OIG did not identify any documents that cast doubt on this representation, and no witness told OIG that this concern motivated their opinions or actions at the time they made any personnel decisions.

Instead, Department officials repeatedly addressed Employee One’s perceived political opinions and her purported affiliation with former administrations. For example, Ms. Haller responded to the article by noting that it was “easy to get a detail suspended” and commented on her work for the prior administration and her purported reaction to President Trump’s election. Mr. Lacey generally described career employees detailed to S/P as “Obama/Clinton loyalists,” stated that they were “not supportive” of “Trump’s agenda,” and moreover represented that he had “ousted” some detailees. He separately sent an email to Mr. Hook suggesting that it would be a good time to end Employee One’s detail. According to Mr. Hook, Mr. Mowers and Ms. Ciccone told him that they thought that she “did not belong” in S/P.³⁶ Again, OIG found no evidence that any of these individuals attempted to ascertain whether Employee One was unwilling or incapable of implementing the Department’s new policy priorities or that they expressed such sentiments to Mr. Hook.

Moreover, in addition to the more general comments regarding Employee One’s purported political views, Ms. Haller initiated discussion of Employee One’s perceived place of birth. Specifically, Ms. Haller’s email of March 14, 2017, commented that Employee One was “born in Iran,” and, in her discussions with OIG, Ms. Haller stated that she believed that this fact, if it was true, created a conflict of interest. Although Mr. Hook, Mr. Mowers, and Ms. Ciccone stated that they gave no credence to these comments, none of these individuals said—whether to Ms. Haller or otherwise—that her comments were inappropriate or otherwise of concern.³⁷ In fact, Mr. Mowers forwarded the comments, among others, to Mr. Hook, Employee One’s second-line supervisor, who responded by saying, “This initial info is helpful” and asking what “career conditional mean[s].” He also noted that “I’ve emailed friends who tracked the Iran deal for intel on her and waiting to hear back.”

Based on these communications—which continued even after March 15, 2017, by which point all of these officials knew that Employee One was a career employee³⁸—OIG concludes that Employee One’s perceived political opinions, perceived association with former administrations, and her perceived national origin played at least some role in the expressed opinions that Employee One should not remain in S/P.

³⁶ Mr. Mowers told OIG that he had no recollection of making this statement, and Ms. Ciccone denied that she had made this statement. However, Mr. Lacey’s April 7, 2017, email documenting Mr. Mowers’s instructions to end the detail supports Mr. Hook’s recollection, at least with respect to the involvement of Mr. Mowers.

³⁷ As described above, in her March 2019 interview, Ms. Ciccone stated that she discussed Ms. Haller’s skill set with PPO, specifically, that Ms. Haller “did not have ... probably the appropriate background and training to be ... managing personnel issues.” During her interview, however, she stated she could not recall any specific discussions with PPO about Ms. Haller’s comments regarding Employee One.

³⁸ In fact, as noted, the PPO staffer told Ms. Ciccone that the White House should not be involved because Employee One was a career civil servant.

Mr. Hook ultimately made the decision to end Employee One's detail early. According to Mr. Hook himself, he simply did not object when approached by Mr. Mowers and Ms. Ciccone and asked to remove Employee One from S/P. OIG acknowledges that it did not identify emails or other documents in which Mr. Hook suggested that he was personally motivated to end the detail because of Employee One's perceived political opinions, perceived place of birth, or similar issues, and no witnesses made such statements. During an interview with OIG, Mr. Hook moreover denied to OIG that he heard any conversations about these issues or that he ended the detail based on any perceptions of her political opinions or national origin. Instead, in addition to stating that he "did not object," Mr. Hook offered alternative rationales for his acquiescence to this request. He stated that, by April 7, 2017 (the date when he agreed to end Employee One's detail before its scheduled expiration), he had made plans to bring on Mr. McInnis as a Schedule C employee to handle the Iran portfolio and therefore did not need Employee One, and he stated that he did not view Employee One as a "go-getter."

OIG cannot conclude that these representations, on their own, offer a convincing explanation as to why Mr. Hook agreed to end Employee One's detail when he did. When OIG spoke with Mr. McInnis, he stated that he did not know Mr. Hook at the time that Employee One's detail was terminated and that he first met with Mr. Hook to discuss a position in S/P in late April after *he* had reached out to Mr. Hook to request an informational interview. Mr. McInnis moreover stated that Mr. Hook did not follow up after the informational interview, and it was only in June or July that he and Mr. Hook spoke with any specificity about a position in S/P. Mr. McInnis began work at the Department in September 2017, 5 months after Employee One's detail was terminated.³⁹ As to the claim that Employee One was not a "go getter," Mr. Hook agreed that he had minimal interactions with Employee One and that he did not know her well; he stated that the only time he met with her was to discuss the article. In addition, Employee One had a history of strong performance appraisals, the most recent of which described her "critical role in successfully negotiating and concluding two of the most complex and sensitive diplomatic efforts in recent years [that] reflects a level of performance in this position that far exceeds those of many of her peers."

Finally, when asked about the delay between the end of Employee One's detail and Mr. McInnis's appointment, Mr. Hook stated that he did not need to fill the position immediately because of his own expertise in Iran affairs; however, this does not answer the original question as to why Mr. Hook agreed to end her detail in the first place.

Although Mr. Hook had the discretion to end Employee One's detail early in order to replace her with someone else he wanted in the position, OIG concludes that Mr. Hook would not have ended the detail early without being prompted by others who, as described previously, appear to have been motivated to prematurely end Employee One's detail by factors unrelated to Employee One's performance or willingness or capability to implement the new

³⁹ Contemporaneous emails support this account. On June 13, 2017, Mr. Hook wrote to an official at a think tank, "Can you remind me of the person at [the organization] who works on Iran? I met with him. I need to bring someone inside to work on this full time and he seemed good. Agree?" Mr. Hook and the think tank official then continued to discuss Mr. McInnis's abilities.

administration's policies. To the extent that there was discussion about the rationale for ending her detail, it addressed only Employee One's perceived political beliefs and perceived place of birth. Given this context, Mr. Hook's own statements to OIG appear to be a post-hoc justification for terminating the detail early.⁴⁰

OIG concludes that it was improper for Mr. Lacey and Ms. Haller explicitly to discuss a range of non-merit factors in relation to Employee One's assignments. Likewise, although they did not personally make similar comments about Employee One's perceived political beliefs, perceived affiliation with the prior administration, and perceived place of birth, Ms. Ciccone and Mr. Mowers appeared to endorse those comments, at least implicitly, by circulating them with follow up commentary (e.g., "additional info," "I know you are looking into this," and "is this person one of the four who refused to shake his hand . . .") and subsequently telling Mr. Hook without providing any rationale that Employee One "did not belong" in S/P. These actions were inconsistent with Department policies prohibiting the use of non-merit factors in managing career employees. The comments regarding her perceived place of birth are particularly concerning. Although these comments were initiated by Ms. Haller, they were circulated by others, and they are wholly inconsistent with Department policies requiring fair and equitable treatment of employees without consideration of national origin.⁴¹ They are also inconsistent with the Department's leadership principles, which require that leaders value diversity in the workplace and hold themselves to the highest standards of conduct, performance, and ethics.

OIG also concludes that Mr. Hook's acquiescence to the request to end Employee One's detail before its scheduled expiration without any reference to merit-based factors was also inappropriate. According to the FAM, "appointment, assignment, and promotion for all categories of personnel must be on the basis of merit."⁴² The FAM notes that such policies exist "to promote the most effective execution of each agency's responsibilities."⁴³ Failure 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."⁴⁴ It also strikes at the heart of the career service, which envisions professional employees who serve across administrations. Regardless of whether Mr. Hook personally shared the opinions and motivations expressed by Ms. Haller and others, the comments about Employee One in the

⁴⁰ On October 25, 2019, Mr. Hook submitted written comments to OIG raising what he described as "new facts" in support of his rationale for acquiescing to the request to end Employee One's detail. These comments were incorporated into the Department's formal submission on October 30. In particular, in commenting on OIG's draft report, Mr. Hook contended that he had made plans to bring on a different candidate *before* he sought to retain Mr. McInnis (the candidate he identified in his August 2018 interview with OIG) and that this earlier candidate would handle the Iran portfolio in place of Employee One. As set forth in Appendix A, after reviewing the documents cited by Mr. Hook, other documents that he did not cite, and speaking with the newly identified individual, OIG declined to change its conclusions on this point.

⁴¹ 3 FAM 1511.1 (July 15, 2005).

⁴² 3 FAM 1212.2 (November 16, 2011).

⁴³ 3 FAM 1211 (September 21, 2018).

⁴⁴ 3 FAM 1214 (September 21, 2018).

articles and emails circulated within the Office of the Secretary suggest that improper factors likely influenced the requests to end her detail and his acquiescence to those requests.

Assignment of a Civil Service Employee to the FOIA Office

OIG examined the case of a GS-14 Civil Service employee, Employee Two, in the Office of the Special Envoy for Guantanamo Closure. OIG reviewed allegations that Department officials assigned him to Freedom of Information Act (FOIA) duties because he raised allegations of unethical conduct while on detail to another agency and because he worked on priorities of the previous administration.

Facts

Employee Two has been a career Civil Service employee since 2011. In May 2016, he was detailed from S/GC to another agency for 1 year. When he returned to the Department in May 2017, he used annual leave and compensatory time off earned at the agency to which he was detailed before returning to full duty. In October 2017, when he returned to duty at the Department, S/GC was in a state of transition. Then-Secretary Tillerson had announced his intention to shut down the office and eliminate the Special Envoy position, and Employee Two would soon be the sole employee left in the office. The Deputy Director of the Executive Secretariat Staff contacted Employee Two to inform him that he was going to be assigned to the FOIA Surge and directed him to begin taking training to help in this effort.⁴⁵

Then-Secretary Tillerson initiated the FOIA Surge to clear the large backlog of unanswered FOIA requests. It began in September 2017 and required every office and bureau to dedicate several employees to conduct and review FOIA searches assigned to the office. According to Executive Secretary Lisa Kenna, the Office of the Secretary decided that all employees in its offices without leadership would be assigned to the FOIA Surge. S/GC is considered part of the Office of the Secretary, and Employee Two was to be part of that office's FOIA Surge workforce. Ms. Kenna identified similarly situated employees who were also detailed to FOIA duties.

Employee Two did not initially report to the S/ES FOIA Surge office and missed several in-person FOIA training sessions. In an October 30 email to the Deputy Director of the Executive Secretariat Staff, Employee Two explained that the absences occurred because he still had to carry out the work of S/GC, the office to which he was officially assigned. The next day, the Deputy Director of the Executive Secretariat responded that he had been detailed to the FOIA Surge office and should be working on FOIA duties full time. However, at that point, the Department had not formally detailed or reassigned Employee Two, and it is unclear as to whether, prior to the Deputy Director's email, he had been formally instructed to cease working on his prior S/GC duties.⁴⁶ OIG notes that the Deputy Director was not in Employee Two's leadership chain.

⁴⁵ Employee Two's former supervisor left the Department in April 2016.

⁴⁶ The Department did not issue an SF-50 formally detailing Employee Two to the FOIA Surge office until January 26, 2018, with an effective date of January 7, 2018.

