

Subject: Today's Headlines: C.D.C. Eases Outdoor Mask Guidance for Vaccinated Americans

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Wednesday, April 28, 2021

Top News

C.D.C. Eases Outdoor Mask Guidance for Vaccinated Americans

By Sheryl Gay Stolberg and Roni Caryn Rabin

“Go get the shot,” President Biden declared Tuesday, hailing an easing of federal guidance on outdoor mask wearing as a step toward post-pandemic normalcy.



Biden Seeks \$80 Billion to Beef Up I.R.S. Audits of High-Earners

By Jim Tankersley and Alan Rappeport

The president’s “American Families Plan,” which he will detail this week, will be offset in part by a tax enforcement effort that administration officials believe will raise \$700 billion over a decade.



The U.S. Built the Afghan Military Over 20 Years. Will It Last One More?

By Thomas Gibbons-Neff, Najim Rahim and C. J. Chivers

As the United States withdraws from Afghanistan, it leaves behind broken and battered Afghan security forces to defend the country from the Taliban and other threats.



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Editors' Picks

FOOD

The Island Is Idyllic. As a Workplace, It's Toxic.

By Julia Moskin

Globe-trotting diners flock to the Willows Inn's serene Northwest setting. But former employees say faked ingredients, sexual harassment and an abusive kitchen are the real story.

OPINION | ROSS DOUTHAT

Here's My Novel Idea for the Republican Party

By Ross Douthat

American politics needs more factions. The Republican senators floating populist proposals should forge one.

Today's Videos

Video VIDEO: **Biden Sets \$15 Minimum Wage for Federal Contractors**

By The Associated Press

President Biden on Tuesday signed an executive order to increase the minimum wage to \$15 an hour for federal contractors starting in 2022.

Video VIDEO: **Biden Speaks Following C.D.C. Easing Mask Guidelines**

By The Associated Press

President Biden spoke on Tuesday about the Centers for Disease Control and Prevention's new guidance about when masks should be worn outdoors.

Video VIDEO: **C.D.C. Eases Outdoor Mask Guidelines**

By The Associated Press

Dr. Rochelle P. Walensky of the Centers for Disease Control and Prevention remarked on Tuesday on the agency's new guidance about when masks should be worn outdoors.

World

INDIA DISPATCH

‘This Is a Catastrophe.’ In India, Illness Is Everywhere.

By Jeffrey Gettleman and Atul Loke

As India suffers the world’s worst coronavirus crisis, our New Delhi bureau chief describes the fear of living amid a disease spreading at such scale and speed.

A Graying China May Have to Put Off Retirement. Workers Aren’t Happy.

By Vivian Wang and Joy Dong

Most Chinese workers retire by 60. But with the population aging and pension funds running low, the government says that must change.

Chair Incident Was Sign of Enduring Sexism, E.U. Leader Says

By Isabella Kwai

“Would this have happened if I had worn a suit and a tie?” asked Ursula von der Leyen, president of the European Commission, after she was left standing during a summit in Turkey this month.

For more world news, go to [NYTimes.com/World](https://www.nytimes.com/world) »

U.S.

‘There Is a Tension There’: Publishers Draw Fire for Signing Trump Officials

By Elizabeth A. Harris and Alexandra Alter

Kellyanne Conway, Mike Pence and William Barr have book deals. That is raising new challenges for publishers trying to balance ideological lines with a desire to continue representing the political spectrum.

After Nearly a Year of Unrest, Portland Leaders Pursue a Crackdown

By Mike Baker

Mayor Ted Wheeler said he wanted to “unmask” demonstrators who engaged in property destruction. The Oregon city has seen regular demonstrations since the murder of George Floyd.

Private Autopsy Shows Deputies Shot Andrew Brown Jr. 5 Times

By Richard Fausset

The fatal shot was to the back of the head, lawyers for Mr. Brown's family said. Cries are growing for the authorities in Elizabeth City, N.C., to release body camera footage.

For more U.S. news, go to [NYTimes.com/US](https://www.nytimes.com/US) »

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Politics

How Gavin Newsom Landed in a California Jam

By Shawn Hubler and Jennifer Medina

The campaign to recall the state's governor shows that even a one-party stronghold like California can be rocked by the nation's political polarization.

After Failures to Curb Sexual Assault, a Move Toward a Major Shift in Military Law

By Jennifer Steinhauer

Senator Kirsten Gillibrand has fought for years to remove commanders from deciding assault cases. Now, more colleagues and a Pentagon panel agree.

Why Iowa Has Become Such a Heartbreaker for Democrats

By Trip Gabriel

The 2020 carnage for the party was deep in the state, one of many where economic decline and social malaise helped fuel Donald Trump's rise. Now Democrats face the pivotal question of whether to abandon both Iowa and its first-in-the-nation caucuses.



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Business

College Accounts at Birth: State Efforts Raise New Hopes

By Patricia Cohen

Creating and seeding accounts for every newborn is found to have an impact on aspirations as well as savings.

Epicurious Has a Beef With Beef

By Derrick Bryson Taylor and Christina Morales

The popular cooking website will not publish new beef recipes over concerns about climate change. "We think of this decision as not anti-beef but rather pro-planet," an article said.

YOUR MONEY

How Identity Thieves Took My Wife for a Ride

By Ron Lieber

Auto insurers try to make it easy to sign up for a policy. Those efforts have given an opening to scammers.

For more business news, go to [NYTimes.com/Business](https://www.nytimes.com/business) »

Technology

Daniel Kaminsky, Internet Security Savior, Dies at 42

By Nicole Perlroth

If you are reading this obituary online, you owe your digital safety to him.

D.C. Police Department Data Is Leaked in a Cyberattack

By Nicole Perlroth and Julian E. Barnes

The department appears to be the third police force to be targeted in a ransomware attack in six weeks, and the 26th government agency hit this year.



How Data Is Changing the Way Offices Are Run

By Patrick Sisson

Building owners are using data collection and artificial intelligence to help control systems like heating, lighting, air quality and even the flow of workers.

For more technology news, go to [NYTimes.com/Technology](https://www.nytimes.com/Technology) »

Sports

Running for the Roses, the Record Books and His Father

By Joe Drape

Kendrick Carmouche has a chance to become the first Black jockey in 119 years to win the Kentucky Derby. But mostly he would like to win for his “Pops.”

2021 N.F.L. Draft: Trades Hint at Team Needs

By Ben Shpigel

San Francisco traded for the No. 3 pick to select a quarterback, and Baltimore traded into the first round, sending Orlando Brown to Kansas City, to reload for the future.

N.H.L. and Turner Sports Reach 7-Year Media Rights Deal

By Andrew Knoll

Turner Sports will broadcast half of each year’s playoffs and three Stanley Cup finals, and plans to bring games to the HBO Max streaming service.

For more sports news, go to [NYTimes.com/Sports](https://www.nytimes.com/Sports) »

Arts

CRITIC’S NOTEBOOK

A Billion-Dollar Battle Over a Parking Lot at the Seaport

By Michael Kimmelman

For decades, development of a scruffy lot on the edge of the South Street historic district has divided residents. Now our critic supports a new plan.



Bethenny Frankel Is Back on TV Because ‘I Know What People Want to See’

By Alexis Soloski

In “The Big Shot With Bethenny,” on HBO Max, millennial strivers will compete to help Frankel run her Skinnygirl empire.

CRITIC'S NOTEBOOK

When Vaccines Become an Internet Personality Test

By Amanda Hess

It feels very American to turn the vaccine rollout into a branding spectacle rooted in the worship of pharmaceutical companies.

For more arts news, go to [NYTimes.com/Arts](https://www.nytimes.com/arts) »

New York

A \$7 Billion Mistake? New York Seeks to Curb New Hotels.

By Dana Rubinstein and J. David Goodman

A plan to require approval for every new hotel has sparked opposition inside city government, where budget officials say it could reduce future tax revenue from tourism.

N.Y.P.D. Highway Officer Killed by Drunken Driver, Police Say

By Troy Closson

Anastasio Tsakos was directing traffic on the Long Island Expressway overnight when he was struck by a woman who the police said was intoxicated and driving with a suspended license.

New York Mayoral Race Begins a New Phase: The TV Ad Blitz

By Katie Glueck

As the candidates seek to attract voters' attention, an ad for Scott Stringer says he is the candidate best suited to lead the “city's greatest comeback.”

Media & Advertising

Extremists Find a Financial Lifeline on Twitch

By Kellen Browning

QAnon adherents and other far-right influencers are making thousands of dollars broadcasting election and vaccine conspiracy theories on the streaming site.

Norton Takes Philip Roth Biography Out of Print

By Alexandra Alter and Jennifer Schuessler

The publisher also said it would make a donation to sexual abuse organizations equal to the advance it paid Blake Bailey, the author accused of sexual assault.

Fox News fights an election company's defamation suit with a new court filing.

By Jonah E. Bromwich

Fox is asking a court to dismiss a suit filed by Smartmatic, which accused it and three of its anchors of promoting falsehoods about the company.

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Food

With No Frills or Celebrities, Cookpad Is a Global Go-To for Recipes

By Priya Krishna

Born in Japan and a hit around the world, the recipe-sharing site has been less successful in America. Yet it has a small, fervent following among immigrants.

A Sri Lankan Chicken Curry Grounded in Memory

By Samantha Seneviratne

Creamy coconut milk and homemade spice blends run through this warming kukul mas maluwa, inspired by a grandmother's cooking.



THE POUR

10 New York State Wines to Drink Now

By Eric Asimov

Here are top-tier bottles from producers in the Finger Lakes and Long Island, regions that deserve more respect than they receive.

For more food news, go to [NYTimes.com/Food](https://www.nytimes.com/food) »

Obituaries

Ole Anthony, Scourge of Televangelists, Dies at 82

By Clay Risen

After working as a well-paid Republican operative, he gave up a lavish lifestyle to live in poverty as a self-proclaimed Jeremiah, calling out fraud in the name of God.

Helen Weaver, Chronicler of an Affair With Kerouac, Dies at 89

By Alex Traub

She was a respected translator from French and a writer on astrology, but her magnum opus was a memoir of her time with Kerouac and the Beats.

W. Galen Weston, Who Transformed a Family Food Empire, Dies at 80

By Ian Austen

Faced with the task of turning around a nearly bankrupt supermarket chain, he made private-label merchandise fashionable.

For more Obituaries, go to [NYTimes.com/Obituaries](https://www.nytimes.com/obituaries) »

Opinion

MICHELLE COTTLE

Biden Underpromises, Overdelivers

By Michelle Cottle

President Biden has spent his first 100 days focused on the pandemic and the economy — and not much on Twitter.



GUEST ESSAY

When Can We Declare the Pandemic Over?

By Aaron E. Carroll

Normal has never meant “perfectly safe.” A safer world will likely still have Covid-19 in it.

THOMAS L. FRIEDMAN

Is There a War Coming Between China and the U.S.?

By Thomas L. Friedman

A new novel about 2034 has unnerving echoes of today’s headlines.

GUEST ESSAY

Biden Has a Chance to Remedy One of Obama’s Biggest Regrets

By Lee Wolosky

Guantánamo is hugely expensive, and its detainees are increasingly geriatric and unlikely to return to the terrorist battlefield.

GUEST ESSAY

Aleksei Navalny Is Russia’s True Leader

By Oleg Kashin

Brave, proud and unbroken, he is standing up to an inhumane system.

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Monday, May 3, 2021

Top News

Reaching 'Herd Immunity' Is Unlikely in the U.S., Experts Now Believe

By Apoorva Mandavilli

Widely circulating coronavirus variants and persistent hesitancy about vaccines will keep the goal out of reach. The virus is here to stay, but vaccinating the most vulnerable may be enough to restore normalcy.

How the A.T.F., Key to Biden's Gun Plan, Became an N.R.A. 'Whipping Boy'

By Glenn Thrush, Danny Hakim and Mike McIntire

The federal agency tasked with enforcing gun laws has been hamstrung for years by the firearms lobby. Now, the president's plan to rein in gun violence hinges on the A.T.F.'s success.

As Body Cameras Become Commonplace, a Debate Over When to Release the Footage

By Richard Fausset and Giulia McDonnell Nieto del Rio

The question of timing has become an unsettled new frontier of policymaking as the use of police body cameras is more the rule rather than the exception.



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Editors' Picks

BUSINESS

'We're Suffering': How Remote Work Is Killing Manhattan's Storefronts

By Peter Eavis and Matthew Haag

Landlords cut small retailers a break on rent during the pandemic, but stores are still struggling because too few office workers and tourists have returned.

OPINION | GUEST ESSAY

There's No Classics 'Catastrophe' at Howard University

By Brandon Hogan and Jacoby Adeshei Carter

Our students will still be studying Plato and Aristotle, but we can't afford a whole department.

Today's Videos

Video VIDEO: NASA Astronauts Land SpaceX Capsule Overnight

By The Associated Press

Four astronauts splashed down off the coast of Panama City, Fla., early Sunday in a Crew Dragon spacecraft, named Resilience, returning safely to Earth from a mission in November to the International Space Station.

Video VIDEO: Oregon Places 15 Counties Under Its Strictest Lockdown Restrictions

By The Associated Press

Kate Brown, governor of Oregon, announced on Friday that 15 counties would move into the state's most severe level of restrictions to combat a new wave of coronavirus cases.

Video VIDEO: India Vaccination Drive Stifled by Supply Shortages

By The Associated Press

As vaccine eligibility opened to people 18 and older on Saturday, several states reported shortages. India has faced global records for daily coronavirus cases, limited oxygen supplies and a series of deadly hospital accidents.

World

Love or Spycraft: What Landed an American Teacher in a Cuban Prison?

By Frances Robles

It was a romance steeped in international intrigue, and it landed Alina López Miyares in a Cuban prison. How much did she know about the web that entangled her?

North Korea Warns Biden Against ‘Hostile Policy’

By Choe Sang-Hun

An official said President Biden had made “a big blunder” by characterizing the North’s nuclear arsenal as a threat to the United States.

\$18 Million Refit of Colosseum Will Give Visitors a Gladiator’s View

By Elisabetta Povoledo

The winning design for a new floor for the Roman landmark, planned to be ready for 2023, will cover the exposed subterranean chambers and reconnect “the thread of time.”

For more world news, go to [NYTimes.com/World](https://www.nytimes.com/world) »

U.S.

How a Miami School Became a Beacon for Anti-Vaxxers

By Patricia Mazzei

Centner Academy barred teachers newly vaccinated against the coronavirus from being near students. Some parents threatened to withdraw their children. Others clamored to enroll.



At Least 3 Die After Human-Smuggling Boat Hits Reef Near San Diego

By Neil Vigdor and Marie Fazio

Twenty-seven others were rescued and taken to hospitals after the 40-foot craft splintered in rough seas, the San Diego Fire-Rescue Department said.

Three Colorado Officers Resign After Arrest of Woman With Dementia

By Michael Levenson

Body-camera footage of the arrest of Karen Garner has drawn widespread outrage, as has another video that showed officers laughing at the footage.

For more U.S. news, go to [NYTimes.com/US](https://www.nytimes.com/US) »

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Politics

In South Texas, Hispanic Republicans Try to Cement the Party's Gains

By Jennifer Medina

Conservative Hispanic leaders, especially women, are ascendant in the Rio Grande Valley, where Republicans are trying to forge lasting bonds with voters who swung sharply to the right in 2020.

Why Kristi Noem Is Rising Quickly as a Republican Prospect for 2024

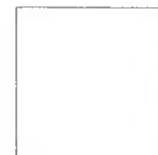
By Jonathan Martin

Ms. Noem, the governor of South Dakota, has defied coronavirus restrictions and eagerly projects a rugged Great Plainswoman image. Her moves have stirred both support and conflict in the G.O.P.

Mitt Romney Is Booed by Members of His Own Party

By Marie Fazio

Mr. Romney, a Utah Republican and an outspoken critic of former President Donald J. Trump, was booed and heckled as he addressed the Utah Republican state convention on Saturday.



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Business

Why Biden's Plan to Raise Taxes for Rich Investors Isn't Hurting Stocks

By Matt Phillips

Investors care more about economic data and corporate profits than an increase in the capital gains tax. It has usually been this way.

RETIRING

She Bought a Truck on eBay, Then Forgot It. A Dementia Diagnosis Came Later.

By Michelle Andrews

Impulsive purchases, out-of-control spending: These behaviors can be early signs of Alzheimer's disease or other cognitive decline.

ECONOMIC VIEW

The True Cost of Closing the Racial Wealth Gap

By William Darity Jr.

Policies like forgiving debt for all student loans and giving baby bonds to the whole population won't be nearly enough to achieve racial wealth parity, an economist says.

For more business news, go to [NYTimes.com/Business](https://www.nytimes.com/business) »

Technology

Verizon Near Deal to Sell Yahoo and AOL

By Edmund Lee and Lauren Hirsch

In making the deal with the private equity firm Apollo, Verizon is acknowledging that it couldn't compete with Google and Facebook for digital ads. Instead, it will concentrate on building a 5G network.

Apple and Epic Head to Court Over Their Slices of the App Pie

By Jack Nicas and Erin Griffith

Apple and Epic Games, maker of the wildly popular game Fortnite, square off on Monday in a trial that could decide how much control Apple can exert over the app economy.



WHEELS

Mercedes EQS Electric Sedan: The S Stands for Stunning

By Brett Berk

The automaker should be able to win back some customers who drifted to Tesla, and hold onto the Tesla-curious.

For more technology news, go to [NYTimes.com/Technology](https://www.nytimes.com/Technology) »

Sports

An Olympic Dream Dashed by a Nasal Swab

By Matthew Futterman

Qualifying for the Games can be the achievement of a lifetime. In the coronavirus era, though, that opportunity can vanish without warning.

Denied a Season, Some Ivy League Athletes Craft a Baseball Gap Year

By Billy Witz and Saul Martinez

The Ivy League, unlike most Division I conferences, decided against spring sports. That has led some athletes, like baseball players at Brown, to find outside ways to train.

Boxer Charged in Killing of Pregnant Woman Found in Puerto Rican Lagoon

By Azi Paybarah and Jesus Jiménez

Félix Verdejo Sánchez, who competed at the 2012 Olympic Games, surrendered after the body of Keishla Rodríguez Ortiz was found near San Juan, the authorities said.

For more sports news, go to [NYTimes.com/Sports](https://www.nytimes.com/Sports) »

Arts

Amid Signs of Trouble, Can MOCA Find Its Footing?

By Robin Pogrebin

The last year was bumpy for this Los Angeles museum, with Covid-19, questions about diversity and a reorganization. But its director, Klaus Biesenbach, says, “every day is a chance to improve.”



CRITIC'S NOTEBOOK

With Her Final Album, Rebecca Luker Bids a Fond Farewell

By Jesse Green

The much-loved Broadway soprano, who died in December, had one more miracle up her sleeve.

Maskless and Sweaty: Clubbing Returns to Britain for a Weekend

By Alex Marshall

In Liverpool, people danced together at a warehouse party as part of a scientific trial of how and if social distancing can safely end.

For more arts news, go to [NYTimes.com/Arts](https://www.nytimes.com/arts) »

New York

Sexual Harassment Allegations Roil N.Y.C. Mayor's Race: 5 Takeaways

By Jeffery C. Mays and Emma G. Fitzsimmons

Scott Stringer, the city comptroller, has faced criticism for his aggressive defense against accusations from a former campaign worker.

Should Nurses Take a 30% Pay Cut When Their Patient Turns 23?

By John Florio and Ouisie Shapiro

For the most fragile New Yorkers and those who care for them, turning 23 brings enormous consequences.

STREETSCAPES

A Sidewalk Clock Standing Proudly in Queens Gets a Restoration

By John Freeman Gill

Local leaders raised the funds, but mysteriously, there was no record of what the battered timepiece looked like when it was installed more than 100 years ago.

Media & Advertising

THE MEDIA EQUATION

Help, We Can't Stop Writing About Andrew Yang

By Ben Smith

The outsider brings provocative ideas and good vibes. But can an “empty vessel” really make it through New York’s shark-infested media waters?

‘Donkey Hodie’ Adds a Fresh Face to Fred Rogers’s World. And a Mohawk.

By Laurel Graeber

The new PBS Kids series follows the spunky young granddaughter of a character from “Mister Rogers’ Neighborhood” as she learns important lessons about facing life’s challenges.

Clubhouse App Creates Space for Open Talk in Middle East

By Vivian Yee and Farnaz Fassihi

The social networking app is booming in authoritarian countries, where users are speaking freely about otherwise taboo topics.

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Science

SpaceX Makes First Nighttime Splashdown With Astronauts Since 1968

By Kenneth Chang

Crew-1, which launched to the space station in November, left the space station in the capsule called Resilience.

Russian Attempts to Expand Sputnik Vaccine Set Off Discord in Europe

By Andrew Higgins

Political turmoil in Slovakia is an example of how Russia’s vaccine diplomacy, which has divided politicians across Europe, can have negative side effects for a recipient country.



Hundreds Reported Abnormal Menstruation After Exposure to Tear Gas, Study Finds

By Heather Murphy

A scientific paper expands on social media reports of sudden onset of periods, spotting and other menstrual peculiarities during last summer's protests in Portland, Ore.

For more science news, go to [NYTimes.com/Science](https://www.nytimes.com/science) »

Obituaries

Jason Matthews, C.I.A. Officer Turned Novelist, Dies at 69

By Richard Sandomir

After 33 years at the agency, he turned out three well-received novels that included realistic details of espionage — and appearances by Vladimir Putin.

Wayne Peterson, Pulitzer Prize-Winning Composer, Dies at 93

By Neil Genzlinger

His Pulitzer, in 1992, came amid controversy not of his making: A three-member jury had recommended a different work.

Al Schmitt, Maestro of Recorded Sound, Is Dead at 91

By Richard Sandomir

The winner of multiple Grammys, he engineered or produced records by Frank Sinatra, Ray Charles, Paul McCartney, Bob Dylan, Jefferson Airplane and many others.

Pete Lammons, Who Helped the Jets Win '69 Super Bowl, Dies at 77

By Richard Goldstein

After his football career, he bred racehorses and competed in professional fishing tournaments. He died after falling out of a boat in East Texas.

Overlooked No More: Inji Efflatoun, Egyptian Artist of the People

By Myrna Ayad

She was born into the aristocracy but became an activist for commoners while depicting social injustices in her paintings.

For more Obituaries, go to [NYTimes.com/Obituaries](https://www.nytimes.com/obituaries) »

Opinion

CHARLES M. BLOW

Is America a Racist Country?

By Charles M. Blow

The answer is “yes,” and that’s not a radical statement.

GUEST ESSAY

What Kind of Fear Is Stopping Joe Biden?

By Samuel Moyn

A politics driven by threats from angry voters, domestic uprisings and foreign states will not break the American impasse.

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DATA COLLECTION

[Webinar] Storytelling: How to bridge the gap between small and big data - May 12th, 12:00 pm - 12:45 pm EDT

by Clocktimizer

Big Data, Data Management, Discovery, e-Discovery Professionals, Electronically Stored Information, Legal Technology, Webinars

Monthly Minute | Protecting Against Data Scrapers ☐

by Jeffrey Fisher, Richard Goldstucker | Kilpatrick Townsend & Stockton LLP

Computer Fraud and Abuse Act (CFAA), Data Protection, Intellectual Property Protection, Trade Secrets, Web Scraping, Websites

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“Hogs Get Slaughtered” – The Story of Florida Privacy Legislation

by Alfred Saikali | Shook, Hardy & Bacon L.L.P.

Cybersecurity, Data Protection, Data Security, State and Local Government

New Proposed EU AI Regulation Extends Beyond Europe

by Jenny Arlington, Justin Williams, Michelle Reed, ... | Akin Gump Strauss Hauer & Feld LLP

Artificial Intelligence, Cybersecurity, Data Protection, Data Security, EU, European Commission, Proposed Regulation, Registration Requirement, Transparency

Status Of Proposed CCPA-Like State Privacy Legislation As Of May 3, 2021

by David Stauss | Husch Blackwell LLP

California Consumer Privacy Act (CCPA), Consumer Privacy Rights, Corporate Counsel, Data Collection, Data Protection, Privacy Laws, Private Right of Action, Proposed Legislation

CPRA Series: The CPRA And Risk Assessments

by Mary Costigan | Jackson Lewis P.C.

California Consumer Privacy Act (CCPA), California Privacy Rights Act (CPRA), Data Protection Impact Assessments (DPIAs), General Data Protection Regulation (GDPR), HIPAA, Personal Data, Personal Information, Privacy Laws, Risk Assessment

One Year Later: How the Evolving Work-from-Home Climate Prompts Reminders for Technology Best Practices

by Ten Stallings | Fisher Phillips

Anti-Harassment Policies, Best Practices, Bring Your Own Device (BYOD), Data Protection, Data Retention, Data Security, Electronically Stored Information, Email Policies, Employer Liability Issues, Employment Policies, Proprietary Information, Remote Working, Sensitive Business Information, Text Messages, Wage and Hour

Privacy & Cybersecurity Update - April 2021

by Brian Duwe, David Eisman, David Schwartz, ... | Skadden, Arps, Slate, Meagher & Flom LLP

Artificial Intelligence, Cybersecurity, Data Breach, Data Protection, Data Security, Department of Labor (DOL), EBSA, EU, European Commission, IN Supreme Court, Ransomware

US State Privacy Law Check-In

by Christopher Buontempo, Christopher Buontempo, Cynthia Larose, ... | Mintz - Privacy & Cybersecurity Viewpoints

Consumer Privacy Rights, Consumer Privacy Rights, Corporate Counsel, Corporate Counsel, Cybersecurity, Cybersecurity, Data Collection, Data Collection, Data Privacy, Data Protection, Data Protection, Personal Data, Personal Data, State Privacy Laws, State Privacy Laws

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DATA PROTECTION

Lessons From Spain's Fine Of Equifax For GDPR Violations

by Odia Kagan | Fox Rothschild LLP

Duty to Inform, Equifax, General Data Protection Regulation (GDPR), Personal Data, Spain

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DATA SECURITY

FTC: Corporate Boards Have Important Role In Data Security

by Odia Kagan | Fox Rothschild LLP

Data Management, FTC, Information Technology, Stakeholder Engagement

Alert: Second Circuit Rules Individuals Have Standing to Sue for 'Increased Risk' of Identity Theft

by Bethany Lobo, Charlie Wood, Joseph Mornin, ... | Cooley LLP

Corporate Counsel, Data Protection, Identity Theft, Personal Information, Putative Class Actions

From Crisis Comes Opportunity: A Silver Linings Playbook For Businesses Emerging From the Pandemic

by A. Kevin Troutman, Andria Lure Ryan, Benjamin Ebbink, ... | Fisher Phillips

Business Operations, Coronavirus/COVID-19, Corporate Governance, Employee Benefits, Employer Liability Issues, Foreign Workers, Form I-9, Gig Economy, Healthcare Workers, Hiring & Firing, Hospitality Industry, Labor Relations, Legal Operations, Pay Equity Laws, Remote Working, Staffing Agencies, State Labor Laws, Wage and Hour, Workplace Safety

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STATE AND LOCAL GOVERNMENT

North Carolina General Assembly Week in Review - April 2021 #4

by McGuireWoods Consulting

Coronavirus/COVID-19, Criminal Justice Reform, General Assembly, Governor Cooper, Legislative Agendas

As the world begs for vaccine doses, millions in U.S. shun the shots

by Patrick Malone & Associates P.C. | DC Injury Lawyers

Coronavirus/COVID-19, Health and Safety, Infectious Diseases, Public Gatherings, Public Health, Re-Opening Guidelines, Risk Mitigation, Travel Restrictions, Vaccinations, Virus Testing, Workplace Safety

ICYMI: Maryland's Digital Advertising Tax

by Elizabeth Patton | Fox Rothschild LLP

Advertising, Digital Advertising Tax, Local Ordinance, Maryland, Tax Revenues

Legislative Update April 2021 #3

by Alexander Sands, David Ferrell, George Smith, ... | Nexsen Pruet, PLLC

Coronavirus/COVID-19, Governor Cooper, Medical Bills, Paycheck Protection Program (PPP), State Taxes

City “Right To Recall” Laws

by Bruce Sarchet, Michael Lotito, Robert Wilger | Littler

Coronavirus/COVID-19, Employee Retention, Furloughs, Hiring & Firing, Infectious Diseases, Labor Regulations, Layoffs, Local Ordinance, Right of Recall, State Labor Laws

Combined Federal, VA and NC Government Resources for COVID-19 - May 2021

by Elizabeth Rafferty, Hon. David Albo, Jordan Chillon, ... | Williams Mullen

Banking Regulators, CARES Act, Coronavirus/COVID-19, Department of Homeland Security (DHS), Executive Orders, Governor Cooper, Governor Northam, Relief Measures, Re-Opening Guidelines, SBA

Marijuana Laws Affecting the Workplace: Tools Employers Can Use to Stay Ahead During High Times

by M. Tae Phillips | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

Decriminalization of Marijuana, Employer Liability Issues, Employment Policies, Marijuana

Important COVID Updates For Connecticut And Massachusetts

by James Radke, Joseph Szerejko, Robert Kaelin, ... | Murtha Cullina

Coronavirus/COVID-19, Court Closures, Court Schedules, Debt Collection, Eviction, Re-Opening Guidelines

States Relax COVID-19 Restrictions on Businesses as Summer Approaches

by Matthew Keane | Dickinson Wright

Coronavirus/COVID-19, Corporate Counsel, Health and Safety, Masks, Public Gatherings, Re-Opening Guidelines

Unprecedented: COVID-19 Litigation Insights, Volume 2, Issue 8

by James Simon, Joseph Schaeffer, Laura Hayes | Spilman Thomas & Battle, PLLC

Best Practices, Civil Liability, Coronavirus/COVID-19, Health and Safety, Immunity, Infectious Diseases, Public Health Emergency, Vaccinations

Latest Developments from the Connecticut General Assembly: The Labor and Public Employees Committee Has Spoken (Part Two-Expansion of Worker Rights)

by Mark Sommaruga | Pullman & Comley - Labor, Employment and Employee Benefits Law

Ban the Box, Criminal Background Checks, Decriminalization of Marijuana, Employee Rights, Employment Policies, General Assembly, Hiring & Firing, Labor Reform, Legislative Agendas, Non-Compete Agreements, Public Sector Unions, Recreational Use, Regulatory Agenda, State Labor Laws, Work Schedules

Bouncing Back (and Forth): Statewide Reopening and Mitigation Steps (UPDATED)

by Littler

Coronavirus/COVID-19, Critical Infrastructure Sectors, Employer Liability Issues, Employer Responsibilities, Health and Safety, Infectious Diseases, Public Gatherings, Re-Opening Guidelines, Risk Mitigation, Seating, Workplace Safety

New York City Executive Order Imposes Sexual Harassment Reporting Requirements on Organizations that Contract with City Agencies

by Adriana Foreman | Littler

#MeToo, Anti-Harassment Policies, Corporate Culture, Employer Liability Issues, Executive Orders, Gender-Based Pay Discrimination, Hostile Environment, Local Ordinance, Sexual Harassment

Illinois Appellate Court Finds Improper Use of OMA Litigation Exemption

by Brian Crowley, Emily Tulloch | Franczek P.C.

