



Written by [R. Cort Kirkwood](#) on February 7, 2024

GOP Blows It Again With Failed Mayorkas Impeachment

Once again, Republicans who lost their nerve gave Democrats a major victory.

The U.S. House failed to pass a resolution yesterday to impeach a rogue Cuban immigrant who somehow attained a Cabinet post and is systematically violating U.S. immigration law.

Homeland Security Secretary Alejandro Mayorkas, at least for now, is off the hook. He can thank three Republicans: Ken Buck of Colorado, Mike Gallagher of Wisconsin, and Tom McClintock of California.



AP Images
Alejandro Mayorkas

The Resolution

Though opponents like Buck claimed that the impeachment resolution was improper because it was based on policy differences with Mayorkas and his boss, President Joe Biden, the measure clearly stated that Mayorkas has refused to comply with black-letter immigration law.

“Throughout his tenure as Secretary of Homeland Security, Alejandro N. Mayorkas has repeatedly violated laws enacted by Congress regarding immigration and border security,” the [resolution said](#). That refusal to comply with the law has led millions of illegal aliens to cross the border, and those whom the Border Patrol encounters are promptly released ... on Mayorkas’ orders.

Among other things, the resolution said, Mayorkas “willfully refused to comply with the detention mandate set forth” in the Immigration and Nationality Act, which requires that immigration authorities detain all illegal aliens “not clearly and beyond a doubt entitled to be admitted.”

Instead, “Mayorkas implemented a catch and release scheme, whereby such aliens are unlawfully released, even without effective mechanisms to ensure appearances before the immigration courts for removal proceedings or to ensure removal in the case of aliens ordered removed.”

He did the same thing with asylum applicants. Instead of detaining them for “further consideration of the application for asylum,” he “unlawfully released” them “without effective mechanisms to ensure appearances before the immigration courts for removal proceedings or to ensure removal in the case of aliens ordered removed.”

He even released illegals placed in expedited removal proceedings without, again, the means to ensure those illegals show up for court proceedings. And he refused to arrest and detain inadmissible and deportable criminal illegals.

Mayorkas also unilaterally rewrote immigration statutes with his “Guidelines for the Enforcement of Civil Immigration Laws” to stop the deportation of illegals simply because they were in the country illegally. He ordered his underlings not to deport criminal illegals on the grounds of a conviction.

The [resolution cited](#) a federal court decision that said Mayorkas created “a general policy that is so extreme as to amount to an abdication of ... statutory responsibilities.” That policy, a “replacement of



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Congress's statutory mandates with concerns of equity and race," the court rules, "is extralegal ... [and] plainly outside the bounds of the power conferred by the INA."

The resolution said Mayorkas illegally paroled illegals, and "created, re-opened, or expanded a series of categorical parole programs never authorized by Congress."

The resolution also charged Mayorkas with repeatedly lying to Congress.

Still, No Impeachment

But that wasn't enough for Buck, chairman of the GOP's Mayorkas Defense Committee.

The day before the vote, writing in *The Hill*, Buck became [F. Lee Bailey](#) to Mayorkas' [Sam Sheppard](#). Buck said he would vote against the impeachment of the [unindicted visa fraudster](#) for the same reason he voted against the impeachment of Donald Trump.

"To be clear, Secretary Mayorkas has completely failed at his job," [Buck wrote](#). "He is incompetent. He is an embarrassment. And he will most likely be remembered as the worst secretary of Homeland Security in the history of the United States."

Continued Buck:

However, the Constitution is clear that impeachment is reserved for "Treason, Bribery, or other high Crimes and Misdemeanors." Maladministration or incompetence does not rise to what our founders considered an impeachable offense.

Partisan impeachments that do not meet the constitutional standard will boomerang back and hurt Republicans in the future. I can envision a future Republican administration where a Democrat-led House uses this precedent to act against a Republican Cabinet member who isn't discharging their duties in a way that Democrats desire.

Except that Mayorkas is not "incompetent." He knew and knows exactly what he did and what he's doing: refusing to enforce the immigration laws. [Bringing in and harboring illegals](#) is a federal crime. And the penalty for it is 20 years in federal prison if the illegal harms or murders someone. One of Mayorkas' released illegals [raped and murdered](#) 20-year-old Kayla Hamilton.

[McClintock argued](#) likewise in a memorandum to House Republicans before the vote. It began poetically with an epigram from *A Man For All Seasons*.

The articles of impeachment, McClintock said, "fail to identify an impeachable crime," and "stretch and distort the Constitution in order to hold the administration accountable for stretching and distorting the law."

The two men also cited legal celebrities Alan Dershowitz and Jonathan Turley, who not only opposed the Mayorkas impeachment but also the impeachment of Donald Trump.

The Vote

Thus did the vote to impeach Mayorkas fail 214-216.

Buck, Gallagher, and McClintock voted against the measure, which means the vote would have been tied 213-213. House Majority Leader Steve Scalise was absent for cancer treatment.

When it was apparent the vote would stalemate, [Blake Moore of Utah switched](#) his yea vote to nay, so Republicans can reconsider the same measure.



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House Speaker Mike Johnson said Republicans aren't finished with the renegade immigrant.

"House Republicans fully intend to bring Articles of Impeachment against Secretary Mayorkas back to the floor when we have the votes for passage," spokesman Raj Shah wrote on X.



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