

Apple should not be above the law: Richard Burr

Richard Burr 10:22 a.m. EST February 18, 2016

Company resists a court order that will boost security and help fight crime.



(Photo: AP)

Fourteen Americans died in a brutal terror attack in California on Dec. 2. More than two months later, there remains much that investigators still do not know about the terrorists, their planning and to whom they were connected.

The FBI believes that Syed Farook and his wife, Tashfeen Malik, attempted to destroy as much evidence as possible before their attack. They did not, however, destroy everything. Investigators found an intact Apple iPhone in a vehicle they used. That iPhone is at the center of this debate and could be the key to uncovering additional operational planning details and identifying other possible accomplices. It is also subject to a lawful court order.

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It is important to note that the phone is owned by San Bernardino County, and that the county has already consented to a search. The U.S. District Court for the Central District of California has issued an order directing Apple to assist law enforcement agents in unlocking the phone. There are no decryption demands in this case, and Apple is in no way required to provide a so-called backdoor. The FBI needs access to the phone so the agency can better piece together information about the terrorists and whom they contacted.



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IRS should return its ill-gotten gain: Column

(<http://www.usatoday.com/story/opinion/2016/02/17/irs-civil-asset-forfeiture-ken-quran-randy-sowers-institute-justice-column/80499524/>)

The iPhone precedent in San Bernardino is important for our courts and our ability to protect innocent Americans and enforce the rule of law. While the national security implications of this situation are significant, the outcome of this dispute will also have a drastic effect on criminal cases across the country. The newest Apple operating systems (<http://arstechnica.com/gadgets/2016/02/tim-cook-says-apple-will-fight-us-govt-over-court-ordered-iphone-backdoor/>) allow device access only to users — even Apple itself can't get in. Murderers, pedophiles, drug dealers and the others are already using this technology to cover their tracks.



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Latest: Apple vs. U.S. over terrorist's iPhone

[\(http://www.usatoday.com/story/tech/news/2016/02/17/latest-apple-vs-us-over-terrorists-iphone/80518610/\)](http://www.usatoday.com/story/tech/news/2016/02/17/latest-apple-vs-us-over-terrorists-iphone/80518610/)

Over the past few decades, Apple has often benefited from the protections of U.S. law. It has sought the protection of those laws when it is the victim of a crime. However, in this instance, the company seems to run from those same laws. Apple's acceptance of the law appears to be uneven; this is not the first time the company has sought to avoid compliance with a lawful court order. In Apple's [court filings](http://online.wsj.com/public/resources/documents/Apple_Brief_10192015.pdf) (http://online.wsj.com/public/resources/documents/Apple_Brief_10192015.pdf) in a recent New York criminal case, it specifically stated that it was refusing to cooperate with the government and comply with a court order because doing so would cause reputational damage that would tarnish its brand: "Forcing Apple to extract data in this case, absent clear legal authority to do so, could threaten the trust between Apple and its customers and substantially tarnish the Apple brand."



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Apple's position in the San Bernardino case affirms that it has wrongly chosen to prioritize its business model above compliance with a lawfully issued court order. While the company may have routinely complied with such court orders in the past, it [now claims that it cannot comply](http://blogs.wsj.com/law/2015/10/20/apple-tells-court-it-cant-unlock-new-phones/) (<http://blogs.wsj.com/law/2015/10/20/apple-tells-court-it-cant-unlock-new-phones/>) as a result of security features it has built into its newest products. Apple exists as a corporate entity with the protections provided by U.S. laws, but it cannot be allowed to pick and choose when to abide by those laws as it sees fit. We are a country of laws, and this charade has gone on long enough. Apple needs to comply with the court's order.

[Sen. Richard Burr, R-N.C.](#), is the chairman of the [Senate Select Committee on Intelligence](#).

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