

## **DOJ may have found a way into terrorist's iPhone**

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"Magistrate Judge Sheri Pym called off Tuesday's hearing after the government declared investigators might not need the company's help to break into an iPhone used by one of the San Bernardino shooters".

Editor's Note: This article has been updated to reflect the news that the federal judge has granted the government's request for a delay in the case, giving the FBI *time* to test a new method of cracking the iPhone without Apple's help. "If the method is viable, it should eliminate the need for the assistance from Apple".

The new development may help avert, at least for now, a legal showdown between the United States government and Apple that could have wide ramifications on digital security and privacy.

A Justice Department spokeswoman said in a statement that federal authorities had continued to seek an alternative way to access the phone's contents even during the heated litigation and public back-and-forth with Apple. The company also argues the order violates its due-process Fifth Amendment rights by requiring the Apple to "do the government's bidding" in a way that's burdensome and violates its "core principles".

The Justice Department declined to comment on who the *outside party* is that is providing help.

"It's a fight over the future of high-tech surveillance, the trust infrastructure undergirding the global software ecosystem, and how far technology companies and software developers can be conscripted as unwilling suppliers of hacking tools for governments", wrote Julian Sanchez, a surveillance law expert at the libertarian Cato Institute in Washington.

The senior law enforcement official said the DOJ is "cautiously optimistic" the method will work, and it will notify the results to the judge by April 5.

Apple seemed to have ramped up the rhetoric on this one, saying at the launch on Monday that the company believes strongly that it has a responsibility to help protect customers' data and privacy, with Cook saying "we will not shrink from this responsibility".

Those remarks came days after Apple CEO Tim Cook published a message on the gadget maker's website telling consumers that the government's "overreach" would "undermine the very freedoms and liberty *our* government is meant to protect".

Apple confirmed that the hearing was postponed. "And we know it is a deeply personal device", he said.

Despite constant urging from the FBI, Apple staunchly refused to bypass any of the security measures built-in to its flagship smartphone.

FBI Director James Comey told the House of Representatives Intelligence Committee last month that the attempt to unlock the iPhone in the San Bernardino case would not affect the security of Apple's products nor set a precedent.

Federal prosecutors and Apple for weeks have traded a volley of legal briefs related to the FBI's demand that the tech giant help investigators unlock Farook's work phone. For its part, Apple maintains that it is in "an arms race with the most nefarious, smartest and most cunning criminals" who are always looking for vulnerabilities in its products. The new phone may come with features like Apple Pay and the company's fastest processor, which have previously been offered only on versions of the iPhone 6.