



NEWS RELEASE

Arizona House of Representatives

Representative David Marshall (R-7)

1700 West Washington • Phoenix, Arizona • 85007

Thursday, August 24, 2023

FOR IMMEDIATE RELEASE

Arizona House Republicans Call for Governor & Attorney General to Enforce Constitution in Court to Protect Arizona Border, Not Joe Biden

STATE CAPITOL, PHOENIX – All 31 members of the Arizona House Republican Majority Caucus signed a letter written by State Representative David Marshall calling on Governor Katie Hobbs and Attorney General Kris Mayes to take executive action to protect the state from the crisis at Arizona’s southern border.

“The continued lawlessness at our border will create long-lasting and devastating impacts on the welfare of our citizens and on our state’s economy and financial stability. Because the federal government has intentionally dismantled any opportunity to continue construction of the border wall and otherwise refuses to act in a manner consistent with the Constitution, it is your responsibility to seek accountability and enforce the Constitution in court. To protect the public health, safety, and well-being of all Arizonans, we urge you to make the exercise of Arizona’s sovereign authority in this area a top priority of your office.”

The full letter is attached below.

The lawmakers point out that executive officials in other states have taken proactive action in court to challenge the Biden administration’s unconstitutional border policies. The Arizona Constitution directs executive officers to take legal action to enforce Arizona’s sovereignty, but neither Governor Hobbs nor Attorney General Mayes have taken any steps to enforce the Constitution or President Biden’s promise to fill in gaps in the border wall.

As reported this week, Biden administration officials have literally opened the floodgates along the Arizona border, [welding open 114 massive gates](#), allowing tens of thousands of illegal crossers into our country each month who are coming from throughout the world, including India, Egypt and China.

Representatives who signed the letter include David Marshall (LD7), Ben Toma (LD27), Leo Biasiucci (LD30), Teresa Martinez (LD16), Travis Grantham (LD14), Neal Carter (LD17), David Cook (LD7), Lupe Diaz (LD19), Tim Dunn (LD25), Gail Griffin (LD19), Laurin Hendrix (LD14), David Livingston (LD28), Steve Montenegro (LD29), Quang Nguyen (LD1), Jaqueline Parker (LD15), Kevin Payne (LD27), Beverly Pingerelli (LD28), Justin Wilmeth (LD2), Selina Bliss (LD1), Michael Carbone (LD25), Joseph Chaplik (LD3), John Gillette (LD30), Matt Gress (LD4), Justin Heap (LD10), Rachel Jones (LD17), Alexander Kolodin (LD3), Cory McGarr (LD17), Barbara Parker (LD10), Michele Peña (LD23), Austin Smith (LD29), and Julie Willoughby (LD13).

David Marshall is a Republican member of the Arizona House of Representatives serving Legislative LD 7, which includes Pinal, Gila, Coconino, and Navajo Counties. Follow him on X/Twitter at @DaveMarshallAZ.

###



Arizona House of Representatives

1700 West Washington Street
Phoenix, Arizona 85007

August 24, 2023

Hon. Katie Hobbs
Governor of Arizona
1700 W. Washington St., 9th Floor
Phoenix, Arizona 85007

Hon. Kris Mayes
Arizona Attorney General
2005 N. Central Ave.
Phoenix, Arizona 85004

***Re: Necessity of Executive Action in Response to the Biden
Administration's Failures and Unconstitutional Border Policies***

Dear Governor Hobbs and Attorney General Mayes,

Last month, illegal crossings at our nation's border with Mexico increased by 33%, with the sharpest increase occurring at the U.S. Customs and Border Protection's Tucson Sector.¹ Armed Mexican cartel members were recently arrested by Texas law enforcement authorities² and it is well-documented that the cartel has profited from its exploitation of the federal government's "easily penetrable" CBP One phone app.³

To make matters worse, the Biden Administration promised to fill in large gaps in the border barrier near the Morelos Dam in Yuma, but has inexplicably failed to follow through.⁴ The border wall materials have sat in the southwest desert, costing \$47 million per year across the three years that Biden has been in office.⁵ And now, the White House is wastefully auctioning off the taxpayer-funded border wall materials for pennies on the dollar to thwart pending legislation in Congress that would require the federal government to use those materials or hand them over to border states like Arizona to use for their own defense.⁶

¹ <https://www.cbsnews.com/news/immigration-us-mexico-border-crossings-july-arizona-desert/>

² <https://www.foxnews.com/politics/authorities-arrest-mexican-cartel-members-who-came-across-us-border-rifles>

³ <https://www.washingtonexaminer.com/policy/immigration/mexican-cartels-exploit-cbp-one-app>

⁴ <https://www.cbp.gov/newsroom/local-media-release/construction-morelos-dam-scheduled-begin>

⁵ <https://www.washingtonexaminer.com/news/white-house/white-house-auctioning-border-wall>

