

Nina Pullano: Welcome to Sidebar, a podcast from Courthouse News. I'm Nina Pullano, a reporter based in Brooklyn and one of your co-hosts. Today we're talking about vaccine misinformation, and what role the government and social media companies should play when conspiracy theories run rampant across the Internet. We'll also get an update from the Texas Legislature about how a polarized group of lawmakers is taking on issues like abortion and gun rights. But first, I'm sending it over to my own report on the prosecution of the rioters who attacked the nation's capital on Jan. 6 of this year. Take a listen.

[Sounds from the Jan. 6 Insurrection]

Pullano: The entire country stopped and watched on Jan. 6, as an angry mob stormed the United States Capitol Building, trying to stop the counting of votes that would certify Joe Biden's presidency.

[More Sounds from Jan. 6]

Pullano: Around 600 people have been arrested following the attempted insurrection at the beginning of 2021. We're going to talk about what's happening with those trials in a moment. But first, Courthouse News reporter Samantha Hawkins will talk about the FBI's efforts to track down people who took part in the insurrection, a job that isn't over yet.

Hawkins: A lot of those are pretty easy targets for the FBI, with rioters openly bragging on social media or caught in video footage. And a lot of the time friends and family members and acquaintances of the rioters tipped them off. So, they're still trying to find about 300 people that are caught in surveillance footage and photos but haven't been able to be identified.

Pullano: Samantha covers district and circuit courts in Washington, D.C., and she's written about some of the methods and technology that the FBI is using to find people. In one case, a man from Alexandria, Virginia, his name is Fi Duong, met an undercover Metropolitan police officer at the Capitol on Jan. 6. They kept in touch afterward, the officer said he was a patriot.

Hawkins: And then a few days later, the police officer introduced Mr. Duong to an undercover FBI agent. And Mr. Duong ended up adding the agent to an encrypted messaging platform where the agents ended up gathering a lot of his information.

Pullano: Information like that he had worn all black clothing to the Capitol to trick law enforcement into thinking that he was with Antifa, which stands for anti-fascist, and that he was a member of a cloak and dagger style militia group. He even invited the agent to one of their meetings which they call Bible studies.

Hawkins: The agent saw multiple firearms and boxes of ammunition while the group discussed weapons and training classes and plans to obtain a private Internet server so they could work around law enforcement surveillance. The agent also obtained Google location data obtained through search warrants. So, he spent months talking to this man and gathering and compiling enough evidence for an affidavit.

Pullano: While it doesn't take a months-long undercover operation to charge every single defendant, there's a lot that goes into the FBI's process of getting search warrants, conducting interviews and putting together a portfolio of evidence. And that's before we even get to trial.

[Music Break]

Pullano: Of the 600 or so people charged with taking part in the events of Jan. 6, at least 27 defendants have pleaded guilty to crimes, most of them misdemeanors, but half a dozen people admitted to committing felonies. Recently, the first felony sentence was handed to a man from Tampa, Fla. named Paul Hodgkins. He got eight months in prison. That's 10 months lower than what prosecutors had asked for and seven months lower than the bottom end of the sentencing guidelines.

Glenn Kirschner: Eight months was unfair and inappropriate. And I say that not just because I'm a former career prosecutor, but I look to the federal sentencing guidelines that apply to every single federal prosecution nationwide. Those are the guidelines that we all operate by prosecutors, defense attorneys and judges.

Pullano: That's Glenn Kirschner, a former federal prosecutor at the U.S. Attorney's Office in the District of Columbia. He said it's hard to understand why the judge, this is U.S. District Judge Randolph Moss, decided to go that low.

Kirschner: Here's the good news: Sentencing in any individual case sets exactly zero precedent. It might look like what we call atmospheric precedent because it is some indication of how one judge decided the appropriateness of one sentence for one defendant, but sentencing proceedings are uniquely and intensely individual.

Pullano: At the same time, the effect of this sentence could show up in other ways, especially among the hundreds of rioters facing charges and deciding whether or not they should plead guilty.

Kirschner: They will take that into account in deciding, 'You know what, maybe I should take my chances, maybe I shouldn't plead guilty, maybe I should go to trial and look for that really nice low sentence that Judge Moss imposed. Maybe I should plead guilty but refuse to cooperate.' And you can bet every good defense attorney, and there are lots of good defense attorneys involved in defending these insurrectionists, will say 'I am going to cite Judge Moss' benchmark atmospheric precedent only though it may be as why my guy or my gal as a defendant should get less.' That's where the damage comes in.

