



## Kirstjen Nielsen Confirmed as Secretary of Homeland Security

The Senate voted 62 to 37 on December 5 to confirm Kirstjen Nielsen (shown) as the next secretary of Homeland Security. She has served as principal deputy White House chief of staff, reporting to White House Chief of Staff John Kelly, since September 6. Prior to that, Nielsen served as Kelly's chief of staff at DHS when Kelly was secretary of that department.



When Kelly assumed the office of White House chief of staff on July 31, Deputy DHS Secretary Elaine Duke became acting DHS secretary. The Senate had confirmed Duke for that position on April 4 by a vote of 85-14.

The *Washington Post* reported that Duke does not have a close relationship to Nielsen, and cited several administration officials who said that Duke has informed the White House she plans to resign once Nielsen takes over. However, unnamed officials at DHS have denied that Duke plans to quit.

President Trump nominated Nielsen to head DHS on October 11, with the nomination being officially announced the following day.

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"There will be no on-the-job training for Kirstjen," Trump said when he announced her nomination, praising her "sterling reputation."

Senate Majority Leader Mitch McConnell (R-Ky), said about the confirmation vote:

By confirming Ms. Nielsen's nomination to lead the DHS, this Senate will take a serious step to strengthen our nation's security. Ms. Nielsen will be charged with leading the department at a critical time. With her understanding of the challenges facing our nation and her experience in prevention and preparedness, I believe that she will excel as the next Secretary of Homeland Security.

The *Post* summarized Nielsen's career by noting that she worked at the Transportation Security Administration (TSA) and then as a White House adviser for emergency preparedness and disaster management under President George W. Bush. During her confirmation hearing, noted the *Post*, she told senators she learned key lessons about emergency management by having a front-row seat at the much-criticized Bush administration's response to Hurricane Katrina.

*USA Today* reported last month that during her confirmation hearing, Nielsen seemed to depart from Trump's signature campaign proposal to build a wall along the U.S.-Mexican border, saying that she does not support building a wall along the entire length of the border.

"The president has stated as have predecessors at DHS certainly something that I share: There is no



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need for a wall from sea to shining sea,” Nielsen told the senators.

In her new position as DHS secretary, Nielsen will oversee about 240,000 employees at Customs and Border Protection, the Transportation Security Administration, the Coast Guard, the Federal Emergency Management Agency, and other agencies.

During the hearing, observed a report in the *New York Times*, Nielsen responded to Senator Maggie Hassan (D-N.H.) who accused Nielsen of refusing to say that humans are the primary cause of the rise in global temperatures. Nielsen said the federal government should adjust its modeling and preparation for dealing with weather events related to climate changes, but refused to acknowledge the alleged human contributions to those changes.

Hassan also expressed clear political naïveté when she said:

Throughout her confirmation process, Ms. Nielsen failed to demonstrate that she would provide the steady experienced leadership — free from political interference from the White House — that the department needs.

Surely, as a U.S. senator, Hasssan should realize that members of the cabinet (except for the vice president) serve at the pleasure of the president, who can dismiss them at will for no cause. It is difficult to imagine how the head of one of our federal government’s executive departments, who all report to the president, can ever be “free from political interference from the White House.”

The *Times* noted that a bipartisan group of former homeland security officials, including two former secretaries of the department, Tom Ridge and Michael Chertoff, both Republicans who served under Mr. Bush. endorsed Nielsen’s nomination.

“Ms. Nielsen has been engaged in counterterrorism, all-hazard risk mitigation, critical infrastructure protection, and response policy from the earliest days of what we now know as homeland security,” the former officials wrote in a letter to the Senate Homeland Security Committee.

We have not seen any report about Nielsen’s views on the Trump administration’s position on whether “Dreamers,” as those who qualified for U.S. residency under the Deferred Action for Childhood Arrivals (DACA) program are often called, should be allowed to stay in the United States. However, this will be a major issue for the new DHS secretary to address.

As we [reported in October](#), Michael Dougherty, assistant DHS secretary for Border Immigration and Trade, said at a Senate Judiciary Committee hearing on October 3 that the Trump administration would support legislation allowing illegal immigrants who came to the United States as children to gain lawful permanent status and eventually citizenship.

“Under a rational bill these individuals would be able to become lawful permanent residents with a pathway to citizenship,” a Reuters report said, quoting Dougherty.

Attorney General Jeff Sessions announced on September 5 that the DACA program will end in six months, giving Congress time to find a legislative solution for people enrolled in the program. However, Dougherty’s statement on October 3 indicated that the administration’s termination of DACA was not as thorough as most people were led to believe. He said:

In light of those [court] decisions, then DHS-Secretary Kelly [Kelly left DHS on July 31 to become White House chief of staff] rescinded DAPA and the expansion of DACA on June 15, 2017. Original DACA recipients were unaffected, and individuals who had received three year validity periods for DACA and the associated work authorization under the November 2014 memorandum prior to the



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district court injunction were allowed to maintain those approvals through their expiration, *unless terminated or revoked for case specific reasons*. [Emphasis added.]

As we noted in that report, the Trump administration's actions left Original DACA recipients unaffected.

While campaigning for the presidency, candidate Trump promised that he would "immediately terminate" DACA after being elected. However, Trump's recent statement indicates that instead of eliminating DACA, he merely wants to legitimize it by replacing Obama's executive orders with legislative authority.

The Justice Department under Sessions, and DHS under Nielsen, will share in enforcing different portions of immigration law. Ultimately, however, it is the president and Congress who must define what our national immigration policy must be.

*Photo of Kirstjen Nielsen: AP Images*

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