



Written by [Dale Wilcox](#) on June 26, 2023

Mayorkas' Dereliction of Duty Is Not a Policy Disagreement

Department of Homeland Security (DHS) Secretary Alejandro Mayorkas is facing the prospect of becoming just the second Cabinet member in American history to ever be impeached, leaving his defenders grasping at straws in their attempts to defend his actions that have dismantled border security.

The House Homeland Security Committee [launched](#) an investigation earlier this month into Mayorkas' dereliction of duty at the border, a step that could ultimately lead to his impeachment. The specter of impeachment has loomed over Mayorkas since late last year when now-Speaker of the House Kevin McCarthy [threatened to open](#) an impeachment inquiry if the secretary did not change course at the border. Mayorkas has [claimed that](#) impeachment threats are a result of policy disagreements between himself and members of Congress, a claim echoed by his allies in the House. Mayorkas and his defenders are wrong.



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Since taking office, the Biden administration [has facilitated](#) the arrival of more than five million illegal aliens into the United States, at a cost of more than \$150 billion a year to taxpayers, [according to](#) a study from the Federation for American Immigration Reform. That does not include an estimated 1.8 million additional "gotaways." DHS under Mayorkas' leadership has invited an invasion at our southern border in direct violation of the U.S. Constitution, which [requires](#) the federal government to protect each state from invasion.

Border states including Texas and Arizona have been invaded by millions of illegal aliens over the past two years, putting a strain on their social services, schools, and hospitals. The Biden administration has a constitutional obligation to protect these states from the invasion and the consequences it brings, but instead has actively worked to justify and facilitate said invasion. If that is not a dereliction of the federal government's constitutional duties, then it's hard to imagine what is.

The notion that Mayorkas' troubles stem from simple policy disagreements instead of his attacks on the rule of law was effectively dismantled by Representative Dan Bishop (R-N.C.) during a recent House Homeland Security Committee hearing.

"This is not a case of negligence," Bishop said. "Intentional sabotage of the rule of law is something entirely different.... It invites another remedy, and that is impeachment."



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It is true that Mayorkas has enacted bad policies and that he has also acted negligently, but neither one of those on their own justify impeachment. Rather, it is Mayorkas' brazen and clear violations of the constitution and other established federal [immigration law](#) that make his impeachment not only justified, but necessary. Mayorkas' disregard for the rule of law is clear, and the consequences of his actions have put the safety and security of our country at risk.

Among the more than five million illegal aliens that have crossed the southern border since the Biden [took office](#) include a record number of individuals on terror watch lists. The actions and inaction of this administration have [empowered](#) the cartels to traffic record amounts of deadly fentanyl through our border, costing thousands of American lives, and endangering millions more. The neglected border has also allowed the cartels to escalate their human trafficking operations, subjecting untold numbers of women and children to kidnapping and sexual assault.

A record number of migrants [were killed](#) attempting to come to the United States last year, and many more became victims of human and drug trafficking. The deaths and hardship these migrants have experienced can be directly traced to Mayorkas, and his consistent encouragement of illegal immigration. Inviting foreign nationals to risk their lives on the harrowing journey through Central America to the United States for ideological and political purposes is not compassionate. It's cynical and cruel. Mayorkas' refusal to uphold his constitutional oath has led to unprecedented death and human suffering at our border and throughout our country.

Border security is not a policy dispute, but a constitutional duty that our leaders are required to fulfill. No leader in American history has ever disregarded this duty as flagrantly as Mayorkas. For that, he must be impeached.

Dale L. Wilcox is executive director and general counsel for the [Immigration Reform Law Institute](#), a public interest law firm working to defend the rights and interests of the American people from the negative effects of mass migration.



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