Pullano: The low sentence could make prosecutors' jobs a little harder going forward, but in the big picture, a lot of factors will go into trying each individual, including the order in which people are prosecuted.

Kirschner: They have to sort of separate the wheat from the chaff. They have to get some of these low-level insurrectionists, particularly the ones who are lone wolves, prosecutors have to make difficult decisions about who can we get important criminal intelligence and information from and who just got on a bus and entered the Capitol unlawfully.

Pullano: For people who may be caught on a bus to Washington but weren't deeply involved with planning and carrying out the interaction, Glenn said all trails lead to one place: Donald Trump.

Kirschner: He used the term 'Stop the Steal,' which from a prosecutor's perspective is when we're standing in the middle of the court arguing this to the jury, because he told them to stop what was going on in the Capitol. That's a crime, that is an insurrection, it is obstructing an official congressional proceeding. And he demonstrated his own criminal intent, his own guilty mens rea, state of mind, because he lied to them, to inspire them to commit the crimes they committed. So, I'm not going to say I

have this forgiving streak in me for what people were inspired to do. But please, let's remember, people are entitled to listen to the President of the United States, and act on what he tells them to do, even if it's a lie. So, all of that I think has to be factored in to how we sentence each one of these defendants.

Pullano: Separate from the prosecution of rioters who hailed from around the country, Congress has also employed a select committee to investigate. On July 27, four Capitol police officers testified in front of that committee.

Sgt. Aquilino Gonell: Even though there is overwhelming evidence to the contrary, including hours and hours of videos and photographic coverage, there's a continued shocking attempt to ignore or try to destroy the truth of what truly happened the other day.

Officer Michael Fanone: I was at risk of being stripped of and killed with my own firearm as I heard chants of 'Kill him with his own gun.' I could still hear those words in my head today.

Officer Daniel Hodges: The acrid sting of CS gas or tear gas and OC spray, which is mace, hung in the air as the terrorists threw their own CS gas-- threw our own CS gas canisters back at us and sprayed us with their own OC, either they bought themselves or stole from us. Later I learned at least one of them was spraying us in the face with wasp spray. 'Do you think your little peashooter guns are gonna stop this crowd? No. We're going in that building.' Eventually there is a surge in the crowd. The fence buckled and broke apart and we were unable to hold the line. A chaotic melee ensued. Terrorists pushed through the line and engaged us in hand-to-hand combat. Several attempted to knock me over and steal my baton.

Officer Harry Dunn: More and more insurrectionists were pouring into the area by the Speaker's Lobby near the Rotunda and some wearing MAGA hats and shirts that said Trump 2020. I told them to just leave the Capitol and their response they yelled 'No man. This is our house. President Trump invited us here.' I sat down on the bench in the Rotunda with a friend of mine, who was also a Black Capitol police officer, and told him about the racial slurs I endured. I became very emotional, began yelling how the blank could something like this happen. Is this America? I began sobbing, officers came over to console me.

Pullano: The Congressional Committee is looking beyond the individual prosecutions.

Kirschner: What kind of institutional failures, what kind of failures to communicate intelligence information occurred so that Congress can go about legislating if need be to try to fix institutional shortcomings. They have every right to talk about not only what happened that day, but who funded it, who organized it, who incited it. I mean, all of that falls under I think the select committee's umbrella.

Pullano: One important part of that investigation that Glenn pointed to is how their response that day was handled by law enforcement, and more specifically, which agencies were not called in for backup.

Kirschner: I'm really, really troubled and I hope the select committee gets to the bottom of this, by the fact that there were only two law enforcement agencies present at the Capitol that day, and who were they? Because we saw numbers of those two law enforcement agencies testify. Capitol police, that is the only federal law enforcement agency under the control of Congress, not the executive branch, and the local cops, my friends in the Metropolitan Police Department. Do you know what the BLM protests, there was every executive branch law enforcement agency known to man out there to try to guard against what turned out to be peaceful protests? I mean, when you look at the executive branch law

enforcement agencies, the agencies that Donald Trump controlled on Jan. 6, FBI, ATF, DEA, Park Police, Secret Service uniformed division, the US Marshals service, and it goes on and on and on, National Guard. All of those executive branch law enforcement agencies did not, did not go to the Capitol in advance to try to protect the Capitol. Was that an orchestration, was that a setup by Donald Trump and hid the nefarious forces he had placed in the federal government to set the Capitol up to be taken? I believe that was, I believe that's where the strongest evidence points, and the select committee has got to get to the bottom of that.

