

THE ECONOMIC CLUB

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Signature Event

The Honorable Alejandro N. Mayorkas

Speaker

The Honorable Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security

Moderator

David M. Rubenstein
Chairman
The Economic Club of Washington, D.C.

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DAVID RUBENSTEIN: So why don't we dig right into it? Why did you want to leave a very prosperous law firm job to be the secretary of Homeland Security? Hae you ever had any second thoughts about that job? [Laughter.]

SECRETARY ALEJANDRO N. MAYORKAS: No second thoughts. What a privilege it is to leave a place one loves to be able to go to a place one loves. Now, the way I bridge the two worlds is by borrowing and stealing talent. So Jamie Gorelick is the chair – co-chair of our Homeland Security Advisory Council in the Department of Homeland Security. And the jewel thief that I am, I just stole Matthew Ferraro from the law firm to join us and be a senior counselor on matters of technology.

MR. RUBENSTEIN: OK. Well, let me talk about the elephant in the room, because you were the second secretary in the history of our country to be impeached. What was it like living through that impeachment process? And is it finally over now?

SEC. MAYORKAS: To the best of my knowledge, it's over. [Laughter.] So, you know, quite frankly, I have said publicly a number of times that I did not allow it to distract me. That was actually sincere. I focused intensely on my work throughout, on a – on a – in a week where it was an issue of greater prominence in the life of the department, I might have spent 20 minutes on it. I really just focused on my work. It had its impact on loved ones.

MR. RUBENSTEIN: So, it's behind us now. That, as Will Rogers once said, I'm paraphrasing him, the country's never safe as long as the House is in session, right. So you never know. But it may never come back, right?

SEC. MAYORKAS: One would hope not.

MR. RUBENSTEIN: OK. So, let's talk about the border. It appears that there are a lot of people coming in over the border. This is obviously one of the subjects of – that people wanted to impeach you – some people wanted to impeach you over. Is it really that we're getting more people coming in over the border illegally? Or is it just the appearance of that?

SEC. MAYORKAS: Oh, no, no. The number of encounters at the southern border is very high. But it's very, very important, number one, to contextualize it, and, number two, to explain it. From a context perspective, the world is seeing the greatest level of displacement since at least World War II. I think there – the recent report was that there are 73 million displaced people in the United States. And so, the challenge of migration is not exclusive to the southern border, nor to the Western Hemisphere. It is global. And when I speak to partners across the Atlantic, it's the first issue that they raise, the first challenge that they discuss.

MR. RUBENSTEIN: Well, what is the reason for that?

SEC. MAYORKAS: So, well, one has the customary reasons of displacement – violence, insecurity, poverty, corruption, authoritarian regimes, now increasingly extreme weather events that propel people to leave. Why are we experiencing what we are? It is for those very reasons why people leave their countries of origin. We also – remember, in our hemisphere, we

overcame COVID more rapidly than any other country. We had in a post-COVID world 11 million jobs to fill. We are a country of, you know, choice as a destination.

And one takes those two forces. And then one considers the fact that we have an immigration system that is broken, fundamentally. And we have a level of encounter that we do. And when we speak of a broken system, let me just capture that as succinctly as I can. The average time between encounter and the point of final adjudication of an asylum claim is seven-plus years. Approximately 70 percent of the people who meet an initial threshold for asylum – the credible fear standard – about 70 percent qualify. And so, they stay for seven-plus years. And the ultimate adjudication, about 20 percent qualify. That's quite a disparity. But people in the meantime leave, or are able to stay, sometimes have children – U.S. citizen children, attend our schools, attend our places of worship, integrate in the community.

MR. RUBENSTEIN: All right, I understand, but why wouldn't somebody who's coming in illegally always say they're seeking political asylum? Because based on what you just said, they're likely to be here for seven years. Why not just say, I'm not smuggling drugs. I'm just a political asylum seeker. Why doesn't everybody do that?

SEC. MAYORKAS: Well, the drugs – let's separate drug smuggling from migration, David. The fact of the matter is that we have an extraordinary number of people claiming asylum and a greatly reduced number of people qualifying for it. The reality is that people do claim asylum when, in fact, they are fleeing poverty, generalized violence. And that does not an asylum case make. But the initial threshold for an asylum case is low, and purposely low. And one of the things that the bipartisan legislation would have done is would have raised the bar.

MR. RUBENSTEIN: All right, so in our country if somebody seeks political asylum, and they legitimately need political asylum, is it our law that they automatically get it if they have legitimate means? There's no quotas or anything on how many people we can accept for political asylum?

SEC. MAYORKAS: There is no quota on the asylum population. And one just has to persuade a judge.

MR. RUBENSTEIN: But you've been homeland security secretary under President Biden from the beginning of administration. So how many people would you say since that time have come in over the border, the southern border, let's say, illegally – seeking asylum, they're bringing drugs, or whatever they're doing?

SEC. MAYORKAS: I do want to differentiate, because we're in a political environment that demonizes individuals encountered at the border. And there is a vulnerability to painting with a broad-brush people who are fleeing and coming to the United States. And so, I want to separate – and I will be incessant in this – separate drug smugglers from individuals seeking asylum or, even if they don't have a basis to remain in the United States, seeking a better life. And so, the number of encounters have been very well published. This past year – this past month we had about 134,000 encounters –

MR. RUBENSTEIN: This past month, but let's say since the beginning of the administration. Is it millions of people?

SEC. MAYORKAS: It's several million people.

