

WEDNESDAY MORNING: LÜG MICH AN, LÜGNER

I admit freely my facility with the German language is poor. I hope this post's headline reads, "Lie to me, Liar." Which is about as close as I could get to "Lying Liars" because I can't conjugate the verb 'to lie.'

~shrug~

It's not like anybody's paying me for this, unlike the lying liars at Volkswagen who've been paid to deceive the public for a decade. This video presentation featuring Daniel Lange and Felix Domke – a security consultant and an IT consultant, respectively, who reverse engineered VW's emissions control cheat – is a bit long, but it's chock full of unpleasant truths revealing the motivations behind VW's Dieselgate deceptions. The video underpins the cheat outlined in a 2006 VW presentation explaining how to defeat emissions tests.

The one problem I have with this video is the assumption that the fix on each of the affected vehicles will be \$600. Nope. That figure is based on how much has been set aside for the entire Dieselgate fix, NOT the actual cost to repair the vehicles.

Because if VW really fixed the vehicles to match the claims they made when they marketed and sold these "clean diesel" passenger cars, it'd cost even more per vehicle. I suspect one of the motivations behind inadequate reserves for a true repair is a reluctance to disclose to competitors how much emissions standards-meeting "clean diesel" really costs.

And of course, avoiding more stringent calculations also prevents an even bigger hit to the company's stock price, which might affect the pockets of some board members and executives rather disproportionately to the rest of the stock market.

Just how closely that figure per car hews to the agreement with the court this past week will be worth noting, since the video was published in December last year.

But now for the much bigger, even more inconvenient *Lügner Lügen*: This entire scandal exposes the fraud that is the U.N. Framework Convention on Climate Change Paris agreement.

We know a small nonprofit funded research by a tiny group of academics exposing VW's emissions controls defeat. We know this set off a cascade of similar analysis, exposing even more cheating by more automobile manufacturers.

But why are we only now finding out from nonprofits and academics about this fraud? Didn't our elected representatives create laws and the means for monitoring compliance as well as enforcement? Why aren't governments in the U.S. and the EU catching these frauds within a year of their being foisted on the public?

These questions directly impact the Paris agreement. We're not starting where emissions standards have been set and where the public believes conditions to be, but at real emissions levels. In other words, we are digging out of a massive pollution hole.

Our elected officials across the world will avoid funding the dig-out; they'll continue another layer of lies to prevent removal from office. And we can reasonably expect from them only what they've done so far, which Dieselgate has proven to be little.

For that matter, Flint's water crisis has much in common with Dieselgate, relying on academic research and nonprofit entities to reveal mortal threats to the community. Flint's crisis showed us government at all levels can be even worse at writing laws, monitoring compliance, and subsequent enforcement.

If the public cannot expect government to do the job it believes it elected them to do over the last several decades, how ever can they expect

their government to enact the terms of the Paris agreement? How can we expect third world countries to reduce carbon emissions to save the world from the devastation of climate change while we and our governments continue to ignore corporations' ongoing deceptions?

No roundup today, gang. I strongly recommend watching the video above. Thanks to BoingBoing for linking to it.

TUESDAY MORNING: MONITOR

*Y me lamento por no estar alla
Y hoy te miento para estar solos tu y yo
Y la distancia le gano al amor
Solo te veo en el monitor*

— excerpt, Monitor by Volovan

Sweet little tune, easy to enjoy even if you don't speak Spanish.

Speaking of monitor...

Flint Water Crisis: Michigan State Police monitoring social media

Creeptastic. MSP is following social media communications related to Flint water crisis, which means they're watching this blog and contributors' tweets for any remarks made about Flint. Whatever did they do in the day before social media when the public was unhappy about government malfeasance?

MDEQ personnel told Flint city water employee to omit tests with high lead readings

The charges filed last week against two Michigan Department of Environmental Quality and a Flint city employee were related to the manipulation and falsification of lead level tests. From out

here it looks like Mike Glasgow did what the MDEQ told him to do; with the city under the control of the state, it's not clear how Glasgow could have done anything else but do what the state ordered him to do. Which governmental body had higher authority under emergency management – the city's water department, or the MDEQ? And what happens when personnel at the MDEQ aren't on the same page about testing methodology?

MDHHS too worried about Ebola to note Legionnaire's deaths in 2014-2015?

