

United States Senate

October 26, 2023

The Honorable Alejandro Mayorkas
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Secretary Mayorkas,

Since February 2, 2021, you have served as the Secretary of the Department of Homeland Security. As you are no doubt aware, your primary mission as Secretary is to secure the United States from threats, a task that can only be accomplished through the efforts of dedicated officers and agents who put their safety at risk on a daily basis. While there are numerous threats to our national security, few compare to the danger posed by our open southern border.

On July 26, 2023, during testimony before the United States House of Representatives Judiciary Committee, you discussed the challenges facing front-line agents and officers, noting that these heroes “perform bravely despite public attacks on their character and service; despite unfair and inadequate pay; and despite, as frontline agents repeatedly tell me, threats made against them and their families.”¹ Just this month, Border Patrol issued a safety alert to agents after El Paso Sector Intelligence discovered a text message soliciting personal information of Border Patrol agents. Not only did this solicitation seek Border Patrol agent home location information, but information pertaining to their families as well. Further, the message sickeningly relayed that this information would be used to not only torture Border Patrol agents, but this torture would be posted online.²

It is obvious that the cartels are emboldened by your failure of leadership at the border, and not without good reason. Cartels have increased their yearly human smuggling profits twenty-six-fold since 2018, going from \$500 million to \$13 billion in a few short years.³ This crisis has had massive downstream effects. Fentanyl pours across the open border while agents are occupied processing the record number of illegal aliens being smuggled to our country. Millions of illegal

¹ Press release, *Secretary Mayorkas Opening Statement, as delivered, at a House Judiciary Committee Hearing on July 26, 2023*, DEPT. OF HOMELAND SEC’Y, (Jul. 26, 2023), <https://www.dhs.gov/news/2023/07/26/secretary-mayorkas-opening-statement-house-judiciary-committee-hearing>

² Anna Giaritelli, *Border Patrol issues ‘safety alert’ over call to find and torture agents*, WASH. EXAMINER (Oct. 12, 2023), <https://www.washingtonexaminer.com/policy/defense-national-security/border-patrol-issues-safety-alert-threats-agents>

³ Miriam Jordan, *Smuggling Migrants at the Border Now a Billion-Dollar Business*, N.Y. TIMES (Jul. 25, 2022), <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>

aliens are routinely released into the interior of the country with little or no vetting, and over 1.6 million “gotaways” have infiltrated America without any interception or inspection by Border Patrol. And now, as this recent safety alert indicates, the violence against law enforcement and public officials that has long plagued Mexico now appear to be gaining a foothold in the United States.

I ask that you respond to the following questions by November 15, 2023:

1. You stated in testimony before the House Judiciary Committee that agents routinely tell you that they frequently face threats. Please provide a list of all arrests DHS has made related to threats against agents for FY 2022 through FY 2023, as well as all referrals related to such threats that DHS has made to other federal law enforcement agencies or state and/or local agencies for this same period.
2. What resources are available to Border Patrol agents who believe either they or their family members are at risk of violence from criminals or cartels?
3. How does the Department of Homeland Security intend to collaborate with other law enforcement agencies, including international partners, to address the potential involvement of organized crime groups—such as international cartels—in the targeting of American law enforcement?
4. How do you plan to adjust your approach to border security in light of the reality that emboldened cartels have exploited our undefended border to send cartel members to America?

You led the Department of Homeland Security for the past thirty-two months, and this crisis and all that flows from it is your responsibility. If you cannot protect the Agents tasked with safeguarding the American people, you should resign.

I await your response.

Sincerely,



Ted Cruz
Ranking Member, Subcommittee on the Constitution
U.S. Senate Committee on the Judiciary