Open Meetings Act, Public Access Laws, Public Meetings

New York's General Municipal Law §239-m "An Ounce of Prevention Is Worth A Pound of Cure"

by John Armentano | Farrell Fritz, P.C.

Construction Project, Infrastructure, Municipalities, Real Estate Development, Urban Planning & Development, Zoning Laws

Online Travel Update: Texas seeks to impose new lodging tax on hotel bookings; Expedia launches rebrand pushing for post-pandemic travel; DayAway specializes in "Beyond Bed" ancillaries

by Greg Duff | Foster Garvey PC

Booking.com, Coronavirus/COVID-19, Customer-Loyalty Programs, Expedia, Hotels, Occupancy Tax, Online Travel Vendors, Partnerships, Rebranding, Sales Tax, State Taxes, Tax Legislation, Travelers, TripAdvisor

New York Amends its Off-Duty Conduct Law to Account for Marijuana Use

by Corbin Carter, Danielle Berezney, Michael Arnold | Mintz - Employment, Labor & Benefits Viewpoints

Decriminalization of Marijuana, Employer Liability Issues, Employment Policies, Labor Regulations, Marijuana, Off-Duty Employees, State Labor Laws

Vermont Legislative Update Week 15

by Andrew Brewer, Gabrielle Malina, Patricia Komline, ... | Downs Rachlin Martin PLLC

Coronavirus/COVID-19, Economic Development, Governor Scott, Legislative Agendas, State Budgets, State Legislatures, State Taxes, Vermont

[See More »](#)

PRIVACY

AI & Algorithms (Part 3): Why the EU's AI regulation is a groundbreaking proposal

by Dan Whitehead | Hogan Lovells

Algorithms, Anti-Discrimination Policies, Artificial Intelligence, Bias, Consumer Privacy Rights, Data Management, EU, Extraterritoriality Rules, General Data Protection Regulation (GDPR), Information Governance, Regulatory Agenda

The Proverbial Other Foot: Proposed U.S. Legislation Could Ban Personal Data Transfers to Ireland and Other U.S. Allies

by Jason Oliveri | Hinshaw Privacy & Cyber Bytes - Insights on Compliance, Best Practices, and Trends

Cybersecurity, Facial Recognition Technology, General Data Protection Regulation (GDPR), International Data Transfers, Ireland, National Security, Personal Data, Surveillance

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Subject: Jill Biden visits the Beehive State today

Date: Wednesday, May 5, 2021 at 6:43:31 AM Mountain Daylight Time

From: The Rundown | The Salt Lake Tribune <newsletters@sltrib.com>

To: Reader <tanidowning@utah.gov>

The Rundown brings you the day's must-read political news every weekday morning, helping you understand what's happening and what it means for you.

[View this email in your browser](#)

Wednesday, May 5

By Bryan Schott

Good Wednesday morning Utah, and happy [Cinco de Mayo](#)!

Thanks for reading "The Rundown".

It will be sunny and warm across Utah today. Highs in the north will be in the lower 70s and the lower 90s in the south.

Got a news tip? I'm all ears! [Drop me an email](#) or find me [on Twitter](#).

Get this email delivered to your inbox every weekday morning. [Sign up for free here](#).

Jill Biden visits Utah today

(Mandel Ngan | Pool via AP)

First Lady Jill Biden makes a stop in Utah this afternoon. While here, she plans

to visit a vaccine clinic and an elementary school.

The Tribune's Matt Canham sets the scene [ahead of Biden's stop here](#).

Follow The Tribune's reporting team on Twitter or [our homepage](#) for complete coverage of the first lady's visit:

Salt Lake Tribune - [@sltrib](#)

Tribune Politics - [@SLTribPolitics](#)

Matt Canham - [@mattcanham](#)

Courtney Tanner - [@CourtneyLTanner](#)

Leia Larsen - [@LeiaLarsen](#)

Becky Jacobs - [@ruthyjacobs](#)

Show me the money

This year, the U.S. House of Representatives [moved to reinstate earmarks](#), which allows lawmakers to request funding for specific projects.

According to PBS Newshour's Lisa Desjardins says 106 House Republicans and every House Democrat, save California's Katie Porter, has made an earmark request in upcoming spending bills.

According to Desjardins' list, all four of Utah's House members have made some sort of earmark request to the appropriations committee.

Sens. Mike Lee and Mitt Romney [have signed a letter](#) vowing to uphold the Senate GOP's ban on earmarks.

Here's what you need to know for Wednesday morning

- A months-old text message from newly-elected GOP chairman Carson

Jorgensen is causing a ruckus in the Republican Party. The text message suggests Jorgensen is spoiling for a fight with top elected Republicans, but he says things are being taken out of context [[Tribune](#)].

- Salt Lake City Mayor Erin Mendenhall released her \$350 million budget proposal for next year. The Tribune's Leia Larsen breaks down what's in the proposal, including more money for affordable housing and improving the quality of life of residents on the city's west side [[Tribune](#)].
- State health officials announced Tuesday night Utah had reached the benchmarks set by the Utah Legislature to lift all COVID-related restrictions ahead of the deadline [[Tribune](#)].
- President Joe Biden says he wants 70% of adults in America to have at least one coronavirus shot by July 4 [[CNBC](#)].
- Donald Trump discovers blogging. The former president announced with much fanfare he was launching a new communications platform, but it's really just posting to his webpage [[Fox News](#)].
- A federal judge accused the Justice Department of misleading her and Congress about advice they received from top officials about whether former President Trump should have been charged with obstructing justice in the Russia investigation. The judge ordered the public release of a memo from former Attorney General William Barr on the subject [[NYT](#)].
- House Republicans are set to dump Wyoming Rep. Liz Cheney from her leadership spot as she continues to rip former President Trump for lying about the results of the 2020 election. House Minority Leader Kevin McCarthy was caught on a hot microphone trashing Cheney saying, "I've had it with her" [[Axios](#)].
- Sen. Mitt Romney is one of the few Republicans in Congress defending Cheney [[Tribune](#)].
- New York's Elise Stefanik is quickly becoming the favorite to replace Cheney [[Politico](#)].

- Treasury Secretary Janet Yellin said interest rates may need to rise slightly to keep the economy from overheating, but she's still not worried about inflation [[Reuters](#)].
- Labor shortage! Montana will stop paying extra weekly unemployment benefits as many businesses in the state are struggling to find workers [[ABC News](#)].
- Lawyers for former Minneapolis police officer Derek Chauvin, who was convicted of murdering George Floyd, are asking for a new trial after a picture of a juror wearing a Black Lives Matter shirt surfaced [[WaPo](#)].
- Cha-ching! Pfizer reported \$3.5 billion in revenue last quarter. About a quarter of that came from its COVID-19 vaccine [[NYT](#)].
- Pfizer says it will seek clearance for the use of its COVID vaccine on children as young as 2 in September [[NYT](#)].
- You're not imagining things. Your city is getting hotter. NOAA released new climate normals that reveal weather across the U.S. is warming up [[CNN](#)].

Bagley Cartoon: The Dignity of Work

Wednesday's Utah news roundup

Utah

- Why this Salt Lake City group is making vegan, plant-based meals for the homeless [[Tribune](#)].
- What may move in when Draper prison moves out? How about a central park and housing — lots of it? [[Tribune](#)].
- Some residents nervous about a proposed RV resort that could put 500 units on 110 acres in Garden City [[Herald Journal](#)].
- Incarcerated youth in Utah now getting college opportunity [[Fox 13](#)].
- Republican leaders ask to examine Federal Government child trafficking efforts [[ABC 4](#)].

Legislature

- New Utah laws take effect Wednesday — what changes for you? [[Deseret News](#)].

COVID

- How Utah women are deciding if they will be vaccinated against COVID-19 before giving birth [[Tribune](#)].
- More than 1.3 million Utahns have gotten at least one COVID-19 shot [[Tribune](#)].
- Watch: Pandemonium at Granite school board meeting over K-12 mask order [[KUTV](#)].

Local news

- State defends Weber State in sexual harassment case, blames professor accused of misconduct [[Standard-Examiner](#)].
- Summit County councilor worried about Park City's plans for contaminated soils [[Park Record](#)].
- Cache Valley restaurants struggle to find staff amid business boom [[Herald Journal](#)].

On the opinion pages

- Timothy Egan: Some statues tell lies. This one tells the truth [[Tribune](#)].
- Pepper Trail: We blame the trees, but whose fault is it? [[Tribune](#)].
- Patricia Sadoski: Now is the time to honor all nurses for their work through the pandemic [[Tribune](#)].

You say it's your birthday?!!

Happy birthday to former state Rep. Brad Dee and Mark McGrath, Taylorsville Community Development Director.

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Subject: Utah Policy: Utah's hit the endgame markers, SLC's new volunteer program and fewer babies are being born in the US

Date: Wednesday, May 5, 2021 at 7:26:48 AM Mountain Daylight Time

From: Utah Policy <info@utahpolicy.com>

To: Tani <tanidowning@utah.gov>

[utah policy logo](#)

The UtahPolicy.com daily newsletter gets you up to speed on the top local and national news about politics and public policy. Send news tips or feedback to

Situational Analysis - May 5, 2021

It's Wednesday and [Cinco de Mayo](#), a holiday that celebrates the date of the Mexican army's May 5, 1862 victory over France at the Battle of Puebla during the Franco-Mexican War. (It's not Mexican Independence Day - that comes in September.) In any case, it's Tex-Mex for dinner at my house tonight. How about yours?

News you need to know

1. Thanos snapped his fingers or was it Tony Stark? In any case, [Utah has arrived](#) at the **endgame** for COVID-19 restrictions. [They are now lifted except for schools](#), private businesses, UTAs buses and trains, state-owned facilities and Salt Lake County-owned facilities.
2. Wanna volunteer? [SLC Corps](#) is a new program launched yesterday through Mayor Erin Mendenhall's office focused on bringing volunteers together with community partners to meet community needs. [Their first project is collecting kitchen supplies](#) to go with apartments for people who have been experiencing homelessness.
3. The US birthrate is down again, this time dropping to a [new 42-year low](#). It's the sixth consecutive year birthrates have fallen. The general fertility rate is dropping as well and so is family size. We are now at 1.6 children per US woman, [the lowest rate on record](#).
4. [Liz Cheney is under fire](#) and likely to lose her leadership seat. [The Wall Street Journal editorial board weighed in](#) and said that "Purging Liz Cheney for honesty would diminish the GOP. GOP leaders should not have to lie to keep their jobs." She does have at least one supporter, though: [Senator Mitt Romney](#).

Countdown

52 days until the Utah Democratic party organizing convention (06/26/21)

129 days until half-way through the Cox/Henderson's administration's 500-day plan (09/11/2021)

Today At Utah Policy

[Guest opinion: Contempt, warmheartedness and booing Mitt Romney](#)

By Elizabeth Hedengren

Sitting in the Maverick Center on Saturday, I marveled just to be with thousands of people under one roof after a year of social distancing. It was the Utah State Republican convention, and as an elected delegate from my neighborhood, I was there to help choose the next party state leadership team. So far, we had heard a bagpipe band play military anthems and a children's choir sing "One Little Voice." Following that tear-jerker were some great talks from the current party leadership and from the congressmen and senators serving in Washington. The theme of all the talks was the need for unity in the party, the need to listen to others, the need to work together, the need to be bipartisan, the need to leave anger and rancor behind. I was proud of my party.

Taylorsville student Joshua Johnson wins national PTA Reflections award

By Holly Richardson

Bennion Jr. High 7th-grader Joshua Johnson has been selected to receive the National Award of Outstanding Interpretation in the National PTA's Reflection program. Joshua is one of only seven students nationwide to receive the award. Each year more than 300,000 students in pre-K through 12th grade participate in the Reflections program by submitting works of visual, performing and literary art based on a national theme.

Utah Headlines

Deseret News

- [Hundreds of new Utah laws take effect Wednesday](#) - what changes for you?
- I'm gay and an atheist. [Here's why I'm a champion of religious freedom compromise.](#)
- [What is the 'religious left'?](#) And what's it up to right now?
- [How to get Jason Chaffetz to sing 'Happy Birthday'](#) to your mom. Well-known conservatives are popping up on Cameo, a kind of singing telegram for the digital age, where you can pay celebrities to make a personalized video.
- [Why free college tuition is a bad idea.](#) The Committee for a Responsible Federal Budget estimates this portion of Biden's American Families Plan would cost \$109 billion.
- [What first lady Jill Biden will be doing in Utah.](#) She will be thanking teachers and encouraging Utahns, especially the Hispanic community, to get vaccinated.

Salt Lake Tribune

- [Salt Lake City's proposed budget](#) includes support for policing, affordable housing and a new park. Here are the highlights.
- [If you want to volunteer but aren't sure where,](#) Salt Lake City can help. The brand-new [SLC Corps](#) will connect volunteers with local organizations that need an extra hand.
- [What may move in when Draper prison moves out?](#) How about a central park and housing - lots of it? Newly unveiled plans also show world-class offices, stores, schools, entertainment venues, trails and a Jordan River Community Park.
- [This Salt Lake City group is making vegan, plant-based meals for the homeless.](#) People experiencing homelessness are more likely to have inadequate nutrition and eat fewer meals than the wider population.

Other Utah News Sources

- [Governor responds to criticism](#) over state losing track of its parolees (KUTV)
- ['I had to do a double take':](#) New numbers show record **27% spike** in Utah housing prices (KUTV)
- WATCH: [Pandemonium at Granite school board meeting](#) over K-12 mask order (KUTV)
- [Weber County GOPers to consider Romney censure](#) resolution at convention this Saturday. The sponsor of the resolution is also running for chair. (Standard-Examiner)
- [State defends Weber State in sexual harassment case,](#) blames professor accused of misconduct (Standard-Examiner)
- [Utah farmers forced to slash crops](#) as drought struggles set in (Fox13)
- [Final Utah National Guard troops return home](#) from Afghanistan (Fox13)
- [Utah's Rep. John Curtis](#) says he wouldn't have voted to censure Romney (Daily Herald)
- [Provo takes a wait-and-see approach](#) to ranked-choice voting, voting 5-2 against the pilot option. (Daily Herald)

COVID Corner

- [Most state, local health orders end](#) as Utah reaches COVID-19 pandemic 'endgame' goals (Deseret News)

- [Utah no longer has any COVID-19 restrictions](#) on businesses or residents, **except for schools** (Salt Lake Tribune)
- [More than 1.3 million Utahns](#) have gotten at least one COVID-19 shot. The state also reports 13 more coronavirus-related deaths, four of them under the age of 45 (Salt Lake Tribune)
- ['I used to like school'](#): An 11-year-old's struggle with pandemic learning. Without home internet, Jordyn Coleman has had trouble staying connected to remote classes during the coronavirus pandemic. (New York Times)
- WTO mulling [intellectual property waivers](#) for vaccines (AP)
- [Biden aims to vaccinate 70% of American adults](#) by July 4 (AP)
- [He faked a covid-19 certificate to fly to Argentina](#), officials say. He was infected all along. (Washington Post)
- [India posts record daily COVID-19 deaths](#), delegates test positive at G7 meet (Reuters)
- [As Covid Ravages Poorer Countries, Rich Nations Spring Back to Life](#). Despite early vows, the developed world has done little to promote global vaccination, in what analysts call both a moral and epidemiological failure. (New York Times)

National Headlines

- [How two Black CEOs got corporate America to pay attention](#) to voting rights (Washington Post)
- [Births in U.S. Drop](#) to Levels Not Seen Since 1979 (Wall Street Journal)
- [The U.S. Birthrate Has Dropped Again](#). The Pandemic May Be Accelerating the Decline. (New York Times)
- [Can the Biden Agenda Fix Middle America's Deepest Problem?](#) One key economic goal is to create the virtuous cycles of innovation and jobs that already occur in many coastal cities. (New York Times)
- [If Bill and Melinda Gates can't make a marriage work](#), what hope is there for the rest of us? (Washington Post)
- ['We do need to be careful'](#): Cindy McCain cautions Republicans as GOP considers Liz Cheney replacement (CNN)
- [No. 2 House Republican backs Elise Stefanik](#) to replace Liz Cheney (Axios)
- [Judge Says Barr Misled](#) on How His Justice Dept. Viewed Trump's Actions (New York Times)
- [Why Democratic Departures From the House](#) Have Republicans Salivating (New York Times)
- [Constitutional Challenges Loom](#) Over Proposed Voting Bill
- [Democrats prepare for all-in Florida fight](#) against rising GOP star Ron DeSantis (Washington Post)
- [Are the Bidens giants? Are the Carters tiny?](#) Or are our eyes failing us? (Washington Post)
- The Pentagon wants to take a [harder line on domestic extremism](#). How far can it go? (Washington Post)
- [Derek Chauvin's attorney requests new trial](#), saying there was jury misconduct (Deseret News)
- [Earmark intrigue splits Senate Republicans](#). At least six Senate Republicans plan to submit earmark requests despite a longstanding ban, and more than a dozen others are still considering it. (Politico)
- [Democrats fret over Biden spending](#), worrying the steep price tag could cost the party in the 2022 midterm elections. (The Hill)

Policy News

Medical cannabis now available at Pure Utah in Payson

Today, Pure Utah unveiled Utah's southernmost state-of-the-art medical cannabis pharmacy in Payson, Utah with a ribbon cutting ceremony and open house event. The locally flavored pharmacy opened to the public Friday, April 30, 2021.

United Utah Party condemns the treatment of Senator Romney at Utah's GOP Convention

The United Utah Party calls for greater inclusion and increased civility in Utah politics and has issued the following statement:

Romney, Colleagues Introduce Bipartisan, Bicameral Bill to Support Computer Science Educators

U.S. Senators Mitt Romney (R-UT), Jacky Rosen (D-NV), Roger Wicker (R-MS), and Maggie Hassan (D-NH), announced the re-introduction of their Teacher Education for Computer Science Act (Teach CS) Act. This bipartisan legislation would support teacher training and schools in educating students in the area of computer science. The senators first introduced the bipartisan Teach CS Act last Congress.

Lee, Buck Question Amazon's Influence on JEDI Contract Procurement Process

Sen. Mike Lee (R-UT) and Rep. Ken Buck (R-CO) today sent letters to Amazon CEO Jeff Bezos, Attorney General Merrick Garland, and the Acting Inspector General of the Department of Defense Sean O'Donnell regarding whether Amazon violated antitrust or ethics laws by attempting to influence the procurement process for the Joint Enterprise Defense Infrastructure ("JEDI") contract for cloud computing services for the Department of Defense. A potential 10-year, \$10 billion contract to support warfighter operations across the department, it is the largest government cloud contract to a single contractor in history.

Gov. Cox taps Kathy Bounous as general counsel

Gov. Spencer J. Cox has appointed Kathy Bounous to serve as general counsel for the governor. "I'm impressed with Kathy's legal thinking, her outstanding experience as general counsel and her firm commitment to public service," Gov. Cox said. "Her legislative experience and sound advice and counsel will serve her well in this new role, and I'm excited to have her join our executive team."

Business Headlines

- [Tech Sees Bigger Opportunity In Utah](#) - If The State Works On Its Image (NPR)
 - [Dogecoin reaches an all-time high](#) because it joined a new app called eToro (Deseret News)
 - [Cache Valley restaurants struggle to find staff](#) amid business boom (Herald Journal)
 - [As Cars Go Electric, China Builds a Big Lead in Factories](#). Fueled with money from Wall Street and local officials, automakers plan to build eight million electric cars a year there, more than Europe and North America combined. (New York Times)
 - [3 Ways to Address Zoom Burnout](#) (New York Times)
 - [Microsoft to fully remove Adobe Flash](#) from Windows 10 in July (The Verge)
 - [Snapchat Can Be Sued](#) For Role In Fatal Car Crash, Court Rules (NPR)
 - [Basecamp CEO apologizes](#) to staff in new post: 'We have a lot to learn' (The Verge)
 - [Instagram will now let you auto-caption Stories](#) with just a sticker (The Verge)
-

On This Day In History

(From [History.com](#))

- **1809** - Mary Kies becomes the first woman to receive a US patent for her method of weaving straw with silk to create women's hats.
 - **1813** - Soren Kierkegaard, Danish philosopher, is born in Copenhagen, Denmark
 - **1818** - Karl Marx is born.
 - **1821** - Napoleon dies in exile on Saint Helena.
 - **1862** - An outnumbered Mexican army defeats a powerful French army at the Battle of Puebla, giving us the Cinco de Mayo celebration.
 - **1864** - Elizabeth Seaman, aka Nellie Bly is born. She became an investigative journalist who wrote an expose of mental asylums in 1887. She also set a record for circling the world in 72 days in 1890.
 - **1938** - Dr. Dorothy H. Andersen presents results of her medical research identifying the disease cystic fibrosis at a meeting of the American Pediatric Association.
 - **1961** - Alan Shepard becomes the first American in space.
-

Wise Words

"Once you label me, you negate me."

~Soren Kierkegaard

Lighter Side

Lighter Side

A poodle and a collie are walking together when the poodle suddenly unloads on his friend.

"My life is a mess," he says. "My owner is mean, my girlfriend ran away with a schnauzer, and I'm as jittery as a cat."

"Why don't you go see a psychiatrist?" suggests the collie.

"I can't," says the poodle. "I'm not allowed on the couch."

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Thursday, May 6, 2021

Top News

'Turning the Corner': U.S. Covid Outlook Reaches Most Hopeful Point Yet

By Julie Bosman and Sarah Mervosh

Cases and deaths have dipped, and vaccinations make scientists hopeful, even as variants mean the coronavirus is here to stay.

Broadway Is Reopening. But Not Until September.

By Michael Paulson

Even as New York City begins to reopen this summer, Broadway will not resume performances until Sept. 14. Here's why.

Facebook Oversight Board Upholds Social Network's Ban of Trump

By Mike Isaac

A company-appointed panel ruled that the ban was justified at the time but added that the company should reassess its action and make a final decision in six months.



For more top news, go to [NYTimes.com](https://www.nytimes.com) »

Editors' Picks

STYLE

A Religious Community and the Weed Farm in the Middle of It

By Valeriya Safronova

The Arizona town of Snowflake has two great institutions.

OPINION | KARA SWISHER

Good Riddance, Donald Trump?

By Kara Swisher

A Facebook-appointed panel avoided a clear decision about Trump's heinous online behavior. It's kind of perfect, actually.

Today's Videos

Video VIDEO: Biden Defends Plans to Increase

Taxes on the Wealthy

By The New York Times

President Biden on Wednesday gave an impassioned defense of his plans to increase taxes on high earners, saying "this is about making the average multimillionaire pay just a fair share."

Video VIDEO: India's Coronavirus Crisis

Overwhelms Health System

By Reuters

The frightening surge of coronavirus cases in India has overwhelmed many hospitals in recent days, at times forcing staff members to provide medical treatment inside ambulances while patients wait for beds.

Video VIDEO: Mexico City Subway Crash Damage

Investigated

By Reuters

Workers examined the site of the bridge collapse in Mexico City that sent a train plunging to the ground, killing at least 24 people and injuring dozens more.

World

Colombia Police Respond to Protests With Bullets, and Death Toll Mounts

By Julie Turkewitz and Sofia Villamil

Strained by the pandemic and economic hardship, the country has exploded in anger. At least 24 people have died as the government cracks down.

They Were Promised a Socialist Paradise, and Ended Up in ‘Hell’

By Choe Sang-Hun

Lee Tae-kyung has campaigned tirelessly in South Korea to share the story of the 93,000 people who migrated from Japan to North Korea from 1959 to 1984 and were forced to stay.

2 Americans Sentenced to Life in Prison for Murder of Italian Police Officer

By Elisabetta Povoledo

The two American men were teenagers in July 2019 when an early-morning scuffle with two plainclothes police officers in Rome turned deadly.

For more world news, go to [NYTimes.com/World](https://www.nytimes.com/world) »

U.S.

Repairing Generations of Trauma, One Lotus Flower at a Time

By Elizabeth Dias and Rozette Rago

Buddhists from many cultures and communities gathered to repair the nation’s racial karma. The ceremony was held at a Los Angeles temple that had recently been vandalized in an arson attack.

U.S. Vaccinations Are Slowing. What’s to Blame?

By Josh Holder and Amy Schoenfeld Walker

Use of the Johnson & Johnson vaccine has taken a hit after it was paused by the federal government, but the rate of Moderna and Pfizer vaccinations has been falling as well.

Federal Judge Strikes Down Moratorium on Evicting Renters

By Glenn Thrush

The Biden administration will appeal the ruling against the policy, which has been the subject of legal challenges by landlords.

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Politics

In Turning on Liz Cheney, G.O.P. Bows to Trump's Election Lies

By Nicholas Fandos and Catie Edmondson

House Republicans were lobbying to replace Representative Liz Cheney, who has vocally called out Donald J. Trump's lies, with Representative Elise Stefanik, who has embraced them.

Taking 'Extraordinary Measures,' Biden Backs Suspending Patents on Vaccines

By Thomas Kaplan, Sheryl Gay Stolberg and Rebecca Robbins

The Biden administration, siding with some world leaders over the U.S. pharmaceutical industry, came out in favor of waiving intellectual property protections for coronavirus vaccines.

Blinken, on Ukraine Trip, Will Offer Support on Russia but Also Pressure on Corruption

By Michael Crowley and Andrew E. Kramer

The secretary of state will reassure Kyiv of backing against Russian hostilities, but call for more determined efforts to clean up the political system.

For more political news, go to [NYTimes.com/Politics](https://www.nytimes.com/Politics) »

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Business

Biden Leans Into Plans to Tax the Rich

By Jim Tankersley and Annie Karni

"We're not going to deprive any of these executives of their second or third home, travel privately by jet," the president said at the White House.



Can the Biden Agenda Fix Middle America's Deepest Problem?

By Neil Irwin

One key economic goal is to create the virtuous cycles of innovation and jobs that already occur in many coastal cities.

Fed Officials Tamp Down Overheating Worries as Investors Fret

By Jeanna Smialek

Markets gyrated this week on concern that the Federal Reserve may lift rates earlier. But its policymakers stuck with their patient script on Wednesday.

For more business news, go to [NYTimes.com/Business](https://www.nytimes.com/Business) »

Technology

British Political Veteran Steers Facebook's Trump Decision

By Adam Satariano and Cecilia Kang

Nick Clegg, a former deputy prime minister, has shaped the company's handling of Donald Trump at every turn.

THE SHIFT

Facebook's 'Supreme Court' Tells Zuckerberg He's the Decider

By Kevin Roose

The company tried to punt its Trump dilemma to a panel of experts. On Wednesday, the experts punted back.

Peloton Recalls Treadmills After Injuries and a Child's Death

By Daniel Victor

The chief executive of Peloton said the company "made a mistake" by initially resisting a U.S. safety agency's warning about the devices last month.

Sports

ESSAY

Willie Mays Carries the Torch for His Generation

By James S. Hirsch

On the occasion of baseball's oldest living Hall of Famer turning 90, a reflection on the conditioning that powered his greatness.

Oscar Robertson Wants Westbrook to Break His Triple-Doubles Record

By Marc Stein

"There's no doubt about it," Robertson said. "I hope he gets it." And he hopes people will stop criticizing Russell Westbrook, the Wizards guard, for not yet winning a championship.

MARC STEIN ON BASKETBALL

The N.B.A.'s Play-In Tournament Isn't the Problem

By Marc Stein

Though stars like LeBron James and Luka Dončić have complained about the pre-playoff hurdle, the stress of the play-in matters less than injuries and the compressed season.

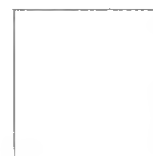
For more sports news, go to [NYTimes.com/Sports](https://www.nytimes.com/Sports) »

Arts

The Art in the Oval Office Tells a Story. Here's How to See It.

By Larry Buchanan and Matt Stevens

What if the paintings and sculptures could talk? What if they already do?



CRITIC'S NOTEBOOK

What Should the New 'Jeopardy!' Be? Guest Hosts Provide the Clues.

By Amanda Hess

Following Alex Trebek's death, a parade of replacements seem to be battling for the soul of the game — and the state of knowledge itself.

Korean Art Goes on Show, With Protests From North and South

By Catherine Hickley

A rare exhibition, at a museum in Switzerland, brings together works that, despite sharing a common cultural tradition, come from different worlds.

For more arts news, go to [NYTimes.com/Arts](https://www.nytimes.com/Arts) »

New York

To Save Penn Station, New York Wants to Build 10 Skyscrapers

By Matthew Haag and Luis Ferré-Sadurní

The state says revenue from the new towers can finance the rebuilding of the rail terminal. But the pandemic has upended the need for office space.

How Asians Became the Most Vaccinated Group in New York City

By Amanda Rosa

Sixty-eight percent of the city's adult Asian population has received at least one dose, despite many New Yorkers of Asian descent facing language barriers and a fear of violence.

Amid a Rival's Crisis, Kathryn Garcia Makes a Push

By Michael Gold

A sexual harassment allegation against Scott Stringer may open a lane in the New York City mayor's race for Ms. Garcia, a former sanitation commissioner.

