

Bloomberg Government

Jan. 23, 2025, 9:28 AM PST; Updated: Jan. 23, 2025, 1:32 PM PST

Trump DHS Scraps Bush-Era Restrictions on Political Activity (1)

By Ellen M. Gilmer

Exclusive

- Agency rescinds 2007 memo from then-Secretary Chertoff
- Former policy went beyond federal rule, cited security mission

The Department of Homeland Security is scrapping a George W. Bush-era policy that set extra restrictions on political activities by appointees and other senior personnel.

Acting Secretary Benamine Huffman this week rescinded a policy in place since 2007 requiring DHS political appointees and other non-career employees to follow stricter boundaries on political involvement than those laid out in the Hatch Act for all federal workers. The Hatch Act bars government employees from engaging in political activity on the job.

“Any additional restrictions, as a matter of DHS policy, are not appropriate, especially in light of the important civic and First Amendment issues at stake,” Huffman said in a memo dated Jan. 20. Bloomberg Government first reported on the rescission.

The policy change prompted pushback from former DHS officials concerned about political influence within the department under President Donald Trump’s administration, as it would free up appointees to participate in some campaign events and other partisan activity.

“The ethics policy followed the long tradition of other national security and law enforcement departments,” said Nixon Peabody partner Joseph Maher, a 20-year agency veteran and its former acting general counsel. “The purpose was to avoid the influence of politics and the appearance of the influence of politics in the important operational and mission activities of the department.”

The policy change erodes guardrails from both Democratic and Republican administrations, said Angela Kelley, a senior counselor at DHS during President Joe Biden’s administration.

“Trump is blowing up the guardrails and handing out the MAGA hats and bumper stickers,” she said, referring to the president’s Make America Great Again slogan.

DHS officials didn’t immediately respond to a request for comment on the rescission.

National Security Mission

Then-Secretary Michael Chertoff, who penned the 2007 policy, described the restrictions at the time as “intentionally more stringent” than standard rules for civil servants and non-career employees at other agencies. His memo, building on similar policies from earlier in the Bush administration, barred non-career employees from appearing on the program for political events, canvassing voters, publicly endorsing candidates, and other activity on the job and while off duty.

“For the public to retain its confidence that we are adhering to our responsibilities, we must ensure that politics — both in fact and in appearance — do not compromise the integrity of our work,” Chertoff said in the memo.

The extra limits on political activity are especially important in DHS’s intelligence work, said Steven Cash, who was a senior official in the Office of Intelligence and Analysis during the Biden administration.

The departmental officials in charge of analyzing and warning others about threats to the homeland would lose credibility if they’re spending their free time campaigning, he said.

But the shift away from Chertoff’s approach is unsurprising in light of the increasingly political nature of DHS’s work, said Monument Advocacy founder Stewart Verdery, a senior official earlier in the Bush administration.

“I suppose the original theory was that the department’s missions were not partisan and that may have been mostly true after 9/11, but it’s hard to argue that immigration isn’t the most political issue in the country now,” he said. “So there is a certain logic in having similar rules for DHS as other departments like Labor” or the Transportation Department.

To contact the reporter on this story: Ellen M. Gilmer in Washington at egilmer@bloombergindustry.com

To contact the editors responsible for this story: Robin Meszoly at rmeszoly@bgov.com; John Hewitt Jones at jhewittjones@bloombergindustry.com

© 2025 Bloomberg Industry Group, Inc. All Rights Reserved