

Chair, Members of the Committee—thank you for the opportunity to testify.

My name is Jon Riches. I am the Vice President for Litigation at the Goldwater Institute, a public policy and public interest litigation organization.

I want to make two points today: one rooted in longstanding constitutional principles of federalism and the other in democratic accountability and government transparency.

First, under traditional principles of federalism, law enforcement and local spending decisions are—and must remain—primarily a state and local function, not one administered indefinitely by federal officials.

Second, when taxpayer dollars are spent to operate local government—including and perhaps especially, law enforcement—state public-records laws and public policy require transparency, not secrecy. Taxpayers have a right to know how their tax dollars are spent.

As to the federalism point, our Constitution leaves local law enforcement to the responsibility of local officials. Indeed, the federal government has no general police power.

Federal courts absolutely have the authority to remedy constitutional violations. But remedies are supposed to be temporary, targeted, and respectful of the state's paramount role in law enforcement—not permanent substitutions for it.

Here, that structural balance has broken down. In Maricopa County, a federally appointed, out-of-state monitor, selected by one federal judge, has exercised sweeping authority over a local sheriff's office for more than a decade—at taxpayer expense exceeding \$30 million, with no clear end date.

At some point oversight stops being remedial and starts becoming structural control.

This raises serious constitutional concerns. When federal supervision is open-ended, it supplants local voters, local officials, and state law. The concern is particularly acute here, where core decisions involving not only law enforcement, but spending—and, ultimately, taxation—are delegated to a federal agent with no accountability to the public. In that circumstance, there is a transfer of powers the Constitution assigns to other branches and levels of government.

Our constitutional structure exists precisely to prevent this. Federal authority—even when well-intentioned—must be limited, reviewable, and constrained or else it violates principles of federalism that are an essential feature of our republic and a guardrail for the protection of individual liberty.

That brings me to my second point: transparency.

Under Arizona law—and the law of virtually every state—records concerning the operation of government and the expenditure of public funds are presumptively public. The public has a right to know what its government is up to, and that right is essential to democratic accountability.

The Arizona Supreme Court has made clear that public access to government records is essential to self-government. Citizens cannot hold officials accountable if they are denied information about how public funds are used.

Yet, in this case, millions of taxpayer dollars are being spent with virtually no meaningful public disclosure.

My organization submitted state public records requests to the County and to the Monitor seeking an itemized accounting of the Monitor's invoices and basic salary information for the Monitor's staff. Because of existing federal orders, the County does not possess—or cannot disclose—that information, and the Monitor did not respond at all.

Under state law, that outcome would not occur in any other context. For virtually every public expenditure—road construction, consulting contracts, or law enforcement grants—itemized invoices and supporting documentation are public records. Allowing taxpayer funds to be spent indefinitely without meaningful disclosure directly conflicts with state transparency laws.

The only information available to the public consists of heavily aggregated, non-descriptive invoices. No detailed time entries, expense records, or supporting documentation has been disclosed to the very people on whose behalf—and at whose expense—the Monitor is purportedly operating.

That is not how government transparency is supposed to work, and that is not how it does work as a matter of state law.

Secrecy may be justified temporarily to protect a legitimate government interest. But blanket secrecy for more than a decade—long after reforms have been implemented—cannot be squared with democratic norms.

In sum, federalism exists to ensure that local law enforcement and spending decisions remain locally and democratically accountable. Public-records laws exist to ensure that taxpayers can see how their government is operating and how their money is being spent.

When federal oversight overrides both democratic control and transparency, it creates a system that inverts these core principles of our constitutional republic.

Thank you. I'm happy to answer any questions.