For more New York news, go to [NYTimes.com/NewYork](https://www.nytimes.com/NewYork) »

Media & Advertising

David Oyelowo Fights for Representation in Family Films

By Nicole Sperling

The actor turned to directing after an eye-opening discussion with his son. He realized he couldn't rely on Hollywood to find stories he wanted to tell.



Fox News keeps profits flowing at Murdoch's Fox Corporation.

By Edmund Lee

Revenue at Fox Corporation dropped as fewer viewers tuned into the company's cable channels and the Fox broadcast network. The company also announced the acquisition of OutKick Media.

The New York Times Tops 7.8 Million Subscribers as Growth Slows

By Edmund Lee

The publisher added 301,000 digital subscribers for the first quarter, the slowest gain in over a year. Profits jumped, beating Wall Street expectations.

For more media & advertising news, go to [NYTimes.com/Media](https://www.nytimes.com/Media) »

Fashion & Style

IN HER WORDS

Women Who Said No to Motherhood

By Mary Katharine Tramontana

A photographer in Berlin is capturing the lives of the consciously child-free.

Forget NFTs. What about the HTF (Hard to Find)?

By Jacob Bernstein

As Americans with disposable income start shopping again, an odd assortment of products like espresso equipment, sofas and natural deodorant have become sudden hot properties.

The Designers Who Are Making Knitwear Cool

By Elizabeth Paton and Jessica Testa

Knitwear labels from Hong Kong, Northern Ireland, South Africa and beyond are busy breathing new life into an old craft.



For more fashion news, go to [NYTimes.com/Fashion](https://www.nytimes.com/Fashion) »

Obituaries

Tamara Press, Olympian Whose Feats Raised Questions, Dies at 83

By Richard Sandomir

She won three gold medals in the 1960s but was the focus of speculation about her gender. She retired after pulling out of a track meet that would have required a sex test.

Johnny Crawford, a Western Hero's Son on 'The Rifleman,' Dies at 75

By Anita Gates

For five TV seasons he was at the side of Chuck Connors's widowed sharpshooter. He also had some success as a pop singer, film actor and bandleader.

James Prigoff, Who Documented Street Art, Dies at 93

By Neil Genzlinger

In thousands of pictures, Mr. Prigoff captured the often ephemeral but complex works that were once dismissed as vandalism.

Patrick O'Connell, 67, Dies; Raised Awareness of AIDS With Art

By Alex Vadukul

As the founding director of Visual AIDS, he helped develop campaigns including "Day Without Art" and, most notably, the ubiquitous red ribbon.

For more Obituaries, go to [NYTimes.com/Obituaries](https://www.nytimes.com/obituaries) »

Opinion

CHARLES M. BLOW

Liz Cheney, We Have a Memory. You're No Hero.

By Charles M. Blow

Doing the right thing now doesn't erase your past.

GUEST ESSAY

Why Trump Still Has Millions of Americans in His Grip

By Thomas B. Edsall

Many of the forces that helped bring him to power have only intensified.

GUEST ESSAY

Trump Is Mark Zuckerberg's Problem. Again.

By Will Oremus

The former president's suspension from Facebook continues — for now.

GUEST ESSAY

I Know What It Takes to Defeat Narendra Modi

By Mahua Moitra

West Bengal's voters showed they won't put up with his misogyny and divisive politics.

GUEST ESSAY

Biden's Taiwan Policy Is Truly, Deeply Reckless

By Peter Beinart

If the administration continues on this path, it will increase the odds of a catastrophic war.

For more Opinion, go to [NYTimes.com/Opinion](https://www.nytimes.com/opinion) »

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To: Reader <tanidowning@utah.gov>

The Rundown brings you the day's must-read political news every weekday morning, helping you understand what's happening and what it means for you.

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Friday, May 21

By Bryan Schott

Good morning Utah, and TGIF!

Thanks for reading "The Rundown".

Expect some scattered thunderstorms in the northern part of Utah today with highs near 70. The southern part of Utah will have gusty winds and highs in the lower 70s today.

Got a news tip? Some interesting political gossip? Just want to chat about politics? [Send me an email](#) or find me [on Twitter @SchottHappens](#).

Get this email delivered to your inbox every weekday morning. [Sign up for free here](#).

Stock up/stock down

It's Friday, so let's look back on the week in Utah politics to determine who sees their political fortunes on the rise and who is dropping like Bitcoin. The less said

about our crypto portfolios, the better.

✓ **Stock up: Legislative Republicans**

While there may be some hand-wringing by some about the resolutions on critical race theory and making Utah a "2nd Amendment sanctuary," those issues are political wins for the GOP.

Most Utahns don't really know what critical race theory is (Sen. Lincoln Fillmore admitted as much during floor debate). Still, there's been enough demagoguing on the issue that it's likely most voters are happy legislators are doing something about it (even though the resolution doesn't do anything at all).

Plus, gun rights are always a winner in Utah.

✓ **Stock up: House Democrats**

Tired of being frozen out of the legislative process, House Democrats decided to take a stand and walk out before those resolutions came for a vote. It's been a very long time since we've seen Democrats on the Hill do something that surprised the GOP majority, and it's safe to say Republicans were not expecting it.

The maneuver didn't impact the ultimate result since it was predetermined the resolutions would pass. But, Democrats effectively hijacked the discussion as reporters scurried out of the House gallery for a hastily called press conference, ignoring the action on the floor. You have to wonder how many Republicans had to abandon their passionate speeches on the subject because there was no audience.

Was it grandstanding? Of course, but it was very effective.

✓ **Stock down: Gov. Spencer Cox**

Gov. Cox stood up to Republicans, who pressured him to add the critical race theory and 2nd Amendment sanctuary issues to the agenda for this week's special session. Undeterred, legislative Republicans went around him.

In theory, Utah has three co-equal branches of government. But the legislature has always seen itself as the most important and powerful of those equals.

Just 4 1/2 months into his tenure, Cox tried to show he wouldn't be a pushover, but lawmakers showed they wouldn't back down either.

If this dynamic continues, Cox will certainly win a few of these battles. But he'll lose far more.

Do as I say...

On Thursday, [during his monthly KUED press conference](#), Gov. Spencer Cox discussed the resolutions passed by the Utah House and Senate the day before.

"I've said this over and over again. I've been saying for many, many years is that we would all be better off if people would stop watching cable news. Whether it's CNN or Fox News or MSNBC, pick whichever one you're addicted to. I'm eight years sober, and it's one of the best things that I've ever done."

Cox may have stopped watching cable news, but that hasn't stopped him from being a frequent guest.

A cursory analysis from "The Rundown" found Cox made at least three appearances on cable news in the last month alone (CNN and Fox Business) and added another guest slot on PBS Newshour. In total, Cox has made at least 7 national television appearances since taking office in January.

In television, ratings are king. I'm guessing telling people not to watch is bad for business.

Here's what you need to know for Friday

Local news

- Gov. Spencer Cox says he supports the effort by lawmakers to tackle critical race theory because it aligns with his goal to take a careful look at the issue [[Tribune](#)].
- Sen. Mitt Romney says the U.S. should boost the amount of COVID-19 vaccine it sends to other countries to help stop the spread of the virus [[Tribune](#)].

National news

- Israel and Hamas have agreed to a ceasefire after a conflict that left hundreds of dead [[CNN](#)].
- The number of new jobless claims in the U.S. fell to a new pandemic low just as 22 states, including Utah, cut off pandemic-related expanded unemployment benefits [[AP](#)].
- The number of Americans getting vaccinated against COVID-19 dropped by nearly half in the last month [[CNN](#)].
- Senate Republicans are expected to filibuster the bill establishing an independent commission to investigate the January 6 attack on the U.S. Capitol [[Politico](#)].
- Biden administration officials are growing dismayed after Senate Republicans did not move much off of their original infrastructure package proposal [[AP](#)].
- The Biden administration wants to collect an extra \$700 billion in tax revenue from wealthy Americans who may not be paying their fair share [[CBS News](#)].
- The Trump Justice Department secretly obtained the phone and email records of CNN reporter Barbara Starr, who covers the Pentagon [[CNN](#)].
- The Arizona Secretary of State warned Maricopa County should replace millions of dollars worth of voting equipment because the current equipment is no longer secure after the machines were turned over to a private contractor for a GOP-backed audit of the 2020 election [[WaPo](#)].

- CNN personality Chris Cuomo advised his brother, New York Gov. Andrew Cuomo, on how to respond to allegations of sexual harassment made against him [\[WaPo\]](#).
 - Schools are struggling to get students back in the classroom after months of remote learning [\[WSJ\]](#).
 - Former President Trump hit the Secret Service with a \$40,000 bill after charging his protective detail nearly \$400 every day for lodging at his Mar-a-Lago hotel where he is living after leaving the White House [\[WaPo\]](#).
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"Utah Politics" podcast

This week I chat with Rex Facer, the chair of Utah's independent redistricting commission. I asked him whether he and his fellow commissioners feel pressure not to draw maps that favor one party over the other.

"We don't want to agree beforehand to draw maps that are going to force competitiveness where competitiveness wouldn't naturally occur," Facer said. "Competitive elections are a good thing because it forces us to have more thoughtful conversations on ideas. But we have to realize that not every place is going to end up with competitive elections."

[Listen for free here.](#)

Bagley Cartoon: The Palestinian Question

Friday's Utah news roundup

Utah

- Fire danger is high as high winds head for Utah [[Tribune](#)].
- She called Utah police to help her suicidal husband. They shot and killed him [[Tribune](#)].
- UHP seeing more aggressive drivers as summer draws near [[Fox 13](#)].
- How Spencer Cox, an 'angsty' farm boy, grew up to become the governor of Utah [[Deseret News](#)].
- How state officials hope to find solutions to 'pandemic' of child care shortage [[Deseret News](#)].
- Utah business owners 'scrambling' to pay state tax bill on PPP loans [[KUTV](#)].
- Report: More women in Utah leaving health care industry [[Spectrum](#)].
- Grantsville City plans to hire city manager [[Transcript Bulletin](#)].
- Weber State becomes the first in Utah to offer queer studies program [[Standard-Examiner](#)].

Legislature

- Mitchell calls move to ban critical race theory in Utah schools 'unfortunate' [[Fox 13](#)].
- Utah Rep. Rosemary Lesser laments 'divisive, rushed' action on race, gun issues [[Standard-Examiner](#)].

Washington

- Lee, Romney want Congress to decide Utah monuments, not president [[KUTV](#)].

COVID-19

- Four more Utahns die of COVID-19 [[Tribune](#)].

Business

- Utah-based Breeze Airways will take to the skies next week [[Tribune](#)].

Local government

- Survey on the future of Seven Canyons Fountain in Liberty Park closes Friday evening [[Tribune](#)].
- Ogden looking to make progress on several high-profile redevelopment efforts over next year [[Standard-Examiner](#)].
- Park City Board of Education has scrapped the live public comment portion of its meetings [[Park Record](#)].
- Provo celebrates traditional topping-off party for new airport terminal [[Daily Herald](#)].
- Moab housing crises create a hiring crisis [[Moab Times-Independent](#)].
- New charging station for Zion's electric shuttles done, kickoff in Kanab [[Spectrum](#)].

On the opinion pages

- Stuart C. Reid: Republicans snub Hispanic voters at their own political peril [[Tribune](#)].
- Andrew Stoddard: Pandemic has hurt efforts to help those wrongfully imprisoned [[Tribune](#)].
- Eric Ruiz Bybee: Right-wing attacks on critical race theory threaten equity in schools [[Tribune](#)].
- Clayton Parr: Hard-core conservatives take control of Republican Party [[Tribune](#)].
- Susan Madsen: Childcare controversy falls into the either/or trap [[Tribune](#)].



You say it's your birthday?!!

Birthday wishes this weekend to Joe Pyrah of Sego Strategies, Michael Jolley, who served as director of communications for former gubernatorial candidate Jeff Burningham who celebrate on Saturday and Carl Downing, a co-founder of the Buckshot Caucus who marks another year on Sunday.

Got a birthday you'd like us to recognize in this space? [Send us an email](#).

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Situational Analysis - May 21, 2021

We've made it to Friday! It's [National Pizza Party Day](#) and [National Strawberries and Cream Day](#) - I know what we're having for dinner.

Today's newsletter is long - lots of news. Some days are like that. If it's tl:dr (too long, didn't read), at least scroll down to "**News of the Weird**" and check out the story a man surviving a bear attack in Alaska. Oh, and there was a [bear sighting in Provo](#) yesterday, around near 900 E and Center Street. DWR says we could see more bears because of the drought.

News You Need to Know

1. Seems like it should be bigger news, but the FBI is saying that [the Chinese Communist Party poses counterintelligence threats right here in Utah](#). "It's almost guaranteed that if you're an American adult, **China has all of your personal information**," says special agent David Fitzgibbons, who can't comment on specific on-going cases in Utah. The FBI is opening a new case approximately every 10 hours somewhere in the US.
2. Pleasant Grove resident and Draper fire fighter Cody Jolley and his wife Julia saved up a lot of money to buy a piece of equipment to landscape their yard. Then, they found out their [\\$12,000 skid-steer front-loader was stolen](#). They called the police and turned it back over to its rightful owner because "[that's just what you do](#)." A [GoFundMe fundraiser](#) has been set up to help them recoup their financial hit.
3. Don't miss this [in-depth piece](#) on how a "angsty" farm boy **became Utah's governor**.
4. Well-known attorney [Robert J. DeBry passed away](#) last week at age 85. DeBry was an advocate for victims of drunk driving and the use of helmets while cycling and created "**Buy a Helmet, Save a Life**." The initiative has distributed more than a quarter-million bicycle helmets below costs or as donations in Utah. DeBry was also a supporter of Mothers Against Drunk Driving (MADD) and donated \$500 for cases he settled or won, [said his obituary](#).
5. Amazon **halted construction** at its newest facility in Connecticut after [seven nooses were found on site](#) in the last month. They are offering a \$100,000 reward and call the incidents "**deeply disturbing**." Um, yeah.
6. Former president Trump [charged the Secret Service \\$40,000](#) for a room at Mar-a-Lago from Jan 30 through April 30.
7. Speaking of the former president, he called [GOP House members who voted for a bipartisan commission](#) to investigate the Jan. 6 insurrection "**weak**" and "**stupid**." That would include Utah Congressmen Moore and Curtis.

Calendar

- **Reporters' Roundtable: Utah's National Economic Leadership** hosted by the Salt Lake Chamber - May 20, 4:00-5:00 pm. [Register here for the webinar](#)
 - **Utah Democratic Party** organizing convention: June 26, 2021
 - 250 days of the Cox-Henderson administration: September 11, 2021
-

Today At Utah Policy

Hello to baby kestrel chicks!

By Holly Richardson

It's spring and time for baby animals. This time it's four kestrel chicks that have hatched at the Great Salt Lake Shorelands Preserve - and they are cute! Check out the Nest Cam to see the little fluff balls (they'll be getting feathers soon!)

Utah Headlines

General

- How Spencer Cox, an 'angsty' farm boy, grew up to become the **governor of Utah** ([Deseret News](#))
- The **self-silencing majority**: In red America and blue America, an epidemic of self-censorship is threatening democracy ([Deseret News](#))
- She **called Utah police to help** her suicidal husband. **They shot and killed him.** ([Salt Lake Tribune](#), KSL)
- **Donovan Mitchell** calls move to ban critical race theory in Utah schools '**unfortunate**' ([Fox13](#))

Politics

- Spencer Cox says the **CDC 'couldn't be more correct'** when they updated their mask guidelines to say if you are fully vaccinated, no mask needed. ([Deseret News](#))
- Utah's governor says **turn off cable news** as critical race theory debate heats up, but says he supports resolution identifying 'risks' of CRT ([Deseret News](#), [Salt Lake Tribune](#), [ABC4](#), [Daily Herald](#), [KUER](#))
- **Utah lawmakers chase boogeymen** in a windy special session ([Deseret News](#))
- '**Early intervention is the key**': Rep. Lowry Snow advocates for justice and education reform ([St. George News](#))

Service

- **Jazz scholarships present 'life-changing' opportunities** for more than 55 Utah students ([KSL](#), [ABC4](#), [NBA](#))
- Latest **Farmers Feeding Utah** project brings 1200 boxes of food to Orem families ([Daily Herald](#))
- Successful **Iron County food distribution** helps locals in need ([Iron County Today](#))
- '**This is what we were founded on**': Governor, lieutenant governor laud volunteerism at Rotary luncheon ([St. George News](#))

COVID Corner

- Four more Utahns die of COVID-19. The **state's ethnic minorities lag behind the white population in getting vaccinated**, governor says. ([Salt Lake Tribune](#))
- **29 COVID-19 cases reported** in Kaysville middle school outbreak ([KSL](#))
- Vaccinated? Here's how you can **score free Shake Shack** ([ABC4](#))
- Salma Hayek **almost died** from COVID-19 ([Deseret News](#))
- **COVID disrupts years of health progress in the US**, inflating the nation's death rate to the highest level in nearly two decades. ([Wall Street Journal](#))
- When it comes to unmasking, **do we trust each other** to follow the rules? ([Washington Post](#))
- Ohio **vaccination rate jumps 28 percent** after lottery announcement ([The Hill](#))
- Severe COVID is **more often fatal in Africa** than in other regions ([New York Times](#))

Drought

- Utah's drought is '**really bad**' **Cox warns**, may lead to restrictions and fireworks ban ([Fox13](#))
- Northern Utah water official says drought as **bad as he's seen**, but not yet time to panic ([Standard-Examiner](#))

Economy

- Want to **support women-owned businesses**? There's a new directory for Utahns to use. People can search for more than 400 companies, including a salsa business, a dog-walking service and a home inspector. ([Salt Lake Tribune](#))
- **Utah business owners 'scrambling' to pay state tax bill on PPP loans.** For Scott Slaymaker, a managing partner of the Wingers restaurant chain, that means he got a \$100,000 bill he wasn't expecting this week. "It's a real gut punch," Slaymaker said. ([KUTV](#))

Education

- Park City Board of Education has **scrapped the live public comment portion** of its meetings. Written comments still accepted, to be included with minutes. ([Park Record](#))

Environment

- **Crust farming:** Volunteer to help Arches move delicate soil and native plants ([Moab Sun News](#))
- Two **Murray farmers** were among the **first modern environmental activists** ([Murray Journal](#))
- Lee, Romney **want Congress to decide** Utah monuments, not president ([KUTV](#))

Family

- 'A pandemic in its own right': **Utah lawmakers looking at solutions to child care shortage** ([Deseret News](#))
- Susan Madsen: Childcare controversy falls into the either/or trap. The issue is **much more complex** than the political debate would suggest. ([Salt Lake Tribune](#))
- The **life-affirming power of the family reunion**. Family reunions are about more than assorted salads and games - They're about building strong bonds ([Deseret News](#))
- How a mother, grandmother and former inmate hope to **refocus prisons to keep families together** ([Deseret News](#))

Housing

- With house prices exploding, **Southern Utah homebuyers struggle against 'bidding wars** ([St. George News](#))
- Moab's **housing crises** create a hiring crisis ([Moab Times](#))
- A roundtable conversation about commercial real estate in 2021 ([Utah Business](#))

Local Communities

- Brigham City Cafe celebrates a **century of candy, pie and comfort food**. The Idle Isle Cafe opened in May 1921 as a candy and ice cream shop, but eventually transformed into a favorite community gathering place. ([Salt Lake Tribune](#))
- **Chalk of the Town:** Artists to bring the streets of Park City to life ([ABC4](#))
- **Utah Natural History Museum** gives a glimpse into the lives of ancient pharaohs ([KUTV](#), [Fox13](#))
- **Kanab EV charging station** a step toward region-wide shuttle system near Zion National Park ([The Spectrum](#))
- Return of the **Summit Rock! Hunt** and win your share of \$33,000 ([St. George News](#))

National Headlines

General

- Why moral liberations **meant to free us have, in many ways, ensnared us**. The march toward unfettered freedom should be a triumph, but Sohrab Ahmari thinks we've lost something far greater along the way. ([Deseret News](#))
- The Justice Department under Trump **seized Washington Post reporters' phone records** in leak probe ([Politico](#))
- Trump administration **secretly obtained CNN reporter's phone and email records** ([CNN](#))
- Video shows officer saying '**you shouldn't be able to breathe**' moments before jailed man's death ([The Hill](#))
- 'Like hell:' As Olympics loom, **Japan health care in turmoil** ([AP](#))

Politics

- House Republican votes for U.S. Capitol riot plan a **blow to Kevin McCarthy** ([Reuters](#))
- Texas **pushing to obscure the state's history of slavery and racism** is awash in bills aimed at fending off critical examinations of the state's past. ([New York Times](#))
- CNN's **Chris Cuomo participated in strategy calls** advising his brother, the New York governor, on how to respond to sexual harassment allegations. ([Washington Post](#), [New York Times](#))
- CNN says it was 'inappropriate' for Chris Cuomo to participate in strategy sessions advising brother on sexual harassment allegations but **won't face any disciplinary action**. ([CNN](#))

Economy

- Real-estate frenzy **overwhelms small-town America**: 'I came home crying' ([Wall Street Journal](#))
- **Restaurant traffic is roaring back** in much of the U.S. In some states and cities, it's eclipsing pre-pandemic numbers. ([Washington Post](#))
- As **Paycheck Protection Program runs dry, desperation grows**. Overwhelmed lenders and panicking borrowers are in a frenzy to grab the remaining money in the small business relief program. ([New York Times](#))

Elections

- Arizona secretary of state says **Maricopa County should replace millions of dollars worth of voting equipment** because of GOP-backed recount ([Washington Post](#))
- Missouri Senate race shapes into **battle between controversial firebrands and GOP officials** ([Politico](#))
- Democrats, GOP face **crowded primaries** as party leaders lose control ([The Hill](#))
- **Trump slams 'weak,' 'stupid' Republicans** who don't want to talk about Arizona audit ([The Hill](#))

Environment

- U.S. proposes **big increase in forest management** to tackle wildfires ([Reuters](#))
- **Global cactus traffickers** are cleaning out the deserts in a growing black market ([New York Times](#))

Immigration

- The **unexpected solution for immigration** from Central America. The Northern Triangle needs momentum toward a strong, post-COVID-19 regional economy. ([Deseret News](#))

Infrastructure

- **GOP not budging** on infrastructure offer in Biden talks ([AP](#))
- Biden's bank shot to win GOP support for his infrastructure bill: Reaching out to **local Republican leaders** as it seeks to raise pressure on GOP lawmakers ([Politico](#))
- White House, GOP infrastructure talks reaching key stage ([AP](#))

Israeli/Palestinian Conflict

- Israel, Hamas agree to **cease-fire** to end bloody 11-day war in a truce mediated by Egypt ([AP](#), [Reuters](#))
- Don't forget **Palestinian Christians**, who are often lost in conversations about a conflict that's framed as Muslims versus Jews ([Deseret News](#))
- **'We have no option but to die'**: Living through an airstrike in Gaza ([New York Times](#))

News of the Weird

- **10 seconds of terror**: Alaska man survives brown bear mauling ([AP](#))
- Why does this have to be said?? **CDC urges against kissing, snuggling poultry** ([The Hill](#))

Policy News

[Webinar: Utah's national economic leadership - reporter's roundtable](#)

The Salt Lake Chamber will host a webinar with reporters and policy watchers to discuss how Utah attained and can remain the best state for growth and economic opportunity. This roundtable webinar will discuss how Utah attained such national recognition coming out of a pandemic. Recent reports from The Milken Institute, the Wall Street Journal, US News & World Report and others have highlighted the state's economic strength. The reporters covering Utah's business community and economic development will share what they are seeing from the front lines.

[Sen. Romney urges administration to step up vaccine aid to countries in need](#)

U.S. Senator Mitt Romney (R-UT) today urged the Administration to implement a vaccine distribution strategy which ensures access to countries in need around the world. He highlighted also the national security concern that China and Russia pose by distributing their own, less efficacious vaccine to help advance their political agendas in various countries.

Armed Forces organizations, 500+ veterans announce support of LGBTQ federal protections

Today in honor of Military Appreciation Month, Freedom for All Americans released endorsements from major national armed forces organizations representing more than one million veterans and more than 500 individual veterans in support of federal nondiscrimination legislation to protect all LGBTQ Americans in all areas of daily life.

Rep. Owens opening statement on supporting homeless and foster students

Today, Republican Leader of the Early Childhood, Elementary, and Secondary Education Subcommittee Burgess Owens (UT-04) delivered the following opening statement, as prepared for delivery, at a hearing on supporting students experiencing foster care and homelessness:

Smith's announces update to store mask policy

Throughout the COVID-19 pandemic, The Kroger Family of Companies' most urgent priority has been the safety of our associates and customers. We have adhered to guidance from the Centers for Disease Control and Prevention (CDC) and our Chief Medical Officer Dr. Marc Watkins and listened to our associates and customers to guide our policies.

Business Headlines

- **LDS Church wins big** on stocks, racks up 907% gain on GameStop ([Salt Lake Tribune](#), [ABC4](#))
 - Utah kids and adults make **big money selling sneakers** ([Fox13](#))
 - U.S. Treasury floats **global corporate tax** of at least 15% ([Reuters](#))
 - McDonald's is sued for \$10 billion for alleged **bias against Black-owned media** ([Reuters](#))
 - U.S. **weekly jobless claims decline further**; mid-Atlantic factory activity cools ([Reuters](#))
 - U.S. regulators signal **stronger risk, tax oversight** for cryptocurrencies ([Reuters](#))
 - U.S. **Commerce chief holding meetings** on chips shortage ([Reuters](#))
 - The Commerce Department held another summit with industry leaders this week as businesses try to get help with the **chip shortage**. ([Politico](#))
 - Three Carnival lines plan to **resume Alaska cruises** in July: Carnival Corp.'s Princess Cruises, Holland America Line and Carnival Cruise Line to offer Seattle-to-Alaska itineraries ([Wall Street Journal](#))
 - Soaring prices herald **boom time for steel makers**. A rebounding economy and Trump-era tariffs have helped drive the price of domestic steel to record highs. ([New York Times](#))
 - Apple CEO **Tim Cook** will make first-ever court appearance in blockbuster **Fortnite trial** ([CNN](#))
-

On This Day In History

(From [History.com](#))

- **1881** - The American Red Cross is founded by Clara Barton.
 - **1914** - Greyhound Bus Co begins in Minnesota
 - **1932** - Amelia Earhart Putnam becomes the first woman to complete a solo-transatlantic flight by flying 2,026 miles from Newfoundland to Ireland in just under 15 hours
 - **1940** - A Nazi special unit kills over 1500 "unfit" people (mentally ill hospital patients) in East Prussia
 - **1946** - Physicist Louis Slotin is exposed to a lethal dose of radiation while preparing a plutonium core experiment at the Los Alamos lab, he dies 9 days later and the accident ends all hands-on nuclear assembly work at Los Alamos.
 - **1947** - Linda Jane Laubenstein is born. A physician and early HIV/AIDS researcher, she was among the first doctors in the United States to recognize the AIDS epidemic of the early 1980s.
 - **1973** - Lynn Genesko, a swimmer, receives the first athletic scholarship awarded to a woman (University of Miami).
 - **2005** - First Lady Laura Bush advocates for women's rights at the World Economic Forum.
-

Wise Words

"I may sometimes be willing to teach for nothing, but if paid at all, I shall never do a man's work for less than a man's pay."

~Clara Barton

Lighter Side

Lighter Side

"Republicans seem to think that if they don't talk about Jan. 6, no one else will, either. It's all laid out in the new movie, 'A Riot Place.'"

- *STEPHEN COLBERT*

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Subject: Today's Headlines: Israel's Military Inflicted a Heavy Toll. But Did It Achieve Its Aim?

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Saturday, May 22, 2021

Top News

Israel's Military Inflicted a Heavy Toll. But Did It Achieve Its Aim?

By Patrick Kingsley and Ronen Bergman

Israel's military says its airstrikes killed dozens of senior Hamas operatives and destroyed critical military infrastructure. But victory is hard to measure.

After the Cease-Fire, Gaza Wakes to a Sea of Rubble

By Patrick Kingsley and Iyad Abuhweila

In addition to relief, some residents felt a sense of déjà vu, having survived several recent wars with Israel. After each war, it takes years for Gaza to recover.

How Andrew Yang Won Over Ultra-Orthodox Brooklyn

By Liam Stack

A slew of influential Jewish leaders endorsed Mr. Yang, motivated by one overriding issue: "Yeshivas, yeshivas, yeshivas."

For more top news, go to [NYTimes.com](https://www.nytimes.com) »

Editors' Picks

U.S.

Their Own Private Idaho: Five Oregon Counties Back a Plan to Secede

By Kirk Johnson

In nonbinding elections, parts of eastern Oregon said they wanted to join Idaho. The conservative region has long felt alienated from the liberal politics of Oregon's population centers.

OPINION

Will We Ever Get Beyond 'The Fire Next Time'?

By Elizabeth Hinton

The history of Black rebellion demonstrates a fundamental reality. Police violence precipitates community violence in a vicious cycle.

Today's Videos

Video VIDEO: Celebrations Take Place in Gaza After Cease-Fire

By The Associated Press

Celebrations broke out in Gaza after Israel and Hamas agreed to a cease-fire on Thursday. The truce comes after more than 10 days of fighting that has taken hundreds of lives.

Video VIDEO: Small Skirmish at Aqsa Mosque, Despite Israel and Hamas Cease-Fire

By Storyful

Amid celebrations at the Aqsa Mosque compound in Jerusalem on Friday afternoon, a small skirmish broke out outside the compound.

Video VIDEO: Biden Awards Medal of Honor to Korean War Veteran

By The Associated Press

President Biden awarded Col. Ralph Puckett Jr., a 93-year-old Korean War hero, the Medal of Honor on Friday. The ceremony was done in conjunction with a visit by the president of South Korea.

World

Palestinian Anger With Israel Is Undimmed, Even With Battle Paused

By Rami Nazzari and Vivian Yee

Unrest broke out in Jerusalem and the West Bank again on Friday, and Palestinians across Israel and the occupied territories expressed the need for common cause against injustice.

THE SATURDAY PROFILE

Coco's Choice: A Charlie Hebdo Cartoonist's Road Back From Hell

By Roger Cohen

Since surviving the 2015 attack on the French satirical magazine's office, Corinne Rey has created a graphic novel and won national recognition in a man's world.

