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May 27th, 2021

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High School Teacher's Copyright Suit Against Netflix Gets Dismissed Because Coincidence Isn't Protectable

from the *class-dismissed* dept

by Timothy Geigner - May 27th @ 8:07pm

Of all the areas that result in copyright lawsuits that never should have been filed, it surely must be ignorance of the [idea/expression dichotomy](#) that is the most common. That link will take you to a litany of posts about copyright fights in which one party sues another over elements of a creative work that are themselves *not* protectable. The basic explainer goes like this: the specific expression of a work, or even the specific expression of unique thematic or character elements, *can* be protected by copyright, whereas mere general ideas cannot. This is why Batman is a copyrightable character, but that copyright cannot be used to sue the hell out of anyone that writes a story about an insane rich person who wears a cape and cowl while fighting bad guys. Idea versus expression.

It's crazy just how many lawsuits get filed by full grown adult lawyers who don't seem to understand this. One recent example is [a lawsuit brought by a high school English teacher against Netflix](#) over the latter's series, *Outer Banks*. The suit was tossed at the motion to dismiss stage, with the court reasoning that the majority of the 40-plus claims of infringement amount to either non-protectable ideas, or allegations that amount to mere coincidence that has nothing to do with copying anything at all. On the first of those:

In a 25-page opinion, U.S. District Judge Timothy C. Batten Sr. said Kevin Wooten's 2016 book "Pennywise: The Hunt for Blackbeard's Treasure!" had a significantly different plot, characterization, mood, pace and settings than the Netflix original.

"To be sure, both works involve shipwrecks and treasure hunts," Batten said. "But to analyze their plots at such a high level of abstraction would render every work involving a hunt for buried treasure susceptible to copyright infringement."

It's a useful high-level takeaway on the majority of issues with the lawsuit, but it's worth noting that the court did in fact do a deep dive on each of the claims made. Not all of them amount to generic story ideas such as the above. While the actual plotlines and characters are very, very different -- a different number of main characters, different treasures being hunted for by those characters, different outcomes, etc. -- , some of the claims detailed out in the dismissal are downright absurd.

As a preliminary matter, many of Wooten's purported similarities either do not exist or are "random similarities" that "could be found in very dissimilar works." Beal, 20 F.3d at 460 (quoting Beal, 806 F. Supp. at 967 n.2). For instance, he argues that "both Works clearly sought to invoke an avian theme at the mausoleum." [19] at 14. He points out that in his novel, Nathan and Ben find a clue hidden in the wing of a bird statue at a mausoleum. He argues that this plot device is substantially similar to the protagonists' discovery in Outer Banks of a clue labeled "For Bird." But the bird reference in Outer Banks is merely a callback to the nickname John B's father gave him as a child. The fact that the word "bird" is present in both narratives is entirely innocuous and of no significance in an infringement analysis.

It goes on from there, including where the court looks at the actual main characters of each work, claimed by Wooten to be substantially similar, and concludes:

In sum, the characterization in the novel is in stark contrast to that of the series. The Outer Banks characters are complex, with narratives that cause the viewer to at times sympathize with even the most nefarious individuals. In the novel, on the other hand, the naïve Pennywise twins and their uncle serve as prototypical hero figures while Darwin acts as a classic villain.

Without trying to, the motion to dismiss doubles as something of a literary review, albeit one rather unkind to Wooten's novel.

The real point of all of this is that what should be common sense ought also to be better understood among attorneys willing to file copyright lawsuits on behalf of clients: you cannot copyright general ideas, tropes, nor the obvious story elements that grow from either. Treasure hunts are as tropish as they come, frankly, and attempting to silence an entirely unrelated creative work simply because of "avian

themes" and the like is nonsensical.

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A Second Cambrian Explosion of Open Source Licenses Or Is it Time For Open Source Lawyers to Have Fun Again?

from the *fun-with-open-source-licensing* dept

by Michael Weinberg - May 27th @ 3:33pm

As the open source world has grown, so have concerns about the context in which openly licensed items are used. While these concerns have existed since the beginning of the open source movement, today's larger and more diverse movement has brought new urgency to them. In light of this revived interest within the community, the time may be ripe to begin encouraging experimentation with open source licensing again.

How We Got Here

While the history of open source software is [long and varied](#) (and predates the term open source software), for the purposes of this blog post its early evolution was driven by a fairly small group of individuals motivated by a fairly homogeneous set of goals. As the approach became more popular, the community developed a wide range of licenses designed to address a wide range of concerns. This 'First Cambrian Explosion' of open source models and software licenses was a time of experimentation within the community. Licenses varied widely in structure, uptake, and legal enforceability.

Eventually, the sprawling nature of this experimentation began to cause problems. The Free Software Foundation's [Free Software Definition](#) and the Open Source Initiative's [Open Source Definition](#) were both attempts to bring some order to the open source software world.

In the specific context of licensing, the Open Source Initiative began approving licenses that met its criteria. Soon thereafter, it released a [License Proliferation Report](#) detailing the challenges created by this proliferation of licenses and proposing ways to combat them.

These activities helped to bring order and standardization to the world of open source licensing. While OSI continues to approve licenses, for well over a decade the conventional wisdom in the world of open source has been to avoid creating a new license if at all possible. As a result, for most of this century open source software license experimentation has been decidedly out of style.

Largely for the reasons described in the [License Proliferation Report](#), this conventional wisdom has been beneficial to the community. License proliferation does create a number of problems. Standardization does help address them. However, in doing so standardization also greatly reduced the amount of license experimentation within the

community.

Reduced experimentation means that concerns incorporated into approved licenses (access to modifications of openly licensed code) have been canonized, while concerns that had not been integrated into an approved license (restrictions on unethical uses of software) at the moment of formalization were largely excluded from consideration within the open source community.

What Changed

What has changed since the move towards codification of licenses? The open source software world has gotten a lot bigger. In fact, it has gotten so much bigger that it isn't just the open source software world anymore. Creative Commons - today a towering figure in the world of openness - did not even exist when the Open Source Initiative started approving licenses. Now the open world is open source hardware, and Creative Commons-licensed photos, and open GLAM collections, and open data, and all sorts of other things (this is a whole other blog post). The open source world has moved beyond early debates that questioned the fundamental legitimacy of open source as a concept. Open source has won the argument.

An expansion of applications of open source has lead to an expansion of people within open source. Those people are more diverse than the early open source software proponents and are motivated by a wider range of interests. They also bring with them a wider range of concerns, and a wider range of relationships to those concerns, than early open source adopters.

What is Happening Now

This broader community does not necessarily share the consensus about how to approach licensing that was developed in an earlier period of open source. They bring a range of viewpoints that did not exist in the earlier days of open source software *into the open source community itself*. They are also applying open source concepts and licenses to a range of applications that were not front of mind - or in mind at all - during the drafting of today's canonical licenses.

Unsatisfied with the consensus rules that have delivered us the existing suite of (incredibly successful) licenses, parts of the community have begun experimenting again. Veteran open source lawyers are [rewriting licenses](#) with public understandability in mind. Community members are transforming their interpretation of open source development into licences that invite collaboration without intending to adhere to the open source definition. Some of [these licenses](#) are designed to address concerns traditionally excluded from the scope of open source licenses. I am directly involved in the [ml5.js](#) attempt to [do just that](#).

The creators of these experiments are responding to a standardized approach to licensing that does not fully accommodate their needs and concerns. In some cases the standardized approach does not accommodate these concerns because the community litigated including them in the past and decided it could or should not be done.

However, even in those cases, that debate happened within a very different community in at least somewhat different contexts. The conclusions arrived at then are not necessarily valid for the broader world that open source finds itself inhabiting.

In light of that, it may be time to begin encouraging experimentation in open source licensing again. Encourage people to test out new approaches by applying them to real world problems. In some cases, the decisions made in the past will prove to be robust and sustainable. In others, a new debate will reveal the decisions' shortcomings. In both cases, the open source community will be stronger by being tested from within.

Coda: Is This Post Just a Lawyer Advocating for Lawyers to Have More Fun?

Throw out the old ways of doing things! Try something new! Experiment! Is this just a call for lawyers to have fun by screwing around with exotic licensing concepts at the expense of everyone else's stability (and sanity)?

It could be. But I don't really think so. The thing about lawyers (as a group - there are always exceptions) is that novelty and instability makes us nervous. Things that are tried and true will probably work. That means we do not have to worry about them. New things - who knows what will happen to them? That uncertainty makes lawyers nervous.

That is part of the reason why lawyers like today's conventional wisdom. The canonical set of open source licenses have more or less worked for decades. It is unlikely that they will explode, and it is even less likely that they will explode in the face of the lawyer who uses them on any given project. In contrast, any lawyer who writes their own license is setting themselves up for a period of anxiety, waiting to discover what they missed or how things will go wrong.

Of course, some lawyers do think it is fun to cook up new open licenses. And maybe this post is a call for them to do more of it. But, on balance and as a whole, introducing new licenses into the world of open source will probably cause open source lawyers more anxiety than joy.

I think that anxiety is probably worth it. But that will be far from a universally held position.

Originally published on [Michael Weinberg's blog](#) and republished under a [CC-BY-SA 4.0 license](#).

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Private Security Company Thinks It Should Be Able To Take People To Jail Just Like Real Cops

from the *Uber-but-for-vigilantes* dept

by Tim Cushing - May 27th @ 1:33pm

A snitch app called Citizen is [angling for the position](#) of Local Law Enforcement®. Going a step further than hotbeds of bigotry like [Ring's Neighbors](#) or [Facebook-but-for-racism Nextdoor](#), Citizen is actually trying to create a private law enforcement agency that provides "security" and other services for app users.

A marauding cop-like patrol vehicle emblazoned with the Citizen logo (and some branding for another private security company) was spotted roaming Los Angeles last week. The desire to create a private cutout in public law enforcement space was confirmed by current and former Citizen employees, as well as [documents shared with Motherboard and Joseph Cox](#).

It's not just theoretical. It appears some employees of this private company really want to convert Citizen into a law enforcement agency. (Supporters of this move may also contain members of the Los Angeles Police Department, which called Citizen's move towards patrolling the streets a "game changer.") Then there's this new twist, which indicates Citizen's partner in patrolling -- Los Angeles Professional Security Services -- really would prefer to be an actual law enforcement agency, rather than the private security company it actually is.

In a self-described "documentary" on the Los Angeles Professional Security YouTube, the company's CEO and founder James Caspari explains after detaining two trespassers that the company wants the power to make arrests and take people to jail.

"We're going to waste police resources because we can't drive them to the police station," he said. "The security guard manual says we have to wait and a peace officer has to take them. That's just a waste. If we've already cleared it... why can't we just take 'em to jail?"

Flow my tears, the fake policeman said. Why? WHY?? Because you're a goddamn rent-a-cop. You're not the real thing. You don't get to start depriving people of freedom just because you're dressed in black cop-adjacent garb and employed by a private security firm. No one has granted you the right to arrest people because that's limited to publicly-funded government agencies that are (in theory) more accountable to taxpayers than a private company that only answers to paying customers.

"Private security has zero authority on a public space," he later laments.

Go be a cop then. If it's killing you that you can't violate rights as a private citizen, go get an actual cop job where [you can violate rights](#) on the taxpayers' dime. Sure, this seems a bit backwards but that's how it works. The government gets to do certain things with the implicit consent of the governed. Los Angeles citizens have not agreed to allowing private citizens to start throwing other private citizens into faux cop cars in order to take them to jail. What standard is LAPS applying to itself when it affects an arrest? There are rules in place, backed by the Constitution. And, while these rules

may be violated with alarming frequency by government agencies, they're still rules. Private companies don't have to adhere to the Constitution. And that's why they shouldn't be getting into the business of violating the rights of others. (And, before certain commenters start trying to turn this statement into something about social media, no one's rights are violated when a company refuses to provide you a platform for expressing yourself.)

Going from bad to arguably worse, the CEO of a private security firm actually believes it's capable of responding to mental health calls with its staff of people who apparently couldn't cut it as real cops or first responders.

Caspari explains in the video that LAPS believes it can remove trespassers and respond to mental health calls. "We are in a position to respond in force to effectively anywhere in the city to remove any negative element that a client of ours is threatened with," Caspari said in the video.

And even in its own video, which it had the chance to edit before publishing it, the private security company's employees are given the "what even the fuck" treatment by the partners Citizen and LAPS really want to have on board: the Los Angeles Police Department.

After searching an abandoned building, LAPS employees cuff the two people they find there and wait for the LAPD to arrive. Caspari explains this is all cool and legal: a "private person arrest" supported by California law. After lamenting the "waste of time" that is waiting for actual law enforcement to show up, he's greeted with LAPD officers wondering why the private security firm is patrolling abandoned buildings that appear to be outside of its contractual obligations with its customers.

At one point, the LAPD does turn up. A seemingly surprised LAPD officer asks Caspari, "Is that your normal protocol, you guys just go search the building?"

"On your own, or? Just curious, I've never dealt with you guys before," the LAPD officer continues.

It's a legitimate question. If the private security company wasn't asked by the owners (and "abandoned" suggests no real owner exits) to patrol the building, why the hell are they entering it? At that point, the security personnel are just as guilty of trespassing as the people they detained.

Since there are no good answers to that question, the CEO moves on to complain the LAPD doesn't have enough resources to harass the homeless, leaving people "pushing two shopping carts down the road" free to annoy Caspari.

If nothing else, Caspari has the right mindset for law enforcement. The people who

should be rounded up first are hanging out in abandoned buildings or irritating the locals with their homelessness. Nothing in the video suggests the security firm is stumbling across serious or violent criminal activity that's not being handled by the LAPD. Instead, the CEO complains his company has its hands tied, unable to remove homeless people, trespassers, and the mentally ill from the street without having to bring the LAPD into it.

If the LAPD has to use its resources to handle more serious crime and leave this sort of "crime" unaddressed, good. But that's not an invitation for private companies to fill this perceived void. Providing security for paying clients is fine, but wanting to be a cop just so you can round up a bunch of non-threatening, non-violent people makes you worse than the actual cops. This is just a bunch of people cosplaying and wishing their cardboard props were real. And it's going to do serious damage to Los Angeles residents if companies like this continue to believe they should have the right to violate the rights of others.

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First Legal Challenge To Florida's Unconstitutional Social Media Moderation Law Has Been Filed

from the *and-we're-off* dept

by Mike Masnick - May 27th @ 12:12pm

On Monday we noted that Florida ~~Man~~ Governor Ron DeSantis had [signed into law](#) the new blatantly unconstitutional social media content moderation bill, complete with its [extra corrupt Mickey Mouse exemption](#) for (Disney) companies who own (Disney) theme parks.