Pullano: The information that comes out of the investigation can also be used in the hundreds of trials taking place in the coming months and most likely years. Meanwhile, there's been a push to tighten up safety measures at the Capitol. Here's Samantha Hawkins again.

Hawkins: So, they've implemented a lot of new security measures based off of recommendations from a series of reports which investigated the Jan. 6 insurrection. These include increased riot training for the force, and they've given them some more helmets, shields and batons and better surveillance technology thanks to a loan from the Department of Defense. They've also upped staffing for member security and solidified emergency plans and opened field offices in Florida and California to investigate threats to members of Congress. And they've also expanded wellness services for the police by using trauma informed counselors and spiritual support services and peer support teams.

Pullano: You can read more of Samantha's reporting at [courthousenews.com](https://www.courthousenews.com). We'll be back after a short break.

[Music Break]

Pullano: We've had a vaccine to fight Covid-19 since December of last year, and for doctors and health care workers, that was the light at the end of a dark 2020 tunnel. But trying to get Americans to actually get vaccinated has proven to be harder than many experts thought it would be. One reason for that is misinformation about the vaccines often spreads through social media, raising questions about who's responsible. Nicholas Iovino is here to break it down.

Iovino: You've probably heard by now that some bizarre myths are circulating on social media about the Covid-19 vaccine.

Sharona Hoffman: So, I've heard that it causes infertility, that it can cause cancer. Somebody told me that the lifespan of anyone who gets a vaccine is only three years. I don't know how we would know that because it hasn't been around for three years, but somebody believed that.

Iovino: That's Sharona Hoffman, a professor of law and bioethics and co-director of the Law-Medicine Center at Case Western Reserve University in Cleveland. She says these false claims aren't just absurd and unfounded. They're also contributing to vaccine hesitancy and making it harder for the U.S. to achieve herd immunity and defeat the Covid-19 pandemic. Government officials agree the vaccine misinformation is a problem, but there's not much they can do to stop it. That's because the First Amendment protects your right to say just about anything you want, with a few exceptions.

Hoffman: Within reason the First Amendment protects speech. Now, you cannot cause harm. You cannot yell fire in a crowded area and cause a stampede, you could get prosecuted for that. But the

important thing to understand is that the First Amendment applies only to government entities. So, a private entity such as Facebook is not bound by any free speech requirement.

lovino: So, the government can't stop you from saying a vaccine will put microchips in your body so Big Brother can track you, but a social media company like Facebook can. That's probably why President Joe Biden's administration has been ratcheting up pressure on companies like Facebook to do more to police vaccine misinformation. Here's Biden speaking to reporters outside the White House last month before hopping on to his Air Force One jet.

Reporter: What's your message to platforms like Facebook?

Biden: They're killing people. I mean, really the only pandemic we have is among the unvaccinated.

lovino: Biden later walked back that statement, saying the true blame lies with people who spread false information online. But he also urged platforms like Facebook to do more to address the problem. Those recent comments show how limited the government is in its power to stop the spread of misinformation, according to Phil Napoli, a public policy professor at Duke University, who focuses on media and democracy.

Napoli: What tools are available to the federal government at this point to combat misinformation are to a certain degree limited, and that's why you get, you know, the president sort of trying to use the bully pulpit as we say, right, to sort of speak out and try to use, you know, the influence that he has to try to compel these platforms to be more aggressive.

lovino: But what happens when the federal government uses coercive pressure to get a company like Facebook to censor content? That question was recently raised in a federal lawsuit brought by a group called Children's Health Defense or CHD. The Georgia-based nonprofit, led by anti-vaccine activist Robert F. Kennedy Jr., publishes information on purported harms associated with vaccines and 5G wireless networks, claims that critics have denounced as conspiracy theories and misinformation.

Kennedy: I am not a conspiracy theorist. I follow the facts.

lovino: That's RFK Jr., who was banned from Instagram earlier this year for posting debunked and unproven claims about vaccines. He says social media outlets are imposing an anti-democratic, totalitarian form of censorship on people like him who raise questions about vaccine safety. He argues this censorship is un-American because it silences dissenting voices from the public square.

Audio Clip: We are careful not to make too much noise.

lovino: We don't have enough time in this segment to delve into whether Facebook's censorship practices are consistent with the spirit of the First Amendment. Instead, we'll be focusing on whether its actions are constitutional. We'll begin with some background on the lawsuit filed by RFK Jr.'s group. The dispute started in January 2019 when Facebook started slapping warning labels on CHD's content and flagging some of its claims as false or misleading.

