



COMMITTEE ON HOMELAND SECURITY

Ranking Member Bennie G. Thompson

FOR IMMEDIATE RELEASE

Markup Statement of Ranking Member Bennie G. Thompson (D-MS)

Markup of H.R. 863: Republicans' sham impeachment

January 30, 2024

Since its formation in the wake of the 9/11 terrorist attacks, the Committee on Homeland Security has distinguished itself through serious legislative and oversight work under the leadership of both parties. Republicans' partisan rush to consider House Resolution 863 today is a betrayal of that hard-earned record. This is a terrible day for the Committee, the United States Constitution, and our great country.

Republican Members of Congress – sworn to support and defend the Constitution – are rejecting the Framers' clear intent and over two centuries of precedent in favor of a sham impeachment. Republicans have failed to make a constitutionally viable case to impeach Secretary Alejandro Mayorkas, a dedicated public servant. The sham impeachment of Secretary Mayorkas is a baseless political stunt by extreme MAGA Republicans.

Chairman Green, Rep. Marjorie Taylor Greene, and others have pushed for and even fundraised based on this pre-planned, predetermined scapegoating of the Secretary. In a process akin to throwing spaghetti at the wall and seeing what sticks, Republicans have cooked up vague, unprecedented grounds to impeach Secretary Mayorkas: "refusal to follow the law" and "breach of public trust."

Neither of the impeachment charges the Committee will consider today are a "high Crime or Misdemeanor" under Article II of the Constitution. No serious person believes they are. "Refusal to follow the law," or "maladministration," was deliberately rejected by the Framers as grounds for impeachment.

Indeed, no official in American history has ever been convicted after impeachment for "refusal to follow the law." These disputes are settled in the court system, not through impeachment. Apparently, Republicans are upset they lost in court and are trying to relitigate their cases through impeachment. The Constitution does not allow that. "Breach of public trust" requires conduct intended to serve an official's own benefit or the benefit of a foreign power. No serious person could allege that Secretary Mayorkas' actions meet the standard for breach of public trust under the Constitution.

Nevertheless, throughout this truncated impeachment process, Republicans have ignored the facts and misrepresented the law to justify their scheme. But the law is clear and so is the Secretary's record. He has leveraged the full range of authorities at his disposal while stretching the resources provided by Congress to secure the border.

He has removed record levels of migrants, detained more people than Congress has provided funding for, and prevented record levels of fentanyl from entering our communities. Constitutional law experts agree the Secretary has not committed any impeachable offense. Rather, he has faithfully implemented the administration's border policies—policies Republicans apparently disagree with. But policy differences are not impeachable.

House Republicans' impeachment of Secretary Mayorkas accomplishes nothing, which would be consistent with their abysmal record this Congress. At a hearing before the Committee this month, constitutional scholar Professor Deborah Pearlstein said: "No branch of government has more power under our Constitution to address matters of border security than Congress."

At every opportunity, Republicans have turned their backs on legislation to provide resources to the Department of Homeland Security. In doing so, they are turning their backs on border agents and officers. If House Republicans were serious about improving conditions along the border, they would provide the Department the funding necessary to do so. They have not.

If House Republicans were serious about improving conditions at the order, they would negotiate border security legislation with the White House and the Senate. They have not. Instead, they sat on their hands as a bipartisan group of Senators worked with the Biden administration to hammer out a deal.

The extreme MAGA Republicans who are running the House of Representatives are deeply unserious people. They don't want progress. They don't want solutions. They want a political issue. And most of all, they want to please their disgraced former President. House Republicans take their marching orders from Donald Trump, who has directed them to reject a bipartisan border bill and urged Republican governors to defy a U.S. Supreme Court order ensuring the Border Patrol can do its job.

The impeachment of Secretary Mayorkas is designed to distract the public from the fact that Republicans have ceded their power to Donald Trump. When Republicans took control of the House of Representatives, they had an opportunity to work with the White House and the Senate to move the country forward. Instead, they have been consumed by petty infighting during multiple Speaker contests, unforced crises over government shutdowns, and futile political exercises like impeachment to satisfy the extreme MAGA base. The MAGA-led impeachment of Secretary Mayorkas is a baseless sham, and the few rational Republicans left in the House know that – even if they refuse to admit it.

The American people deserve better. History will judge what Republicans are doing here today, and it won't be favorably.

This impeachment scheme is a dangerous attempt by House Republicans to distort the Constitution and the Secretary's record to cover up their inability and unwillingness work with Democrats for the betterment of our constituents.

Our service to this country demands that we be passionate in our beliefs and practical in our actions. The strength of our Nation is rooted in our commitment to democratic principles and our willingness to set partisan differences aside to protect them. There are few better examples than former Republican Secretary Michael Chertoff, who cautioned this week that impeaching Secretary Mayorkas over policy differences would damage the Constitution.

He wisely observed:

“Our nation is at its best when our leaders work together to confront the seemingly intractable. The situation at our border and our national security, demand such bipartisan collaboration.”

He went on to say: “Despite our different parties, I know Mr. Mayorkas to be fair and honest—dedicated to the safety and security of the U.S. He has represented DHS to the country and to both parties in Congress with integrity.”

That is the kind of bipartisanship we need to solve our border challenges. In fact, it appears our colleagues in the Senate are on the verge of reaching a bipartisan border deal. It is not too late to work with them to get that bill signed into law.

I urge my colleagues to honor their oaths to the Constitution and drop this sham impeachment. And to give my colleagues a chance to re-think this political stunt.

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Media contact: Adam Comis at 202-225-9978