



# NEWS



## CHIEF PATROL AGENTS CONFIRM LACK OF OPERATIONAL CONTROL IN THEIR SOUTHWEST BORDER SECTORS

January 3, 2024

**WASHINGTON, D.C.** – Today, House Committee on Homeland Security Chairman Mark E. Green, MD (R-TN) issued the following statement after the Committee released new excerpts from transcribed interviews conducted with Border Patrol chief patrol agents responsible for the sectors along the Southwest border.

These interviews confirm that, contrary to the public statements of Department of Homeland Security (DHS) Secretary Alejandro Mayorkas, DHS does not possess operational control of the Southwest border in accordance with the definition laid out in the bipartisan Secure Fence Act of 2006, a bill supported by then-Sens. Barack Obama, Hillary Clinton, and Joe Biden.

*“Since taking over at DHS, Secretary Mayorkas has refused to be honest with the American people and with Congress about the causes and consequences his open-borders policies have created,” Chairman Green said. “Then-Chief Ortiz was willing to do what the secretary still refuses to—tell the truth. Because of these interviews and first-hand accounts from these current and former chief patrol agents, we have proof that Secretary Mayorkas lacks operational control of the Southwest border. It is time for Congress to hold him accountable via the impeachment process.”*

On April 28, 2022, [Mayorkas testified](#) repeatedly to the House Judiciary Committee that DHS possessed operational control of the Southwest border, including in accordance with the statutory definition. Just days later, before the Senate Committee on Homeland Security and Governmental Affairs, [Mayorkas backtracked](#), altering the definition of “operational control,” saying that “obviously, a layer of reasonableness must be applied” to the definition established by Congress.

On March 15, 2023, then-Border Patrol Chief Ortiz [testified before the House Committee on Homeland Security](#) that DHS did not have operational control of the border, either by the statutory definition or not.

On March 28, 2023, following Ortiz’s bombshell testimony, [Mayorkas testified](#) to the Senate Judiciary Committee, “I do not use the definition that appears in the Secure Fence Act,” despite doing exactly that in his April 2022 testimony.

Under Mayorkas’ leadership, DHS does not possess operational control of the border, either per the statutory definition or not. Since he came into office, U.S. Customs and Border Protection (CBP) has recorded [more than 8.1 million encounters nationwide](#), including more than 6.7 million at the Southwest border. CBP sources have confirmed over 1.7 million known gotaways at the Southwest border, but Ortiz confirmed in his testimony during the [March 2023 field hearing](#) that the number of total gotaways could be as much as 20 percent higher than the publicly reported numbers.

In Fiscal Year (FY) 2023, [CBP arrested 35,433](#) illegal aliens with criminal convictions nationwide, including 598 known gang members. In addition, [294 illegal aliens](#) on the terrorist watchlist have been apprehended at the Southwest border between ports of entry since the beginning of FY 2021—and those are only the individuals Border Patrol agents have caught. Not only are dangerous individuals attempting to cross our border, but deadly drugs are too. Last fiscal year, [CBP](#), including [Air and Marine Operations](#), seized 27,293 pounds of poisonous fentanyl coming across the Southwest border—enough to kill around 6 billion people. Notably, federal officials estimate they are only able to seize [5-10 percent of all fentanyl](#) smuggled across the Southwest border.

All five of the House Committee on Homeland Security’s interim reports, released throughout the course of the Committee’s five-phase investigation into Mayorkas’ handling of the crisis, document in explicit detail DHS’ lack of operational control and the subsequent consequences:

- Phase 1 Interim Report: [DHS Secretary Alejandro Mayorkas’ Dereliction of Duty](#)
- Phase 2 Interim Report: [DHS Secretary Alejandro Mayorkas Has Emboldened Cartels, Criminals, and America’s Enemies](#)
- Phase 3 Interim Report: [The Devastating Human Costs of the DHS Secretary Alejandro Mayorkas’ Open-Borders Policies](#)
- Phase 4 Interim Report: [The Historic Dollar Costs of DHS Secretary Alejandro Mayorkas’ Open-Borders Policies](#)
- Phase 5 Interim Report: [The Massive Waste and Abuse Enabled by DHS Secretary Alejandro Mayorkas](#)

Read previous selections of the transcripts in which these senior agents discussed a number of consequences of Secretary Mayorkas’ open borders:

- Never before have agents seen such [historic](#) numbers of illegal crossings
- The [lack of consequences enforced](#) by this administration for illegal entry
- [Mass releases functioning as a pull factor](#) for millions of illegal aliens
- Illegal aliens are [now turning themselves in to Border Patrol](#), knowing they will be released into the interior
- The expansive degree of [cartel control](#) at the Southwest border
- [Agents are being taken out of the field](#) in order to help process and release illegal aliens
- Illegal aliens are [spreading the word](#) of our open border back home, encouraging more crossings
- [The operational impacts of open borders](#), including closed checkpoints and national security/public safety risks



[Read more in the Washington Times from Stephen Dinan.](#)

**Read sections of the transcripts below.**

### **Chief Patrol Agent Sean McGoffin, Big Bend Sector**

**Q:** Okay. So, under the Secure Fence Act, “operational control” is defined as, quote, “the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband,” unquote.

So what I want to ask you is, to your knowledge, under the Secure Fence Act definition, has operational control ever been achieved?

**A:** No.

**Q:** A followup question to that: Do you think, in your professional opinion as a sector chief and all your experience, 27 or so years, in the Border Patrol, that that is a fair standard to hold your agents to?

**A:** I think this is the law, and it’s made by Congress. I don’t get to determine whether it’s fair or not. I get to follow the laws. I work for the executive branch, so we’ve got to follow the laws and policies that are provided to us.

### **Chief Patrol Agent Sean McGoffin, Big Bend Sector**

**Q:** What is your definition of control? What is your definition of operational control that you used in your 30 years of law enforcement as a Border Patrol agent?

**A:** I’m pretty—as was talked about by the Congressman, I was familiar—Congressman Green mentioned that, what is the law in the Safe and Secure Fence Act. I’m familiar with that.

**Q:** So you are familiar with the law and you are familiar with the definition of operational control.

**A:** In that capacity, yes, I am.

**Q:** So I guess this is a yes-or-no question, much like what my minority counterparts asked you, but I would ask that you answer it in a yes or no. Do we have operational control?

**A:** In Big Bend Sector?

**Q:** Yes.

**A:** By that definition, no.

### **Chief Patrol Agent Sean McGoffin, Big Bend Sector**

**Q:** Don’t you think Chief Ortiz was honest when he said that we don’t have operational control across most of our sectors?

**A:** Yes, sir, I think he has a much broader knowledge than I do.

### **Chief Patrol Agent Jason Owens, Del Rio Sector**

**Q:** Have you—we mentioned before that you speak with Chief Ortiz often. Is that correct?

**A:** Uh-huh. Yes.

**Q:** Yes. Have you heard about his testimony where he spoke before the Congress—

**A:** Yes.

**Q:** —stating that we do not have operational control in five of our nine sectors in the southwest border?

**A:** Yes.

**Q:** Do you agree with that assessment?

**A:** For Del Rio Sector specifically, I agree with his assessment.

### **Chief Patrol Agent Anthony “Scott” Good, El Paso Sector**

**Q:** I think that’s probably especially important, given the time period in which you started your service as a Border Patrol. So to clarify, I think the—my Democrat colleagues alluded to this and agreed to this. But do we have operational control under the law?

**A:** Not in El Paso Sector.

### **Chief Patrol Agent Joel Martinez, Laredo Sector**

**Q:** Are you familiar with the term “operational control”?

**A:** Yes.

**Q:** Are you aware that the Secure Fence Act of 2006 defines “operational control” as not allowing any illegal person or substance over the border? Are you aware of that?

**A:** Yes.

**Q:** Does the Laredo Sector have operational control?

**A:** No.

### **Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector**

**Q:** Now, I know we’ve—I know we’ve talked generally about the Secretary’s ability to maintain operational control. Are you familiar with the Secure Fence Act of 2006?

**A:** I am.

**Q:** I just want to input this as majority exhibit 5.

**Q:** So, based upon the definition of operational control, does the Secretary have operational control over the border?

**A:** The definition reads: means the prevention of all unlawful entries into the U.S., including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

Based on this definition, we don’t have operational control of the border—

**Q:** I appreciate that.

**A:** —in RGV.

**Q:** I appreciate that. Sure.

### **Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector**

**Q:** Are you familiar with the term “operational control”?

**A:** I am.

**Q:** And under operational control, it means the prevention of all unlawful entries into the United States, including entries by terrorist and other unlawful aliens, [instruments of terrorism], narcotics, and other contraband.

Under this definition, do we have operational control over the southern border?

**A:** Under this definition, I would say we’ve never had operational control.

**Q:** So we do not have operational control currently?

**A:** No.

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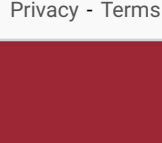
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