After Weeks of Twists, Samoa Is Set to Have Its First Female Leader

By Natasha Frost

A dead-heat election was followed by uncertainty and intrigue. But barring further surprises, Fiame Naomi Mata'afa will become prime minister on Monday.

For more world news, go to [NYTimes.com/World](https://www.nytimes.com/world) »

U.S.

Buoyed by Federal Covid Aid, Big Hospital Chains Buy Up Competitors

By Reed Abelson

The pandemic barely dented the financial outlook for some major networks, which continued to acquire weaker hospitals and ailing doctors' practices. Critics worry consolidation leads to higher prices for medical care.

At 107, 106 and 100, Remaining Tulsa Massacre Survivors Plead for Justice

By Daniel Victor

The three known survivors, who were all children in 1921, offered their firsthand accounts of the race massacre at a hearing in Washington.

2 South Carolina Deputies Are Fired for Their Role in Death of Black Man in Jail

By Neil Vigdor

The deputies, Sgt. Lindsay Fickett and Detention Deputy Brian Houle, used pepper spray and Tasers on Jamal Sutherland on Jan. 5 at the detention center in Charleston County.

For more U.S. news, go to [NYTimes.com/US](https://www.nytimes.com/US) »

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Politics

Republicans Move to Limit a Grass-Roots Tradition of Direct Democracy

By Reid J. Epstein and Nick Corasaniti

Through ballot initiatives, voters in red states have defied legislators' wishes and produced liberal outcomes in recent years. Republicans want to make the practice harder, or even eliminate it.

After High-Wire Act, Biden Faces Tough New Middle East Tests

By Michael Crowley and Annie Karni

The administration is considering how to recalibrate its policy in the region in light of the cease-fire between Israel and the Palestinians without distracting from other priorities.

Once in Thrall of 'the Generals,' Congress Now Gives the Orders on Military Issues

By Jennifer Steinhauer

The shift mirrors broader societal frustrations after two decades of wars, a pervasive problem of sexual assault and harassment of female troops and the exposure of political extremism in the ranks.



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Business

WEALTH MATTERS

How the Pandemic Has Changed Attitudes Toward Wealth

By Paul Sullivan

Americans found that money cannot buy everything, and they used their wealth to build relationships and help others, according to two recent surveys.

China to Try Australian on Spy Charge, Adding to Diplomatic Tensions

By Chris Buckley

The businessman-writer Yang Hengjun will face trial in Beijing next week, at a time when Australia and China have fallen out over detentions, accusations of political interference and the investigation of journalists.

U.S. Backs 15% Global Minimum Tax to Curb Profit Shifting Overseas

By Alan Rappeport

The Biden administration wants other countries to back a minimum tax as part of its plan to raise the U.S. corporate tax rate to 28 percent from 21 percent.

For more business news, go to [NYTimes.com/Business](https://www.nytimes.com/business) »

Technology

A \$100 Million Bet on Cross-Country Restaurant Delivery

By Michael J. de la Merced

Goldbelly, an e-commerce platform for restaurant food, boomed during the pandemic. Will the trend stick?



In Antitrust Trial, Tim Cook Argues Apple Doesn't Hurt App Makers

By Jack Nicas, Erin Griffith and Kellen Browning

The chief executive of Apple, which was sued by the gaming company Epic, said his company had invested heavily on security and had lowered some fees in its App Store.

Amazon Pauses Construction at Connecticut Site After Nooses Are Found

By Michael Levenson

The Windsor Police Department said it was investigating what it called "potential hate crime incidents" after a seventh noose was found at a future fulfillment center.

For more technology news, go to [NYTimes.com/Technology](https://www.nytimes.com/Technology) »

Sports

Scout Henderson Has Options. He's Choosing G League Ignite.

By Jonathan Abrams

Henderson, 17, will bypass college to play for the Ignite, an N.B.A. developmental team for elite prospects. "You know how every kid has their own path?" he said.

Phil Mickelson Moves to the Top of the P.G.A. Championship Leaderboard

By Bill Pennington

If he triumphs at the Ocean Course on Kiawah Island this weekend, Mickelson, 50, will become the oldest winner of a major golf tournament.

Teammates and Opponents Support Him. His Manager? Not So Much.

By James Wagner

Chicago's Yermín Mercedes broke one of baseball's unwritten rules, according to Tony La Russa. Others around the game think those rules need updating.

Arts

Review: ‘In Treatment’ Thinks You Could Use a Session, America

By James Poniewozik

Set in the moment when the country is coming out of a year of quarantine and unrest, the HBO talk-drama’s revival is uneven but relevant.

CRITIC’S NOTEBOOK

Beethoven Is More Intimate Than Ever in New Poems

By Anthony Tommasini

Ruth Padel tells the great composer’s life story, more profoundly than most biographies, in “Beethoven Variations.”

‘Lilies’ Review: A Queer Romantic Drama That Wilts Quickly

By Maya Phillips

Michel Marc Bouchard’s melodrama, about an illicit gay love affair in 1912, displays a lot of kookiness and little self-awareness.

For more arts news, go to [NYTimes.com/Arts](https://www.nytimes.com/arts) »

New York

How a Sweeping New Proposal Would Limit Police Use of Force in N.Y.

By Luis Ferré-Sadurni and Ali Watkins

The state’s attorney general seeks to create a “last resort” rule for officers’ use of physical force, and to impose new criminal penalties for those who break it.

Dozens Arrested After Conflict in Gaza Leads to Clashes in Times Square

By Troy Closson

At least 27 people were arrested after demonstrations in Times Square and the Diamond District in Midtown Manhattan. Several lawmakers have denounced the clashes.

Chris Cuomo of CNN Advised Gov. Cuomo, Raising Ethics Questions

By Michael M. Grynbaum

The host Chris Cuomo participated in strategy calls with aides to his brother, Gov. Andrew Cuomo of New York, after sexual harassment allegations emerged this year.

For more New York news, go to [NYTimes.com/NewYork](https://www.nytimes.com/NewYork) »

Media & Advertising

Trump Justice Dept. Seized CNN Reporter's Email and Phone Records

By Adam Goldman

In a wide-ranging request, federal prosecutors obtained records for Barbara Starr's email accounts and multiple phone lines, the network said.

Inside the Discovery-AT&T Deal: Cute Emails, a Big Loan and Now, a Media Giant

By John Koblin, Michael M. Grynbaum, Edmund Lee and Lauren Hirsch

An early-morning meeting at a Greenwich Village townhouse, under the watchful eye of Steve McQueen, was part of a monthslong campaign.

New Owner Set for Chicago Tribune, Daily News and Baltimore Sun

By Katie Robertson

The bid by Alden Global Capital, which already owns about 200 local newspapers, had faced resistance from Tribune staff and last-ditch competition.

For more media & advertising news, go to [NYTimes.com/Media](https://www.nytimes.com/Media) »

Science

What Activities Can Unvaccinated Children Do? Advice From 828 Experts.

By Claire Cain Miller, Margot Sanger-Katz and Kevin Quealy

This phase of the pandemic, when adults can be vaccinated but young children cannot, is confusing for many families.



Severe Covid Is More Often Fatal in Africa Than in Other Regions

By Denise Grady

Inadequate treatment for critically ill patients contributed to higher death rates in Africa, compared to other parts of the world, a study found.

The Latest Coronavirus Comes From Dogs

By Emily Anthes

A newly identified coronavirus may not pose a serious threat, but the finding highlights the need to monitor animal viruses more proactively, scientists say.

For more science news, go to [NYTimes.com/Science](https://www.nytimes.com/science) »

Obituaries

Roman Kent, Who Reminded the World of the Holocaust, Dies at 92

By Joseph Berger

He galvanized survivors into a movement to memorialize the Holocaust and spoke often of his experience. “I didn’t want our past to become our children’s future,” he said.

Jerome Kagan, Who Tied Temperament to Biology, Dies at 92

By Sam Roberts

A Harvard psychologist, he originally attributed personality traits to nurturing only. Then he concluded, We’re largely born this way.

Mary Ahern, Who Produced Early TV and Then Preserved It, Dies at 98

By Neil Genzlinger

She was a key behind-the-scenes figure in the landmark series “Omnibus” before becoming the Paley Center for Media’s first curator.

David Wake, Expert on Salamanders and Evolution, Dies at 84

By Richard Sandomir

While on a college field trip to collect beetles, he found salamanders. He became an authority and later grew alarmed by the disappearance of many amphibians.

Opinion

THE EDITORIAL BOARD

A Cease-Fire, and New Ideas in Israel and the Palestinian Territories

By The Editorial Board

The cease-fire between Hamas and Israel didn't come a second too soon.

MICHELLE GOLDBERG

Was Mother Teresa a Cult Leader?

By Michelle Goldberg

In a new podcast, women who left the Missionaries of Charity speak out.

GUEST ESSAY

Needle Fear Is an Underrecognized Vaccination Challenge

By C. Meghan McMurtry

Want to increase vaccination rates? Address adults' fear of needles.

Violent Crime Is Spiking. Do Liberals Have an Answer?

By 'The Ezra Klein Show'

James Forman Jr. on the wicked problem of crime and the messy politics of safety.

GUEST ESSAY

As a Doctor, I've Worked Tirelessly Through the Pandemic. That Hasn't Stopped the Hate.

By Chaya Bhuvaneshwar

Even risking our lives during a pandemic doesn't protect us from racism and sexism.

'We Still Aren't Safe': 6 Young Americans on George Floyd's Death

By New York Times Opinion

Readers share the effects of George Floyd's death on their perceptions of race and racism.

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Saturday, June 5, 2021

Top News

U.S. Added 559,000 Jobs in May, but Road to Recovery Is Bumpy

By Patricia Cohen

Many employers report having trouble finding applicants. Economists say the labor market may simply need time to get sorted out.

U.S. Waged Secret Legal Battle to Obtain Emails of 4 Times Reporters

By Charlie Savage and Katie Benner

The push began in the Trump administration and continued under President Biden, and the Justice Department obtained a gag order to keep it from public view.

Facebook Says Trump's Ban Will Last at Least 2 Years

By Mike Isaac and Sheera Frenkel

The decision denies the former president a megaphone at least through the midterm elections. The suspension was put in place after the Capitol riot in January.

For more top news, go to [NYTimes.com](#) »

Editors' Picks

ARTS

The Hunt for Clarity About van Gogh's Last Days Leads to Maine

By Peter Libbey

Experts are examining a watercolor found in an antiques shop that may be a rare work by Edmund Walpole Brooke, who painted with van Gogh during his final months.

OPINION | MICHELLE GOLDBERG

Sinema and Manchin's Nihilistic Bipartisanship

By Michelle Goldberg

They could help save our democracy. They prefer not to.

Today's Videos

Video VIDEO: Surveying Goma's Volcanoes

By Finbarr O'Reilly, McKenzie Marshall and Lucas Lilieholm

Scientists are working to assess the risk of a volcanic eruption after lava from Mount Nyiragongo forced the evacuation of tens of thousands of people in the city of Goma in the Democratic Republic of Congo.

Video VIDEO: Pence Says He May Never See Trump 'Eye to Eye' on Capitol Riot

By Reuters

Former Vice President Mike Pence's speech illustrated the careful balance he is aiming to strike in squaring the rhetoric of the Republican Party under former President Donald J. Trump while standing by his opposition to Mr. Trump's attempts to overturn the results of the 2020 election.

Video VIDEO: Cardinal Offers Resignation Over Church Sexual Abuse

By Reuters

Cardinal Reinhard Marx, a leading figure in Germany's Roman Catholic Church, said on Friday that he had offered his resignation to share in taking collective responsibility for sexual abuses by priests.

World

Subdued but Not Silenced, Hong Kong Tries to Remember Tiananmen Massacre

By Vivian Wang

Officials banned the annual June 4 vigil, as a new security law looms over commemorations of the 1989 crackdown. Hong Kongers wonder how long the memory will remain.

NEWS ANALYSIS

A Historic Moment for Israeli Arabs, but With a Question Mark

By Roger Cohen

An Arab party's decision to join a right-leaning Israeli government would be an important, if uncertain, step toward inclusion rather than perpetual opposition.

Iran's Proxies in Iraq Threaten U.S. With More Sophisticated Weapons

By Jane Arraf and Eric Schmitt

Iran-backed militias in Iraq are suspected of carrying out recent drone strikes on sensitive American targets in Iraq, evading U.S. defenses.

For more world news, go to [NYTimes.com/World](https://www.nytimes.com/world) »

U.S.

To Keep Their Son Alive, They Sleep in Shifts. And Hope a Nurse Shows Up.

By Ted Alcorn and Brittainy Newman

A nursing shortage — driven by the pandemic — has made life miserable for parents with profoundly disabled children.

“What if I’m so exhausted that I make a mistake?”

Black Lives Matter Has Grown More Powerful, and More Divided

By John Eligon

Since the murder of George Floyd, the racial justice movement has received millions of dollars in donations. But some chapters have questioned how those funds are spent.

A Rogue Climber Running From the Law Was Fleeing His Own Trauma

By Dave Philipps

A former paratrooper became an “urban explorer,” scaling the tops of bridges and buildings to help ease his PTSD. He now faces criminal charges in several states.

For more U.S. news, go to [NYTimes.com/US](https://www.nytimes.com/US) »

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Politics

Democrats, Converted to Filibuster Foes, Are Set to Force the Issue

By Carl Hulse

Senator Chuck Schumer, the Democratic leader, is lining up votes to build the case for defusing the procedural weapon, which Republicans have used to thwart the party’s agenda.

McGahn Breaks Little New Ground in Closed-Door Testimony

By Charlie Savage and Nicholas Fandos

A transcript of the former White House counsel’s appearance, which ended a two-year dispute between the Justice Department and Congress over a subpoena, will be made public next week.

REHOBOTH MEMO

In Delaware, Biden Indulges One of His Oldest Habits: Commuting

By Katie Rogers

Still adjusting to the White House, the president sees Delaware as a place where he can be on display but still have his privacy protected.



For more political news, go to [NYTimes.com/Politics](https://www.nytimes.com/Politics) »

Business

White House Embraces Job Growth, but Distances Itself From Expanded Benefits

By Jeanna Smialek and Jim Tankersley

As Republicans blame enhanced unemployment insurance for slower-than-expected job gains, the White House stresses that the benefit will expire in September as planned.

Global Finance Leaders Move Closer to International Tax Agreement

By Alan Rappeport

The overhaul under discussion includes a minimum tax that companies would pay regardless of where their headquarters were.

YOUR MONEY

The Best Investment of All: The People You Love the Most

By Ron Lieber

If you're emerging from the pandemic in better financial shape than before, ask yourself this: What will you spend to renew your bonds, and how will you do it?

For more business news, go to [NYTimes.com/Business](https://www.nytimes.com/Business) »

Technology

It's Hard Work to Make Ordering Groceries Online So Easy

By Sapna Maheshwari

The technology needed to fulfill orders is costly for stores, and the workers who pick items off the shelves often feel the pressure of being tracked.

Facebook Faces Two Antitrust Inquiries in Europe

By Adam Satariano

European Union and British regulators are investigating whether Facebook's "vast troves of data" give Facebook Marketplace an unfair advantage.



India's 'Ugliest' Language? Google Had an Answer (and Drew a Backlash).

By Mike Ives and Paul Mozur

A Google fact box singled out Kannada, a language spoken in the country's south. The faux pas highlights the algorithm's fallibility.

For more technology news, go to [NYTimes.com/Technology](https://www.nytimes.com/Technology) »

Sports

How the First Black Female Jockey Rode Into Oblivion

By Sarah Maslin Nir

Fifty years ago, Cheryl White became America's first licensed Black female jockey when she was just 17 years old. So why doesn't the world know her name?

A Pro E-Sports Team Is Getting \$210 Million to Change Its Name

By Kellen Browning

The deal between TSM, which fields competitive video game teams, and the Hong Kong-based FTX exchange, rivals the kinds of deals top sports franchises land to name arenas and stadiums.

ON PRO BASKETBALL

Even LeBron James Isn't Eternal

By Scott Cacciola

At 36, with his team's future in doubt, James faces basketball mortality.

For more sports news, go to [NYTimes.com/Sports](https://www.nytimes.com/Sports) »

Arts

What Happens to Philip Roth's Legacy Now?

By Alexandra Alter and Jennifer Schuessler

His single authorized biography is mired in controversy. Scholars say it shouldn't be the last word, but they are struggling for access to his vast and in some cases inaccessible private archives.



Far From Paris, the Pompidou Plans an Outpost in Jersey City

By Julia Jacobs

Out: the Metro and the Seine. In: the PATH and the Hudson. The Pompidou Center plans to open its first North American satellite museum in a renovated industrial building.

A Pianist Comes Around on Period Instruments

By David Weininger

Early in his career, Andras Schiff disdained historical authenticity. Now he embraces it, including on a revelatory new Brahms recording.

For more arts news, go to [NYTimes.com/Arts](https://www.nytimes.com/Arts) »

New York

Senior Trump Organization Official Testifies Before Grand Jury

By Ben Protess, William K. Rashbaum and Jonah E. Bromwich

The Manhattan district attorney's office subpoenaed Jeffrey McConney, a long-serving financial executive at the company.

Scott Stringer Is Accused of Sexual Misconduct by 2nd Woman

By Katie Glueck

The woman, Teresa Logan, accused Mr. Stringer of sexual harassment and making unwanted advances while she was working for him at a bar and restaurant he co-owned in 1992.

Whose Streets? The Next New York Mayor Will Have to Decide.

By Winnie Hu

Eight leading Democratic candidates share their ideas for curbing congestion and improving pedestrian and cyclist safety.

Media & Advertising

A Top Editor Becomes Her ‘True Self’

By Katie Robertson

Gina Chua is returning to the Reuters offices post-pandemic as one of the most senior transgender journalists in the country.

Drake Bell Charged With Attempted Child Endangerment

By Sarah Bahr

Mr. Bell, who starred in the Nickelodeon series “Drake & Josh” from 2004 to 2007, has pleaded not guilty.

SCREENLAND

How Wild Will Summer Be? This Gum Commercial Gets Creative.

By Mireille Silcoff

What is fresh breath even for, if it’s not for post-pandemic orgies in the park?

For more media & advertising news, go to [NYTimes.com/Media](https://www.nytimes.com/Media) »

Science

Mysterious Brain Syndrome Stumps Canadian Doctors

By Dan Bilefsky

Six years after they were first reported, debilitating neurological symptoms have shaken the province of New Brunswick and still have doctors in Canada stumped.

The Sperm-Count ‘Crisis’ Doesn’t Add Up

By Rachel E. Gross

Reports of a decline in male fertility rely on flawed assumptions, a new study contends.

Teens Are Rarely Hospitalized With Covid, but Cases Can Be Severe

By Apoorva Mandavilli

Adolescents were hospitalized with Covid three times as often as with flu, researchers reported. Nearly one-third wound up in I.C.U.s.



Obituaries

Chi Modu, Photographer Who Defined 1990s Hip-Hop, Dies at 54

By Jon Caramanica

His images of the Notorious B.I.G., Tupac Shakur, Dr. Dre and many more helped shape rap music's visual identity.

Friederike Mayröcker, Grande Dame in German Literature, Dies at 96

By A.J. Goldmann

An Austrian, she was among the most decorated German-language poets of the postwar period, producing a large body of daring work.

Ganga Stone, Who Gave Sustenance to AIDS Patients, Dies at 79

By Sam Roberts

At the height of the AIDS epidemic, she started God's Love We Deliver, a charity that brought hot meals to people who were too ill to cook.

Susan Cole, Advocate for Traumatized Children, Dies at 72

By Neil Genzlinger

Ms. Cole examined the link between abuse at home and problems in the classroom, and sought to make schools "trauma sensitive."

For more Obituaries, go to [NYTimes.com/Obituaries](https://www.nytimes.com/obituaries) »

Opinion

THE EDITORIAL BOARD

Congress Needs to Defend Vote Counting, Not Just Vote Casting

By The Editorial Board

A voting rights law before Congress does not fully address the imminent threats to representative democracy in the United States.



GUEST ESSAY

Tom Hanks: You Should Learn the Truth About the Tulsa Race Massacre

By Tom Hanks

Schools and the entertainment industry, which help shape what is history and what is forgotten, must portray the burden of racism in our nation.

GUEST ESSAY

Why Are So Many Children in Brazil Dying From Covid-19?

By Peter J. Hotez and Albert I. Ko

Coronavirus variants may be causing severe infections in children.

GUEST ESSAY

The Terrible Cost of Mark Zuckerberg's Naïveté

By Kara Swisher

The C.E.O. — and the rest of us — are paying the price.

GUEST ESSAY

President Biden, the Clock Is Ticking to Rescind a Trump Immigration Policy

By Jorge Ramos

Border crossings between the U.S. and Mexico should return to normal status, with normal rules for asylum seekers.

GUEST ESSAY

When Living in California Means Fearing the Outdoors

By Joanna Pearlstein

The air quality gets so bad from wildfires that we are left clinging to our air purifiers.

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Subject: Utah Policy: Happy Purim! Let's look at Utah's election reform bills, #utleg roundup and Curtis's concern about unemployment fraud.

Date: Thursday, February 25, 2021 at 7:30:59 AM Mountain Standard Time

From: Utah Policy <info@utahpolicy.com>

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Situational Analysis - February 25, 2021

Happy Thursday and Happy Purim to those celebrating tonight and tomorrow. (Purim is the Jewish holiday that celebrates the actions of Queen Esther in saving her people.)

Yesterday on Utah's Capitol Hill, the proposal to [ban transgender athletes](#), another to prevent the sale of [DIY rape kits](#) and one that would [toughen Utah's laws](#) on texting while driving didn't make it out of committee and a [billboard bill](#) died on the Senate floor. Meanwhile, a bill to [expand security for public officials](#), one to make [online impersonation illegal](#) and one that would [ban releasing mug shots](#) until conviction were among the bills moving forward.

If you only have time for one thing today: Listen to [this podcast](#) by Boyd Matheson who interviewed social scientist Robert Putnam and Utahn Shaylyn Romney Garrett on their new book, *The Upswing: How America Came Together a Century Ago and How We Can Do It Again*. Social capital is in decline, political divisions run deep, communities are crumbling, and the country appears to be more narcissistic and fragmented than ever before. What's the solution? We are. (If the podcast seems too long, even on double speed, you can read Boyd's [most recent op-ed](#) on the topic instead. Or in addition to.)

Countdown

8 days to the end of the 2021 Utah Legislature (3/5/21)

48 days until the end of the Cox/Henderson administration's first 100 days (04/14/2021)

64 days until the Biden/Harris administration's first 100 days are up (04/30/2021)

Today At Utah Policy

[Tweets of the day: #utleg roundup and a new political party?](#)

By Holly Richardson

No more English-only law (maybe), 16 and 17 year-olds voting, police use-of-force, Burgess Owens weighing in on Confucius Institutes and almost half of Trump voters would follow him to a new party (27% undecided.) Former RNC chair says buh-bye.

[Looking at Utah's election reform bills](#)

By Holly Richardson

Election reform bills Here's a quick roundup of 10 of Utah's election-related bills. Four bills are dead, six are still alive.

[images/new/vote_2.png](#)

Curtis, House GOP colleagues investigate potential unemployment fraud

By Holly Richardson

Today, Representative John Curtis (R-UT), member of the House Energy and Commerce Committee, led fellow House Republican colleagues in sending a letter to Acting Inspector General Larry D. Turner, top watchdog at the United States Department of Labor, to request an immediate investigation into claims of unemployment fraud disrupting safety net programs across the United States.

Utah Headlines

Deseret News

- [Romney's child benefit proposal gaining diverse fans](#) - The New York Times, the Institute for Family Studies and the Institute of Policy Research are among them.
- [Cox vs. Zuckerberg: Do Utahns think state government is more trustworthy than Facebook?](#) - 73% of Utahns polled distrust Facebook, 53% distrust the federal government and 41% distrust state government.
- [Ban on transgender athletes in girls sports stalls in Utah Senate committee](#) - Even though no vote was taken, the bill will not be moving on.
- [Salt Lake teachers, students rally against 'bullying' from Utah Legislature](#) - "Unfortunately our state Legislature has been attacking teachers" by advancing legislation targeting Salt Lake City School District rather than letting district officials make their own decisions, said James Tobler.
- [Inspired by Paris Hilton, woman says Utah ranch punished her for reporting assaults](#) - She calls for Utah lawmakers to pass law bringing more oversight to troubled teen industry.

Salt Lake Tribune

- ['Murder Among the Mormons' brings the story of infamous Salt Lake City bombings to Netflix](#) - The story of Mark Hofmann and the LDS Church is a true-crime drama centered on religion.
- [Utah Senate committee tables bill barring transgender girls from female K-12 sports](#) - One lawmaker on the committee, Sen. Jake Anderegg, told Birkeland repeatedly that he "hated" the proposal.
- [Sounding a bit like Reagan, Mike Lee tells leaders to tear down that wall - around the U.S. Capitol](#) - Utah senator says the armed fence sends the wrong message to the American people.
- [Woman says she was punished at Turn-About Ranch after reporting a sexual assault](#) - The Colorado woman is suing the Utah ranch for "troubled teens," and is being represented by Gloria Allred.
- [UTA adopts first-ever 5-year service plan](#) - Envisions creating a 'core network' where service is so frequent that schedules are not needed.
- [Photos: Salt Lake City teachers rally against lawmakers for pressuring the district to reopen in person](#) - Decisions to return, they say, should be made at the local level.
- [A bill to make online impersonation illegal in Utah wins Senate OK](#) - Two Utahns who have been victims of online impersonation spoke in support for the measure earlier this month, advocating for 'stricter laws' to hold people accountable.

Other:

- ['This is the future': Can telework help rural Utahns make more money and afford better homes?](#) (KSL) - Rural Utah battles a talent drain that comes when its brightest students move away for school and take big-city jobs afterward. Working remotely means rural Utahns don't have to be limited by the wages or economic climate in their immediate surroundings.
- [Utah bill would expand Medicaid coverage to include fertility preservation for cancer patients](#) (KSL) - Cancer patients sometimes find themselves in the worst position imaginable: having to choose between life-saving treatments and the ability to have children.
- [As medical cannabis moves forward, Wyoming activists, lawmakers look to Utah](#) (FOX 13) - Wyoming activists and politicians are preparing to push for medical cannabis to be implemented in that state and are looking at Utah's newly-created medical cannabis program for ideas on what to do - and what not to do.
- [More people skipping dentist appointments during pandemic](#) (FOX 13) - According to the American Dental Association, most dental offices are back open but seeing fewer patients than normal.

COVID Corner

- [Musician Trisha Yearwood diagnosed with COVID-19, husband Garth Brooks confirms](#) (Fox13) - Yearwood is experiencing symptoms, but is "doing okay."
- [Moderna to begin trial of new COVID vaccine to address virus variant first found in South Africa](#) (USA Today) - Other leaders in the COVID-19 vaccine effort Pfizer-BioNTech, Novavax, Johnson & Johnson and AstraZeneca-Oxford University also have said they are working on new versions of their vaccines or boosters to increase their protection.
- [New research shows California coronavirus variant is more transmissible](#) (Washington Post) - A coronavirus variant detected in California this winter rapidly became dominant in the state over five months and now makes up more than half of the infections in 44 counties.
- ['If not us, then who?'](#) (Washington Post) - These doctors and nurses battle covid all day. Then they go online and fight misinformation.
- [California, With 50,000 Lost, Has More Deaths Than Any Other State](#) (The New York Times) - Most of those deaths were recorded recently, during a frightening winter surge that followed a period of relatively low case counts.
- [CDC Launches Web Tool To Help Americans Find COVID-19 Vaccines](#) (NPR) - "The idea is to show where COVID-19 vaccine providers [are] that are open to the public - how to contact them, how to book an appointment, and try to show the daily inventory status so people are clear where there's vaccine and where there isn't."
- [Pfizer COVID-19 vaccine works well in big 'real world' test](#) (Associated Press) - The vaccine was 92% effective at preventing severe disease after two shots and 62% after one. Its estimated effectiveness for preventing death was 72% two to three weeks after the first shot, a rate that may improve as immunity builds over time.
- [Utah 'back on track' after vaccine shipments delayed, anticipating big boost in doses](#) (Deseret News) - Next week's order is for around 32,000 first doses of the Pfizer vaccine, 27,000 first doses of the Moderna vaccine and 33,000 doses of the new J&J vaccine.
- [Why you get symptoms from the 2nd COVID-19 vaccine dose](#) (Deseret News) - "The second vaccine (dose) - think of it as having that hit to your immune system, and your immune system now recognizes the vaccine, so it does its job."

