# Kirstjen Nielsen's Inevitable Resignation from the Department of Homeland Security

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Last May, the Secretary of Homeland Security, Kirstjen Nielsen, threatened to resign after President Trump humiliated her in a Cabinet meeting. At the time, the number of Central American migrants arriving at the U.S. border was rising, with fifty thousand people being arrested each month, and the President was blaming her personally. "Why don't you have solutions?" he demanded at the meeting. "How is this still happening?" Influential figures in the White House, led by Stephen Miller, the President's senior policy adviser, had long been suspicious of Nielsen's establishment credentials, and Trump, who personally disliked her, had always resented the fact that her mentor, John Kelly, who was then the White House chief of staff, had forced her nomination on him. More than anything else, though, it was the timing of her confirmation, in December, 2017, that made Nielsen particularly vulnerable; it coincided with an uptick in regional migration, which enabled her detractors within the Administration to portray her to the President as ineffectual and insufficiently loyal to his agenda. Nielsen managed to stay in her post only because there was no obvious way for Trump to remove her. "The Administration can't get rid of Nielsen," a D.H.S. official told me that spring. "She doesn't even have a deputy right now to fill in for her if she leaves."

On Sunday evening, Nielsen still did not have a confirmed deputy to succeed her when, under pressure from the President, she announced her resignation. In March, after months of steady increases in the number of

immigrants arriving at the southern border, U.S. authorities arrested nearly a hundred thousand people. It was the highest rate of monthly apprehensions in more than a decade, and the Department's enforcement agencies have had to release hundreds of families into the country because the government no longer has the capacity to hold them all. Trump has responded by declaring a national emergency, moving to cut all aid to Central America and threatening to close ports of entry along the southern border. Publicly, Nielsen supported the President, but privately, one Administration official told CNN, she felt that the situation was "untenable" and Trump was "becoming increasingly unhinged . . . and making unreasonable and even impossible requests." At 5 *P.M.* on Sunday, Nielsen travelled to the White House to discuss border policy with the President; when she emerged, the President announced her departure.

What's most striking about Nielsen's exit isn't that she left at a moment of political upheaval, or even that she managed to hang on to her post for as long as she did. In the past year, even as Nielsen pursued the most aggressive enforcement strategy of any secretary in the history of the department, Trump saw her as too weak to be trusted. The Administration's most controversial immigration policies—from family separation to the recent overhaul of asylum practices known as Remain in Mexico—all happened on Nielsen's watch. She defended these policies to the press and to Congress and frequently lied in the process. Nielsen continues to claim, for instance, that the Trump Administration never had a policy of separating families at the border. "She was willing to toe the Trump line in ways that were dishonest," one Administration official told me. "The worst part about her time at D.H.S. is that she hasn't been an honest broker." The greatest irony of Nielsen's tenure may be that, in an Administration full of anti-immigration stalwarts, she was not an ideologue but an opportunist. While she was never a true believer, like Stephen Miller, she became nearly as

notorious, having weaponized immigration policy in the battle for her own political survival.

Three days before Nielsen's resignation, the White House had rejected another immigration official for a top job in the Administration. The President withdrew the nomination of Ronald Vitiello as the head of Immigration and Customs Enforcement, because Trump wanted to go in a "tougher direction." Vitiello was a career immigration agent with decades of experience, and both Democrats and Republicans in the Senate signalled their support for his eventual confirmation. The move was so unexpected that officials at D.H.S. initially thought there'd been a clerical error. I spoke to one senior Department official the following day who told me, "We learned the news at the same time you did."

Although Vitiello had few opponents, they were influential. Chris Crane, the militant head of *ICE*'s union, and Stephen Miller, at the White House, believed Vitiello was too moderate on enforcement and were able to successfully lobby the President. Trump also faulted Vitiello for something outside of his control—in this case, the fact that *ICE* could not legally detain immigrant families indefinitely. *ICE* is currently detaining fifty thousand immigrants, a twenty-five-per-cent increase from last year and a record in agency history. But the agency has also been forced to release families near the border, and Trump has complained that it is reverting to "catch and release," which he associates with the Obama Administration. "Based on the evidence, what else does Vitiello need to do in order to demonstrate his toughness?" John Amaya, the deputy chief of staff at *ICE* from 2015 to 2017, said. "Given the politics, laws, regulations, litigation, and operational constraints, what more could the agency accomplish under someone else's leadership? It must be a wonderful world to live in where you are willfully and blissfully ignorant to the realities of law enforcement and still have your seat in the Oval Office."