In October 2017, Employee Two reached out to his former supervisors at the agency to which he was detailed to seek their assistance in finding him a different assignment. Employee Two stated at that time that, although he did not object to working on FOIA, he did not believe that an assignment consisting solely of FOIA work was appropriate for an employee of his experience and grade. On October 31, 2017, an official from his former agency emailed Ms. Ciccone stating he was concerned that Employee Two “is being asked to effectively do data entry alongside unpaid interns” and asked that he be assigned a role “that would capitalize on his leadership and experience.” Ms. Ciccone did not respond to the concerns raised in the email, but instead replied that she would share the note with Employee Two’s supervisor. She also said, “If you come across [Employee Two] in the meantime, please advise him to contact his supervisor. [He] has not shown up for work for the past couple of weeks.” Ms. Ciccone told OIG that she was only conveying information that Ms. Kenna had provided to her. OIG notes, however, Employee Two was not in fact absent from the office; rather, he had worked on S/GC issues rather than reporting to the FOIA Surge office. Also, Employee Two did not actually have a supervisor of record during that time, as the only person left occupying a position in his official chain of command was his third-level supervisor, Secretary Tillerson.⁴⁷

Ms. Ciccone forwarded the email exchange from the official to Chief of Staff Margaret Peterlin. Ms. Peterlin then forwarded the exchange to the White House Deputy Chief of Staff and to a senior advisor to the Secretary of Defense. It is unclear why Ms. Peterlin relayed this information to the two officials outside of the Department, and she declined OIG’s request for an interview.⁴⁸

On the same day that the official reached out to Ms. Ciccone, a Deputy Assistant Secretary in the Bureau of Human Resources sent Employee Two an email that stated, “You have been directed to work full-time on the FOIA Surge . . . You have been directed by your supervisory chain to stop doing your previous duties in the Office of Guantanamo Closure . . . If you fail to report to the S/ES FOIA Surge Task Force and assume your assigned duties, you may be subject to formal discipline.” At that point, Employee Two agreed to attend the required training and began working full time on FOIA duties. However, he continued to express concern that his duties were largely administrative and involved typing search terms into a database and compiling results. Because of his frustration with what he viewed as the rote nature of his work, Employee Two began to search for other career opportunities.

⁴⁷ According to Employee Two, he had tried to file a grievance against the Deputy Director of the Executive Secretariat Staff, but human resources officials told him that he could not because the Deputy Director was not his supervisor.

⁴⁸ Although this matter was beyond the scope of this review, OIG acknowledges that these discussions could implicate the Privacy Act, which prohibits disclosure of any information contained in a system of records to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains or in accordance with a routine use. 5 U.S.C. § 552(b). The Department’s time and attendance is considered a system of records. 63 Fed. Reg. 7039 (Feb. 11, 1998).

Employee Two identified a detail opportunity in the Bureau of Counterterrorism and Countering Violent Extremism. On January 4, 2018, he requested permission to accept the detail, and, on January 20, was notified that his request was denied. According to Ms. Kenna, she recommended to Ms. Ciccone that Employee Two be allowed to accept the detail. However, according to Ms. Kenna, Ms. Ciccone rejected her advice and told her that Employee Two was assigned to the FOIA Surge and that he should complete his duties, which were a priority of then-Secretary Tillerson. According to Ms. Kenna, the Office of the Secretary had a policy stating that no details or transfers of employees outside of their assigned FOIA duties were permitted during the Surge.⁴⁹ Ms. Ciccone stated that she had no recollection of participating in this decision, although she did recall the general policy that no details were allowed for employees assigned to the FOIA Surge.

On or around March 2018, the Department's Office of Global Criminal Justice offered Employee Two a lateral position. According to Ms. Kenna, Ms. Ciccone opposed allowing him to accept the position and again expressed the opinion that he was assigned to the FOIA Surge and should have to complete that assignment.⁵⁰ However, after discussions with other Department officials, it was eventually agreed that Employee Two could be transferred to the office.

Analysis

The Department has broad authority to reassign Civil Service employees.⁵¹ Secretary Tillerson identified clearing the FOIA backlog as one of his top priorities, and, indeed, OIG had identified this as a deficiency.⁵² The Department had the right to assign employees to this priority, regardless of the level or the interest of the employees, as long as no improper considerations factored into the decision.

In Employee Two's case, OIG found no evidence of an improper consideration in the personnel decisions at issue. Although the Department had no plans in place for his return from his detail to the other agency, he was treated similarly to other employees in offices within the Office of the Secretary that lacked leadership who had also worked on high-profile issues. All such employees were assigned to the FOIA Surge, and details or transfers were generally not permitted. OIG reviewed the emails of Department political appointees involved in the decisions and found no discussion of the concerns of unethical conduct he raised at the other agency or his work during the prior administration. Similarly, Department officials interviewed by OIG stated that Ms. Ciccone never discussed such considerations in her decision-making; rather, her rationale was that the FOIA Surge to which Employee Two was assigned was a priority of the Secretary and that he should be required to complete the assignment.

⁴⁹ Ms. Kenna provided to OIG the name of another FOIA Surge employee within the Office of the Secretary who was also denied a detail outside of the FOIA Surge.

⁵⁰ Ms. Ciccone told OIG she had no recollection of discussions regarding whether Employee Two should be allowed to accept the lateral position but did not oppose allowing his transfer.

⁵¹ 5 U.S.C. § 7106(a)(2)(B); 5 C.F.R. § 335.102(a).

⁵² OIG, *Evaluation of the Department of State's FOIA Processes for Requests Involving the Office of the Secretary* (ESP-16-01, January 2016).

Assignment of a Career Employee to FOIA Duties

(SBU) OIG examined the case of a career employee, Employee Three, in a Department bureau.⁵³

[REDACTED]

Facts

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁵³ After the completion of the draft report, OIG learned of specific, documented concerns regarding potential retaliation, including physical risk. At Employee Three's request, OIG has accordingly omitted certain information about Employee Three, such as the employing bureau, gender-specific pronouns, and dates of relevant events.

⁵⁴ [REDACTED]

even about Employee Three. In fact, OIG only found evidence of genuine attempts to find a position to which Employee Three could be assigned and the intervention of Ms. Kenna to assist this process. Finally, OIG interviewed the Executive Director of the bureau to which Employee Three was assigned, who was the decision-maker in the relevant personnel decisions. The Executive Director told OIG that he had never been contacted by any political appointees regarding Employee Three.

Detail of a Career Senior Executive Service Member

OIG examined the case of a career member of the SES, Employee Four, in the Bureau of Population, Refugees and Migration (PRM). The senior executive was removed from his duties as Director of Refugee Admissions and given several temporary detail assignments. Both Employee Four and his supervisor, Ambassador Simon Henshaw, the then-Acting Assistant Secretary for PRM, told OIG that they believed the decision to reassign him stemmed from pressure by a media outlet to remove him because of his support for refugees.

Facts

Employee Four has over 30 years of federal service and has been a career member of the SES for over 10 years. He received a Presidential Rank Award of Meritorious Executive in 2015⁵⁶ and, immediately prior to the events in question, received the highest possible summary performance rating for the SES. On February 18, 2017, Breitbart.com published an article titled “Top 10 Holdover Obama Bureaucrats President Trump Can Fire or Remove Today.” Employee Four was included on the list, which criticized him as “an active apologist” for refugee resettlement.⁵⁷

According to Ambassador Todd (who was at that time the Acting Director General of the Foreign Service), Christine Ciccone contacted him in October 2017 and instructed him to remove Employee Four from his position. According to Ambassador Todd, Ms. Ciccone said that the Office of the Secretary had lost confidence in Employee Four but did not provide any information to explain the rationale, and he never learned the reason for the loss of confidence. Ambassador Todd told OIG that because Ms. Ciccone worked in the Office of the Secretary, he did not view it as his place to ask any questions or request a more specific reason for the decision. Ambassador Todd speculated that Ms. Ciccone’s direction may have been due to a perceived leak in the PRM office or policy positions PRM employees were taking that were not in line with the new administration.

According to Ms. Ciccone, she merely conveyed Secretary Tillerson’s concerns regarding management of PRM to Ambassador Todd. She told OIG that these concerns included leaks and “interagency problems,” although she said that she could not recall more specific details.

⁵⁶ The Civil Service Reform Act of 1978 established the Presidential Rank Awards Program to recognize a select group of career members of the Senior Executive Service (SES) for exceptional performance over an extended period of time.

⁵⁷ A second article advocating for Employee Four’s removal appeared on Breitbart.com on April 24, 2017, titled “100 Days: Trump’s Campaign Promises on Refugees Remain Unfulfilled.”

According to Ambassador Henshaw, Ms. Ciccone may have been angered by an interagency dispute surrounding the implementation of Executive Order 13780. Section 6(a) of the order required the Department to suspend refugee admissions for 120 days and to formulate additional vetting procedures in conjunction with the Department of Homeland Security (DHS) and the Director of National Intelligence. According to Ambassador Henshaw, PRM proposed a set of additional procedures in a timely fashion, but DHS raised last minute objections, causing a delay in finalization of the new procedures. Ambassador Henshaw met with Ms. Ciccone about the delay on October 23, 2017, and according to him, Ms. Ciccone was visibly angry.

Based on responses to questions during Ms. Ciccone's interview, OIG understood Ms. Ciccone's position to be that she neither ordered nor recommended Employee Four's removal. Ms. Ciccone stated to OIG that, after she shared the Secretary's concerns with Ambassador Todd, it was his responsibility to "address the problem," and she stated that he decided to remove Employee Four from his position and detail him elsewhere. However, when OIG re-interviewed Ambassador Todd after Ms. Ciccone's interview, he reiterated that he did not make the decision to remove Employee Four but instead implemented Ms. Ciccone's direction. Likewise, as described below, other witnesses (namely, Ambassador Henshaw and HR Deputy Assistant Secretary Philippe Lussier) concurred with Ambassador Todd's portrayal of Ms. Ciccone's guidance. Contemporaneous emails in which Ambassador Henshaw described his conversations with Ms. Ciccone also support the conclusion that Ms. Ciccone did indeed instruct Ambassador Todd to reassign Employee Four out of PRM.

On October 23, 2017, Ambassador Todd and Mr. Lussier contacted Ambassador Henshaw to convey what they believed to be Ms. Ciccone's order. Ambassador Henshaw, who had supervised Employee Four for 4 years, saw "no basis" for the decision and described him as an employee who had done "incredible things" for PRM, such as quickly enlarging the refugee program during various refugee crises and then quickly curtailing it after the presidential transition, which he described as "faithfully implementing" the administration's agenda. According to Ambassador Henshaw, he contacted Ms. Ciccone and asked her to reconsider, but she refused. He also asked Ms. Ciccone for a justification for her decision, but she only reiterated that she had "lost confidence" in Employee Four. Ambassador Henshaw described Ms. Ciccone as "evasive" in her response and stated that she simply repeated the phrase "loss of confidence," although he acknowledged that she "mentioned" that "the White House" suspected Employee Four of leaking information to the media.⁵⁸ When asked by OIG, Ms. Ciccone said that she had no memory of the conversation but told OIG that she recalled some allegations of leaking; she could not recall any specifics such as the topic of the leak, the recipient of the leak, or the source of the allegations. Ambassador Henshaw then sent Ms. Ciccone an email with the subject line "120-Day Review of Refugee Vetting" that stated, "I wanted to let you know that we have removed [Employee Four] from all PRM activities."⁵⁹ Ambassador Henshaw also told Ciccone, "I deeply regret the difficulties PRM caused you and the Secretary in this process."

⁵⁸ Ambassador Henshaw told OIG that he saw no basis for that suspicion.