Of course, it's one thing to just note that the bill is unconstitutional and another thing altogether to go through the annoyingly stupid process of proving that the bill is unconstitutional. Now, NetChoice and CCIA have stepped up to the plate and [filed the first legal challenge](#) to the bill (as first noted by [USA Today](#) who failed to link to the complaint).

The 70 page complaint is pretty impressive to read. The (somewhat long in its own right) Overview highlights the myriad problems in the bill. Here are just the first few paragraphs of the overview, to give you a sense of where the complaint is going.

The Act, a first-of-its-kind statute, was enacted on May 2, 2021 and signed into law on May 24, 2021 to restrict the First Amendment rights of a targeted selection of online businesses by having the State of Florida dictate how those businesses must exercise their editorial judgment over

the content hosted on their privately owned websites. The Act discriminates against and infringes the First Amendment rights of these targeted companies, which include Plaintiffs' members, by compelling them to host—and punishing them for taking virtually any action to remove or make less prominent—even highly objectionable or illegal content, no matter how much that content may conflict with their terms or policies.

These unprecedented restrictions are a blatant attack on a wide range of content-moderation choices that these private companies have to make on a daily basis to protect their services, users, advertisers, and the public at large from a variety of harmful, offensive, or unlawful material: pornography, terrorist incitement, false propaganda created and spread by hostile foreign governments, calls for genocide or race-based violence, disinformation regarding Covid-19 vaccines, fraudulent schemes, egregious violations of personal privacy, counterfeit goods and other violations of intellectual property rights, bullying and harassment, conspiracy theories denying the Holocaust or 9/11, and dangerous computer viruses. Meanwhile, the Act prohibits only these disfavored companies from deciding how to arrange or prioritize content—core editorial functions protected by the First Amendment—based on its relevance and interest to their users. And the Act goes so far as to bar those companies from adding their own commentary to certain content that they host on their privately owned services—even labeling such commentary as “censorship” and subjecting the services to liability simply for “post[ing] an addendum to any content or material posted by a user.”

*Under the Act, these highly burdensome restrictions apply only to a select group of online businesses, leaving countless other entities that offer similar services wholly untouched by Florida law—including any otherwise-covered online service that happens to be owned by The Walt Disney Company (“Disney”) or other large entities that operate a “theme park.” This undisguised singling out of disfavored companies reflects the Act’s true purpose, which its sponsors freely admitted: to target and punish popular online services for their perceived views and for certain content-moderation decisions that state officials opposed—in other words, to retaliate against these companies for exercising their First Amendment rights of “editorial discretion over speech and speakers on their property.” *Manhattan Community Access Corp. v. Halleck*, 139 S. Ct. 1921, 1931 (2019).*

Rather than preventing what it calls “censorship,” the Act does the exact opposite: it empowers government officials in Florida to police the protected editorial judgment of online businesses that the State

*disfavors and whose perceived political viewpoints it wishes to punish. This is evident from Governor Ron DeSantis' own press release that touts the Act as a means to "tak[e] back the virtual public square" from "the leftist media and big corporations," who supposedly "discriminate in favor of the dominant Silicon Valley ideology."*² The Governor's press release also leaves no doubt about the Legislature's unconstitutional viewpoint discrimination: quoting a state legislator, it proclaims that "our freedom of speech as conservatives is under attack by the 'big tech' oligarchs in Silicon Valley. But in Florida, [this] ... will not be tolerated."

Although the Act uses scare terms such as "censoring," "shadow banning," and "deplatforming" to describe the content choices of the targeted companies, it is in fact the Act that censors and infringes on the companies' rights to free speech and expression; the Act that compels them to host speech and speakers they disagree with; and the Act that engages in unconstitutional speaker-based, content-based, and viewpoint-based preferences. The legislative record leaves no doubt that the State of Florida lacks any legitimate interest—much less a compelling one—in its profound infringement of the targeted companies' fundamental constitutional rights. To the contrary, the Act was animated by a patently unconstitutional and political motive to target and retaliate against certain companies based on the State's disapproval of how the companies decide what content to display and make available through their services.

*The Act is a frontal assault on the First Amendment and an extraordinary intervention by the government in the free marketplace of ideas that would be unthinkable for traditional media, book sellers, lending libraries, or newsstands. Could Florida require that the Miami Herald publish, or move to the front page, an op-ed or letter to the editor that the State favored, or demand that the Herald publish guest editorials in a state-sanctioned sequence? The answer is obviously no—as the Supreme Court unanimously held five decades ago in *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974). Yet the State now seeks to repeat that history—and to go even further by, for example, compelling the targeted companies to alter and disclose their editorial standards and to provide "detailed" information about the algorithms they use to curate content.*

There's more, but that gives you the basics right there. My guess is that Florida will challenge the standing of the two groups bringing the complaint, saying that they are not directly harmed by the bill, even if their members are. So the first fight is likely to be over the question of whether or not these trade groups are adequate stand-ins for their members. Hopefully the court recognizes that, but standing questions (as boring as they are) often become a big deal in cases like this one.

The full complaint digs deep to highlight the many, many, many unconstitutional issues with the bill, including some I had missed on my earlier readings. For example, I didn't realize that the bill creates a new "Antitrust Violator Vendor List" but then makes it so it **only can apply to social media companies** (that don't own a theme park).

Section 3 is another example of the Act's irrational targeting of a select, disfavored group of online businesses. Although federal antitrust laws—and Florida's counterpart statutes—apply across different industries, Section 3 irrationally singles out only the defined "social media platforms" for disfavored treatment because of their role in hosting and moderating online content. Id. Section 3 establishes an "Antitrust Violator Vendor List" of companies and individuals subject to an absolute contracting bar with the State of Florida. Id. (adding § 287.137(3)(b)). These persons and affiliates are also prohibited from receiving "economic incentives" such as "state grants, cash grants, tax exemptions, tax refunds, tax credits, state funds, and other state incentives" under Florida law...

The Antitrust Violator Vendor List may include those merely "accused of" violations by the Florida "Attorney General," "a state attorney," or federal authorities (subject to a cumbersome and inadequate process for contesting the Attorney General's decision before a state administrative law judge). The Act empowers the Florida Attorney General to place an accused company "temporarily" on the Antitrust Violator Vendor List upon a finding of mere "probable cause that a person has likely violated the underlying antitrust laws." Id. (adding § 287.137(3)(d)(1)). The absolute state contracting bar extends to an ill-defined group of officers, directors, shareholders, and even employees involved in "management" of a company placed on the List, as well as a broad group of "affiliates" of companies that are permanently placed on the List.

Given the long list of cases that have established that allowing government officials to punish companies based on their speech is a 1st Amendment violation, this clause alone seems highly suspect. As the complaint later notes:

The Act is a smorgasbord of constitutional violations.

In the end, the main claims are saying that the bill violates both the 1st and 5th Amendment (and by association the 14th Amendment, which is what establishes that state governments are as bound to the Constitution's limitations as the federal government is). The 5th Amendment claims have to do with due process:

The Act violates due process because it fails to provide fair warning of what conduct is being regulated. FCC v. Fox Television Stations, Inc., 567

U.S. 239 (2012). A law is unconstitutionally vague when people “of common intelligence must necessarily guess at its meaning,” Connally v. Gen. Constr. Co., 269 U.S. 385, 391 (1926), or where the law lacks definite and explicit standards thereby encouraging “arbitrary and discriminatory” application, Kolender v. Lawson, 461 U.S. 352 (1983).

There's also an expected Commerce Clause claim, basically saying that this is an issue that only the federal government *can* regulate, since it's regarding interstate commerce. And, finally, a claim that this pre-empted under both the Supremacy Clause and Section 230 itself, which has always been clear that it pre-empts any state attempt at regulating content moderation.

It's a good, strong complaint, and if these organizations can get over the standing hurdle, it seems to have a strong chance of success. And that's because of just how blatant the unconstitutional aspects of the bill truly are. Of course, DeSantis and others in the Florida government were warned of all this before, and they now need to throw a ton of taxpayer money at defending their own unconstitutional culture war. And, somewhat ridiculously, many of DeSantis' biggest fans will simply love the fact that he's wasting their money this way.

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US Postal Service's Social Media Surveillance Program Uses Clearview's Facial Recognition Tech

from the *bad-idea-with-even-worse-execution* dept

by Tim Cushing - May 27th @ 10:44am

Late last month, it was discovered the United States Postal Service was operating a [social media surveillance program](#). The "why" of this was never explained. Apparently, the USPS has time and money to blow, so it has something called an "Internet Covert Operations Program" (iCOP) which it uses to investigate crimes that definitely are not of a postal nature.

According to the two-page bulletin [first reported on by Yahoo News](#), iCOP was trawling social media looking for "threats." And the "threats" observed in the report shared with the DHS and its many, many ([mostly useless](#)) "Fusion Centers" was that the threats weren't credible.

Great, I guess, but why is the Postal Service surveilling communications that aren't being sent through the mail? I'm sorry if it feels a bit left out by the move to email and other electronic communication methods, but wandering around Twitter and Facebook looking for crimes seems to be both a waste of its limited resources and something that really isn't covered by the directives of the Post Office's investigative wing.

Well, there's even worse news to report. [Again, Yahoo News is on top of it.](#) It appears the iCOP program makes use of facial recognition tech. And not just any facial recognition tech. It uses the worst, most questionable offering out there at the moment.

Among the tools used by the analysts is Clearview AI, a facial recognition software that scrapes images off public websites, a practice that has raised the ire of privacy advocates. The U.S. Postal Inspection Service uses Clearview's facial recognition database of over 3 billion images "to help identify unknown targets in an investigation or locate additional social media accounts for known individuals," according to materials reviewed by Yahoo News.

What was first just confounding is now also stupidly dangerous. [Clearview's tech](#) has never been independently tested. Multiple law enforcement agencies have tried out the product and most feel it's [mostly useless](#), prone to generating false positives or just a wealth of irrelevant information.

Adding a questionable tool to a questionable surveillance program sounds exactly like the sort of thing you'd get when you ask the people in charge of the snail mail to get online. Yahoo reports other tools are in the mix as well, including software that uses keyword searches to dip into the social media firehose. And there's one that lets investigators pretend to be people they aren't while extremely online.

It also uses Nfusion, another software program, to create and maintain anonymous, untraceable email and social media accounts.

For what? So far, all we've seen is a lot of time, money, and wtf-ness produce a determination that some threats weren't actually threats. That doesn't exactly build confidence in a surveillance program no one outside of the federal government believes the USPS should be engaged in.

Yahoo's report notes the program dates back to 2018, when the USPS got more involved in tracking criminal activity on the dark web. It apparently expanded its purview to the regular web. According to a USPS statement, surveilling social media platforms and users is essential to protecting postal workers from dangerous situations and threats. But there's no evidence this program has ever accomplished that goal. All it appears to have accomplished at this point is the surveillance.

And that surveillance is being used unwisely.

Beginning last spring, [following the death of George Floyd](#), iCOP analysts began monitoring social media to track potential violence at racial justice protests. After the Jan. 6 riot at the Capitol by Trump supporters, the analysts turned their attention to right-wing accounts,

according to documents, including an intelligence bulletin previously obtained and published by Yahoo News.

There's your First Amendment concerns. I'm sure the USPS expected its covert surveillance operations to remain covert and it would never have to address this publicly. But the program is now public knowledge and the USPS needs a better explanation than "we're just being careful." Any number of federal and local law enforcement agencies engage in the same surveillance. We may not like that, but at least they've got some jurisdiction and justification for doing so. Erecting an NSA-lite in USPS data centers makes zero sense when you're the entity in charge of handling physical mail.

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Daily Deal: The 2021 Complete Computer Science Training Bundle

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

by Daily Deal - May 27th @ 10:39am

The [2021 Complete Computer Science Training Bundle](#) has 9 courses to help you build your IT and computer science skills. Courses cover Python, Linux, TensorFlow, Discrete Math, and more. It's on sale for \$20.

source: [imgur.com](#)

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Senator Chris Coons Says No One Who Has Ever Criticized Intellectual Property Can Head The Patent Office

from the *and-biden-agrees* dept

by Mike Masnick - May 27th @ 9:35am

There had been some talk that we might, once again, get someone to head the Patent Office who actually understood and appreciated the many trade-offs associated with monopoly rights around inventions. But apparently that's not happening. There's an article in The American Prospect saying that Senator Chris Coons -- one of the more

maximalist of the copyright and patent maximalists in Congress -- has [secured some sort of ridiculous deal with the Biden administration](#) that no one who has ever criticized patents will be allowed to run the US Patent & Trademark Office.

Patents have not historically animated sustained intraparty fights that spill out [into headlines](#). But Coons's pro-IP, pro-patent stance, and his long friendship with the president, has elevated the issue, and turned the selection of the next director of the U.S. Patent and Trademark Office (USPTO) into a flashpoint. Coons has been aggressive in working with the White House to secure a director who shares his viewpoints, and his top candidates have represented patent owners as lawyers or trade group leaders. According to sources on Capitol Hill and from outside groups, Coons has claimed that he was granted the power to make the USPTO choice in exchange for staying in the Senate. Coons had been seen as a potential pick for secretary of state.

Other members of Congress, including Sen. Patrick Leahy (D-VT), chair of the [Senate Judiciary Subcommittee on Intellectual Property](#), have stressed in their conversations with the White House the need to balance the patent system to prevent abuse. Advocates have also [asked the White House](#) to "overrule efforts" by Coons and his allies to put forward a USPTO director nominee who is "aligned with the pharmaceutical industry or other intellectual property maximalists."

First, it's not surprising that Biden would go along with this. While Biden doesn't have much of a track record of interest on patent issues, he was reliably one of the most maximalist Senators on the copyright front -- so it's not surprising that he'd be amenable to such a deal, even as many others in his party recognize the problems with such an approach.

The title of the article is somewhat ridiculous: "Chris Coons Working to Install Business-Friendly Candidate for Key Patent Position." Being "pro-patent" is not "pro-business." Patents and patent trolls are quite frequently anti-business. They are anti-competitive, and frequently anti-innovation -- being used to stop, block, and suppress the companies who actually make stuff (or make stuff better). It's not pro-business to be pro-patent. It's pro-monopoly, and pro-patent lawyer.

And here, it gets even more insane. The article notes that Coons, along with Senator Mazie Hirono, sent a [truly ridiculous letter](#) to President Biden and VP Harris, saying that no one who has criticized patents should be allowed to be the USPTO director.

... the USPTO Director serves as one of our leading ambassadors for intellectual property and innovation. A history of criticizing or weakening American intellectual property rights will undermine his or her ability to advocate for strong protections and enforcement

mechanisms with our trade partners.