Michigan's Department of Health and Human Services director Nick Lyons maintains a "breakdown in internal communication" kept information about the Legionnaire's disease outbreak from reaching him. He also said MDHHS was focused on Ebola because of its high mortality rate overseas. There were a total of 11 cases of Ebola in the U.S. between 2014 and 2015, none of which were diagnosed or treated in Michigan. Meanwhile, 10 people died of Legionnaire's due to exposure to contaminated Flint water in that same time frame. Not certain how MDHHS will respond to an imported biological crisis when it can't respond appropriately to a local one created by the state.

Other miscellaneous monitoring

- Charter Communications and Time Warner tie-up approved, with caveat (Reuters) – Charter can't tell content providers like HBO they can't sell their content over the internet – that's one of a few exceptions FCC placed on the deal. I think this is just insane; the public isn't seeing cheaper broadband or cable content in spite of allowing ISPs to optimize economies of scale.

Between Charter/TWC and Comcast, they'll have 70% of all broadband connections in the U.S.

- Mitsubishi Motors fudged its fuel economy numbers for last 25 years (AP) – This investigation is exactly what should happen across EU, because EU-based manufacturers have done this for just as long or longer. And the EU knows this, turns a blind eye to the tricks automakers use to inflate fuel economy ratings.
- Goldman Sachs has a brand new gig: internet-based banking (Fortune) – This is the fruit of GS' acquisition of General Electric's former financial arm. Hmm.
- BAE Systems has a nice graphic outlining the SWIFT hack via Bangladesh's central bank (BAE) – Makes it easy to explain to Grampa how somebody carted off nearly a billion dollars.

Toodledy-doo, Tuesday. See you tomorrow morning!

MONDAY MORNING: TECTONIC SHIFT

Last week after the artist Prince Rogers Nelson died, a segment of the population were mystified by the reaction to his passing. They'd missed impact this artist had had on music which happened concurrent with a paradigm shift in the entertainment industry. Prince rose in sync with music videos in the 1980s when musical artists became more than sound alone.

Music television has since collapsed as anyone who watched MTV and VH-1 since 2000 can tell you. Programming once dedicated to music videos became a mess of unscripted reality programs and oddments, punctuated occasionally by music specials, chasing an audience which increasingly found and consumed music on the internet.

This weekend, though, marked another shift. R&B pop artist Beyoncé released a 'visual album' on HBO on Saturday evening entitled 'Lemonade'. The work was available exclusively through Tidal after its HBO premiere until midnight last night when it was released on Apple iTunes. This is the first music collection released in this manner, using a cable network not previously dedicated to music in tandem with internet streaming and download sales.

I won't offer any analysis here about the album; you're not looking if you do not see at least a fraction of the deluge of reaction and think pieces responding to Beyoncé's latest work. I will say, though, that like Prince's Purple Rain in 1984, this collection of work will have long-term impact across not only music but the entire entertainment industry.

Let's launch this week's roundup...

The Dutch pull a Lavabit-plus

Encrypted communications network Ennetcom was shut down on Friday and its owner arrested. Dutch law enforcement claimed Ennetcom was used by organized crime; its owner is accused of

money laundering and illegal weapons possession. The network relied on servers located in Canada, where law enforcement has cooperated with the Netherlands by copying the information on the servers. Unlike the former secure email provider Lavabit in the U.S., it's not clear there was any advance request for information by way of warrant served on Ennetcom in either the Netherlands or in Canada. Given the mention of illegal weapons, one might wonder if this seizure is related to the recent prosecution of gun smugglers in the UK.

Time for 'Spring Cleaning' – get rid of digital dust bunnies

Seems like a surprising source for a nudge on this topic, but the Better Business Bureau is right to encourage cleaning and maintenance. If you read Marcy's post this morning, you know failing to use adequate passwords and firewalls can be costly. It's time to go through your electronic devices and make sure you're using two-factor authentication where possible, freshly reset strong passwords, and on your network equipment as well as your desktop and mobile devices.

Planning for your funeral – on Facebook?

A BBC piece this past week noted that Facebook will eventually have more dead users than live ones. Which brings up an interesting question: how do you want your digital presence handled after you die? Do you have instructions in place? Keep in mind, too, that your social media could be mined to recreate an online personality – your personality. Do you want to live forever in teh toobz?