National Headlines

- [Hundreds of kids held in Border Patrol station](#) (Axios) - More than 700 children who crossed from Mexico into the United States without their parents were in Border Patrol custody as of Sunday.
 - [Team Biden taps Asian American groups to help save Tanden](#) (Politico) - As Biden's choice for budget chief flounders in the Senate, the White House has rallied her allies in the South Asian community to her defense.
 - [Murkowski undecided on Tanden as nomination in limbo](#) (The Hill) - Murkowski's decision on Tanden is viewed as crucial in the White House's uphill bid to salvage her nomination.
 - [Miscalculating Sinema and Manchin could end up costing Biden](#) (CNN) - The outsized role the centrists will play in Biden's efforts in Congress have earned them both the attention -- and, in some instances, the private ire -- of White House officials.
 - [Biden Reopens Gateway For Green Cards, Work Visas Reversing Trump COVID-19 Freeze](#) (NPR) - "It harms the United States, including by preventing certain family members of United States citizens and lawful permanent residents from joining their families here," Biden said in a proclamation revoking the measure.
 - [Biden to nominate 3 to USPS Board of Governors](#) (CNN) - The nominees are Ron Stroman, the former deputy postmaster general who resigned under the previous administration; Anton Hajjar, the former general counsel of American Postal Workers Union; and Amber McReynolds, CEO of the National Vote at Home Institute.
 - [Should Trump speak at CPAC? Liz Cheney says he shouldn't be part of the GOP's future; McCarthy says yes](#) (USA Today)
 - [Illinois becomes first state to end cash bail as part of criminal justice reform law](#) (NBC News) - "This legislation marks a substantial step toward dismantling the systemic racism that plagues our communities, our state and our nation ...," Gov. J.B. Pritzker said.
 - [Democratic fury with GOP explodes in House](#) (The Hill) - Democrats now see the GOP as directly putting lawmaker lives on the line with dangerous rhetoric that feeds outlandish conspiracy theories. Many Democrats say it is untenable to work with those GOP lawmakers who voted to overturn the election results even after the deadly attack.
 - [Many of Biden's nominees of color run into turbulence in the Senate](#) (Washington Post) - Activists say the concerns raised over Tanden are part of a broader pattern imperiling many of Biden's nominees of color, making their confirmation process rougher and meaner than in previous years and when compared with their White counterparts.
 - [A Recall for Newsom in California? Talk Grows as Governors Come Under Attack](#) (The New York Times) - Fellow Democrats have defended Gov. Gavin Newsom, lavishly praising his handling of the pandemic. But conservatives say his shutdowns have been destructive.
 - [Candidate Biden Called Saudi Arabia a 'Pariah.' He Now Has to Deal With It.](#) (The New York Times) - In a coming call with King Salman, the president plans to warn him that the United States will soon make public intelligence about the Saudi crown prince's role in the killing of Jamal Khashoggi.
-

Policy News

[Webinar: More than a body: Building body image resilience](#)

The Utah State University Utah Women & Leadership Project (UWLP), in conjunction with USU Extension, sponsors the virtual workshop, "More than a Body: Building Body Image Resilience." The free event is held Thursday, February 25, from 6 to 7:15 p.m., and registration is required.

[Sen. Lee's breakdown of the Lee-Rubio child tax credit plan](#)

Senator Lee said: "Government policy should recognize families' indispensable contributions to our nation's long-term health and prosperity. And families should not face a penalty if one parent chooses to stay home with his or kids."

[Hatch Center launches new initiative on criminal justice reform, announces Christopher Bates as legal fellow](#)

Today, the Hatch Center—the policy arm of the Orrin G. Hatch Foundation—announced that Christopher Bates has joined the organization as a Legal Fellow to spearhead its efforts on criminal justice reform and other matters. Previously, Bates served as a chief counsel on the Senate Judiciary Committee and as a senior official at the US Department of Justice. Bates, whose areas of expertise include antitrust, intellectual property, and criminal law, will publish a series of pieces on various legal issues as well as a comprehensive report in the 2021 Hatch Center Policy Review on the way forward for criminal justice reform.

[Department of Commerce announces two new Division Directors](#)

Executive Director Margaret Woolley Busse announced the appointment of two Division Directors for the Utah Department of Commerce: Leigh Veillette as the Director of the Division of Corporations and Commercial Code, and Jason Sterzer as Director of the Division of Securities.

[Romney, Rubio, Grassley, Portman urge president to implement rule on Confucius Institutes](#)

U.S. Senators Mitt Romney (R-UT), Marco Rubio (R-FL), Chuck Grassley (R-IA), and Rob Portman (R-OH) today urged the Biden Administration to implement the proposed rule requiring U.S. academic institutions disclose their relationships with Confucius Institutes, which are funded by the Chinese Communist Party. The letter reflects a similar effort in the House of Representatives.

Business Headlines

- [Here's Why GameStop Stock Just Exploded Higher](#) (Motley Fool) - Everyone is gearing up for short squeeze 2.0.
 - [Fed Chair Jerome Powell says money printing doesn't lead to inflation](#) (Kitco) - "The correlation between different aggregates [like] M2 and inflation is just very, very low, and you see that now where inflation is at 1.4% for this year. Inflation dynamics evolve over time, but they don't tend to change overnight."
 - [Sure, Laugh Away. But Every Big Vehicle Should Look Like This New USPS Truck](#) (Curbed) - Safer, cleaner, smaller, these trucks are the future.
-

On This Day In History

(From [History.com](#))

- **1570** - Pius V excommunicates Queen Elizabeth I of England for heresy and persecution of English Catholics

- during her reign and absolves her subjects from allegiance to the crown.
- **1793** - First US cabinet meeting is held at George Washington's home.
- **1828** - John Quincy Adams's son, John Adams, marries his first cousin, Mary Catherine Hellen in a private ceremony at the White House.
- **1836** - Samuel Colt patents first multi-shot revolving-cylinder revolver, enabling the firearm to be fired multiple times without reloading.
- **1836** - Showman P. T. Barnum exhibits African American slave Joice Heth, claiming she was the 161 year-old nursemaid to George Washington. (She wasn't.)
- **1841** - French Impressionist Pierre Auguste Renoir is born.
- **1842** - Idawelly Lewis, [lighthouse keeper](#), is born. Ida began rescuing people from the waters off the shores of Newport, Rhode Island when she was 12. She became the lighthouse keeper after her parents passed away and served for 32 years in that official capacity. She was called "the bravest woman in America" for her heroic rescues.
- **1862** - Legal Tender Act passed to help finance the Civil War.
- **1870** - First Black Congressman, Hiram Rhodes Revels, sworn in to the U.S. Senate.
- **1901** - US Steel Corporation is organized under J.P. Morgan, Sr.
- **1910** - Millicent Fenwick is born. As a member of the New Jersey General Assembly (1969-73), she earned the nickname "Outhouse Millie" for her fight for better working conditions for migrant workers (including portable toilets). She won seat in Congress in 1974 and served three terms, turning up in the comic strip "Doonesbury" as "Lucy Davenport," champion of gun control, campaign spending limits, and the ERA.
- **1928** - Bryce Canyon National Park is established.
- **1930** - George Lewis McCarthy's invention the Checkograph, banks made photographic records of checks before returning them to their customers. Kodak would later purchase McCarthy's patent and apply the product to other archival systems such as libraries and newspapers, beginning with the New York Times. And so began the era of microfilm.
- **1932** - Austrian immigrant Adolf Hitler gets German citizenship
- **1948** - Martin Luther King, Jr. ordained as a Baptist minister.
- **1964** - Young Muhammad Ali knocks out Sonny Liston for first world title.
- **1971** - President Nixon met with members of the Congressional Black Caucus.
- **1986** - Corazon Aquino becomes the first female president of the Philippines, while Marcos fled the country.
- **1991** - Adrienne Mitchell is killed in her military barracks in Saudi Arabia, becoming the first Black woman to die in combat in the Persian Gulf War.

Wise Words

"Your time is limited, so don't waste it living someone else's life. Don't be trapped by dogma - which is living with the results of other people's thinking. Don't let the noise of others' opinions drown out your own inner voice. And most important, have the courage to follow your heart and intuition."

~Steve Jobs

Lighter Side

Lighter Side

What do skis and the Earth have in common?

They both come with two poles!

What happens when a baby snowman has a temper tantrum?

He has a meltdown.

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Subject: Utah Policy: Utah's low rankings in gender equity should make us reassess and an eye-opening calendar of news stories from March

Date: Thursday, April 1, 2021 at 7:19:46 AM Mountain Daylight Time

From: Utah Policy <info@utahpolicy.com>

To: Tani <tanidowning@utah.gov>

[utah policy logo](#)

The UtahPolicy.com daily newsletter gets you up to speed on the top local and national news about politics and public policy. Send news tips or feedback to editor@utahpolicy.com

Situational Analysis - April 1, 2021

The first quarter of 2021 is in the books! Today is April Fool's Day, something that has been celebrated for hundreds of years. No mean tricks, please. They're really not funny. Also, today is [National Burrito Day](#). Not kidding. Check out [this list of places](#) you can get some sweet burrito deals.

April is a month of many things. It's [National Child Abuse Awareness Month](#), [National Autism Awareness Month](#), [National Volunteer Month](#), [Sexual Assault Awareness Month](#) and [Stress Awareness Month](#), among other important topics.

5 things you need to know

1. [Dixie State University](#) is asking for community input on the name change. [Go here to weigh in.](#)
2. The LDS Church updated their [General Handbook](#) and the section on vaccinations continues to emphasize their importance, something the church has emphasized [since at least 1978](#).
3. In spite of zero public support and some [strong opposition](#), the two remaining Utah County commissioners voted to move the [entire budget office](#) out from under the clerk/auditor's office and put it under their control.
4. [George Takei tweeted](#) about Governor Cox's emotional statement during the session, saying "This is quite moving. Bravo, sir. We need more of this compassion in politics, particularly from Republicans."
5. [Goodbye empty middle seats](#). Delta is selling all seats again beginning May 1. It was one nice perk of pandemic travel.

Countdown

13 days until the end of the Cox/Henderson administration's first 100 days (04/14/2021)

23 days until the [United Utah Party Organizing Convention](#) (04/24/2021)

29 days until the Biden/Harris administration's first 100 days are up (04/30/2021)

30 days until the in-person Utah [GOP Organizing Convention](#) (05/01/2021)

163 days until half-way through the Cox/Henderson's administration's 500-day plan (09/11/2021)

Today At Utah Policy

[It's been quite a month](#)

By Holly Richardson

It's been an "interesting" Women's History Month. Check out this calendar of news stories. Utah even makes the cut, appearing at Day 28. It's shocking and yet not shocking.

Tweets of the day

By Holly Richardson

Mike Lee not opposed to vaccine 'passports' required by private businesses, bees and honeycomb and um, "trying to determine" if a severe beating counts as bullying as well as Utah County's power play and Sarah Palin wants people to wear masks.

Commentary: Utah's low rankings in gender equality should make us reassess our attitudes and policies

By Marie Poulson

I read with great interest LaVarr Webb's well-intentioned commentary "Gender 'equality' rankings often don't include key factors." In this article, he laments studies by "liberal" groups such as Wallet Hub who consistently rank Utah dead last in the nation for "women's rights." His wish was that these groups would acknowledge some key factors that might skew the results in Utah. Included were the following: That Utah women choose to stay home with their families, that they choose lower paid jobs to give priority to family and that they choose to avoid the pressure of running for political office. As a Utah woman who spent 18 years as a stay-at-home mom raising five children, 20 years in a career, and 12 years as a state legislator, I believe the answers are complicated. I'd like to offer my thoughts.

Utah Headlines

Deseret News

- [When Cardi B, Utah and porn meet in a tweet](#) - The hip-hop artist Cardi B either just made a case for mandatory religion studies or why celebrities can be some of the least credible voices on cultural change. Probably both.
- [Should Rep. Chris Stewart have Sen. Mitt Romney's back?](#) - Stewart said it's not his job to defend Romney or any other elected official in the state.
- [Vaccinations 'protect health and preserve life,' Latter-day Saint handbook update says](#) - The current First Presidency has modeled its position in recent weeks. The three members of the church's leading body received COVID-19 vaccine shots on Jan. 19. "We have prayed often for this literal godsend," President Russell M. Nelson said.
- [Utah among 13 states suing Biden administration over COVID-19 relief ban on tax cuts](#) - The lawsuit filed in U.S. District Court in Alabama seeks to strike down the provision in the massive relief package signed by Biden that bars states from using \$195 billion of federal aid "to either directly or indirectly offset a reduction" in net tax revenue.
- [Salt Lake County launches effort to help more local businesses survive the pandemic](#) - Salt Lake County is launching the Economic Inclusion Community Assistance Program aimed at mitigating the K-shaped economic recovery resulting from the effects of the coronavirus pandemic.
- [Children's COVID-19 vaccine trial results 'great news,' Utah doctor says](#) - Pfizer's announcement Wednesday that its COVID-19 vaccine is highly effective in 12- to 15-year-olds was hailed as "nothing short of great news for children and for controlling the epidemic" by a University of Utah Health pediatric infectious diseases specialist.
- [Vaccine passports could come soon. Here's how they'd work](#) - The passports would "display a scannable code similar to an airline boarding pass. Americans without smartphone access should be able to print out the passports. Rep. Marjorie Taylor Greene said the passport is "Biden's Mark of the Beast"

Salt Lake Tribune

- [Robert Gehrke: How Salt Lake County Republicans failed women within their ranks](#) - We can't have a climate conducive to elevating women to leadership - whether in politics or the boardroom - if they are simultaneously being subjected to an abusive environment lacking the structural supports and safeguards to prevent boorish behavior and punish the perpetrators.
- [Lt. Gov. Deidre Henderson blasts Utah County Commission for power grab](#) - Henderson says calls the move 'insane' and an inappropriate consolidation of power.
- [Want a digital driver license? Utah begins a pilot project to explore the idea](#) - The Driver License Division says mobile identification cards could be more convenient and offer Utahns more privacy.
- [Court hearing for 'Real Housewives' star delayed after too many joined the videoconference](#) - Reality TV personality Jen Shah couldn't connect remotely with a hearing in New York City.
- [This tourist town has come up with a creative way to marshal compliance with a COVID-19 mask mandate](#) - Charm and humor are viewed as better ways to persuade than tough enforcement.
- [Watch: Salt Lake City mayor says there's a need for a new shelter in Utah as street camping population grows](#) - Without a "greater investment" in diversion, Salt Lake City Mayor Erin Mendenhall said that demand for homeless services will likely only grow amid population growth.
- [Rep. Chris Stewart complains Democrats in Washington are freezing out Republicans](#) - The Utah congressman also warned against massive government spending and social media censorship.

Other

- [Utah County commissioners vote to assume all budgeting power despite Lt. Gov's criticism](#) (KUTV) - "The commissioners making this move will have the ability to build the budget, vote on the budget, and execute the budget with no oversight at all," Amelia Powers Gardner, the current county clerk/auditor said.
- [Interior secretary to visit Utah next week as part of national monuments review](#) (KUTV) - "She will travel to Utah to meet with stakeholders, Tribes, and elected leaders as part of the national monuments review outlined in Executive Order 14008."
- [Salt Lake County plans to reopen seniors centers in April for first time in 1 year](#) (KSL-TV) - The county's 20 senior centers scattered across the county will reopen April 19 after they were closed on March 13, 2020, amid concerns about the COVID-19 pandemic.
- [Why Utah pediatrician says COVID-19 vaccine for children is 'really important news'](#) (KSL-TV) - "It's important news for three reasons at least: the first is that it protects children - that's the most important reason."

COVID Corner

- [Number of new COVID-19 cases in Utah climbs back above 500](#) (Salt Lake Tribune) - The state also reported four more deaths and almost half a million people fully vaccinated.
- [The COVID-19 vaccine side effects you can expect based on your age, sex, and dose](#) (Business Insider) - Women and younger adults tend to have more side effects than men or older adults do and side effects are generally more pronounced after the second dose than the first.
- [Pfizer/BioNTech says its Covid-19 vaccine is 100% effective and well tolerated in adolescents](#) (CNN) - In a Phase 3 trial of 2,260 participants ages 12 to 15 in the US, the vaccine elicited strong antibody responses one month after the second dose -- exceeding those demonstrated in people ages 16 to 25 in previous trials.
- [Factory Mix-Up Ruins Up to 15 Million Vaccine Doses From Johnson & Johnson](#) (The New York Times) - A manufacturing subcontractor in Baltimore mixed ingredients from the coronavirus vaccines of Johnson & Johnson and AstraZeneca, setting back U.S. production of the "one-and-done" shot.
- [CDC provides Easter coronavirus guidance, says fully vaccinated people can gather without masks](#) (FOX News) - "Celebrating virtually or with the people you live with is the safest choice this winter. If you do gather with people who don't live with you, gatherings and activities held outdoors are safer than indoor gathering."
- [Covid-19 led to a global increase in stillbirths, maternal mortality, and depression, review finds](#) (CNN) - Stillbirths and maternal deaths increased by nearly a third.
- [Here are a few ways to keep your COVID-19 vaccination card safe](#) (Press Democrat) - The CDC recommends taking a photo of the card as a backup copy, enroll in v-safe, or laminate the card after your second dose.
- [Experts Warn Failure to Rapidly 'Vaccinate the World' Creates Dangerous Opening for Covid-19 Mutations](#) (Common Dreams) - "We need a people's vaccine, not only to protect people in the world's poorest countries, but to ensure that people all over the world who've already been vaccinated aren't put at risk again."
- [Vaccine enthusiasm continues to rise among US adults, poll shows](#) (The Hill) - "Enthusiasm for getting the COVID-19 vaccine continues to grow among people across racial and ethnic backgrounds, with the largest increase this month among Black adults," the Kaiser Family Foundation stated in its report.
- [This new COVID Symptom Study app lets you track your symptoms and share details with researchers](#) (Deseret News) - "This COVID Symptoms Study app does allow people to basically input on a regular basis what symptoms you're experiencing, so this has allowed us to understand what proportion of people are really starting to report these long-term symptoms that we think are Long COVID."
- [In Washington, 102 fully vaccinated people tested positive for COVID-19. Officials share why that's not too alarming](#) (Deseret News) - The health department said these were examples of "vaccine breakthrough," which can happen with any vaccine. This is where the virus finds a way to evade the vaccine.

National Headlines

- [Biden's infrastructure plan takes aim at Trump's biggest economic achievement](#) (Politico) - While Democrats cast the tax increases as a matter of fairness, they also hope it will make good politics.

- [Gaetz investigation complicated by overture to his father about ex-FBI agent who went missing](#) (The Washington Post) - The messy political drama has in some ways diverted attention from a grim reality for the congressman. He remains under investigation for possible sex crimes, leaving him vulnerable to potentially serious legal jeopardy.
- [The one "big" problem with Matt Gaetz's explanation](#) (CNN) - The Department of Justice isn't saying anything.
- [Republicans go to war over vaccine passports](#) (Yahoo! News) - The fear among some Republicans is that curtailing the ability of nonvaccinated persons to reenter everyday life represents a form of government tyranny.
- [America's next Covid-19 culture war is here](#) (CNN) - It's not that different from parents showing proof of vaccination typically required to enroll kids in American schools, or those little yellow vaccine cards already required to travel in countries threatened by yellow fever, tuberculosis or other scourges. Yet the idea of "vaccine passports" has become the latest object of right-wing politicians' outrage.
- [Georgia lawmaking ends with citizen's arrest repeal and big budget](#) (AJC.com) - The citizen's arrest law has its roots in slavery, passed in 1863 to allow white Georgians to capture enslaved people who were fleeing to fight in the Union Army. The law was later used through the early 1900s to justify the lynching of Black people without repercussions. In a sign of bipartisan force, the measure passed the House on Wednesday on a vote of 169-0.
- [President's infrastructure plan faces criticism over price tag, design](#) (The Washington Post) - While there's widespread support for a large infrastructure bill, the details, especially Biden's plan to pay for it, are drawing early fire.
- [Biden's infrastructure plan aims to turbocharge U.S. shift from fossil fuels](#) (The Washington Post) - New standard will mandate renewable-energy use by utilities, while tax breaks and spending would promote climate-friendly technologies.
- [Analysis: With Infrastructure Plan, Biden Is Betting on Big Government](#) (The New York Times) - President Biden feels a burning sense of competition, his aides say, to prove that democratic capitalism can work.

Policy News

[Better Utah publishes legislative progress report](#)

Today, Alliance for a Better Utah published its annual Progress Report for the 2021 General Legislative Session. This year, lawmakers were graded for their votes on 66 important bills organized into four categories: Strong Communities, Equal Rights, Good Government, and Sustainable Future. All 104 legislators received overall grades, as well as grades in each of the four categories.

[Anthony's Fine Art Exhibition: Remembering the Salt Lake Temple](#)

COME SEE AND EXPERIENCE: ORIGINAL ARTIFACTS, MEMORABILIA, PHOTOGRAPHS AND WORKS OF ART

[USGLC virtual town hall with Sen. Mitt Romney highlights importance of U.S. global leadership for countering China and supporting Utah's economy and national security](#)

Today, Senator Mitt Romney (R-UT), the U.S. Global Leadership Coalition (USGLC) and Utah political, business, and community leaders convened in a virtual town hall, where they agreed on the importance of America's diplomacy and development programs to address critical national priorities - like competition with authoritarian governments like China's - that impact the well-being and safety of all Americans - in Utah and across the country.

[New report highlights even steeper long-term decline of greater sage grouse populations](#)

Today, the U.S. Geological Survey released a report that raises serious questions about the future of the greater sage grouse and its ecosystem. Report findings showed an overall 80-percent decline in sage grouse populations in the western United States since 1965, with an average annual rate of loss estimated at 3 percent, a full percentage point higher than in previously available data prepared for the Western Association of Fish and Wildlife Agencies.

[Reps Owens, Tiffany announce bill to ensure equal protection in Agriculture Department programs and activities](#)

Rep. Burgess Owens (UT-04) and Rep. Tom Tiffany (WI-07) today announced plans to introduce the Agriculture Civil Rights and Equality Act (ACRE Act), which would prohibit officials at the U.S. Department of Agriculture (USDA) from discriminating or providing preferential treatment to any person based on race, color, national origin, or sex.

Business Headlines

- [Instagram officially launches Remix on Reels, a TikTok Duets-like feature](#) (TechCrunch) - Instagram's new feature has been in public testing before today, so some Instagram users may have already gained access.
 - [Google cancels April Fools](#) (The Verge) - "In 2020, we made the decision to pause our longstanding Google tradition of celebrating April Fools' Day, out of respect for all those fighting COVID-19. With much of the world still grappling with serious challenges, we will again pause the jokes for April Fools' Day in 2021," reads a statement.
 - [How to Get a Chronological News Feed in Facebook](#) (LifeHacker) - Facebook is now kind-of, sort-of making it slightly easier to get a more customized News Feed within its iOS and Android apps.
-

On This Day In History

(From [History.com](#))

- **1507** - English guilds go under state control.
 - **1621** - The Pilgrim-Wampanoag peace treaty is signed.
 - **1700** - April Fool's pranks popularized.
 - **1748** - Ruins of Pompeii discovered after being buried for 1700 years.
 - **1789** - The first US House of Representatives elects its first speaker, Pennsylvania Representative Frederick Augustus Conrad Muhlenberg.
 - **1919** - LDS April General Conference is delayed due to a pandemic.
 - **1940** - Wangari Muta Maathai is born. Dr. Maathai became an internationally renowned Kenyan environmental political activist, founder of the Green Belt Movement and was the first black woman to win a Nobel Peace Prize.
 - **1946** - Alaskan earthquake triggers massive tsunami that killed 159 people in Hawaii.
 - **1970** - Nixon signs legislation banning cigarette ads on TV and radio.
 - **1976** - Steve Wozniak and Steve Jobs start Apple Computer in Jobs' parents' garage.
 - **2014** - 8.2 earthquake hits Chile
-

Wise Words

"Human rights are not things that are put on the table for people to enjoy. These are things you fight for and then you protect."

~Wangari Maathai

Lighter Side

Lighter Side

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Stories from Friday, April 16th, 2021

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Techdirt Daily Newsbrief

PlayStation Y2K-Like Battery Bug About To Become A Problem As Sony Shuts Down Check In Servers

from the *tick-tock* dept

by Timothy Geigner - April 16th @ 7:39pm

We've had a couple of discussions now about video game [preservation](#) with the impetus being Sony's [shutdown](#) of support for the PlayStation Store for PSP, PS3, and Vita owners. The general idea there was questioning what happens to games for those systems in the very long term if suddenly nobody can get to them anymore and the developers and publishers are not always retaining the source code and assets for these games on their end. That sort of thing is probably primarily of interest to us folks who look at these games as a form of art and culture, very much worth preserving.

But Sony may well have a much bigger issue on its hands. As a result of a strange internal time-check issue that exists on PS3 and PS4 consoles, there is the very real possibility that those consoles will be unable to play any purchased game soon if the end user replaces the battery on the device. It's, well, it's a bit like Y2K, but for real.

The root of the coming issue has to do with the CMOS battery inside every PS3 and PS4, which the systems use to keep track of the current time (even when they're unplugged). If that battery dies or is removed for any reason, it raises an internal flag in the system's firmware indicating the clock may be out of sync with reality.

After that flag is raised, the system in question has to check in with PSN the next time it needs to confirm the correct time. On the PS3, this online check happens when you play a game downloaded from the

PlayStation Store. On the PS4, this also happens when you try to play retail games installed from a disc. This check has to be performed at least once even if the CMOS battery is replaced with a fresh one so the system can reconfirm clock consistency.

But if support for PSN goes away on these systems, so does the system's ability to check in to reconfirm the correct time. And if *that* happens, well, then suddenly any PS4 game will no longer be playable, nor will any PS3 game bought as a digital download. Sony, in other words, can essentially render these consoles mostly or totally useless for playing games just by shutting down PSN support for these consoles.

Now, why did Sony create this problem for itself in the first place? Well, the answer is different for each console. On the PS3, it was used to enforce "time limits" on digital downloads. For the PS4, it appears to have been used more to keep gamers from messing with how trophies are shown, specifically for when they were earned. Either way, neither of those is so important at this point that Sony should risk bricking bought consoles as a result.

Interestingly, the fix for this should be a simple firmware update... except that Sony hasn't said a word about whether one is coming.

Sony could render the problem moot relatively easily with a firmware update that limits the system functions tied to this timing check. Thus far, though, Sony hasn't publicly indicated it has any such plans and hasn't responded to multiple requests for comment from Ars Technica. Until it does, complicated workarounds that make use of jailbroken firmware are the only option for ensuring that aging PlayStation hardware will remain fully usable well into the future.

I can't imagine a single reason why Sony would want this looming customer crises on its hands... unless it's part of a plan to push the public to buy more, new-generation consoles and get their games back from there. If that is indeed the plan, the PR fallout is going to be insane.

[6 Comments »](#)

Content Moderation Case Study: Friendster Battles Fakesters (2003)

from the *revenge-of-the-fakesters* dept

by Copia Institute - April 16th @ 3:38pm

Summary: While the social media/social networking space today is dominated by Facebook, it's interesting to look at how Facebook's predecessors dealt with content

moderation challenges as well. One of the earliest social networks to reach mainstream recognition was Friendster, founded by Jonathan Abrams in 2002 and launched in early 2003, gaining millions of users who signed up to connect with friends. Originally built as a dating site, it expanded quickly beyond that.

One of the first big content moderation questions that the site faced was whether or not to allow “fakesters.” As the site grew rapidly, one popular usage was to set up fake accounts -- these were accounts for completely made up fictional characters (e.g., Homer Simpson), concepts (e.g., Pure Evil), random objects (e.g., Giant Squid), or places (e.g., New Jersey). Researcher danah boyd catalogued the [different types of fakesters](#) and [studied the phenomenon](#) of fake accounts on the site.

However, Abrams quickly decided that “fakester” went against the ethos of the site he envisioned. In a 2003 article in SF Weekly that discusses the “fakester” issue, Abrams makes it clear that such accounts do not belong on the site, even if some people find them amusing:

In early July, Friendster's affable chief operating officer, Kent Lindstrom, told me the only fakesters that the company would likely remove would be ones it received complaints about. (On Friendster, users can “flag” somebody's profile for the company to review, and write comments about why it offended them.) But Abrams shakes his head emphatically when I mention this.

“No. They're all going,” he says, his voice steely. “All of them.”

As the article notes, the fakesters were often the most active users on the site, but that did not change Abrams' mind about whether or not they belonged there:

Though they are some of Friendster's most ardent fans — many spend several hours a day on the site — fakesters do everything they can to create anarchy in the system. They are not interested in finding friends through prosaic personal ads, but through a big, surreal party where Jesus, Chewbacca, and Nitrous are all on the guest list. To fakesters, phony identities don't destroy the social experience of Friendster; they enrich it.

But fakesters aren't hosting this gig. Jonathan Abrams, the 33-year-old software engineer who founded Friendster to improve his own social life, is — and he abhors the phony profiles. He believes they diminish his site's worth as a networking tool and claims that fakesters' pictures — often images ripped off the Web — violate trademark law. Abrams' 10-person Sunnyvale company has begun ruthlessly deleting fakesters and plans to eventually eradicate them completely from the site.

A few months later, an article in Salon laid out the growing conflict between those who found the “fakesters” to be fun, and Abrams who remained adamantly against them.

Giant Squid is not alone: Among the “Fakesters” who’ve signed up for Friendster are Jackalope, God, Beer, Drunk Squirrel, Hippie Jesus, Malcolm X and more than a dozen Homer Simpsons. Just like regular users, they post their photos, blab on bulletin boards and collect friends like so many baseball cards. Some, staying in character, even write gushing testimonials about their friends: What higher endorsement could there be than a few complimentary words from Homer himself? “Better than a cold can of Duff beer ... ”

But while it may be amusing to invite God himself into your pool of friends and get back the message, “God is now your friend,” the founder of the site says that such chicanery only distorts his system.

“Fake profiles really defeats the whole point of Friendster,” says entrepreneur Abrams, interviewed by cellphone as he waited to catch a plane in Los Angeles. “Some people find it amusing, but some find it annoying. And it doesn’t really serve a legitimate purpose. The whole point of Friendster is to see how you’re connected to people through your friends,” he says.

Decisions to be made by Friendster:

- Should it delete any and all “fakester” profiles? Should it only do so if users complain about a specific profile, or should it be proactive in removing such profiles?
- How should the company deal with nicknames, rather than a person’s real name? How would it distinguish between celebrities and those pretending to be celebrities?
- Does removing “fakesters” harm some of the “fun” aspects that brought people to the site in the first place?

Questions and policy implications to consider:

- Does forcing everyone to be on the site with their real name lead to less participation from more vulnerable and at risk populations, worried about putting their profiles online?
- How much should web sites cater to emergent behavior, like fakesters, which some users enjoyed and resulted in more usage of the site?
- Are there legal risks associated with allowing fake profiles?

Resolution: While Friendster continued its fights against “fakester” profiles,

apparently the company's vehement stance against such profiles did not apply to monetization opportunities. In the summer of 2004, [some people noticed](#) an advertising campaign on Friendster for the "Anchorman" movie with Will Ferrell in which his character, Ron Burgandy was suggested as a "friend" to users.

When asked about this, Friendster [tried to frame this situation](#) as different than the "fakester" issue, saying that it was a "new paradigm."

What Friendster is doing with these movie-character profiles is actually a brand-new paradigm in media promotion," Friendster spokeswoman Lisa Kopp said. "We are working directly with a number of production houses and movie studio partners to create film-character profiles, or 'fan' profiles, that allow our users to share their enthusiasm about the film with their friends."

