

Political Media Analysis: Does the State's Last Effort to Sue the Obama Administration Prove Federal Overreach or State Encroachment?

In January 2017, journalist Kiah Collier documented one more round of the Texas strategy to sue the federal government. In "Texas sues the federal government one more time over coal rule," Kiah reported on the announcement that Texas would join 13 other Republican-led states in an attempt to block a federal rule that would limit coal mining near waterways. She uses the official statements to show how Ken Paxton relies on an interpretation of the 10th Amendment to diminish the ordinary rulemaking process of federal agencies.

Collier's article appears in the Texas Tribune, a non-partisan and non-profit publication. The Tribune represents one of the largest statewide news bureaus. They cover a wide range of issues, and their mission statement includes engaging Texans "about public policy, politics, government, and statewide issues." ("About Us") The Media Bias Fact Check project has rated the Texas Tribune "high" for fact-based reporting that includes "proper sourcing and an excellent fact-checking record." ("Texas Tribune") The Texas Tribune represents a high-quality news source for following stories about environmental policies at the state and federal level.

The journalist also has the professional experience to be trusted as a reliable source herself. Collier has worked with the Texas Tribune since 2015, earning awards for environmental journalism, investigative reporting, and science journalism. Her

reporting in this article relies on two competing statements. She provides extensive quotes from Janice Schneider, the Assistant Secretary for Land and Minerals Management, and Ken Paxton, the Attorney General of Texas. The article fails to provide much additional information beyond these competing quotes.

Representing the position of the federal government, Schneider says the new rule, "takes into account the extensive and substantive comments we received from state regulators, mining companies and local communities across the country (Collier)." Ken Paxton represents the position of the states and claims, "the federal agency adopted the revised rule without the participation of the states." (Collier) It is unclear what the Attorney General believes should have been done differently. The rest of his statement argues against a "one-size-fits-all rule" that represents a "federal overreach" and overlooks state sovereignty protected by the Tenth Amendment.

Collier's article provides competing claims but does not offer answers to follow-up questions that would make it possible to evaluate these claims. Collier instead documents the extent of the Attorney General's commitment to suing the federal government. The article includes the number of times Paxton has sued the federal government during Obama's administration and the total cost of those cases. She received these figures from Paxton's office. She also provides a quote from a conference Paxton attended. He told the Texas Association of Business that he "'wanted to give it one more shot' before Obama leaves office." By the end of the article,

the Attorney General's jokes about suing the federal government are the story. The article does not provide that same kind of follow-through for the revisions of the coal rule or what the state claims went wrong in the rulemaking process.

Collier's article about the state's challenge to a revised coal rule outlines the competing claims animating the case. The public statements of the federal government and the Texas Attorney General become a useful introduction to the two sides of the court challenge. The reader, however, does not learn much else about this challenge. The article fails to provide the additional information that could be used to evaluate the case's merits.

The statements point to an attempt to update a 33-year old regulation. The journalist does not include what those updates required or how they might affect coal producers, especially those operating in Texas. There is no evidence of the consequences of these revisions. This policy update could include costs for Texans when it comes to jobs or the local economy around coal plants but it could lead to benefits too. There is no mention of the purposes of these revisions beyond an update. If this update will improve air quality in major Texas cities, the reader would know what is at stake for them in the state's decision to challenge the new rule.

The Houston Chronicle and AP News both include a full list of the other states joining the court challenge (Zelinkski). These details make it possible for the reader to

assess whether the state's Attorney General is in good company or is riding with the usual suspects. AP News includes support from the U.S. Interior Department that says the rule will "protect 6,000 miles of streams by preventing coal mining debris from being dumped into nearby waters." This statement gives the reader some indication of the rule's purpose.

The article "Texas sues the federal government one more time over coal rule" by Kiah Collier represents a good place to start an inquiry. However, it is not sufficient for a Texan to understand the consequences of these actions of either the federal or state levels of government. Collier documents a legal challenge but does not include the follow-up information for evaluating the merits of that challenge. Starting with original documents like the public statements is a valuable starting point for a reader who wants to be more informed. That same reader will need to turn to other sources to determine whether this is an act of federal overreach, as Paxton claims, or an example of how states attempt to encroach on federal power.

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