That's just ridiculous. Only installing someone who has never criticized the patent system means installing a foolish, ignorant person who refuses to recognize the various trade-offs associated with the patent system. Hell, even Coons himself is a [critic of the patent system](#). He's introduced bills to change the patent system (notably, to change them for the worse, but still, to change them).

In the letter, Coons also makes a bunch of assertions that are simply laughable to anyone even remotely familiar with the problems of over patenting, patent abuse and patent trolls:

... the USPTO Director should understand that clear, predictable, and enforceable intellectual property protections drive economic growth, foster entrepreneurship, create jobs, and improve our quality of life. Our intellectual property systems have long enjoyed a reputation as the international gold standard, and this has allowed the United States to leverage the incredible talents of our people to lead the world in technology and creative enterprise. The USPTO Director must ensure that risk takers can access the research and development investments necessary to challenge incumbent players, bring disruptive technologies to market, and win the global race to develop the next generation of personalized medicine, clean energy technology, quantum computing, wireless communications protocols, and artificial intelligence.

Anyone who thinks that patents are what is necessary to drive *any* of those industries has no idea what they're talking about. Patents and patent trolls **threaten** the innovation in those industries.

Of course, some of this may be in Coons' background. His one private sector job was as in-house counsel for W.L. Gore, makers of GoreTex (I'm sure it's a total coincidence that Coons' [stepfather founded the company](#)). That company [holds a bunch of patents](#) and has been involved in a series of patent fights. And Coons apparently [still owns millions of dollars in stock](#) from the company.

Of course, many of those fights seems to involve accusations that W.L. Gore infringed on the patents of others -- including one somewhat infamous case that [literally was over four decades in the making](#) and which [did not end well](#) for Gore. Given that experience alone, you might think that Coons would recognize that patents are a two-edged sword. And even if you support them in some circumstances, they clearly can be used as a blunt weapon against innovation and product development, and as a costly attack on innovative companies.

Separately, of course, there's the issue that Coons represents Delaware -- and while the Texas courts have become famous as patent troll breeding grounds, lots of folks

know that [Delaware courts also are favored by patent trolls](#).

The second most common venue for nonpracticing entity litigation is Delaware: It alone sees as many cases as the next six most popular venues combined — over 20% of cases overall. And as we've computed using data from RPX, non-practicing entities' Delaware patent suits end with loss or dismissal only 8% of the time, a scant difference from the 4% rate in Marshall.

Either way, it's unfortunate that his view on patents seems so skewed and so dangerous -- and that he was apparently able to cut some sort of deal with the Biden administration on who should run the USPTO. An ideal leader should be one who recognizes the competing interests with patents, not someone who slavishly praises patents, even the parts that are so problematic.

The Prospect article also floats some names that Coons has been suggesting -- and they include literal patent trolls and patent troll lobbyists. Which is... not a good look at all. And that he has apparently tried to shoot down two candidates who would be excellent: Colleen Chien of Santa Clara University Law School and Arti Rai of Duke University. Both have done lots of research and have written important papers on the patent system, while noting some of the problems with them. But, perhaps for those reasons, Coons is trying to block them from being appointed and make sure a patent troll or, at least, a patent troll friendly lawyer gets put in place instead.

That all of this is happening against the backdrop of a pandemic -- let alone one where the overuse of patents to block vaccines and treatments has been a major concern -- makes you wonder: is Coons truly interested in what's best for American innovation... or what's best for his W.L. Gore stock?

[35 Comments »](#)

Verizon Forces Users On To More Expensive Broadband Plans Just To Get \$50 Covid Subsidy

from the *not-helping* dept

by Karl Bode - May 27th @ 5:33am

As part of a recent COVID bill, the government recently announced that folks struggling economically during COVID would be getting some temporary help. Under the EBB (Emergency broadband Benefit program), U.S. consumers can nab a \$50 discount off their broadband bill, or \$75 if you live in tribal areas. The program ends when its \$3.2 billion in federal funding expires, or six months after the government has declared an end to the pandemic.

It's a useful but temporary band aid, and doesn't really do much to address the

regional monopolization and lack of competition that makes US broadband so perennially mediocre in the first place. Nor does it address the fact the Trump FCC [gutted its own consumer protection authority](#) because a bunch of telecom monopolies asked them to, using [completely bogus justifications](#).

Under the program, the money is first given to your broadband provider, which is then in charge of ensuring you get the discount. But given these companies' track record of [dodgy behavior](#), it obviously didn't take long for US telecoms to misbehave. Enter Verizon, which is using the program as an opportunity to upsell customers to more expensive plans. Users contacting Verizon to sign up were told the program didn't apply to their existing plans, and in order to get the discount they'd need to sign up for more expensive service. The Washington Post [politely points out](#) this is rather sleazy:

"Verizon elicited the most ire from readers. It requires customers to call a phone line to register for the EBB, rather than just signing up online. And when you do, Verizon told some customers the EBB can't be used on "old" data plans, so they'd have to switch. That might be allowed by the letter of the law but certainly isn't the spirit of the program."

Granted this is the same company that tried to [upsell California firefighters](#) to more costly plans when their data allotment ran out during an historic wildfire, so this shouldn't be too surprising. In short, knowing the subsidy was temporary, Verizon nudged users to more expensive plans so they'd see a revenue boost when the plan ended. U.S. regulators at the FCC didn't do a thing. Fortunately Verizon reversed course after the Post story began circulating online:

"On Wednesday, two days after I initially published this column, Verizon reversed course and said it would accept old plans. "We heard from some customers that they prefer to stay on the legacy plans they have," it wrote in a blog post. "Moving forward, we will offer customers on legacy Fios plans (no longer in market today) the ability to enroll in EBB."

A few other companies have taken to using [misleading websites](#) to trick users into thinking they're enrolling in the government's official program (the real website for which is [here](#)).

Needless to say the press shouldn't always be the last line of defense against Americans getting ripped off, especially considering the increasingly tenuous financial situation the press finds itself in. You also wouldn't need a COVID discount program in the first place if the U.S. hadn't spent the last twenty years [coddling regional monopolies](#), resulting in some of the most expensive prices in the developed world for broadband.

8 Comments »

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Stories from Thursday,
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Twitch Manages To Get Out Some 'Disappointment' With Music Industry Over Latest Round Of DMCA Claims

from the *oooooh-disappointment!* dept

by Timothy Geigner - June 3rd @ 8:08pm

The saga that has been Twitch's last six or so months is long and somewhat varied, so you should go read up on our [historical coverage](#) if you're not familiar with it, but we need to at least preface this post with the origins of how Twitch's bad time began. What has been a tumultuous several months began when it absolutely freaked out over a [flood](#) of DMCA takedown notices it received, mostly from the music industry. In response to that, and without warning to its creative community, Twitch nuked a bunch of content from the platform, mostly [ignored](#) the outcry from its creators, and did [very little](#) to put anything in place that would keep such a disastrous situation from happening again.

So of course it happened again. Twitch recently sent out an email that it had [received](#) roughly [1,000 additional DMCA takedown notices](#), almost all of them again over music playing in the background of recorded Twitch videos.

Said Twitch in its email on Friday: "We are committed to being more transparent with you about DMCA. We recently received a batch of DMCA take down notifications with about 1,000 individual claims from music publishers.

"All of the claims are for the VODs and the vast majority target streamers listening to background music while playing video games or IRL streaming. Based on the number of claims we believe these rights

holders used automated tools to scan and identify copyrighted music in creators VODs and clips, which means that they will likely send further notices."

Of course they will. Twitch invited them to when it showed itself to be a willing partner in treating Twitch creators like a testing ground for DMCA cluster bombs. There are platforms out there that manage to both treat DMCA requests seriously and also provide some protection, or at least communication, to its users. A few tools for creators aside, Twitch's inaction on behalf of its creative community amounted essentially to greenlighting ever more DMCA takedowns from the music industry. Any surprise at that by the Amazon-owned company is laughable.

But this neutered, throwaway line from that same email is simply maddening.

"This is our first such contact from the music publishing industry (there can be several owners for a single piece of music) and we are disappointed that they decided to send takedowns when we were willing and ready to speak to them about solutions."

As the old saying goes, be disappointed at the music industry's aggressive copyright enforcement in one hand and spit in the other and see which fills up faster. There is no substance to this disappointment. *Of course* the music industry has gone kazoo filing DMCA notices at Twitch. Twitch has made it clear its on *their side*, even making it [easier than before](#) to file these notices.

The real disappointment here is that Twitch, and by extension Amazon, has so wildly left its creative community out to dry when it comes to copyright enforcement and DMCA takedowns. It's simply not doing enough.

[10 Comments »](#)

Man Sues After Field Drug Test Says His Daughter's Ashes Are Meth And Ecstasy

from the *if-prosecutors-have-any-shame-at-all,-they'll-start-tossing-some-convictions* dept

by Tim Cushing - June 3rd @ 3:44pm

Cops like cheap [field drug tests](#). They don't like them because they're accurate. They like them because they're cheap. And since you get what you pay for, they're way cheaper (in the long run) then sending for a [drug dog](#).

Field drug tests are probable cause [at \\$2 a pop](#). They're even more unreliable than drug dogs when it comes to correctly identifying drugs. That's why some prosecutors -- the nominal best friends of law enforcement -- are [refusing to accept plea deals](#) for

drug charges stemming solely from field drug tests.

Field drug tests have said [donut crumbs](#), [cotton candy](#), and [honey](#) are methamphetamines. They've said [bird poop](#) on a car's hood (!!) and [bog standard aspirin](#) are cocaine. Whatever a cop imagines to be drugs can usually be "confirmed" by the test kits they carry with them. Once the vial says it's drugs, the cops are free to search, seize, and arrest.

Cops don't need to be this wrong about drugs. But there's no penalty for being this wrong. So, it continues. Prosecutors may have to drop a few cases when the drug lab says the supposed drugs aren't actual drugs, but plea deals tend to go into place before labs get around to testing the evidence. And that's if the evidence even makes its way to a lab. Cops aren't the best at paperwork, which is convenient when it's their word against yours. Even if a cop gets sued for turning non-contraband into contraband and drug charges, they're usually indemnified by the city they work for or granted qualified immunity for relying on what they thought was actual science.

And, because no one seems too interested in ending the reliance on unreliable drug tests, [this is the sort of travesty we've come to expect](#).

Newschannel 20 and FOX Illinois obtained new body camera video of the incident sparking Dartavius Barnes to sue the City of Springfield.

In the suit, Barnes claims his vehicle was unlawfully searched on April 6, 2020 when he was pulled over near Laurel and 16th Streets in Springfield.

He says officers placed him in handcuffs while they searched his vehicle without consent, valid warrant, or probable cause.

During the search, Barnes says officers took a sealed urn of his daughter's ashes, unsealed it, opened it without consent, and spilled out the ashes.

If you think that's terrible, just wait for the backstory. Barnes' daughter Ta'Naja Jones was only two when she died. And she may have been killed. The girl's mother and her current boyfriend were both arrested on murder charges.

The ultimate insult to Ta'Naja Jones and her father happened here. Ta'Naja Jones' final resting place wasn't in the urn Barnes kept in his car. It was in a field drug test that officers performed because they just couldn't bring themselves to believe it might be the last remains of a loved one.

According to law enforcement's favorite faulty test equipment, the ashes of Ta'Naja Jones were possibly ecstasy. And that conclusion was reached after the ashes failed to test positive for cocaine.

An officer presented the officer whose body camera was rolling with a

narcotics test kit.

"I checked for cocaine, but it looks like it's probably molly," the officer said.

"X pills," the other added, citing the street name for ecstasy.

In the end, the cops decided the ashes were a combination of meth and ecstasy because that's how drug users carry their drugs: all mixed together in a single container. What even the fuck.

Field drug tests allow cops to work backwards from their conclusions. If it doesn't test positive for one drug, it's probably some other drug. And if it doesn't test positive for anything, it might still be drugs because sometimes drugs are carried in containers. "Based on training and experience" and all of that horseshit. The stuff that says criminals sometimes act like normal non-criminals. And if criminals act like non-criminals on a regular basis, [every non-criminal is guilty](#) until proven otherwise.

Barnes has [sued](#) [PDF]. It's a short lawsuit and it looks like it will be an uphill battle to win. Barnes admitted to having marijuana in the car and apparently consented to a search. The end result was this horrendous violation of his daughter's remains, but everything up to that point was "reasonable" enough (utilizing the courts' definition of this word rather than the definition citizens use) that it will be hard to prove the officers crossed Constitutional boundaries.

The problem here is the field drug tests and the officers believing they can actually positively identify drugs with them. They were "reasonable" to rely on the drug test results because everyone who benefits from the use of faulty tests told them the tests were reliable, even when they're obviously not. If a child's ashes are not just one, but two different illegal substances, anything can be anything whenever a cop wants it to be something.

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Now That Amazon Has Bought MGM, Will It Turn Against The Internet?

from the *hopefully-not* dept

by Mike Masnick - June 3rd @ 1:43pm

As you may have heard, Amazon recently reached a deal to [buy MGM Studios for \\$8.5 billion](#), expanding its in-house content studio, which is already quite massive, given its efforts to build up its Prime Video streaming service. For a variety of reasons (notably, everything Amazon has done with Prime, as well as increasing video streaming competition from Disney, NBC Universal, Warner Media/Discovery, etc.), the deal isn't that surprising.

I do wonder, however, if this deal brings Amazon a step closer to turning its back on the open internet. I mean, we already had Netflix [join the MPA](#) and start [overreacting to piracy](#) after being a good internet steward for many years. At this point, it seems like it may only be a matter of time until Amazon goes down that path as well -- though I'd hope they think better of it.

That said, it is notable that MGM is *not* a member of the MPA. It [somewhat famously left](#) in 2005. So maybe that helps keep Amazon on a path of actually supporting the open internet, and remembering the rest of its business (and how much it relies on an open internet). Still, watching how much the internet and the entertainment business has converged over the past decade or so suggests that we might finally get a realignment on these issues. It would be *nice* if that came with Hollywood finally recognizing the open internet is not the enemy, rather than the new tech players turning their backs on the open internet... but I'm not at all confident that's how this will play out.

[13 Comments »](#)

Corporations Are Being Forced To Take Consumer Complaints Back To Court After Arbitration Push Backfires Spectacularly

from the *the-devil-you-know* dept

by Karl Bode - June 3rd @ 12:05pm

For years, AT&T worked tirelessly to erode its customers' legal rights, using mouse print in its terms of service preventing consumers from participating in lawsuits against the company. Instead, customers were forced into binding arbitration, where arbitrators, chosen and paid by the companies under fire, unsurprisingly rule in favor of companies [more often than not](#). Initially, the lower courts derided this anti-consumer behavior for what it was, noting that however brutally flawed the class action is, binding arbitration, at least the way we let companies designed it, in many ways made things worse.

