

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H. RES. 863
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Page 2, line 2, strike “In his” and all that follows through page 20, line 11, and insert the following:

1 In 1788, Alexander Hamilton wrote: “In many cases
2 [impeachment] will connect itself with the pre-existing fac-
3 tions, and will enlist all their animosities, partialities, in-
4 fluence, and interest on one side or on the other; and in
5 such cases there will always be the greatest danger that
6 the decision will be regulated more by the comparative
7 strength of parties, than by the real demonstrations of in-
8 nocence or guilt.”. And in that comment in the Federalist
9 No. 65, Hamilton underscored the need for due process
10 for impeachment proceedings to be viewed as something
11 other than a baseless, political stunt.

12 In conducting its purported impeachment pro-
13 ceedings, however, the Committee on Homeland Security
14 did not afford Secretary Mayorkas standard due process
15 rights commonly granted to the accused. For example, the
16 Committee did not permit Secretary Mayorkas to present
17 witnesses or cross-examine witnesses, such as was the pro-
18 cedure for the impeachment of Secretary William W.

1 Belknap in 1876—the first and only precedent for the im-
2 peachment of a Cabinet secretary.

3 Further, due to the lack of a resolution authorizing
4 the inquiry adopted by the full House of Representatives,
5 there was no role for Secretary Mayorkas’s counsel to rep-
6 resent him before the Committee, which was a right af-
7 farded former President Donald J. Trump in his first im-
8 peachment. Indeed, in an exchange of letters with the
9 ranking minority member of the Committee on January
10 26, 2024, Chairman Mark E. Green appeared to mistake
11 the motion to refer this resolution to the Committee on
12 Homeland Security with an authorizing resolution that
13 would have afforded Secretary Mayorkas with the stand-
14 ard due process rights afforded the accused in other im-
15 peachment proceedings.

16 Notwithstanding the lack of procedural or substantive
17 due process rights afforded other subjects of impeachment
18 inquiries, Secretary Mayorkas did agree to testify before
19 the Committee on Homeland Security in a January 11,
20 2024, letter to Chairman Green. Through inaction to
21 schedule an amenable time for such testimony, the Com-
22 mittee on Homeland Security denied Secretary Mayorkas
23 the opportunity to testify.

24 The lack of adherence to precedent and the denial
25 of due process imply that the Committee on Homeland Se-

1 curity has, in the case of Secretary Mayorkas, engaged
2 in precisely the same kind of political stunt Hamilton
3 warned would offer no “real demonstrations of innocence
4 or guilt”.