Investigation into Flint's water crisis continues

A Michigan legislative panel appointed by Governor Rick Snyder will hear from more state and local officials today in its fifth such meeting to investigate the Flint water crisis. Snyder is conveniently out of the country trying to drum up business in Europe – and conveniently not drinking Flint's water.

Odds and sods

- Waiting for word on Yahoo's final bidders list (Bloomberg) – No word yet on who will remain among the 10 first-round bidders offering between \$4-\$8 billion.
- German regulators won't approve recall and fix of VW's 2.0-liter diesel-powered Passat (Bloomberg) – And yet the U.S. is going forward with VW's proposed fix for 2.0l vehicles? Odd, given Germany's less-stringent approach to automotive emissions compared to U.S. and California in particular.
- A UK-based inquiry found widespread emissions controls failure (Phys.org) – By widespread, I mean "not a single car among the 37 models involved in the study met an EU lab limit for nitrogen oxide emissions under normal driving conditions." VW's emissions controls defeat was just the tip of the iceberg.

There's your Monday. Have at it!

UPDATE – 5:25 P.M. EDT – Oops, the auto-publish feature failed me today. I wasn't able to come back and check the egg timer on this post and it got stuck in the queue. Oh well, better luck

tomorrow morning!

FRIDAY MORNING: THIS THING CALLED LIFE

It's Friday, when we usually cover a different jazz genre. But we're playing these sorry cards we've been dealt this week and observing the passing of a great artist.

We'll probably all be sick of seeing this same video, but it is one of the very few of Prince available for embedding with appropriate intellectual property rights preserved. It's a result of Prince's tenacious control over his artistic product that we won't have ready access to his past performances, but this same tenacity taught many artists how to protect their interests.

It's worth the hour and a quarter to watch the documentary Prince in the 1980s; the enormity of his talent can't be understood without reactions by professionals to his abilities.

The way his voice slides easily into high registers at 05:44, his guitar playing beginning at 06:53, offer us just the smallest glimpses of his spectacular gifts.

Good night, sweet Prince, may flights of angels sing thee to thy rest.

Great Google-y moogley

- European Community's Antitrust Commission issued a Statement of Objections regarding perceived breaches of antitrust laws by Google's Android operating system (European Commission

press release) – The EU has a problem with Android's ~90% market share in some member states. They may have a tough time with their case as the EU did very little to preserve the Nokia Symbian OS when Microsoft bought Nokia phone business. Their point about lack of application interoperability and portability between mobile devices is also weak as they did not make that case with Windows-based applications on personal computers. Further, Google has been aggressive to the point of annoyance in its efforts to segregate Android and Google apps – I can attest to this, having a handful of Android devices which have required irritating application upgrades to facilitate this shift over the last year and a half. This will be an interesting case to watch.

- The second annual Android Security Report was released on Google's blog this week (Google Blog) – Some interesting numbers in this report, including Google's revelation that it scans 400 million devices a day. Gee,

a figure intelligence agencies must envy.

- Roughly 29% of Android devices can't be accessed to issue monthly security patches (Naked Security) – Sophos has a bit of an attitude about the back-of-the-envelope number it scratched out, calculating a little more than 400 million Android devices may not be running modern Android versions Google can patch, or may not be accessible to scanning for patching. You'd think a cybersecurity vendor would revel in this opportunity to sell product. Or that an otherwise intelligent and successful security firm would recognize the numbers reflect Android's continued dominance in the marketplace with more than 1.4 billion active devices. The risk is big, but how much of that risk is due to the success of the devices themselves – still highly usable if aging, with insufficient memory for upgrades? Sounds so familiar (*cough* Windows XP)...
- Google passed a benchmark with mobile version of

Chrome browser on more than 1 billion devices (Business Insider) – Here's another opportunity to screw up interpretation of data: mobile Chrome works on BOTH Android and iOS devices. I know for a fact the latest mobile Chrome will NOT work on some older Android devices.

Under Not-Google: Opera browser now has free built-in VPN

A lesser-known browser with only 2% of current market share, Opera is a nice alternative to Chrome and Firefox. Its new built-in free VPN could help boost its market share by offering additional privacy protection. It's not clear this new feature will protect users against censorship tools, though – and this could be extremely important since this Norwegian software company may yet be acquired by a Chinese company which placed a bid on the firm a couple of months ago.

