

PRO/CON: Should Apple have resisted FBI pressure to hack an iPhone?

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Protesters, including Victoria Best (right) and Charles Fredricks, hold signs supporting Apple in its fight against the FBI. They stood outside the Apple store in Santa Monica, California, on Feb. 23, 2016. Katie Falkenberg/Los Angeles Times/TNS

PRO: Apple's refusal to cooperate with the FBI was the right thing to do

The Federal Bureau of Investigation (FBI) has dropped its lawsuit against Apple, ending its desire to force the company to create software to unlock the iPhone of one of the San Bernardino, California, gunmen. This in no way lessens the importance of Apple's refusal to help the FBI.

The FBI backed off because it was able to hack into the phone without Apple's assistance. However, the issues raised by this controversy have not been resolved and we should expect a replay in the future. That's why it's important to understand why Apple was right to take the principled position it did.

Basic American rights were at stake, and the purpose of law is to protect people's rights.

Consider what the FBI asked Apple to do. The FBI did not ask Apple to turn over information it already had. This was nothing like a search warrant. Apple did not have the information the FBI

was seeking — and never had it.

Instead, the FBI wanted Apple to write new software to unlock Syed Farook's iPhone. Last December, Farook and his wife killed 14 people in a mass shooting in San Bernardino. Because of the privacy features of the iPhone, the FBI could not search Farook's phone for information about the attack without Apple's help. When Apple refused, the FBI sought to force the company to help by taking it to court.

What If The Chinese Government Was Making The Demand?

The U.S. government has no right to force anybody to provide its services against their will.

Consider the broader implications of the FBI's argument. FBI officials maintained that the U.S. government has the right to force companies to take actions that will help it to obtain people's personal information. Apple was not hiding anything and would have had to create new software to do what the FBI wanted.

This request came from our government. What if it was the Chinese government that wanted Apple to unlock the phones of Chinese citizens accused of breaking the law? Would Americans — and the American FBI — support attempts by foreign governments to force Apple to break into people's phones?

If the court case had gone forward and the FBI had won, it would have set a new standard for requests of this sort. It would have allowed any foreign government to force American companies to help in their investigations. The U.S. government would not have been able to stop this from happening, a situation that certainly would not be in America's best interests.

I have seen arguments that Apple refused to unlock the phone for business reasons, to protect the value of its brand.

If this is true, should the U.S. government be able to force companies to engage in activities that damage the value of their own brands?

Real Issue Is A Backdoor Attack On Our Rights

Apple phones have features that protect the privacy of the information on them, and the Fourth Amendment guarantees people this right to privacy. Americans have the right to possess information without having to share it with the government. And Apple has the right to provide products that help Americans protect this right.

Yes, the Fourth Amendment also says the government has a right to search personal property if it has a warrant and probable cause. But it does not say that third parties, like a technology company, can be forced to aid the government in its searches.

It doesn't matter whether the software the FBI wanted Apple to create would create problems for phone owners. Forcing Apple to create such software would have violated the rights of the company.

War powers in effect during the two World Wars gave the president substantial power to force corporations to redirect their resources to aid the war effort. Those powers were repealed after the

wars ended. The FBI wanted to claim similar powers during normal times, without an act of Congress.

This case was about more than the threat of a backdoor way to access our phones, it was about the real danger we face from a backdoor attack on our rights.

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CON: Apple's refusal to cooperate with the FBI is hard to justify

The Federal Bureau of Investigation (FBI) has found third-party help in decoding the iPhone of Syed Farook, one of the gunmen in last December's San Bernardino, California, mass shooting. This appears to let Apple off the hook legally.

However, the FBI's decision to drop its lawsuit against Apple does not justify the actions of Tim Cook, Apple's chief executive officer (CEO). Cook refused to unlock Farook's phone to help the FBI's investigation of the attack. This refusal is hard to justify in an age when America and its allies are coming under attack from extremist groups.

Even though this particular case has been dropped, legal scholars say the issues it revealed are unlikely to go away. Similar cases are sure to arise as federal security agencies lock horns with technology companies in the future.

Cook responded to the FBI's request to unlock the phone in December with an open letter. He labeled the request a "breach of privacy" with "chilling consequences" for free speech. His action, now seemingly proven right, nevertheless has set back the efforts of the FBI to stop the actions of extremists by at least three months.

Apple CEO Needs To Reconsider His Language

The Apple CEO should reconsider his use of the word "chilling" after the recent Brussels and Pakistan bombings by the Islamic State extremist group. The Islamic State is also known as ISIS and ISIL.

The March 22 bombings in Brussels put all of Europe on a red alert. Brussels is more than just the capital of Belgium, it is also the headquarters of the European Union.

Authorities in EU countries believe extremist cells have mushroomed across Europe. These groups of fighters are believed to be waiting for orders from their superiors before committing more horrendous acts.

U.S. intelligence experts have warned of a similar problem for years. They worry that there might be several thousand extremists in America awaiting similar orders.

Our political leaders have been slow to heed those warnings. Now, hopefully, they are starting to realize that World War III might have already started. It will not end until we eliminate the tens of thousands of extremists eager to carry out horrible attacks.

In Another Era, Other CEOs Responded Differently

As for Apple's Tim Cook, he might want to consider how our nation's top CEOs responded to President Franklin Delano Roosevelt's appeal for help after the Japanese bombing of Pearl Harbor on Dec. 7, 1941.

The "dastardly attack" as FDR put it, severely damaged our Pacific naval fleet. FDR and his military advisers realized that our military was woefully equipped with many planes, tanks and ships left over from the 1920s and 1930s.

FDR created the Committee for Economic Development. Paul G. Hoffman, the CEO of automaker Studebaker, was picked to head a committee with 20 other top American corporate leaders.

Their mission: to make America "the arsenal of democracy." They accomplished that goal by ending the manufacturing of civilian goods at the nation's largest industrial plants, converting those facilities to wartime production.

Ford, for instance, converted its large Willow Run vehicle factory near Ypsilanti, Michigan, to produce aircraft. Some 24,000 B-24 Liberator bombers were made there.

Chrysler took over tank production, making more than 86,000 Sherman tanks. Willys Overland, another automaker, produced 363,000 Jeeps, mostly in Toledo, Ohio.

General Motors, America's largest manufacturer, outdid everyone. The Detroit-based goliath produced 854,000 trucks, 198,000 diesel engines, 206,000 aircraft engines and 38,000 tanks, tank destroyers and armored vehicles.

And Hoffman's Studebaker produced thousands of Weasels, a go-anywhere amphibious vehicle. General Douglas MacArthur's troops used these vehicles to cross the jungles of the Pacific islands.

America's corporate executives, who put patriotism ahead of profits, worked for \$1 a year until the war ended.

As we enter what well may be World War III, Apple's Tim Cook might want to take particular note of their sacrifice. His salary last year, by the way, was \$10.28 million.

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