

# VFI Executive Briefing

## A weekly roundup of technology news

### March 14 - 18, 2016

## TABLE OF CONTENTS

Hill Updates – 1
Special Coverage – 1
Article Summary – 2
Notable Quotes – 5

### HILL UPDATE

**HOUSE JUDICIARY SETS APRIL DATE FOR ECPA:** The House Judiciary Committee will markup the Email Privacy Act on April 13, the panel announced Thursday. Chairman Bob Goodlatte had pledged to move the bill — which has more than 300 cosponsors and would update ECPA to require law enforcement to obtain a warrant before accessing stored emails — in March. A committee aide said next week, the last before the House adjourns for the month, will be spent on a medical malpractice bill. “Chairman Goodlatte looks forward to swiftly moving these two important bills through the Committee,” the aide said in a statement. As many as ten amendments are still being considered, including one that would exempt civil agencies from the bill’s warrant requirement.

**Politico:** [\(ANOTHER\) COMPUTER SCIENCE FUNDING PUSH](#): Rep. Suzan Delbene, Rep. Tony Cárdenas and more than 50 other House Democrats are asking appropriators to make a \$100 million investment in President Barack Obama’s Computer Science for All development grants in a new letter. The grants would go towards expanding opportunities for students to learn computer science in school. “Too few students in the United States today are exposed to computer science and given the opportunity to pursue high-quality programming and coding coursework,” the letter says. The lawmakers say only one in four schools currently teach computer science.

### SPECIAL COVERAGE

**TIME** announced their cover story for this week, which is an interview with Apple CEO Tim Cook discussing the company’s San Bernardino iPhone case and industry debate around privacy vs. security. In his interview, Cook emphasized his belief the FBI’s use of the All Writs Act is “fundamentally wrong” from a both privacy and public safety point of view, and expressed his concern about the precedent this case could set. TIME also published two op-eds from Sen. Tom Cotton and Filmmaker Brian Knappenberger offering differing views on the San Bernardino case and the role of encryption. In his op-ed, Sen. Cotton argues that Apple has no legal basis to refuse the FBI’s order and that Apple should not “protect its brand more than our safety and security.”

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March 14 - 18, 2016

- **TIME:** [Human Rights Depend on Encryption](#)
- **TIME:** [Inside Apple CEO Tim Cook's Fight With the FBI](#)
- **TIME:** [Sen. Cotton: Apple's Brand Is Not Worth America's Safety](#)
- **TIME:** [The Privacy Debate](#)

### ARTICLE SUMMARY

#### **American Enterprise Institute:** [Surveillance Versus Privacy, with International Companies Caught in Between](#)

The American Enterprise Institute release a report detailing how international companies are increasingly caught between conflicting directives that pit the need for surveillance against personal privacy protections. The report, which highlights both Microsoft's warrant case and Apple's San Bernardino case, urges the international community to work together to achieve a multilateral agreement defining legal surveillance and ensuring the protection of individual privacy rights.

#### **Wired:** [In the FBI's Crypto War, Apps May Be the Next Target](#)

IF THERE'S ANYTHING the world has learned from the standoff over the encrypted iPhone of San Bernardino killer Syed Rizwan Farook, it's that the FBI doesn't take no for an answer. And now it's becoming clear that the government's determination to access encrypted data doesn't end with a single iPhone, or with Apple, or even with data stored on devices. It may extend as far as any app that encrypts secrets in transit or in the cloud.

#### **The Next Web:** [This week in patents: Google ads, Facebook says "hello" and more](#)

This week, the US patent office issued 5,436 patents. Each patent adds a little something new to the human knowledge base. As we cannot list all five thousand, the PatentYogi team has selected the six most interesting patents. Apple filed a patent for an all-in-one device that can work as a PDA, an iPod, an iPad, an iPhone or a camera.

#### **The Hill:** [Russian court reportedly rejects Google antitrust appeal](#)

A Russian court has upheld a regulator's ruling that Google violated antitrust rules, according to Reuters. The wire service reported that Russia's antitrust regulator said Google's appeal of its ruling had been rejected by a court in Moscow. The regulator said in September that Google had violated antitrust rules by requiring smartphone manufacturers using its Android operating system to pre-install the Google Search application. Russian search company Yandex filed the complaint that led to the ruling.

