



Michael Chertoff

Michael Chertoff (born November 28, 1953) is an American attorney who was the second United States Secretary of Homeland Security to serve under President George W. Bush. Chertoff also served for one additional day under President Barack Obama. He was the co-author of the USA PATRIOT Act. Chertoff previously served as a United States circuit judge of the United States Court of Appeals for the Third Circuit, as a federal prosecutor, and as Assistant U.S. Attorney General. He succeeded Tom Ridge as U.S. Secretary of Homeland Security on February 15, 2005.

Since leaving government service, Chertoff has worked as senior of counsel at the Washington, D.C. law firm of Covington & Burling. He also co-founded the Chertoff Group, a risk-management and security consulting company. He is also the Chair and a member of the board of trustees in the international freedom watchdog Freedom House. Chertoff also sits on the bipartisan advisory board of States United Democracy Center.^[1]

Early life and education

Michael Chertoff was born on November 28, 1953, in Elizabeth, New Jersey. His father was Rabbi Gershon Baruch Chertoff (1915–96), a Talmud scholar and the former leader of the Congregation B'nai Israel in Elizabeth. His mother was Livia Chertoff (née Eisen), she was a naturalized American citizen after having held status under a British mandate and was the first flight attendant for El Al.^[2] His paternal grandparents are Rabbi Paul Chertoff^[3] and Esther Barish Chertoff.^[4]

Chertoff attended the Jewish Educational Center

Michael Chertoff	
	
Official portrait, 2022	
2nd <u>United States Secretary of Homeland Security</u>	
In office	
February 15, 2005 - January 21, 2009	
President	<u>George W. Bush</u> <u>Barack Obama</u>
Preceded by	<u>Tom Ridge</u>
Succeeded by	<u>Janet Napolitano</u>
Judge of the <u>United States Court of Appeals for the Third Circuit</u>	
In office	
June 10, 2003 - February 15, 2005	
Appointed by	<u>George W. Bush</u>
Preceded by	<u>Morton Ira Greenberg</u>
Succeeded by	<u>Michael Chagares</u>
<u>United States Assistant Attorney General for the Criminal Division</u>	

in Elizabeth as well as the Pingry School. He graduated from Harvard College with a Bachelor of Arts degree in 1975. During his sophomore year, he studied abroad at the London School of Economics and Political Science. He then attended Harvard Law School, where he worked as a research assistant for John Hart Ely on his book *Democracy and Distrust*. Chertoff received a Juris Doctor, *magna cum laude*, in 1978.

Career

Following his law school graduation, Chertoff served as a law clerk to Judge Murray Gurfein of the United States Court of Appeals for the Second Circuit and later for United States Supreme Court Justice William J. Brennan, Jr. from 1979 to 1980.

Chertoff worked in private practice with Latham & Watkins from 1980 to 1983 before being hired as a prosecutor by Rudolph Giuliani, then the United States Attorney for the Southern District of New York. Chertoff worked on Mafia and political corruption-related cases. In the mid-1990s, Chertoff returned to Latham & Watkins for a brief period, founding the firm's office in Newark, New Jersey.

In September 1986, together with United States Attorney for the Southern District of New York Rudolph Giuliani, Chertoff was instrumental in the crackdown on organized crime in the Mafia Commission Trial.

In 1990, Chertoff was appointed by President George H. W. Bush as United States Attorney for the District of New Jersey.^[5] Among his most important cases, in 1992 Chertoff achieved conviction of second-term Jersey City mayor Gerald McCann on charges of defrauding money from a savings and loan scam. McCann served two years in federal prison.^[6]

In 1993, he was a prosecutor in the fraud case against Eddie Antar, founder of the Crazy Eddie electronics store chain.

Chertoff was asked to stay in his position when the Clinton administration took office in 1993, at the request of Democratic Senator Bill Bradley.^[6] He was the only United States Attorney who was not replaced due to the change in administrations. He continued to work with the U.S. Attorney's office until 1994, when he entered private practice, returning to Latham & Watkins as a partner.^[6]

Despite his friendly relationship with some Democrats, Chertoff was appointed as the special counsel for the Senate Whitewater Committee studying allegations against President Clinton and his wife in what was known as the Whitewater investigation. No charges were brought against the Clintons.

