

THIS APPLE FIGHT IS (PARTLY) ABOUT SOLVING CAR ACCIDENTS

I am going to spend my day laying out what a cynical man FBI Director Jim Comey is – from setting up a victims' brief against Apple even before the government served Apple here, to this transparently bogus garbage post at Lawfare.

But first I wanted to reemphasize a detail I've noted before. On February 9, at a time when FBI already knew how it was going to go after Apple, Jim Comey said this in a hearing to the Senate Intelligence Committee:

I'd say this problem we call going dark, which as Director Clapper mentioned, is the growing use of encryption, both to lock devices when they sit there and to cover communications as they move over fiber optic cables is actually overwhelmingly affecting law enforcement. Because it affects cops and prosecutors and sheriffs and detectives trying to make murder cases, car accident cases, kidnapping cases, drug cases. It has an impact on our national security work, but overwhelmingly this is a problem that local law enforcement sees.

Even before he served Apple here, Comey made it clear this was about law enforcement, not terrorism cases, his cynical invocation of the San Bernardino victims notwithstanding.

And not just law enforcement: "car accidents."

Since it got its All Writs Act, FBI has said this Apple request is a one-off request, just for this terrorism case they already know the perpetrators of. But at a time when it already

knew it was going to get an AWA order, Jim Comey was more frank. This is about car accidents. Car accidents, murder, kidnapping, and drugs (the last All Writs Act request was about drugs, in a case where they had enough evidence to get the guy to plead guilty anyway, if there are any doubts they would demand an AWA going forward).

Car accidents.