

State Room Arizona 012: Sen. Warren Petersen | Fighting Back, Winning in Court, & Rule of Law

Podcast Transcription | Article-Style Transcript

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Full Article-Style Transcript

Introduction: Major Court Battles in Arizona

Scot Mussi: Hi, welcome to The State Room, a podcast dedicated to covering the key issues and events that will define the future of Arizona. I'm your host, Scot Mussi. Today on our program, we're going to be talking about several major court battles that are affecting Arizona and why we need a strong attorney general who will defend our laws and constitutional rights.

Scot Mussi: Over the last couple of years, Attorney General Kris Mayes has repeatedly refused to defend Arizona's laws and Constitution in court. Instead, her office has spent much of its time pursuing political investigations, suing the Trump administration, and targeting partisan political opponents here in the state.

Scot Mussi: That has left a legal void in Arizona. Fortunately, the Republican Legislature, particularly the State Senate, has stepped in. The Senate has filed lawsuits, intervened in cases, submitted amicus briefs, and taken other legal action to defend Arizona law on issues such as protecting women's sports, requiring proof of citizenship to register to vote, and defending the Secure the Border Act, a voter-approved law that allows local law enforcement to enforce immigration law at the border.

Scot Mussi: Joining us today is Senate President Warren Petersen. Senator Petersen has represented Legislative District 14 for more than a decade, has served as Senate President for four years, and is now running for Attorney General of Arizona. Warren, thank you for joining us today.

Warren Petersen: Thanks for having me on the show, Scot. It is great to be with you.

The Senate's Role in Defending State Law

Scot Mussi: Over the last few years, you have not been the Attorney General, but you have often had to act like one by stepping in to defend Arizona's laws. What has that been like, and when did you decide this was a role the Legislature needed to take on?

Warren Petersen: It has been a very unique situation. I have traveled around the country talking to officials in other states about what we have done in case they end up with a rogue attorney general like the one we have in Arizona.

Warren Petersen: Four years ago, I became Senate President. Arizona is unusual because the Senate President has legal standing when the Attorney General refuses to defend state law. As a result, I am now managing more than 130 cases, interventions, and amicus briefs. People can review them through my campaign website and get a sense of the scope of the work.

Warren Petersen: We are fortunate to have that statute. From what I understand, it was passed the last time Arizona had a Democratic attorney general who would not defend state law. At that time, Arizona had a Republican governor, and the Legislature gave the Senate President and Speaker of the House standing to intervene.

Warren Petersen: When I became Senate President, I brought Josh Kredit in as my chief of staff. He came from the Attorney General's Office, so I had the right person to help establish what one Arizona Supreme Court justice jokingly called our 'mini solicitor general's office' at the Senate.

Warren Petersen: Because the Attorney General has not protected our values or defended our laws, the Senate has had to fill part of that role. We have stepped in to defend the laws passed by the Legislature, signed by the Governor, or approved by Arizona voters.

The Save Women's Sports Act

Scot Mussi: One of those cases involved the Save Women's Sports Act. The Legislature passed it, Governor Doug Ducey signed it, and then it was challenged in court. What happened in that case?

Warren Petersen: The Republican Party has become the party of common sense versus insanity. Five years ago, I co-sponsored the Save Women's Sports Act. It barely passed by one vote because every Democrat in the Legislature voted against it. Governor Ducey signed it into law.

Warren Petersen: Two biological males who identify as girls then sued the State of Arizona. Attorney General Kris Mayes would not defend the law, so I stepped in. The case became Petersen v. Doe, and we took it all the way to the United States Supreme Court.

Warren Petersen: I attended the oral arguments in January. I sat next to West Virginia Attorney General J.B. McCuskey and Idaho Attorney General Raúl Labrador, both of whom have endorsed my campaign. They were defending similar laws from their states.

Warren Petersen: The Court ultimately ruled six to three in favor of the laws. That means Arizona's Save Women's Sports Act is in effect, and girls are once again protected in girls' sports in this state.

Scot Mussi: The oral argument itself was striking. Even some of the liberal justices appeared to recognize the inconsistency of arguing for equal protection for women while the attorneys challenging the law could not clearly define what a woman is.

Warren Petersen: It was total lunacy. Oral arguments often last around thirty minutes. This one lasted three hours and fifteen minutes, with the Court arguing over what a woman is. It was one of the longest arguments of its kind in American history. That shows where we are right now: common sense versus insanity.

Scot Mussi: What does the ruling mean going forward? Can Arizona and other states continue taking action to protect women's sports and women's safety?

Warren Petersen: The Court said states may prevent biological males from competing in women's sports. But states still need good legislatures willing to pass the right laws. Arizona has the statute, and we are also putting the issue before voters this fall.

