

# Tri-County Sun Times

## Being hard doesn't scare us, says Apple CEO on iPhone encryption

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Apple's Tim Cook says that the iPhone encryption debate should shift the debate over national security and privacy to Capitol Hill.

A shareholder proposal to force Apple to increase diversity among its board and senior management was rejected on Friday.

Attorneys for Apple also argued that forcing Apple to use its cryptographic signature to validate the code so that Farook's iPhone would recognize and accept the new operating system would be "compelled speech and viewpoint discrimination" and violate the First Amendment. The last thing the company needs to worry about is people exiting the service due to privacy issues. Facebook said it will join with Google, Twitter, and Microsoft in a joint court filing. A federal magistrate in NY remains poised to rule on whether the catchall law has the power to force Apple to bypass security protocols on its behalf in a drug case.

As to Apple's assertion that the problem could have simply been resolved had the county installed the MDM application to Farook's iPhone, San Bernardino County spokesman David Wert said that would not have made the device infallible.

The Justice Department is proposing a "boundless interpretation" of the law that, if left unchecked, could bring disastrous repercussions, the company warned in a memo submitted to Magistrate Sheri Pym that aggressively challenges policy justifications put forward by the Obama administration in the last several days.

This legal battle between the two parties has evolved into more than just a case of unlocking an iPhone.

Some of the largest tech companies appear to be lining up behind Apple. Brad Smith, Microsoft's legal chief declared that the company plans to file an amicus brief next week providing assistance to Apple's opposition to helping the Federal Bureau of Investigation hack the phone. Both Twitter and Facebook are also expected to throw their legal support behind Apple next week, according to sources.

A Department of Justice court filing from February accused Apple of refusing to help to boost its "marketing strategy".

Apple makes clear that creating this "cancerous" code poses a huge risk for the company.

"It always does help to mention the Constitution", she said.

Julian Sanchez of the libertarian Cato Institute says in a blog post the case is "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".

It adds that creating a weaker "government OS" would undermine the encryption Apple and others have been introducing, and ultimately leak out to hackers and foreign governments. It gave examples, "like compelling a pharmaceutical company against its will to produce drugs needed to carry out a lethal injection in furtherance of a lawfully issued death warrant or requiring a journalist to plant a false story in order to help lure out a fugitive".

Apple argues that being forced to comply would set a unsafe precedent allowing broad access to law enforcement. "We couldn't look the survivors in the eye if we did not follow this lead", FBI Director James Comey said online.

Shares of Apple were barely changed and closed up less than 1 percent at \$96.76. It claims the Apple can't be "conscripted...to do the government's bidding" and make everyone's iPhone "crippled and insecure".

The company also criticized the Justice Department for publicizing the order, which would normally have been filed under seal.