Trump has made immigration enforcement the rallying cry of his Presidency. But his politicization of D.H.S.—and especially of *ICE*, its interior enforcement arm—has repeatedly backfired. More than two years into his term, Trump still does not have a confirmed head of the agency. Vitiello's predecessor, an enforcement veteran named Tom Homan, who came out of retirement to lead *ICE*, had embraced the President's aggressive rhetoric. Trump praised him for looking "very nasty" and "very mean," but his close identification with the President also made him politically toxic, and Homan resigned last year, after a tumultuous tenure in which the Senate never confirmed him. "It was a matter of time before Tom would leave," a former D.H.S. official who knew Homan told me at the time. "It's a dead-end job. He's been on TV non-stop talking about what they are doing and defending the Administration's policies at every turn. Yet, when it came down to legislation and working with members of Congress, he was cut out." The official added that Homan was "tired of being sent on these missions by the White House to scorch the earth." Vitiello, who appeared to learn the lesson of Homan's demise, was careful to tell the President what he needed to hear while also keeping a lower public profile. Trump punished him anyway.

Nielsen's successor as acting head of D.H.S. will be Kevin McAleenan, the commissioner of U.S. Customs and Border Protection (C.B.P.). Current and former department officials have told me that McAleenan is "smart," "fact-driven," "intellectual," and "thoughtful." A lawyer by training, with a degree from the University of Chicago, he first joined D.H.S. in 2006, as a customs agent in Los Angeles, and later rose to become the deputy commissioner of C.B.P. under President Obama; in March of 2018, the Senate confirmed him as head of the agency.

The biggest question surrounding McAleenan, who, unlike Nielsen, is seen by both Republicans and Democrats as a credible choice to lead the government's third-largest federal department, is how quickly Trump will

sour on him. McAleenan has already taken public positions that are at odds with the extremist views of the White House. Last December, he praised a new plan at the State Department to increase aid to Central American countries to help improve conditions in the region, and he has continued to speak forcefully about the need for the U.S. to address the root causes of emigration. As head of C.B.P., an agency tasked with policing the border, McAleenan has had limited sway over foreign policy. Now that he's in a position to play a bigger role in those discussions, he runs the risk of upsetting the President.

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Another concern, typical for anyone in the Administration, is whether it's even possible for a career public servant like McAleenan to operate effectively, and with integrity, in the face of constant pressure from the White House. "That's what makes me nervous," one Administration official told me. "I'm not sure how he can finesse things with this Administration." McAleenan did not think up the Administration's family-separation policy,

for example, but he did play a role in implementing it. In April of 2018, his name was at the top of a document signed by three agency heads at D.H.S.—including Tom Homan, at *ICE*, and Francis Cissna, at Citizen and Immigration Services—arguing that family separation would deter other immigrant families, according to someone who saw the document. In December, as the Trump Administration tightened restrictions at ports of entry and migrants crossed in increasingly remote areas of the desert, two Guatemalan children died in the custody of Border Patrol. "McAleenan is a career civil servant, and I believe he wants to see his job through to the end, regardless of the Administration," the official told me. In the Trump Era, doing so comes at a high cost.

For all of McAleenan's credentials, his new title may be a sign of someone else's promotion. In a single week, Stephen Miller has successfully torpedoed the careers of two D.H.S. officials and has shown his ever-expanding influence within the Administration. In a recent Oval Office meeting, according to the Washington *Post*, Trump told Miller that he would be in charge of "all immigration and border matters." There's been talk of creating a new government post known as Trump's "immigration tsar," with ranging responsibilities to implement Miller's agenda; the names reportedly under consideration—including the former Virginia attorney general Ken Cuccinelli and the former secretary of state of Kansas Kris Kobach—are notorious for their partisan and ideological bona fides. Miller appears to hold even greater sway over immigration policy than he did a year ago, and the President, who's reportedly championing a new policy to separate families at the border, is as receptive as ever. On Sunday, I asked the Administration official whether McAleenan stood a chance of leading the Department under these circumstances. "If Trump wants a negotiator, someone who has a lot of credibility," the official said, "he has that in McAleenan." The official then went on to outline a list of policy priorities for

addressing the crisis at the border that might achieve some measure of consensus in Washington. "So far," he added, "there hasn't been any serious effort to give those a chance."