



(202) 466-3234  
(202) 466-3353 (fax)  
www.au.org

1310 L Street NW  
Suite 200  
Washington, DC 20005

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**By U.S. Mail & Email**

Hon. Steve Linick, Inspector General  
U.S. Department of State  
Office of the Inspector General  
SA-39  
1700 North Moore Street  
Arlington, VA 22209  
steve.a.linick@stateoig.gov

*Re: Request for investigation regarding unconstitutional endorsement of religion  
by Secretary Pompeo*

Dear Inspector General Linick:

On October 11, 2019, Secretary Mike Pompeo gave a proselytizing religious speech to the American Association of Christian Counselors on “Being a Christian Leader.”<sup>1</sup> Mr. Pompeo noted at the beginning of his speech that he was there because “I am the Secretary of State” and explained that he would be talking “not just [about] being a leader” but “about being a Christian leader.” The speech was filled with biblical quotations; endorsements of Christian beliefs and values, such as his “experience with God and my own personal faith in Christ”; and repeated statements about how his faith influences his job as Secretary of State. The Department then heavily promoted the speech on its website and currently hosts the text and video of the speech.<sup>2</sup>

We write to urge you to investigate Mr. Pompeo for delivering a proselytizing speech that endorsed Christianity in his official government capacity, as well as the Department’s use of its resources to promote the speech. Both actions violate the Establishment Clause of the First Amendment to the U.S. Constitution.

Church–state separation is a constitutional principle that ensures that government does not favor one religion over another or religion over nonreligion. It protects taxpayers from being forced to fund the religious activities, education, and proselytizing of others. And it ensures that all people have the right to choose their

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<sup>1</sup> Mike Pompeo, *Being a Christian Leader*, U.S. Department of State, Oct. 11, 2019, <https://www.state.gov/being-a-christian-leader>.

<sup>2</sup> *Id.*

faith, or no faith at all, and that all are treated equally under the law regardless of their religious beliefs. Mr. Pompeo’s speech and the Department’s continuing promotion of it violate the fundamental American value of religious freedom, sending the message to non-Christians “that they are outsiders, not full members of the political community, and an accompanying message to [Christians] that they are insiders, favored members of the community.”<sup>3</sup>

The Establishment Clause prohibits government from taking any action that communicates “endorsement of religion.”<sup>4</sup> Instead, government and all its officials and employees must, when acting in their official capacities, maintain “neutrality . . . between religion and nonreligion.”<sup>5</sup> Public officials are constitutionally prohibited from presenting religious messages in the course of their duties, whether to employees or to members of the public.<sup>6</sup> And the Department “may not promote or affiliate itself with any religious doctrine or organization.”<sup>7</sup>

While Mr. Pompeo is entirely free to engage in religious activities in his personal capacity, he must not use his official role as Secretary of State to promote his religion. In his role as Secretary, delivering a speech that enthusiastically endorses Christianity is a violation of the Establishment Clause.

What is more, the Department’s promotion of the speech and the event at which it was delivered are also violations. The government must not lend its name or imprimatur to endorse a religious event.<sup>8</sup> “[I]f the [state]-sponsorship is known, that

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<sup>3</sup> *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

<sup>4</sup> *Santa Fe*, 530 U.S. at 305.

<sup>5</sup> *McCreary Cty. v. ACLU*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968)).

<sup>6</sup> See, e.g., *Berry v. Dep’t of Soc. Servs.*, 447 F.3d 642, 657 (9th Cir. 2006) (state employee had no right to communicate religious messages to clients or to display religious items in plain view in his cubicle); *N.C. Civil Liberties Union v. Constangy*, 947 F.2d 1145, 1152-53 (4th Cir. 1991) (judge’s practice of opening court with a prayer violated Establishment Clause); *Hall v. Bradshaw*, 630 F.2d 1018 (4th Cir. 1980) (state violated Establishment Clause by distributing official maps that contained a “Motorists’ Prayer”); see also, e.g., *Milwaukee Deputy Sheriffs’ Ass’n v. Clarke*, 588 F.3d 523, 528-29 (7th Cir. 2009) (proselytizing presentations at meetings of sheriff’s department violated Establishment Clause); *Cooper v. U.S. Postal Serv.*, 577 F.3d 479, 493–94 (2d Cir. 2009) (prohibiting religious messages in lobby of contract postal unit); *Warnock v. Archer*, 380 F.3d 1076, 1080-81 (8th Cir. 2004) (disallowing school district from holding prayers at in-service trainings and faculty meetings); *Venters v. City of Delphi*, 123 F.3d 956, 970 (7th Cir. 1997) (Establishment Clause prohibits public employers from proselytizing their employees in the workplace).