⁶ <https://www.newsnationnow.com/us-news/immigration/biden-administration-auctioning-unused-border-wall-parts/>
<https://nypost.com/2023/08/19/biden-sells-border-wall-parts-to-thwart-gop-push-to-use-them/>

Unfortunately, the crisis at Arizona's border is not new, but has certainly been magnified by these recent events. In 2022, the Arizona House of Representatives denounced the crisis at the southern border, documenting the unprecedented number of people attempting to enter the country illegally and the soaring increase in criminal activity and violence. *See* Legislative Proclamation, 5/25/22 (“an uncontrolled border is a security and humanitarian crisis” and “the smuggling of illegal drugs, weapons, and human beings poses a direct threat to our communities and innocent Americans”). Similarly, former Arizona Attorney General Mark Brnovich issued a legal opinion documenting the federal government's failure to uphold its duty to defend the States from invasion by drug cartels and gangs' violence, lawlessness, human trafficking, and trafficking of deadly illicit drugs such as fentanyl. For these reasons, our colleagues called for the activation of all available state resources immediately following the expiration of Title 42.⁷

Executive officials in other states have rightly challenged the Biden Administration's policies in court and invoked their constitutional authority to protect their citizens from this invasion. For example, 21 states are proactively litigating President Biden's overreach of parole power,⁸ Governor Abbott has invoked Texas's constitutional sovereign authority to defend its floating marine barriers in the Rio Grande River,⁹ and Florida Attorney General Moody obtained an injunction blocking President Biden's unlawful mass-release immigration policy.¹⁰

Meanwhile, Arizona—a border state—has done nothing. Yet the Arizona Constitution commands our state's elected officials to pursue any “available legal remedy” and “exercise [the state's] sovereign authority” to protect Arizonans' freedoms and preserve the checks and balances of the United States Constitution. ARIZ. CONST. art. II, § 3(B)(3). It is unconscionable to allow fentanyl and the cartel's illegal activities to flow across our border and sit idly by as those threats demolish our state and harm our communities.

The continued lawlessness at our border will create long-lasting and devastating impacts on the welfare of our citizens and on our state's economy and financial stability. Because the federal government has intentionally dismantled any opportunity to continue construction of the border wall and otherwise refuses to act in a manner consistent with the Constitution, it is your responsibility to seek accountability and enforce the Constitution in court. To protect the public health, safety, and well-being of all Arizonans, we urge you to make the exercise of Arizona's sovereign authority in this area a top priority of your office.

⁷ <https://www.azleg.gov/press/house/56LEG/1R/230512GRIFFINLTRBORDER.pdf>

⁸ <https://www.foxnews.com/politics/bidens-key-immigration-policy-allowing-hundreds-thousands-migrants-enter-us-trial-week>

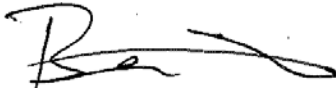
⁹ https://gov.texas.gov/uploads/files/press/O-BidenJoseph_07.24.23.pdf

¹⁰ <https://www.myfloridalegal.com/newsrelease/ag-moody-beats-biden-emergency-request-keeping-place-preliminary-injunction-blocking>

Respectfully,



David Marshall, Sr.
Representative, LD7



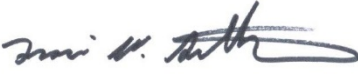
Ben Toma
Representative, LD27
Speaker



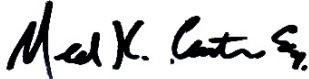
Leo Biasiucci
Representative, LD30
Majority Leader



Teresa Martinez
Representative, LD16
Majority Whip



Travis Grantham
Representative, LD14
Speaker Pro Tem



Neal Carter
Representative, LD15



David Cook
Representative, LD7



Lupe Diaz
Representative, LD19



Tim Dunn
Representative, LD25



Gail Griffin
Representative, LD19



Laurin Hendrix
Representative, LD14



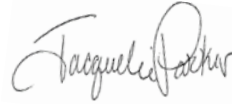
David Livingston
Representative, LD28



Steve Montenegro
Representative, LD29



Quang Nguyen
Representative, LD1



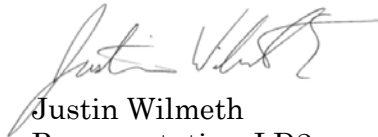
Jacqueline Parker
Representative, LD15



Kevin Payne
Representative, LD27



Beverly Pingerelli
Representative, LD28



Justin Wilmeth
Representative, LD2



Selina Bliss
Representative LD1



Michael Carbone
Representative, LD25



Joseph Chaplik
Representative, LD3



John Gillette
Representative, LD30



Matt Gress
Representative, LD4



Justin Heap
Representative, LD10



Rachel Jones
Representative, LD17



Alexander Kolodin
Representative, LD3



Cory McGarr
Representative, LD17



Barbara Parker
Representative, LD10



Michele Peña
Representative, LD23



Austin Smith
Representative, LD29



Julie Willoughby
Representative, LD13