MR. RUBENSTEIN: The perception is by, I guess, some Republicans in the House side, perhaps many others, that more people have been coming in under President Biden than under President Trump. Is that true or not?

SEC. MAYORKAS: That is – that is true. Now, in 2019 there was almost 100 percent increase in the number of encounters at the southern border over 2018. The situation in the hemisphere was propelling people to leave their country. 2020 was a period of tremendously suppressed migration throughout the hemisphere and around the world because of the COVID-19 pandemic.

MR. RUBENSTEIN: Right, when people are coming over the border illegally, the southern border, what percentage of them are really drug smugglers?

SEC. MAYORKAS: The majority of fentanyl, over 90 percent of the fentanyl smuggled into this country, is smuggled in passenger vehicles and commercial trucks traveling through our ports of entry.

MR. RUBENSTEIN: So, it's not people carrying it on their body.

SEC. MAYORKAS: It is not people carrying it on their body.

MR. RUBENSTEIN: What about people who are hired, who want to get a better life – they hire people for money to get them across the border. Is that a big problem as well?

SEC. MAYORKAS: So, let me let me go back and make one other point about the ports of entry. The majority of people arrested seeking to smuggle fentanyl into the country through commercial trucks and passenger vehicles are United States citizens.

MR. RUBENSTEIN: What do you do with them?

SEC. MAYORKAS: Well, they're arrested for drug smuggling. And under Title 21 of the United States Code, they're prosecuted.

So, with respect to your question about, you know, people coming across the border, what we need – what we need, fundamentally, is a reformed system – a legislatively reformed system. We are in 2024. The world has changed. Our immigration system was last changed in 1996. We're in a different world now.

MR. RUBENSTEIN: Well, there was legislation that was developed, I think, in the Senate – bipartisan legislation. And it got stalled, let's say, in the House. Would that have solved our problem, had it passed?

SEC. MAYORKAS: It would have been a transformative change in managing the number of people we encounter.

MR. RUBENSTEIN: Well, what was the main thing that would have been in that law that we don't have now that you would have liked to have?

SEC. MAYORKAS: So, we would have taken a seven-plus year time period, between the time of encounter and final adjudication, and reduced it to as little as 90 days. And that changes an intending migrant's risk calculus. Because if they know that they can stay for multiple years and work and make more money than they can – and safely so – than in their country of origin, they will decide to make that journey. If they understand that they have to pay their life savings to a smuggling organization only to stay for a matter of weeks, that is a very different risk calculus.

And one of your prior questions was, do they pay people to assist them? The world of migration has changed dramatically over the last even 15 years. We're not dealing with the coyotes¹ that I dealt with as a federal prosecutor where they smuggled two, three people at a time. We're dealing with extraordinarily sophisticated smuggling organizations in a multibillion-dollar industry that is also international.

MR. RUBENSTEIN: But that industry, is it one designed to bring drugs into the United States or designed to get people to come into the United States, for which they get a fee?

SEC. MAYORKAS: It is the latter. But what we are seeing, and it should be unsurprising to everyone, that we're seeing – a not quite a merger – I would say a synthesis of transnational criminal organizations and the smuggling organizations. There's so much money to be made.

MR. RUBENSTEIN: And fentanyl is coming from China, is that true?

SEC. MAYORKAS: Well, China is a primary source of precursor chemicals and the equipment used to manufacture fentanyl.

MR. RUBENSTEIN: How does it get over from China to, let's say, Mexico?

MR. RUBENSTEIN: It is shipped to Mexico. And it also comes domestically to the United States and follows various transit routes. And which is why I engaged with my counterpart from the People's Republic of China to address this fact.

MR. RUBENSTEIN: The people who are now coming over, are we separating families? Like, with, under the Trump administration was a lot of controversy. Children were being separated from parents. Is that happening now, or not happening?

SEC. MAYORKAS: No. That was a deliberate practice to deter families from reaching the southern border, was the separation of them. That was condemned across the board. Cruelty is not something that is an instrument of a value-based country. And we eliminated that practice. It actually was eliminated, in all fairness, towards the end of the Trump administration. We

¹ A coyote is a person who smuggles immigrants across the Mexico–United States border.

issued a policy preventing it. And we actually – the president created a Family Reunification Task Force, that I chair, that is actually reuniting separated families.

MR. RUBENSTEIN: OK. So President Trump campaigned, when he first campaigned for president, on creating a wall. And I guess some part of the wall was built. But would not a wall have helped somewhat, if we had a big wall? Would that not block people from coming? Even though people like to make fun of the wall, and it's expensive, would it not have had some impact on reducing illegal immigration?

SEC. MAYORKAS: So, look, in the 21st century I wouldn't necessarily propose cementing bollards on the ground and constructing an immovable wall, given the dynamism and, you know, the rapid change in migratory patterns. But I just have to quote Secretary Napolitano, "You build a 20-foot wall, they'll build a 21-foot ladder." And we see breaches of the wall all the time. We're seeing the corrosion and collapse of the wall in other places. But people breach physical barriers. It requires a much more comprehensive approach.

MR. RUBENSTEIN: All right. So why wouldn't people come over the northern border? In other words, somehow come out – nobody seems to be monitoring the Canadian border that much, I guess. So, isn't it easier to come into the country illegally through Canada?

SEC. MAYORKAS: We monitor the northern border of the United States. [Laughter.] U.S. Customs and Border Protection. Some of the terrain is very difficult to traverse. We have a different legal structure with Canada. We have a Safe Third Country Agreement with Canada. And the reality – and Canada also has different approaches to migration into their country than do some of the countries in Latin America.