<sup>7</sup> *Cty. of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 590 (1989).

<sup>8</sup> See, e.g., *Gilfillan v. City of Phila.*, 637 F.2d 924, 930 (3d Cir. 1980).

aid connotes the state approval of a particular religion, one of the specific evils the Establishment Clause was designed to prevent.”<sup>9</sup>

And lest there be any question, speeches by the Secretary and materials on the Department’s website are all government speech, not private speech,<sup>10</sup> so the Department has both the right and the constitutional duty to ensure that they comply with Establishment Clause mandates.<sup>11</sup>

We therefore urge you to initiate an investigation into violations of the Establishment Clause by Mr. Pompeo and the Department, and that you take steps to ensure that violations will not be repeated. If you have any questions, you may contact Ian Smith at (202) 466-3234 or ismith@au.org.

Sincerely,



Richard B. Katskee, Legal Director  
Ian Smith, Staff Attorney

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<sup>9</sup> *Id.*; see also *Doe v. Vill. of Crestwood*, 917 F.2d 1476, 1478–79 (7th Cir. 1990) (concluding that city may not hold Mass during town-sponsored festival because “[a] religious service under governmental auspices necessarily conveys the message of approval or endorsement”); *Gilfillan*, 637 F.2d at 930–31, 933–34 (concluding that Establishment Clause prohibited city’s collaboration with Archdiocese and its monetary support for Pope’s visit and Mass); *Newman v. City of E. Point*, 181 F. Supp. 2d 1374, 1381–82 (N.D. Ga. 2002) (concluding that, when city printed and distributed fliers advertising private prayer breakfast, “an objective observer would most certainly conclude that the [city] has endorsed religion, specifically Christianity”).

<sup>10</sup> See *Garcetti v. Ceballos*, 547 U.S. 410, 421-23 (2006).

<sup>11</sup> *Evans-Marshall v. Bd. of Educ.*, 624 F.3d 332 (6th Cir. 2010) (school board did not act improperly in disciplining public-school teacher for in-class curricular speech); *Grossman v. S. Shore Pub. Sch. Dist.*, 507 F.3d 1097 (7th Cir. 2007) (guidance counselor had no right to make promotion of religion a part of her job description); *Lee v. York Cty. Sch. Div.*, 484 F.3d 687 (4th Cir. 2007) (teacher had no free-speech right to post religiously oriented materials on classroom bulletin board); *Berry*, 447 F.3d at 657 (state employee had no right to communicate religious messages to clients or to display religious items); *Daniels v. City of Arlington, Tex.*, 246 F.3d 500, 503-04 (5th Cir. 2001) (police officer had no right to wear cross pin on uniform); *Knight v. Conn. Dep’t of Pub. Health*, 275 F.3d 156, 165-66 (2d Cir. 2001) (state may restrict employee’s religious speech in response to legitimate Establishment Clause concerns); *Marchi v. Bd. of Coop. Educ. Servs. of Albany*, 173 F.3d 469, 476 (2d Cir. 1999) (school district had right to control conduct of teacher to ensure that he did not violate Establishment Clause); *Edwards v. Cal. Univ. of Pa.*, 156 F.3d 488, 491-93 (3d Cir. 1998) (Alito, J.) (professor at state university lacked free-speech right to choose classroom materials in contravention of university’s policies); *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517, 522-23 (9th Cir. 1994) (school properly restricted teacher’s speech because allowing him to speak to students about religion during school day would have violated Establishment Clause); *Bishop v. Aronov*, 926 F.2d 1066, 1072-78 (11th Cir. 1991) (public university may restrict professor’s injection of religion into university courses); *Roberts v. Madigan*, 921 F.2d 1047, 1057-58 (10th Cir. 1990) (teacher lacked free-speech right to display religious poster and to keep Bible on his desk).