	In office
	2001–2003
President	<u>George W. Bush</u>
Preceded by	<u>James Robinson</u>
Succeeded by	<u>Christopher A. Wray</u>
<u>United States Attorney for the District of New Jersey</u>	
	In office
	1990–1994
President	<u>George H. W. Bush</u> <u>Bill Clinton</u>
Preceded by	<u>Samuel Alito</u>
Succeeded by	<u>Faith S. Hochberg</u>
Personal details	
Born	November 28, 1953 <u>Elizabeth, New Jersey, U.S.</u>
Political party	<u>Republican</u>
Spouse	<u>Meryl Justin</u> (m. 1988)
Children	2
Education	<u>Harvard University</u> (AB, JD) <u>London School of Economics</u>

In 2000, Chertoff worked as special counsel to the New Jersey Senate Judiciary Committee, investigating racial profiling in New Jersey. He also did some fundraising for George W. Bush^[7] and other Republicans during the 2000 election cycle. He advised Bush's presidential campaign on criminal justice issues.

Chertoff was appointed by Bush to head the criminal division of the Department of Justice, serving from 2001 to 2003. He led the federal prosecution's case against suspected terrorist Zacarias Moussaoui. In 2002 and 2003, Chertoff provided legal advice to the CIA on the use of coercive interrogation methods against terror suspects such as Abu Zubaydah.^[8]

Chertoff also led the prosecution's case against accounting firm Arthur Andersen for destroying documents relating to the Enron collapse. The prosecution of Arthur Andersen was controversial, as the firm was effectively dissolved, resulting in the loss of 26,000 jobs. The United States Supreme Court overturned the conviction, and the case has not been retried.

Federal judgeship

On March 5, 2003, Chertoff was nominated by President Bush to a seat on the United States Court of Appeals for the Third Circuit vacated by Morton I. Greenberg. He was confirmed by the Senate 88–1 on June 9, 2003, with Senator Hillary Clinton of New York casting the lone dissenting vote; he received his commission the following day. Senator Clinton said that she had dissented to register her protest for the way Chertoff's staff mistreated junior White House staffers during the Whitewater investigation.^[9] Chertoff served as a federal judge from 2003 to 2005.^[10]

Secretary of Homeland Security

In late 2004, Bernard Kerik was forced to decline President Bush's offer to replace Tom Ridge, the outgoing Secretary of Homeland Security. After a lengthy search to find a suitable replacement, Bush nominated Chertoff to the post in January 2005, citing his experience with post-9/11 terror legislation. He was unanimously approved for the position by the United States Senate on February 15, 2005.^[11]

Hurricane Katrina occurred while Chertoff was Secretary of Homeland Security. The Department was criticized for its lack of preparation in advance of the well-forecast hurricane; most criticism was directed toward the Federal Emergency Management Agency.^[12] DHS in general, and Chertoff in particular, were criticized for responding poorly to the disaster, ignoring crucial information about the catastrophic nature of the storm and devoting little attention to the federal response to what became the most costly disaster in American history.^[13]



Chertoff's Homeland Security secretary portrait



President Bush discussing border security with Chertoff near El Paso, Texas, November 2005

Chertoff was the Bush administration's point man for pushing the comprehensive immigration reform bill, a measure that stalled in the Senate in June 2007.^[14]

Chertoff was asked by the Obama administration to stay in his post until 9 a.m. on January 21, 2009, (one day after President Obama's inauguration) "to ensure a smooth transition".^[15]

Construction of border fence

Under Chertoff's leadership, the Department of Homeland Security constructed hundreds of miles of fencing along the border between the United States and Mexico. On April 8, 2008, Chertoff issued waivers allowing the Department of Homeland Security to "bypass environmental reviews to speed construction of fencing along the Mexican border". *The New York Times* reported that pursuant to the Secure Fence Act of 2006, "the department was authorized to build up to 700 miles of fencing along the 2,000-mile Southwest border, where most illegal immigrants cross". Congress had granted Chertoff waiver authority in 2005,^[16] but the *Times* described his actions as an expansion of his waiver authority.^[17] According to *Times* columnist Adam Liptak, Chertoff's action excluded the Department of Homeland Security from having to follow laws "protecting the environment, endangered species, migratory birds, the bald eagle, antiquities, farms, deserts, forests, Native American graves and religious freedom."^[18] In an editorial, the *Times* criticized Chertoff for his use of waiver authority, stating: "To the long list of things the Bush administration is willing to trash in its rush to appease immigration hard-liners, you can now add dozens of important environmental laws and hundreds of thousands of acres of fragile habitat on the southern border."^[19]