MR. RUBENSTEIN: So, if you wanted to come into this country illegally – let's suppose you were – you wanted to come in –

SEC. MAYORKAS: Let's say, if one wanted to come in.

MR. RUBENSTEIN: If one wanted to – [laughter] – what would you recommend to that one person that they do about the best way to get into this country illegally?

SEC. MAYORKAS: I would – I would caution them and encourage them to apply for a visa. And if, in fact, they seek humanitarian relief to actually avail themselves of the lawful pathways that we have established, so that they don't risk their lives in the hands of smugglers. [Applause.]

MR. RUBENSTEIN: All right. What percentage of people die trying to get in this country? They're shot by somebody or something else?

SEC. MAYORKAS: I don't – I don't know, David, a percentage. But I will share with you, having spoken to families who crossed the Darien,² the area between Colombia and Panama, the suffering and the trauma is extraordinary.

MR. RUBENSTEIN: So, what is the country that is sending the most people illegally over the southern border? Is it Mexico, Colombia, Venezuela? Where are they mostly coming from?

SEC. MAYORKAS: It varies. It varies from time to time. I would just say that the population right now – demographically, the population of individuals whom we are encountering at the southern border in between the ports of entry, predominantly right now Mexican.

MR. RUBENSTEIN: Mexican. OK. So, let's suppose the legislation that didn't pass, maybe eventually it'll pass. But until then, can you not administratively do things that was in the legislation? Or are you already doing those things?

SEC. MAYORKAS: Well, the legislation did a number of things. The two pillars were it gave us the legal tools, statutory tools, to vastly accelerate the adjudication of claims for humanitarian relief. And that means we could remove people more quickly who do not qualify. And, quite frankly, we could give protection with finality to people who do much more rapidly. And it resourced us. It resourced us to effect that dramatic change. We were talking about a piece of legislation that would equip us with 4,300 more asylum officers, more immigration judges, just plus up the entire system in a way that we now just don't have.

MR. RUBENSTEIN: OK. Let me ask you a few other questions related to this. So right now, the Department of Homeland Security was created after 9/11. Do you feel we are much safer today than we were before 9/11, because of the department?

SEC. MAYORKAS: I do. Much more. And much –

MR. RUBENSTEIN: Could a 9/11 event occur again? Or –

SEC. MAYORKAS: You know, it is our job – and not just the Department of Homeland Security, but the federal government in partnership with state and local, tribal, territorial law enforcement, and the American citizenry – to be vigilant. Because the threat landscape – as Director Wray of the FBI is accurately communicating publicly, we're in a heightened threat environment.

MR. RUBENSTEIN: So, a number of people, I think, from Homeland Security and/or the CIA or NSA have gone to Capitol Hill and said that TikTok is a danger to our national security. But the public hasn't been given that much detailed information about what the threat is. How much of a threat to our national security is TikTok?

SEC. MAYORKAS: The People's Republic of China acts adversely to the interests of the United States in different ways. One of those ways is through the dissemination of

² The Darién Gap is a geographic region that connects the American continents, stretching across southern Panama's Darién Province and the northern portion of Colombia's Chocó Department.

disinformation, the intentional communication of false statements. And TikTok is an extraordinary avenue through which to disseminate disinformation to millions and millions of people.

MR. RUBENSTEIN: But newspapers can disseminate this information. Why is it if it's over social media it's got to be banned? If a newspaper says the kind of same thing, is that – as over TikTok – it wouldn't be banned because of the First Amendment. Why is the First Amendment not protecting the TikTok social media devices?

SEC. MAYORKAS: Well, it's not, to me, an issue of the First Amendment. It's an issue of security. We're talking about a company and an algorithm that is controlled by a foreign state that acts adversely to the interests of the United States. And we have an obligation to protect Americans.

MR. RUBENSTEIN: OK, but the presumption is that people aren't smart enough to know that it's disinformation and they can't make the decision for themselves, is that right?

SEC. MAYORKAS: Well, we're talking about many, many young people that access TikTok. I would posit that in this country we don't have the level of digital literacy that I think we would all want. We're all vulnerable to disinformation. And the reality is that we have an obligation to safeguard against it. We're talking about the intentional dissemination of false information.

MR. RUBENSTEIN: OK, I should disclose that my firm is an investor in ByteDance,³ so I'm not personally an investor but my firm did invest in it. So let me go on to another subject then. OK. So, what is –

SEC. MAYORKAS: You know, my answers would have stayed the same had I known that at the outset. [Laughter.]

MR. RUBENSTEIN: OK. I didn't think you were going to change. But do you have children who ever watch TikTok, or you tell them not to do that?

SEC. MAYORKAS: You know, the one maximum from law school that I remember very clearly – I don't think our older daughter looks at TikTok, our younger daughter does – the law abhors a useless act. That is a maxim I remember. And so if I admonished our 19-year-old daughter to not access TikTok, I'm not sure I would succeed. [Laughter.]

MR. RUBENSTEIN: OK. You ever watch TikTok yourself?

SEC. MAYORKAS: She is a digitally – no, I do not. She is a digitally literate consumer of information.

MR. RUBENSTEIN: OK. What is the biggest security threat to the United States right now, in your view?

³ ByteDance Ltd. is a Chinese internet technology company headquartered in Haidian, Beijing, and incorporated in the Cayman Islands. ByteDance developed TikTok.