But these lower court roadblocks quickly evaporated when the Supreme Court ruled in 2011 (*Mobility v. Conception*) that what AT&T was doing was perfectly OK. While lower courts saw this as an "unconscionable" abuse of consumer rights and the law, the Supreme Court bought into the ongoing myth that binding arbitration is a hyper-efficient, modern alternative to class actions. In reality, it shifted things to a form of binding arbitration that was costly, lopsided, and cumbersome for consumers, and less transparent for those used to visiting Pacer to dig up legal histories.

Fast forward to a few years ago, when a growing number of companies and services (like Fairshake) began [streamlining the arbitration process](#), making it easier and less expensive for consumers (and yeah, class action lawyers). This shifted the balance of

power back toward consumers, and starting in 2018 or so companies like Uber, AT&T and Comcast began to complain they were being swamped with arbitration feuds. Now, a year later, even giants like Amazon are being forced to take consumer complaints back to the courtroom, in part because a system they constructed to dodge accountability is no longer helping them do that:

"With no announcement, the company recently changed its terms of service to allow customers to file lawsuits. Already, it faces at least three proposed class actions, including one brought May 18 alleging the company's Alexa-powered Echo devices recorded people without permission.

The retail giant made the change after plaintiffs' lawyers flooded Amazon with more than 75,000 individual arbitration demands on behalf of Echo users. That move triggered a bill for tens of millions of dollars in filing fees, according to lawyers involved, payable by Amazon under its own policies."

To be very clear, the existing class action system is broken as well, usually doling out relatively pathetic payouts to impacted consumers, while class action lawyers get new boats. But the premise that the binding arbitration system (at least as implemented) was somehow better, at least in the way we implemented it in the States, has never been true. If you ask lawyers that represent companies like Amazon and AT&T, the fact that folks developed new systems that shifted the balance of power ever so slightly back toward consumers and class action lawyers is seen as terribly unfair:

"It has the potential to be pretty unfair to the company," said Patrick Bannon, an employment lawyer at Seyfarth Shaw LLP who has represented clients facing mass arbitrations. The arbitration fees put intense pressure on businesses to settle, he said, "whether the claim is valid or not."

But if you ask the folks actually fighting for consumers (and not all of them are ambulance chasers), they see it as fair play:

"Companies thought they were getting out of liability altogether," by adding arbitration clauses, said Chicago lawyer Travis Lenkner, whose firm filed the majority of the Amazon claims. "Now they're seeing exactly what they bargained for, and they don't like it."

In short, corporations (beginning with AT&T) spent the better part of the last decade fighting for an arbitration system that resulted in fewer payouts, fewer successful complaints, and less overall transparency. And while happy about that initially, the

second the internet and technology shifted the balance of power in the other direction, they were eager to flee back to the devil they knew. It should be curious to see if other giants like AT&T also begin stripping binding arbitration out of their end user agreements, or if this is just a temporary setback on the path toward less accountability.

[8 Comments »](#)

How Predictive Policing Got A Chicago Man Shot Twice

from the [putting-someone-in-peril-in-the-name-of-public-safety](#) dept

by Tim Cushing - June 3rd @ 10:48am

The [Chicago Police Department](#) is already seriously awful. Its [reliance on software](#) to decide who and where to police isn't making it any better. Predictive policing is only as good as the input data, and if the data is being input by police departments with long histories of [biased policing](#), it's only going to generate algorithmic excuses for future biased policing.

Law enforcement officials call predictive policing [a game changer](#). In reality, it appears to be little more than a way to ensure some people -- due to the area they live in or the people they know -- endure endless harassment by law enforcement officers. The ideal is cities being steadily scrubbed of crime by proactive officers. The reality is officers making multiple visits a month to certain homes to [issue tickets for uncut grass](#).

And that's kind of a best case scenario, believe it or not. It can get far worse. The Chicago PD has been using predictive policing software for years and it hasn't given the department better cops or done anything to reduce the violent crime rate. But it has made people miserable. And it has made -- [at least in one case examined in depth by Matt Stroud for The Verge](#) -- one Chicago man the *target* of criminal violence.

Robert McDaniel -- who was one of the first city residents to make the PD's "heat list" back in 2013 -- isn't a violent criminal. In fact, his criminal history consists of nothing more than pot possession and illegal gambling. But he made the list because of where he lives (a Chicago neighborhood in which 10 percent of the city's murders have taken place) and who he knows. But even the cops who informed McDaniel of his presence on the "heat list" weren't sure what to do with this data.

[T]hey told McDaniel something he could hardly believe: an algorithm built by the Chicago Police Department predicted — based on his proximity to and relationships with known shooters and shooting casualties — that McDaniel would be involved in a shooting. That he would be a “party to violence,” but it wasn’t clear what side of the barrel he might be on. He could be the shooter, he might get shot. They didn’t know. But the data said he was at risk either way.

The constant, unwanted contact with Chicago PD officers ensured the latter happened. Criminals and other neighborhood residents assumed he was snitching. Officers frequently stopped by his house or hung around the bodega he worked at. A visit by filmmakers producing a documentary on predictive policing made things worse, raising even more questions about McDaniel and his relationship with the police department.

Those questions got McDaniel shot... twice.

A day or two later, while hanging out at a neighbor's house a block away from his home, McDaniel says, he got a call from someone who, he says, "was supposed to've been a friend." The friend said they were outside McDaniel's house and wanted him to come outside and explain it again — what the story was, how he'd gotten on the heat list, why people from CPD had visited his home, why he was now being documented by filmmakers.

McDaniel agreed — but as he headed back to his house, a car pulled up. A man fired multiple shots from inside the car. One hit McDaniel in the knee, and his leg gave out.

Last summer, it happened again.

Near midnight on August 13th last year, he walked into an alleyway a few hundred feet from where shooters nearly killed him years before. It was quiet, a half-block from his home. Checking text messages on his phone, he looked up to see himself ambushed. Two shooters in black, an attempted hit. A surveillance video from that night shows darkened figures walking through an alley, bursts of gunfire. A figure — McDaniel — falls into a brick wall, then slides down to the ground.

To some officers, these shootings might be viewed as proof the "heat list" works. After all, McDaniel has twice been the victim of gun violence, just like the ~~gypsy-lady~~ foretold just like the software said he would. Of course, that conclusion conveniently ignores the unending interactions with police officers that gave McDaniel the snitch reputation that got him shot.

Other officers seem a bit more cynical about the heat list's ability to actually pinpoint criminals or crime.

Mocking the opaqueness of the operation and its seeming ineffectiveness, Second City Cop, a local blog written by anonymous Chicago police officers, began referring to the heat list and its team as the "crystal ball

unit.”

The “heat list” was finally abandoned in 2019, but not before doing serious, multiple-bullet-wound damage to McDaniel and an untold amount of harm to others before being shut down. Predictive policing soldiers on, though, but it appears the PD is no longer sending officers to harass people simply because they have an increased chance of being a victim of a violent crime.

And the program’s end doesn’t do anything for McDaniel. People in his neighborhood still apparently believe he’s a snitch. The cops may stop by less frequently now that he’s no longer interesting, but they kept at it long enough to turn this offshoot of predictive policing into a self-fulfilling prophecy.

[16 Comments »](#)

Daily Deal: The 2021 Complete All-in-One Adobe Creative Cloud Suite Course Bundle

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

by Daily Deal - June 3rd @ 10:43am

The [2021 Complete All-in-One Adobe Creative Cloud Suite Course Bundle](#) has 12 courses designed to teach you about video editing, animations, photography, design, and more. Courses cover popular Adobe products like Lightroom, After Effects, Photoshop, and Adobe XD. The bundle is on sale for \$20.

source: [imgur.com](#)

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Chia Cryptocurrency, Started By BitTorrent Creator Bram Cohen, Engaging In Obnoxiously Bogus Trademark Bullying

from the *not-how-it's-done* dept

by Mike Masnick - June 3rd @ 9:34am

It seems these days you can’t mention *anything* to do with cryptocurrency without someone jumping in and insisting that cryptocurrency is a disaster for the

environment. There are differing opinions on all of this, but a few years ago, BitTorrent creator Bram Cohen set out to build a more "eco friendly" cryptocurrency called Chia. The basic idea was that, rather than using a proof-of-work system -- which involves using up a ridiculous amount of computing power, it would use a proof-of-space system, looking at [how much hard drive space](#) you're allocating. After many years of development, Chiacoin finally launched a few weeks ago. And, to pretty much prove the old axiom that there's no such thing as a free lunch, while it may not be directly wasting CPU cycles, it's impacted the world differently: [by destroying the global hard disc supply chain](#), driving prices for hard disks [through the roof](#) -- leading people to point out that even if it's not wasting electricity like Bitcoin, it [may be wasting hard drives](#). Some may challenge the question of whether or not this is wasteful (those hard drives are doing something...) but there are multiple reports of running Chia on SSDs is [wearing them out](#) in ridiculously short periods of time -- even to the point that some SSD makers are saying that using their hard drives for Chia will [void the warranty](#). Yikes!

All that said, this post is not so much about Chia's setup or its impact on the global supply chain for hard drives. It's about trademark bullying. You'd think that a company started by Bram Cohen -- someone all too frequently [falsely accused](#) of being responsible for music and video piracy from his BitTorrent days -- would be *extra* sensitive to coming across as an "IP bully" of any sort. And this is true of some of the other folks who work on Chia -- some of whom I know are Techdirt regulars.

But, for whatever reason, Chia Networks has decided to be an obnoxious trademark bully. Chris Dupres, another Techdirt regular, started a blog to cover news about Chia Networks and ChiaCoin called [The Chia Plot](#). It's got a bunch of interesting articles about what's been happening on the Chia front.

And apparently the folks at Chia decided to threaten him with legal action.

Last week, "the head of IP for the Chia Network," Belle Borovik (who appears to be a recent law school grad), sent Chia [a legal nastygram](#), insisting that the site violated Chia's trademark. Admittedly, the letter was at least *somewhat* friendlier than your typical cease and desist or threat letter. It thanked Chris for educating the public about Chia, and asked him to get a license to use the Chia name, which it offered up on a "royalty free" basis.

Chris,

I write to you on behalf of the Chia Network Inc. First and foremost, allow me to thank you for your efforts in educating and expanding the Chia community through your blog and discussions. We support open discourse and free exchange of information.

Still, it is important to Chia Network to protect its trademarks. Unauthorized use of Chia Network's registered CHIA mark, or its logos exposes community members to potential scammers, misleading and

confusing them. Therefore, it is essential that all users of the CHIA marks, logos, or the Chia Network name obtain a royalty free permission to use the CHIA marks. Simply put, you may not continue using the CHIA mark in your domain name, or anywhere, without securing a written permission from Chia Network.

We must ask you to contact us immediately, and no later than May 28, 2021 by replying to this email, so that we may resolve this matter amicably, and you are able to continue to strengthen the community we all care about.

Except, that's not how any of this works. There is a very, very, very long line of cases, going back years, that say that websites **about** a trademarked brand, **do not infringe on the trademark** if they use the trademark in their URLs. Chris basically told them to pound sand, but did say he would clarify in his site's tagline that it was "an unofficial site." He also posted the legal threat and his response to his site.

And then, the Chia folks took away the "nicer" part of their threats, and... incredibly... **became even more obnoxiously threatening and censorial**. Beyond insisting that his changes were not enough and continuing to add to the false claims of trademark infringement, it also **accused him of violating the GDPR** by posting Belle Borovik's name in association with the letter that Belle Borovik sent to Chris. I only wish I were joking.

Dear Mr. Dupres,

It has come to our attention that your EU-registered website has recently engaged in a series of privacy violations under the General Data Protection Regulation Act (the "GDPR") involving a Chia Network employee. To date, you have revealed our employee's personal data, including their Name and Location, and aided in doxing behaviors of others directed toward this individual through your blog.

Despite this unbecoming behavior, you have reached out to us with the following inquiry regarding permissions to use the CHIA marks on your website:

I have added "unofficial" to the tag line of my blog to ensure that there is no confusion. Can you please confirm that this acceptable and that we are able to move on from here?

Unfortunately, adding the word "unofficial" is not enough to obviate the likelihood of confusion. Moreover, Chia Network cannot support violations of privacy laws, and cannot condone behaviors that target or

endanger any member of the Chia community. This is precisely the reason for Chia Network's vigilance in enforcing its trademark rights; the Chia Network guidelines make it easy for the community to remain connected, while maintaining a respectful and professional relationship with each other.

That said, Chia Network stands by its mission to support the Chia community, and is still willing to consider a relationship with your blog. Understandably, this can only happen if you remove all Protected Personal Information ("PPI"), including the doxing comments or references to any Chia Network employee, whether made by you or by others via your platform.

Once you have removed the doxing and PPI content from your platform, we can "move on from" there, with you obtaining a free license from Chia Network.

*Sincerely,
The Chia Network Legal Team*

That's uh, not how any of this works again. Chris again responded, pointing out how crazy this was, noting correctly that publishing the name of an employee who sends a threat letter is not a privacy violation (and noting that the site is registered in Canada anyway, and not the EU). Out of unnecessary courtesy, he still removed Borovik's name.

The latest is that Public Citizen Litigation Group's Paul Levy has stepped up to [provide an official response from Chris to Chia Networks](#). And, if you're a long time reader of Techdirt, by now you should know that you basically never want to be on the receiving end of a [Paul Levy letter](#). The letter is, in typical Levy fashion, worth reading. I was going to post just a snippet, but the whole thing is too good not to share:

Dear Ms. Borovik:

I write in response to your demands to Chris Dupres, contending that he has violated the trademark laws by using "The Chia Plot" as the name of his new web site about your company and by registering the domain name www.thechiaplot.net to be used as the internet address for the site. You contend that he needs your permission to use these names, that he needs to apply to you for a royalty-free license, and that, if he wants to resolve this situation on an amicable basis, he needs to submit his request to you immediately.

Dupres is not going to comply with your demand. Your company has no right to give (or withhold) approval for any and all uses of its unregistered trademark on web sites that discuss your company. What's more it is unreasonable for you to expect a journalist to ask for

permission to use the company's name to talk about the company. Your attempt to condition his use of the name on his agreement to delete certain information from the site shows why no self-respecting journalist would give in to such a demand. See WCVB-TV v. Boston Athletic Association, 926 F.2d 42 (1st Cir. 1991).

