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— News From The States —

EVENING WRAP



By [Kate Queram](#)

There is no theme on this Thursday, friends! Let us dive into the chaos!

The Big Takeaway

A federal judge on Wednesday rejected the Biden administration’s version of a program that has shielded young immigrants from deportation, saying the current iteration remained unlawful despite recent revisions. Those changes, Texas-based District Judge Andrew Hanen ruled, did not significantly alter the Deferred Action for Childhood Arrivals (DACA) program, which he had previously struck down after determining that then-President Barack Obama exceeded his authority by creating it via executive order, [the Nevada Current reported](#).

“While sympathetic to the predicament of DACA recipients and their families, this Court has expressed its concerns about the legality of the program for some time,” Hanen wrote in a 40-page ruling. “The solution for these deficiencies lies with the legislature, not the executive or judicial branches. Congress, for any number of reasons, has decided not to pass DACA-like legislation ... The Executive Branch cannot usurp the power bestowed on Congress by the Constitution — even to fill a void.”



*DACA recipients outside the U.S. Supreme Court in 2020.
(Photo by Drew Angerer/Getty Images)*

The decision — the latest in a five-year court battle — extends an existing injunction against the program, which prevents the government from processing new applications but leaves provisions in place for existing recipients amid an ongoing judicial review. The previous court order has prevented around 95,000 applicants from being accepted to the program, [according to federal data](#). Another 400,000 undocumented youth are ineligible for DACA because they came to the U.S. too recently, [according to estimates](#).

The administration is expected to appeal the ruling via the 5th U.S. Circuit Court of Appeals, which has already declared the program unlawful. Either way, [the case will likely end up before the U.S. Supreme Court](#) — an inevitable and exhausting outcome for advocates and DACA recipients, said Nevada Attorney General Aaron Ford.

“This is the latest in a long string of back-and-forth legal decisions that have kept the future of the DACA program and the program’s recipients in doubt,” Ford said in a statement Wednesday. “While I am relieved that the decision allows current DACA recipients to remain protected, I am disappointed at the shortsighted and harmful decision to block these protections for future youth

who have known the United States as their home.”

“I am tired and I am sad that this fight is still ongoing,” he added.



Meanwhile, in New Mexico...

(Photo by Megan Gleason/Source New Mexico)

A different federal judge on Wednesday temporarily blocked firearm restrictions in Albuquerque, saying the policy was at odds with a U.S. Supreme Court decision that deemed it a constitutional right to carry a weapon in public for self-defense. The policy, issued last week by New Mexico Gov. Michelle Lujan Grisham via emergency health order, banned open and concealed carry in the Albuquerque metro area for 30 days in an attempt to curb gun violence following the deaths of three children in six weeks, [per Source New Mexico](#).

“The time for standard measures has passed,” Lujan Grisham said [in a statement](#). “And when New Mexicans are afraid to be in crowds, to take their kids to school, to leave a baseball game – when their very right to exist is threatened by the prospect of violence at every turn – something

is very wrong.”

Local law enforcement officials said they would not enforce the policy, and New Mexico Attorney General Raúl Torrez told Lujan Grisham he could not legally defend it (and wasn't sure it would be particularly effective anyway). The plan also drew criticism from Republicans, Democrats and gun control advocates, including David Hogg, an activist and survivor of the mass shooting at Marjory Stoneman Douglas High School in Parkland, Fla.

"I support gun safety but there is no such thing as a state public health emergency exception to the U.S. Constitution," he wrote [on Twitter](#).



“Here, see for yourself.”

(Photo by Justin Sullivan/Getty Images)

U.S. District Judge David Urias agreed, saying Wednesday he did not “blame [Lujan Grisham] for wanting to take action in the face of terrible acts” but had to base his ruling on a “narrow question” about the rights afforded to citizens. His decision suspends the policy until an Oct. 3 court hearing, just two days before the 30-day suspension is set to expire. It does not affect [other portions](#) of Lujan Grisham’s order, which address drug abuse and juvenile prison aversion

programs.

The ruling, Lujan Grisham said, “recognized the significant problem of gun violence in this state.”

“As governor, I see the pain of families who lost their loved ones to gun violence every single day, and I will never stop fighting to prevent other families from enduring these tragedies,” she said in a statement. “Over the past four days, I’ve seen more attention on resolving the crisis of gun violence than I have in the past four years.”



DO YOU MIND

(Photo via the New Hampshire Bulletin)

Lest you be lulled into thinking there is a theme here with the court stories, let’s talk about peregrine falcons. Specifically, peregrine falcons who nest at the high-rise Brady Sullivan Tower in downtown Manchester, New Hampshire, where a gravel-lined box on the top floor has provided nesting space for 23 consecutive years, [the New Hampshire Bulletin reported](#).

Since 2001, the building site has produced 74 chicks, or an average of 3.22 each year, according to New Hampshire Audubon. This year’s breeding season performed slightly above the curve, fledging four chicks.

In total, New Hampshire has just 27 documented peregrine pairs. They’re classified as

threatened there, and while populations are on the upswing, it's been a slow climb since the 1970s, when the now-banned pesticide DDT nearly wiped the species out entirely, said Chris Martin, a conservation biologist at New Hampshire Audubon.