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### March 14 - 18, 2016

#### **The Verge: [@MichelleObama: An exclusive look at how the First Lady mastered social media](#)**

The First Lady needed a turnip. By the fall of 2014, “Turn Down for What,” Lil Jon and DJ Snake’s triple-platinum trap-meets-EDM single, had swallowed pop culture whole. Jimmy Fallon and Robin Wright were dancing to it on The Tonight Show; Jonah Hill and Channing Tatum posed while it blared on the soundtrack of 22 Jump Street; across YouTube, teens and kittens bobbed their heads along. Spin called it “an undeniable force.”

#### **The Hill [FOIA reform nears Senate finish line](#)**

Legislation to give the public more access to government records could pass the Senate as soon as this week, according to supporters. After a year of delay, a few holdout senators recently removed their opposition to a bill to update the Freedom of Information Act. Senate backers hope to approve it with unanimous consent during “sunshine week,” which started Monday and is dedicated to highlighting the need for government transparency.

#### **The New York Times: [WhatsApp Encryption Said to Stymie Wiretap Order](#)**

While the Justice Department wages a public fight with [Apple](#) over access to a locked [iPhone](#), government officials are privately debating how to resolve a prolonged standoff with another technology company, WhatsApp, over access to its popular instant messaging application, officials and others involved in the case said. No decision has been made, but a court fight with WhatsApp, the world’s largest mobile messaging service, would open a new front in the Obama administration’s dispute with Silicon Valley over encryption, security and privacy.

#### **Washington Post: [Why the government can’t actually stop terrorists from using encryption](#)**

Even if the U.S. government prevails in its quest to compel Apple and other U.S. companies to give the authorities access to encrypted devices or messaging services when they have a warrant, such technology would still be widely available to terrorists and criminals, security analysts say. That’s because so many encrypted products are made by developers working in foreign countries or as part of open source projects, putting them outside the federal government’s reach.

#### **Watchdog: [Innovators skeptical of Obama push for patent reform](#)**

Stymied by Congress, President Barack Obama’s continuing support for patent law changes called for by Google and other tech giants is a cause for concern among smaller businesses. In the years following passage of the 2011 America

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### March 14 - 18, 2016

Invents Act, which brought the biggest changes the U.S. patent system has seen since the 1950s, Obama has echoed tech lobbyists' insistence that more should be done to fight "patent trolls" – businesses and individuals who try to exploit U.S. intellectual property laws to squeeze money from inventors.

**Wired:** [Politics Imperil the Bold Plan to Wrest the Internet From US Control](#)

NO ONE OWNS the Internet. It's an international network under the control of no single country or company. But actually navigating that complex network depends upon a collection of directories and standards over which the US government has long had final authority. Without this body of information, you wouldn't be able to just type "[wired.com](http://wired.com)" into your browser to visit our website.

**The Verge:** [Google will show campaign finance information in search results](#)

Last month, Google updated its search engine to quickly display information about the US presidential election, including delegate counts and the political stances of each presidential candidate. Now it's adding campaign finance information provided by the Center for Responsive Politics to the mix, which will be displayed at the top of your search results.

**Boston Globe:** [Apple-FBI data debate hits home](#)

The Boston Globe detailed Apple's refusal to comply with a search warrant in Boston to help unlock an iPhone in an ongoing gang investigation. The reporter notes that this case "underlines a key fear" of both Apple and privacy advocates that if Apple complies with the FBI request in the San Bernardino iPhone case, it will set a precedent for local authorities to have a "permanent back door" into every iPhone in the U.S.

**Wired:** [The Way We Live Now: White House Launches @SCOTUSNom to Educate About Merrick Garland](#)

THIS MORNING, PRESIDENT Obama announced his pick to replace Justice Antonin Scalia on the Supreme Court: the chief appeals court judge for the District of Columbia Merrick Garland. Republicans in Congress have said they would refuse to consider any nominee, arguing that the next administration ought to be able to choose the next justice. Ahead of the announcement, The White House laid claim to a new front in its battle with Republicans over the Supreme Court: Twitter.

**The Hill:** [House approves transparency carveout for small Internet providers](#)

# VFI Executive Briefing

## A weekly roundup of technology news

### March 14 - 18, 2016

The House on Wednesday unanimously passed one of the first pieces of legislation that deals directly with controversial net neutrality regulations passed by the Federal Communications Commission. The broader Internet regulations have stirred acrimony between the parties, but the bipartisan bill passed Wednesday deals with the expansion of a narrow transparency carveout for small Internet service providers.