A report issued by the Congressional Research Service, the non-partisan research division of the Library of Congress, said that the unchecked delegation of powers to Chertoff was unprecedented:

After a review of federal law, primarily through electronic database searches and consultations with various CRS experts, we were unable to locate a waiver provision identical to that of §102 of H.R. 418—i.e., a provision that contains 'notwithstanding' language, provides a secretary of an executive agency the authority to waive all laws such secretary determines necessary, and directs the secretary to waive such laws.^[20]

On June 23, 2008, the Supreme Court of the United States declined to hear a constitutional challenge to the 2005 law that gave Chertoff waiver authority.^[16]

Actions regarding illegal immigration

In September 2007, Chertoff told a House committee that the DHS would not tolerate interference by sanctuary cities that would block the "Basic Pilot Program," which requires some types of employers to validate the legal status of their workers.^[21]

In 2008 it was reported that the residential housekeeping company Chertoff had hired to clean his house employed undocumented immigrants.^{[22][23][24]}

Post-DHS career

Since leaving government service, Chertoff has worked as senior of counsel at the Washington, D.C. law firm of Covington & Burling.^[25]

He formed The Chertoff Group (TCG) on February 2, 2009, to work on crisis and risk management. The firm is also led by Chad Sweet; he served as the Chief of Staff of Homeland Security while Chertoff was Secretary and also had a two-year stint at the Directorate of Operations for the CIA. The firm also employs Charles E. Allen, Larry Castro, Jay M. Cohen, General Michael V. Hayden and other former high-ranking government employees and appointees.

Chertoff was also elected as Chairman of BAE Systems for a three-year term, beginning May 1, 2012. Chertoff co-chairs the Bipartisan Policy Center's Immigration Task Force.

Chertoff was part of a legal team that represented Russian/Ukrainian Dmitro Firtash's against extradition to the United States.^[26]

Chertoff is also a member of the Atlantic Council's board of directors.^[27]

From 2017 to 2019, Chertoff served as a member of the Global Commission on the Stability of Cyberspace and was made a co-chair of the commission in its final year.

In a July 2020 op-ed in *The New York Times*, Chertoff claimed the Trump administration was hijacking the DHS for political purposes.^[28]

Views

Globalization

At the Global Creative Leadership Summit in 2009, Chertoff described globalization as a double-edged sword. Although globalization may help raise the standard of living for people around the world, Chertoff claimed that it can also enable terrorists and transnational criminals.^[29]

Body scanners

Chertoff has been an advocate of enhanced technologies, such as full body scanners.^[30] His consulting firm Chertoff Group (founded 2009) represented manufacturers of the scanners.^{[31][32]}

Climate change

Chertoff co-signed the preface to the report "National Security and the Accelerating Risks of Climate Change" published in 2014 where he stated that "projected climate change is a complex multi-decade challenge. Without action to build resilience, it will increase security risks over much of the planet. It will not only increase threats to developing nations in resource-challenged parts of the world, but it will also test the security of nations with robust capability, including significant elements of our National Power here at home."^[33]

Political endorsements

In the 2016 presidential election, Chertoff endorsed Hillary Clinton.^[34]

See also

- List of law clerks of the Supreme Court of the United States (Seat 3)