⁵⁹ Ambassador Henshaw told OIG that he used that subject line because although she did not say so, he assumed at the time that the dispute over the refugee vetting procedures was the basis for Ms. Ciccone's decision.

According to Ambassador Henshaw, Ms. Ciccone initially directed that Employee Four be detailed to the FOIA Office, but he persuaded her to accede to Employee Four's request to allow him to assist the Federal Emergency Management Agency with hurricane recovery efforts in Puerto Rico. After that assignment, Employee Four was detailed to the FOIA Office before being sent to another temporary assignment in Turkey for the Bureau of Near Eastern Affairs. Mr. Lussier submitted all of these detail assignments to the Executive Resources Board, which must approve all SES member reassignments and details.⁶⁰ The members of the board approved all of the details by email and were told only that they were requested by PRM.

During this time, Ambassador Henshaw made several requests to Ms. Ciccone that Employee Four be allowed to return to his position in PRM. Ambassador Henshaw emphasized that the bureau was thinly staffed and the workload was increasing, but Ms. Ciccone denied every request without giving a reason. Eventually, in November 2018, after Ms. Ciccone had left the Department, Employee Four was returned to his previous position in PRM.

Analysis

The Department is authorized to reassign any career SES member to any senior executive position for which he or she is qualified and can also detail an SES member, as long as the Executive Resources Board approves the assignment.⁶¹

OIG notes, however, that in this matter, there is very little information about the underlying rationale for Employee Four's assignment. Although, as noted above, OIG concludes that Ms. Ciccone directed his reassignment, she did not provide a reason for Employee Four's removal from PRM to either the employee's chain of command or Human Resources officials, and she did not otherwise document a reason for her decision. Moreover, no documents that OIG reviewed memorialized or recounted such reasons. Other participants in the process either did not receive or did not ask for additional information from Ms. Ciccone. Ambassador Henshaw repeatedly sought a more detailed rationale but did not receive it, and Ambassador Todd stated that he did not view it as his place to seek more information. Although the Executive Resources Board exists to ensure that selection and assignment of career SES members is based solely on qualifications and not on political or other non-job related factors,⁶² in this case, it apparently approved the various details of Employee Four based on the generalized statement that PRM had requested those actions.

The evidence OIG was able to consider regarding the rationale for Employee Four's removal from PRM and subsequent details is inconclusive, in part due to Ms. Ciccone's evasive answers to questions during her interview with OIG. Based on those answers, OIG understood Ms. Ciccone to state that she neither ordered nor recommended Employee Four's removal as Director of Refugee Admissions, which is inconsistent with information provided by Ambassador Todd, Mr. Lussier, and Ambassador Henshaw and in contemporaneous emails. After OIG shared a draft of this report with Ms. Ciccone, however, she stated expressly to OIG

⁶⁰ 3 FAM 2272.1 (August 14, 2014).

⁶¹ 5 U.S.C. § 3395(a)(1); 5 CFR §§ 317.901, 317.903; 3 FAM 2272.1 (August 14, 2014).

⁶² 3 FAM 2272.1 (August 14, 2014).

that Secretary Tillerson did indeed decide that Employee Four was to be removed from his position and instructed her to convey that decision to Ambassador Todd.

OIG acknowledges that in the course of its work it did not identify affirmative evidence establishing that improper factors motivated the personnel decisions regarding Employee Four. OIG also acknowledges that there is evidence supporting potentially permissible reasons for the personnel decisions. For example, there is some evidence that others, including Mr. Henshaw, understood Ms. Ciccone to have asked for Employee Four to be reassigned because of her concerns regarding the delay in formulating new vetting procedures.⁶³ Ms. Ciccone, however, did not mention this rationale to OIG or suggest that it influenced the decision to reassign Employee Four either in her initial interview or in responding to a draft of this report. During her interview with OIG, her only commentary regarding possible motivations was that there had been concerns about “leaks” and unspecified “interagency problems” in Employee Four’s Office.

In the end, OIG is left with inconclusive evidence and is unable to ascertain if the directed detail assignment was based on a permissible reason. Ms. Ciccone’s responses during her initial interview meant that OIG could not meaningfully question her or follow up regarding the reasons for directing Employee Four’s removal from PRM. Also, there is no clear documentation of the reasons for the detail assignments, and only cursory information was provided to the Executive Resources Board, although some evidence suggests that the decisions may have been related to concerns regarding delays in formulating new vetting procedures or to “leaks.” OIG also acknowledges the concerns expressed by Ambassador Henshaw and Employee Four himself that media commentary, which related to Employee Four’s work with a previous administration, may have influenced his reassignment. The latest article addressing Employee Four, though, was published in April, several months before the reassignment; moreover, in contrast to Employee One, OIG did not find evidence that the articles had been circulated or discussed in connection with personnel decisions relating to Employee Four. OIG is accordingly unable to reach a conclusion as to whether the Department complied with its policies requiring assignments to be based solely on merit factors.

Denial of a DAS Position to and Reassignment of a Senior Foreign Service Member

OIG examined the case of a career member of the Senior Foreign Service, Employee Five who was denied a Deputy Assistant Secretary (DAS) position and reassigned out of the Bureau of Near Eastern Affairs. Employee Five did not contact OIG with concerns about these actions. Rather, OIG initially examined this case because it found what appeared to be discussion of Employee Five’s ethnicity and because political appointees circulated articles highlighting his connections to the prior administration.

⁶³ Indeed, Ambassador Henshaw’s email apologizing for “difficulties” included the vetting issues as the subject line. Whether or not these concerns were valid or fair—and OIG notes that some did not believe they were—such concerns would provide one explanation for her actions that would not have involved an improper motive.

Facts

Employee Five, a career member of the Foreign Service since 1990, has served as a DAS in various bureaus, as well as a Consul General. He was named Special Envoy (a DAS level position) within NEA in 2015 and was still serving in that position in 2017. He is currently a member of the Senior Foreign Service. He has a history of strong performance appraisals and received a Presidential Rank Award during the current administration.

The same March 14, 2017, article from *Conservative Review* that mentioned Employee One, the employee whose detail was terminated from S/P, also mentioned Employee Five. The article described him as one of several “prominent Obama officials” who were still serving at the Department and as an “apprentice” to former Secretary John Kerry. Employee Five is, in fact, a career official who has served under multiple administrations. As described previously, on March 14, 2017, Deputy White House Counsel Makan Delrahim forwarded this article to Ms. Ciccone, who responded, “Our guys have been looking into this” and forwarded the article to other employees within the Office of the Secretary—namely, Mr. Mowers and Ms. Haller. On March 15, 2017, former Speaker of the House Newt Gingrich forwarded the article to Ms. Peterlin, who forwarded it to Ms. Ciccone and Mr. Mowers. OIG notes that aside from the emails described below, most of the discussion surrounding this article related to Employee One rather than Employee Five.

On March 16, 2017, a member of the transition team for President Trump emailed Mr. Mowers and a Special Assistant in the Office of the Secretary and inquired about Employee Five. The Special Assistant responded with information, including that, according to NEA, his position was “no longer active” and that he “is helping out on ISIL and regional issues, but is not assigned to any specific DAS position.” The Special Assistant also added that she was going to research “whether any current career positions were ‘ever’ political under Obama.”⁶⁴ The member of the transition team thanked her for the information, but asked “why, if he has not been put in the DAS role and has not been granted any acting authority, is he listed on the official website as filling that role since February.” OIG found no record that the Special Assistant responded to that question. On March 17, at the request of Ms. Ciccone, HR confirmed that Employee Five was not a permanent DAS but was acting in that capacity.

Also, on March 19, 2017, then White House Chief Strategist Stephen Bannon emailed Ms. Peterlin about Employee Five. He wrote “We r getting tremendous blowback on this guy. Is he permanent???” OIG found no record that Ms. Peterlin replied to the email. However, a few days later, Ms. Ciccone emailed HR officials with the subject line “Special Envoys” inquiring if “some folks were looking to turn political slots into career slots.” An HR official responded, “positions in and of themselves are not inherently career or noncareer, we can – and do -- fill ambassadorial, assistant secretary, under secretary, and DAS positions, for example, with a mix of career and non-career folks. An assistant secretary position previously held by a career

⁶⁴ Most positions at the Department can be held by either a career employee or a political appointee. For example, Deputy Assistant Secretary positions are currently held by a mix of Civil Service employees, Foreign Service officers, and political appointees.

incumbent, for example, can be filled by a non-career appointee at the discretion of the Secretary, subject to Senate confirmation as appropriate.”

On April 25, 2017, Mr. Hook sent an email to himself with the subject line “Derek notes.” This email contained a list of career employees and notes that included Employee Five. Some of the names were accompanied by derogatory comments, such as “leaker,” “troublemaker,” and “turncoat.” Mr. Hook told OIG that he drafted this email during a meeting with a then-staff member at the National Security Council (NSC). According to Mr. Hook, the NSC staff member had concerns about various career Department employees that he wanted to share, and Mr. Hook composed the email to memorialize those concerns. According to the NSC staff member, who declined an interview with OIG but responded via email, “the characterizations contained in the email did not originate from me.” OIG notes that the email was drafted at the same time as an appointment on Mr. Hook’s calendar with the NSC staff member, but OIG obtained no other information that sheds light on the circumstances under which the email was drafted.

Mr. Hook told OIG that he did not know most of the names of the individuals on the list and that he took no action against any of them.⁶⁵ In this email, Mr. Hook wrote that Employee Five “follows orders” and “will deliver his brief effectively.” Mr. Hook then wrote, “Opposed strikes. Palestinian Arab. Not friendly to Israel.” Mr. Hook told OIG that he did not know what the latter comment meant and that he was simply dictating information from the NSC staff member. However, he did not believe that “Palestinian Arab” was a reference to Employee Five’s ethnicity but rather to the fact that he had worked on Palestinian issues.⁶⁶

Through most of 2017, Employee Five continued his service in NEA as an Acting DAS. On November 2, 2017, then-Acting Assistant Secretary David Satterfield sent a memo to the Acting Director General for HR proposing several DAS positions, including one for Employee Five. That same day, Executive Secretary Lisa Kenna also spoke with Mr. Hook about the proposal. According to Ms. Kenna, Mr. Hook rejected the proposal without giving any reason for doing so. Ms. Kenna mentioned that she never heard Ms. Peterlin, Ms. Ciccone, or Mr. Hook say anything negative about Employee Five, but Ms. Ciccone did inquire why Employee Five used the title of an NEA DAS in his official biography when he was only serving in the role in an acting capacity.

In an interview, Mr. Hook told OIG that he rejected the proposal because “the White House” did not approve of Employee Five filling the DAS position; instead, the “White House” wanted to fill it with an individual who was offered, but later declined, a political appointment at the Department. Mr. Hook told OIG that White House officials would frequently come to him to

⁶⁵ OIG reviewed information regarding all of the individuals on the list. With the exception of Employee Five and Employee One (whose detail had already been terminated when Mr. Hook composed this email and as to whom no comments were included), OIG found no evidence that Mr. Hook was involved in personnel decisions regarding the employees on the list. For example, the individual listed as a “turncoat” told OIG that he has not experienced any retaliation or adverse treatment at the Department. OIG found no evidence that Mr. Hook even knew the individual listed as a “leaker and troublemaker” or in what office or position this person served.

⁶⁶ Employee Five is not, in fact, of Palestinian or Arab descent.

discuss the leadership of various bureaus, such as NEA, that lacked Senate-confirmed leadership. Mr. Hook would then transmit this information to Ms. Peterlin and Ms. Ciccone.

