

# A federal judge got it right for a change

Here is the report as covered by TheIntercept.com:

“Apple scored a major legal victory in its ongoing battle against the FBI on Monday when a federal magistrate judge in New York rejected the U.S. government’s request as part of a drug case to force the company to help it extract data from a locked iPhone. The ruling from U.S. Magistrate Judge James Orenstein was issued as part of the criminal case against Jun Feng, who pleaded guilty in October to drug charges. It is a significant boost to Apple’s well-publicized campaign to resist the FBI’s similar efforts in the case of the San Bernardino killers.”

The report continued: “Perhaps most devastating to the FBI’s case is Orenstein’s recognition that the purpose of the FBI’s request is not simply to obtain evidence in one particular case, but rather to grant the government broad, precedential authority to force Apple and other tech companies to take affirmative technological steps to cooperate with criminal investigations generally. That the FBI is seeking to establish broad precedent is a key argument made by Apple and its supporters in the San Bernardino case. To accept that the U.S. government has this power, ruled the court, is to vest law enforcement agencies with statutory authority that Congress itself never enacted.”

And again, “The judge also accused the government of trying to manipulate secret judicial proceedings to obtain powers for itself against Apple that public debate and Congress would never permit. It is, Orenstein wrote, ‘clear that the government has made the considered decision that it is better off securing such crypto-legislative authority from the courts (in proceedings that had always been, at the time it filed the

instant Application, shielded from public scrutiny) rather than taking the chance that open legislative debate might produce a result less to its liking.’ Because the government wants the courts rather than Congress to grant this power, the ‘government’s interpretation of the breadth of authority the AWA confers on courts of limited jurisdiction ... raises serious doubts about how such a statute could withstand constitutional scrutiny under the separation-of-powers doctrine.’”

Continuing: “Finally, the ruling recognized that forcing Apple to compromise its own security systems at the behest of the U.S. government would impose a considerable cost far beyond financial expenses.”

“This cost, Orenstein wrote, is particularly high since—rejecting the FBI’s claim in the public debate that its request is limited to just one phone ‘the record of this case makes clear that the burdens the government seeks to impose on Apple under the authority of the AWA are not nearly so limited.’ To the contrary, ‘it clearly intends to continue seeking assistance that is similarly burdensome —if not far more so—for the foreseeable future.’”

See the report [here](#)

One of Apple’s attorneys was even more direct in assessing the importance of this case:

“Apple’s attorney painted a scary picture if Apple loses its fight with the FBI.

“In an interview with CNNMoney’s Laurie Segall on Friday, Ted Olson warned of a government with ‘limitless’ powers that could ‘listen to your conversations.’

“Olson said the demands would mount.

“‘You can imagine every different law enforcement official telling Apple we want a new product to get into something,’

Olson said. 'Even a state judge could order Apple to build something. There's no stopping point. That would lead to a police state.'"

See the report [here](#)

Hooray! A federal judge got it right for a change.

The three separate branches of government are supposed to serve as a check and balance when the other branches begin usurping constitutional liberties. For the most part, they have NOT done that. This particular U.S. Magistrate Judge did what courts are supposed to do: serve as a check to the overreach of the executive branch.

Virtually every abridgment of our Bill of Rights is committed in the name of "public safety" or "national security." Most of us are patriotic, law and order people who want justice served. But in truth, the interests of justice and liberty are mutual. And this particular case—mandating that cell phone companies "unlock" the security and privacy features of cell phones—is fraught with violations of basic civil liberties, because the electronic search sought by the feds extends WAY BEYOND the individual suspected criminal.

The specific case above is only one of at least ten where the federal government is currently attempting to force cell phone companies to unlock the privacy features of their customers' phones during criminal investigations. The ramifications of this prospective breach of personal privacy are staggering.

Unlocking a person's cell phone would be worse than the current broad e-surveillance that is going on every day. This is a very specific and finite search that involves a person's most private and intimate details.

Smartphones are more than talking devices; they record online searches, shopping data, travel information, medical information, private communication, and financial

information—along with the personal information of EVERYONE CONNECTED to that cell phone. In other words, it's not just the targeted person's (presumably a suspected criminal) privacy that is being breached, but EVERYONE with whom that person had contact. Can you imagine the amount of private information of totally innocent people that potentially would be subject to police reports—all of which become "public record" and, therefore, available to the media, Internet bloggers, etc.?

Please read that paragraph again and let it sink in.

To get a little taste for just how much private information is stored on your smartphone and how dangerous it would be for the government to be able to freely unlock the information stored on your smartphone, read this article.

I'm not sure whether the American people comprehend just how serious an abridgment of privacy it would be if Apple loses this case, but in many respects, this is a technological Waterloo for liberty. I dare say this is a more egregious assault against our privacy (technologically speaking) than even the Patriot Act itself.

And, unfortunately, all of the remaining GOP presidential candidates—Marco Rubio, Ted Cruz, John Kasich, and Donald Trump—oppose the protection of cell phone privacy. The Democratic candidates Hillary Clinton and Bernie Sanders have said they are "neutral." But we all know that Clinton is as Big Government as Big Government gets. And if Sanders is truly in favor of cell phone privacy, why does he fudge his position?

In the name of "national security," "the war on terror," "the war on drugs," "law and order," etc., both Democrats and Republicans are turning America into a George Orwell "1984" surveillance society. And if history teaches us anything at all, it teaches us that a surveillance society is always a

precursor to a Police State. ALWAYS.

At any rate, THANK YOU Judge Orenstein. Every obstruction to the burgeoning surveillance society that a judge or governor or State legislator or sheriff or congressman or senator can muster is much appreciated—and very needed.

P.S. Once again, I recently delivered what might be the most important message for RIGHT NOW that I could ever deliver. It is entitled “The Right Of Revolution As Justified In Natural And Revealed Law.” The DVD of this critical message contains the Biblical and Natural Law principles that have been so long forgotten and that are so desperately needed. These are the principles that our Founding Fathers (Christians and unbelievers alike) firmly understood and applied to America’s fight for independence. And these are the principles that this current generation of Americans MUST relearn if we are to have any chance of reclaiming the liberties that are so quickly slipping away from us.

As I survey the political and spiritual landscape of America, I believe this message is of the HIGHEST PRIORITY. I urge readers to get this DVD.

Order my sermon DVD “The Right Of Revolution As Justified In Natural And Revealed Law,”.

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