Definitely Not-Google: Apple cracker cost FBI more than \$1 million

Can't swing an iPad without hitting a report on FBI director James Comey's admission at the Aspen Security Forum this week in London that cracking the San Bernardino shooter's work iPhone cost "more than I will make in the remainder of this job, which is 7 years and 4 months," or more than \$1 million dollars. Speaking of exorbitant expenses, why was Comey at this forum in London? Oh, Comey was the headliner for the event? Isn't that interesting...wonder if that speaking gig came with speaker's fee?

That's it for this week's morning roundups. Hope you have a nice weekend planned ahead of you!

THURSDAY MORNING: COME ON NOW [UPDATE]

*Come on now,
who do you,
who do you,
who do you,
who do you think you are,
Ha ha ha bless your soul.
You really think you're in control.*

– excerpt, Crazy by Gnarl's Barkley

The kids are all #TBT on Twitter – posting throwback material from their youth, which seems like just yesterday to me. I've got socks older than most of the stuff they share. But I have fun with it anyhow, like this Gnarl's Barkley song. Perfect to sing at the top of your lungs in the office if you can get away with it.

Speaking of crazy...

Deadline today for Volkswagen

A deadline for a "concrete proposal for getting the polluting vehicles off the road" was due last month on March 24th after U.S. District Judge Charles Breyer gave VW a 30-day period to develop this solution.

That deadline was not met; Judge Breyer offered another 30-day extension as he felt progress was made. Today's that second deadline, and it's not clear a technical solution fixing the vehicles will be included in the proposal.

Reports suggest a combination of vehicle buy-backs and financial incentives may be offered along with funding for remediation. But no reports indicate development of true clean diesel technology to replace the emissions

control units programmed to defeat emissions testing. Note from LAT's article:

...The agreement would give some owners the choice of having Volkswagen repair their cars or buy them back, but it does not include plans on how to repair the vehicles, according to the person, who asked not to be identified because the deal hadn't been made public.

[...]

... But some owners of newer models who get just a software fix may receive little. About 325,000 owners of older cars that require more extensive repairs likely will get more, because the repairs could affect mileage and performance.

In other words, some of the emissions test-defeating software may be replaced with software that actually meets emissions tests, but it may make the vehicles much less fuel efficient.

This is the crazy, right here: Barring a surprise announcement today, there is no commercially-viable clean passenger diesel technology. There never was – not even years after the first so-called clean passenger diesel was sold. That's the fraud at the heart of Dieselgate.

UPDATE – 4:00 P.M. EDT –

At a hearing this morning in San Francisco, VW agreed on a deal to buy back or repair about 480,000 passenger diesel cars. Details have not yet been released and may not be until June 21st when VW is expected to have finished dotting all I's and crossing all T's.

The deal appears to cover 2.0L vehicles, but 85,000 VW-, Audi- and Porsche-brand vehicles with 3.0L engines are still up in the air. This may suggest performance and fuel efficiency are still problems with any emission control unit repairs.

The deal will also include some funds for pollution remediation, but details about remediation efforts are also unavailable.

Here's Bloomberg's report on VW, and here's Reuters.

Guess we'll save the Google-y bits for tomorrow, leave today for Volkswagen.

WEDNESDAY MORNING: WATER, WATER, EVERYWHERE [UPDATE]

*Day after day, day after day,
We stuck, nor breath nor motion;
As idle as a painted ship
Upon a painted ocean.*

*Water, water, every where,
And all the boards did shrink;
Water, water, every where,
Nor any drop to drink.*

– excerpt, The Rime of the Ancient
Mariner by Samuel Taylor Coleridge

Felony and misdemeanor charges are expected today in the Flint water crisis. State Attorney General Bill Schuette will put on a media dog-and-pony show, when it is expected that three persons – two engineers with the Michigan Department of Environmental quality and a Flint water department employee – will be charged for Flint's lead water levels after the cut-over to Flint River water.

Mind you, the descriptions of these persons do not match that of higher level persons who were responsible for

- 1) making the final decision to cut Flint off from Detroit's water system and switching to the Flint river;
- 2) evaluating work performed by consulting firms about the viability of Flint River as a water source, or about reporting on lead levels after the cut-over;
- 3) ensuring the public knew on a timely basis the water was contaminated once it was already known to government officials;
- 4) lack of urgency in responding to a dramatic uptick in Legionnaire's disease, or the blood lead levels in children.

Just for starters. Reading the Flint water crisis timeline (and yes, it needs updating), it's obvious negligence goes all the way to the top of state government, and into the halls of Congress.

