



October 16, 2019

**VIA EMAIL & CERTIFIED U.S. MAIL**

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U.S. Department of State  
Office of the Inspector General  
SA-39  
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*steve.a.linick@stateoig.gov*

**Re: Request for Investigation Regarding Unconstitutional Use of  
State Department Resources in Connection with Secretary  
Pompeo's October 11 Speech**

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Dear Inspector General Linick:

We write to request an investigation into the unconstitutional use of State Department resources in connection with a speech delivered to the American Association of Christian Counselors on October 11, 2019, by Secretary of State Michael Pompeo. Entitled "Being a Christian Leader," the speech was—for all intents and purposes—a Christian sermon and was promoted extensively through the State Department's official Facebook and Twitter accounts, as well as the Department's website.

**Background**

Secretary Pompeo's speech was overtly proselytizing. Although the title made this proselytizing purpose clear, he went out of his way to dispel any remaining doubt that he intended to sermonize: "[M]y focus too, to be quite candid, is not just on being a leader. I learned how to lead at whatever level I'm blessed with during my time at West Point and other experiences, but I want to talk today about being a Christian leader. I learned that through a very different experience, an experience with God and my own personal faith in Christ."

He then revealed the origin of his "walk with Christ" and discussed at length "what it means to be a Christian leader . . . in three areas"—disposition, dialogue, and decision-making. Throughout his address, Secretary Pompeo repeatedly promoted particular Christian beliefs, quoting scripture and urging attendees to conduct themselves in accordance with his interpretation of biblical tenets. Examples of his remarks include:

- “Scripture calls us to be ‘transformed by the renewing of [our] minds.’ And so I keep a Bible open on my desk, and I try every morning to try and get in a little bit of time with the Book. I need my mind renewed with truth each day. And part of that truth is, as my son reminds me, is to be humble. Proverbs says, ‘With the humble is wisdom.’”
- “Before you can help others, you need to have the right approach to yourself. This is where I get to the first point I wanted to talk about, which is disposition . . . what’s the attitude with which we approach each of these challenges, all the things that we see in the world? How you carry yourself is the first arena of Christian leadership.”
- “But when there is failure, when the people close to me misfire, I don’t strip away their responsibilities. I don’t cut them out of meetings. I keep them in the fold. I keep giving them important work. That’s what Christ does for us; we have an obligation to do the same.”
- “We should all remember – we should all remember that we are imperfect servants serving a perfect God who constantly forgives us each and every day. He keeps using us . . . he keeps using us to do a higher work.”
- “For a moment, back to the Book of James: ‘Everyone should be quick to listen, and slow to speak.’”
- “This comes through so clearly in Proverbs, which say, ‘The one who states his case first seems right, until the other comes and examines him.’”
- “After I’ve collected data, I feel like I have the seasoning to then be able to begin to speak fundamental basic, simple, small ‘t’ truths. Colossians talks about this. It says, ‘Let your speech always be gracious, seasoned with salt, so that you may know how you ought to answer to each person.’ I know this is a critical part of what so many of you do, whether it’s pointing those you counsel back to the truth of the Scripture, or giving them a hard wake-up call over their trespasses.”
- “But no matter whether it’s your family’s finances or you’re responsible for protecting taxpayer funds and being a good steward, as I am today, the Bible calls us to be faithful in our stewardship of whatever it is that we have been privileged to hold onto, no matter how much or how little. We have to be faithful in every single circumstance.”
- “Think of that famous parable of the talents. The servant called ‘good and faithful’ used what he had wisely.”
- “But no matter what comes before you, I pray you’ll help hurting people stay immersed in God’s Word.”
- “And I pray you’ll do these things not out of your own strength, but by relying on, as Paul says, ‘Him who is able to do immeasurably more than all we are able to ask or to imagine.’”

The State Department actively promoted Secretary Pompeo’s religious speech and urged the public to watch it. On its official Facebook page, for example, the Department teased the event in advance, noting that it would be streamed live on both Facebook and the Department’s own website, with this posting and others:



U.S. Department of State

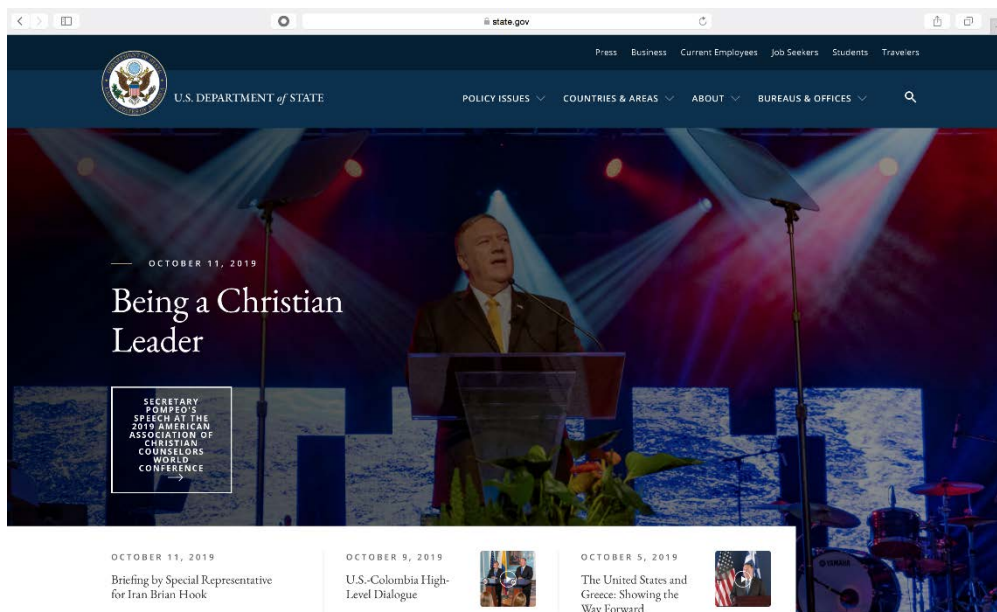
October 10 at 9:35 PM · 🌐



On October 11, U.S. Secretary of State Michael R. Pompeo will deliver a speech at the 2019 American Association of Christian Counselors World Conference in Nashville, Tennessee. Watch live on [state.gov](https://www.state.gov) or [Facebook.com/usdos](https://www.facebook.com/usdos) at 12:00 PM EDT/ 11:00 AM CDT.



Even after the event concluded, officials continued to use State Department resources to encourage the public to view the sermon: Over the weekend, the Department's website prominently featured the speech. As recently as Monday evening, visitors to the site were greeted with this image:



Those who clicked on the image were taken to another page on the site bearing the URL, <https://www.state.gov/being-a-christian-leader/>. That page features a full video and transcript of Secretary Pompeo’s address. Moreover, since the event, the Department has devoted multiple Twitter and Facebook posts to promoting the video and posted it on the Department’s official YouTube page.<sup>1</sup>

### Legal Concerns and Request for Investigation

The Establishment Clause of the First Amendment “mandates governmental neutrality between religion and religion, and between religion and nonreligion.”<sup>2</sup> As this matter illustrates, the Framers had good reason for enshrining this protection in the Constitution.

First, “[w]hen the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain.”<sup>3</sup> While those who work for the government may participate in religious activities and promote religious beliefs in their *individual, personal* capacities, the Department’s official sponsorship of Secretary Pompeo’s speech went well beyond what is permitted by the First Amendment.

Secretary Pompeo delivered a Christian sermon under the auspices of the State Department. He appeared in his official capacity, using his title as Secretary of the Department of State and commandeering the resources of his government office to promote his appearance, broadcast the speech live, and disseminate a video of it afterward—all via the Department’s official social media channels and website. These are not appropriate or lawful uses of the Department’s online and technical resources or employee time.

By placing its imprimatur on Secretary Pompeo’s proselytizing speech, the Department has conveyed to non-Christians across the country, including adherents of minority faiths and non-theists, the discriminatory and constitutionally repugnant message that they are and will remain “outsiders, not full members of the political community” until they adopt the religious beliefs favored by the government.<sup>4</sup> Indeed, the Department’s unstated but obvious message that non-Christians are second class is likely to be understood around the world as yet another confirmation that the U.S. government appears to have abandoned the Constitution’s promise of religious freedom for *all*.

Second, the Establishment Clause protects not only the integrity of government and the conscience of those who do not subscribe to the majority faith’s beliefs, but also the integrity of religion itself, preserving faith systems’ autonomy and independence from the government.<sup>5</sup>

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<sup>1</sup> Screenshots of these online activities are attached to this letter and can also be provided by email, flash drive, or other means upon request.

<sup>2</sup> *McCreary Cty. v. ACLU of Ky.*, 545 U.S. 844, 860 (2005) (internal quotation marks omitted).