Audio Clip: This place is a lie, everything about it is false!

lovino: For example, CHD linked to an article stating that vaccinated children are more likely to have adverse health outcomes based on a study that Facebook's fact checkers found was biased and unreliable. Facebook later deactivated the group's donate button, hobbling its ability to raise money

through the platform. CHD sued Facebook in August last year, seeking \$5 million in damages. As Professor Hoffman said earlier, the First Amendment doesn't apply to private companies like Facebook. But CHD says the government directed and worked with Facebook to censor its content, turning a private company's actions into a state sponsored directive. Here's Kennedy speaking in a Facebook Live video last fall about an alleged conspiracy cooked up between the government and big tech companies.

Kennedy: The coup d'état, and we are all fighting today, is a coup d'état that starts with a conspiracy between the government agencies and the big technology companies, the Silicon Valley billionaires, people like (Mark) Zuckerberg and Bill Gates.

Iovino: In its lawsuit, CHD cited multiple statements by Facebook CEO Mark Zuckerberg, saying his company has been working with the U.S. Centers for Disease Control and Prevention to curtail the spread of misinformation. Here's Zuckerberg speaking to Axios in September last year.

Zuckerberg: We work with the CDC and we work with the WHO and trusted health organizations to remove clear misinformation about health-related issues that could cause too-- it could cause an imminent risk of harm.

Iovino: The group also cited a letter that U.S. Congressman Adam Schiff sent in February 2019, demanding information on Facebook's efforts to police vaccine misinformation. In a congressional hearing a few months later, Schiff questioned if lawmakers should make changes to a 1996 law that shields Internet platforms like Facebook from lawsuits over content posted by their users.

Schiff: How broad is the immunity that the social media platforms enjoy? And is it time to do away with that immunity so that the platform is required to maintain a certain standard of care?

Iovino: After that June 2019 hearing, Schiff told the news outlet Axios that lawmakers should consider lifting some legal protections for online platforms if they can't exercise a proper standard of care when dealing with fraudulent and illicit content. CHD argued that statement amounted to a government threat intended to strong arm Facebook into stifling its speech.

Audio Clip: You can see how quiet helps us, can't you.

Iovino: But Senior U.S. District Judge Susan Illston dismissed the lawsuit in a ruling this past June. The judge found no evidence that the CDC or federal lawmakers like Schiff, directed or acted jointly with Facebook to censor social media posts. The judge also rejected a claim that the government provided the standards Facebook used to determine what content should be flagged or removed. Illston said she found no facts to support that accusation.

Audio Clip: Dismissed.

Iovino: Professor Napoli of Duke University says he thinks the government would have to go a few steps beyond asking or encouraging Facebook to censor content to violate the First Amendment. He said the Trump administration may have actually come closer to crossing that line last year, when former President Trump issued an executive order directing federal agencies to look into eliminating legal protections for online platforms.

Trump: My executive order calls for new regulations under Section 230 of the Communications Decency Act, to make it that social media companies that engage in censoring or any political conduct will not be able to keep their liability shield. That's a big deal.

Iovino: The order was issued after President Trump complained about companies like Twitter flagging some of his social media posts as false or misleading.

Napoli: You know, we saw something closer to this in the previous administration when we saw complaints about how Facebook and Twitter were treating the president's speech, immediately followed up with actual executive orders and Justice Department actions directed at those platforms. So, there we saw a true link, something closer, but even there, we never reached a level of actual policies being made.

Iovino: When it comes to vaccine misinformation, many public health experts agree that false claims should be policed more aggressively. But there's no consensus on what role the government should play in that effort. Dr. Amesh Adalja, an infectious disease expert and professor at Johns Hopkins University, says the spread of vaccine myths online is a major problem that contributes to a rise in preventable deaths from Covid-19. But he doesn't think the government should decide what claims about vaccines are accurate or misleading.

Adalja: We don't want the government to be arbitrating truth or falsehood, I think that gets scary because, you know, we have free speech here, freedom of speech is an important element of, of what makes this country great. So that's not necessarily always going to be a role for government. But I think private individuals, organizations can do a lot of good by socially ostracizing those that are spreading lies about the vaccines and actually presenting a positive case for the vaccines.

Iovino: So, without the ability to censor vaccine myths, what can the government do? Adalja says it must use its powers of persuasion to fight falsehoods with facts and data.

Adalja: So, I think we have to continue to try and promote just the facts, just reality about the vaccines. And I think it's really important to call out anti-vaccine sentiment for what it is. It basically is the voice of the Dark Ages that's basically dragging people to their deaths.