Michigan's Governor Snyder has elected to perform some weird self-flagellating mea culpa or performance art, by insisting he and his wife will drink filtered Flint city water for a month. It's a pointless gesture since the toxic lead levels, experienced during the two years immediately after the city's cut-over to the Flint River, have already fallen after doing permanent damage to roughly eight thousand children in and around Flint.

Flint's Mayor Karen Weaver said about the governor's stunt, "[H]e needs to come and stay here for 30 days and live with us and see what it's like to use bottled or filtered water when you want to cook and when you want to brush your teeth."

Or get a new mortgage, I would add. The gesture also does nothing for Flint's property values. Imagine living in Flint, trying to refinance your home to a lower interest rate, telling the bank, "Oh, but the water's safe enough for the governor!" and the bank telling you, "Nah. Too risky."

UPDATE – 10:45 AM EDT –

Charges have been filed against City of Flint's

Laboratory & Water Quality Supervisor Mike Glasgow and Michigan Department of Environmental Quality Office of Drinking Water and Management Assistance district director Steven Busch and MI-ODWMA District Engineer Michael Prysby. Mlive.com-Flint reports,

Glasgow is accused of tampering with evidence when he allegedly changed testing results to show there was less lead in city water than there actually was. He is also charged with willful neglect of office.

Prysby and Busch are charged with misconduct in office, conspiracy to tamper with evidence, tampering with evidence, a treatment violation of the Michigan Safe Drinking Water Act and a monitoring violation of the Safe Drinking Water.

None of the individuals charged in the case have been arraigned.

Sure would like to see the evidence on Glasgow, given the email he wrote 14-APR-2014 (see the timeline).

House hearing on encryption yesterday

- Worth the time if you have it to listen to the House Energy and Commerce Oversight and Investigations Subcommittee's hearing, 'Deciphering the Debate Over Encryption: Industry and Law Enforcement Perspectives' to catch Apple's general counsel Bruce Sewell and UPenn's CIS asst. prof. Matt Blaze. Not so much for Indiana State Police Captain

Charles Cohen, who was caught up in misinfo/disinfo about Apple's alleged non-cooperation with the U.S. government. Wish there was a transcript, especially for the part where Sewell was quizzed as to whether Apple would encrypt their cloud.

- Speaking of Cohen and misinfo/disinfo, Apple said it hasn't released source code to Chinese (Reuters) – This is the spin IN's Cohen got caught up in. Nope.

Another Congressional hearing of interest: Fed Cybersecurity

In case you missed it, catch the video of today's House Oversight Subcommittee on Information Technology hearing on Federal Cybersecurity Detection, Response, and Mitigation. You may have seen Marcy's tweets on this hearing, at which Juniper Networks was a no-show, and Rep. Ted Lieu (D-CA) was kind of pissed off. Catch Bruce Schneier's post about Juniper's vulnerability.

Volkswagen has company: Mitsubishi's mileage data tweaked to cheat

The Japanese automaker may have to pay back tax rebates offered on vehicles meeting certain fuel efficiency standards. Data from mileage tests on hundreds of thousands of cars was fudged to make the cars look 5-10 percent more efficient.

Speaking of cheating: Volkswagen's use of code words masked references to emissions controls cheats

The amount of data under review along with the use of code words and phrases like "acoustic software" may delay the completion of the probe's report. Don't forget: tomorrow is the

second 30-day deadline set for VW to provide a technical solution for owners of its passenger diesel vehicles.

That's enough. Michigan state AG newser underway now as I update this again at 1:15 p.m. EDT; I may not update here since I addressed known charges above. Catch you on the other side of the hump.

TUESDAY MORNING: TRASH DAY

It's trash day in my neighborhood. Time to take the garbage to the curb. I aim for as little trash as possible, which means buying and consuming less processed/more fresh foods. I use paper/glass/ceramic/stainless steel for storage, avoiding plastics as much as possible. Every lick of plastic means oil – either the plastic has been created wholly from oil, or fossil fuels have been used in its manufacture. Can say the same about the manufacturing of paper/glass/ceramic/stainless steel, but paper can be composted/recycled/renewed, and the rest can be used for lifetimes if cared for. I use ceramic bowls that belonged to my great-grandmother, and stainless pots and bowls once belonging to my mother, and I expect to hand them down some day.