Your assumption that Chia Network has a right to forbid use of its mark to denominate a web site as being about the company, or to demand the right to give or withhold such permission, is belied by longstanding precedent, set by series of cases decided by the federal courts more than ten years ago. Given the fact that your company is located in San Francisco, the decisions in Bosley Medical v. Kremer, 405 F.3d 672 (9th Cir. 2005), and Nissan Motor Co v. Nissan Computer Co., 378 F.3d 1002 (9th Cir. 2004), are the most telling: Both cases squarely preclude the use of trademark law to stop Dupres's use of a web site posted at a domain name that uses your trademark as a site for non-commercial commentary about your company. Several cases in other circuits protect the right to use a domain name in the form www.trademark.com for a web site about the trademark holder against a variety of trademark claims. Utah Lighthouse Ministry v. Foundation for Apologetic Information and Research, 527 F.3d 1045 (10 Cir. 2008); Lamparello v. Falwell, 420 F.3d 309 (4th Cir. 2005); TMI v. Maxwell, 368 F.3d 433, 436-438 (5th Cir. 2004); Lucas Nursery and Landscaping Inc. v. Grosse, 359 F.3d 806 (6th Cir. 2004); Taubman v. WebFeats 319 F.3d 770 (6th Cir. 2003).

Trademark law aside, the First Amendment protects Dupres's right to use your company's name to denominate, accurately, the subject of this web site. Any effort that your company made to invoke trademark law as a reason to shut down his site, or to alter its name, would be an invocation of government power that would be subject to First Amendment scrutiny and would violate the First Amendment.

You suggest that you believe that some of your customers might be confused by the name or domain name of the web site into believing that the site is sponsored by your clients. Just how gullible do you expect your potential customers to be? I daresay that even the proverbial moron in a hurry would recognize, immediately upon visiting The Chia Plot, that it is a web site devoted to journalism about your company rather than being sponsored by your company. Dupres's site expressly states that it is not affiliated with your company, indeed, it proclaims its independence.

Moreover, Dupres has helpfully provided viewers of his site with a prominent hyperlink to your site just as, for example, did the Shops at Willow Bend site at issue in Taubman, the web site attacking Bosley Medical Group at issue in Kremer, and the site condemning Jerry Falwell's

homophobia at issue in Lamparello. As a result even if Internet users mistakenly looking for your company, rather than looking for information about your company, wandered onto The Chia Plot by name-guessing, they would be quickly disabused of any notion that the site belongs to or has the approval of your company. As this very letter is propagated around the Internet, readers will gain further information dissociating Dupres's news site from your own commercial site.

Finally, I note that one of your demand emails included the preposterous contention that Dupres violated European privacy rules by identifying you as the person who sent the demand email. Although Dupres took your name off his site as a friendly gesture, you have persisted in pursuing trademark claims that have no legal basis. Accordingly, your name will likely appear in stories written about your claims.

I am giving you until June 9 to retract your demand that Dupres stop using the word "chia" in the domain name for his web site and in the title of the site. Dupres is not willing to keep operating his web site subject to the threat of a claim for trademark damages. Consequently, failing a prompt retraction, a request for waiver of service could well be the next communication you receive on this topic

Whatever you might think of Chia as a cryptocurrency, it's silly legal threats -- both about trademark and (even more ridiculously) about the GDPR -- seem to raise questions about what the hell is going on over there...

[Read More](#) | [18 Comments](#) »

Stanford Federalist Society Tries To 'Cancel' Law Student For Satirical Email About Josh Hawley

from the ~~free-speech-except-when-our-feels-are-hurt~~ dept

by Mike Masnick - June 3rd @ 6:23am

Update: Perhaps due to all of the negative publicity this received, Stanford agreed to [drop the investigation](#), and allow Wallace to go on with graduating. The original story remains below.

Ah, the Federalist Society. It makes a big deal about how "cancel culture" is supposedly a ["threat to liberty"](#) but apparently that doesn't apply when someone makes fun of *them*. Nicholas Wallace is a 3rd year law student at Stanford Law, and a few weeks after the January 6th insurrection at the Capitol, Wallace decided to highlight that some prominent FedSoc members who were seen to have cheered on the riot at the Capitol. So he created [an obviously satirical email](#) mocking the Federalist Society and

the types of events it normally holds and sent it to a Stanford Law listserv. In this case, Wallace made an invite for a fake FedSoc event, parodying standard FedSoc events, entitled: "The Originalist Case for Inciting Insurrection" and claimed that the main speakers at the event would be [insurrectionist fist bumper](#) Senator Josh Hawley and [still under indictment for felony fraud](#) Texas Attorney General, Ken Paxton.

The invite goes on to note:

Violent insurrection, also known as doing a coup, is a classical system of installing a government. Although widely believed to conflict in every way with the rule of law, violent insurrection can be an effective approach to upholding the principle of limited government. Senator Hawley will argue that the ends justify the means. Attorney General Paxton will explain that when the Supreme Court refuses to exercise its Article III authority to overturn the results of a free and fair election, calling on a violent mob to storm the Capitol represents an appropriate alternative remedy.

I mean, it may not be the funniest bit of satire ever, but it's pretty clearly satire. But the good old Stanford chapter of the Federalist Society [completely flipped out about it](#). The organization filed [an actual complaint with Stanford Law](#). The complaint itself speaks *extremely* poorly to whatever it is they're teaching future lawyers at Stanford Law these days.

On January 25, 2021, at 8:38 a.m., Nicholas Wallace sent an email to Stanford Law School's "Law Talk" email list-serv, where he impersonated the Stanford Federalist Society, a student group, through a false event flyer and attributed false and defamatory beliefs to persons he listed on the event flyer.

Do they not teach Stanford Law students how defamation works these days? Do they not teach what satire is? Or how the 1st Amendment works? I mean, you can just hear the whiny petulance of students who feel they should never ever be mocked.

Wallace defamed the student group, its officers, Senator Josh Hawley, and Texas Attorney General Ken Paxton. Wallace, impersonating the Stanford Federalist Society, wrote on the flyer that "Riot information will be emailed the morning of the event," insinuating that the student group was encouraging and hosting a riot. He also wrote that Attorney General Paxton advocates for "overturn[ing] the results of a free and fair election" by "calling on a violent mob to storm the Capitol." And he wrote that Senator Hawley believes that violent insurrections are justified.

That's not how defamation works, guys. The complaint whines that many people believed the event was real, which seems to say a hell of a lot more about the kinds of events the Federalist Society normally puts on, than on anything Wallace did.

However, in the last few weeks, Stanford Law school has somehow decided to treat this obviously bad faith whining about an obvious satire as a legitimate complaint and has put Wallace's graduation in doubt, just to appease the censorial crybabies of the Stanford Federalist Society:

After the Federalist Society officer confirmed to Stanford administrators on May 22 that he wanted to proceed with his complaint, Stanford initiated an investigation into Wallace and put a hold on his diploma two weeks before his law school graduation. If the hold is not released, Wallace will not receive his degree as planned on June 12.

"The timing of all of this could not be worse," said Wallace. "Instead of focusing on my finals and celebrating graduation with my classmates, I am navigating a confusing judicial process and trying to convince Stanford to lift the hold on my degree."

As the link above notes, the organization FIRE, which protects free speech on campus, is calling on Stanford to drop this silly investigation, let Wallace graduate, and not to give in to this obviously bad faith attempt to punish someone for some light mockery.

[Read More](#) | [26 Comments](#) »

Supreme Court Says The Community Caretaking Exception Doesn't Apply To Warrantless Searches Of People's Homes

from the *rolling-back-a-blown-call* dept

by Tim Cushing - June 3rd @ 3:20am

The Supreme Court has been on a bit of roll lately. After years of [making things worse](#) for plaintiffs suing law enforcement officers over rights violations, the Supreme Court has [begun reversing](#) qualified immunity decisions [finding in favor](#) of the rights violators. It still has a lot of damage to undo from its decades of expansion of the qualified immunity doctrine but it's a start.

A new, very short [decision](#) [PDF] from the Supreme Court reverses another blown call by an appellate court and restores some Fourth Amendment protections that decision stripped away.

In [March of last year](#), the First Circuit Court of Appeals decided to do something a little different: it extended the limits of the poorly defined "community caretaker"

function to cover warrantless searches and seizures that involved someone's home. The decision it relied on -- *Cady v. Dombrowski* (1973) -- previously only covered vehicles already in law enforcement possession or on public roads.

In that case, a man's wife called for a welfare check on her husband. The previous night, her husband had asked her to "shoot him now and get it over with." She left and he stayed in the house with the gun. When she couldn't reach him by phone the next day, she asked the police to check in with him.

The police spoke to the man and expressed his wife's concerns. They then went to his house. He voluntarily departed via an ambulance to check in at the local hospital to see what help they could be in dealing with the mental breakdown he seemed to be experiencing. The officers took it upon themselves to enter the home and seize any guns they found. They did this despite the man (now hospitalized and posing no threat to anyone) expressly refusing to consent to this seizure.

Too bad, said the First Circuit. The home is now a car and "community caretaking" function excuses the lack of warrant or express permission to take personal property.

We hold today – as a matter of first impression in this circuit – that this measure of protection extends to police officers performing community caretaking functions on private premises (including homes). Based on this holding and on our other conclusions, we affirm the district court's entry of summary judgment for the defendants in this highly charged case.

Wrong, says the Supreme Court, in a four-page opinion written by Clarence Thomas (and joined by three concurrences). The First Circuit had no business extending the reach of the *Cady* decision into someone's home -- especially when it was clear there was no community caretaking to be done.

The First Circuit's "community caretaking" rule... goes beyond anything this Court has recognized. The decision below assumed that respondents lacked a warrant or consent, and it expressly disclaimed the possibility that they were reacting to a crime. The court also declined to consider whether any recognized exigent circumstances were present because respondents had forfeited the point.

Nor did it find that respondents' actions were akin to what a private citizen might have had authority to do if petitioner's wife had approached a neighbor for assistance instead of the police.

This case isn't *Cady* but for houses. There were some crucial differences, the most important being who was in control of the property that was searched.

True, Cady also involved a warrantless search for a firearm. But the location of that search was an impounded vehicle—not a home—“a constitutional difference” that the opinion repeatedly stressed.

And that decision even went so far as to inform law enforcement that they weren't exactly welcome to warrantless searches of cars either, even with the community caretaking function in play.

In fact, Cady expressly contrasted its treatment of a vehicle already under police control with a search of a car “parked adjacent to the dwelling place of the owner.”

How the First Circuit saw this and still decided the Supreme Court actually meant to allow cops to search homes and seize property without a warrant is something only the First can explain. It didn't do much explaining in its opinion. Perhaps it will do a bit more when it handles this case for the second time.

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Subject: Utah Policy: Deb Haaland confirmed, public land battles coming
Date: Tuesday, March 16, 2021 at 7:19:03 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 - March 16, 2021

It's Tuesday and [National Freedom of Information Day](#), a day celebrated on James Madison's birthday. Madison vigorously argued that, because it served the American people, the United States government should keep no secrets from them. FOIA is meant to allow every person the right to get information to federal agency records that are not protected by one of nine exemptions, or special law enforcement record exclusions.

Yesterday, [Deb Haaland was confirmed](#) as Secretary of the Interior, the first Native American Cabinet secretary in U.S. history. *"Her confirmation is as symbolic as it is historic. For much of its history, the Interior Department was used as a tool of oppression against America's Indigenous peoples. In addition to managing the country's public lands, endangered species and natural resources, the department is also responsible for the government-to-government relations between the U.S. and Native American tribes."*

If you only have time for one thing: Read this piece by Laura Tohe, the poet laureate of the Navajo Nation, "[On Deb Haaland, Native American history and renewed hope.](#)" *"Most Americans are probably familiar with Crazy Horse, Geronimo and Disney's distorted version of Pocahontas. They may have heard of gold medalists Jim Thorpe and Billy Mills for their athletic footprints and the Navajo Code Talkers, who devised a military code based on the Navajo language to help defeat the Japanese during World War II. Beyond that, the remaining slate of nationally known Native Americans remains sparse, stereotyped and invisible. And almost entirely male. That's changing with Deb Haaland."*

Countdown

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

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

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

Today At Utah Policy

Tweets of the day

By Holly Richardson

Coverage for babies with birth defects, deadly hikes, Guam brings out some interesting comments, a Utah Coronavirus Stimulus summary, a legislative summary and veterans can get vaccinated.

Opinion briefs: Get ready for public lands battles . . . Will progressives end filibuster to achieve liberal fantasies?

By LaVarr Webb

Knives out on public lands? The U.S. Senate confirmation of Rep. Deb Haaland as Interior secretary signals a return to public land battles in Utah. Both Utah senators voted against Haaland's confirmation. Sen. Mitt Romney issued a statement saying he met with Haaland and discussed key public lands issues important to Utah.

Utah Headlines

Deseret News

- [Could these 5 facts change vaccine-hesitant Republicans' minds?](#) - The two subgroups with the highest levels of vaccine hesitancy were Republican men, 49% who said they wouldn't be vaccinated, and people who supported former President Donald Trump in 2020, at 47%.
- [Mitt Romney, Mike Lee vote against Biden's interior secretary nominee](#) - Only four Republicans joined all Senate Democrats present in the 51-40 vote confirming Haaland.
- [Vatican will not bless same-sex unions, but prays for gay Catholics](#) - The Vatican reminded Catholics that 'we are more important to God than all the sins that we commit' and that 'God himself never ceases to bless each of his pilgrim children in this world.'
- [Mitt Romney calls for economic, diplomatic boycott of Beijing Olympics](#) - Let the athletes go but have everyone else stay home. China says no country should be using "human rights issues to interfere in other countries' internal affairs."
- [Expect to need additional vaccinations against COVID-19, experts say](#) - People should expect that they'll need some sort of additional vaccine at some point in time. Whether that's every year, every two years, or, if we get a big surge of a new type of variant, we might find that we need modified vaccines.
- [Are you lying to yourself? Utah officials say driver overconfidence having deadly consequences](#) - UDOT reported Monday that preliminary estimates show that traffic fatalities in 2020 climbed 11% to 276 despite the fact the number of cars on the road fell by 13% last year.
- [On Deb Haaland, Native American history and renewed hope](#) - No longer invisible, new voices are rising from the land.
- [Two churches - one Black, one white - look to the future with hope](#) - Two Baptist congregations have been separated since slavery; they were healing deep racial wounds when the pandemic hit and separated them again. Now, their pastors look ahead.
- [Don't blame speed limits for Utah's jump in fatal accidents](#) - Utah Highway Patrol Col. Michael Rapich wants to make one thing clear: The alarming increase in fatal accidents and reckless driving on Utah roadways since the pandemic began is not connected with the increase in speed limits.