#### **The Verge: [In the Apple encryption fight, the FBI is now on China's side](#)**

As Apple filed its defense against the government on Monday, FBI Director James Comey was in Beijing, meeting with the head of China's surveillance state. According to state media reports, Comey and Public Security Minister Guo Shengkun discussed ways to "deepen law enforcement and security cooperation." It was a diplomatic meeting, trying to warm a relationship that's been chilled by countless hacking and trade secrets incidents — but it was also a strange reflection of the bureau's ongoing fight with Apple.

#### **NOTABLE QUOTES**

*"If, technologically, it is possible to make an impenetrable device or system, where the encryption is so strong that there is no key, there is no door at all, then how do we apprehend the child pornographer? How do we disrupt a terrorist plot? This notion that somehow our data is different and can be walled off from those other trade-offs we make, I believe, is incorrect."*

[-President Barack Obama](#)

*"The point I'm trying to make is that there are limits. What this is is a case where the federal government, using a 1789 law, is trying to compel speech. And courts have ruled in the past, appropriately, that the government cannot compel speech. What the FBI and the Justice Department are trying to do is to make code writers at Apple—to make them write code that they do not want to write."*

[-Richard Clarke, former National Coordinator for Security, Infrastructure Protection and Counter-terrorism for the United States](#)

*"The San Bernardino, Calif., case triggered a raging national debate over privacy, security, and encryption. And the Boston case underlines a key fear of both Apple and privacy advocates: that if Apple cooperates in the San Bernardino investigation, it will be forced to do the same in thousands of more routine cases in which national security is not at stake, effectively creating for authorities a permanent "back door" into every iPhone in the United States."*

[-Dan Adams and Milton Valencia, Boston Globe](#)

# VFI Executive Briefing

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### March 14 - 18, 2016

*“Law enforcement must improve its tech literacy. Law enforcement was confronted with a problem akin to going dark when, in the 1990s, organized-crime suspects started using disposable phones that hampered wiretaps. Nevertheless, law enforcement, and arrests and prosecution of organized-crime suspects continued. Running into an encrypted communication does not necessarily mean an evidence trail will go cold. Encryption can occur on a device, as the data are transmitted and when they are stored in the cloud. Encryption in one avenue doesn't necessarily mean the other two avenues will also be encrypted.”*

- [Adam Segal and Alex Grigsby of the Council on Foreign Relations](#)

*“This case arises in a difficult context after a terrible tragedy. But it is in just such highly-charged and emotional cases that the courts must zealously guard civil liberties and the rule of law and reject government overreaching. This Court should therefore deny the government's request and vacate the order.”*

- [Apple brief in San Bernardino iPhone case](#)

*“As the pendulum now swings toward more extensive and intrusive official scrutiny, international companies—especially, but as will be seen, not exclusively IT companies—find themselves caught in the middle, in need of rules about how to comply with hotly debated and often-conflicting national directives. The confrontation between Apple and the FBI is today's most prominent case of a company torn in conflicting directions, representing a mix of several distinctive strands of conflict involving surveillance versus protection of privacy.”*

- [American Enterprise Institute report](#)

*“When I think of civil liberties, I think of the founding principles of this country. The freedoms that are in the First Amendment, but also the fundamental right to privacy. And the way that we simply see this is, if this All Writs Act can be used to force us to do something that would make millions of people vulnerable, then you can begin to ask yourself, If that can happen, what else can happen?; In the next Senate you might say, Well, maybe it should be a surveillance OS. Maybe law enforcement would like the ability to turn on the camera on your Mac.”*

- [Tim Cook, Apple CEO](#)

*“Cook was correct when he wrote to his employees that “our country has always been strongest when we come together.” But Mr. Cook's decision to create and defend a zone of impunity for terrorists and then demagogue about a fantasy Orwellian surveillance state to smear his critics is the exact opposite of coming together. It's a profit-driven stance that uses hyperbole and scare tactics to divide the country and mask what are only recent changes in Apple's marketing*

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A weekly roundup of technology news  
March 14 - 18, 2016

*strategy and technology. If “coming together” means anything, it means that a U.S. company should obey the law. It means a company should follow years of its own past practice of complying with court orders. And it means that a company shouldn’t shirk the duties of citizenship expected of all Americans.”*

- [Sen. Tom Cotton](#)