Mr. Hook also stated that some NSC staffers had concerns that Employee Five was a “defeatist” on the Secretary’s policy regarding Syria. Mr. Hook explained that this meant that Employee Five was pessimistic that the Secretary’s strategy would succeed in solving the ongoing conflict. OIG reviewed October 2017 emails between Mr. Hook and two NSC staff members in which an NSC staff member complained to Mr. Hook that Employee Five “is not committed to implementing [the Secretary’s goals regarding Syria] since he thinks Syria is lost--and will oppose any course of action that differs from that.” The other NSC staffer replied, “It’s not so much opposition as it is passivity—a passive-aggressive approach to the job.” Other discussions within this email chain likewise encompassed concerns regarding Employee Five’s willingness to implement the priorities of the new administration. After receiving the November 2 proposal to appoint Employee Five as a DAS, on November 17, Mr. Hook again reached out to one of the NSC staff members. The NSC staff member responded that they should talk because he would need to “cite some sensitive issues.” Mr. Hook told OIG that he does not believe that he has ever met Employee Five and could not verify the accuracy of the comments from the NSC staffers; nevertheless, he conveyed the comments to Ms. Peterlin and Ms. Ciccone.

On December 5, 2017, Ambassador Todd emailed Ambassador Satterfield and told him that the proposal to have Employee Five serve as a DAS in NEA was not “doable.” Ambassador Satterfield said that he and Ambassador Todd made several attempts to find a reason for this rejection. They inquired with Ms. Kenna, Deputy Secretary Sullivan, and then-Under Secretary for Political Affairs Tom Shannon, but even these officials were unable to determine the reason after inquiring with Ms. Peterlin and Ms. Ciccone. According to Ambassador Satterfield, Under Secretary Shannon said that Ms. Peterlin and Ms. Ciccone were “unyielding” in their refusal to provide a reason for the decision.⁶⁷ Ambassador Satterfield then approached Ms. Peterlin directly, but she became angry and used language that Ambassador Satterfield took to mean that he should not continue to raise the issue.⁶⁸ Ambassador Satterfield told OIG, however, that although he never was given a reason, he also never heard any discussion of Employee Five’s ethnicity, political views, or political associations from anyone with whom he spoke.

Under Department policy, the D Committee, chaired by the Deputy Secretary, reviews and approves candidates proposed as Deputy Assistant Secretaries, and then forwards approvals to the Secretary for his or her final approval.⁶⁹ However, several officials told OIG that Ms. Peterlin and Ms. Ciccone frequently assumed the Committee’s role in making such decisions. This situation appears to have occurred in Employee Five’s case. According to both Deputy Secretary Sullivan and Ambassador Satterfield, Ms. Peterlin and Ms. Ciccone, prevented further consideration of NEA’s proposal by the D Committee.

⁶⁷ Ms. Ciccone told OIG that it was her understanding that NEA was still being reorganized when she departed the Department and that she did not believe that a decision on the Deputy Assistant Secretary positions had been made.

⁶⁸ Ms. Peterlin declined to be interviewed by OIG.

⁶⁹ 3 FAH-1 H-2425.8-2(D) (May 1, 2008).

In December 2017, Employee Five met with Ambassador Todd, who told him that he should leave NEA. He asked Ambassador Todd if Ms. Peterlin or Ms. Ciccone had some concerns with him, but according to Employee Five, Ambassador Todd did not answer his questions and simply told him that all Foreign Service officers go through periods when they are “on the outs.” Ambassador Todd told OIG that he could not recall who decided that Employee Five had to leave NEA and that he was certain that he (Todd) was never provided a reason. Mr. Hook and Ms. Ciccone told OIG that they had no role in instructing Employee Five to leave NEA. Ms. Kenna did not know who made the decision but did raise repeated concerns with then-Under Secretary Shannon and other senior political appointees about the fact that NEA would be losing one of its best employees with a broad and deep understanding of the Arab world. As noted previously, Ms. Peterlin declined an interview with OIG. Ultimately, Ambassador Todd reassigned Employee Five out of NEA and helped him find a detail position on the faculty at the National Defense University.

Analysis

Despite the inclusion of the phrase “Palestinian Arab” in Mr. Hook’s email, OIG found no evidence that this was a reference to Employee Five’s ethnicity or that ethnicity played any role in personnel actions affecting him. Employee Five told OIG that he was not Palestinian and believed that this was a reference to his work on Palestinian issues. OIG found no other references or potential discussion of Employee Five’s ethnicity.

As with Employee Four, OIG is unable to determine whether Employee Five’s association or perceived association with a prior administration affected decisions concerning his assignments. On the one hand, as described previously, OIG found at least some communications suggesting that there were concerns by NSC officials regarding Employee Five’s willingness to implement the priorities of a new administration.⁷⁰ On the other hand, several senior Department officials circulated a March 14, 2017, article from the *Conservative Review* that incorrectly suggested Employee Five was a political appointee. Similarly, the President’s Chief Strategist in charge of political affairs at the White House emailed Ms. Peterlin on March 19, 2017, to say that he was getting “tremendous blowback” on Employee Five. Although several months passed between the *Conservative Review* article and the personnel decisions, if such factors were considered in the personnel decisions affecting Employee Five, it could have violated the Department’s prohibition on the use of non-merit factors in making assignments.⁷¹ OIG is unable to draw a conclusion regarding the role of such considerations because Ms. Peterlin declined to speak to OIG. In addition, despite the testimony of other witnesses who described her role in the decision-making process regarding the DAS position, Ms. Ciccone told OIG that “I don’t believe we ever got [to] the point where it was ready for a decision because ... we had an organizational structure issue.” She also stated that she had no recollection of the fact that Employee Five was told to leave NEA. Because of this, and the lack

⁷⁰ OIG does not express an opinion on whether these concerns were valid and acknowledges that Employee Five consistently received strong evaluations and was described as a capable and well-regarded employee.

⁷¹ 3 FAM 1212.1 (September 21, 2018).

of documentation for the decisions, OIG is unable to reach a conclusion as to whether Department officials complied with policies requiring that assignments be based solely on merit factors.

CONCLUSION

At the request of several congressional committees and the Deputy Secretary, OIG examined allegations of improper personnel actions by officials within the Office of the Secretary. In doing so, OIG reviewed extensive evidence, including complaints filed with the Department regarding political appointees, the email accounts of senior Department employees, and complaints filed by employees with OIG. After reviewing this evidence and performing further investigative work, including assessment of issues relating to particular employees, OIG identified five cases that merited further review. As described previously, OIG concluded that improper considerations played a role in the early termination of Employee One's detail, but OIG found no evidence that inappropriate factors played a role in relevant decisions relating to Employees Two and Three. As to Employees Four and Five, the lack of documentation and OIG's inability to gain essential information from key decision makers meant that OIG could not draw conclusions as to the motives for the personnel decisions affecting these individuals.

RECOMMENDATIONS

OIG provided a draft of this report to the Department on August 30, 2019, and requested comments by September 16, 2019. After September 16, OIG repeatedly queried the Department concerning the timing of its response. The Department did not provide a date by which it intended to provide a response, nor did it request an extension to the September 16 deadline. The Department did not provide its official response until October 30, 2019. This response is reprinted as Appendix B. Other comments, including those of Department management officials, are discussed in Appendix A.

The Department's response only addresses Employee One and does not mention OIG's conclusions regarding Employees Two, Three, Four, or Five. As to Employee One, the response does not address any of the communications addressing her perceived national origin, perceived political opinions, or work for a prior administration. The Department stated only that it disagreed with OIG's conclusion that "improper considerations played a role in the early termination of Employee One's detail" and states that Mr. Hook's response, which was first provided after close of business on October 25, 2019, provides "compelling evidence that the personnel decision in this matter was actually made prior to any of the non-merit factors being brought to his attention, and that the decision was made for entirely professional and lawful reasons." The Department attached Mr. Hook's response to its own response and expressed "concern" that it was "not taken into account." As described in detail in Appendix A, OIG has, in fact, analyzed all of the information provided by Mr. Hook, conducted follow-up work, and, after doing so, made no substantive changes to the report's conclusions.

The Department's response to OIG's two recommendations are described below.

Recommendation 1: The Bureau of Human Resources should ensure that all political and presidential appointees receive training on prohibited personnel practices and related Department policies.

Management Response: The Department stated that it has already established a One Team (Basic Training and Orientation) course "intended to build alignment, unity and teamwork amongst all six of the Department's employee groups." According to the Department, this course addresses standards of professionalism and conduct. The Department also stated that the White House Liaison meets with each political appointee "within the first two weeks of their employment to discuss the Department's Professional Ethos, review standards of behavior and expectations and discuss prohibited personnel practices."

OIG Reply: Based on the Department's response, this recommendation is resolved. This recommendation can be closed when the Department provides evidence that these actions have been implemented.

Recommendation 2: The Secretary of State should consider whether disciplinary action is appropriate for any Department employee who failed to comply with FAM provisions regarding the use of non-merit factors in personnel decisions.

Management Response: The Department agreed with this recommendation. The Department stated that "the Secretary will consider whether disciplinary action is appropriate for any Department employee who failed to comply with FAM provisions regarding the use of non-merit factors in personnel decisions."

OIG Reply: Based on the Department's response, this recommendation is resolved. This recommendation can be closed when the Department notifies OIG of its determination regarding disciplinary action.

APPENDIX A: COMMENTS FROM THE DEPARTMENT OF STATE AND OTHERS

OIG ultimately received comments on a draft of this report from the Department, management officials at the Department, and former and current employees. The Department's comments are reprinted in Appendix B, but OIG has summarized the responses provided by others.

At the outset, OIG notes that, in conducting the fieldwork for this project and in preparing the report itself, we have addressed conflicting factual accounts, the inability of witnesses to recall events, and, in some cases, a simple lack of information. OIG has, to the best of our ability, resolved these issues when possible and identified circumstances when it was not possible. OIG has not sought to reach any particular conclusions and notes that, as set forth in the report, we inquired into personnel decisions regarding a number of Department employees and ultimately wrote case studies of the five whose circumstances warranted further inquiry. Of those five, OIG found that the evidence suggested improper considerations played a role in one case; we found that concerns of political retaliation were unsubstantiated in two cases; and we found mixed evidence in two cases. OIG acknowledges that the conclusions do not and will not satisfy everyone. For example, one employee whose allegations were *not* substantiated has accused OIG of producing a "misleading and deceptive" document. Another individual (Brian Hook) who was involved in the case in which we did substantiate the use of improper considerations, stated that the report was written in a "highly politically motivated and biased manner" even though OIG found no improper conduct on his part in other matters in this report in which he had some involvement. Rather than attempt to refute these unsubstantiated claims of bias, OIG has instead focused our responses on the substantive issues identified by the various respondents.

Comments from the Department

The Department's comments are primarily addressed in the responses to the recommendations on the preceding page.

Comments from Management Officials

The Department shared a copy of the report with current management officials mentioned in the report, some of whom provided technical comments, which OIG incorporated as appropriate. As noted below, OIG has attached the comments of Brian Hook, redacted to remove information regarding certain individuals, because the Department has incorporated his comments into its own response.