SEC. MAYORKAS: So I would – in the terrorism context – I would say the threat of foreign terrorism has reemerged with a greater level of significance, and the threat of domestic violent extremist – individuals or loose affiliations of individuals – who are radicalized to violence because of ideologies of hate, which are only increasing – especially after the October 7 terrorist attacks against Israel. Antigovernment sentiments, false narratives, other narratives propagated on –

MR. RUBENSTEIN: But you feel better about our homeland security today than you did 10 years ago, or 20 years ago? You think –

SEC. MAYORKAS: I do. I think the department and the homeland security enterprise writ large has matured and advanced tremendously.

MR. RUBENSTEIN: And today who are the best at cyberterrorism? Is it China, North Korea? Who do you think has the greatest capabilities of doing damage to our country in terms of foreign countries, through cyber?

SEC. MAYORKAS: I would say there are four – China, Russia, Iran, and North Korea.

MR. RUBENSTEIN: OK. And in our country, you can go – if you're really good at cyber or something like that, you can go work for a venture firm, make lots of money, and so forth. If you go work in the U.S. government, you're not going to get paid as much. So is the U.S. government able to get really top-flight cyber people who can compete with the people from overseas? Or do we not have the best people in our government working on these problems, because we can't pay them enough?

SEC. MAYORKAS: We have the best people in the government. And there are the best people in the private sector as well. You raise an issue where we had a debate internally. To draw, to attract the best cyber talent should we increase the salaries of those individuals to be able to better compete? We, of course, cannot close the divide, but we could shrink it somewhat.

MR. RUBENSTEIN: And how did that come out?

SEC. MAYORKAS: And so, I lost this debate, because we did increase the salaries. And my position is, very difficult for me to stand in front of a group of border patrol agents that risk their lives every day, risk their lives every day, and say, I've got to pay cyber talent – I got to kick up their salary a little bit to come to work for the United States of America. Because I will tell you, the compensation in public service is different than a material compensation. There's a sense of fulfillment and there is a commitment to service. And if one does not feel that that is enough, then one should choose otherwise. So, I disagreed with the plus-up.

MR. RUBENSTEIN: So, it didn't get done?

SEC. MAYORKAS: Oh, no, it got done.

MR. RUBENSTEIN: It got done.

SEC. MAYORKAS: Yeah.

MR. RUBENSTEIN: So now we're paying people 5 percent more?

SEC. MAYORKAS: We're paying people a little bit more. And we – look, in AI talent – we have an AI recruiting effort underway. And I've hit the road in recruiting, you know, data scientists, and the like. And I don't talk to them about the salary. I talk to them about what it means.

MR. RUBENSTEIN: OK. Are you using AI now already to kind of help?

SEC. MAYORKAS: We are. We are. And our department is leading in the use of AI.

MR. RUBENSTEIN: Can you give us any examples, without violating national security, about how AI is helping?

SEC. MAYORKAS: So, let me – let me – let me share with you one example of how it has demonstrated its capacity for good, as well as otherwise. And then I'll share with you a couple pilots that we have going on.

We fight online child sexual exploitation and abuse. Eighty million images disseminated worldwide last year. I don't think people understand the extent of the problem. We used AI to take a photograph of a young girl who disappeared at the age of about seven. And we used AI to extrapolate what that young girl would look like now, 10 years later. 10 years later. Our ability to make that extrapolation using AI was so effective that our law enforcement officers were able to identify that 17-year-old, find her, and rescue her. [Applause.] Remarkable.

MR. RUBENSTEIN: Wow.

SEC. MAYORKAS: Let me – let me flip it. Let me flip it. We then see AI being used to generate an image of a child that doesn't exist or a child that does exist and depict that child – real or artificial – depict that child being sexually exploited. And it causes our law enforcement officers to devote resources on a decoy or errant mission. And so its potential for good and its potential for harm are real.

MR. RUBENSTEIN: So, can you tell what I'll look like in five or 10 years? [Laughter.]

SEC. MAYORKAS: You will not have changed one bit.

MR. RUBENSTEIN: Really? Wow. [Laughter, applause.] I like that artificial intelligence, right?

So, let's talk about your background. You don't come to the Cabinet with the conventional background of many people who have this position. So where were you born?

SEC. MAYORKAS: I was born in Havana, Cuba.

MR. RUBENSTEIN: Really? And what age did you leave?

SEC. MAYORKAS: My parents brought my sister and me here to the United States as political refugees when I was about one.

MR. RUBENSTEIN: And did they come in legally or illegally?

SEC. MAYORKAS: They came in legally. My father was a bit prescient, although he – we didn't leave early, but we left early enough.

MR. RUBENSTEIN: So, there isn't that big a Cuban – or, wasn't that big a Cuban Jewish community. But your mother and father were both Jewish. Your father was Sephardic.

SEC. MAYORKAS: Yes.

MR. RUBENSTEIN: And his ancestors came from?

SEC. MAYORKAS: His father was from Turkey, his mother from Poland.

MR. RUBENSTEIN: And your mother was Ashkenazi Jewish?

SEC. MAYORKAS: My mother fled Romania to France, France to Cuba, late. Her father lost eight brothers and other family in the concentration camps. They left so late they couldn't get to Israel. And our policies at that time were not as welcoming as one would have hoped, at a time of great human distress.

MR. RUBENSTEIN: OK. So, they came to United States legally. Where did they come?

SEC. MAYORKAS: So, we arrived in Miami. And we lived in Miami until my father found a better work opportunity in Los Angeles, California.

MR. RUBENSTEIN: You grew up in Los Angeles?

SEC. MAYORKAS: I grew up for most of my life in Los Angeles.

MR. RUBENSTEIN: OK. And do you speak Spanish fluently?

