

White House spearheads assault on cell phone encryption

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The Obama administration on Monday escalated its drive to undermine encryption with the announcement that a lawyer for unspecified victims of the San Bernardino mass shooting would, at the behest of the federal government, file a legal brief in support of a court order to compel Apple Inc. to create a “backdoor” to its popular iOS mobile operating system.

The move is the latest step in a carefully orchestrated campaign by the Obama Justice Department and the Federal Bureau of Investigation (FBI) to use the December 2, 2015 San Bernardino attack, one of more than 300 mass shootings that took place last year, to turn public opinion against the defense of privacy rights and weaken, or even criminalize, encryption.

Stephen Larson, a former federal judge who now practices privately, told Reuters he had been approached by the Justice Department two days before the filing of its case against Apple to represent victims of the San Bernardino shooting. He refused to give any details about the brief, including the number of victims he is representing.

The announcement follows by just three days the Justice Department’s filing of a separate brief demanding that Apple comply with a federal judge’s ruling handed down February 16 that the company create a fake operating system for the FBI capable of extracting encrypted data stored on its smartphones.

Apple has refused to comply with the court’s ruling and is preparing to appeal the decision.

It is clear that the Obama administration deliberately provoked a public confrontation with Apple over access to the cell phone of one of the San Bernardino shooters in a cynical effort to play on emotions and fears of terror attacks and cast defenders of privacy rights enumerated in the Bill of Rights as disloyal, unpatriotic and selfish laggards in the so-called war on terror.

The administration had been preparing to introduce legislation to enable the government to disable encryption programs, but pulled back last year in the face of broad popular opposition and resistance from telecommunications and social media companies. The latter, including Apple, have collaborated for years with the National Security Agency (NSA) and the FBI in their illegal and unconstitutional mass spying operations, but felt obliged, following the revelations by former NSA whistleblower Edward Snowden, to draw the line at openly handing over to the state the private communications of customers who use encryption precisely to prevent the state from snooping on them.

Apple and other major telecom and Internet firms have been involved in private negotiations with the Justice Department for months over the issue. It appears that after the attack in San Bernardino, which came less than a month after the mass terror killings in Paris, the Obama administration decided to use the attacks to set up a very public confrontation with Apple, hoping to overwhelm and intimidate popular opposition to yet another step in the direction of a police state.

Following the Snowden revelations, the White House had sought to posture as a defender of civil liberties and an advocate of a “reasonable balance” between privacy rights and national security, while in practice fully supporting the mass spying operations. But since the federal court ruling against Apple, the White House has fully endorsed the efforts of FBI Director James Comey to undermine encryption methods on the pretext of preventing terror attacks.

The FBI claims it needs full access to the cell phone of Syed Rizwan Farook, one of the attackers in the mass shooting at the Inland Regional Center in San

Bernardino, who was shot dead by police following the attack, in order to determine if he was in contact with ISIS figures. This is an obvious pretext, since the NSA and other intelligence agencies already have access to so-called metadata, including the telephone numbers of incoming and outgoing calls.

The contradictions in the FBI's official narrative of the case continue to mount. In a statement issued Monday, the FBI admitted that law enforcement officials had changed the password associated with Farook's smartphone in Apple's "iCloud" data syncing service. Apple insists that had they not done so, the FBI would have been able to extract all data from the phone simply by plugging it into a power source in the vicinity of a known wireless network, such as that in the attacker's home.

The phone was owned by San Bernardino County, which employed Farook as a food inspector. It is doubtful that Farook would have kept anything of relevance to the attack in the phone, given that his employer had access to its contents. The attackers had destroyed other hard drives and phones, but made no effort to destroy the phone in question.

On Sunday, Comey issued a statement in which he declared the "San Bernardino litigation isn't about trying to set a precedent or send any kind of message." Instead, he claimed, the FBI is concerned only with "the victims and justice."

Contrary to the assertions of Apple and the nearly unanimous opinion of leading public security experts, Comey said the case applied only to the phone in question, declaring, "We don't want to break anyone's encryption or set a master key loose on the land."

These are barefaced lies.

Despite the government's efforts, there are indications of broad public support for Apple's position, and protests are planned Tuesday at dozens of the company's retail locations.

Apple flatly contradicted Comey's claims Monday, declaring that "the order would set a legal precedent that would expand the powers of the government, and we simply don't know where that would lead us. Should the government be allowed to order us to create other capabilities for surveillance purposes, such as recording conversations or location tracking?"

In his statement Sunday, Comey declared that the case highlights the "tension between two values we all

treasure: privacy and safety. That tension should not be resolved by corporations that sell stuff for a living."

Comey, backed by President Obama, asserts that a question with vast implications for democratic rights should be decided by an intelligence agency that, together with the NSA, operates outside of the law and is aggressively erecting the infrastructure of a police state.



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