The company also claimed that it wasn't "fake" because it was done in partnership with the movie studio Dreamworks, which had the rights to the character:

"The issue here is actually about consumer protection," said Kopp. "We do, as a policy, strongly discourage fake profiles. A rogue user hiding behind a Jesus profile, for example, has the potential to abuse the service or users in many ways. In the case of the Anchorman characters, DreamWorks owns the rights to the characters and there is nothing fraudulent about it."

Of course, many of the "fakester" profiles didn't involve anyone else's intellectual property, so this excuse wouldn't apply to accounts like "Pure Evil" and "Giant Squid."

Friendster struggled to grow, in part because its own success overwhelmed its technical abilities. The site was quickly overtaken by MySpace and then Facebook. Since then, other sites, including Facebook, have struggled with the question of whether or not accounts should have "real names." While many have argued that such policies discourage bad behavior, [studies on this point have suggested otherwise](#).

Originally posted to the [Trust & Safety Foundation](#) website.

[1 Comment »](#)

Steven Biss Loses Yet Again; Judges Still Resist Sanctions

from the *so-many-second-chances* dept

by Mike Masnick - April 16th @ 1:40pm

It truly is incredible how many second chances the courts are willing to give lawyers

who clearly seem to be filing vexatious SLAPP suits. The lawyer in Devin Nunes' long list of SLAPP suits, [Steven Biss](#), has a few other clients as well, though so many of them seem to be in the same Trumpist circles. The other thing they have in common is that Steven Biss seems to have no problem filing vexatious wasteful SLAPP suits to try to stifle speech. And these cases always fail. It really kinda makes you wonder (1) why anyone would hire Biss and (2) who's paying for all of these failed lawsuits? This latest one is a follow-up to a case we covered [a little over a year ago](#), in which Biss lost a case he filed on behalf of a Russian-born academic, Svetlana Lokhova, going after a Cambridge academic named Stefan Halper and a variety of media organizations.

As we explained last year, the case really stemmed from some news stories that came out soon after Michael Flynn was fired as National Security Advisor. A bunch of stories came out claiming that there were "[concerns](#)" about potential Flynn links to Russia, including some stories that mentioned a dinner that Flynn had with some people in Cambridge, including Lokhova. Lokhova blamed Halper as the source of these stories, which she claimed were defamatory (even though many of them didn't even name her). As we noted, there is a [Nunes/Lukohova connection](#) in that Nunes referenced Lukhova as part of his [bizarre conspiracy theory](#) saying that Robert Mueller's team [should face criminal charges](#). Nunes seemed a lot more concerned about people accusing Flynn of stuff and then investigating it, than whether or not there was any truth to the claims.

Either way, the lower court tossed out the case, noting that most of the articles/statements in question were published over a year earlier, meaning that the statute of limitations had passed. As for the statements that were made more recently, they weren't defamatory. The district court judge did call out Biss' bad behavior in the case, but still opted not to issue sanctions against him.

Biss appealed, and the latest ruling is from the 4th Circuit basically [saying everything the district court said all over again](#) -- including agreeing not to sanction Biss, even as the judges seem to recognize that he's pursuing a garbage case (and that he has a history of this).

Once again, the court notes that statements made outside of the statute of limitations cannot be the basis for a defamation claim and, once again, rejects the idea that just because people tweeted links to those articles more recently that it counts as republication. As we've covered many times, it's pretty widely settled that there's a "first publication" rule, and the statute of limitations starts ticking when a story is first published. Linking to it does not restart the clock. The court even notes that the case that Biss tried to rely on to make this argument... says the opposite.

*Appellant relies heavily on Stephen G. Perlman, Rearden LLC v. Vox Media, Inc., No. 10046, 2015 WL 5724838, at *19 (Del. Ch. Sept. 30, 2015) (denying a motion to dismiss a claim that alleged a defamatory statement was republished by a hyperlink reference because republication generally presents a question of fact). Appellant's reliance*

*on Perlman is misplaced for two reasons. First, the Superior Court of Delaware subsequently granted summary judgment on the issue, holding that a hyperlink directing readers to a previous article on the same website does not direct the previous article to a new audience, it merely reshuffles the existing audience. See Perlman v. Vox Media, Inc., No. N195C-07-235, 2020 WL 3474143, at *8 (Del. Super. Ct. June 24, 2020). That is precisely the case here. The original New York Times article that Appellant alleges was defamatory was hyperlinked in a later New York Times article. Thus, the hyperlink served as a reference for the New York Times' existing audience and did not direct the old article to a new audience. Second, the plaintiff in Perlman alleged that the text that contained the hyperlink was itself defamatory. Appellant makes no such allegation here. Nor could she credibly do so, given that the hyperlink is contained in the underlined portion of the following sentence: "Mr. Halper's contacts have prompted Republicans and the president to incorrectly accuse the F.B.I. of spying on the campaign." J.A. 311. Clearly the text in which the hyperlink was contained bears no relationship to Appellant. Thus, Appellant's attempt to rely on a factual dispute regarding whether the hyperlink constitutes republication fails.*

Other people tweeting links to the articles also does not constitute republication. And, again, the court is not at all impressed with the case Biss thinks helps his cause:

Appellant further asserts that republication occurs each time a third party tweets an article, thus re-setting the statute of limitations and exposing the original publisher to liability. Notably, Appellant cites no cases that are directly on point. Instead, Appellant relies almost exclusively on Weaver v. Beneficial Finance Co., a Virginia Supreme Court decision from 1957. See 98 S.E.2d 687 (Va. 1957). In Weaver, the court analyzed whether sending an allegedly defamatory letter to the plaintiff's employer constituted republication because any claim based on the original publication of the letter was time barred. Id. at 689-90. The Weaver court observed, "It is well settled that the author or originator of a defamation is liable for a republication or repetition thereof by third persons, provided it is the natural and probable consequence of his act, or he has presumptively or actually authorized or directed its republication." Id. at 690. The court qualified its observation by noting "the original author is not responsible if the republication or repetition is not the natural and probable consequence of his act, but is the independent and unauthorized act of a third party." Id. Here, Appellant argues that each third party tweet constitutes republication pursuant to Weaver because Weaver further observed that "where the words declared on are slanderous per se their repetition by others is the

natural and probable result of the original slander.”

*Ignoring for a moment that Weaver was decided over 60 years ago, well before the ubiquity of the Internet, this issue can be resolved pursuant to the terms of Weaver itself because there the court recognized a distinction when applying republication rules “to newspapers and magazines” as opposed to individuals. Weaver, 98 S.E.2d at 691 (citing Hartmann v. Time, 166 F.2d 127 (3rd Cir. 1947)). The citation to Hartmann is particularly significant because in Hartmann, the Third Circuit observed that with respect to newspapers, the “single publication rule is the preferable one” because public policy and the freedom of the press command that “newspapers and magazines which are published on a nationwide basis[] should not be subjected to the harassment of repeated law suits.” 166 F.2d at 134. This observation is consistent with the Armstrong court’s pronouncement that the “rationale underlying the single publication rule” aims to “avoid the overwhelming multiplicity of lawsuits that could result from defamatory statements contained in mass publications such as newspapers and magazines.” 2003 WL 1960685, at *2. If each third party tweet containing the article were to constitute a republication, the multiplicity of lawsuits assuredly would be beyond overwhelming.*

As for the statements that were published within the statute of limitations, they also have myriad problems. First, it’s not clear that Biss sued the right party. One of the statements at issue was a series of tweets from Malcolm Nance, who was not sued. Instead, Biss/Lokhova sued MSNBC, where Nance is a contributor. And that runs into some problems:

However, even assuming arguendo that the tweets are defamatory, Appellant’s claim fails because she has not adequately pled facts that support holding NBCUniversal liable pursuant to the respondeat superior doctrine. “[U]nder the traditional doctrine of respondeat superior, an employer is liable for the tortious act of his employee if the employee was performing his employer’s business and acting within the scope of his employment.” Parker v. Carilion Clinic, 819 S.E.2d 809, 819 (Va. 2018) (internal quotation marks omitted)....

[....]

The sole factual allegation supporting Appellant’s conclusory statement that Nance “conducts the business of ‘NBC/MSNBC’” on his Twitter account is that “NBC/MSNBC” appears in Nance’s Twitter bio. J.A. 76. But viewed in context, this is not enough to give rise to apparent agency. “NBC/MSNBC” appears at the end of a long list of credentials that are personal to Nance. Moreover, Nance’s username, profile picture, and

banner contain no mention of NBC, and the profile contains a link to a website that is operated by an organization for which Nance serves as the executive director. Finally, one of the allegedly defamatory tweets appears in a thread of tweets that begins with Nance promoting his personal book. Thus, the only reasonable conclusion is that Nance was operating his Twitter account in his personal capacity and not with the actual or apparent authority of NBCUniversal. “[C]onclusory language in the complaint” does not alter this conclusion and cannot “establish vicarious liability.” Garnett, 892 F.3d at 146. Therefore, we affirm the district court’s dismissal of Appellant’s defamation claims based on tweets authored by Nance.

There's also a Washington Post article, but there's a big problem with that one: it's not even remotely defamatory:

The amended complaint alleges two defamatory false statements in the Post Article: (1) that “[Appellee] Halper ‘attended’ . . . the February 2014 dinner”; and (2) that “[Appellee] Halper and Dearlove were disconcerted by the attention the then-DIA chief showed to a Russian-born graduate student.” J.A. 75. We can quickly dispose of any claim regarding the first statement because it is plainly “of and concerning” Appellee Halper alone and says nothing about Appellant, let alone anything defamatory. Schaecher, 772 S.E.2d at 598. Moreover, the dinner in question would have to be particularly extraordinary for merely noting one’s attendance to carry the required “defamatory sting.” Id. at 594.

Regarding the second statement, we conclude that it cannot be reasonably read to defame Appellant, either directly or through implication or innuendo. The statement expresses that Appellee Halper and Dearlove “were disconcerted by the attention” General Flynn showed to an unnamed graduate student. Even if we infer the unnamed graduated student is Appellant, it says nothing of her behavior toward General Flynn -- it only addresses his behavior toward her. This is especially relevant given the article included a disclaimer reporting, “[T]he student and a Defense Department official traveling with Flynn have denied that anything inappropriate occurred.” J.A. 75.

So, uh, there's nothing defamatory in there at all.

Because Biss is Biss, he also tried to toss in the kinds of excess claims that you see in too many bogus defamation SLAPP suits these days: tortious interference and civil conspiracy. The court dumps each easily.

Then we get to the sanctions section, and, at the beginning, it sounds like the court really is thinking about finally sanctioning Biss for his bad behavior. They're certainly

aware of it.

*Of note, this is not the first time attorney Biss's litigation conduct has earned reprimand. His history of unprofessional conduct is long. See, e.g., Nunes v. Cable News Network, Inc., No. 3:19-cv-889, 2020 WL 2616704, at *2 (E.D. Va. May 22, 2020) ("It is with chagrin that the Court must begin to address this motion by observing that Plaintiff engages in ad hominin attacks against CNN and others in the Amended Complaint which the Court cannot tolerate." (alterations and internal quotation marks omitted) (quoting Steele v. Goodman, No. 3:17-cv-601, 2019 WL 3367983, at *3 (E.D. Va. July 25, 2019))); see also Nunes v. Lizza, 486 F. Supp. 3d 1267, 1299-1300 (N.D. Iowa 2020) (requiring Biss to file "a second amended complaint . . . stripped of all such spurious allegations" and directing Biss "not to file any further public pleadings referencing such matters without first obtaining leave of the Court and showing that there is a good faith factual basis for the allegations and that they are relevant and material to some matter at issue in this litigation"). In fact, attorney Biss had his license suspended in 2009 for unprofessional conduct including breaching fiduciary duties and violating federal securities law. See Va. State Bar v. Biss, No. CL07-1846 (Va. Cir. Ct. Nov. 26, 2008). And, even during his suspension period, attorney Biss failed to be forthright about his suspension status with an opposing party when engaging in negotiations on behalf of a client, resulting in an additional 30 day suspension of his license. See In re Steven Scott Biss, No. 09-032-078962 (Va. State Bar Disciplinary Bd. Nov. 3, 2009).*

Basically, the appeals court says that choosing not to discipline Biss is well within the district court's discretion:

The district court chastised attorney Biss for "directing unprofessional ad hominem attacks at [Appellee] Halper and others," noting that such behavior "adds nothing but unnecessary heat to this litigation." J.A. 331. But in the end, the district court elected not to sanction attorney Biss at this point and denied the motion to sanction without prejudice. We agree with the district court's observations and endorse the court's reprimands concerning inappropriate ad hominem attacks. We conclude, however, that the district court acted within its discretion because we are not "left with the definite and firm conviction that a mistake has been committed." Six v. Generations Fed. Credit Union, 891 F.3d 508, 519 (4th Cir. 2018). To the contrary, the record establishes that although the district court did "not condone the [litigation] tactics" at issue, it elected to exercise caution and employ a wait-and-see approach based on post-judgment litigation.

And thus, Biss escapes further sanction yet again. Given his activities over the past few years, it does not seem like Steven Biss has any intention of changing his behavior. It seems quite likely that we will continue to see him filing frivolous and vexatious SLAPP suits that seek to silence journalism and commentary about his crew of Trump-loving clients.

All this, of course, is just yet another reminder that every state needs better anti-SLAPP laws and we need a federal anti-SLAPP law to help stop these lawsuits and put the filer of them on the hook for the legal fees of defendants.

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Released Body Cam Footage Shows Chicago Cop Shoot And Kill An Unarmed 13-Year-Old

*from the [why-not-get-the-facts-*before*-making-claims-of-'armed-confrontations'](#) dept*

by Tim Cushing - April 16th @ 12:12pm

Another shooting of an unarmed person by police officers will likely see parts of Chicago burn over the next few days. But to get to where we are in the aftermath of this very disturbing shooting, [we have to start at the beginning](#).

Adam Toledo, a 13-year-old Latino seventh grader, was shot dead in an alley by a Chicago police officer on March 29 following a foot chase. His mother had reported Adam missing. When officers came knocking on her door two days later, it was to identify his body. It wasn't until after that that she was informed he was killed by police.

That's one version. [Here's the Chicago PD's take on the killing of Toledo by Officer Eric Stillman](#):

A Chicago police officer has been placed on administrative duty after fatally shooting a teenager in an incident labeled by one official as an "armed confrontation."

The boy was Adam Toledo, who died by homicide from a gunshot wound to the chest, according to the Cook County Medical Examiner's Office. Toledo, identified by the medical examiner's office as a 13-year-old white male, lived in the city's largely Hispanic Little Village neighborhood on the West Side.

[Here's how the prosecutor framed it](#) when handling the criminal charges against the other suspect in the alley that night:

During a bond hearing for 21-year-old Ruben Roman, who was with Adam the night of the shooting, Cook County Assistant State's Attorney James Murphy described the altercation in a proffer: "The officer tells [Toledo] to drop it as [Toledo] turns towards the officer. [Toledo] has a gun in his right hand."

The officer who shot Toledo was wearing a body camera. And it wasn't until the city released this footage that the Chicago PD and prosecutors admitted Toledo wasn't armed. In fact, as can clearly be seen in this disturbing footage, he also had his hands in the air. The officer who shot spent 20 seconds in pursuit and [gave Toledo less than a second to respond to his orders before pulling the trigger](#).

Now that the truth has come out, the backtracking has started, starting with the prosecutor's office:

"An attorney who works in this office failed to fully inform himself before speaking in court..."

The footage shows an officer -- responding to a report of fired shots -- chasing Toledo down the alley. [Surveillance footage from a nearby building](#) showed Toledo tossing something on the ground by the fence seconds before he was shot. It appears Toledo had been carrying a gun but abandoned it. When he followed the officer's instructions -- "Show me your fucking hands! Drop it!" -- and showed him his empty hands, he was killed.

The Chicago PD apparently doesn't feel like talking about it. Most of the statements [following the release of recordings](#) by the Civilian Office of Police Accountability have come from the victim's family or Mayor Lightfoot. And the Mayor [still appears to be taking the PD's side in this](#), even when all evidence shows this was not a justified killing.

[W]hile Lightfoot and other city officials expect tensions to flare after the video is released, she still called for deference to the police. "As the investigation in the police shooting . . . continues, I urge everyone: reserve judgment until the Civilian Office of Police Accountability, that's COPA, has done its work," she said.

The only entity to [state publicly that the cop was 100% in the right](#) is, of course, the local police union.

John Catanzara, president of the Fraternal Order of Police, said the officer was justified.

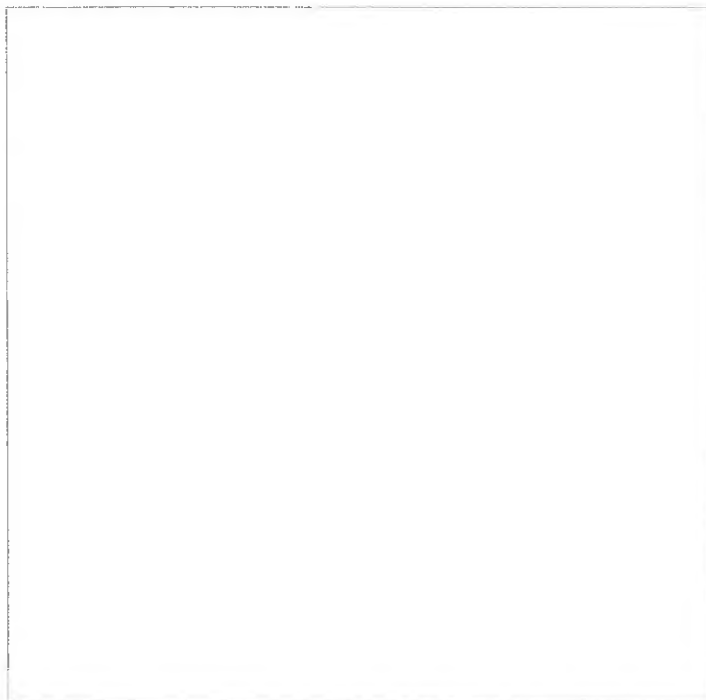
"He was 100% right," Catanzara said. "The offender still turned with a

gun in his hand. This occurred in eight-tenths of a second."

First off, [here's John Catanzara's pedigree](#):

Catanzara is one of the most frequently-disciplined officers in the history of the Chicago Police Department. He is believed to be the first police union president ever elected while stripped of his police powers.

Second, the "offender" did not "turn with a gun in his hand." The body cam footage clearly shows his hands were empty. The discovery of the gun several feet away shows it wasn't in his hands when he was shot.



That's where this ends for now. A 13-year-old hanging out with the wrong person ran from the police. Then he did everything he was supposed to. He dropped the gun. He stopped. He turned around with his hands up. And it still wasn't enough to keep him alive. Maybe if the officer had given it another half-second of scrutiny, this kid might still be alive. But the choice to shoot appeared to be a foregone conclusion. Alex Toledo never had a chance.

[33 Comments »](#)

Republican's 'Big Tech Accountability' Platform Calls For Both More And Less Moderation, And A 'Not Fairness Doctrine' Fairness Doctrine

from the *all-over-the-map* dept

It's become quite clear over the past few years that the Republicans' platform these days is "punish those who disagree with us," or, in the shorter vernacular: "cry moar, libs." This becomes blatantly clear as you look at the newly released "[Big Tech Accountability Platform](#)" that the Republicans in the House have released (coming from the ranking member of the House Energy & Commerce Committee, Rep. Cathy McMorris Rodgers). The platform actually starts out making some amount of sense, but note that it will ignore all of that within a single page. The principles laid out are actually good ones -- if the plan actually followed them (which it does not):

- 1. We will protect free speech: Republicans worked hard to repeal the Federal Communications Commission's Fairness Doctrine and we will not advocate for a new one.*
- 2. We will be mindful of small businesses and entrepreneurship: Any policy we pursue will balance these essential interests to preserve competition.*
- 3. We will promote American tech leadership and innovation: We will continue to promote American global leadership while working to address issues here at home.*

You could build a good platform around those pointers. But, this is not that. On the very next page, it lists out its legislative "concepts" for Section 230 reform, which quickly show how things go off the rails.

Legislative Concept 1: Limit the Right of Exclusion

- a. Define Big Tech companies as places of public accommodation and prohibit discrimination based on political affiliation and/or viewpoint.*
- b. Alternatively, define Big Tech companies as places of public accommodation and limit liability protections to content moderation processes that provide a measure of due process to users.*

So, uh, remember that whole thing about respecting free speech and not bringing back the fairness doctrine? This legislative concept is literally bringing back the fairness doctrine. It's also unconstitutional as it attacks the 1st Amendment rights of companies not to be compelled to host speech they don't want to host.

Perhaps even more incredible is that while the first legislative concept is basically "moderate less," the **second** legislative concept is "moderate more"!

Legislative Concept 2: Require Reasonable Moderation Practices

- a. Require Big Tech companies to implement and maintain reasonable moderation practices to address illegal drug sales; child exploitation, including child pornography and trafficking; targeted harassment or bullying of users under the age of 18; terrorism; counterfeit products and materials sales; and all other illegal content on their platforms.*
- b. Failure to implement and maintain such reasonable moderation practices is a violation of Section 5 of the Federal Trade Commission (FTC) Act.*
- c. Such companies may be liable for content decisions related to content included above but may assert liability protections if they implement and maintain reasonable moderation practices.*

This shows how totally unprincipled and ignorant the Republicans are on this topic. It's kind of the standard response of those who don't even understand the basics of content moderation. The assumption is always that there's some perfect level of moderation -- less moderation of speech we like, and more moderation of speech we dislike. But that assumes everyone agrees on which speech is liked and which speech is not. And that's not how any of this works.

This isn't a Goldilocks fairy tale, in which some moderation is too much, and some moderation is too little, and you can just turn the dials and find the kind of moderation that is "just right." And legislative proposals that pretend otherwise only show their complete disconnect from reality.

And they're not done yet.

Legislative Concept 3: Limit Liability to Protected Speech

- a. Modify Section 230 to only provide liability protection for moderation of speech that is not protected by the First Amendment or specifically listed in the statute.*

Uh, yikes? This might depend on what's "listed in the statute," but already listing types of speech that get immunity and that do not would raise serious 1st Amendment issues. But beyond that, it's not even clear what this means? If it means that 1st Amendment protected speech no longer gets 230 protections then, um, won't sites be much, much quicker to pull down all sorts of content? This would mean no 230 protections over abuse, harassment, hate speech, etc. Under such a proposal, you'd think that Republicans spreading disinformation would be at serious risk of having all

their accounts banned. I know that the Democrats might like this, but it seems like a bizarre thing for Republicans to suggest.

Legislative Concept 4: Remove Liability Protections

a. Remove liability protection under Section 230 for content moderation decisions made by Big Tech companies that discriminate based on political affiliation or

viewpoint.

We've been over this before. It would violate the 1st Amendment and create compelled speech. Why do no politicians seem to understand this?

Legislative Concept 5: Require Appeals Processes

a. Require Big Tech companies to implement and maintain reasonable and userfriendly appeals processes for users to challenge content moderation decisions on constitutionally protected speech as well as decisions about suspending or deplatforming users. The appeals process must clearly explain the company's content moderation policies and identify the specific provision(s) the content or user violated and why.

Why? Why is Congress interfering in the ways that private companies run their business? Most companies (and all large companies) do have an appeals process already. But mostly all these kinds of proposals do is serve to make it a lot more costly for websites to suspend bad actors. It's like an "all trolls get to troll" act, and often is used to test the boundaries of what people can get away with. It's a perfect tool for bad actors.

Legislative Concept 6: Carve Out Big Tech Companies from Section 230

a. Carve out Big Tech companies and/or only those that are specifically engaged in certain activities, such as hosting social media platforms and app stores, from Section 230 liability protections while retaining current liability protections for all new entrants and small companies.

b. Repeal Section 230 protections for companies engaged in targeted behavioral advertising.

It's unclear how either of these ideas does anything even remotely useful. I mean, you could carve big companies out of 230 and they'd survive, but all it would likely do is lead to a lot of wasteful litigation. It would also almost certainly lead the companies to be a lot more aggressive in taking down content, and would then rely on the 1st Amendment to protect those decisions. As for connecting 230 to advertising practices, we've seen a few bills that try to do that and no one has ever explained what useful thing that does -- other than basically attack one particular business model.

Nearly every one of these proposals doesn't seem to have any principled argument behind it. There's *no policy rationale* at all. It's entirely "big tech is bad, big tech likes 230, let's take 230 away from big tech." That's not leading. That's regulating based on perceived grievances.

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Daily Deal: RelayThat Design App

from the *good-deals-on-cool-stuff* dept

by Daily Deal - April 16th @ 10:40am

[RelayThat](#) is a highly rated design automation app that lets you create on-brand, professional marketing creatives in a fraction of the time. You just need to plug in some branded creative (or choose from RelayThat's 3 million+ stock images and icons library) and RelayThat will automatically produce thousands of beautiful designs (in every format and size you'd need) for you to use on any social platform. It's perfect for social media managers, digital agencies, and small businesses wanting to boost their marketing efforts and brand growth. Get an unlimited subscription for 1 user for \$60, 2 users for \$110, or 3 users for \$150.

[source: imgur.com](#)

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Mastercard Lays Down New Rules For Streaming Sites That Require Them To Review Content Before Publication

from the *war-on-porn-continues* dept

by Tim Cushing - April 16th @ 9:32am

Mastercard is in the process of killing off another way for sex workers to make money. Its updated policy on "illegal adult content" takes aim at a bunch of adult content that isn't actually illegal. What the new policy does is make it impossible for streaming platforms to comply with the new rules. Since they're not able to prescreen streamed content, they're just going to start blocking anything that seems like it might lead to Mastercard pulling the plug.

This will hit sites like OnlyFans and MyFreeCams the hardest, as sex worker/advocate Mary Moody points out. But it will also cause collateral damage at streaming sites that aren't able to comply with Mastercard's new demands and may start banning accounts and blocking streams if they suspect (without verifying) "adult content" might be offered.

Here's what Mastercard is requiring from sites hosting content:

- *Documented age and identity verification for all people depicted and those uploading the content*
- *Content review process prior to publication*
- *Complaint resolution process that addresses illegal or nonconsensual content within seven business days*
- *Appeals process allowing for any person depicted to request their content be removed*

Some of these are steps that platforms should be taking already. But the second bullet point poses significant challenges. This "for the children" effort will harm adults who produce adult content -- many who have never produced any content considered "illegal" under the First Amendment. Mastercard cites its partnership with several law enforcement agencies (as well as child porn clearinghouses like NCMEC) but doesn't say why it feels all *adult* content should be subject to rules meant to prevent the streaming of *illegal* content.

In the absence of any meaningful efforts on Mastercard's part (this puts the onus on everyone else but the credit card company), a statement like this is meaningless:

We're committed to doing everything in our power to ensure only lawful activity takes place on our network.

But Mastercard isn't actually doing *anything*. It's handing out more requirements for platforms that accept Mastercard payments, but that's not actually doing something. That's making a bunch of other people jump through impossible hoops under the threat of defunding. And it will cause damage to plenty of lawful activity.

Mastercard is free to choose who it does business with. But if it just wants to dump

cam sites used by sex workers, it could at least come out and say that, rather than hide behind "for the children" platitudes as it makes it impossible for sites like this to host actually legal content. This is just more [anti-porn crusading](#) that willfully lumps child porn and revenge porn in with legal content created by adults. Then Mastercard makes it impossible for platforms to comply without cutting off a majority of their user base.

[34 Comments »](#)

Wall Street Stock Jocks Are Worried About A Modest Uptick In Broadband Competition

from the *oh-no,-not-competition!* dept

by Karl Bode - April 16th @ 6:25am

For decades, America's entrenched broadband monopolies have had it pretty good. Despite a brief blip there during the Wheeler FCC years, they've been hugely successful in [gutting most of the meaningful regulatory oversight](#) of natural monopolies. At the same time, they've been damn successful in using their political power to limit the threat posed by smaller competitors. The end result should be fairly obvious to those with eyes: Americans pay some of the highest rates in the developed world for patchy, slower service, and US broadband providers see some of the lowest consumer satisfaction ratings of any industry in America.

This is, it should always be remembered, a *choice*. For thirty straight years the central policy narrative in the US has been that if you *mindlessly eliminate* government oversight of regional monopolies with a generation of bad behavior under their belt, *magic happens*. You're to ignore that this promised telecom Utopia somehow never materializes despite twenty straight years of mindless deregulation, rubber stamped mergers, and the steady erosion of even baseline consumer and market protections.

With 5G deployment speeding up and promising new low-orbit satellite options on the horizon, Wall Street is starting to get nervous once again. They're also starting to get nervous about the threat that the Biden administration might actually engage in some base-levels of regulatory oversight. The [consternation in investment circles](#) is palpable:

"The 10-plus-year run cable stocks have enjoyed has been underpinned by the emergence of these companies as leading providers of residential broadband in the U.S. amid faltering competitive initiatives from players as large as Google," he said in a recent report to clients. "We are now entering a new competitive and regulatory cycle. While we currently think that history will repeat itself and risks will dissipate as they have in the past, it is far from certain and the group could be more volatile pending clarity."

That's Wall Street saying they *think* that monopolistic giants like Comcast won't see much of a threat to its revenues, but they're *not sure*. I always get a kick out of watching telecom trade mags and stock jocks, who genuinely couldn't care any less about consumer welfare, healthy markets, or level playing fields, hyperventilate over the faintest threat of competition and competent regulatory oversight. Genuine competition, balanced markets, and regulatory competence is consistently framed as a *bad thing*, since, for them and many of their clients riding the profits from rampant monopolization, it is.

The problem, as we've noted for a while, is that a lot of the "new competitive broadband threats" facing companies like Comcast aren't really all that threatening. Space X's Starlink, for example, [doesn't really have the capacity](#) to seriously threaten entrenched cable and phone companies in areas that have any real population density. And while fifth-generation wireless (5G) is also viewed as some kind of competitive panacea, [consolidation in wireless](#) (which will eventually lead to higher prices), fused with a [persistent refusal to drive fiber to lower income areas](#) (5G towers have to connect to something), remain a problem.