Comments from Brian Hook

On October 30, 2019, Brian Hook submitted a response, which is reprinted in Appendix B as an attachment to the Department's own response.¹ This document contains information previously submitted on October 25 and October 29. The primary differences between the earlier materials and the formal response to the report are: (1) in the October 25 document, Mr. Hook acknowledged that the information he had submitted contained "new facts," while the version attached to the Department's comments omits that phrase; (2) in the version adopted by the Department, Mr. Hook does not include the name of a specific individual discussed below or of Employee One; and (3) the version adopted by the Department combines the information previously submitted separately on October 25 and October 29. OIG notes that all of these documents were submitted many weeks after the due date for responses and after Mr. Hook met with OIG staff three times. OIG would have been well within its discretion to decline to examine these new materials because they were provided well past the due date. Nonetheless, notwithstanding Mr. Hook's and the Department's claims that OIG did not consider his "new facts," OIG reviewed all of the cited documents, examined additional related documents that were not cited, analyzed each claim, and spoke with an additional, newly identified individual with relevant information. These points are addressed below.

Mr. Hook first reiterated his contention, which is set forth in the report, that he did not have an improper motive in agreeing to end Employee One's detail. Mr. Hook stated that, when he started work in S/P in February 2017, he "intended to hire [his] own expert for Iran and the Gulf, which was Employee One's portfolio." Mr. Hook's document sets forth a variety of reasons why he wanted to hire this individual and recounted his efforts to do so. After analysis of these claims and speaking with the individual in question, OIG made no changes to the report.

When OIG interviewed Mr. Hook in August 2018, Mr. Hook stated that, by April 7, 2017 (when Employee One's detail was terminated), he had made plans to bring on J. Matthew McInnis to handle the Iran portfolio and therefore did not need Employee One. As described in the report, OIG concluded this was not a convincing explanation because OIG staff learned, among other things, that Mr. McInnis did not know Mr. Hook at the time Employee One's detail was terminated and that he first met Mr. Hook to discuss a position in S/P in late April after he reached out to Mr. Hook to request an informational interview. Now, more than a year later, Mr. Hook and the Department claim that the individual Mr. Hook had intended to handle the Iran portfolio was *not* Mr. McInnis but another candidate entirely. Again, Mr. Hook did not name this candidate when OIG specifically asked him during his interview in August 2018, nor did Mr. Hook mention this candidate on the other two occasions during which he met with OIG. Nonetheless, after receiving Mr. Hook's October 25 response, OIG reviewed the documents cited by Mr. Hook, analyzed other relevant documents from that time period that Mr. Hook did not mention in his response, and contacted the other candidate. This evidence—including specific comments from the other candidate—do not align with Mr. Hook's account in a way that would lead OIG to change its overall conclusions.

¹ OIG redacted portions of Mr. Hook's response to protect the privacy of individuals who are not senior officials at the Department.

The other candidate, who was, at that time, working for a private organization, agreed that Mr. Hook had offered him a position working on *Saudi Arabia* rather than Iran issues in March 2017 after he had assisted on preparing briefing materials related to Saudi Arabia for Mr. Hook to convey to other high-ranking officials in the Department. This representation is confirmed by email exchanges between Mr. Hook and the candidate in which those briefing materials were attached. The candidate told OIG that it was his understanding that he would be filling the “Saudi and Gulf” portfolio that had previously been filled by a political appointee in the prior administration and that had been vacant since the change in administration. OIG confirmed by review of organizational documents that this position was, in fact, vacant (that is, it was not the position filled by Employee One). The candidate also told OIG that he advised Mr. Hook that he had “no background on Iran” issues and recommended that Mr. Hook hire Mr. McInnis for the Iran portfolio, which Mr. Hook ultimately did in September 2017. Contemporaneous emails confirm this account. On March 31, 2017, Mr. Hook emailed Matthew Mowers and said that he would like to hire the candidate “to be my Saudi guy.” In short, Mr. Hook’s assertion that he intended to hire the other candidate with “full knowledge that the Candidate would be handling [Employee One’s] policy portfolio” is unconvincing.

More significantly, Mr. Hook’s response to OIG also states that his decision to “wrap[] up” Employee One’s detail was because he “had been recruiting Employee One’s successor since February” and that he had made this individual “a conditional offer.” Mr. Hook also asserts that this person remained under consideration at the time that Employee One’s detail was terminated. However, contemporaneous emails do not support this assertion. Even assuming that the individual in question was being considered for a position that might have encompassed Iran matters, on April 5, 2017, Mr. Hook emailed the candidate’s then-supervisor after becoming displeased with the candidate and said, “I don’t want to have further contact with [the candidate].” On April 6, 2017, the other candidate sent Mr. Hook an email formally withdrawing from consideration for a position in S/P. Thus, at the time Mr. Hook agreed to end Employee One’s detail (April 7, 2017), he did not have a successor to replace her and moreover had sent emails establishing that he had no intention of proceeding with the hiring of the other candidate or even further communicating with him. Therefore, Mr. Hook’s assertion that he agreed to terminate Employee One’s detail on April 7 because he “thought Employee One should be notified before [the candidate] started working in Policy and Planning” and that he “did not need or want two people in Policy Planning covering identical portfolios” is similarly unconvincing. The candidate was no longer under consideration by April 7.

Mr. Hook also asserted that the performance of Employee One was inferior to the performance of other career employees in S/P, and he specifically described his strong opinion of another detailee. He stated that during the time that she was in S/P, Employee One did not send him any emails “on Iran or any issue involving Gulf nations or the Middle East.” As also noted in the report, however, Mr. Hook was Employee One’s second line supervisor for only a month and a half and was on travel for a large portion of this time, so he had little opportunity to observe her performance. OIG reviewed Employee One’s performance evaluations from 2015 to 2017, and she was consistently rated at the highest level, including in 2017 (when she worked under Mr. Hook). OIG reviewed Department emails and found no evidence that Mr. Hook had ever

assigned Employee One any work. Rather, OIG found materials demonstrating that she promptly completed work assigned to her by her first-level supervisor, Edward Lacey, during the time period in question. Finally, OIG notes that it found no contemporaneous evidence that Mr. Hook had ever criticized Employee One's substantive work—for example, no witness with whom OIG spoke suggested that this was the case.

As noted previously, Mr. Hook sent an email on October 29 that contained "additional facts" in which he raised other issues not set forth in his communication of October 25, and in his formal comments, he asked again for these points to be considered. As to a number of technical comments, OIG incorporated changes as appropriate. For example, as requested, OIG included the subject line of a particular email, and OIG added information regarding the nature of Employee One's detail.

Mr. Hook also contended that OIG improperly considered some information from outside the time period of the review while excluding other information that he believed to be relevant. For example, Mr. Hook stated that OIG should not have considered positive performance appraisals from Employee One that preceded the period of review. OIG does not credit this contention, as the overall purpose of this examination was to assess whether personnel decisions were made on the basis of factors prohibited by Department policy. An employee's personnel record is relevant to that determination. In any event, as noted above, Employee One's appraisal from the period of the review made similar positive comments. Mr. Hook also asserted that Employee One wrote "op-eds" in October and December 2017, "opposing two policy priorities." It is unclear why Mr. Hook has cited these articles given that he has taken the position that he neither knew nor considered Employee One's opinions or beliefs when he agreed to end her detail in April 2017. Although Mr. Hook does not explicitly so state, these documents may be intended to show that, regardless of Mr. Hook's lack of knowledge in April 2017, he nonetheless *would* have been justified in ending Employee One's detail because her political opinions or beliefs would have made it impossible for her to carry out work had it been assigned to her. These documents, however, post-date the end of Employee One's detail by several months. They are thus irrelevant to Mr. Hook's state of mind at the time the detail was ended and could not have factored into personnel decisions made in April 2017. OIG also cannot speculate how—if at all—these documents provide information as to Employee One's own willingness to implement administration priorities 6 or 8 months earlier.

OIG notes, in conclusion, that its position with respect to Mr. Hook is quite straightforward. He received an email from Mr. Mowers on March 14 that contained Ms. Haller's note that it was "easy" to suspend a detail, along with her comments regarding Employee One's perceived political opinion, her perceived national origin, and her work for a former administration. Also, on March 14, Mr. Hook forwarded to Mr. Lacey an email that contained the article criticizing Employee One based on non-merit factors; Mr. Lacey responded the next day with an email describing "all of S/P staff," including detailees, as "Obama/Clinton loyalists" who were not "supportive" of the current administration's priorities. These comments were not incidental to those communications but were in fact the point of the communications. Mr. Hook's response was to describe both emails as "helpful" and, in the case of the email describing "all of S/P" staff as "Clinton/Obama loyalists," to suggest setting up a time to meet. Mr. Hook told OIG that,

shortly thereafter, he agreed to end Employee One's detail at the request of Mr. Mowers and Ms. Ciccone, who were also copied on or affirmatively sent emails relating to this subject. OIG found *no* information suggesting that Mr. Hook had expressed concern regarding Employee One's performance up to this time, and Mr. Hook's contentions that he had planned to hire another individual for her position are, as described, not convincing. OIG also found no information suggesting that Mr. Hook ever raised objections regarding these characterizations of Employee One and the discussion of her perceived national origin, her perceived opinions, and her work for an earlier administration; indeed, Mr. Hook does not seriously dispute that he was asked to end the detail because of concerns raised by others based on improper motives. He merely stated that he did not personally have these opinions and did not take the opinions of others into consideration. Nonetheless, Mr. Hook suggests that OIG's conclusion that he acquiesced to others who had improper motives is somehow unfair. Under the circumstances, OIG believes that its conclusion is eminently fair.

Comments from Employees

OIG shared relevant portions of the report with the five employees whose cases we reviewed. OIG incorporated their technical comments as appropriate. Counsel for Employee Two submitted a formal response disagreeing with OIG's findings that Employee Two was not subjected to improper retaliation in violation of Department policy, citing publicly reported evidence of retaliation in other cases involving the same officials and discussions between the Secretary's Chief of Staff and a White House official regarding Employee Two's assignment. In addition, Employee Three conveyed disagreement with our overall factual and legal analysis. Given Employee Three's expressed concerns regarding the inclusion of additional details, OIG has not recounted either those disagreements or our resolution of those issues. Rather, OIG notes simply that it has reviewed each factual point raised by this individual and has not changed its conclusions except to make technical corrections on specific points.

Comments from Former Management Officials

OIG shared relevant portions of the report with certain former Department management officials named in the report and incorporated their technical comments as appropriate.

Comments from Julia Haller

On September 27, 2019, Julia Haller provided a formal response to the report. She correctly noted that she had voluntarily appeared to answer questions by OIG and stated that she "cooperated fully" with OIG.

Much of Ms. Haller's response reiterated the substantive points made in the emails quoted in the report but added new contentions regarding Employee One's contacts in connection with the policies of a former administration. Ms. Haller stated that she "inadvertently" described Employee One as Iranian born but reiterated her belief that Employee One's "connections and relationships" made her placement in S/P problematic. Ms. Haller continues to take the position that she acted appropriately by raising "vetting" or "security" concerns and stated that

she was affirmatively complying with her obligations as a federal employee in doing so. OIG notes, however, that the adjudicative guidelines state: “The federal government does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation in making a national security eligibility determination.” OIG does not agree that the emails cited in this report constitute appropriate reporting of suitability concerns.