Which makes me all judgy when I'm walking through the neighborhood, side-eyeing the garbage cans at the curb. Can't believe how much waste is created every week, and how willing we are to pay tax dollars to stick it in the ground as landfill. How can Family X not bother to recycle at all? How can Family Y live on so much processed, chemical-laden garbage? It's all right there at the end of their driveway, their addiction to fossil fuel consumption spelled out in trash.

What small change can you make in your lifestyle so Judgy McJudgyPants here doesn't side-eye your trash cans?

Speaking of trash...

Piling on the wonks, Part 3: United Healthcare exiting Obamacare in Michigan

Disclosure: UHC is my health insurer, which I am fortunate enough to afford. But I couldn't stay with them if I had to go on Obamacare. UHC says it's losing too much money in Michigan to remain in the program – not certain how given the double-digit underwriting increase it posted for this past year. UHC will leave other states which may not fare as well as Michigan, and even Michigan will suffer from decreasing competition. Do tell us, though, wonks, how great Obamacare is. I'm sure I will feel better should I ever have to shop Obamacare plans for pricey coverage with a dwindling number of providers. And if you missed the previous discussions on inept Obamacare wonkery, see Part 1 by Marcy and Part 2 by Ed Walker.

Tech Tiews

- Don't let anybody say Apple isn't cooperating with law enforcement (Phys.org) – Apple has, to the tune of 30,000 times from Jul-Dec 2015 alone, according to a report released late Monday.
- BlackBerry CEO says telecom companies should 'comply with reasonable lawful access requests' to assist law enforcement (Reuters) – Nice bit of footwork from a company which passed their encryption key to Canadian law enforcement as far back

as 2010.

- If you missed the 60 Minutes segment about the security threat posted by Signalling System Number 7 protocol (SS7), you should read up. (The Guardian) – Also wouldn't hurt to look into end-to-end encryption for your communications. Wonder what role SS7 played in NSA's and GCHQ's 'treasure mapping' Germany's Telekom and other global networks, and if this explains why SS7 is still not secure?
- [Presence of drugs in car] plus [pics of cash on phone] = suspicious (Ars Technica) – Wait, isn't the presence of illegal drugs in one's car enough to make one a suspect?
- New technology for chip-embedded smart cards will speed checkout times, says VISA (Phys.org) – What the hell are we being forced to switch to so-called smart cards for if they don't actually improve checkout process already? We'll piss away any savings from increased security standing in line waiting.

Time to fetch the emptied trash can. See you

tomorrow!

MONDAY MORNING: CALM, YOU NEED IT

Another manic Monday? Then you need some of Morcheeba's Big Calm combining Skye Edward's mellow voice with the Godfrey brothers' mellifluous artistry.

Apple's Friday-filed response to USDOJ: Nah, son

You can read here Apple's response to the government's brief filed after Judge James Orenstein's order regarding drug dealer Jun Feng's iPhone. In a nutshell, Apple tells the government they failed to exhaust all their available resources, good luck, have a nice life. A particularly choice excerpt from the preliminary statement:

As a preliminary matter, the government has utterly failed to satisfy its burden to demonstrate that Apple's assistance in this case is necessary—a prerequisite to compelling third party assistance under the All Writs Act. See *United States v. N.Y. Tel. Co.* ("New York Telephone"), 434 U.S. 159, 175 (1977). The government has made no showing that it has exhausted alternative means for extracting data from the iPhone at issue here, either by making a serious attempt to obtain the passcode from the individual defendant who set it in the first place—nor to obtain passcode hints or other helpful information from the defendant—or by consulting other government agencies and third parties known to the government. Indeed, the government has gone so far as to claim that it has no obligation to do so, see DE 21 at 8, notwithstanding media