Salt Lake Tribune

- [Robert Gehrke: From New York to Salt Lake County, these politicians blame 'cancel culture' for their misdeeds](#) - Taking responsibility for one's actions and owning the consequences are important lessons.
- [Romney, Lee vote against Deb Haaland's historic confirmation as green groups, energy interests weigh in](#) - As first Native American in a presidential Cabinet, new Interior boss is expected to chart a new course favoring conservation over extraction. Bears Ears and Grand Staircase are top issues.
- [Utah hits a 9-month low for new COVID-19 cases, although fewer people than usual were tested](#) - The last time there were fewer new cases was June 9, when that number was 196.
- [Mitt Romney wants U.S. athletes to compete in the Beijing Olympics, instead calls for an economic boycott](#) - Utah senator says holding back athletes will silence the voice of America, do little to curtail human rights abuses.
- [Despair gives way to hope as San Juan leads Utah in vaccinations](#) - After enduring the highest mortality rate in the state, over 40% of the rural county has received at least one dose of the vaccine, far outpacing the national average.
- [Utahns impacted by COVID-19 can now apply online for rental assistance](#) - Renters can request help paying for past-due rent, security deposits and utility bills.
- [Utah lawmakers are pouring millions into mental health. Here's their plan.](#) - Focus includes limiting firearm access and focusing on school children.

Other

- [Utah couple stranded in Hawaii over COVID-19 confusion](#) (FOX 13) - Positive tests leave mom quarantined in Hawaii.
- [Several Utah cities may hear Camp Williams fire training](#) (KSL-TV) - The Utah National Guard tweeted the training will take place from Monday, March 15 through Wednesday, March 17, from 8 a.m. to 4:30 p.m.

COVID Corner

- [Why the pandemic experts failed](#) (The Atlantic) - We're still thinking about pandemic data in the wrong ways.
- [Brazil Needs Vaccines. China Is Benefiting.](#) (The New York Times) - China is a major supplier of coronavirus vaccine, giving it enormous leverage in pandemic-ravaged nations. Brazil, recently hostile to the Chinese company Huawei, has suddenly changed its stance.
- [Former coronavirus testing czar urges Trump to encourage vaccinations](#) (CNN) - "I think it's very important for former President Trump as well as the vice president, to actively encourage all the followers to get the vaccine," Adm. Brett Giroir said.
- [Moderna begins testing next-generation coronavirus vaccine](#) (Reuters) - The new COVID-19 vaccine candidate that could potentially be stored and shipped in refrigerators instead of freezers.
- [Covid vaccines and blood clots: Experts warn little evidence for concern](#) (NBC News) - The World Health Organization said Monday that "there is no evidence that the incidents are caused by the vaccine."
- [Feeling fatigued or feverish after your COVID-19 vaccine? Here's why the CDC wants to know](#) (Yahoo! News) - The CDC is continuing to gather information about how those who get the vaccines are responding and are doing it through an app called V-safe.

National Headlines

- [An unlikely Trump turncoat shows the GOP way to resist his influence](#) (Politico) - Rep. Jaime Herrera Beutler of Washington state said her role may be helping Republicans "return to who we are."
- [No. 2 Senate Democrat torches filibuster](#) (The Hill) - "The filibuster is still making a mockery of American democracy. The filibuster is still being misused by some senators to block legislation urgently needed and supported by a strong majority of the American people," Durbin said during a floor speech.
- [The American middle class is dead - The PRO Act would resuscitate it](#) (The Hill) - It should come as no surprise that big business lobbyists and anti-union politicians are lining up to block the PRO Act, the massive labor law reform bill that passed the House on Tuesday.
- [Biden is boxed in on immigration as migrant children crisis continues](#) (CNN) - President Joe Biden is facing growing political tension, including from within his own party, over his administration's strategy on the US-Mexico border as officials race to address the number of children crossing the border alone.
- [Opinion: Biden is sending the wrong signals on the border](#) (Washington Post) - Biden's intention to reverse Trump's immigration policies gives the country a golden opportunity for bipartisanship. Republicans and moderate Democrats should come together to push a series of measures to ensure the administration adequately enforces existing immigration laws.
- [Deb Haaland Becomes First Native American Cabinet Secretary](#) (New York Times) -The Senate confirmed Ms. Haaland to lead the Interior Department. She'll be charged with essentially reversing the agency's course over the past four years.
- [Trump pressured a Georgia elections investigator in a separate call legal experts say could amount to obstruction](#) (Washington Post) - President Trump urged Georgia's lead elections investigator to identify wrongdoing in the state's vote in a December phone call, saying the official would be praised for doing so.
- [U.S. Capitol Police to begin removing Capitol fencing, saying no 'known, credible threats'](#) (Washington Post) - The USCP will continue to monitor the threat posture, should a change occur, plans will be reevaluated.
- [Texas Republicans target Houston with raft of bills seeking new voting restrictions](#) (CNN) - GOP lawmakers introduced two dozen bills that would make it harder to vote in Texas.
- [Democrats roll out coordinated effort to save Newsom from recall effort as D-Day approaches](#) (Fox News) - Last week the campaign to recall Newsom announced it had reached its goal of collecting 2 million signatures.

Policy News

3/18: Davis Technical College & Juvenile Justice Services open house

The Division of Juvenile Justice Services (JJS) invites you to celebrate Davis Technical College Opening a new program for incarcerated youth.

Salt Lake City's average rent was \$1,263 in February

Salt Lake City's average rent reached \$1,263 in February, after a 1.7% increase since last year. Renters make up 48% of Salt Lake City's population. Utah's capital is a diverse and vibrant place to live in, with apartment rents below the national average of \$1,399.

Sen. Romney votes against Interior Secretary nominee

U.S. Senator Mitt Romney (R-UT) today released the following statement after voting against the nomination of Representative Deb Haaland to be Secretary of Interior:

Reps Moore, Bustos lead bipartisan call for military arsenals, depots and ammunition plants to be included in efforts to strengthen nation's supply

Today, Reps. Blake Moore (UT-01) and Cheri Bustos (IL-17), Co-Chairs of the bipartisan House Military Depot, Arsenal, Ammunition Plant and Industrial Facilities Caucus, led a call for the Organic Industrial Base (OIB), or military arsenals, depots and ammunition plants, to be included in President Joe Biden's ongoing efforts to strengthen the nation's supply chains.

United Utah Party to hold convention on April 24

All Uniters are invited to participate in our conventions as delegates (registration required). Our conventions are also open to observers. However, we do ask that you RSVP so that we can accommodate all who would like to attend. This year, our state convention will be held virtually via Zoom. Please RSVP and register no later than April 10th. Call for Candidates for Party Office As part of our state organizing convention, we will elect our state party officers of Chair, Vice-Chair, Secretary, and Treasurer. We invite any qualified Uniter interested in running for these positions to apply no later than April 10th.

Business Headlines

- [Here's what you need to know about the new stimulus child tax credit](#) (CNN) - The \$1.9 trillion relief package signed by President Joe Biden greatly enhances the federal child tax credit for one year, allowing millions more families to benefit and lifting millions of children out of poverty.
 - [Can airports meet the challenge of a surge in summer travelers?](#) (NBC News) - "It doesn't matter how clean the plane is if the airport isn't clean and healthy," said one airport director.
 - [Facebook is doing its best to counter anti-vaccination damage done by Facebook](#) (Vox) - To get 50 million people vaccinated, Facebook will have to do more than just PR.
 - [Where is your stimulus check?](#) (Deseret News) - People who struggled to get their stimulus check during the last round of distribution - when the Trump administration dished out \$600 checks - will struggle to receive their checks early this time, too.
-

On This Day In History

(From [History.com](https://www.history.com))

- **597 BC** - Babylonians capture Jerusalem, replace Jehoiachin with Zedekiah as king.
 - **1751** - James Madison is born.
 - **1802** - President Thomas Jefferson signs the Military Peace Establishment Act establishing the Army Corps of Engineers and the United States Military Academy known as West Point.
 - **1827** - Editors Samuel E. Cornish and John B. Russwurm publish the first issue of Freedom's Journal in New York City. The newspaper is the first in the United States owned and operated by African Americans.
 - **1846** - Rebecca Cole is born. She was a physician, organization founder and social reformer, the second African-American woman to become a doctor in the United States.
 - **1850** - Nathaniel Hawthorne's *The Scarlet Letter*, is published.
 - **1900** - Eveline Burns is born. An economist and technical expert and an immigrant to the U.S., she helped design social security and wrote "The American Social Security System," the standard text in this field.
 - **1926** - The first liquid-fueled rocket is launched in Massachusetts, traveling for 2.5 seconds and reaching an altitude of 41 feet.
 - **1968** - As many as 500 Vietnamese villagers killed by U.S. soldiers in My Lai Massacre.
-

Wise Words

"If men were angels, no government would be necessary."

~James Madison

[Lighter Side](#)

Lighter Side

What did the limestone say to the geologist?

Don't take me for granite!

What do you call a duck that gets all A's?

A wise quacker.

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Subject: 🇺🇸 Salt Lake County Republicans pick a new leader
Date: Monday, April 12, 2021 at 6:45:49 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](#)

Monday, April 12

By Bryan Schott

with an assist from Karina Andrew

Good Monday morning Utah!

Plan on sunny skies and highs in the upper 50s in northern Utah today. Readers in the southern part of the state can expect sun and wind with highs in the lower 80s.

I want to hear from you! Got a tip? Some feedback or a complaint about this newsletter? Want to vent about politics? [Drop me an email](#).

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

Space race

60 years ago today, Russian cosmonaut Yuri Gagarin [became the first human to journey into outer space](#). His capsule, Vostok 1, completed one orbit of Earth, returning after a 108-minute flight.

I've recently become obsessed with the excellent Apple+ show "[For All Mankind](#)," which presents an alternative future where the Soviets were the first to land a man on the moon, which accelerated the space race between the two nations.

If you pay attention, there are all sorts of fun Easter eggs for history buffs and political nerds (like me). For example, Ted Kennedy wins the 1972 presidential race, defeating Richard Nixon, but his administration is rocked by a sex scandal as Kennedy is revealed to be having an affair with his secretary, Mary Jo Kopechne. Kennedy is ousted after one term in favor of Ronald Reagan in 1976.

Here's what you need to know for Monday

New leadership. Salt Lake County Republicans tapped Chris Null as their new chairman over the weekend [\[Tribune\]](#).

Boundary shift. President Joe Biden is poised to change the boundaries of the Bears Ears and Grand Staircase-Escalante National Monuments. What could the new lines look like [\[Tribune\]](#).

Utah County controversy. Utah County Clerk/Auditor Amelia Powers Gardner is under fire after an investigation concluded she harassed an employee. Powers called the former employee her "gay democratic assistant" and referred to him as one "of us women." Powers is among the candidates vying to replace Tanner Ainge on the Utah County Commission [\[Tribune\]](#).

Homelessness solution? A plan to build "tiny homes" to combat Salt Lake City's growing homeless problem could become reality later this year [\[Tribune\]](#).

Federal spending. Rural counties are set to reap long-term benefits from millions of dollars in federal coronavirus relief cash [\[Tribune\]](#).

2nd Amendment. Cache County Sheriff D. Chad Jensen issued an unusual statement saying he would work to protect the gun rights of residents following President Biden's executive actions to curb gun violence [\[Tribune\]](#).

No love lost. Former President Donald Trump ripped Senate Minority Leader Mitch McConnell during a Republican donor retreat in Florida, calling him a "dumb son of a bitch" [[Politico](#)].

Gaetz-gate. The House Ethics Committee has opened an investigation of Florida Republican Matt Gaetz amid reports of sexual misconduct [[WaPo](#)].

Rebuffed. Gaetz reportedly sought a meeting with Trump at his Mar-a-Lago estate, but aides to the former president blocked the request. Gaetz denied he attempted to meet with Trump [[CNN](#)].

Tensions rising. The head of the Israeli army is hinting they may have been involved in an incident at an Iranian nuclear site. The Iranians have called the situation a "terrorist action" [[CNN](#)].

Corporate activism? More than 100 corporate executives joined a conference call to discuss whether they should halt donations and investment in states working to pass restrictive voting bills [[WaPo](#)].

Little margin for error. Federal Reserve Chair Jerome Powell says the U.S. economy is at an "inflection point" as many expect rapid growth in the next year. He warns that could be derailed if COVID cases continue to rise due to premature openings [[Reuters](#)].

Cha-ching! The median pay for the chief executives of more than 300 of the biggest companies in the U.S. was \$13.7 million last year, up from \$12.8 million the year before [[WSJ](#)].

Police reform. The Maryland legislature repealed the state's police bill of rights law over Gov. Larry Hogan's veto [[Politico](#)].

Virginia police controversy. One of two police officers who allegedly threatened to execute a Black Army officer during a traffic stop has been fired. State authorities are investigating the incident [[NBC News](#)].

Minneapolis protests. Hundreds of people clashed with police officers in a Minneapolis suburb after a 20-year-old Black man was shot and killed during a traffic stop [[NYT](#)].

Union defeated. Workers at an Amazon warehouse in Alabama rejected a proposal to unionize [[CNBC](#)].

Bagley Cartoon: GOP Army Knife

Monday's Utah news roundup

COVID

Scientists have identified nearly 300 coronavirus variant cases in Utah - [Tribune](#)

Navajo Nation reports 16 new COVID-19 cases, 2 more deaths - [AP via Tribune](#)

Utah

Shootings of Utah cows, horses skyrocketed during the pandemic. And no one really knows why - [Tribune](#)

Victims want parole reform in Utah, experts say the fix is complicated - [KUTV](#)

Poll: How Utahns want state leaders to spend federal COVID-19 relief money - [Deseret News](#)

Local government

Mayors of Utah Valley: New hospital a sign of progress in Spanish Fork - [Daily Herald](#)

Protesters gather at Davis, Weber school district buildings to oppose school mask mandate - [Standard-Examiner](#)

On the opinion pages

Robert Gehrke: Utah's first independent redistricting commission kicks off this week, but will its work matter? - [Tribune](#)

ICYMI

Utah treasurer has \$52M in unclaimed property. See if a piece of it belongs to you. - [Tribune](#)

Sen. Mike Lee warns Biden may be planning more gun restrictions - [Tribune](#)

One day before convention, more controversy emerges in Salt Lake County Republican Party - [Tribune](#)

Confused about all the coronavirus variants? What they do? Do vaccines work against them? Here's the breakdown. - [Tribune](#)

Keep your masks on to protect against COVID-19, Utah health experts say, even with statewide order expiring - [Tribune](#)

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150 years ago today The Salt Lake Tribune published its very first paper. We are celebrating with our readers today by taking a look back on the wonderful work produced by our team of photojournalists.

