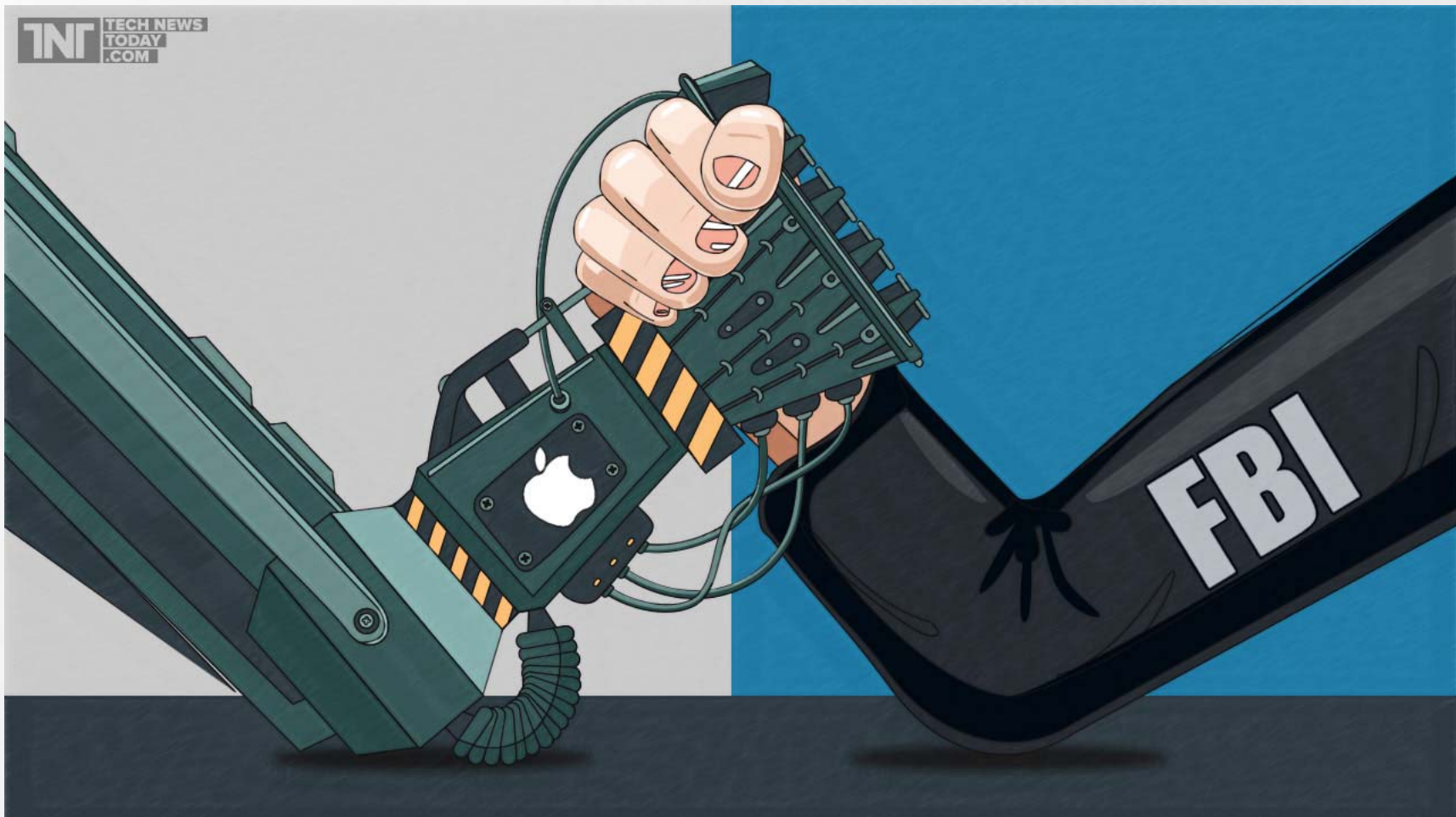


Apple vs DOJ

Privacy vs Judicial Disclosure





Apple vs DOJ

A Little Help from 1789: The All Writs Act

- **the closeness of the relationship between the person or entity to whom the proposed writ is directed and the matter over which the court has jurisdiction;**
- **the reasonableness of the burden to be imposed on the writ's subject; and**
- **the necessity of the requested writ to aid the court's jurisdiction.**



Apple vs DOJ

Pre Apple 6 Decision

In re Apple, Inc., a New York drug case, the court found that the DOJ's application for Apple's assistance satisfied none of the All Writs discretionary factors because:

- (1) Apple's relationship to the accused's conduct and the DOJ's investigation was too attenuated;**
- (2) requiring Apple to assist in decrypting the suspect's iPhone would place too great a burden on Apple; and**
- (3) necessity could not be established because the DOJ previously acknowledged that it possessed "specialized software" that could potentially accomplish the decryption.**



"Apple Encryption and Ethics Debate"

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