

# News From The States

# EVENING WRAP

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By [Kate Queram](#)

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Today I get to write about politicians and also about animals, which brings to mind so very many dad jokes. I will spare you from all of them, which is my holiday gift to you and also my apology for the fact that I cannot spare you from Congress.



## The Big Takeaway

Congress is unlikely to reach a deal on immigration before the holidays, a truly shocking turn of events for a complex and highly polarizing issue that has stymied federal lawmakers for [nearly four decades](#). The impasse is the predictable result of a Republican plan to demand border security measures in exchange for supporting President Joe Biden's \$110 billion supplemental funding package, which includes aid for Ukraine and Israel. Absent a holiday miracle, those negotiations will be punted to January, when lawmakers will also be [fighting over funding](#) (or [not funding](#)) the federal government, [our D.C. bureau reported](#).



*The sun sets on another pointless day in Congress.  
(Photo by Jennifer Shutt/States Newsroom)*

**Which is not a recipe for success.** Congress can't multitask even when the tasks are simple; most of the time, it also can't handle a single complicated thing. Senate Majority Leader Chuck Schumer kept his chamber in session this week specifically to focus on border negotiations, which have so far produced nothing beyond the occasional assurance that lawmakers are "making progress" on a deal. (What kind of progress? What sort of deal? These are questions that not even science, or Schumer, can answer.)

"While the job is not finished," Schumer said Monday, "I'm confident that we're headed in the right direction."

**Vague platitudes are probably all we'll get until January.** Lawmakers said Monday they did not expect a vote this week, probably because they have yet to draft a bill or agree on what it might include. Most Republicans left town before the negotiations began; those who stayed accused Democrats of delaying the talks and then pressuring GOP lawmakers to accept a deal quickly.

“The bottom line here is we feel like we’re being jammed,” U.S. Sen. Lindsey Graham (R-S.C.) said Sunday. “We’re not anywhere close to a deal.”



*Just waiting for a pen.*  
(Photo by Joe Timmerman/The Texas Tribune)

**Texas Gov. Greg Abbott inked his own immigration deal Monday**, signing a bill that allows state and local law enforcement officers to arrest migrants suspected of crossing the Mexican border without legal authorization, [the Texas Tribune reported](#). The [law](#), which takes effect in March, is effectively a state-level copy of a federal law that prohibits border crossings outside of designated points of entry. This is, of course, the point: The federal government is supposed to oversee immigration, but it hasn't, so Texas has to take care of things on its own.

"Biden's deliberate inaction has left Texas to fend for itself," Abbott said. "The goal of [the bill] is to stop the tidal wave of illegal entry into Texas."

The policy creates a state law banning Texas-Mexico border crossings between ports of entry, a crime now classified as a Class B misdemeanor and punishable by up to six months in jail. Repeat offenders could face second-degree felony charges, which carry a penalty of two to 20 years in prison. Judges can drop those charges if a migrant agrees to return to Mexico, according to the law.



Immigrant rights organizations, former judges and Democrats previously warned that the policy likely violated the U.S. Constitution, which is generally interpreted as restricting immigration enforcement authority to the federal government. The U.S. Supreme Court narrowly agreed with that reading in 2012 — but that was 11 years and four justices ago, when legal precedent was a thing and our collective blood pressure was so much lower. Today’s court would likely take a different view, and that is why the Texas law was always going to end up in court.



*The U.S. Supreme Court, generally interpreted as being terrible.  
(Photo by Al Drago/Getty Images)*

**The legal battle began Tuesday in federal court in Austin**, where immigrant rights organizations [filed a lawsuit](#) arguing that the law violates the federal government’s constitutional authority to enforce immigration policy, [the Tribune reported](#). The law would also prevent migrants from claiming asylum, a right they retain regardless of how they enter the country, according to the American Civil Liberties Union and the Texas Civil Rights Project, which filed the lawsuit on behalf of El Paso County and two advocacy groups.

“Governor Abbott’s efforts to circumvent the federal immigration system and deny people the right to due process is not only unconstitutional, but also dangerously prone to error, and will disproportionately harm Black and Brown

people regardless of their immigration status,” said Anand Balakrishnan, senior staff attorney at the ACLU’s Immigrants’ Rights Project. “We’re using every tool at our disposal, including litigation, to stop this egregious law from going into effect.”

**Texas Republicans stuck to the script**, defending the law as an intelligent and necessary response to a torrent of illegal migration created by President Joe Biden’s penchant for open borders.

“[The law] is the Texas solution to a Texas problem. It is a humane, logical and efficient approach to a problem created and fostered by the Biden administration’s continued failure and refusal to secure our border,” said state Rep. David Spiller, one of the bill’s original sponsors.

Neither Biden nor the U.S. Department of Justice have publicly commented on the law, though a White House spokesperson described the policy as “extreme.” Mexican President Andrés Manuel López Obrador concurred on Tuesday, vowing to challenge the law and chastising Abbott for chasing “popularity” points through policy overreach.