Warren Petersen: The ballot measure will define eligibility according to biological sex. Biological males will not be allowed to compete in girls' sports. I believe it will pass overwhelmingly. That is important because if Arizona ever turns completely blue, a future Legislature could otherwise repeal the statute.

Scot Mussi: This is personal for me because I have three daughters. It is a fairness issue, but it is also a safety issue. Girls can be seriously injured when biological males compete in women's sports.

Warren Petersen: That is a biological fact. Males generally have more muscle mass, greater lung capacity, and larger bones. It can be dangerous to ignore those differences in athletics.

Proof of Citizenship and Election Integrity

Scot Mussi: A few years ago, the Legislature passed landmark legislation requiring proof of citizenship to register and vote in Arizona elections. Governor Ducey signed it, making Arizona the

first state in the country with these requirements. A number of left-wing organizations immediately sued to block it, and the case has now continued for several years. The Senate intervened to defend the law. How has that case progressed?

Warren Petersen: This is another issue where roughly eighty percent of people agree: only citizens should vote in our elections. I want to thank the Arizona Free Enterprise Club because your organization led the way, helped develop the legislation, and pushed it through the Legislature.

Warren Petersen: The moment the bill was signed, litigation began. The case is *Mi Familia Vota v. Petersen*, and other parties, including the Republican National Committee, have also been involved. I personally spent eight hours in a deposition. A root canal would have been more enjoyable.

Warren Petersen: The plaintiffs tried to argue that the law and its supporters were motivated by racism. They were disappointed to learn that my wife is Mexican. They also tried to make the same accusation against organizations that supported the bill and against other legislators.

Warren Petersen: It was a weak argument because the law is about citizenship, not race. We have taken the case to the United States Supreme Court, and we will continue fighting to ensure that only citizens vote in our elections.

Warren Petersen: The law contains common-sense provisions. If election officials discover that someone is not a citizen, they should be able to remove that person from the voter rolls. Most people agree with that.

Scot Mussi: Our organization was also subpoenaed as a third party in that litigation. We spent about a year fighting over requests that seemed designed to uncover racial motives that simply did not exist. The purpose of the law was straightforward: only United States citizens should register and vote, and they should provide proof of citizenship.

Warren Petersen: That was my experience in the deposition as well. One of the attorneys with me joked that I should become a professional deposition witness. They spent eight hours questioning me and, as far as I could tell, used none of it.

Scot Mussi: Their argument before the Supreme Court now appears to center on the claim that the law was motivated by racial animus.

Warren Petersen: That is their only hope. They are desperate because the policy itself is overwhelmingly popular. People use identification for many parts of life. Requiring proof that a voter is a citizen is common sense.

Scot Mussi: If the Supreme Court upholds the law, it would be significant nationally. Arizona was first, and the case could show other states that they can act even while Congress debates the federal SAVE Act.

Warren Petersen: Absolutely. There are differences between federal-only elections and state and local elections, but Arizona can serve as a model. It is similar to Right to Try, which began in the states before Congress acted nationally. Arizona can protect its own elections and encourage Congress to protect the federal side as well.

Defending the Secure the Border Act

Scot Mussi: Arizona voters also approved the Secure the Border Act after the Legislature referred it to the ballot. Republicans supported it, Democrats opposed it, and voters approved it by a wide margin. The ACLU has now sued to block the law, and the Senate recently intervened. What is the purpose of the law?

Warren Petersen: I may personally argue this case because I have been involved from beginning to end and co-sponsored the measure. The law is a safeguard against another Biden-style open-border

administration. Under President Trump, the border is currently secure, but Arizona needs protection in case federal policy changes again.

Warren Petersen: The law allows state and local law enforcement to act at the border when they witness someone entering the country illegally. Opponents portray it as though law enforcement will roam throughout Arizona looking for people to deport, but that is not what the law says. The title is accurate: it is a border-security law.

Warren Petersen: It establishes a process for law enforcement to respond when illegal entry is witnessed at the border. Governor Hobbs vetoed similar legislation more than once, so the Legislature referred the issue directly to voters. Voters approved it by about two to one.

Scot Mussi: That result showed how out of step elected Democrats were with the public. The same is true on women's sports and citizenship requirements. These are broadly popular issues, including among many rank-and-file Democrats.

Scot Mussi: Governor Hobbs vetoed the border proposal, and Attorney General Mayes opposed it while it was moving through the process. Now her office is technically responsible for defending it in court.

Warren Petersen: That is exactly why the Senate intervened. We both know the danger of 'sue and settle,' where two sympathetic parties litigate a case without a genuine defense. The Attorney General openly opposed the law and called it an unfunded mandate.

Warren Petersen: We are going to make sure the law is defended and enforced as voters approved it. The people of Arizona voted for this, and their decision deserves a real defense in court.