While 5G wireless broadband will certainly be useful, it's not going to magically fix an industry that's been broken for decades. Wireless connections are routinely capped, throttled, and face a [universe of bizarre restrictions](#), like the industry's recent decision to charge you more money if you [want HD streams to work as intended](#). "Unlimited" connections are routinely shown to be very limited ([just ask California's firefighters](#)), especially in more rural markets where limited fiber investment results in many users getting [kicked off the network](#) for using often ambiguous amounts of bandwidth.

So no, I see 5G and low orbit satellite as of genuine benefit when it comes to fixing [some](#) of America's rural broadband gaps (42 million Americans lack access), but not technologies that are going to *seriously* disrupt the AT&T and Comcast monopolies of the world (83 million Americans [live under a broadband monopoly](#)). I think the Wall Street stock jocks who've enjoyed ample profits under heavy monopolization don't yet have all that much to worry about.

Wall Street's also clearly worried about the potential that the Biden administration might *actually engage in base-levels of regulatory oversight of telecom*, but it's not yet clear that's a major threat to Comcast either. Biden has yet to [appoint an FCC boss](#), meaning the agency remains in partisan gridlock after the [rushed Trump appointment](#) of Nathan Simington.

It's generally *assumed* that a Biden FCC will reverse most Trump policies and restore net neutrality, but I still don't think a full reversal is a given yet. I think it's equally possible a Biden FCC takes the safe path and mostly focuses on stuff that's easy politically and faces no real opposition from industry, like policing robocalls or opening up more spectrum to market. We'll have a better sense of this depending who Biden

appoints to lead the FCC permanently.

And while the vague Biden broadband plan does [promise to drive more competition to market](#), talk on this front is historically cheap. Over twenty years of covering telecom I've lost count of how many [transformative promises of this type have been bandied about](#) with little to really show for it. There are also questions about plan specifics, and how it's supposed to survive a Congress positively slathered in telecom campaign contributions.

It's fairly clear that Biden administration will be notably better than the Trump administration on broadband in one major way: the fact they're using [real data to drive policy decisions](#), a stark contrast from the Trump / Ajit Pai era of just [making shit up](#) to support your monopoly-friendly ideology. But with "big tech" sucking all the oxygen out of the policy room (something "big telecom" has [actively and repeatedly encouraged](#)), it's still not entirely clear we're taking the problems created by "big telecom" seriously, or if we plan to genuinely do much about it anytime soon.

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Ocean Spray Seeks Declaratory Relief After Soda Company Threatens It With Confused Trademark C&D from the *hang-ten* dept

by Timothy Geigner - April 26th @ 8:01pm

While we've seen plenty of instances of confused attempts at trademark bullying backfire on a company, this post will deal with one of the worst I've seen. Most of you will likely be familiar with the company Ocean Spray, best known as a purveyor of all kinds of cranberry-infused fruit drinks. You will likely be less familiar with Wedge Water, LLC, a company that makes fruit juice infused water products. The company also does business as Wave Soda, promoting its soda-alternative drinks.

Well, according to a lawsuit filed by Ocean Spray seeking declaratory relief that it did not infringe any trademarks with its own "wave" branding, Wedge Water / Wave Soda sent a cease and desist notice to Ocean Spray demanding that it cease using its own federally registered trademark. More on that in a moment, but here is what the complaint notes about the C&D.

The Letter accuses Ocean Spray of infringing "Wave Soda's" trademark and trade dress rights through Ocean Spray's line of OCEAN SPRAY WAVE products. According to the USPTO database, there is no registration for the mark NEW WAVE owned by an entity named Wave Soda, LLC. As noted above, according to the USPTO database, Wedge Water, LLC is the owner of record of U.S. Registration No. 5571632 for mark NEW WAVE.

The Letter advises that Wave Soda, LLC, is a "rapidly growing beverage company based in San Marcos, California." A search of the database of the California Secretary of State, however, reveals no record for an LLC

named Wave Soda, LLC in San Marcos, California, or at all. Despite the fact that there are many brands of sparkling water with fruit juice and a small amount of caffeine for sale on Amazon, Mr. Levine's letter claims that his client "pioneered an entirely new product category."

The Letter emphasizes that the surfer motif is an important part of Wave Soda's branding: "Wave's growing team shares [the founder's] passion for beverages and an active lifestyle—the Wave Soda Surfboard and VW van are not just for show" (emphasis added).

It goes on from there. The complaint, which includes the C&D letter in full, notes that the notice didn't offer any specifics as to what was infringing, offered no possibility of a settlement other than the cessation of Ocean Spray using its own mark, and that the letter in general is "utterly confusing as to who owns the trademarks and trade dress claimed in The Letter." All of this, the complaint goes on, has led the company to seek declaratory relief.

Frankly, the C&D is fairly shitty as far as these things go. But the actual legal claims, based on the suit, seem to be even more confused. This dispute led Ocean Spray's legal team to start looking into the trademarks claimed by Wedge Water. The complaint notes that Wedge Water applied for a mark for "New Wave" on a variety of goods, but the "intent to use" application failed to demonstrate that the applied for marks were actually in use in commerce. Instead, Wedge Water's attorneys appear to have supplied some art renderings of what the branding would be. In other words, Wedge Water wasn't actually using the marks in question before July of 2018. The filing notes that Ocean Spray was using its federally registered "Wave" trademark since at least 2013.

Plaintiff Ocean Spray requests an order declaring that its use of the marks WAVE as part of the mark OCEAN SPRAY WAVE, and the OCEAN SPRAY WAVE trade dress do not infringe Wedge Water's alleged trademark and trade dress rights. With respect to the word marks WAVE as part of the mark OCEAN SPRAY WAVE and OCEAN SPRAY WAVE, Ocean Spray asserts priority over Wedge Water. Even if the marks are confusingly similar, (which Ocean Spray does not concede), Ocean Spray has prior rights and is not infringing any claimed rights of Wedge Water.

And because of that priority, and likely because of Wedge Water's attempt to play trademark bully, the lawsuit includes a second count beyond the declaratory relief, seeking also to cancel Wedge Water's trademark in favor of Ocean Spray's.

Ocean Spray has standing to request cancellation of the NEW WAVE Registration because it has reason to believe that it will be injured by the continued registration of same. Ocean Spray has reason to believe

that it will be injured because Defendant/Registrant or its alter ego, the purported Wave Soda, LLC, has asserted in The Letter that Ocean Spray's use of its OCEAN SPRAY WAVE trademark infringes the NEW WAVE mark. The Letter asserts, and thus admits, that there is a likelihood of confusion between OCEAN SPRAY WAVE and NEW WAVE.

Whoops. What retort could Wedge Water possibly have? Its own C&D letter suggested that there would be public confusion between the marks...and the trademark registrations sure do indicate that Ocean Spray's mark was registered first.

Live by the trademark, die by the trademark and all of that. You have to imagine at this point that Wedge Water is regretting having ever sent that threat letter to begin with.

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Louisiana Drug Warriors Bungle Surveillance So Badly Their Target Catches Them Placing A Tracking Device On Her Car

from the *points-for-enthusiasm,-I-guess* dept

by Tim Cushing - April 26th @ 3:42pm

You'd think a team of highly trained professionals working in the narcotics enforcement field [would be a bit more careful than this](#). (via Jalopnik)

A woman who was recently arrested for drugs said she found a tracking device on her vehicle over the weekend. She said she watched law enforcement officers place it on her car Friday.

The device was found under the passenger side of her car. It's a black box with a lithium battery inside and a large magnet.

The woman, Tiara Beverly, was arrested last month on "serious drug charges." A few days after her arrest, five officers showed up at her door to ask about someone she knew. She had no answers for them and went down and filed a complaint against the state troopers because she felt they had treated her poorly during this interaction.

Two days later, she saw people hanging around her car. A day after that, she found the tracking device. Not sure what it was (she thought it might have been a bomb) and not particularly keen to interact with law enforcement again at that point, she spoke to the NAACP to find someone to approach law enforcement for her.

That's when law enforcement finally decided to open up about the device now in Beverly's possession:

Eugene Collins [Baton Rouge NAACP President] said State Police contacted him Monday demanding the return of the device.

"They asked me to return the box," Collins said. "It could make the situation more difficult for me."

Why this would make things "more difficult" for a third party not actually in possession of the tracking device is unknown. Either way, the device was ultimately returned to law enforcement after it was found attached to a utility pole across the street from a local middle school.

But the device wasn't found by the agency demanding its return or by the investigators unwilling to speak about the super-sensitive tracking device because doing so would jeopardize the investigation officers were currently bungling. It was found by WBRZ reporters following up on Tiara Beverly's story.

At least the statement provided to WBRZ says the State Police got a warrant for the tracker. That at least appears to comply with [Supreme Court precedent](#). But everything else about it appears incredibly amateurish. Warrant or not, investigators would be better off not being seen attaching tracking devices to criminal suspects' vehicles. It kind of defeats the purpose of surreptitious tracking when the installation is less than surreptitious.

This isn't the first time a surveillance target has discovered, removed, and, consequently, received threats from law enforcement for "taking" something investigators willfully attached to someone else's property. But judging from [that viral experience](#), there's not much in it for the target of this attempted surveillance either.

A Redditor who found an FBI tracking device attached to his car received a visit from agents after he removed the device and asked questions about it on Reddit. The FBI made angry noises about any lack of cooperation from the target of its failed surveillance attempt being perceived as its own criminal act, but in the end, no additional charges were filed. Unfortunately, [a lawsuit brought](#) against the FBI failed because it wasn't clear at that point that warrants were needed and all other privacy violation allegations were dismissed because the person chose to bring it to the attention of Reddit, which soon brought to the attention of journalists and commentators [all over the nation](#).

This is just officers being bad at their job. They're probably not going to get another chance to turn Beverly's vehicle into rolling probable cause. They had a shot and they blew it. Then they got angry and never even bothered to track down the current location of the device investigators said should be immediately returned to them because of their ongoing investigation.

[21 Comments »](#)

Patent Troll Sable Networks Apparently Needs To Learn A Lesson: Cloudflare Wants To Destroy Another Troll

from the *never-fight-a-patent-troll-war-against-cloudflare* dept

by Mike Masnick - April 26th @ 1:43pm

In *The Princess Bride*, the character of Vizzini famously says: "Ha ha, you fool! You fell victim to one of the classic blunders! The most famous of which is 'never get involved in a land war in Asia,' but only slightly less well-known is this: 'Never go in against a Sicilian when DEATH is on the line.'" I don't know if it's surpassed either of those yet, but quickly moving up the list would be "Never try to patent troll Cloudflare."

Apparently, the patent troll Sable Networks [has just made exactly that blunder](#).

About a decade ago, the online retailer Newegg pioneered the strategy of attacking back on patent trolls. The entire patent trolling business model is based on the fact that it is almost always cheaper to settle a patent trolling case than to fight it and win. A full patent trial will cost over a million dollars easily, and sometimes multiples of that. But many patent trolls file a ton of lawsuits, hoping to settle each for well less than what it takes to fight in court. It's a true extortionate scam. Newegg, however, took the long view, and recognized that if it refused to give in and refused to settle, eventually the trolls would realize that it simply wasn't ever worth suing Newegg. Newegg even made "[Never Settle](#)" t-shirts to advertise its strategy to trolls. And, eventually, it worked. Though it did involve a few costly patent trials, patent trolls mostly learned to steer clear of Newegg.

A few years ago, Cloudflare got its first patent troll lawsuit, and decided to take Newegg's never settle strategy and kick it up a notch or three. Instead of just saying it wouldn't settle, Cloudflare set out to [completely destroy the patent troll who sued it](#) (an operation called Blackbird Technologies). In response to the lawsuit, Cloudflare launched something called Project Jengo, in which it sought to crowdsource prior art not just for the patent used against Cloudflare, but *every single patent* in Blackbird's portfolio -- and to hand out cash awards to those who found such prior art. It also went after the lawyers at Blackbird for violating legal ethics rules.

Cloudflare's campaign against Blackbird was [a huge success](#). The company [easily won in court](#) and Blackbird became a shell of its former self. Prior art was discovered on some of its patents, the firm filed way fewer troll lawsuits, and it appeared that its staff had dwindled.

Patent troll Sable Networks perhaps should have researched all of this before suing Cloudflare over a sketchy patent that Cloudflare doesn't infringe on. However, Sable Networks chose poorly.

Sable Networks and its lawsuit fit neatly within the same troubling trends we were trying to address the first time we launched Project Jengo. Sable is taking ancient, 20-year-old patents and trying to stretch

those patents lightyears beyond what they were meant to cover. It has already sued over a dozen technology companies targeting a wide range of different products and services, and by extending its claims to a company like Cloudflare suggests it may next try to stretch its claims to people that merely use routers ... namely, anyone that uses the Internet.

We think Sable's choice to bring these lawsuits on such a tenuous basis should come with some risk related to the underlying merits of its patents and its arguments, so we are sponsoring another prior-art contest seeking submissions to identify prior art for all of Sable's active patents. We are seeking the help of the Cloudflare community to identify prior art – i.e., evidence that the patented technology was already in use or known before the patent application was filed – that can be used to invalidate Sable's patents. And we will make it worth your while, by offering \$100,000 to be shared by the winners who are successful in finding such prior art.

Again this time, we are committing \$100,000 to be split among entrants who provide what we determine to be the most useful prior-art references that can be used in challenging the validity of Sable's patents. You can submit prior-art references as long as Sable's case is pending against us (Sable Networks, Inc. v. Cloudflare, Inc., No. 6:21-cv-00261-ADA (W.D. Tex.)), which means until Sable drops the case fully (and with prejudice – meaning Sable can't re-file later), there's a settlement, or the case has been resolved by the court and all appeal rights are exhausted.

Every three months for two years or until the case ends, whichever comes first, we will select winners from the submissions to date, and give out a portion of the \$100,000 as awards. Once the case ends, we will select final winners from all submissions and award the remaining funds.

Once again, Cloudflare is not just looking to invalidate the four patents Sable asserted against Cloudflare, but all 10 patents Sable currently holds.

The blog post also details the ridiculousness of the lawsuit at issue. Sable Networks picked up the discarded patents of Caspian Networks, a failed router company (that was previously known as Packetcom). As Cloudflare notes, once the current owners of the company decided to go patent troll, they pulled out the usual trolling playbook:

In the first round of litigation, Sable filed, and later promptly settled, eight lawsuits asserting infringement of Sable's router patents. The defendants in those cases (including Cisco and Juniper Networks) provide a range of Internet services, but they all at least manufacture and sell network equipment.

Interestingly, all of those cases were settled just before Sable would have had to do two things that would have actually put its legal claims to the test: (1) respond to an administrative proceeding before the US Patent & Trademark Office (“USPTO”) challenging the validity of its patents; and (2) attend a hearing before the district court where the judge would have determined the proper interpretation and scope of the patent claims. So Sable filed cookie-cutter cases against eight defendants, waited for the defendants to respond, then settled the cases before meaningfully litigating its claims or facing a binding court or administrative ruling, which may have addressed, or likely undermined, Sable’s overly-broad assertion of those patents.

Shortly after settling the original eight cases earlier this year, Sable turned around and filed six new lawsuits against a new batch of technology companies, this time including Cloudflare. Unlike the earlier named defendants, Cloudflare is not in the business of making or selling routers or switches. Sable’s infringement claim therefore is not a close one, and now it’s picked a defendant that is eager to fight back.

Cloudflare’s blog post about this also lays out how these patent troll shakedowns work, and note that after a previous decline (thanks in part to some key Supreme Court cases and the impact of patent reform from Congress a decade ago), it appears that patent trolls are on the rise again:

Patent trolls like Sable proliferate because of a distorted incentive structure fueled by the astronomical costs associated with defending against even bogus patent claims. According to the [2019 Report of the Economic Survey](#) by the American Intellectual Property Law Association, the median litigation cost for defending claims of patent infringement brought by a non-practicing entity through trial and appeal was staggering \$4,500,000 for big cases (i.e., cases with more than \$25 million at risk). Even for small cases that had less than \$1 million at stake, the median defense cost was \$750,000.

Knowing that most defendants will settle at a percentage of their expected litigation costs long before infringement claims see the inside of a courtroom, patent trolls see only upside from each additional lawsuit they file. Their business model is built around filing as many lawsuits as possible regardless of the strength of their legal claims, because they know most defendants will pay to settle before the merits of their case are put to the test. They therefore take vague technology patents issued years ago and apply them as broadly as imaginable to new technologies and new companies. Most of these trolls are non-practicing entities who don’t have their own products in the marketplace but

merely exist to extract a tax on other companies.

After declining in numbers for a few years, patent lawsuits were [up last year about 12% over 2019](#), and increased activity by non-practicing entities buying patents suggested [even further growth among such lawsuits](#) in the future. The Electronic Frontier Foundation [observed similar increases](#) in patent troll filings in 2020, highlighted a case where one patent troll decided that the middle of a pandemic was a good time to sue a company that makes COVID-19 tests, and noted that “some patent owners actually saw the rise of the COVID-19 health emergency as a business opportunity.” This trend is showing no signs of slowing down – according to a recent report, there was a [43.3% increase in patent litigation in Q1 of 2021](#) compared to the same period a year ago, and non-practicing entities had their busiest Q1 since 2015, fueled by the litigation finance industry that is flush with capital.

If you think you can dig up some prior art regarding this particular patent troll, you might be able to score some cash at the same time, and help take down a pure, unadulterated evil: blood sucking companies who are exploiting a system for money, while contributing absolutely nothing to innovation, but rather taking away from actual innovators. And, on top of that, you can help send a message to other patent trolls that maybe their “easy money” won’t always be so easy, and that there can be some serious consequences to such a shakedown.

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Florida Governor Signs Law That Punishes Protesters For Protesting, Denies Them Bail

from the [bunch-of-assholes-being-protected-by-an-even-bigger-asshole](#) dept

by Tim Cushing - April 26th @ 12:11pm

Even though Florida didn't see many of the [anti-police violence protests](#) that spread across the nation in the wake of the [George Floyd killing](#), its legislature and its governor have apparently decided protesters have it too easy. Governor Ron DeSantis feels the best approach to handling people fed up with police brutality and their lack of accountability is to throw more protesters (and rioters) in jail more often, and for longer.

Here are [just some of the expansions signed into law by DeSantis](#):

The law defines “riot” in an absurdly overbroad way, if just three people “meet together to commit a breach of the peace,” triggering all kinds of enhanced penalties for those involved. If nine people are involved and

traffic is blocked, participants can be charged with “aggravated rioting.”

Shockingly, it would allow peaceful protesters to be charged with a crime if other people at a demonstration they attend do something violent.

“Those individuals who do not engage in any violent conduct under this bill can be arrested and charged with a third-degree felony and face up to five years in prison and loss of voting rights,” said an official with ACLU Florida.

On top of that, it forbids anyone arrested under the new law from being released prior to their first court appearance, creating what appears to be an unlawful presumption of guilt that bypasses bail and bond options for those still only *accused* of violations.

The [law](#) [PDF] also expands protections for state monuments (even [or, perhaps, *especially*] the Confederate ones) and undercuts any local efforts to reduce police department budgets by moving funds to social services or other options that might allow people in mental distress to be [handled by someone](#) who isn't armed and “reasonably” scared. If even a single local official disagrees with law enforcement budget reductions, the state can step in and veto the changes.

Considering the root of these protests lies in the lack of accountability shown by law enforcement agencies, the law's targeting of unhappy citizens makes it clear Florida cops won't be punished for violating rights and won't be expected to treat residents with respect. More power has been given to law enforcement agencies -- powers that can be used to easily disrupt and dismantle protests by people unhappy with the services they're paying for.

If the goal is to exacerbate an already tense situation, Governor DeSantis has accomplished that. He -- along with the state reps who voted for this bill -- has made it clear he believes it's the state's taxpayers who are wrong. This broadly written law that criminalizes the actions of bystanders will convert riot police to goon squads, allowing them to cage as many disgruntled citizens as possible. This treatment will presumably continue until the public's morale improves and they finally start viewing the people beating and imprisoning them as the righteous warriors cops believe they are.

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How Do You Debate Section 230 When One Side Constantly Lies About It?

from the *this-is-not-a-both-sides-issue* dept

by Mike Masnick - April 26th @ 10:51am

The Federalist Society this week released an interesting and well-produced video [all about the Section 230 debate](#). Whatever you might think about the Federalist Society,

the video is worth watching. The video does not take a position on 230 but basically presents it as if there are two equally competing visions of 230 -- one in which it's good and one in which it's a problem. And if you just watch the video, you might think that this is because there are just disagreements about how 230 works and the impact it has on speech online. But that's only because one side of the debate is **completely making shit up** and the other is being accurate.

[[Click to view this post on Techdirt with embedded content.](#)]

In this case, the person making up shit about 230 is... Senator Ted Cruz. Cruz has been [lying about Section 230 for years](#). Indeed, I think we can trace most of the blatant falsehoods about 230 that seem to come from Republicans to Ted Cruz. It seems like 3 years ago, Cruz decided that it would be a fun culture war thing to "attack big tech" and lying about 230 seemed like the easiest way to do so. Other politicians (most notably Josh Hawley) have since followed him down that path, but it's Cruz who seems to be patient zero of the GOP's "making shit up about 230." Of course, what's perhaps most ironic is that everything that Cruz has been falsely saying about 230 conflicts directly with the other stuff [he made up about net neutrality](#) back when that fight was on.

Back in 2014, when the FCC finally put in place reasonable net neutrality rules, Cruz flipped out and insisted that simple rules against throttling or blocking access to websites was [the government taking over the internet](#). Now, with 230, he insists (falsely) that 230 had some built in neutrality requirement, and he's mad that it's no longer there. He's wrong on... all of this.

Let's dig in:

Who in their right mind would want all of political discourse in America governed by a handful of Silicon Valley billionaires? With unfettered power to silence anyone. That's what we have now and I think it threatens our elections, it threatens our democracy, and it threatens free speech in a way we've never seen before in our democracy.

Oh come on. First of all, pre-internet, the vast majority of people had no outlet for them to speak to the vast majority of other Americans (or people around the globe). They could only speak to people around them, and that was an extremely limited audience. Today, the internet has enabled people to speak to tons of people across a wide variety of platforms or -- even better, to set up your own website and communicate to whatever audience you can attract. The idea that a few popular sites have "unfettered power to silence anyone" is ridiculous. First of all, they can't silence people. They can only refuse them service on their platforms. And the internet is much bigger than those platforms.

Second, they have strong incentives not to just randomly silence people and really are

not doing so. While they sometimes make mistakes, it's not like they're suddenly deciding that idiots like Ted Cruz can't lie to the American public and create bogus culture wars. Hell, this video is... hosted on YouTube. Are there cases where these sites have over moderated content that they probably should not have? Sure, absolutely. But there remain many other options out there, and the idea that a few sites having moderation policies Ted Cruz doesn't like is in no way a "threat to free speech." And, it most certainly is not a historic threat the way Cruz presents it.

Again, compare this to what we had before. Before people had no significant tools to get their speech out there. If you wanted to speak to a wide audience, you were immediately limited by a bunch of giant gatekeepers who suppressed **way more speech than any internet platform ever has**. You needed to get a newspaper publisher, book publisher, or TV or radio station to agree to allow you to speak, and they rejected nearly all such efforts. They only allowed through a tiny fraction of those who wished to be published or put on the air.

The change today is massive. But if we're talking about the power of big companies to silence speech, we're in a fundamentally different world today where the primary purpose of many of these companies is enabling *the vast majority* of people to be able to speak to wider audiences. The old systems were focused on just allowing through *a tiny minority of people* to speak. We're currently in amazing times for freedom of speech, and the fact that a few platforms **don't want assholes and disinformation merchants** is not an attack on free speech.

Later Cruz does this misleading garbage thing where he says that the big tech companies have refused to tell him how many Republican candidates for office have had their content "blocked, shadowbanned, or restricted." He insists that there is a clear number "an integer" that these companies know and refuse to tell him and "that unchecked power is dangerous."

Except that entire statement is garbage. First of all, "shadowbanning" is not a defined thing, and most companies don't do anything that can be reasonably defined as "shadowbanning" or "throttling." But all of these platforms do have algorithms that suggest content to users, and they may rank certain content higher than others, because the algorithms believe users are more likely to want to see some content, and less likely to see other content. Is having the algorithm decide that one politician's content is less interesting than another's... is that "shadowbanning"? Is that "throttling"? Who the fuck knows? That's why Cruz's question is so disingenuous. He's asking an unanswerable question, and then pretending that when companies don't answer a question that can't be answered that they're dodging the issue.

And, no, that power is not "unchecked." Remember when Ted Cruz was a Republican who pretended to believe in the market? If these companies were really terrible at all of this, then that's an opportunity for alternatives to spring up. Or it's a reason for users to stop using the platforms. Or for advertisers to go elsewhere. There are all sorts of market incentives for these companies to be better. Cruz is just making shit up

again.

Right now, Section 230 is part of how Congress continues to protect these monopolies that are abusing their power and trying to silence you.

Oh come on. Section 230 protects everyone online. It's got nothing to do with "monopolies" (and just the fact he is referring to multiple companies as monopolies should make you question if he knows what the word monopoly means). And, no, they're not trying to "silence you." They're trying to balance a ton of competing interests, including stopping spam, harassment, abuse, and disinformation that is creating larger societal problems that cynical opportunist politicians like Ted Cruz want to brush under the rug or deny.

The question of what to do about big tech censorship is a difficult question. I will readily concede that as a policy matter, that is not easy to solve. Nobody in their right mind wants to see a federal government speech police.

And here he is trying to have it both ways, because everything else he says is demanding exactly that. Having the federal government force websites to host some speech while removing some other speech. But Cruz wants to have it both ways. Because he's lying.

But it's no longer the case that tech companies are these tiny little startups. It's no longer the case that they're a couple of kids starting something in their college dorm room.

Uh, there are still tons of startups, including started by kids in their dorm rooms that are protected by 230.

So it then becomes a thorny problem. How do you solve this blatant censorship and bias coming from Silicon Valley. First, which we're talking about right now, is repealing or modifying Section 230. Eliminating the special immunity from liability that big tech gets that was based on the belief that they would be neutral public forum. They've abandoned that promise. They've decided that they're not neutral. They're partisan, they will silence your views if they disagree with them.

Everything he says here is hogwash. First, the small lie: Section 230 is not about "big tech." It protects small sites and users as well. It protects Ted Cruz when he retweets something or when he forwards an email.

Then the big lie: the idea that 230 was premised on "neutrality." While the video later

does show Chris Cox -- who wrote Section 230 -- debunking this myth, it's much later in the video and people watching it might not even realize that he's basically calling out Cruz as a blatant liar. Section 230 was never based on the idea of any website being "a neutral public forum." As Cox says later, how would that even make any sense? No one would expect, say, the Republican National Committee to have to host speech promoting Democrats.

The entire point of Section 230 was to allow websites to moderate how they saw fit for the community they wanted to have on their website. It's why we see so many different websites with so many different approaches. Because no one wants or needs a one-size-fits-all approach. So, if websites wanted to be biased, that's exactly what 230 was designed to support. So no site "broke" any promise, because no promise was made.

And finally, it's bullshit that any of the big companies are "partisan" in their moderation. They're not banning people for their political views. They're banning them when they're spewing disinformation or harassment in a way that makes it difficult for others using the site as well. The only site I've seen admit to being "partisan" was Parler, whose former CEO bragged to reporters about banning "leftists." I didn't see Cruz complain about that.

I think there should be strong incentive in federal law for the big companies to go back to being neutral public fora. They know how to do that. They did that for years. Because if they silence anyone who disagrees with the leftwing orthodoxy we'll only hear one view.

Oh come on. Again, they were never "neutral public fora." They have always had content moderation policies, removing spam and harassment -- and things they were legally required to remove, such as copyright infringement and child sexual abuse material.

And, again, remember that the one regulation we did have about making a part of the internet "neutral" resulted in Cruz himself screaming about how it was "Obamacare for the internet" and "the government takeover of the internet." **Ted Cruz is a lying fucking hypocrite.**

Oh, and there is no site out there that is silencing "anyone who disagrees with leftwing orthodoxy." Again, Ted Cruz -- who clearly disagrees with leftwing orthodoxy -- is still on all these platforms. This video is hosted by YouTube. Cruz is just culture warring, by lying to you.

That's the world of big tech, but it's even worse because it's 3 or 4 billionaires in Silicon Valley deciding what you get to hear, what you get to say, what you get to know. That is an incredible danger to our Constitution, to our Bill of Rights, and to our democracy.

Again, no. The Bill of Rights and the Constitution are mostly about limiting **what** Congress can do. Private companies exercising editorial discretion on their platforms is actually **protected by the Bill of Rights**.

I'm not sure there was a single thing in this entire video that came out of Ted Cruz's mouth that was anywhere near truth. It was all cynical bullshit that was not only ridiculous and wrong, but was designed to mislead people. I know the Federalist Society wants to present "both sides" of this issue, but how do you do that when the people you choose have no compunction about just flat out lying?

[53 Comments »](#)

Daily Deal: VANKYO MatrixPad Z10

from the *good-deals-on-cool-stuff* dept

by Daily Deal - April 26th @ 10:46am

With a high-definition, powerful dual speakers, long-life 6,000 mAh battery, and blazing-fast performance, the [VANKYO MatrixPad Z10](#) functions well as an everyday tablet. It features a 10.1-inch IPS display with a resolution of 1920x1200 pixels for clearer and sharper viewing. It is powered by MT8163A quad-core processor and tuned with 3GB RAM, which makes everything run fast and smoothly. MatrixPad Z10 runs on the latest version of Android 9 Pie, and it offers an intuitive interface. More convenient than ever, there's a hands-free Google Assistant on Z10 to simplify your work and life. It's on sale for \$110.

source: [imgur.com](#)

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5,000 T-Mobile Employees Lost Their Jobs Post-Merger While Ex-CEO John Legere Saw A \$137 Million Golden Parachute

from the *uncarrier-no-more* dept

by Karl Bode - April 26th @ 9:31am

To be clear, former T-Mobile CEO John Legere did some amazing things with T-Mobile. After regulators blocked AT&T from acquiring T-Mobile in 2011 (which wound up being

a very good thing), he took [the \\$3 billion break up fee](#) and turned an also-ran into a major thorn in the side of AT&T and Verizon. Legere accomplished this by (gasp) generally *treating consumers well*, eliminating annoyances like long-term contracts, sneaky fees, and many other telecom industry mainstays. He also did it by embracing an entertaining, [wise ass persona](#) in an industry not known for having a sense of humor.