SEC. MAYORKAS: I speak it. My grammar is not something that I take great pride in.
[Laughter.]

MR. RUBENSTEIN: OK. So where did you go to high school?

SEC. MAYORKAS: I went to Beverly Hills High School.

MR. RUBENSTEIN: Beverly Hills High School? With a lot of movie stars' kids and things like that?

SEC. MAYORKAS: You know, it's interesting that you – would you consider Jack Abramoff a movie star? No? [Laughter.] I don't remember any movie stars. You know, when you hear – probably when everyone hears Beverly Hills High School, they think you know, of the Clampett family. [Laughter.] There were four elementary schools that fed into the high school. Two were – tended to be of a more affluent community. And the other two were, quite frankly, modest. I grew up in a lower middle class to middle class home, never wanting for anything, an incredibly close family.

MR. RUBENSTEIN: Do you have siblings?

SEC. MAYORKAS: I have three siblings.

MR. RUBENSTEIN: And they're all alive?

SEC. MAYORKAS: They're all alive in Los Angeles, California.

MR. RUBENSTEIN: And are they interested in homeland security, or not so much? [Laughter.]

SEC. MAYORKAS: They are probably recent devotees. [Laughter.]

MR. RUBENSTEIN: OK. So where did you go to – where did you go to college?

SEC. MAYORKAS: I went to University of California at Berkeley.

MR. RUBENSTEIN: OK. That's a pretty good school. So how did you do there?

SEC. MAYORKAS: I did pretty well.

MR. RUBENSTEIN: And did you say, I want to be a Homeland Security secretary someday? [Laughter.]

SEC. MAYORKAS: I don't think I've had that level of hubris anytime in my life.

MR. RUBENSTEIN: OK. So, you graduate from there. Then you went to law school in Los Angeles?

SEC. MAYORKAS: Loyola Law School.

MR. RUBENSTEIN: Loyola is a Catholic school. You're Jewish. So, they have a lot of people who are Jewish there, I presume, right?

SEC. MAYORKAS: It was a mixed student body.

MR. RUBENSTEIN: OK. All right. So, you graduated from law school. And what did you do?

SEC. MAYORKAS: I went into a law firm. I wanted to go into public service. This country has given my family everything. And I very much wanted to give back. I wanted to go into public service, and I had my eyes on the United States Attorney's Office in Los Angeles. They required three years of experience. And so, I gained three years of experience in a private law firm, and then went into the U.S. Attorney's Office.

MR. RUBENSTEIN: OK. And you were a litigator?

SEC. MAYORKAS: I was a federal prosecutor.

MR. RUBENSTEIN: No, in the practice of law.

SEC. MAYORKAS: Oh, a litigator, yeah.

MR. RUBENSTEIN: OK. So, you went in as a federal prosecutor, and you were an assistant U.S. attorney in Los Angeles.

SEC. MAYORKAS: For eight and a half years, specializing in sophisticated fraud cases.

MR. RUBENSTEIN: Did any of your people ever get off when you took them to trial, or they were – or you convicted everybody?

SEC. MAYORKAS: One individual. We ended up resolving the case after an adverse verdict.

MR. RUBENSTEIN: Oh, OK.

SEC. MAYORKAS: In a – in a – in a case that was quasi-criminal. One doesn't suffer an adverse verdict and get a chance to retry a case in the criminal, obviously, double jeopardy. But this was a quasi-forfeiture case. In the first trial, the jury voted – for the defendant. The judge actually issued a verdict – a ruling notwithstanding the verdict. Felt that the jury had erred gravely. We took it to trial again and a different outcome.

MR. RUBENSTEIN: OK. So, you did pretty well. So, you became the U.S. attorney?

SEC. MAYORKAS: Yeah. And let me let me share something with you. When I became the U.S. attorney –

MR. RUBENSTEIN: At the age of 38.

SEC. MAYORKAS: Yes. Yeah. I think I might have been ultimately confirmed at 39. But when I was the U.S. attorney, I communicated to all of the supervisors in law enforcement that during my tenure the acquittal rate would go up. And I received a standing ovation. And I'll

share with you why. And Jamie knows this, as the former deputy attorney general. Law enforcement will never take issue with an adverse verdict if one took a tough case to trial, and one worked 100 percent and invested everything one could in reaching a just outcome. But what law enforcement will criticize is a prosecutor who's hesitant to take a tough case to trial, even though it's the – it's a just and righteous case.

And sometimes you take tough cases, and you – and the jury does the right thing. And sometimes, you know, they say when the when the play is cast in hell the actors aren't angels. We have tough witnesses. They come with their own baggage. I could tell a story that will make everybody in this room quake about an acquittal. You know, we had one case where the defendant – two defendants. One, the United States Marshals and the guards in the detention center, the warden and the United States Marshal, during trial communicated to me a deep concern if this individual was not convicted, because the guards and the marshals who have seen everything said that they – around this individual – they felt they were around the – what the warden said is Lucifer. There was something about this individual.

That case rested on a very difficult witness, who was a drug user and the like. And the jury just couldn't do it. And they just felt they couldn't rely on this one witness – not exclusively, but predominantly – in finding beyond a reasonable doubt. And that individual who was accused of stealing drugs from drug dealers and gratuitously setting one of them on fire, to their death, and chopping the other one up – gratuitously – that individual acquitted. Law enforcement, we took it to trial. I wasn't the trial lawyer, but we took it to trial. I was on that case intensely. They thanked us for doing everything that we could, just as that investigator had done everything he could.