“We were at the point in the early 1980s when there weren't any successful peregrine nests in the state,” he said.

Statewide, the 2023 breeding season produced 48 falcons, the most ever documented in New Hampshire. Four nesting sites — the 12-story Brady Sullivan Tower, Holts Ledge in Lyme, Polar Caves in Rumney, and the abandoned Westmoreland Quarry — produced four young each, while an additional seven nests fledged three young apiece.



B IS FOR BIRD. THAT'S ME: A BIRD
(Photo via the New Hampshire Bulletin)

The Brady Sullivan Tower box was installed in the 1990s by Martin and now-retired U.S. Fish and Wildlife biologist Michael Amaral, who came up with the idea after peregrine falcons were spotted around downtown Manchester. For years, the birds ignored the box; at one point, the duo removed it. Around 2000, when falcon activity seemed to be picking up, they replaced it. This

time, the falcons moved right in.

“It is so cool for us to tune into the live webcam and see the birds still successfully using this box that we made so many years ago,” Amaral said.

In those early years, Martin and Amaral monitored the birds with the help of an employee who used his lunch break to walk upstairs and peek through the glass. Today, anyone — even you! Even a tech-savvy falcon! — can check out the action in real-time on [a livestream channel](#) called Peregrine Networks.

“It’s getting a lot of attention,” Martin said. “It’s great to have the camera there and let people see what’s going on basically inside the nest.”

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State of Our Democracy

Robert F. Kennedy Jr., reported Democrat, made the rounds Wednesday at the “No BS Backyard BBQ” in New Hampshire, a campaign-season event typically reserved for Republican presidential candidates. It was a success, at least from an attendance perspective, according to former U.S. Sen. Scott Brown, a Republican who hosted the fete with his congressional candidate wife, Gail Huff Brown.

“I’ve never had a crowd like this, ever,” he told [the New Hampshire Bulletin](#).



*You can't spell "ribs" without "BS." I'm just saying.
(Photo by Hadley Barndollar/New Hampshire Bulletin)*

Kennedy, probably a Democrat, is a long-shot challenger to President Joe Biden whose support has come mostly from [Republicans](#) and Democrats who know the Kennedy name but aren't familiar with him specifically. He's best known for espousing COVID-19 conspiracy theories and railing against vaccines, both in his free time and [professionally](#). He's toned down the nutty rhetoric amid his fledgling presidential campaign, sort of, by nixing the conspiracy theories [in public](#), except for when he's on the sort of right-wing podcast that revels in conspiracy theories. And he's on a [lot of those](#).

Still, he may fare well in New Hampshire, where he could be the only Democrat on the primary ballot — Biden skipped campaigning there after the Democratic National Committee changed its primary schedule. (A victory is a victory, even if you're the only one competing.) Kennedy stuck mostly to the (new) script on Wednesday, focusing his BBQ remarks on big corporations, housing costs, "forever wars" and the humanitarian crisis at the southern border. There was nary a mention of vaccines or COVID, to the disappointment of some attendees.

"I've been following him because of his stance on vaccines," said Britany DeBernardo, a nurse

who didn't get the COVID vaccine, citing a religious exemption. "That's a lot of what drew me to him. Particularly with the COVID mandates."

The candidate, she added, is "standing up against the mainstream no matter how much flack he gets."

"He really is a proponent of free speech and not being censored," she said.

Still, there was plenty in Kennedy's speech she might have related to, like for example when he discussed the "deterioration and disintegration" of the country's public health system, or when he explained that politicians are lying, which is bad, because "we need to start telling each other the truth."

We sure do, Robert!: [U.S. Senate to examine AI's wide-ranging impact, Schumer and Rounds say](#) ... [Special election for Alabama House District 10 begins drawing candidates](#) ... [Latino voters in Colorado say housing, cost of living are main concerns in new poll](#) ... [Large donor to Louisiana Republican Party caught up in Supreme Court controversy](#) ... [Minnesota police, Republicans press for special session over restraint law](#) ... [Sen. Pete Ricketts proposes federal tax cut on Social Security income](#) ... [Ranked choice voting could be costly in Oklahoma, state elections chief says](#) ... [Memphis rep's new PAC to give \\$100K to Turner in city's mayoral race](#) ... [Paxton trial updates: Defense team set to start with testimony from its first witness](#)



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One Last Thing

NBC Universal [will debut a new, four-world theme park](#) in 2025. The good: It will include Super

Nintendo Land. The bad: It will be in Florida, and it will be called Universal Epic Universe. (“[I heard you like](#) universes, so I put a universal in your universe so you can universal while you universe.”) The questionable: It will, somehow, incorporate facial recognition and “photo validation technology” to help guests have a “frictionless experience.” The goal, officials said, is to link visitors with the company’s other Orlando-area attractions, theoretically providing enough attractions to entice families to stay in Florida, voluntarily, for an entire week at a time.

“Right now, we get a good three days,” said Mark Woodbury, CEO of Universal Destinations & Experiences.



*Me selecting a kart to drive away from Florida
(via Giphy)*

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