Iovino: According to Adalja, combating vaccine misinformation will be an important part of the government's pandemic response plans in the future.

Adalja: And I think we need to think about this as part of our pandemic preparedness in our resilience that there is vocal anti-vaccine movement that not only spreads lies about the vaccines, but also attacks vaccine scientists and doctors, and sends them hate mail and death threats. This needs to be something that we take head on and think about as part of pandemic preparedness that we remove the influence of this sinister force.

Iovino: Adalja doesn't think social media platforms do a perfect job in policing vaccine misinformation. Facebook has even removed some of his fact checking posts about false vaccine claims, because they get caught in the company's dragnet of algorithms for identifying misinformation.

Adalja: I think they need to do a lot better than the algorithms that they're doing. Because too much bad stuff is getting through or not flagged, and some actual accurate information is getting pulled down just because of the title or some other word that that their algorithm is picking up.

lovino: Though its algorithms aren't perfect, Adalja still believes platforms like Facebook have a responsibility to stop the spread of false information, which can discourage people from getting vaccinated. But that responsibility doesn't come without legal risks. Children's Health Defense recently appealed Judge Illston's dismissal of the group's First Amendment lawsuit against Facebook, and the company will have to continue defending its decisions to censor vaccine content in the U.S. Court of Appeals for the Ninth Circuit.

Pullano: Thanks to Nicolas for that report. Before we get into our final segment, we want to remind you that you can find us on Twitter @CourthouseNews and @SidebarCNS. If you like what you've been hearing, please go ahead and give us a rating and share this episode with a friend who wants to hear all about how what happens in the courts affects our lives. Speaking of which, we'll head next to Bianca Bruno reporting on how some of the most contentious topics in America are playing out in the Texas Legislature.

[Western Music]

Bruno: They don't call it the Wild West for nothing.

[Gunshots]

Amid the wild political news cycle this year, which started with an unprecedented insurrection at the nation's capital, the state of Texas has still managed to carve out airtime in the first year of President Joe Biden's administration. It's been anything but business as usual in Texas, where the state legislature has gone further to the right than ever before this spring session and special session this summer have been called the most conservative legislative session in the state's history. So, I caught up with Austin-based Courthouse News reporter Kirk McDaniel on what's happened at the capital of the Lone Star state this summer. The last time you checked in on Sidebar, the Texas Legislature had gone through what many people on both sides of the political aisle have called the most conservative legislative session in state history. To prevent some of those conservative items on Gov. Greg Abbott's agenda from being adopted, Democrats broke quorum and walked out. Now, the legislature is in a special session. Can you talk about what's happened so far?

McDaniel: Since Democrats broke quorum back in the end of May, early June, Democrats have actually traveled to D.C. to rally for federal action on voting rights. Their hopes are to try to get the For the People Act or the John Lewis Voting Rights Act passed. So now with the special session starting there have been numerous bills filed, most notably the Republican effort to sort of change the voting laws here in Texas. And that has thus sparked another quorum break. There's also been an effort to restrict the teaching of critical race theory in Texas classrooms as well.

Bruno: So, Senate Bill 1 has replaced Senate Bill 7. What are the differences between the two iterations of the controversial election bills? And can you speak a bit about voting bills also being proposed by Democrats?

McDaniel: Between both of the bills, Senate Bill 7 during the regular session and Senate Bill 1 now during the special session, there's a lot of similarities to them. It is very notable that a lot of the most controversial provisions that were added at the very end of SB 7's life, if you will, those are not present. Those provisions would have limited hours on Sunday voting, essentially limiting 'Souls to the Polls,' as well as making it easier to overturn an election if a candidate alleges that there is fraud. As for what is

similar about them, both of the bills will still ban 24-hour voting, still ban drive-thru voting, both very popular things that were innovated in Harris County that were used to basically increase turnout and limit the spread of Covid-19. Now about what Democrats are proposing, there's a lot of daylight in between the differences and it really tells a lot about what's being prioritized by either party. Democrats are proposing bills that would bring Texas into many of the other states that allow for online voter registration. They would allow for more local control over elections, so rural and urban counties and areas would be able to conduct elections more fitting of where they're at. Republicans, their main goal is stop illegal voting and ballot harvesting by any means necessary. For Democrats, it is, you know, make voting easier and safer for people without imposing any undue risks, or creating any windows for fraud.

Bruno: That's a good segue to talk about why state Democrats have taken their concerns about the legislative session in Texas to Washington. And so, can you talk about what they hope to accomplish?