reports that suggest that companies already offer commercial solutions capable of accessing data from phones running iOS 7, which is nearly three years old. See Ex. B [Kim Zetter, *How the Feds Could Get into iPhones Without Apple's Help*, Wired (Mar. 2, 2016) (discussing technology that might be used to break into phones running iOS 7)]. Further undermining the government's argument that Apple's assistance is necessary in these proceedings is the fact that only two and a half weeks ago, in a case in which the government first insisted that it needed Apple to write new software to enable the government to bypass security features on an iPhone running iOS 9, the government ultimately abandoned its request after claiming that a third party could bypass those features *without Apple's assistance*. See Ex. C [*In the Matter of the Search of an Apple iPhone Seized During the Execution of a Search Warrant on a Black Lexus IS300, Cal. License Plate #5KGD203* ("In the Matter of the Search of an Apple iPhone" or the "San Bernardino Matter"), No. 16-cm-10, DE 209 (C.D. Cal. Mar. 28, 2016)]. In response to those developments, the government filed a perfunctory letter in this case stating only that it would not modify its application. DE 39. The letter does not state that the government attempted the method that worked on the iPhone running iOS 9, consulted the third party that assisted with that phone, or consulted other third parties before baldly asserting that Apple's assistance remains necessary in these proceedings. See *id.* The government's failure to substantiate the need for Apple's assistance, alone, provides more than sufficient grounds to deny the government's application.

Mm-hmm. That.

Dieselgate: Volkswagen racing toward deadline

- Thursday, April 21 is the extended deadline for VW to propose a technical solution for ~500,000 passenger diesel cars in the U.S. (Intl Business Times) – The initial deadline was 24-MAR, establishing a 30-day window of opportunity for VW to create a skunkworks team to develop a fix. But if a team couldn't this inside 5-7 years since the cars were first sold in the U.S., another 30 days wouldn't be enough. Will 60 days prove the magical number? Let's see.
- VW may have used copyrighted hybrid technology without paying licensing (Detroit News) – What the heck was going on in VW's culture that this suit might be legitimate?
- After last month's drop-off in sales, VW steps up discounting (Reuters) – Trust in VW is blamed for lackluster sales; discounts aren't likely to fix that.

Once around the kitchen

- California's winter rains

not enough to offset long-term continued drought (Los Angeles Times) – Op-ed by Jay Famiglietti, senior water scientist at the NASA Jet Propulsion Laboratory–Pasadena and UC-Irvine’s professor of Earth system science. Famiglietti also wrote last year’s gangbuster warning about California’s drought and incompatible water usage.

- Western scientists meet with North Korean scientists on joint study of Korean-Chinese volcano (Christian Science Monitor) – This seems quite odd, that NK would work in any way with the west on science. But there you have it, they are meeting over a once-dormant nearly-supervolcano at the Korea-china border.
- BTW: Deadline today for bids on Yahoo.

There you are, your week off to a solid start.
Catch you tomorrow morning!

FRIDAY MORNING: DARK

WATER JAZZ

It's Friday and that means jazz here at emptywheel. But no genre exploration today, just this lovely, evocative downtempo jazz/trip hop fusion work.

It's dark water jazz indeed this week...

Congress *oublies* the Flint water crisis

I can't find anything in C-SPAN about the House Energy and Commerce Committee hearing which was to address the crisis. Convenient for Republicans running for office right now to keep themselves at arm's length from a Republican scandal. We're lucky the hearing was captured at all; it can be found at the committee's website. (Video 3:44:08)

It must be difficult to kowtow to traditional GOP underwriters while trying to appear like you're doing a credible job of representing Americans most in need. But it's a lot easier to bury and forget the inconvenient.

The latest scuttlebutt is that the bipartisan Energy Policy Modernization Act of 2015 (S.2012) will proceed without additional funding to remedy Flint's damaged water system, still replete with lead piping. Senate Republicans led by Senator Mike Lee of Utah protested the inclusion of funding for Flint in this bill, threatening to reject it altogether.

Wait – you know who's up for reelection this season? Senator Mike Lee! Amazing coincidence! Or not. You know, Senator Lee, when your fellow senators leak about your obstruction, you should catch a clue. Sometimes actually helping Americans is more important than sucking up to your anti-tax overlords.

You know who else is up for reelection this season? Senator Lisa Murkowski, the chair of the counterpart Senate Energy Committee and the sponsor of S.2012. You'd think she'd want to look effective as a leader and at governance.

Roughly 8,000 children will continue to live as if they are in a third world country, with a patchwork of assistance for their health and education, but no relief from the lead pipes which continue to run from the water department to their homes. Imagine them drinking water out bottles for the rest of their childhoods, their families having to take additional time and effort to lug bottles upon bottles for their daily essential needs.

Don't even suggest these families leave. They are stuck, STUCK in Flint, because their property values have been gutted by the failure of a GOP-led state administration, and the continued avoidance by a GOP-led Congress. Who wants to buy a home with lead pipes in Flint now? Which banks want to finance new mortgages to those homes? Which insurers want to write coverage on them?