Ms. Haller refers to articles “co-authored” by Employee One, states that they are “directly in opposition to the President’s policy in Iran,” and speculates that Employee One “must have enjoyed opposing the US President’s and the Department’s Iranian policy priorities without any adverse consequences.” As noted when OIG addressed Mr. Hook’s comments, however, these articles were published well after the events in question, so they would not have been relevant to the personnel decisions affecting Employee One. Also, as noted previously, OIG cannot take the position that these articles somehow establish Employee One’s state of mind retroactively and establish that she could not or would not have been willing to implement legitimate directives received in the course of her daily work.

Comments from Christine Ciccone

During meetings in September 2019 in which OIG shared relevant portions of the draft report, Ms. Ciccone and her counsel raised various factual objections to portions of the report. In addition, on October 29, 2019, Ms. Ciccone provided a formal response to the report in the form of a letter to OIG. The response states in pertinent part that Ms. Ciccone is being treated “extraordinarily unfairly” because she is grouped into discussions of “Department officials” and because it fails to recount the “extraordinary efforts” by Ms. Ciccone to take action against Ms. Haller, whom Ms. Ciccone was “aware . . . may have acted improperly with respect to ‘Employee One.’” The response also disputes OIG’s assessment of Ms. Ciccone’s statements during her interview. Finally, Ms. Ciccone’s response contends that “the way this investigation has been conducted, from the beginning, is inconsistent with the independent analysis, due process, and fairness that is expected from your office.” OIG addresses specific points made in the response with which we disagree as well as various factual issues below.²

First, OIG disagrees with Ms. Ciccone’s claims that this review was not conducted “fairly” or with appropriate consideration for “due process.” OIG began efforts to meet with Ms. Ciccone in September 2018. Ms. Ciccone, through her former counsel, ignored or affirmatively rebuffed OIG’s repeated requests for an interview for several months. OIG ultimately had to seek the assistance of the Department of Homeland Security, including its Office of Inspector General, and the intervention of Congress in order to meet with Ms. Ciccone. Because she was a former employee of the Department who did not have access to Department materials, OIG also provided Ms. Ciccone with copies of relevant documents and allowed her to review her Department email account before her interview. As described in the report itself, when Ms. Ciccone finally agreed to an interview in March 2019, her responses were, at best, consistently

² OIG ultimately accepted various points made by Ms. Ciccone in which she clarified particular issues or disputed characterizations of her conduct and made modifications accordingly.

evasive on key issues.³ OIG also notes that, once it completed a draft of this report, it provided repeated opportunities for Ms. Ciccone and her counsel to review relevant portions of the draft report as well as a transcript of her testimony. Ms. Ciccone has, in fact, had abundant process and many opportunities to make her position clear.

Second, OIG stands by its conclusions with respect to Ms. Ciccone's role regarding Employee One. Fundamentally, Ms. Ciccone's position comes down to a claim that OIG has no specific evidence—documentary or testimonial—establishing that she affirmatively stated that she took action based on improper considerations. OIG agrees and acknowledges this point in the report. However, circumstantial evidence, including statements from other witnesses, supports our conclusions. As in its discussion of Mr. Hook's comments, OIG reiterates that the contemporaneous evidence regarding the personnel decision addresses Employee One's perceived national origin, her perceived political opinions, and her association with a prior administration.

In summary, an article questioning Employee One's loyalty and political affiliation was circulated to numerous people within the Department; Ms. Ciccone personally received emails that included this article and that raised improper considerations with respect to Employee One. First, Ms. Ciccone was copied on the March 14 email from Ms. Haller that suggested suspending the detail and described Employee One's work for the former administration, her perceived national origin, and her purported reaction to Donald Trump's election. On March 15, Ms. Ciccone received an email titled, "Ugh. Iran Deal Architect Is Now Running Tehran Policy at the State Department" from the Deputy White House Counsel. Ms. Ciccone forwarded the article to Mr. Mowers and to Ms. Haller *after* Ms. Haller had sent the March 14 email suggesting that it was "easy" to suspend the detail, *after* Ms. Haller had made the comments noted above regarding Employee One's perceived national origin and perceived political opinions, and *after* learning that Employee One was a career employee. Ms. Ciccone's comment was "know you are looking into this." The same day, Ms. Ciccone responded to yet another email chain precipitated by the article. The first emails in this chain described the situation in the article as "worrisome" and suggested that a "cleaning is in order there." Ms. Ciccone joined in this exchange by sending an email to Margaret Peterlin and to Matthew Mowers asking whether "this person [was] one of the four who refused to shake his hand the first day he started?" Shortly thereafter, according to Mr. Hook, Ms. Ciccone and Mr. Mowers told him that Employee One "did not belong" in S/P. Mr. Hook then agreed to end Employee One's detail before its scheduled expiration. In assessing Ms. Ciccone's conduct, OIG is not required to ignore the context surrounding Employee One and the comments about her that immediately preceded the termination of her detail.

Ms. Ciccone strongly disputes the factual statement that she suggested to Mr. Hook that Employee One did not belong in S/P, and, as set forth in the report itself, OIG acknowledges this dispute and also that Mr. Lacey refers only to Mr. Mowers in an email on the subject. On this point, however, OIG ultimately credits Mr. Hook's statement that both Mr. Mowers and Ms.

³ This interview was transcribed, and OIG has cited to specific portions of that interview as appropriate.

Ciccone approached him regarding Employee One. Mr. Hook made this statement in his first interview with OIG, and his response to the draft report does not dispute that representation. OIG has also identified no reason why Mr. Hook would have made this statement if it were not accurate, and no one has suggested such a motive. OIG also notes Ms. Ciccone's conduct as recounted by Mr. Hook would be broadly consistent with the testimony of other witnesses who described her role in employment and personnel matters and with Ms. Ciccone's email communications with Mr. Mowers and others regarding Employee One.⁴

Ms. Ciccone's response also reiterates her claim, made for the first time during a September 2019 meeting with OIG, that she had raised concerns regarding Ms. Haller's inappropriate comments to White House officials and that she took appropriate personnel actions to address Ms. Haller's conduct. In her March 2019 interview with OIG, however, Ms. Ciccone did not tell OIG that she took any personnel action with respect to Ms. Haller on the basis of Ms. Haller's comments during the email exchange. Instead, Ms. Ciccone spoke only broadly of Ms. Haller's "skillset" and background. In responding to questions regarding Ms. Haller's email, Ms. Ciccone stated generally that she had "discussions . . . about the White House liaison office and Miss Haller's skillset . . . and how we were managing that function." She continued to say that Ms. Haller did not have the "appropriate background and training to be . . . managing personnel issues. And so I think it created a lot of confusion. I don't know that she knew where to go or how to appropriately handle things . . . which, again, personnel issues, regardless of their background are sensitive things, and they need to be . . . handled appropriately." Moreover, in describing Ms. Haller's departure from the Department, Ms. Ciccone specifically stated, "you're probably aware . . . not too long after . . . we had accepted—saw her resignation and she was replaced. And I'm not implying that it had to do with this. It's just a host of not having the right skillset to be able to do the job that we needed over in that shop." When asked again during this March 2019 interview whether her discussion with White House officials had any connection with Ms. Haller's resignation, Ms. Ciccone said, "I don't have the recollection exactly of the timing of everything." Moreover, contemporaneous emails demonstrate that Ms. Ciccone's actions as to Ms. Haller were not taken on the basis of Ms. Haller's comments in the email exchange but for an entirely different reason. Finally, as noted above, even after Ms. Haller sent the comments that Ms. Ciccone now acknowledges as inappropriate, she commented to Mr. Mowers and Ms. Haller that she knew they were "looking into" Employee One in the context of discussions about the article questioning Employee One's work with prior administrations. In short, there is no clear evidence that Ms. Ciccone discussed any concerns regarding the *substance* of the email with White House officials or anyone else, and, even if she did, there is no clear evidence that Ms. Haller's resignation was connected with such concerns. OIG does not believe that Ms. Ciccone took "extraordinary actions" to address Ms. Haller's comments.

⁴ Indeed, in her interview with OIG, when asked whether she had a discussion with Mr. Hook concerning ending Employee One's detail in S/P, Ms. Ciccone responded that she did not recall but that "it's very possible there [were] conversations in passing but it was not something that was an important issue driving the inner workings of what we were doing."

Regarding Employee Four, Ms. Ciccone disputes OIG's description of her testimony and contends that it was, in fact, straightforward. In particular, Ms. Ciccone quotes portions to establish that she clearly conveyed that she was tasked with communicating "the Secretary's affirmative 'direction' that Employee Four be removed from his position." Notwithstanding these selective quotes, a reading of the transcript in its entirety confirms the ambiguity set forth in the report. Rather than clearly stating that Secretary Tillerson directed Employee Four's removal, Ms. Ciccone repeatedly stated that the Secretary identified "problems" and "concerns" in PRM but that it was left to Ambassador Todd to "solve the loss of confidence," "to solve the problem," "to figure out how can we move forward," and "to manage [the] personnel process."

For example, OIG asked Ms. Ciccone if "Secretary Tillerson specifically said, '[Employee Four] has to be removed.'" Ms. Ciccone replied, "The Secretary was the ultimate decisionmaker. I don't know if the exact words that you just used are how that played out, but the Secretary was aware of the facts and the problems and requested that they be addressed." OIG followed up and asked, "Did, at any point, you tell Bill Todd that [Employee Four] has to go? I'm trying to understand how the actual decision was made." Ms. Ciccone responded, "Again, we would have conveyed the secretary's concern, lack of confidence. We needed to solve the problem." In still another exchange, OIG asked, "I just want to be crystal clear, did the Secretary ever say [Employee Four] has to go? Was the Secretary ever that specific?" Ms. Ciccone responded, "Did he utter those words, again, I don't recall those specific words. That's not how these conversations usually went. The conversation would have been around the problem, what were the issues that need to be solved. So they would have been conveyed back down." OIG asked Ms. Ciccone if the reassignment of Employee Four was a decision of the Bureau of Human Resources, and Ms. Ciccone answered in the affirmative, noting that "they handled personnel issues." In short, OIG stands by its characterization of Ms. Ciccone's statements. Taken in their entirety, Ms. Ciccone's statements during her interview led OIG to believe that Secretary Tillerson expressed broad concerns with PRM, ranging from unspecified interagency matters to leaks, that Ms. Ciccone conveyed those concerns, but that it was left to Ambassador Todd to decide how to address those problems.

Finally, Ms. Ciccone briefly addresses Employee Five and states that the "report correctly states A/S Ciccone's then-understanding (which remains her understanding today) that the decision whether to assign Employee Five to such a position was not ripe at that time. ... That is because, as you acknowledge, the State Department then was in the process of reorganizing that particular subunit, including by determining the appropriate number, and functioning, of Deputy Assistant Secretary positions in that subunit." As noted in the report, however, other witnesses told OIG that NEA did formally propose Employee Five as a Deputy Assistant Secretary and that the proposal was blocked by Ms. Peterlin and Ms. Ciccone, not because the bureau was being reorganized, but specifically because of unstated objections to Employee Five. This conflicting evidence is the reason that OIG was unable to draw a conclusion regarding the precise motives for the decision surrounding Employee Five.

APPENDIX B: DEPARTMENT OF STATE RESPONSE



United States Department of State

Washington, D.C. 20520

October 30, 2019

FROM: Counselor T. Ulrich Brechbühl
TO: Inspector General Steve Linick
SUBJECT: Response to the Draft Inspector General report regarding the Review of Allegations of Politicized Practices Involving the Office of the Secretary

The Department disagrees with the finding in the report that improper considerations played a role in the early termination of Employee One's detail. The report ignores the compelling evidence provided by Brian Hook that his personnel decision in this matter was actually made prior to any of the non-merit factors being brought to his attention, and that the decision was made for entirely professional and lawful reasons. The IG's office was provided with that evidence (see Attachment 1), and we are concerned that it was not taken into account and reflected in the report.