References

1. "MICHAEL CHERTOFF" (<https://statesuniteddemocracy.org/people/michael-chertoff/>) . *States United Democracy Center*. Retrieved August 31, 2022.
2. Kitaeff, Jack *Jews in Blue: The Jewish American Experience in Law Enforcement* (<https://books.google.com/books?id=7lfjVNXzBDQC&dq=Livia+Chertoff&pg=PT95>)
3. Marek, Angie C. "A New Sheriff in Town" (https://www.usnews.com/usnews/news/articles/050718/18chertoff_2.htm) Archived (https://web.archive.org/web/20130510114149/http://www.usnews.com/usnews/news/articles/050718/18chertoff_2.htm) May 10, 2013, at the Wayback Machine, *U.S. News & World Report*, July 10, 2005. Accessed May 16, 2008. "A rabbi's son, he was born in blue-collar Elizabeth, N.J. Worshipers from Elizabeth's former Congregation Bnai Israel remember Chertoff's father, Gershon Chertoff, as a man with a vast collection of books and a keen interest in current events. Michael's grandfather Paul Chertoff, also a rabbi, was a professor of the Talmud, the collected writings that constitute Jewish civil and religious law."
4. "Pittsburgh PostGazette Jan 12, 1966" (<https://news.google.com/newspapers?nid=1129&dat=19660112&id=eZ5RAAAAIBAJ&pg=7191,1640797>). January 12, 1966. Retrieved August 28, 2013.
5. "U.S. Attorney's Office District of New Jersey, A Rich History of Service" (<https://web.archive.org/web/20081230012025/http://www.usdoj.gov/usao/nj/about/history.html>). Archived from the original (<https://www.usdoj.gov/usao/nj/about/history.html>) on December 30, 2008.
6. "Chertoff called 'consummate professional' " (<http://www.nbcnews.com/id/6813011>) . NBC News. January 11, 2005. Retrieved October 15, 2008 - via Associated Press.
7. Eskow, Richard (May 5, 2011). "Green Alert: Banks Use Bush Terror Team, Threat Tactics to Push Debit Card Fees" (http://www.huffingtonpost.com/rj-eskow/in-clumsy-pr-move-banks-u_b_857868.html). *Huffington Post*. Retrieved May 21, 2015.
8. Johnston, David; Lewis, Neil A.; Jehl, Douglas (January 29, 2005). "Security Nominee Gave Advice to the C.I.A. on Torture Laws" (<https://www.nytimes.com/2005/01/29/politics/security-nominee-gave-advice-to-the-cia-on-torture-laws.html>). *The New York Times*. Retrieved May 23, 2022.
9. Ratner, Lizzy (January 16, 2005). "Hillary's Nemesis, Mean Mike Chertoff, Is Up for Homeland" (<https://observer.com/2005/01/hillarys-nemesis-mean-mike-chertoff-is-up-for-homeland/>). The New York Observer. Retrieved October 15, 2008.
10. "Profile: Secretary of Homeland Security Michael Chertoff" (<https://abcnews.go.com/Politics/Inauguration/story?id=402614>). *ABC News*.
11. "Bush names new US security chief" (<http://news.bbc.co.uk/2/hi/americas/4165507.stm>). BBC. January 11, 2005. Retrieved October 15, 2008.

12. Executive Summary, Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (<http://www.gpoaccess.gov/katrinareport/execsummary.pdf>) Archived (<https://web.archive.org/web/20120211115815/http://www.gpoaccess.gov/katrinareport/execsummary.pdf>) February 11, 2012, at the [Wayback Machine](#), 2006-2-15, Retrieved June 11, 2007
13. Christopher Cooper and Robert Block. 2006. *Disaster : Hurricane Katrina and the Failure of Homeland Security*. New York: Times Books, 2006.
14. "Chertoff, Bush Look for Next Move on Immigration" (<https://www.npr.org/templates/story/story.php?storyId=10876256>), NPR, June 8, 2007
15. "Bush Homeland Security Officials to Stay on Till Weds. (http://voices.washingtonpost.com/44/2009/01/19/bush_homeland_security_officia.html?wprss=44)", Washington Post, January 19, 2009 (accessed 2009-01-21).
16. Vicini, James (June 23, 2008). "Court rejects challenge to Arizona border fence" (<https://www.reuters.com/article/us-usa-mexico-fence-idUSN2348167320080623>). *Reuters* - via www.reuters.com.
17. Archibold, Randal (April 2, 2008). "Government Issues Waiver for Fencing Along Border" (<https://www.nytimes.com/2008/04/02/us/02fence.html>). *The New York Times*. Retrieved December 7, 2020.
18. Liptak, Adam (April 8, 2008). "Power to Build Border Fence Is Above U.S. Law" (<http://www.nytimes.com/2008/04/08/us/08bar.html>). *The New York Times*. Retrieved October 15, 2008.
19. Editorial (April 3, 2008). "Michael Chertoff's Insult" (<https://www.nytimes.com/2008/04/03/opinion/03thu3.html>). *The New York Times*. Retrieved October 15, 2008.
20. "Plaintiffs' Exhibit 2" (http://graphics8.nytimes.com/packages/pdf/national/20080408_CRS_report.pdf) (PDF). *The New York Times*. Retrieved May 12, 2010.
21. DHS - EVerify (https://www.dhs.gov/xprevprot/programs/gc_1185221678150.shtm#1) Archived (https://web.archive.org/web/20110309034700/http://www.dhs.gov/xprevprot/programs/gc_1185221678150.shtm#1) March 9, 2011, at the [Wayback Machine](#) "DHS website" December 1, 2007
22. "Chertoff Used Cleaning Company That Hired Illegal Immigrants" (<http://www.foxnews.com/politics/2008/12/11/chertoff-used-cleaning-company-hired-illegal-immigrants/>). *Fox News*. December 11, 2008.
23. "UPI.com" (http://www.upi.com/Top_News/2008/12/11/Illegal-immigrants-cleaned-Chertoffs-home/UPI-55761229009653/). UPI.com. December 11, 2008. Retrieved August 28, 2013.
24. Hsu, Spencer S. (December 11, 2008). "Cleaning Service Used by Chertoff Calls Immigration Laws Unfair" (<https://www.washingtonpost.com/wp-dyn/content/article/2008/12/10/AR2008121003524.html>). *The Washington Post*. Retrieved May 12, 2010.
25. Covington & Burling (2009). Michael Chertoff (<http://www.cov.com/mchertoff/>). Retrieved August 9, 2009.
26. Лещенко, Сергей (Leshchenko, Sergey) (September 28, 2015). "Спрут Дмитрия Фирташа. Агенты влияния на Западе" (https://web.archive.org/web/20220325022339/https://www.pravda.com.ua/cdn/graphics/2015/09/sprut_dmitrija_firtasha/) [Dmitry Firtash's Octopus. Agents of influence in the West]. *Українська Правда (pravda.com.ua)* (in Russian). Archived from the original on March 25, 2022. Retrieved March 30, 2022.