**There’s no prom king in politics:** [Arizona’s federal-only voters are concentrated on college campuses, data show](#) ... [Arkansas AG rejects proposed ballot measure meant to add clarity to Freedom of Information Act](#) ... [Voting rights decision may curb push to diversify Georgia, Alabama utility commissions](#) ... [Indiana Gov. Eric Holcomb considers his legacy, next steps as 2023 winds down](#) ... [Former Maryland governor confirmed by U.S. Senate to lead Social Security](#) ... [Requests for Michigan governors to remove public officeholders far outnumber actual removals](#) ... [New Jersey elections watchdog moves to join lawsuit targeting outside spending group](#) ... [Oregon Rep. Lori Chavez-DeRemer reflects on first year in office](#) ... [U.S. Steel: Pennsylvania Democrats criticize the company’s proposed \\$14B sale to Nippon Steel](#) ... [Few cases of alleged voter fraud are prosecuted in Tennessee](#) ... [After years of losing battles with GOP leaders, some big city Texas mayors strike friendlier tone](#) ... [Investigation finds Washington lawmaker berated, bullied staff](#)



### Also Trending

Louisiana Gov. John Bel Edwards had planned to take his chickens with him



when he left the governor's mansion — but then Gov.-elect Jeff Landry asked if he could keep them. And what's a little fowl between friends, really?



*COME ON IN WE'VE GOT CHICKENS*  
(Photo by Piper Hutchinson/Louisiana Illuminator)

So the chickens will stay, [per the Louisiana Illuminator](#). Officially, Landry will take ownership of the birds when he's sworn in on Jan. 8, though one assumes that in his heart, they are already his.

As for Edwards, well. Sources say the chickens soothed his spirit on particularly tough gubernatorial days, so probably he'll miss them, sort of, maybe.

"But I'll get some more," he said. "Every now and then you have to get new chickens anyway."

**It is also necessary, every now and then, to climb into a helicopter and shoot some feral cows** in the Gila National Forest — but only when there are *too many* feral cows, which is not the case this year, according to the U.S. Forest Service. Which is not to say that they won't shoot *any* cattle, you understand.



They just won't shoot them *from the sky*, [per Source New Mexico](#).

“Forest Service estimates that the number of remaining Gila Cattle is roughly in the neighborhood of 10-20 animals, with some degree of uncertainty outside that range due to the large area at issue and the evasive nature of the animals,” the agency wrote in a Dec. 5 court filing. “As a result of this estimate, Federal Respondents do not intend to proceed with aerial lethal removal operations of the Gila Cattle in February 2024.”



*Moo.*

*(Photo via Source New Mexico)*

Feral cows have been a whole big thing in the [Gila National Forest](#) since the mid-1970s, when a rancher with a federal grazing permit declared bankruptcy and left his cattle to fend for themselves in the wilderness. (It's unclear if he tried to first offload them at the Louisiana governor's mansion.) Federal officials began removing them after the herd expanded and turned feral, posing a hazard to “public safety, threatened and endangered species habitats, water quality, and the natural character of the Gila Wilderness.” In total, the agency has removed 756 cattle, [about half](#) of which died “due to stress and self-inflicted injury” during the capture and removal process, officials said.

Those efforts continued mostly without incident until recently, when the “aerial lethal removal operations” began to [attract criticism](#) over potential violations of endangered species protections, animal cruelty and, you know, the optics of sniping cows from helicopters. The controversy reached a fever pitch in February, when a special team of [federal officials sniped 19 cattle from a helicopter](#) on public lands despite vocal objections from state cattle organizations, which claimed in a lawsuit that they had not been given the required 75 days notice and questioned whether the cattle were really feral.

A federal judge sided with the government, which said the cattle posed a danger to hikers, waterways and species habitats. The New Mexico Cattle Growers Association later joined a federal lawsuit seeking [a permanent end](#) to the helicopter shooting sprees. That case is ongoing, according to court records.

**The wild kingdom:** [\(Alaska\) Western Arctic Caribou Herd population decline continues, with hunting expected to be affected ...](#) [Colorado releases five wolves on Western Slope, fulfilling voter-approved reintroduction measure ...](#) [\(Indiana\) First Dog Henry Holcomb dies ...](#) [Wildlife groups sue railway for Montana grizzlies killed by trains without safety measures ...](#) [Deaths of bighorn sheep on Panhandle highway prompt Nebraska study of first-of-its-kind wildlife crossing ...](#) [North Dakota rancher accused of making \\$6M in illegal cattle sales profits ...](#) [Analysis of Oregon salmon hatcheries finds nearly all hurt wild salmon populations ...](#) [Scientists to study how offshore wind construction off Virginia Beach impacts fish](#)



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## One Last Thing

D.C. is apparently reverting to [its original, literal swamp form](#), though I doubt anyone will notice.

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