Despite disagreeing with your conclusion regarding improper considerations playing a role in the early termination of a detail, the Secretary and the entire leadership team of the Department are committed to ensuring the highest levels of professional behavior on behalf of all the staff here at the State Department. As such, the Secretary had already taken the following actions that addressed Recommendation 1, prior to receiving the recommendation:

1. The establishment of a One Team (Basic Training and Orientation) course intended to build alignment, unity and teamwork amongst all six of the Department's employee groups. This course addresses standards of professionalism and conduct.
2. The White House Liaison meets with each political appointee within the first two weeks of their employment to discuss the Department's Professional Ethos, review standards of behavior and expectations and discuss prohibited personnel practices.

Regarding Recommendation 2, the Secretary will consider whether disciplinary action is appropriate for any Department employee who failed to comply with FAM provisions regarding the use of non-merit factors in personnel decisions.



United States Department of State

Washington, D.C. 20520

October 30, 2019

FROM: Brian H. Hook

TO: Secretary of State Michael R. Pompeo
Inspector General Steve Linick

SUBJECT: Response to the Draft Inspector General report regarding the personnel practices of the office of the Secretary of State in 2017

This memo is for the official record as a response to the Draft Inspector General report (“Draft Report”) regarding the personnel practices of the office of the Secretary of State in 2017. This response contains background information never considered by the writers of the Draft Report and corrections of information contained in the Draft Report. This response is based on a thorough examination of the records from the period covered by the report.

In summary, the factors that some may have used to make their personnel recommendation regarding Employee One were not the factors I used to make my personnel decision. I made my personnel decision *prior* to the date that any non-merit factors were discussed internally and for professional and lawful reasons. Contrary to the conclusion of the Draft Report, I did not “acquiesce to pressure” to use non-merit factors. My personnel decision was lawful, proper, and within the administrative standards for the Department of State.

When I started work as the Director of the Office of Policy and Planning (S/P) on approximately February 17, I intended to hire my own expert for Iran and the Gulf, which was Employee One’s portfolio in Policy Planning. At that time, Iran and the Gulf were top priorities for the new Administration. President Trump would make his first overseas trip to Saudi Arabia, and the Iran deal was a top campaign issue.

Almost immediately after taking the position at State, I identified a qualified candidate to serve as my Iran and Middle East expert. On February 21, just three working days after starting at State, I met with an Iran and Gulf expert (“Expert”) [REDACTED]

[REDACTED] I had worked with experts from [REDACTED] for two decades and appreciated the depth of their subject matter expertise. [REDACTED]

The State Department’s White House Liaison office arranged the February 21 meeting with me and the Candidate. He emailed the same day and stated, “I would be interested in discussing with you if there are opportunities to formally contribute to your excellent work.”

The Candidate checked many boxes on my candidate search list:

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- I was familiar with his expertise [REDACTED];
- He was an [REDACTED] scholar on Iran, the Gulf, and the Middle East;
- I had read his recent work on Iran and Saudi and was impressed by its quality;
- He was working with the new NSC team on the Middle East and helping develop their Iran strategy;
- He seemed to have the support of the White House, which meant an expedited hire with no vetting issues; and
- He showed a lot of enthusiasm to work in S/P with regular follow up emails and offers to help during my first days on the job.

I therefore decided that the Candidate would be an ideal choice to work in S/P and cover Iran, the Gulf, and the broader Middle East for me. I wanted to meet with him a second time and have a formal discussion about working for me at State. On February 25, he emailed me and suggested we have coffee on March 3. I was not able to accept this meeting because of my workload. On March 8, he emailed again and asked to meet. He noted that he had been “meeting for the past few weeks with the White House and DoD as they are developing their ISIS and Iran strategy.” I emailed him back the same day to say, “I wish I could be today but I’m with the secretary this afternoon. Let’s try again as I would like to get together.” In his reply he proposed a meeting the following week. I replied, “I am in Asia all of next week with the secretary. And then we have the ISIS ministerial on the return. I do want to get together but the schedule is ugly.” We closed out this exchange with the Candidate proposing that he would email me on March 22 to see how it looks for a meeting.

On March 16, the Candidate sent me a paper while I was in Asia on US-Saudi relations and recommendations. On March 23, I replied, “Thanks for this paper you sent, which I am reading tonight.” I did read his paper that explored a new footing for an old relationship and I thought it was a good analysis. On March 23, the Candidate, as promised, emailed to schedule a meeting with me. He noted in his email that he was meeting the next day with NEA Assistant Secretary Stu Jones “for a coffee to discuss Gulf and Iran.” He also noted that, “I recently returned from this track 2 in Berlin with the Iranians.”

The Candidate and I met in person sometime that week and a few times the week after. I do not have access to my Outlook Calendar from the S/P tenure, so I do not have the exact dates, but we met many times in March, and I finally had the meeting to discuss hiring him in S/P. Sometime during the last two weeks of March, I made the Candidate a conditional offer in person. (The offer had to be conditional because he had not completed White House vetting for political appointees.)

On March 31, I emailed the White House Liaison and wrote, “I would like to hire [the Candidate].” That set into motion the necessary vetting procedures and other administrative requirements. He was my first hire, and the procedures to hire him were new to me as a director, but I sorted my way through as best I could while managing my policy workload for the Secretary as well as a heavy travel schedule.

That same month, I, or someone in my front office, informed Deputy Director Mr. Lacey that I planned to hire a person to handle Iran and the Gulf. I cannot recall if Mr. Lacey was told the name of the person, but he was notified I was hiring a new person. Consequently, when Mr. Lacey privately informed Employee One that her detail would be curtailed, he also told her that I was hiring someone else for the same portfolio. This conversation is reported in the draft IG report: It states that Mr. Lacey met with Employee One (the report does not list the date of this meeting, but it would have been early April) to inform her that her detail was ending approximately three months early. Quoting from the draft IG report: "According to Employee One, Mr. Lacey told her that Mr. Hook had his 'own Iran person' whom he planned to bring on as early as the next week." Mr. Lacey is correct, and that "person" was the Candidate. Mr. Lacey's prediction that the Candidate would start "the next week" was optimistic, but the plan was for the Candidate to start sometime in April or as quickly thereafter as possible after he finished the vetting and administrative requirements. Because the Candidate had come into the building through White House Liaison, I assumed the vetting period would be short, and he would start in short order.

As the IG Draft Report states, the relevant Federal laws and State Department policies gave me the discretion to end Employee One's detail early and replace her with an expert of my choosing: "Mr. Hook has the discretion to end Employee One's detail early in order to replace her with someone else he wanted in the position." I exercised this discretion accordingly and properly when I approved Mr. Lacey's request to return Employee One to NEA in full knowledge that the Candidate would be handling her policy portfolio. I thought Employee One should be notified before Candidate One started working in Policy Planning. I did not need or want two people in Policy Planning covering identical portfolios.

It would be wrong to graft the motives of anyone in the Department to my motives or to assume the motives of others were my motives. When I decided three days into my job to meet with the Candidate, I did not know Employee One's political beliefs, her service in the Bush and Obama administrations, or her national origin. I did not care. This is true not only for Employee One but for every person I inherited on the Policy Planning staff and for every person I have ever worked with during 12 years of Federal public service.

When I made Candidate One the conditional offer, I asked him not to tell anyone beyond his employer and to keep the offer out of the press. Unfortunately, he made the mistake of telling the [REDACTED] that I wanted to hire him. He sent the following email to the [REDACTED]
[REDACTED]
[REDACTED] The [REDACTED] broke this story and printed his emails. The story was picked up on April [REDACTED] by the [REDACTED] and [REDACTED]; those articles can be found [here](#) and [here](#). The [REDACTED] article states, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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After the press stories appeared on Candidate One, I devoted some time during the following weeks to sort out what it meant for his application to serve in the administration. On April 10, three days after Employee One had returned to NEA, Mr. Lacey emailed me the [REDACTED] story about Candidate One with an "FYI." I replied to Mr. Lacey on the same day that, "The WH introduced me to him. They obviously didn't vet him."

Over time, it became clear that Candidate One's application would not move forward and I turned to recruiting a new candidate: Matt McInnis from AEI. At the suggestion of an NSC official, I spoke with Mr. McInnis in late April. Mr. McInnis had worked at CENTCOM for General Mattis and authored an impressive AEI publication on Iran. He was well qualified. The workload in S/P was growing exponentially at this time and I traveled on every trip with the Secretary, which meant almost no time to devote to personnel. It was not until July that I made Mr. McInnis an offer to work in Policy Planning, subject to vetting and clearance approvals. This hiring process took far longer than Mr. McInnis or I expected. The vetting, financial disclosure, and clearance processes took months. Mr. McInnis started in early September and was my Iran and Gulf lead during my tenure in Policy Planning and during my tenure as the US Special Representative for Iran. He currently serves as my deputy in the Iran Action Group.

On a separate but related matter, I want to address the *Conservative Review* article of May 14, 2017, and its fallout. This article was published many weeks after I first met Candidate One and identified him for the Iran and Gulf portfolio. After it was published, the Draft Report concludes that others in the Department and some outside the Department started conversations about Employee One's political opinions, her affiliation with former administrations, and national origin and how that might influence her loyalties to the United States. I did not start any of these conversations, and *the factors they may have used to make their recommendation were not the factors I used to make my decision.* Their conversations were wholly irrelevant to my personnel search for an Iran and Gulf expert. My decision to hire Candidate One existed separate and apart from discussions inside the building about Employee One and were immaterial to my decision.

I want to also address the emails that were sent to me and appear in the draft IG report. The *Conservative Review* article caused four people to email me separately, three from inside the Department and one from a person at a Washington think tank. Mr. Matthew Mowers was the first to forward me an email chain initiated by a senior White House/PPO official asking if Employee One "is on the policy planning staff at DOS and if so what is her appointment authority." Julia Haller had replied in this email chain to PPO and raised what the Draft Report claims are non-merit factors about Employee One. I ignored these comments and focused on PPO's question about her appointment authority. Ms. Haller claimed she was "career conditional," but I had never heard of that classification. I was traveling overseas at the time and asked two colleagues if they had ever heard of a career conditional appointment. Neither had. I replied to Mr. Mowers, "This initial info is helpful." It was, in fact, helpful of Mr. Mowers to let me know the White House raised an urgent question about someone who worked in my office and wanted to know her appointment status. If Mr. Mowers had not alerted me to a personnel concern from the White House, that would have been *unhelpful*.

In the same email, I specifically asked Mr. Mowers for an explanation of what career conditional meant. I also told him that I emailed some people I knew who worked on the Iran deal to learn

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more. I would rather hear the accounts of people I knew than trust claims made in a news article. If the White House wants to know about someone on my staff, it is important for me to have a full and accurate picture, both to confirm or rebut assertions.¹

Another colleague at State, Christine Ciccone, emailed me the Conservative Review article and informed me that Employee One was a political appointee. That later proved to be incorrect, but at the time no one seemed to definitively know her personnel status. It is important to first get this question right instead of making baseless assumptions that then lead to improper personnel decisions.

A person from CNAS sent me the article, and, by this third email, I decided that the matter seemed like something Mr. Lacey should be made aware of since he co-managed the Policy Planning staff with me. Finally, Employee One herself emailed me the article and said it was "misinformation."

