

Apple vs FBI

The right to privacy is not a right that is explicitly defined within the United States Constitution but is a right that is implied by the Bill of Rights. Ever since the terrorist attacks on September 11th, many people have been wondering what role should the government play in our lives concerning national security. Many Americans call for a strong government arguing that it is in the public's interest to try to equip the government with the tools necessary to combat terrorism. There is a significant amount of the population that believes the government has too much overreach, especially with their fourth amendment rights. The dispute between Apple and the FBI had the potential to define a precedent where the government would play a role in our digital privacy, especially during a time when technology is rapidly developing with no laws considering their impact.

On December 2nd, 2015, 14 people were killed and 22 were injured in a terrorist attack that marked one of the most dangerous attacks at the time since September 11th. The carnage took place at the Inland Regional Center in San Bernardino, California around 11:00 am. The attack was from an employee that worked as an environmental health specialist trainer named Syed Farook. With the help of his wife Tashfeen Malik, they both opened fire at the workers using AR-15 sporting rifles along with semi-automatic handguns. The police were able to track down the suspects in a rented black SUV, and after their final stand against law enforcement, they were gunned down. During the attack, Tashfeen posted on social media that the shooting was inspired by the International terrorist group ISIS. The police were able to recover the firearms and even discovered explosives; however, the attackers crushed their personal cell phones.

Investigators eventually discovered Syed had a work iPhone, but Farook had enabled the device to be encrypted which would prevent outsiders from accessing the contents within the phone. Law enforcement had access to the phone's older backups from the cloud through Apple's terms of service, but there were no backups on the phone during the time of the attack. The phone had only ten attempts to unlock the device otherwise, the data would be purged. Due to Apple's security feature, the FBI demanded Apple to give backdoor access to this device. but Apple did not comply.

Apple argued this would lead to a slippery slope that would nullify the confidentiality in their product's security that could be exploited by hackers. Apple did not want their product to be compromised especially since they advertise their products' security to their customers. The company took a stand stating that this could lead to a major privacy breach to their customers,

and the company claims the government would be infringing upon their user's human right to privacy. The FBI justified the request by using the 1789 All Ritz Act, which states that "All courts established by Acts of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usage and principles of law". This means the company could be mandated by the government agency to follow their orders.

The company was willing to take the FBI up to the Supreme Court to defend their stance but eventually, the FBI dropped their demands. The agency was able to crack the phone with the aid of a third party and did not find any substantial evidence from the phone about the terrorist attack. If the FBI did not seek the aid of a third party and take this issue to the courts, this could have marked a landmark court case. It would be possible there would be a clear line between what the executive agencies could do in respect to data privacy, along with setting precedence about how companies could cooperate with government agencies regarding their user's data.

In conclusion, the attack in San Bernardino brought the debate about where the government should be in our lives regarding data privacy. The right to privacy is still an issue being discussed in the modern world, especially in a world where technology is evolving rapidly. What happened between the FBI and Apple was not something many of our founders would have ever imagined regarding the technology at the time. The law is a process that takes time, and it is important to bring awareness to this issue if it is humanity's interest to preserve the right to privacy.

Reference

Apple vs FBI:

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