



Via FedEx and Email

October 15, 2018

Jennifer Gillian Newstead
Legal Adviser
United States Department of State
2201 C Street NW
Washington, DC 20520-0308

Re: *Surrender of Personal Social Media Accounts Upon Leaving Office by
Ambassador Nikki Haley*

Dear Ms. Newstead:

On March 22, 2018, the Democracy Forward Foundation (“Democracy Forward”) wrote to the Office of the Inspector General requesting an immediate inquiry into whether certain United States Ambassadors have been using personal social media accounts to post content related to their official duties, in violation of State Department rules¹ governing social media (the “March 22 Letter”). A copy of the March 22 Letter is enclosed. To date, we have not received a response from the Inspector General. We write to you now in light of the announcement that Ambassador Nikki Haley will leave her post at the United States Mission to the United Nations by the end of the year.² For the reasons discussed below, we request that your office ensure that Ambassador Haley surrenders her personal social media accounts to the Department upon leaving office, as required by the Department’s rules.

Ambassador Haley was among the State Department officials we identified in our March 22 Letter as violating the Department’s social media rules. *See* March 22 Letter at 2. We highlighted examples of posts made by Ambassador Haley on her personal Twitter account which clearly relate to the official business of the United States Mission to the United Nations, and noted that her personal Twitter account had accumulated a significant number of new followers since she became Ambassador. *Id.* Since the March 22 Letter, Ambassador Haley has

¹ Specifically, the Foreign Affairs Manual (the “F.A.M.”) at 10 F.A.M. 182 governs “official communication using social media.” That provision applies to “[s]enior officials and other employees whose positions make it appropriate for them to engage in official communications on behalf of the Department over social media” and bars them from using personal social media accounts to engage in such official communications.

² Maggie Haberman et al., *Nikki Haley To Resign As Trump’s Ambassador To The U.N.*, N.Y. Times, Oct. 9, 2018, <https://www.nytimes.com/2018/10/09/us/politics/nikki-haley-united-nations.html>.

continued to post content relating to her official duties as Ambassador,³ and the number of Twitter followers for her personal account has continued to grow.⁴

As we noted in our March 22 Letter, the Department’s social media rules were promulgated to serve the twin goals of ensuring (i) that the Department speaks with a single voice when discussing official positions and policies, and (ii) that public officials do not use their office for personal profit, such as by using their public office to build an expansive following to take with them upon leaving office. As we explained: “Social media accounts with expansive followings are a valuable commodity, carrying potential monetary value in addition to the cachet and influence that flows from a large social media presence.” March 22 Letter at 2. Moreover, where a violation has occurred, the State Department rules clearly state the appropriate sanction:

All accounts that have been used for official communications are considered Department accounts, and are either *retained by the Department for use by the next incumbent or retired in accordance with applicable records disposition schedules*, as appropriate. The content of such accounts is also retired in accordance with applicable records disposition schedules.

See 10 F.A.M. 182(c) (emphasis added).

Accordingly, we ask that your office ensure that the Department takes steps to effect the surrender of Ambassador Haley’s offending social media accounts as part of its preparation for her departure from office. This measure is both appropriate in this case, and consistent with the past practice of the State Department. Indeed, this would not be the first instance in which an Ambassador has been required to surrender her social media account upon leaving office.⁵ Accordingly, we request that your office coordinate with Ambassador Haley, and any other appropriate State Department offices, to ensure that, as part of her transition from office, she appropriately surrenders any and all personal social media accounts from which she has posted content related to her official duties as Ambassador.

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³ See, e.g., Nikki Haley (@nikkihaley), Twitter (Sept. 28, 2018, 5:35 PM), <https://twitter.com/nikkihaley/status/1045789045908025344> (“RT @USUN: We always enjoy meeting with Prime Minister @netanyahu to discuss how we continue to fight the anti-Israel bias at the @UN and the danger that Iran and its terrorist proxies cause— not only in the Middle East, but across the globe.”).

⁴ Ambassador Haley’s personal Twitter account had 192,000 followers on the day before she took office. See March 22 Letter at 2. Her @nikkihaley Twitter handle now has 1.67 million followers. Nikki Haley (@nikkihaley), Twitter, <https://twitter.com/nikkihaley?lang=en> (last visited Oct. 11, 2018). By comparison, the official United States Mission to the United Nations Twitter account has only 351,000 followers. See US Mission to the UN (@USUN), Twitter, <https://twitter.com/USUN> (last visited Oct. 11, 2018).

⁵ Former U.S. Ambassador to Japan Caroline Kennedy was required to surrender her Twitter account upon leaving office, because she had used it to post content related to her official duties. See Caroline Kennedy (@AmbCKennedy), Twitter, <https://twitter.com/AmbCKennedy?lang=en> (last visited Oct. 11, 2018) (archived account of former U.S. Ambassador to Japan Caroline Kennedy).

We thank you for your prompt attention to this matter, and kindly request that your office provide a written update within 60 days describing the steps taken to address the concerns raised in this letter and our March 22 Letter.

Sincerely,

/s/ Anne Harkavy

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Cc:

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Enclosure:
March 22, 2018 Letter