McDaniel: So, it's really twofold. One, they really hope to accomplish killing this bill again, and making sure that Republicans have no way of passing SB 1 into law. The second part of that is that they are going to Washington D.C., because they see that a federal response is the best way for not only Texas, but for many other states in the country that have passed similar laws, like the one being proposed in Texas, from voters in those areas from being disenfranchised. In doing so they've sort of taken this fight to a national stage, which I'm sure many people have seen.

Bruno: Can you confirm what laws have actually been implemented by the Texas legislature this year and when those laws go into effect.

McDaniel: On Sept. 1 of 2021, we're gonna see a number of laws go into effect, one of them being the latest restrictions on abortion, that one being the 'heartbeat bill,' basically limiting a woman's opportunity to get an abortion within six weeks of her pregnancy. Another bill is a permitless carry bill, that one is also going to go into effect on Sept. 1. Essentially, that bill allows for Texans to carry a handgun as long as it's in a holster on their body anywhere they want to go as long as it's not, you know, in a courthouse or places where the law specifies you can't carry a gun.

Bruno: What if anything is missing from this legislative session? Are there any issues Texans want addressed that are not on Gov. Greg Abbott's action list?

McDaniel: One of the biggest ones is going to be doing more to prevent issues that like we saw during the winter storm from happening in the future. So, during the regular session, Greg Abbott did sign a bill into law that would provide for weatherization of the Texas electrical grid. But the rallying cries to 'fix the damn grid' have been probably the most bipartisan of all of the issues going on in Texas. Even over the summertime over this June alone, we saw issues of getting Texans electricity for their air conditioner units to even work.

Bruno: How did Texas politics gets so polarized the past few years? Joshua Blank, the Texas Politics Project research director at the University of Texas, said dueling policy agendas are not just between state Republicans and Democrats. It's also about which Republicans can appease the most conservative voters.

Blank: There's probably, you know, a number of reasons you know why we're seeing, you know, some controversial legislation advance in the Texas legislature that, you know, even a few years ago, statewide leaders and members of those bodies said might be too conservative to even pass or that the

state wasn't ready for Texas has been a concern, is a conservative place, has been a conservative place and has had conservative legislators legislating you know, for the past two decades. Texas is not a place with a lot of low hanging fruit for legislative, you know, for Republican elected officials who want to be able to go back to their voters, in particular their primary voters and say that they've moved the ball forward. And ultimately, what's sort of left out there as a possibility, in terms of again, going, you know, and scoring victories for Republican primary voters involves increasingly conservative and increasingly extreme policy options.

Bruno: And Blank said winning big during primaries is important in a low voter turnout state like Texas.

Blank: So, when we're talking about, you know, a majority of the Republican primary electorate, we're talking about a majority of the 5-10% of the overall electorate that shows up in votes in Republican primaries. And so you are talking about a fraction of a fraction of a fraction. Now, I would say it's not as though you know, appealing to those base Republican primary voters, or a majority of them doesn't necessarily appeal to a majority of Republican voters statewide, it often does. But the difference is levels of intensity. You know, those activated Republican primary voters usually have more defined and more extreme and strongly held views on policy than maybe the general Republican electorate does. And I think that's where you're starting to see some of the discontinuity where, you know, some of the bills that move forward this session didn't appear to have, you know, overwhelming majority support among Republican voters, but they did amongst constituencies that really matter in Republican primary elections here in the state.

Bruno: After Texas democrats made strides in the 2018 election, and Senator Ted Cruz narrowly won by two percentage points over Beto O'Rourke, Blank said Republicans feared Democratic strides in the state. But then when Democrats failed to build on their successes in the 2020 election, it gave Republicans the green light to push more conservative legislation forward. Now there's no strong Democratic contender vying to challenge Texas Gov. Greg Abbott next year.

[Knockout Sounds]

Blank: There's no clear Democratic candidate in sight, really no front-runner looking to challenge him in 2022, which is really giving him the microphone to shape the election and talk about issues however he wants without a clear and obvious counter point. One of the big questions that's sitting out there right now is what Democrat is going to emerge from somewhere, whether it be the Texas House, the Texas Senate, whether from prior congressional candidates, prior statewide candidates, who is going to emerge to be the Democratic standard bearer right now, because ultimately there isn't one.

[Western Music]

Pullano: Thanks to Bianca for that report. And thank you to our listeners for tuning in. We hope you'll join us next time on Sidebar.

[Outro Music]