News



Deputy Christopher Oletski with the Cochise County Sheriff's Criminal Interdiction Team speaks with a driver near the U.S.-Mexico border in Tombstone, Ariz., May 22, 2024. Oletski said the driver exhibited what he felt were nervous driving behaviors, prompting him to initiate a traffic stop, and before allowing the driver to proceed, he cleared the vehicle for individuals possibly entering the U.S. without authorization. (OSV News/Rebecca Noble, Reuters)

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Arizona voters in November will consider a measure to make unauthorized crossings of the state's international border a state crime separate from a federal one after state lawmakers approved its inclusion on the general election ballot.

The measure, opposed by the state's Catholic conference, was rejected earlier this year by Democratic Gov. Katie Hobbs, but lawmakers advanced the measure to the state's ballot to bypass her desk.

"I've said it before and I will say it again: HCR 2060 will hurt Arizona businesses, send jobs out of state, make it more difficult for law enforcement to do their jobs, and bust the state's budget," Hobbs said in a June 4 statement.

"It will not secure our border," Hobbs said. "Despite strong opposition from business leaders, border law enforcement, and bipartisan local leaders throughout the state, extremists in the legislature have chosen to prioritize their political agendas over finding real solutions."

Arizona House Speaker Ben Toma, a Republican, said in a June 4 statement that "Arizonans need to ask Democrats like President Joe Biden and Governor Katie Hobbs why they are fighting to keep America's border wide open. It's unsafe, it's unsecure, it's un-American, and it's indefensible."

"Nothing good comes from open borders. Only crime, deadly drugs, violence, unsafe communities, and an unending financial drain on American taxpayers. Yet, Democrat leaders fiercely oppose doing anything about it," Toma said. "Arizonans have had enough and want change. They want safe communities and a secure border."

House Republicans also want the same change, he continued. "That's why we crafted HCR 2060, the Secure the Border Act, a ballot referral with meaningful reforms to protect the integrity of Arizona's workforce, strengthen criminal laws, and reinforce the rule of law in this state. Today's final passage sends this Act to the ballot this November, so the will of Arizona voters is heard."

But Hobbs argued that "Congress must do its job."

"Our border patrol agents, immigration judges, and support services need more resources to manage this crisis effectively," she said. "The bipartisan border agreement reached earlier this year provided a clear path forward with critical reforms and investments. Yet, partisan politics have derailed these necessary measures. Congress must put aside partisan politics and prioritize the safety and security of our nation. Congress needs to do its job and deliver the comprehensive immigration reform that our country desperately needs."

Texas approved in 2023 a law similar to the Arizona ballot measure that is currently facing legal challenges. Federal law already makes it illegal to enter the U.S. without authorization. Most portions of a similar 2010 Arizona law were later struck down by the U.S. Supreme Court.

The ACLU of Arizona noted that HCR 2060 "has no geographic limits for enforcement actions, age restrictions, or exemptions for sensitive locations like schools, hospitals, or places of worship."

Noah Schramm, border policy strategist for the ACLU of Arizona, said in a June 4 statement it was a "dark day for many in Arizona."

"If approved at the ballot in November, HCR2060 would pose similar risks of racial profiling, harassment, and arrest of long-time Arizona residents," Schramm said. "What's more, it would direct enormous state resources towards immigration enforcement — an issue of clear federal responsibility — in ways that are ineffective, inhumane, and unconstitutional."

"If the goal of HCR 2060's proponents was to frighten communities of color across the state, threaten the separation and incarceration of families at the border, and otherwise cast Arizona as a deeply unwelcoming place for immigrants, they may well have succeeded," Schramm said.

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A spokesperson for the Arizona Catholic Conference did not immediately reply to an OSV News request for comment on the measure's approval for the ballot, but the conference previously expressed its opposition.

In a joint statement on May 17 on HCR 2060, the conference bishops — Bishops John P. Dolan of Phoenix, Edward J. Weisenburger of Tucson and James S. Wall of Gallup, New Mexico, (whose diocese includes a portion of Arizona) as well as Auxiliary Bishop Eduardo Nevares of Phoenix — said they "want to again express our frustration about the ongoing situation at the border."

"The lack of a federal solution to the challenges faced by both vulnerable people and American communities is sorely needed and long overdue," they said. "The states and local communities along the US-Mexico border are shouldering much of the burden of the inaction by the federal government. This failure has resulted in not only an overwhelmingly large number of migrants wanting to cross the border, but also an unacceptable number of migrant deaths."

The bishops said they "do not intend to question the good intentions of lawmakers who seek to address these challenges. Nonetheless, we believe that HCR 2060 will have painful unanticipated consequences, and that it is not the right solution."

"Although proponents argue that this legislation is primarily a border security bill, there is no language limiting enforcement to the state's interior," they continued. "Even the possibility that this law could be enforced in communities throughout Arizona by local law enforcement officers is enough to undermine community trust of the police. Accordingly, public safety will be threatened when crime victims and witnesses are afraid to report crimes. Moreover, the possibility of racial profiling and violations of civil liberties, while targeting the most vulnerable, is especially troubling.

"We are particularly concerned with upholding the rights and dignity of every person, especially families looking to remain safely together. Additionally, we note our disappointment that there is no provision to prevent enforcement in places of worship, schools, and healthcare institutions."

They argued that while the federal government "needs to do a better job of managing our national border and providing comprehensive immigration reform," proposals such as HCR 2060 "are unlikely to survive legal challenges and are not the right solution."