You can find all of these incredible photographs and more in [Utah's Story: 150 years of Photography. You can purchase the book on our website](#). All proceeds go back to our newsroom and our photojournalism team.

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[On this major anniversary please consider a gift to The Salt Lake Tribune.](#)

(Al Hartmann | The Salt Lake Tribune) Historic flooding in June 1983 resulted in a river on State Street. Footbridges were hastily constructed to get pedestrians from one side to the other and people actually caught fish in those waters.

(Ray King | The Salt Lake Tribune) Black soldiers socializing at a USO hall in Salt Lake City in October 1944.

(The Salt Lake Tribune) A military fighter flies over Salt Lake City in October 1945.

(The Salt Lake Tribune) Rep. Robert Harris of Ogden was the first African American elected to the state Legislature. He served one term.

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(Scott Sommerdorf | The Salt Lake Tribune) Grand marshal Dustin Lance Black leads the annual gay pride parade through downtown Salt Lake City followed by the group Mormons Building Bridges in June 2012.

(Lennie Mahler | The Salt Lake Tribune) Kaj Petersen embraces his daughter, Gabrielle, at the Salt Lake City International Airport in November 2013. Two pilots and four crew members of the Utah Army National Guard had just returned from a nine-month deployment to Afghanistan.

(Lennie Mahler | The Salt Lake Tribune) Mountain goats navigate rocky terrain near the summit of Mount Timpanogos in Provo in September 2014.

(Leah Hogsten | The Salt Lake Tribune) Immigration activist Ciriac Alvarez, who gained temporary legal status through the Deferred Action for Childhood Arrivals program, participates in a march for "Dreamers" in September 2017.

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(Scott Sommerdorf | The Salt Lake Tribune) Corazon Espinosa, left, hugs her sister Celeste Galbreath after arriving from Australia in May 2018. Espinosa had been trying to legally immigrate to the United States for 40 years.

(Leah Hogsten | The Salt Lake Tribune) Abish Judd applies makeup on her daughter Kali Judd, 10, while Mayleen Murillo, 14, and Stephanie Robles, 12, practice their dancing at the Cinco de Mayo celebration in West Valley in May 2018.

(Trent Nelson | The Salt Lake Tribune) Protestors upset by plans to create an inland port in the northwest Salt Lake City descend on the Chamber of Commerce building in July 2019, leading to confrontations with police.

(Leah Hogsten | The Salt Lake Tribune) East High School's Black student union ends a meeting in September 2019 with a group dance. From left to right, the students pictured are Esperance Iradukunda, Olivia Winston, Agie Niyonkuru, Summer Goodin, Rosine Nibishaka and Joyce Mayombe.

(Trent Nelson | The Salt Lake Tribune) Rep. Sandra Hollins, D-Salt Lake City, and Lex Scott, leader of Black Lives Matter Utah, lead a protest against police violence at Salt Lake City Hall in June 2020.

(Trent Nelson | The Salt Lake Tribune) ICU nurses from Northwell Health arrive from New York to assist Intermountain Healthcare during Utah's coronavirus surge in August. In April 2020, Intermountain

deployed caregivers to assist New York City-area hospitals during that state's major surge of COVID-19 cases. Those hospitals returned the favor.

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Saturday, April 24, 2021

Top News

J.&J. Vaccine Will Be Available Again Soon

By Denise Grady, Julie Bosman and Noah Weiland

U.S. experts weigh the risks for younger women and cases of a rare blood-clotting disorder, and lift the pause in giving the one-shot vaccine.



Ravaged by Covid, Brazil Faces a Hunger Epidemic

By Ernesto Londoño, Flávia Milhorance and Victor Moriyama

Tens of millions of Brazilians are facing hunger or food insecurity as the country's Covid-19 crisis drags on, killing thousands of people every day.



In N.Y.C. Jail System, Guards Often Lie About Excessive Force

By Jan Ransom

More than half of the roughly 270 correction officers disciplined over a 20-month period lied to investigators or filed incomplete or inaccurate reports.



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

Editors' Picks

WORLD

U.K. Far Right, Lifted by Trump, Now Turns to Russia

By Jane Bradley and Michael Schwartz

The anti-Islam agitator Tommy Robinson struck gold in America. Keeping it might require help from Moscow, where other British far-right activists are also finding friends.

OPINION

It's Going to Be Weird, but We Need to Learn to Live With Germs Again

By Markham Heid

The health of our bodies and microbiomes may depend on society's return to lifestyles that expose us to bacteria, despite the risks.

Today's Videos

Video VIDEO: SpaceX Launches 4 Astronauts to Space

By The Associated Press

A SpaceX Crew Dragon spacecraft took off Friday morning from NASA's Kennedy Space Center in Florida, carrying four astronauts who will begin their six-month stay in space.

Video VIDEO: New York Allows Walk-Ins at All City-Run Vaccination Sites

By Nyc Mayor's Office, Via Youtube

Mayor Bill de Blasio of New York announced on Friday that all eligible residents could now get vaccinated for Covid-19 at any city-run site without an appointment.

Behind the Scenes of the 2021 Best Picture Nominees

By Mekado Murphy

I spoke with directors of the films competing for the top prize at the Oscars. Here are my takeaways.

World

Macron Attends Funeral for Chad's Slain President

By Elian Peltier

President Emmanuel Macron of France traveled to the ceremony for President Idriss Déby, signaling the strategic importance that Paris has attached to the central African nation.

Israelis and Palestinians Clash Around Jerusalem's Old City

By Isabel Kershner

The violence broke out as an extremist Jewish supremacy group marched in the city, chanting "Death to Arabs."

Oxygen, and Time, Are Running Out for Indonesian Submarine

By Hannah Beech and Muklita Suhartono

Rescue ships from several countries are in a desperate hunt to find the submarine, which disappeared on Wednesday with 53 people aboard.

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

U.S.

'Excess Deaths' in 2020 Surpassed Those of 1918 Flu Pandemic

By Denise Lu

The pandemic brought a record uptick in deaths, interrupted a downward trend in death rates and spurred the highest death rate above normal ever recorded in the country.

Iowa Woman Admits to Hitting Children With Car Because of Their Ethnicity

By Christine Hauser

Nicole Poole Franklin, 43, pleaded guilty to hate crime and attempted murder charges after striking two children with her Jeep Grand Cherokee in 2019.

San Francisco Contends With a Different Sort of Epidemic: Drug Deaths

By Thomas Fuller

More people died from overdoses than from the coronavirus in San Francisco last year. Some think the toll, tied to homelessness, should force the city to re-examine its approach to illicit drugs.

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

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Politics

Biden's Climate Summit Sets Up a Bigger Test of American Power

By Somini Sengupta

There were notable pledges of action, but several important greenhouse gas polluters were conspicuously silent. It showed the challenges that lie ahead.

Tribes Want Medals Awarded for Wounded Knee Massacre Rescinded

By Mark Walker

Native Americans are stepping up efforts to pressure Congress to revoke Medals of Honor awarded for the killings of Sioux, including unarmed women and children, at Wounded Knee.

Caitlyn Jenner Announces Run for California Governor

By Jennifer Medina and Maggie Haberman

Ms. Jenner, a Republican former Olympian and transgender activist, said on Friday that she was running to challenge Gov. Gavin Newsom, a Democrat facing an all but certain recall election.



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

Business

Vaccines Made at Troubled Baltimore Plant Were Shipped to Canada and Mexico

By Sheryl Gay Stolberg and Chris Hamby

The Biden administration said it did not know of manufacturing problems at the Emergent factory when it approved shipping millions of doses of AstraZeneca's vaccine. The company says the doses were safe.

One Thing America Might Buy With All the Spending? Less Inequality.

By Jeanna Smialek and Jim Tankersley

The Biden administration is relying on Congress instead of just the Fed to fix the economy. That mix could lead to a less wealth-unequal future.

Money Market Funds Melted in Pandemic Panic. Now They're Under Scrutiny.

By Jeanna Smialek

In March 2020, the Federal Reserve had to step in to save the mutual funds, which seem safe until there's a crisis. Regulation may be coming.

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

Technology

A Tiny Part's Big Ripple: Global Chip Shortage Hobbles the Auto Industry

By Jack Ewing and Neal E. Boudette

Almost every carmaker has had to curtail production, hampering the economic recovery.

Restaurants Fought for Covid Survival, With Some Tech Helpers

By Amy Haimel

Being "online" in the pandemic, many chefs learned, meant much more than having an Instagram account.

Possible cryptocurrency fraud is another blow to Turkey's financial stability.

By Jack Ewing

Turkish authorities raided offices associated with Thodex, a cryptocurrency platform that suspended operations and froze accounts worth a total of \$2 billion.

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

Sports

Anthony Edwards Will Dunk on You. And Beat You in Ping-Pong?

By Scott Cacciola

The Minnesota Timberwolves are not good this season. But Edwards, their rookie No. 1 draft pick? He is giving fans many reasons to watch (and listen).

China's Top Mixed Martial Arts Star Isn't Fighting for a Cause

By Amy Qin and Amy Chang Chien

In China, she's a symbol of women's rights and a national hero. But Zhang Weili, who defends her U.F.C. title in Florida on Saturday, cares about just one label: champion.

JPMorgan Apologizes for Its Role in Super League

By Tariq Panja and Andrew Das

The bank that was to provide billions of dollars in financing for a breakaway European soccer league said it "misjudged" how fans would react.

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

Arts

Past Students Say Professor of Rock 'n' Roll Sexually Harassed Them

By Julia Jacobs and Zachary Small

Six former University of Michigan students have filed legal papers accusing a former lecturer of sexually harassing them and the school of not doing enough to protect them.



Rachel Kushner on What She Takes From Art (and Artists)

By Jonathan Griffin

Her books are filled with insights into art world types and their relationships to the wider world.

CRITIC'S NOTEBOOK

Amplifying the Women Who Pushed Synthesizers Into the Future

By Lindsay Zoladz

Lisa Rovner's "Sisters With Transistors: Electronic Music's Unsung Heroines" spotlights the pioneers who harnessed technology to do more than "push around dead white men's notes."

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

New York

Someone Threw Acid in Her Face. Her Family Doesn't Know Why.

By Mihir Zaveri

Nafiah Ikram, 21, nearly died in the attack outside her Long Island home. The attacker is at large, and the motive remains a mystery.

Opera's Biggest Fan Leaves Behind a Sprawling Time Capsule

By Corey Kilgannon

Pavarotti, Domingo, Sills, Fleming and many more: Perhaps 200,000 autographs are piled in a vacant East Village apartment.

Councilman Pleads Guilty to \$82,000 Tax Fraud. He Has No Plans to Quit.

By Jeffery C. Mays

Chaim Deutsch, a city councilman from Brooklyn, falsely deducted business expenses, according to federal prosecutors.

Media & Advertising

Murdoch's Pick to Run The New York Post Bets On the Web and Celebs

By Katie Robertson

Keith Poole arrived last month with plans to make the tabloid more digital. Many on his staff have yet to hear from him.

Simone Biles Leaves Nike for a Sponsor That Focuses on Women

By Kevin Draper

As part of the deal, Athleta, the new sponsor, has agreed to back a post-Olympic exhibition tour that Biles was already planning.

A Black Superman? It's Happened, and Could Again.

By George Gene Gustines

As renewed rumors of a Black Superman movie swirl, here is the complicated history of reimagining the most iconic comic hero as a Black man.

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

Science

The Flu Vanished During Covid. What Will Its Return Look Like?

By Keith Collins

The latest flu season, which normally would have run until next month, essentially never happened.

The Biology of Grief

By Ann Finkbeiner

Scientists know that the intense stress of grieving can affect the body in various ways, but much remains a mystery.

OUT THERE

What Do You Call a Bunch of Black Holes: A Crush? A Scream?

By Dennis Overbye

There are pods of whales and gaggles of geese. Now astronomers are wondering which plural term would best suit the most enigmatic entity in the cosmos.

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

Obituaries

Shock G, Frontman for Hip-Hop Group Digital Underground, Dies at 57

By Azi Paybarah

The group had a string of hits in the 1990s, including “The Humpty Dance,” and helped introduce a little-known rapper named Tupac Shakur.

June Newton, Photographer and Muse, Dies at 97

By Penelope Green

The widow and inspiration of the provocative photographer Helmut Newton, she took pictures that were as tender as his were erotically charged.

LaDonna Allard Dies at 64; Led Dakota Pipeline Protests

By Katharine Q. Seelye

She started a resistance camp that turned into a movement that opposed fossil fuels while it embraced tribal sovereignty and environmental justice.

Kathie Coblentz, 73, Dies; Not Your Ordinary Librarian

By Sam Roberts

A Yankees fan, marathon runner, cinephile, editor, and, yes, a cataloger, she was the New York Public Library’s third-longest serving employee.

Les McKeown, Lead Singer of the Bay City Rollers, Dies at 65

By Peter Keepnews

Known for their catchy pop songs and their distinctive tartan outfits, the Rollers attracted a fanatical teenage following after Mr. McKeown joined in 1973.

Jeremiah Trusty, Singer, Model, Actor, Dies at 38

By Richard Sandomir

Of all his endeavors, singing was the most important. He had recently recorded a song that he hoped would be his breakthrough. He died of Covid-19.

THOSE WE'VE LOST

Mao Ayuth, Filmmaker Who Survived the Khmer Rouge, Dies at 76

By Seth Mydans

At a time when most artists were killed, he hid his background. Later he resumed his career and served in government. He died of complications of Covid-19.

THOSE WE'VE LOST

Jerry Lee Albin, Who Found Sobriety After a Hard Life, Dies at 75

By Clay Risen

Mr. Albin put drugs, prison and biker gangs behind him, started a construction business and counseled prisoners. He died of complications of the coronavirus.

THOSE WE'VE LOST

Anthony Audy, Vermont Tattoo Artist With Whimsical Style, Dies at 44

By Stephen Kurczyk

A love for all things magical, spooky and cute informed the thousands of tattoos Mr. Audy inked in a 15-year career in Burlington. He died of Covid-19.

THOSE WE'VE LOST

Shelia Smith, Exuberant Teacher's Aide, Dies at 61

By Sam Roberts

At her rural Alabama school, she was beloved by students, especially those with special needs, and by her colleagues. She died of complications of Covid-19.

Opinion

Republicans Aren't Done Messing With Elections

By Richard L. Hasen

Not content with limiting voting rights, they are threatening the integrity of vote counting itself.

Why the Past Haunts Talks With Iran

By The Editorial Board

For nuclear talks in Vienna to succeed, Iranians and Americans need to be more honest about their past actions.

NEWS ANALYSIS

The Pandemic Shrank Our Social Circles. Let's Keep It That Way.