27. "Board of Directors" (<https://www.atlanticcouncil.org/about/board-of-directors/>). *Atlantic Council*. Retrieved February 11, 2020.
28. Chertoff, Michael (July 28, 2020). "Opinion | The Hijacking of Homeland Security" (<https://www.nytimes.com/2020/07/28/opinion/homeland-security-portland-trump.html>). *The New York Times*.
29. Global Futures, Global Risks (<http://www.creativeleadershipsummit.org/?q=node/730>) Archived (<https://web.archive.org/web/20160110014558/http://www.creativeleadershipsummit.org/?q=node%2F730>) January 10, 2016, at the [Wayback Machine](#) 2009 Global Creative Leadership Summit.
30. "DHS.gov" (https://web.archive.org/web/20101019200855/https://www.dhs.gov/news/testimony/testimony_0035.shtm). Archived from the original (https://www.dhs.gov/ov/xnews/testimony/testimony_0035.shtm) on October 19, 2010.
31. 12/30/09 9:33pm 12/30/09 9:33pm. "Why Is Michael Chertoff So Excited About Full-Body Scanners?" (<https://web.archive.org/web/20130827141800/http://gawker.com/5437499/why-is-michael-chertoff-so-excited-about-full+body-scanners>). *Gawker.com*. Archived from the original (<http://gawker.com/5437499/why-is-michael-chertoff-so-excited-about-full+body-scanners>) on August 27, 2013. Retrieved August 28, 2013.
32. *RonPaul.com* on November 17, 2010 (November 17, 2010). "Ron Paul to TSA: Stop Irradiating Our Bodies!" (<http://www.ronpaul.com/2010-11-17/ron-paul-to-tsa-stop-irradiating-our-bodies-and-fondling-our-children/>). *Ron Paul .com*. Retrieved August 28, 2013.
33. *TemplateLab* (November 10, 2015). "National Security and the Accelerating Risks of Climate Change ▷ *TemplateLab*" (<https://templatelab.com/cna-mab-2014-report/>). *TemplateLab*. Retrieved July 7, 2022.
34. "Once A Clinton Nemesis During Whitewater, Now A Clinton Supporter" (<https://www.npr.org/2016/10/06/496749561/once-clintons-prosecutor-during-whitewater-now-a-clinton-supporter>). *NPR*. October 6, 2016. Retrieved October 6, 2016.

External links

- [Michael Chertoff \(https://www.fjc.gov/node/1391851\)](https://www.fjc.gov/node/1391851) at the *Biographical Directory of Federal Judges*, a public domain publication of the [Federal Judicial Center](#).
 - [Appearances \(https://www.c-span.org/person/?40563\)](https://www.c-span.org/person/?40563) on [C-SPAN](#)
-

Retrieved from "https://en.wikipedia.org/w/index.php?title=Michael_Chertoff&oldid=1147843970"