MR. RUBENSTEIN: But the person got off?

SEC. MAYORKAS: The person got off.

MR. RUBENSTEIN: And what happened to the person?

SEC. MAYORKAS: Don't know.

MR. RUBENSTEIN: Maybe ran for Congress, or something? No. [Laughter.] No. So, did you ever convict anybody that you thought shouldn't have been convicted?

SEC. MAYORKAS: Oh my gosh, absolutely not.

MR. RUBENSTEIN: Everybody you put in jail –

SEC. MAYORKAS: Never, never. This is a matter of ethics. This is a matter of integrity. Never can one have a scintilla of doubt with respect to the guilt of the individual one's prosecuting.

MR. RUBENSTEIN: OK. All right. So, you're U.S. attorney. And then you finish that, and you go back to the practice of law?

SEC. MAYORKAS: Yes.

MR. RUBENSTEIN: You went to O'Melveny?

SEC. MAYORKAS: O'Melveny & Myers, in Los Angeles.

MR. RUBENSTEIN: OK. All right. So, you got involved – did you get involved in the campaign when Barack Obama was running for president? Were you involved in his campaign in any way?

SEC. MAYORKAS: I was.

MR. RUBENSTEIN: OK. So, you ultimately get involved in the transition with Barack Obama?

SEC. MAYORKAS: Yeah. I lead the Criminal Division of the Department of Justice transition team.

MR. RUBENSTEIN: And you took a position in the Obama administration initially. What was your position?

SEC. MAYORKAS: The position was the director of U.S. Citizenship and Immigration Services, an agency within the department that administers legal immigration.

MR. RUBENSTEIN: All right. And then after that you got promoted to be the deputy homeland security secretary under Janet Napolitano.

SEC. MAYORKAS: Yes.

MR. RUBENSTEIN: OK. And so that didn't convince you that this is a complicated area, and you shouldn't want to come back as secretary, or that – [laughter] –

SEC. MAYORKAS: I... complicated, difficult, challenging, and extraordinarily fulfilling.

MR. RUBENSTEIN: All right. So, you go back after President Obama leaves office. You go back – you join WilmerHale.

SEC. MAYORKAS: WilmerHale.

MR. RUBENSTEIN: And you're in what city?

SEC. MAYORKAS: Here, in Washington, D.C.

MR. RUBENSTEIN: OK. You're a partner there. How did you get connected to the Biden administration? Did they remember you from the Obama administration, or?

SEC. MAYORKAS: They did.

MR. RUBENSTEIN: They just called you up and said, guess what, we liked you as deputy, now you can be the secretary?

SEC. MAYORKAS: I wouldn't say it was in that way. [Laughter.] But I was extraordinarily proud to be contacted by the incoming president, the president-elect, to be considered for the secretary.

MR. RUBENSTEIN: OK. And did your family say, you're making a lot of money here, you're way up here in compensation, and you're going to go down here again? That was a factor?

SEC. MAYORKAS: No.

MR. RUBENSTEIN: They didn't care? OK.

SEC. MAYORKAS: Didn't care wouldn't be – [laughter] – it is what it is.

MR. RUBENSTEIN: OK. All right. So, what was your confirmation like? Was that unanimous, or?

SEC. MAYORKAS: Oh, I wouldn't say it was unanimous. [Laughter.] I will tell you that I was confirmed unanimously twice, until I touched immigration. I was confirmed unanimously to be the director of U.S. Citizenship and Immigration Services. And after that, I did not enjoy two easy confirmation proceedings. My confirmation as the secretary was along party lines.

MR. RUBENSTEIN: And when you do that, when you're confirmed –

SEC. MAYORKAS: Not entirely. There were a few Republicans in the United States Senate who voted to confirm me. But predominantly.

MR. RUBENSTEIN: When you did a confirmation, do you have to pay yourself for the legal services? Or getting confirmed, do you have to pay accounting fees? Or how do you get confirmed without having to spend a lot of money on legal or accounting things to fill out forms?

SEC. MAYORKAS: By filling them out oneself.

MR. RUBENSTEIN: Oh, OK. Save money that way.

SEC. MAYORKAS: Yeah. I didn't – I didn't spend any money.

MR. RUBENSTEIN: All right. So, let's talk about the Department of Homeland Security. How many people work in the Department of Homeland Security?

SEC. MAYORKAS: About 260,000. We're the third-largest department in the federal government.

MR. RUBENSTEIN: And are they working remotely?

SEC. MAYORKAS: Both, some remote and some in-person, and our frontline personnel don't have the option of working remotely.

MR. RUBENSTEIN: What are the main parts of it? I know you have certain parts that were put together out of Treasury Department, other things. What are your main divisions?

SEC. MAYORKAS: I don't think people really understand the expanse of our remit, of our mission. In the immigration area and in others, U.S. Customs and Border Protection. Why do I say "others?" Trade and travel – TSA, Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, Cybersecurity and Infrastructure Security Agency, FEMA, United States Secret Service. Those are seven – United States Coast Guard, the eighth. The expanse of our portfolio is extraordinary, from online child sexual exploitation and abuse, crimes of exploitation, human trafficking, to facilitating lawful trade and travel, to search and rescue and security in the Arctic in the Indo-Pacific, to addressing the flooding yesterday and today in Houston, Texas, where we have a number of fatalities. And the frequency and gravity of extreme weather events is only growing. The cyberattacks from China, Russia, Iran, North Korea. It's just – it's extraordinary.

MR. RUBENSTEIN: Do you ever get a weekend off? You don't have to worry about some crisis somewhere?