By Kate Murphy

You don't need to rekindle your friendship with your kid's soccer teammate's father if you don't want to.

Biden, the World Needs Your Help to End the Pandemic

By Michelle Goldberg

The president should keep his promise on vaccine patents.

Noam Chomsky on Anarchism, Human Nature and Joe Biden

By 'The Ezra Klein Show'

The legendary leftist intellectual also discusses his theory of the good life and more.

How Generals Plot Together, in Myanmar and Thailand

By Pavin Chachavalpongun

An unholy alliance between the two military governments will delay a return to democracy in both countries.

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Sunday, April 25, 2021

Top News

As Covid-19 Devastates India, Deaths Go Undercounted

By Jeffrey Gettleman, Sameer Yasir, Hari Kumar, Suhasini Raj and Atul Loke

Fatalities have been overlooked or downplayed, understating the human toll of the country's outbreak, which accounts for nearly half of all new cases in a global surge.

Biden's Bet on a Climate Transition Carries Big Risks

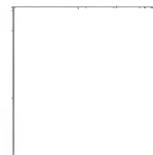
By Coral Davenport, Lisa Friedman and Jim Tankersley

The president's plans to cut emissions in half by 2030 relies heavily on a government effort to steer the development of new industries, but business leaders are fretting over the rapid timeline.

Volatile and Vengeful: How Scott Rudin Wielded Power in Show Business

By Michael Paulson and Cara Buckley

For decades, the producer has cultivated and castigated people at all levels of entertainment. Now his past is catching up with him.



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

Editors' Picks

BUSINESS

MacKenzie Scott Gave Away Billions. The Scam Artists Followed.

By Nicholas Kulish

She has no large foundation, headquarters or public website. That makes it easier to dispense money on her own terms — and for others to prey on the vulnerable in her name.

OPINION

Crushed Dream Factory

By Maureen Dowd

Craving escapism from the Oscar contenders that reflect our sad reality.

Today's Videos

Video VIDEO: Debris From Sunken Indonesian Submarine Is Recovered

By The Associated Press

Adm. Yudo Margono, chief of staff of the Indonesian Navy, said on Saturday that divers had located debris near where the vessel was last seen before it went missing three days ago with 53 people on board.

Video VIDEO: India Faces Record-Breaking Virus Surge

By Lucas Lillieholm and McKenzie Marshall

India set a global record for new daily coronavirus infections on Friday, beating the previous record from the day before, while oxygen supplies dwindled.

Video VIDEO: Monster Truck Carries Rapper DMX's Coffin to Memorial Service

By Storyful

A procession of motorcycles followed a monster truck carrying DMX's coffin from Yonkers, N.Y., to Brooklyn on Saturday ahead of a memorial at Barclays Center.

World

In Poland, an L.G.B.T.Q. Migration As Homophobia Deepens

By Monika Pronczuk

An escalation in verbal attacks by the Polish government, with the support of the Roman Catholic Church, as well as the threat of physical violence on the streets of many cities, has triggered an exodus of gay people.

The Arms Merchant in the Sights of Russia's Elite Assassination Squad

By Michael Schwartz

Russian spies have twice tried to poison Emilian Gebrev. Now, revelations in the Czech Republic show they also destroyed shipments of his military supplies.

NEWS ANALYSIS

Terrorism Fears Feed the Rise of France's Extreme Right

By Roger Cohen

The far-right leader Marine Le Pen called for “hundreds of thousands of illegals” to be deported. Her message resonates after the fatal stabbing of a police officer on Friday.

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

U.S.

How the Trial Over Floyd's Death Flipped the Script for Black Victims

By Tim Arango, John Eligon and Sha'la Dewan

George Floyd was presented as a full person, not just a body beneath a police officer's knee. Derek Chauvin, who was convicted in his murder, remained an aloof figure.

Decades After Police Bombing, Philadelphians 'Sickened' by Handling of Victim's Bones

By Michael Levenson

The disclosure that anthropologists at two Ivy League universities had kept bones from a victim of the 1985 MOVE bombing infuriated its members as well as city leaders.

Deputy Shoots Unarmed Man Repeatedly During 911 Call, Officials Say

By Allyson Waller and Michael Levenson

Isaiah Brown was on a cordless phone with an emergency dispatcher when he was shot, his lawyer said. His family said he was in intensive care.

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

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Politics

Republicans Target Voter Access in Texas Cities, but Not Rural Areas

By Nick Corasaniti

In Houston, election officials found creative ways to help a struggling and diverse work force vote in a pandemic. Record turnout resulted. Now the G.O.P. is targeting those very measures.

U.S. Is Under Pressure to Release Vaccine Supplies as India Faces Deadly Surge

By Somini Sengupta

The Biden administration is blocking the export of supplies that Indian vaccine makers say they need to expand production.

Breaking With Predecessors, Biden Declares Mass Killings of Armenians a Genocide

By Katie Rogers and Carlotta Gall

The Turkish government, as well as human rights activists and ethnic Armenians, had a muted response to the news, describing the move as largely symbolic.



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

Business

C.E.O. Pay Remains Stratospheric, Even at Companies Battered by Pandemic

By David Gelles

While millions of people struggled to make ends meet, many of the companies hit hardest in 2020 showered their executives with riches.

There Is a Lot of Fungus Among Us

By Alana Paterson and Julie Creswell

Coffee for immune support. Supplements for inflammation. And psychedelics promising relief from serious ailments. Mushrooms are everywhere, and investors are paying attention.

STRATEGIES

Now That Everyone Is Bullish, Be Cautious

By Jeff Sommer

The economy and the stock market have churned out spectacular numbers, and investor optimism is high. But don't forget to hedge your bets.

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

Technology

We're All Crypto People Now

By Erin Griffith

Bitcoin and other cryptocurrencies have gone from curiosity to punchline to viable investment, making them almost impossible to ignore — for better or worse.

The Slander Industry

By Aaron Krolik and Kashmir Hill

Who makes money from destroying reputations online?

Emily Ratajkowski Is Selling an NFT at Christie's

By Kate Dwyer

The artist Richard Prince appropriated her image for his work. Now she's doubling back on it for one of her own.

Sports

The Black Widow of Pool Stares Down a New Challenge: Cancer

By Jonathan Abrams

If you can name just one billiards player, it's probably Jeanette Lee, who is known as the Black Widow. She recently learned she has Stage 4 ovarian cancer.

English Soccer Announces Social Media Boycott to Protest Online Abuse

By Jesus Jiménez and Andrew Das

The boycott, set to begin on Friday, is the most direct effort yet by a sport to pressure social media companies like Twitter, Instagram and Facebook to take action against abuse.

Terrence Clarke, N.B.A. Prospect From University of Kentucky, Is Killed in Crash

By Neil Vigdor

The 19-year-old Boston native had been hampered by injuries in his freshman year but decided in March to forgo his remaining eligibility and turn pro.

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

Arts

'I Wish I Got Pregnant in March!' Inside the Dance Baby Boom.

By Gia Kourlas

Many dancers have taken advantage of a byproduct of the pandemic — time away from performing — to try out a new role: motherhood.

She's Marianne Faithfull, Damn It. And She's (Thankfully) Still Here.

By Lindsay Zoladz

The British musician has had several brushes with death in her 74 years. But Covid-19 and its long-haul symptoms didn't derail her latest project: a spoken-word tribute to the Romantic poets.



Dia 2.0: Facing the Future

By Randy Kennedy

Jessica Morgan moves the art foundation beyond the sometimes swaggering heart of its Minimalist collection.

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

New York

Frigid Waters: A Fleeting Balm for a Mother's Unspeakable Grief

By Amanda M. Fairbanks

To shake up the tedium of quarantine, I started doing polar plunges with Stephanie Reece, who was driven by something else entirely.

He Said He Loved Her. Then He Went to the F.B.I.

By Ed Shanahan

John DiRubba turned informant to foil a murder-for-hire plot. Or was he just an ex-lover seeking revenge?

Vaccines Are Effective Against the New York Variant, Studies Find

By Apoorva Mandavilli

The research adds to a growing number of findings suggesting the Pfizer and Moderna shots are protective against the variants identified so far.

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

Media & Advertising

Column on 'Wokeness' Ruining Disney World Experience Draws Backlash

By Jesus Jiménez

In a guest column for The Orlando Sentinel, a Disney fan said he was reconsidering his commitment to the park "because Disney cares more about politics than happy guests."



Women Are Battling China's Angry Trolls. The Trolls Are Winning.

By Sui-Lee Wee

As online attacks against Chinese feminists intensify, popular social media companies are responding by removing the women — not the abusers — from their platforms.

Elon Musk to Host 'Saturday Night Live'

By Dave Itzkoff

Musk, who runs Tesla and SpaceX, will become the rare "S.N.L." host not from the worlds of entertainment, politics or sports.

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

Science

4 Astronauts Float Into the International Space Station and Open Arms

By Maria Cramer

The crew arrived on Saturday on the Dragon Endeavour, a spacecraft built by SpaceX, Elon Musk's space exploration company.

It's Dinner Time on the Space Station. Lobster or Beef Bourguignon?

By Kenneth Chang

Earth's gastronomical delights are being adapted to life in orbit.

Halting the Vast Release of Methane Is Critical for Climate, U.N. Says

By Hiroko Tabuchi

A major United Nations report will declare that slashing emissions of methane, the main component of natural gas, is far more vital than previously thought.

Magazine

FEATURE

Liz Cheney vs. MAGA

By Robert Draper

The Wyoming congresswoman challenged Republicans to turn away from Trump after Jan. 6. Instead, they turned on her.

FEATURE

Seth Rogen and the Secret to Happiness

By Jonah Weiner

How the comedian (and director, writer, ceramist and weed entrepreneur) has made a career out of mining the pitfalls and possibilities of adolescence.

LETTER OF RECOMMENDATION

Why the Filet-O-Fish Is My Gold Standard for Fast Food

By Jane Hu

The sandwich was an attempt to market McDonald's to as many people as possible. Growing up Chinese-Canadian, I felt as if it were made just for me.

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

Travel

Egyptology Is Having a Big Moment. But Will Tourists Come?

By Abdi Latif Dahir

Tourism in Egypt has been buffeted by political instability and terrorism. But the pandemic has dealt the industry its biggest blow in years.

THE WORLD THROUGH A LENS

On the Water in Alaska, Where Salmon Fishing Dreams Live On

By Colin Arisman

Each summer, salmon begin their journey back to the rivers where they were spawned. Alaskan fishermen, along with whales, eagles and bears, share in the abundance.



Battle of the Seas: Cruise Lines vs. the C.D.C.

By Ceylan Yeginsu

Cruise companies and their allies are fighting against rules that have kept U.S. ships from sailing. But experts say controlling the coronavirus onboard is a complex puzzle.

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

Real Estate

U.S. Home Sales Are Surging. When Does the Music Stop?

By Stefanos Chen

Nervous buyers and sellers are asking: 'When is the housing market going to crash?' Here's what to expect this year.

INTERNATIONAL REAL ESTATE

House Hunting in France: A Medieval Estate Near Provence for \$3 Million

By Marcelle Sussman Fischler

In the South of France, where vacation homes dominate much of the housing market, demand is rising for serenity and outdoor space.

What Kind of Flag Can I Fly Outside My House?

By Debra Kamin

If you live in a community with a homeowners association, chances are good that you may be limited to just the Stars and Stripes.

For more real estate news, go to [NYTimes.com/RealEstate](https://www.nytimes.com/realestate) »

Fashion & Style

Have You Satisfied Your Covid Compliance Officer?

By Chloe Malle

They're at the Oscars, on film sets, at festivals and office buildings. Meet the new gatekeepers to gathering responsibly.

'Minari' Showcases Today's South Korean Fashion

By Hahna Yoon

A trend called "newtro" is cool in Seoul.



MODERN LOVE

My Boyfriend Has Two Girlfriends. Should I Be His Third?

By Silva Kuusniemi

My mind could rationalize polyamory, but my heart rebelled.

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

T Magazine

ARTIST'S QUESTIONNAIRE

The Unstoppable Rose Wylie

By Tess Thackara

Left alone and unconstrained, the British artist has painted throughout the pandemic.

10 Queer Indigenous Artists on Where Their Inspirations Have Led Them

By Samuel Rutter and Caitlin Youngquist

While wide-ranging in scope and style, these pieces are alike in their power and depth.

T BOOK CLUB

The Many Faces of Patricia Highsmith

By Rennie McDougall

As the subject of no fewer than three biographies since her death in 1995, the popular writer lived a complicated, if fascinating, life. What was she really like?

For more on T Magazine, go to [NYTimes.com/TMagazine](https://www.nytimes.com/tmagazine) »

Obituaries

Allon Schoener, 95, Dies; Curator Caught in Furor Over 'Harlem' Show

By Alex Vadukul

His "Harlem on My Mind" exhibit at the Met museum in 1969 drew protests for not including works by Black artists. But since then it's been reconsidered.

Al Young, Poet With a Musical Bent, Is Dead at 81

By Neil Genzlinger

Mr. Young, who served for three years as California's poet laureate and also wrote about jazz, was known for his readings, which often incorporated music.

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

Opinion

The World Needs Many More Coronavirus Vaccines

By The Editorial Board

Wealthy nations have to step up.

So Anthony Fauci Isn't Perfect. He's Closer Than Most of Us.

By Frank Bruni

We owe him gratitude, not grief.

What 'Nomadland' Exposes About Fear in America

By Jessica Bruder

People who live in homes-on-wheels should not have to be in constant fear of "the knock."

The Woman Who Shattered the Myth of the Free Market

By Zachary D. Carter

Joan Robinson upended the misogynistic good-old-boys' network of economists and devised theories around competition and labor vital to the antitrust debates of today.

Chauvin Was Convicted. Something Is Still Very Wrong.

By Elizabeth Bruenig

What can be done about all of the suffering that remains?

The (Mostly White) Power Brokers Running Hollywood

By Lindsay Crouse and Yaryna Serkez

There's no official database of Academy voters, but we can track the people who lead them.

Hollywood's Anti-Black Bias Costs It \$10 Billion a Year

By Franklin Leonard

If the industry won't change on principle, it can at least change for the money. Reform would enrich people of color, and everyone else.

The Anguish of the World's Doctor

By Nicholas Kristof

Dr. Tedros of the W.H.O. publicly focuses on managing the pandemic. Privately, he weeps as his Tigrayan people are raped, starved and slaughtered.

The Two Crises of Conservatism

By Ross Douthat

The G.O.P. doesn't know how to win majorities; the right doesn't know what it's conserving anymore.

Let's Launch a Moonshot for Meatless Meat

By Ezra Klein

It wouldn't actually take that much of an investment for Biden to get us headed in the right direction.

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