It was clear at the time that this article had generated a lot of noise among some people and stirred the passions of others. I have been through episodes like this in past administrations and never let them become a distraction to my work. This time was no different.

Mr. Lacey replied to my email of March 14 and volunteered his views on a few subjects. As I usually do, I said his reply was "helpful" and I suggested we meet a week later after things had settled down. I never followed up with Mr. Lacey after returning from Asia because I did not think any action was warranted based on the Conservative Review article, which claimed Employee One was running the Administration's Iran policy. But within Policy Planning I was in charge of the Iran strategy -- and not anyone else within S/P.

Mr. Lacey raised Employee One with me a couple more times. On March 23, he emailed me the following information:

"I just spoke to my Personnel lady in S/ES-EX. She says that [REDACTED] detail assignment to S/P has expired I asked if S/SEIPN (from which [REDACTED] has been detailed to S/P since August 2014) remains a viable entity. Her response was that "it's still standing" and that [REDACTED] can be returned to them. So this might be an opportune time to end [REDACTED] and Employee One's details. That would leave only [REDACTED] formally on detail ([REDACTED]). If you opted to send [REDACTED] back too, it would be a clean sweep (though we'd be pretty thin by that point)."

I did not act on this email. I would not base any personnel decision on non-merit factors as evidenced by the fact that I kept [REDACTED] even though Mr. Lacey had suggested replacing her. She had done excellent work for me.

¹ On page 10 of the draft IG report, it is unfair and wrong to imply that I endorsed Julia Haller's non-merit factors as "helpful" when I replied to Mr. Mowers. This is a biased and obviously speculative claim by the IG and will mislead readers into believing that I found Julia's non-merit factors to be "helpful." As I have demonstrated repeatedly in this paper, I have never used non-merit factors in a personnel decision.

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Mr. Lacey emailed me again a couple weeks later on April 7 and said Mr. Mowers asked Mr. Lacey to initiate the process of wrapping up Employee One's detail. Mr. Lacey wrote, "Unless I hear otherwise from you, I will do so today." I replied, "Yes, I agree." And I agreed because I had been recruiting Employee One's successor since February, which was known to both Mr. Lacey and Mr. Mowers. Mr. Lacey's request was made on April 7th, which was four weeks after the publication of the *Conservative Review* article. I never followed up on the article and I let the controversy blow over, which it did. I was under no pressure with respect to Employee One, nor did I yield to any pressure. I had no reason to object to Mr. Lacey's proposal because, as demonstrated in this memo, I had already decided on another person for her position.

In addition to wanting to hire an Iran and Middle East expert of my choosing, which is a proper use of discretion, I also did not consider retaining Employee One because for a number of merit-based reasons. Unlike some others who were having conversations about Employee One, she worked for me, and I formed conclusions about her work during that period. These conclusions are documented merit factors that I submitted in writing to the IG on October 25, 2019.

I observed Employee One's work for over a month and a half, specifically the period from February 19 until April 7, which was her last day in Policy Planning. During this period, she did not send me one email on Iran Policy or any policy issue involving Gulf nations or the Middle East.² The only time she emailed me was on March 15 to highlight the *Conservative Review* article about her. The only meeting she ever requested with me was to discuss the *Conservative Review* article.

It is important to have context for the foregoing account of Employee One's performance as measured against her colleagues, who were all career officials and present on my first day as Policy Planning Director. During those early and critical months in a new administration, Employee One was the lone exception among the career Policy Planning career staff, which was highly productive for me, showed a dedication to the work, and adapted to my management model of an entrepreneurial policy staff. I summarized in writing to the IG the work of the career officials each by name that I inherited in S/P.

These career officials represented the spirit of the entire Policy Planning staff -- except for Employee One, who kept to herself, never asked for meetings to discuss policy, never sent emails to me unless they concerned her, never proposed ideas, and showed no interest in contributing to the work of the office. Some managers are micro-managers and assign work routinely. Others, such as myself, have a model of fostering an entrepreneurial climate of looking for opportunities and showing initiative and enthusiasm for the work. Employee One showed no interest in her policy portfolio or working with me, and this includes the period before the *Conservative Review* article was published.

In closing, I have never asked career professionals about their political beliefs or their national origin. I care about the quality of work that professionals do for our country and look for a

² On February 28, Employee One emailed a group of people to forward the Swiss ambassador's routine report and I was included in the distribution at the end. There was no request for action; I do not count this as a policy email and she caveated the email by saying "If this is of interest to the broader group . . ."

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strong work ethic. I am confident that if you asked all the career professionals I inherited on day one in Policy Planning, they would endorse this statement and say they enjoyed their jobs and our work together to advance American foreign policy.

Based on the foregoing facts and history, I requested that the IG Draft Report revise its draft and conclude that that my approval of Mr. Lacey's request complied with all the relevant laws and policies of the Department.

Mr. Linick never replied to my written submission emailed on October 25, which was consistent with an IG process that was opaque, unfair to those the IG decided to target, and favorable to those he decided to protect. Regrettably, the IG process was a politicized effort that began with presumptions of wrongdoing by the drafters of the report and ended with the Draft Report being leaked to the Daily Beast to attack me. In a meeting the same day the report was leaked to the media, I informed Inspector General Linick the leak was symptomatic of a broken process and a deeply politicized one that diminishes the integrity of the important work of the office of the inspector general.

For the official record, I would also like to include in this response an addendum I submitted to the IG's office on October 29, 2019, outlining changes and corrections I have requested be made to the draft report for accuracy, fairness and to correct what appears to be political bias on the part of the drafters. I am skeptical the drafters of the report will address their political bias and accept the requested changes.

On page 5, first paragraph under Facts, it states in the last sentence that the MOU could be further extended. It omits the key fact that the detail could also be curtailed. I requested the drafters correct this omission so the reader has the full picture of the MOU and not just the part the IG drafters prefer.

On page 7, second paragraph, whatever I said when we met has been incorrectly summarized. The second sentence implies that I endorsed the CR article as "legitimate" and by extension is grounds to end her detail. I did not say that and the quote is misleading.

The same applies to footnote 35, which distorted the meaning of your conversation with me. I did not criticize Employee One. The Conservative Review did. A publication can report what it wants, and people at State are free to discuss the news. But that wasn't my predicate to agree to the request from Ed Lacey to end the detail. I would like footnote 35 corrected to accurately reflect what I said or be given the proper context.

In footnote 38 the drafters of the report rhapsodize about Employee One's "history of strong performance appraisals that described her as an employee who regularly took initiative to help Department officials achieve important foreign policy objectives." But the authors, who themselves never managed Employee One, substitute their judgment for mine. The authors did not define how far back this "history" extends but since it concerns performance appraisals it would presumably go back at least more than one year. The draft report therefore goes into the past, beyond the timeframe of the personnel practices being investigated. But when I met with the IG and the drafters in September and asked why Employee One's two op-eds in October and

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December opposing the policies of this administration weren't included, I was told they were "outside the timeframe of the investigation." The IG report should adhere to a consistent and fair standard of the relevant timeframe. It is not fair or consistent to selectively choose documents from the period years before the investigation and willfully ignore documents from the period right after the investigation. The IG should be free of this kind of clear bias and instead adhere to a consistent and fair standard of the relevant timeframe.

I now turn to the section starting on page 21 concerning the "denial of a DAS position." On page 22 last paragraph, the narrative is again a selective presentation of facts and omissions. The IG knows from our second meeting that the email I sent myself on April 25 had a subject line referencing the name of the person who spoke what I transcribed verbatim. That subject line makes clear it is not my list and it is not my notes. But the report omits this key subject line, which is evidence in my favor, and then includes a quote from the author of the email, who declined your request for an interview. You had no means by which to probe his claim that the list did not originate with him. And you leave the reader to wonder whether I authored the email or someone else did. The views in the email dated April 25 are not my views and the IG knows this to be the case.

ABBREVIATIONS

DAS	Deputy Assistant Secretary
Department	Department of State
DHS	Department of Homeland Security
FAM	Foreign Affairs Manual
FOIA	Freedom of Information Act
GS	General Schedule
HR	Bureau of Human Resources
NEA	Bureau of Near Eastern Affairs
NSC	National Security Council
OIG	Office of Inspector General
OSC	Office of Special Counsel
PPO	White House Presidential Personnel Office
PRM	Bureau of Population, Refugees, and Migration
SCA	Bureau of South and Central Asian Affairs
S/ES	Office of the Secretary Executive Secretariat
S/GC	Office of the Special Envoy for Guantanamo Closure
S/P	Office of Policy Planning
SES	Senior Executive Service
SRAP	Office of the Special Representative for Afghanistan and Pakistan

OIG TEAM MEMBERS

Jeffrey McDermott
Nicole Matthis



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OIG Whistleblower Coordinator to learn more about your rights.

WPEAOmbuds@stateoig.gov



Office of Inspector General
United States Department of State

November 13, 2019

The Honorable T. Ulrich Brechbuhl
Counselor
U.S. Department of State

Dear Mr. Brechbuhl:

On November 12, 2019, the Office of Inspector General (OIG) transmitted the final report, *Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary* (ESP-20-01), to the Department of State (the "Department"). After reviewing OIG's final report, including the discussion of the follow-up work that OIG conducted to assess Brian Hook's response, the Department submitted another set of comments to the report, separate from those it submitted on October 30, 2019. The October 30 comments are reproduced as Appendix A to the report. In accordance with our conversation, these additional comments (attached), dated November 13, 2019, will also be posted on OIG's public website along with the final report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve A. Linick".

Steve A. Linick
Inspector General
U.S. Department of State

Attachment: As stated.



United States Department of State

The Counselor

Washington, D.C. 20520

November 13, 2019

FROM: Counselor T. Ulrich Brechbühl 
TO: Inspector General Steve Linick
SUBJECT: Response to the Draft Inspector General report (dated November 2019) regarding the Review of Allegations of Politicized Practices Involving the Office of the Secretary

The Department appreciates the effort the Inspector General put into this investigation and has thoroughly reviewed the findings. As current Department leadership was not in place during the time of the alleged behavior that was the subject of this investigation, it has no firsthand knowledge of the events. We are committed to ensuring full compliance with all relevant Department hiring regulations and guidelines.

Regarding the Inspector General's finding in case one, Department leadership disagrees with the Inspector General's conclusion. We have seen clear and compelling written correspondence that supports Mr. Hook's assertion that he decided to reshape his team and bring in his own Middle East expert only days after assuming his position in February 2017. As such, this was well before the non-merit factors cited by the Inspector General were brought to his attention. Additionally, the consideration of non-merit factors on the part of Mr. Hook would be wholly inconsistent with the professional leadership and behavior we have observed.

The Secretary and the entire leadership team of the Department are committed to ensuring the highest levels of professional behavior on behalf of all the staff here at the State Department. As such, the Secretary had already taken the following actions that addressed Recommendation 1, prior to receiving the recommendation:

1. The establishment of a One Team (Basic Training and Orientation) course intended to build alignment, unity and teamwork amongst all six of the Department's employee groups. This course addresses standards of professionalism and conduct.
2. The White House Liaison meets with each political appointee within the first two weeks of their employment to discuss the Department's Professional Ethos, review standards of behavior and expectations and discuss prohibited personnel practices.

Regarding Recommendation 2, the Secretary will consider whether disciplinary action is appropriate for any Department employee who failed to comply with FAM provisions regarding the use of non-merit factors in personnel decisions.