SEC. MAYORKAS: I take – my goal is to take half a Saturday.

MR. RUBENSTEIN: Half a Saturday? OK. And how do you stay in shape? Are you an exerciser or a worrier?

SEC. MAYORKAS: That's a – let me tell you, if worry sheds weight, I would disappear. [Laughter.] I work out.

MR. RUBENSTEIN: And so can you go to a restaurant and –

SEC. MAYORKAS: Just not as often as –

MR. RUBENSTEIN: Can you go to a restaurant in Washington without people giving you tips or something about some homeland security violation somewhere?

SEC. MAYORKAS: Do you mean can I walk into a restaurant without someone commending us for the extraordinary work we do – [laughter] –

MR. RUBENSTEIN: Does that happen a lot?

SEC. MAYORKAS: – keeping the American people safe and secure? I am approached from time to time, and other times not.

MR. RUBENSTEIN: What’s the biggest complaint you get about TSA agents? [Laughter.]

SEC. MAYORKAS: Let me – let me – let me say this. Ten years ago – 10 years ago the concern was, am I going to – 10-plus years ago – am I going to board my flight and reach my destination safely? That was the concern. Am I going to reach my destination safely? Now, the concern is how facile will my travel experience be? How long will I need to wait in line? We have moved a lot.

MR. RUBENSTEIN: OK. But sometimes people get through the TSA system, they get on the plane, and they’re drunk or they hit a flight attendant. And then I never read about they’re going to jail. They just seem to kind of go away. What are you doing about that?

SEC. MAYORKAS: David, I share – I share your perspective. I remember, as an assistant United States attorney, anyone messed around in a plane up in the air, they were prosecuted. It was a federal offense. The level of disruption in a post-COVID world is unprecedented in scope and scale. And I actually believe that the enforcement regime is not active enough.

MR. RUBENSTEIN: OK. So, you share my view.

SEC. MAYORKAS: I do.

MR. RUBENSTEIN: OK. So, if you’re – if you – if President Biden is reelected, would you continue to serve in this position?

SEC. MAYORKAS: I will tell you that I believe in the president. And I believe in his prerogative to decide who his Cabinet members are.

MR. RUBENSTEIN: All right. If the president is not reelected, and your best friend and your worst enemy approached you and they said they were offered the job, who would you recommend take it? Your best friend or your worst enemy? [Laughter.]

SEC. MAYORKAS: Absolutely, my – I don’t have enemies. I would absolutely ask my best friend to take the job. And if I had an enemy, I would consider them unqualified.

MR. RUBENSTEIN: OK. Because they’re your enemy, right? OK, so today people are worried about immigrants coming in illegally. But how many illegal immigrants do you think we have in the country now? And once somebody is in the country illegally, what percentage actually ever get sent out?

SEC. MAYORKAS: So, we have, thus far this fiscal year, removed or returned more individuals than any administration, I think, for at least 10 years. So, we’re removing and returning more people than any administration, including the immediately preceding administration. When we took office, I believe the accounting was approximately 11.4 million undocumented people in the

United States. We don't have an update to that number now, but it's been millions and millions because our system has been broken for decades.

MR. RUBENSTEIN: Now, are you responsible for overseeing domestic terrorism too, or dealing with that?

SEC. MAYORKAS: We deal with the domestic violent extremism, which is the form of domestic terrorism that we're most focused on. We deal with it. We deal with it with our partners across the federal enterprise, the FBI intensely so.

MR. RUBENSTEIN: So, on the Secret Service. Recently, I think a candidate running for president, Robert Kennedy's, father was assassinated. They didn't have Secret Service protection then. He's asked for Secret Service protection. Hasn't received it. Who makes the decision on who gets Secret Service protection when you're running for president?

SEC. MAYORKAS: I do. And what we do is we have set up a process. We have a defined criteria. And the process – the process provides for a bipartisan group of congressional leaders to make recommendations to me, after they have analyzed the factors that we have established. This is a protocol that was established prior to the Trump administration. And so, we resuscitated it. It is apolitical. It is bipartisan. And the factors are apolitical. And I have followed, in each instance, the recommendation of the bipartisan group. There has been no light between or amongst us.

MR. RUBENSTEIN: Well, when I worked in the White House, 100 years ago or so, it was – the president and the vice president got Secret Service protection.

SEC. MAYORKAS: As they do now.

MR. RUBENSTEIN: But it seems as if a lot of White House aides and other people have Secret Service protection. It seems like it's proliferated. I mean, how do you decide who gets it if you're a White House aide or not?

SEC. MAYORKAS: It is based on a threat assessment. And, very sadly, the threat environment in which we are living is more acute than it was when you – when you had the privilege – when you had the privilege of serving. Look, we are now in a world where a former government official – not, of course, the former president – but a former government official is receiving protection because of the threat landscape.

MR. RUBENSTEIN: What about baseball owners? Do they need Secret Service protection? [Laughter.] You ever thought about that?

SEC. MAYORKAS: You know, if I recall my reading of the standings, circa this morning, you are safe and secure, since you're resting in first place. [Laughter.]

MR. RUBENSTEIN: Yes. I hope so. But what happens if I go south? We'll see. OK.

SEC. MAYORKAS: We'll talk again, either before or after we talk about TikTok.

MR. RUBENSTEIN: OK. [Laughter.] So, on the whole, people who are watching this, you would like to say to them that they are safer today in the United States than they were 10 or 20 or 30 years ago, but we still have big risks?

