

# WEDNESDAY MORNING: ALL THE RANGE FROM SUBLIME TO SILLY

We start with the sublime, welcoming astronaut Scott Kelly back to earth after nearly a year in space – 340 days all told. Wouldn't you like to know how these first hours and days will feel to Kelly as he regains his earth legs?

And then we have the silly...

## **Apple's General Counsel Sewell and FBI Director Comey appeared before House Judiciary Committee**

You'd think a Congressional hearing about FBI's demand to crack open Apple iPhone would be far from silly, but yesterday's hearing on Apple iPhone encryption...Jim Comey likened the iPhone 5C's passcode protection to "a guard dog," told Apple its business model wasn't public safety, fretted about "warrant-proof spaces" and indulged in a thought exercise by wondering what would happen if Apple engineers were kidnapped and forced to write code.

What. The. Feck.

I think I'll read about this hearing in French news outlets as it somehow sounds more rational: *iPhone verrouillé: le patron du FBI sur le gril face au Congrès américain* (iPhone locked: FBI boss grilled by US Congress – Le Monde). Other kickers in Comey's testimony: an admission that a "mistake was made" (oh, the tell-tale passive voice here) in handling the San Bernardino shooter's phone, the implication that the NSA couldn't (wouldn't?) backdoor the iPhone in question, and that obtaining the code demanded from Apple would set precedent applicable to other cases.

Predictably, Apple's Bruce Sewell explained that "Building that software tool would not affect just one iPhone. It would weaken the security for all of them." In other words, FBI's demand that Apple writes new code to crack the iPhone

5C's locking mechanism is a direct threat to Apple's business model, based on secure electronic devices.

Catch the video of the entire hearing on C-SPAN.

**Facebook's Latin American VP arrested after resisting release of WhatsApp data**

Here's another legal precedent, set in another country, where a government made incorrect assumptions about technology. Brazilian law enforcement and courts believed WhatsApp stored data it maintains it doesn't have, forcing the issue by arresting a Facebook executive though WhatsApp is a separate legal entity in Brazil. Imagine what could happen in Brazil if law enforcement wanted an Apple iPhone 5C unlocked. The executive will be released today, according to recent reports. The underlying case involved the use of WhatsApp messaging by drug traffickers.

**USA0-EDNY subpoenaed Citigroup in FIFA bribery, corruption and money laundering allegations**

In a financial filing, Citigroup advised it had been subpoenaed by the U.S. Attorney's office. HSBC advised last week it had been contacted by U.S. law enforcement about its role. No word yet as to whether JPMorgan Chase and Bank of America have been likewise subpoenaed though they were used by FIFA officials. Amazing. We might see banksters perp-walked over a *fútbol* scandal before we see any prosecuted for events leading to the 2008 financial crisis.

**Quick hits**

- Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies screwed up, to be renegotiated on sales of "intrusion software" tools (Ars Technica) – another case where government failed

to understand the technology it was regulating.

- Automakers three years behind on cybersecurity for internet-enabled cars (Threatpost) – Sadly, article doesn't point out cyber threats aren't limited to connected car systems if one really thinks about the design of electronic control units in all other vehicles.
- Facebook's behemoth size in Germany may allow it to bypass data protection rules (Phys.org) – Too Big To Fail, the software edition, and the Germans aren't happen with this flavor of TBTF.

I'm out of here, need to dig out after another winter storm dumped nearly a foot of the fluffy stuff yesterday. I'm open to volunteers, but I don't expect many snow shovel-armed takers.