But then, T-Mobile owners Deutsche Telekom decided it would be a good idea to throw all of this away by pursuing a \$26 billion merger with Sprint. That suddenly forced Legere into a position where he had to behave *exactly like* the companies he'd just spent a decade making fun of. That included [lying a lot](#) about the benefits of the deal as the company tried to sell the Trump administration on the competition and job-eroding megadeal (that wound up [not being particularly difficult](#), since the industry-allied Trump FCC and DOJ [didn't care about hard data](#)).

Technically, Legere only worked for three months in 2020, but [nabbed a \\$137 million exit package](#) according to new data:

"Legere's 2020 compensation was revealed yesterday in a filing with the Securities and Exchange Commission (see pages 49 and 50). Legere was previously paid \$27.8 million in the full year of 2019 and \$66.5 million in 2018, mostly in the form of stock awards. His 2020 compensation of \$137.2 million did not include any stock awards—instead, it consisted of a \$136.55 million severance payment, \$600,000 in salary, and \$50,000 in reimbursement for legal fees."

Legere certainly had a comfy exit, also offloading his \$17.5 million Central Park West apartment [to Giorgio Armani](#) on his way out of town.

Of course, you're supposed to ignore (and most of the US press certainly will) the fact that Legere [repeatedly promised in print](#) that the Sprint merger would result in a massive surge in new jobs. That **never** happens in the wake of telecom consolidation, and soon enough, the company was busy laying off [5,000 employees](#). Unions and Wall Street analysts predict the layoffs could get as high as [15-30,000](#) as redundant positions are inevitably eliminated over the next few years.

Of course, there was always ample evidence that Legere's brash, pink high-top wearing trash talking persona was more caricature than reality. After all, Legere supported the FCC's decision to [lobotomize its consumer protection authority](#), opposed net neutrality, and [mocked the EFF when they pointed out the company was lying](#). But the mask really slipped during the merger sales pitch, which not only involved lying constantly about the benefits of the deal, but [hiring Trump ally Corey Lewandowski](#), and throwing [cash at Trump's DC hotel](#) to improve merger approval chances.

Given the Sprint merger reduced US wireless sector competition by 25%, and the FCC currently has its hands tied behind its back due to the net neutrality repeal, which T-

Mobile supported (which again neutered most FCC authority, not just net neutrality rules), it's inevitable that investors now pressure T-Mobile to behave more and more like AT&T and Verizon over the next few years. That means more empty promises, more efforts to nickel-and-dime subscribers, and a steadily eroding effort to seriously compete on price. All the stuff Legere repeatedly insisted he was opposed to. That's not speculation or opinion, it's what happens every time a country decides to give a middle finger to competition by allowing mindless consolidation in telecom. There are 40 years of indisputable evidence.

Again, Legere deserves all the praise in the world for turning T-Mobile into a heavyweight champion in wireless. But at the same time, he also deserves ample criticism for the ease in which he was willing to throw all of that in the toilet, and the grotesque amount of falsehoods and Trump ass kissing that accompanied the effort along the way.

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Signal Founder Cracks Cellebrite Phone Hacking Device, Finds It Full Of Vulns

from the *distinct-lack-of-'what-if-this-fell-into-the-wrong-hands'-thinking-by-Ce* dept

by Tim Cushing - April 26th @ 6:25am

A pretty hilarious turn of events has led to [Cellebrite's phone hacking tech](#) being hacked by Signal's Moxie Marlinspike, revealing the tech law enforcement uses to pull data from seized phones is host to major security flaws.

According to Marlinspike, the Cellebrite came into his possession [thanks to some careless package handling](#).

By a truly unbelievable coincidence, I was recently out for a walk when I saw a small package fall off a truck ahead of me. As I got closer, the dull enterprise typeface slowly came into focus: Cellebrite. Inside, we found the latest versions of the Cellebrite software, a hardware dongle designed to prevent piracy (tells you something about their customers I guess!), and a bizarrely large number of cable adapters.

This *must* be what actually happened. I mean, there's a [photo of a Cellebrite lying on the street](#). That should end any senseless law enforcement speculation about this device's origin story.

The fun starts immediately, with Marlinspike finding all sorts of things wrong with Cellebrite's own device security. This would seem to be a crucial aspect considering Cellebrite performs raw extractions of unvetted data from seized phones, which could

result in the forced delivery of malware residing on the target device. But that doesn't appear to concern Cellebrite, which seems to feel its products will remain unmolested because they're only sold to government agencies.

Since almost all of Cellebrite's code exists to parse untrusted input that could be formatted in an unexpected way to exploit memory corruption or other vulnerabilities in the parsing software, one might expect Cellebrite to have been extremely cautious. Looking at both UFED and Physical Analyzer, though, we were surprised to find that very little care seems to have been given to Cellebrite's own software security. Industry-standard exploit mitigation defenses are missing, and many opportunities for exploitation are present.

Just one example of this carelessness is unpatched DLLs residing in the Cellebrite system software. One DLL used to handle extracted video content hasn't been updated *since 2012*, ignoring more than 100 patches that have been made available since then.

This means it wouldn't be much of a hassle to target Cellebrite devices with code that could corrupt not only the current data extraction but also the results of every previous extraction performed by that device.

[B]y including a specially formatted but otherwise innocuous file in an app on a device that is then scanned by Cellebrite, it's possible to execute code that modifies not just the Cellebrite report being created in that scan, but also all previous and future generated Cellebrite reports from all previously scanned devices and all future scanned devices in any arbitrary way (inserting or removing text, email, photos, contacts, files, or any other data), with no detectable timestamp changes or checksum failures. This could even be done at random, and would seriously call the data integrity of Cellebrite's reports into question.

That's a major problem because phone extractions are performed to secure evidence to use in criminal cases. If law enforcement agencies can't trust the data they've extracted or rely on the reports generated by Cellebrite to perform searches, they're going to find their evidence tossed or impossible to submit in the first place.

Further inspection of Cellebrite's software also shows the company has ported over chunks of Apple's proprietary code intact and is using it to assist in iPhone extractions. Presumably, Cellebrite hasn't obtained a license from Apple to use this code in its devices (and redistribute the code with every device sold), so perhaps we'll be hearing something from Apple's lawyers in the near future.

This table-turning was likely provoked by Cellebrite's [incredibly questionable claim](#) it had "cracked" Signal's encryption. Instead, as more information came out -- including

its [use in criminal cases](#) -- it became clear Cellebrite did nothing more than *anyone* could do with an unlocked phone: open up the Signal app and obtain the content of those messages.

Fortunately for everyone not currently working for Cellebrite, a delivery incident occurred and a phone-hacking device was impacted. Signal isn't worried that Cellebrite can break its encryption. In fact, it doesn't appear to be worried at all. This examination of Cellebrite hacking tools will only result in a small cosmetic refresh for Signal.

In completely unrelated news, upcoming versions of Signal will be periodically fetching files to place in app storage. These files are never used for anything inside Signal and never interact with Signal software or data, but they look nice, and aesthetics are important in software. [...] We have a few different versions of files that we think are aesthetically pleasing, and will iterate through those slowly over time. There is no other significance to these files.

Maybe this will force Cellebrite to care [a bit more deeply](#) about its security and the security of its customers. Or maybe it will brute force its way past this, assuming its customers still have that "our word against yours" thing that tends to work pretty well in court. But it's [not the only player](#) in the phone-cracking field. So it might want to step its security game up a bit. Or at least stop picking fights with encrypted services.

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Publix Gets Social Media Accounts Advertising Its Sandwiches Taken Down For Some Reason

from the *biting-the-hand* dept

by Timothy Geigner - April 28th @ 8:05pm

For sure, the most frustrating examples of dumb trademark disputes are when one party bullies into silence another party for doing something that actually helps the bully. If you need an example of this, you can look to the time Olive Garden tried to [take down](#) AllOfGarden.com, a site with a satirical take on the Olive Garden menu. That example is particularly instructive for two reasons. First, AllOfGarden was essentially a tongue-in-cheek love letter to the restaurant chain run by someone who was very much a fan of said chain. Second, Olive Garden eventually [apologized](#) and rescinded its threat, due in part to the public backlash and the fact that it must certainly have realized that the site, if anything, *helped* drive some measure of interest in the restaurant itself.

We will have to see if supermarket chain Publix ends up handling this the same way, because it has apparently [bullied someone running social media accounts](#) alerting fans to the availability of a particular sandwich into silence.

The account “Are Publix Chicken Tender Subs On Sale?” — with nearly 40,000 followers — has been dormant since March 11. One of its final tweets noted that the subs were, indeed, on sale, and added ominously: “This may be our last Tweet.” Since then, it stopped sharing updates altogether. An accompanying Facebook page also went silent.

A big clue about what happened: In another post, the Twitter account said it had received a cease-and-desist order from Publix objecting to a

related text-message notification service. The account promised more details “later this week,” but never shared more information. Since then, dozens of hungry Twitter users have tweeted at the account asking where they went, whether everything was OK and earnestly asking which subs might be on sale.

So, who is behind the social media accounts and text messaging service? A 26 years old named Bryan Dickey who also works for marketing firm Postscript in California. According to Dickey, Publix contacted him upset that his texting and social media accounts were alerting the public as to when these chicken tender sandwiches went on sale. He had initially said he was going to keep his social media accounts running while taking down the text message service, but those socials have, again, since gone silent. To be clear, this was something of a commercial operation, though admittedly not much of one.

Dickey tweeted from his personal account earlier this month that Publix was objecting to a related text-message service he set up in January that allowed users to be notified about sub sales if they texted “PUBSUB” to a listed phone number. It wasn’t clear how Dickey was profiting from the service, but apparently that was too much for Publix. He said as early as January 2018 that he was making money off his Publix subs ventures and last year said he had made more than \$5,000.

“Publix is bullying me with C&D’s for the SMS VIP club. Haven’t talked about it publicly yet. Basically all paths to profitability are legal red taped for now, but I can keep the socials running,” he said.

All the normal excuses for Publix’s actions are trotted out in the Tampabay.com post by third parties on the chain’s behalf. If the Twitter account or text service suddenly did something offensive, Publix would get the blame. If it didn’t go after the use of its name in this case, someone else could argue that Publix had abandoned its trademark.

But as we’ve discussed before, there are other options beyond bullying to death something like this. Working out a way to make the service or social media accounts “legitimate” through cheap or free licenses alleviates the concern about trademark abandonment. Working out an arrangement would similarly allow some flavor of quality control over the content of these accounts.

Or, as Publix chose to do, it could silence activity that was actively promoting its own products, almost certainly leading to sales that would have otherwise not occurred.

[2 Comments »](#)

Content Moderation Case Study: Apple Blocks

WordPress Updates In Dispute Over Non-Existent In-app Purchase (2020)

from the *ok-landlord* dept

by Copia Institute - April 28th @ 3:47pm

Summary: Apple controls what apps get onto iPhone and iPads via its full control over the iOS App Store. Every app (and its updates) need to be reviewed by Apple staff before it's allowed in the store -- and Apple puts in place *its own rules* for what is and what is not allowed.

One of those rules is that Apple takes a 30% cut of any sales. That fee *has become somewhat controversial*, especially among service providers who don't rely on the App Store for discovery, but whose customers likely come on their own -- including Spotify and Epic Games. Spotify, in particular, has *urged users to subscribe directly*, to avoid having to pay the additional amount per month to cover Apple's fees. In response, Apple forbade Spotify from even mentioning that it's cheaper to subscribe outside of the App Store, which is now a central piece of *an antitrust fight that is ongoing in the EU*.

Perhaps because of all of this, Apple has had to make decisions about whether or not to allow apps in the App Store that seek to avoid paying Apple's cut of the fees. In August of 2020, Matt Mullenweg, the CEO of Automattic, and the founder/lead developer of the WordPress content management system, announced that the iOS app for WordPress had been frozen by Apple. The given reason was that Apple believed that WordPress was trying to avoid the fees for in-app purchases.

This was the cause of much confusion, as many *people noted* that the app did not actually sell anything. While WordPress.com does offer paid hosting plans (and domain reselling), that was not a part of the WordPress app. However, as Mullenweg's tweet showed, Apple was noting that because somewhere else in WordPress.com's business, it sold things, that meant that WordPress had to pay it a 30% cut of those sales (even though they were outside of the app itself) in order to keep the app in the App Store.

Decisions to be made by Apple:

- How thoroughly should the company be reviewing the business models of apps in the App Store to determine whether they can be included?
- What actually constitutes an attempt to get around the App Store fee?
- Will app developers take advantage of exceptions to the rules if Apple does not follow them closely?
- Should the company allow alternative ways of getting apps on the phone outside of the App Store?

Questions and policy implications to consider:

- When a company builds an entire device ecosystem, should it be able to set its

own rules for what apps are allowed on the device?

- Can content moderation decisions raise antitrust concerns?
- Are there policy implications of a single entity reviewing what apps are allowed on a device?

Resolution: As this story got more attention, Apple [apologized and restored](#) the WordPress developer account. However, its statement on the matter implied that WordPress had “removed” an option in the app to pay for hosting plans:

We believe the issue with the WordPress app has been resolved. Since the developer removed the display of their service payment options from the app, it is now a free stand-alone app and does not have to offer in-app purchases. We have informed the developer and apologize for any confusion that we have caused.

But users of the app say it never had any in-app purchases at all. The only thing it had were descriptions of WordPress.com Premium offerings, but no way to buy them. Mullenweg said that, before going public, he had asked Apple if removing those mentions would restore the account, and Apple had said it would not.

The reinstatement appeared to take Mullenweg by surprise.

In January of 2021, Apple also [moved to lower the cut](#) it took for in-app payments from “small” developers (those making less than \$1 million a year in annual sales) to 15%. It was also revealed that Apple quietly [cut a special deal](#) with Amazon to charge the retailer a 15% cut for Amazon’s Prime Video app.

Originally published on the [Trust & Safety Foundation](#) website.

[11 Comments »](#)

Senator Marco Rubio: Speech I Disagree With Is Pollution

from the *try-that-again-senator* dept

by Mike Masnick - April 28th @ 1:33pm

Senator Marco Rubio keeps trying to act Trump-like, but he just can't pull it off. He actually knows what he's saying is bullshit and unlike some other politicians, it's pretty obvious when Rubio is play-acting populist nonsense, rather than having any real conviction behind it. His latest is a NY Post opinion piece in which he takes on the new favorite punching bag of Republicans-who-have-no-principles-left: what is stupidly being referred to as ["woke" corporations](#).. This is, of course, somewhat hilarious for anyone who followed decades of Republican politics in which over and over the politicians insisted that companies could do no wrong. But now that some companies

are pushing back on Republican-inspired nonsense, suddenly they have to be labeled as "woke" and punished.

I won't go through the entire op-ed, but I will just pull out a quote towards the end that sums up how ridiculous and authoritarian this kind of nonsense truly is. In it, Rubio basically says that political views from companies he disagrees with are on the same level as pollution.

No policymaker would allow a company to dump toxic waste into a river upstream of a thriving town he is charged with governing. Yet corporate America eagerly dumps woke, toxic nonsense into our culture, and it's only gotten more destructive with time. These campaigns will be met with the same strength that any other polluter should expect.

Our nation needs a thriving private economy. And patriotic business leadership has historically underwritten the American Dream. But lawmakers who have been asleep at the wheel for too long, especially within my own party, need to wake up. America's laws should keep our nation's corporations firmly ordered to our national common good.

Got that? Political views that go against Rubio are "toxic waste" and therefore must be regulated. Of course, corporations that have views that Rubio agrees with are somehow all about fresh air and freedom.

This is nothing less than blatant authoritarianism -- threatening companies for taking such crazy political stands as "Americans should be able to vote" and "we'd prefer not to support people who wish to overthrow elections." Rubio knows all of this. He's not that stupid. But he seems to think he has to play up this nonsense if he wants to win elections these days. And, thus the real issue here is not "woke" corporations. It's authoritarian attacks on free speech like Rubio's.

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US Department Of Education Now Investigating Florida Sheriff's Student 'Pre-Crime' Program

from the *Sheriff-showing-some-indicators-of-criminal-activity* dept

by Tim Cushing - April 28th @ 12:16pm

The Pasco County (FL) Sheriff's Office decided to bring some of its [predictive policing nonsense](#) indoors. It also started looking for smaller targets. The program used to harass residents over things like uncut lawns and missing mailbox numbers was [extended to schoolchildren](#), who were subjected to the same sort of spreadsheet bullshit. Low grades? Miss a few school days? Victim of domestic violence?

According to the Pasco County Sheriff "juvenile intelligence analysts," these were all

risk factors that could signify future criminal behavior. The Sheriff claimed it wasn't trying to pre-crime children, but its own documentation said "analysts" should use the so-called "predictors" to "identify at-risk youth who are destined to a life of crime."

Not only is the program arguably morally wrong, it's also *generally* wrong. *Predictive policing* rarely works as intended since it relies on skewed data. Those inputs produce more skewed data, sending officers into the same areas they already believe criminal activity will occur and aims them at the same people they've already assumed are criminals. It's basically confirmation_bias.xls. But this program targets kids and uses data it's not clear the Sheriff's Office has any legal right to access.

That means the program may also be *legally* wrong. As in "illegal." Analysis of the program and the data-sharing agreements with schools by student privacy advocates *resulted in the determination* that this access to student data without parental consent violated FERPA (Family Education Rights and Privacy Act) -- a federal student privacy law passed in 1974.

This conclusion prompted Congressional reps to step in and *request a federal investigation* into Pasco County's pee-wee league pre-crime program. Four months after that request was made by Representative Robert C. Scott, the US Department of Education is *moving forward with its review of the program*.

The Tampa Bay Times reported in November that the school district shared information on student grades, discipline and attendance with the Sheriff's Office, which used the data to compile a secret list of schoolchildren it believed could "fall into a life of crime."

The federal education department is now looking into the arrangement, a spokesman said Friday.

The investigation follows calls for a review by U.S. Rep. Robert C. Scott, who leads the House Committee on Education and Labor. In a statement, Scott said he was "encouraged" that the education department had accepted his request. He called the Pasco program "disturbing."

Now that the federal government is involved, the Pasco County Sheriff's Office appears to be hastily revising its program. While it still claims the program does not label kids as criminals (despite what its own documentation says), it has started to change what data it accesses and how it obtains that access.

The law enforcement agency said that deputies, who serve in the role as school resource officers, do have access to student grades. But the agency said for the first time that students were being added to any list for review only if they had committed a crime. Aside from its school resource deputies, the agency said that Sheriff's Office employees can see whether a student has been flagged by the district's early warning

system — not whether they had been flagged for a specific reason, such as grades or attendance.

Starting to do the right thing after months of negative press and multiple investigations isn't really doing the right thing. It's just damage control. But the Sheriff's Office already spent months or years screwing up and that's going to still come to light even if it's not trying to stop violating federal regulations.

And the Sheriff's Office still seems pretty defensive for an agency that believes it's done nothing wrong. Rather than simply defer comment until the investigation concludes, the Sheriff's Office issued a multi-paragraph comment to the Tampa Bay Times that starts out by attacking the credibility of the paper whose initial report was based entirely on the Sheriff Office's own documents.

We have no additional comment beyond what was previously provided to the Tampa Bay Times. However, we're proud of our partnership with Pasco County Schools and the work our members do to ensure safety to students, staff and families in our community. Additionally, I'm providing you with the below, which details much of the misinformation the Times has misconstrued through the course of their reporting and sets the record straight on facts vs slant.

As always, it is our sincere hope that the Times uses this opportunity to set the record straight on their own reporting and the previous fallacies they've published.

The statement does its own misleading by claiming the things the Sheriff's Office is doing *now* are the things it has *always* done, despite that clearly not being the case. It's trying to backdate its culpability with this statement and that may work for small parts of the court of public opinion, but it's not going to change the course of the ongoing investigation.

Even if one is inclined to take the Sheriff's Office at its word, the fact that it "only" determined 330 students to be "at risk" for future criminal behavior is still disturbing. While identifying at-risk students can be helpful and perhaps head off future criminal acts, the Office's predictive policing program mainly serves up constant harassment to anyone selected by the software as a potential criminal. Rather than deter criminal activity, the program makes it impossible for people to break free of the criminal justice deathcycle by subjecting them to meaningless citations, extra court appearances, and frequent visits from deputies who apparently have nothing better to do with their time.

This sort of harassment isn't going to help at-risk students. And it will definitely negatively impact those caring for them, making it all the more likely something already tenuous will break completely, resulting in further hardship for everyone

involved. The Pasco Sheriff's Office had made it clear it's not there to help. It has openly stated the program is there to harass people into suing or moving. And it thinks it okay to direct this same attitude at kids.

[12 Comments »](#)

Malaysian Government Claims Insulting The Queen With A Spotify Playlist Is A Threat To National Security

from the *to-be-fair,-your-highness,-it-does-have-some-absolute-bangers* dept

by Tim Cushing - April 28th @ 10:49am

The government of Malaysia has never been shy [about censoring](#) uppity citizens for doing things like, say, exposing massive [government corruption](#). But it also has some royalty to shield from the content created by disgruntled citizens. That's why it recently welcomed a "fake news" law [into the fold](#), giving the government (and the royalty it ultimately serves) yet another censorial weapon to deploy.

A local artist is the latest under the jackboot, [accused of making Queen Tunku Azizah Aminah Maimunah feel bad](#) by compiling a [checks report] Spotify playlist.

Malaysian police arrested an artist on Friday for allegedly insulting the queen by posting a satirical playlist online.

The playlist riffed off a recent controversy over the royal family and coronavirus vaccines.

The artist was detained for uploading a playlist featuring a portrait of the queen and songs that included the word "jealously," senior police official Huzir Mohamed said in a statement.

Fahmi Reza actually had to [take his seditious business to Apple](#) after Spotify kept taking down his playlist. It's still up at Apple Music for the moment ([archived here](#)) and it contains plenty of songs containing variations of the word "jealous."

Yeah, it's kind of just one joke, really. But it's obviously an effective one. The playlist turns the Queen's dismissive response to concerned subjugates against her. According to local reports, the Queen secured COVID vaccines for herself and her family through some powerful United Arab Emirates connections. When residents complained, the Queen pithily asked them if they were "jealous."

So, obviously a deserving target of criticism. But when the most deserving target has all the power, things tend to turn out badly for those doing the criticizing. Somehow, this jealousy-focused playlist threatens the security of the Malaysian people.

Fahmi was being investigated for breaking Malaysia's sedition and communications laws. He faces up to three years if convicted under the act, Huzir said.

"Tough action will be taken without any compromise against anyone who intentionally threatens public security," the police official added.

Three years for a one-joke playlist. And it makes the point with all the subtlety a 101-song playlist composed with the assistance of a single search term can. But equally unsubtle is the government's response. Insulting the royal family may be bad form but it shouldn't be illegal. And this definitely doesn't threaten the security of the nation. It only highlights the insecurity of the family sitting at the top of the country's org chart.

[8 Comments »](#)

Daily Deal: The 2021 Better Manager Bundle

from the *good-deals-on-cool-stuff* dept

by Daily Deal - April 28th @ 10:46am

A good manager is also a good coach and mentor, can communicate effectively, knows how to influence his or her team members positively, and creates a positive working environment. The [2021 Better Manager Bundle](#) has 5 courses to help you become a great manager. You'll learn how to develop team norms, ground rules and networks, how to leverage team member styles to strengthen the wider group, how to create a

positive workplace environment by building and nurturing effective workplace relationships, and more. It's on sale for \$30.

[source: imgur.com](#)

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Months After Indian Gov't Threatens To Jail Twitter Employees, Twitter Now Blocking Tweets That Criticize The Indian Government

from the *thuggish-censorship* dept

by Mike Masnick - April 28th @ 9:29am

Back in February, we wrote about how the Indian government was [threatening to jail Twitter employees](#) if the company wouldn't block various tweets that were critical of the government's handling of farmer protests in that country. While Twitter pushed back, eventually it did [block a bunch of content](#), though it appears it did so reluctantly, and only because it had no other choice.

And now we're seeing it happen again. The COVID pandemic situation in India is a [completely out of control](#), and rather than fix its completely bungled response to the pandemic, the Indian government has been [demanding that Twitter block tweets criticizing the government's response](#).

As [first spotted by Medianama](#), Twitter agreed to block access to 52 tweets for users in India. People elsewhere can still see them, so we can see what kinds of tweets the Modi government doesn't want people to see. Tweets like this:

India will never forgive PM [@narendramodi](#) for underplaying the corona situation in the country and letting so many people die due to mismanagement.

At a time when India is going through a health crisis, PM chose to export millions of vaccine to other nations [#ModiHataoDeshBachao](#)
[pic.twitter.com/5sQRfT7kpB](#)

— Moloy Ghatak (@GhatakMoloy) April 20, 2021

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In other words, it appears that rather than deal with the fact that the government totally failed to deal with the COVID situation, its main focus right now is making sure that people in India can't talk about how badly the government handled all of this.

[8 Comments »](#)

Google Says Pretty Much Everything Shields It From Being Sued Over Things Telegram Users Said

from the [google-to-judge:-your-honor-what-even-is-this](#) dept

by Tim Cushing - April 28th @ 6:28am

An ambassador who last worked as a US ambassador more than two decades ago recently sued [Apple and Google](#) for... well, let's go to the tape. Apparently, it's somehow these two companies' fault that *Telegram users* make anti-Semitic comments and otherwise make "Ambassador Marc Ginsberg" (as the plaintiff refers to himself in his complaints) feel unsafe.

Ginsberg owns two phones -- one of each variety. That's why he's suing *both* Apple and Google. There's no indication Ginsberg has ever downloaded or used Telegram. Nor is there any indication he's even *seen* firsthand any of the content he's suing about. But in both lawsuits, he claims the mere *existence* of Telegram in app stores has personally harmed him and somehow devalued both of the phones he uses.

These lawsuits make no sense. And that's why Ginsberg has retained the representation of Keith Altman, last seen chucking [lawsuit after lawsuit](#) into federal courts claiming Facebook, Twitter, and YouTube are directly responsible for real-life terrorist attacks. So far, the firms last associated with Altman and his particularly stupid brand of litigation have yet to secure a win at any level of the federal court system.

Google was last to be sued but the first to respond. And it raises the expected defenses, including the "the plaintiff has chosen the wrong defendant." (h/t [John Roddy](#))

Google's [motion to dismiss](#) [PDF] starts with a few facts that make it pretty much unnecessary for anyone -- including the presiding judge -- to read any further. Here's the opener:

Plaintiffs Ambassador Marc Ginsberg and the organization he founded, the Coalition for a Safer Web, assert that several of Telegram's 500 million third-party users have used Telegram to send messages that contain hateful rhetoric or promote extremism. Neither Telegram nor any of its users are parties to this case, and Plaintiffs have

apparently not made any effort to pursue claims against them.

Instead, Plaintiffs have sued Google. They seek to hold Google liable for the content of messages exchanged through Telegram's platform based on Google's role as the operator of Google Play, an online platform where users can access a wide variety of digital content and download applications, including Telegram. Plaintiffs do not allege that Google played any role in creating, operating, or moderating content on Telegram, or that it contributed to the objectionable content disseminated by Telegram's users. Plaintiffs nevertheless assert that Google should have removed the Telegram app from Google Play, and that it violated California's Unfair Competition Law ("UCL") and negligently inflicted emotional distress on Plaintiffs by failing to do so. While Plaintiffs' goals of combating anti-Semitism and hate speech are important, they have chosen the wrong target for their campaign.

Even if Ginsberg had been slightly less moronic in his litigation, he still wouldn't have been likely to succeed. Telegram's main defense would be the same as Google's: Section 230 immunity applies. It would apply to Telegram if it was being sued for content generated by its users. And it doubly applies to Google, which is another step removed, since its only connection to Telegram is the fact that the app can be downloaded from Google's app store.

There's a recent case directly on point dealing with Section 230 immunity and app store moderation. That's the one Google quotes:

*This Court recently applied Section 230 to bar a similar set of claims arising from Google's alleged failure to remove third-party apps from Google Play. Coffee, 2021 WL 49338, at *6. The plaintiffs there alleged that Google violated state consumer protection laws by allowing certain video game apps to be published. The Court dismissed the claims as a matter of law, explaining that, because plaintiffs "[sought] an order requiring Google to screen apps offered through its Google Play store and exclude those containing [certain content]," they were demanding that Google engage in "conduct that [was] squarely within the role of a publisher." Id. So too here: "Google cannot be held liable for merely allowing [d]evelopers to provide apps to users through the Google Play store, as 'providing third parties with neutral tools to create web content is considered to be squarely within the protections of § 230.'"*

But even if those two assertions are ignored, the case contains another massive failure. To seek redress, you must have an actionable injury. There's nothing here that indicates the Ambassador has suffered anything more than being subjected to bad legal advice.

*Even setting aside immunity under Section 230, Plaintiffs still fail to state a claim. First, Plaintiffs lack standing to sue under the UCL. A UCL claim requires economic injury, specifically "lost money or property," resulting from the alleged misconduct. *Kwikset Corp. v. Super. Ct.*, 51 Cal. 4th 310, 325-26 (2011). But Plaintiffs have alleged no such injury. Instead, they contend that Ginsberg's phone supposedly declined in value because Google kept Telegram on Google Play. This theory makes no sense. Ginsberg does not even allege that he downloaded Telegram from Google Play or used the app on his device. He certainly offers no plausible explanation of how his phone could have lost value merely because the Telegram app remained available in Google Play for other people to download and use.*

This suit should be tossed immediately. I'm sure the one against Apple will be met with the same defenses and the same early exit for the other target of Ginsberg's garbage litigation. It may suck to find out app users are saying bigoted things about Jews, but there's no legal action to be had here. Even if the former ambassador was able to discover the identities of those saying these things, a lot of it would be protected speech and very little of it would actually create a cause of action worth pursuing in court. The world can be a shitty place. Lobbing stupid sue-balls at the biggest targets you can find doesn't make it any better.

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