

If you take the FBI at their word both on the intent and the scope of their request to Apple, their request would be reasonable although their method of requesting it (via the All Writs Act) would be a mischaracterization of the Act. I do not take the FBI at their word on either of these, and Apple's legal department would appear to enthusiastically agree with me. If I (and they) are correct, then the FBI is attempting to massively overstep their bounds and engage in widespread abuse of all of our fourth amendment rights as well as Apple's resources. This is unacceptable both morally and constitutionally.

According to Apple, "The government attempts to rewrite history by portraying the Act as an all-powerful magic wand rather than the limited procedural tool it is." (www.techdirt.com) The All Writs Act requires 4 things to apply. First, it requires that there is no other way to achieve something. This fails. The FBI sabotaged (either accidentally or intentionally) the best alternative which was to wait for the phone to back up to iCloud and take the data from there by changing the iCloud password. Second, there must be a reason for the use. This is fine. Third, it must be necessary for the case at hand. This is arguable, but I will give it to the FBI as well. Fourth, it must be in agreement with current laws. This fails to an impressive degree.

First, it is important to see exactly what the FBI is asking for. Their request to Apple is that Apple makes a new version of iOS that bypasses a number of security features. Namely, they want an iOS that 1) accepts passcode attempts digitally rather than typing them in manually, and 2) does not lock out and wipe itself after a number of failed attempts. The FBI claims this new iOS would be used only on the San Bernardino iPhone. This is absurd. The FBI currently has 9 different requests to Apple for the same thing, the ability to bypass the security features. They claim that Apple could make a new version to each specific phone. This is also absurd. It would require Apple to essentially be constantly making new versions every time the FBI decided it wanted to violate someone's fourth amendment rights, taking up a massive portion of Apple's designers and engineers for something that could not possibly return a single

cent of revenue. According to Tim Cook, Apple's CEO, "Once created,' he wrote, 'the technique could be used over and over again, on any number of devices. In the physical world, it would be the equivalent of a master key, capable of opening hundreds of millions of locks — from restaurants and banks to stores and homes. No reasonable person would find that acceptable.'" (www.washingtonpost.com)

The idea that citizens should have a degree of privacy from the government is written into the constitution in the form of the fourth amendment. "The right of the people to be secure in their persons, houses, papers, **and effects, against unreasonable searches** and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." (Emphasis mine.) There is no argument that a phone is not an effect in the sense used here, and the software the FBI is requesting from Apple can and would be used for massive unreasonable searches in at least 9 separate cases right now.

This is the kind of story that tends to get lost in the 24 hour news cycle because it's not very interesting and involves highly technical and legal issues. To fully understand it you have to have a working understanding of cryptography, iPhones specifically, and constitutional law. I don't even come close to a full understanding of it, but what I do know is that it's serious enough for Apple engineers to threaten to quit rather than comply with the FBI order.

(www.vanityfair.com) I know that Apple's biggest rivals, who would benefit immensely if Apple was forced to break their own security and compromise the security of their customers, have unanimously come out in their support. I know the FBI has a history of pushing the bounds of legality and morality. I may not trust Apple to have the best interests of their customers at heart, but I do trust them to have the best interests of their bottom line at heart and that would be negatively impacted if Apple was forced to remove the security barriers currently in place. The

privacy of American citizens should be the paramount focus of this issue, and on that point the FBI is horribly in the wrong.

Works Cited

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