Political Lawfare and the Alternate Electors Case

Scot Mussi: While the Attorney General has declined to defend some Arizona laws, she has spent significant time pursuing partisan cases. One example is the criminal case involving the alternate electors. The Legislature filed a brief because some of the actions taken in that prosecution appeared legally questionable.

Warren Petersen: She loses repeatedly because she acts from emotion rather than law. My legal record in these cases is nearly perfect, while hers is very poor. The alternate-electors case has already suffered repeated losses, including at the Arizona Supreme Court, yet she continues trying to restart it.

Scot Mussi: The case reached the Arizona Supreme Court, her office lost again, and now she is attempting to begin it again. How much taxpayer money do you think has been spent on that case and other political litigation?

Warren Petersen: When you include the alternate-electors prosecution, lawsuits against the Trump administration, and other local political cases, it has to be more than three million dollars and perhaps closer to four million.

Warren Petersen: Meanwhile, law enforcement never has enough resources to keep Arizona safe. The Attorney General is the state's top law-enforcement officer. Money, staff time, and attention spent on political lawfare cannot be used to fight crime or protect families.

Warren Petersen: That is one reason I have broad support from law enforcement across Arizona. It is unusual for a challenger to an incumbent Attorney General to receive that level of support, but law-enforcement officials understand that resources are being wasted.

Scot Mussi: It is not only the money. The office has limited bandwidth. Time spent on partisan litigation is time not spent on actual public-safety work.

Warren Petersen: Exactly. You can only do so much. When the office focuses on political cases, other responsibilities suffer.

Why Warren Petersen Is Running for Attorney General

Scot Mussi: You entered the race for Attorney General about a year ago. What convinced you that you needed to run?

Warren Petersen: It was not originally my idea. Former assistant attorneys general and other attorneys approached me and said I would be a strong Attorney General.

Warren Petersen: What ultimately convinced me was my love for Arizona and my determination not to let it become California. Kris Mayes is taking the state in that direction. She is soft on crime, she brings ideological priorities into the office, and she has shown why we cannot take the Attorney General's Office for granted.

Warren Petersen: Arizona needs a strong person who will protect the state and defend its laws. This office is too important to be used for partisan lawfare.

Scot Mussi: Suppose you are elected. What are your top priorities on day one?

Warren Petersen: There will be a 180-degree change in the mission. Right now, the office's priorities are political lawfare and environmental radicalism. On day one, I will meet with the roughly 400 attorneys in the office and make the mission clear.

Warren Petersen: The mission will be to defend the law, protect the Constitution, fight crime, keep Arizona safe, and root out fraud, waste, and abuse in state government. Anyone who cannot support that mission will not belong in the office. Those are the proper responsibilities of the Attorney General.

The Case for a Change in the Attorney General's Office

Scot Mussi: What would you tell an undecided or persuadable voter about why Arizona should replace Kris Mayes and elect you as Attorney General?

Warren Petersen: I would tell them that she is taking Arizona toward California. In liberal states, people see smash-and-grab crime, businesses closing because they do not feel safe, and parents afraid for their children. That is the direction her policies risk creating here.

Warren Petersen: She also refuses to defend Arizona law on issues where the public overwhelmingly agrees. She would not defend the Save Women's Sports Act. She also declined to defend a law protecting Arizona families and children from sex offenders, so I stepped in and successfully defended it. There was almost no media coverage of that case.

Warren Petersen: Arizona needs an Attorney General who will perform the basic job: defend state law and the Constitution and keep people safe.

Scot Mussi: Her office has also lost a number of major cases. What does that record look like?

Warren Petersen: The record is atrocious. She sued the Legislature after we reduced her funding, lost, and had to pay roughly \$40,000 in attorneys' fees. She has lost in the alternate-electors litigation and in several cases involving the Trump administration. The office often appears to be operating from emotion rather than logic and law.

Scot Mussi: She has also developed a reputation for using the power of the office as a cudgel against people who disagree with her. Kris Mayes has been in Arizona politics for more than twenty years. She was originally appointed to the Corporation Commission and developed a reputation there for trying to push people around.

Scot Mussi: In an office with that much authority, temperament and humility matter. The Attorney General cannot use the position to punish political opponents or people who disagree with her.

Warren Petersen: Temperament is one of the most important qualities for the office. We have heard repeated stories of angry outbursts and profanity toward people she works with, including reports involving sheriffs.

Warren Petersen: Arizona needs someone who will be logical, focus on the law, and not use the office vindictively. The office should serve the public, not the personal or political interests of the person holding it.

Closing

Scot Mussi: Senator Petersen, thank you for joining us today.

Warren Petersen: Thanks for having me, Scot.

Scot Mussi: And to everybody watching, thank you for joining us again here in The State Room, where we will continue to cover the key issues and events that will keep Arizona free. Thank you.