Some government aid has been offered to Flint – which the ever-ineffectual Rep. Fred Upton recited like a litany during the hearing (see 0:13:30 in the video) – but none of it addresses the lead piping.

Donald Trump won the Republican primary in Flint's home county of Genessee, by the way. Can't understand why...

Cleaning off the desk

Stuff worth perusing, but I'm not going to elaborate on before I chuck it in the bin for the week.

- Microsoft suing U.S. government for gagging the software company about government requests for users' information. (Microsoft) – MSFT president Brad Smith wrote in a blog post about the suit; note the complaint here (pdf) in

which MSFT shared these details:

Between September 2014 and March 2016, Microsoft received 5,624 federal demands for customer information or data. Of those, nearly half—2,576—were accompanied by secrecy orders, forbidding Microsoft from telling the affected customers that the government was looking at their information. The vast majority of these secrecy orders related to consumer accounts and prevent Microsoft from telling affected individuals about the government's intrusion into their personal affairs; others prevent Microsoft from telling business customers that the government has searched and seized the emails of individual employees of the customer. Further, 1,752 of these secrecy orders contained no time limit, meaning that Microsoft could **forever** be barred from telling the affected customer about the government's intrusion. The government has used this tactic in this District. Since September 2014, Microsoft received 25 secrecy orders issued in this District, none of which contained any time limit. These secrecy orders prohibit Microsoft from speaking about the government's specific demands to **anyone** and forbid Microsoft from ever telling its customers whose documents and communications the government has obtained. The secrecy orders thus prevent Microsoft's customers and the

public at large from ever
learning the full extent of
government access to private,
online information

Emphasis Microsoft's. Therein the one
way to release a limited amount of
information: file suit against the
government.

- Claims after March attack that Brussels airport security was lax impels Belgium's transport minister to quit (euronews) – Bombs were detonated before security clearance area; not certain how minister could have prevented bombing except to move clearance all the way to the edge of the airport's perimeter instead of after check-in.
- UC-Davis sanitized the internet to prop its image (SacBee) – School paid \$175K to excise references to a 2011 attack on student protesters by police using teargas. Should keep in mind UC-Davis is part of the University of California, of which former Homeland Secretary Janet Napolitano is president, who authorized spying-by-malware on UC-Berkeley.
- Hey, did you know there's a tiny sovereign country

inside U.S. borders? (Atlas Obscura) – Welcome to Molossia, have a nice day! Surprised no uber-wealthy hit on this as a potential money-laundering. tax-avoidance strategy: make your own country inside the U.S.

And with that we're off, headed for a nice spring weekend ahead. Have a good one!

THURSDAY MORNING: IT'S STILL MORNING SOMEWHERE

Fried. I am totally brain-fried after spending the night reading about flavivirus, rubivirus, arbovirus. So a morning post was not in the cards right away today in my time zone.

Things are fried elsewhere, too, as you can see from the global map above. These locations are suffering from drought:

Colombia – Drought has affected hydroelectric generation.

India – south – Heatwave coupled with drought cost lives

Malawi – Food crisis declared as crop yields fall off due to drought

Mongolia – Severe winter sandwiched between droughts devastates livestock

Morocco – Wheat crop output fell by 50% due to drought

Mozambique – Floods in the north and drought in the south damaged crops; a “red alert” now issued over food security.

Oceania (S Australia/Papua New Guinea) – Human trafficking reported, with girls sold in exchange for rice in Papua New Guinea due to drought-caused crop failures.

Venezuela – Country experiencing electricity shortages due to drought

Vietnam – Livestock are dying due to drought

Zimbabwe – Country is participating in a co-operative food aid program due to severe drought.

This is only a partial list of drought-affected countries; Mideast and Mediterranean countries, Thailand, more of the African continent, and the southwest U.S. also suffer from drought.

Some drought is due to cyclical trends like the current El Nino event, but much of the drought is deeper than the average cycle, and some of it is simply climate change. Many places are already facing agricultural crises, and others have been facing them for years now.

While the map above doesn't reflect it, forecasts predict dryer-than-average conditions across the crop-growing region of the middle U.S. as well as a return to dryer conditions in California.

We are overdue for discussions about global food security as climate change worsens. We can start now.

Back to regular morning roundup programming tomorrow – see you then!