SEC. MAYORKAS: I would say the following. I would say we are safer today than we were yesterday. The threat landscape is heightened. And everyone needs to be vigilant, because what we have observed – if one takes a look at the domestic violence that has occurred, whether it is the tragic shooting in Buffalo, New York, in the supermarket; whether it is the July 4th parade in a suburb of Chicago; whether it is Uvalde, Texas – what we have learned is that the individuals, the assailants, were exhibiting signs of radicalization to violence before they committed their heinous acts.

And when we – you know, the “See Something, Say Something” campaign that Secretary Napolitano developed, really, I think, to the general public speaks of the abandoned backpack at a – at a bus stop or in the airport. It doesn't necessarily speak to the individual who is exhibiting signs that should cause us all to worry. And so, the question is – and what we are building – is an architecture where people understand what the indicia are and know that what help they can call.

Because it's not to call the accountability regime, law enforcement, because nothing has occurred yet. But to call a trusted source – whether it is a teacher, a faith leader, a mental health practitioner – to say, look, this individual is coming to school in a hazmat suit, or this individual has withdrawn from all social interaction, and is communicating messages that speak of an interest in committing a violent act. Who do I call? What outreach do I make to prevent something from materializing?

MR. RUBENSTEIN: Now, sometimes when you see people who do these mass shootings, they go onto their social media and they say, oh, they said some crazy things two days ago or so forth. But you don't have the resource or capability to look at all the crazy things on social media to figure out who's likely to do something crazy, right?

SEC. MAYORKAS: That is correct. But if they are publishing that in a – so that others can see it, what do others do? And that's the muscle that we need to build in this country, how to – how to come to help someone and prevent something from happening. So, I would say, we're safer. The threat landscape is heightened. And everyone needs to be vigilant. Homeland Security is an all-in proposition.

MR. RUBENSTEIN: Right. Suppose a member of Congress calls you and says: I have a security problem in my district, and I'd like you to look into it. And it was a challenge. This person voted to impeach you. What would be your reaction?

SEC. MAYORKAS: The political position of an individual is irrelevant to a security analysis.

MR. RUBENSTEIN: So, it don't doesn't affect you?

SEC. MAYORKAS: Not in the – not in the least.

MR. RUBENSTEIN: You don't remember the names of the people that voted against you, I guess, right? [Laughter.]

SEC. MAYORKAS: I don't have that good a memory. [Laughter.] Let me – let me be clear, that I have some very productive relationships and good relationships with some of the people who voted to impeach me.

MR. RUBENSTEIN: But you don't hold it against them.

SEC. MAYORKAS: You know what? I don't – I'm not a person that holds things against people. I live my life, to the best of my abilities, in a way that would make me, my parents, and others proud. And then others are going to live their lives and make their decisions.

MR. RUBENSTEIN: Now, the first Homeland Security secretary was a big, burly man, former governor of Pennsylvania.⁴ You're not –

SEC. MAYORKAS: A great man.

MR. RUBENSTEIN: You're not a big, burly man. So, you're shorter, I've noticed, than me even. So, when people see you –

SEC. MAYORKAS: Very interested to see where this is going. [Laughter.]

MR. RUBENSTEIN: So, when people meet you for the first time, do they say, I thought that guy was going to be big. He's in charge of Homeland Security. But he's diminutive. Does that – [laughter] – no? That's not been a problem?

SEC. MAYORKAS: Not for me. [Laughter.] But let me – let me – let me – so I have to share a story with you. But before I do, let me – you mentioned Secretary Ridge. A great – a great American. When his portrait was unveiled at the then-headquarters, he said: This is very, very typical of Washington. First, they paint you in a corner, then they frame you, then they hang you out to dry. [Laughter.]

So, I was – as a new assistant United States attorney, I was dealing with a defense lawyer. And he had not met me. And he apparently gathered from my voice that I was tall and big. And so, when he first met me in court, at a status hearing, he actually thought I was an imposter. He did not believe I was who I was. But then when the judge called the case, he realized that I actually was Alejandro Mayorkas. He literally did not think I was who I presented myself to be. The judge had not met me before. The defense lawyer was about six foot five. And I am almost the inverse – a little taller than that. [Laughter.] And the judge looked at me, and looked at him, and said, you know, Mayorkas, you should be really happy we don't settle this case the old-fashioned way. [Laughter.]

⁴ Thomas Ridge was the first Secretary of the Department of Homeland Security (2003-2005).

MR. RUBENSTEIN: So, to be very serious, I really want to thank you for your service to the country in many different positions. I would not be as magnanimous as you if people were voting to impeach me. I probably would have their names memorized. But thank you for what you've done for the country. And thanks for being a very good sport today. OK?

SEC. MAYORKAS: Thank you for having me. [Applause.]



The Honorable Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security

Alejandro Mayorkas was sworn in as Secretary of the Department of Homeland Security by President Biden on February 2, 2021. A political refugee born in Havana, Cuba, Mayorkas is the first Latino and immigrant confirmed to serve as Secretary of Homeland Security.

During the Obama administration, he served as the Deputy Secretary of the U.S. Department of Homeland Security, where he led the development and implementation of DACA (Deferred Action for Childhood Arrivals), and as the Director of U.S Citizenship and Immigration Service.

Mayorkas began his government service in the Department of Justice. He worked as an assistant U.S. attorney in the Central District of California for nearly a decade. He then became a U.S. attorney — the youngest in the country — and tried cases involving financial fraud, public corruption, and violent crime.

Mayorkas received his bachelor's degree with distinction from the University of California at Berkeley and a law degree from Loyola Law School.