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*The Biden Presidency*

## **Politicisation of US Foreign Service: Institutional Decay?**

*By Adam Garfinkle*

### **SYNOPSIS**

*Competitive politicisation of the United States foreign service and related agencies illustrates that institutional decay in the US is outliving the Trump era.*

### **COMMENTARY**

AMID THE exhilaration of the Biden administration's early days runs below the surface, like a sub-plot, the competitive politicisation of the US foreign service. A recent datum concerning the Department of State supplies a vexing example. Just hours after Chief Justice John Roberts administered the oath of office to Joe Biden as president, an administration spokesman announced a list of interim, or "acting", departmental and agency heads. This happens like clockwork every four years:

Apolitical caretakers occupy exalted thrones, warding off temptations to indulge in political chicanery during the transition, until new political appointees – Schedule Cs, they're called – are confirmed by the Senate. The list released on 20 January included several key "acting" positions including for the secretary of defence, director of central intelligence, secretary of homeland security, attorney-general (Justice Department) and the secretary of state. What all of these temporary appointments *except one* had in common is that these individuals were the highest-ranking civil servants in their respective departments and agencies.

### **Politicisation of the State Department**

At the State Department the interim acting secretary is typically the under secretary of

state for political affairs, simply called P by those in the building. (The secretary is simply S, and the deputy secretary D.) P is typically the highest ranking career foreign service officer, whose job involves, among other things, being the *corpus callosum* between the career professionals and the political appointees of a given administration.

Typically but not always: The new P soon-to-be, Victoria Nuland, was a career FSO but retired in 2017 and is now returning to government as a Schedule C. Alas, by recycling retired FSOs into government as Schedule Cs the Democrats are not doing career foreign service professionals any favours. Yet another example involves the new deputy secretary, Wendy Sherman, who was an FSO, retired, and is reentering government as a Schedule C.

Such behaviour plays into longstanding Republican accusations that the career foreign service is de facto a partisan institution, an optic that makes it harder for the State Department to do its job during even normal Republican administrations.

In light of all this, one name on the 20 January “acting” list stood out. Dan Smith, tapped to be acting secretary of state, was *not* the highest-ranking career civil servant at State. That was David Hale, who has served as P since August 2018. But Hale was passed over in favour of Smith, a supposedly apolitical FSO who nevertheless accepted the role of State Department transition head for the victorious Biden campaign. Why?

### **Between Appearance and Reality**

Hale was elevated to be P by Mike Pompeo and, unlike Michael McKinley, then serving as a senior advisor to the secretary, did not resign over Pompeo’s failure to support Marie Yovanovitch against White House intrigues and the general politicisation of the Department.

Yovanovitch, a senior diplomat posted to Kyiv, Ukraine, was the target of a smear campaign by then President Trump. That was enough in the eyes of the Biden brain trust, it seems, to throw Hale’s career civil service status aside in what looks to have been an act of quotidian partisan revenge taking.

Smith did the brief job without incident before Antony Blinken’s Senate confirmation as secretary of state, but that’s not the point. The point is that the insult to Hale is hard to justify on the demerits. Hale did his job as P as apolitically as possible under difficult circumstances. Moreover, during the November 2019 impeachment investigations, Hale’s involvement was brief and not notably Trump-friendly.

Perhaps Hale suffered unwonted guilt by association. After all, the Trump administration, true to its zero-sum approach to political life, attempted to politicise and instrumentalise everything it touched, including the civil service. Trump signed three executive orders in 2018 that limited civil service employees’ rights to collective bargaining, cut official time, and prioritised employee firings and discipline with a proposed new Schedule F designation for senior employees.

### **New Manoeuvre**

The Schedule F manoeuvre was a clear attempt to end-run the 1883 Pendleton Act that established a professional civil service and introduced protections from political harassment for its members. Alas, establishing a new basis for partisan harassment was the main point behind the Schedule F stratagem, which the Biden administration has already strangled in its cradle.

Towards the end of his tenure, too, Trump abused civil service protections to “burrow” moles into the incoming Biden administration. (Except for its huge scale this was nothing new, however; the concluding Obama administration did the same to its different-party successor, as did the Bush 43 administration to the incoming Obama administration.)

Just days before the Inauguration, the outgoing administration, via acting defence secretary Christopher Miller, installed 32-year-old Michael Ellis as general counsel (meaning top lawyer) at the National Security Agency (NSA). Ellis had worked for Devin Nunes, a strong Trump supporter in Congress.

As soon as he took the oath of office Ellis enjoyed senior executive service status and civil service protection; he could not be fired. After two days on the job the Biden administration placed Ellis on administrative leave and launched an investigation into his hiring.

### **Politicisation Crossfires**

Something similar happened in December at the US Agency for Global Media, colloquially known as “the radios”. Trump hatchet man Michael Pack installed Victoria Coates, then Trump’s Deputy National Security Advisor, as Middle East Broadcasting Network director in place of the much-esteemed Ambassador Alberto Fernandez.

Pack also fired the heads of Radio Free Asia and Radio Free Europe, replacing them with politically agreeable subordinates. These jobs are not designated Schedule C slots, but Pack’s own appointment and his own subsequent staff designations were nothing if not political. One of the first things the Biden administration did, on 22 January, was to send Pack packing, his three radioheads with him.

Coates had signed a contract in December supposedly guaranteeing her two years on the job, so foiling this case of “burrowing” may sprout a legal challenge. It has already resulted in some stellar Orwellian language:

“This is a shocking repudiation of President Biden’s call for unity and reconciliation just two days ago –and a clear violation of ... my employment contracts,” said Coates, adding that the new administration should “do the right thing and not play politics with this important institution, which is generously funded by American taxpayers”.

This gives new meaning to the term *chutzpah*, since Coates’ “playing politics” complaint does not reflect well on her own minor place in history. But it does reflect poorly on the Biden administration’s treatment of David Hale.

The foreign service and its appurtenances have plenty of problems as it is; getting caught in politicisation crossfires will not improve matters for these institutions or the

American taxpayer. Institutional decay in US government institutions is uneven but pervasive. The problem, while less acute prior to the past four years, is nevertheless outliving the Trump era.

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