<sup>3</sup> *Engel v. Vitale*, 370 U.S. 421, 431 (1962).

<sup>4</sup> *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309 (2000) (internal quotation marks omitted).

<sup>5</sup> *See, e.g., Lee v. Weisman*, 505 U.S. 577, 589 (1992) (“The design of the Constitution is that preservation and transmission of religious beliefs and worship is a responsibility and a choice

James Madison, the architect of the First Amendment, recognized that “religion and Government will both exist in greater purity the less they are mixed together.”<sup>6</sup> Like many Founders, he believed that “a union of government and religion tends to destroy government and to degrade religion.”<sup>7</sup> This is true even for government officials’ preferred faith. As Justice Blackmun put it: “The favored religion may be compromised as political figures reshape the religion’s beliefs for their own purposes . . . Keeping religion in the hands of private groups minimizes state intrusion on religious choice and best enables each religion to flourish according to the zeal of its adherents and the appeal of its dogma.”<sup>8</sup>

To these ends, the Establishment Clause prohibits the government from taking sides on questions of religious doctrine, practice, or conduct.<sup>9</sup> Government officials may not act as “arbiters of scriptural interpretation,”<sup>10</sup> and they certainly may not use their official positions and government resources to opine on what constitutes a good Christian or “what it means to be a Christian leader.” But that is exactly what Secretary Pompeo and the Department did here. They usurped the role of religious leaders and faith communities by promoting a particular, officially sanctioned view of scripture and the way that Christian leaders should conduct themselves. This, too, violates the Establishment Clause.

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committed to the private sphere, which itself is promised freedom to pursue that mission. It must not be forgotten then, that while concern must be given to define the protection granted to an objector or a dissenting nonbeliever, these same Clauses exist to protect religion from government interference.”).

<sup>6</sup> Letter from James Madison to Edward Livingston (July 10, 1822), in James Madison on Religious Liberty 82, 83 (Robert S. Alley ed., 1985).

<sup>7</sup> *Engel*, 370 U.S. at 431.

<sup>8</sup> *Lee*, 505 U.S. at 608–09 (Blackmun, J., concurring) (internal quotation marks omitted). *Accord Engel*, 370 U.S. at 431–32 (“The Establishment Clause thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its ‘unhallowed perversion’ by a civil magistrate.”).

<sup>9</sup> *See, e.g., Presbyterian Church in U.S. v. Mary Elizabeth Blue Hull Mem’l Presbyterian Church*, 393 U.S. 440, 444 n.3 (1969) (declining to decide a church property dispute that would have required the court to determine whether one party had “deviat[ed] from the faith and practice of the Presbyterian Church in the United States”); *Watson v. Jones*, 80 U.S. 679, 733 (1872) (noting that it is constitutionally inappropriate for courts to address matters involving “theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals”); *Commack Self-Serv. Kosher Meats, Inc. v. Weiss*, 294 F.3d 415, 426 (2d Cir. 2002) (“[B]ecause the challenged laws interpret ‘kosher’ as synonymous with the views of one branch, those of Orthodox Judaism, the State has effectively aligned itself with one side of an internal debate within Judaism. This it may not do.”); *see also, e.g., Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 243 (1963) (Brennan, J., concurring) (“[I]n order to give effect to the First Amendment’s purpose of requiring on the part of all organs of government a strict neutrality toward theological questions, courts should not undertake to decide such questions.”).

<sup>10</sup> *See Thomas v. Rev. Bd. of Ind. Emp’t Sec. Div.*, 450 U.S. 707, 716 (1981).

Because the United States is more religiously diverse than ever, it is more important than ever that the government respect the Constitution's prohibition on official favor for, or endorsement of, some faiths over others, and religion over non-religion. If Secretary Pompeo wants to deliver proselytizing speeches of this nature, he must do so in his personal capacity—without the aid of the State Department.

We respectfully request that your office initiate an investigation to identify all misuses of State Department resources in connection with the October 11 event, including the improper use of online and technological resources, employee time, and any other expenditures (whether monetary or in-kind) that may have occurred.<sup>11</sup> We also ask that you identify additional procedures that should be adopted by the Department to prevent any future misappropriation of official resources for the purpose of promoting religion. In the meantime, please do not hesitate to contact us if you have any additional questions regarding the matters discussed in this letter.

Sincerely,



Daniel Mach



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<sup>11</sup> We also intend to submit a request under the Freedom of Information Act to gather additional information regarding the Department's breach of the Establishment Clause.

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