

You be the Judge:

Encryption, Law Enforcement, and Technology Companies

TOPIC: ETHICS

GRADES: 10-12

LESSON DURATION: TEACHER DISCRETION (MULTIPLE DAYS)

SOFT SKILLS: RESEARCH, COMMUNICATION, COLLABORATION, CRITICAL THINKING

Introduction:

- Technology has changed the way we view certain laws, precedents, and topics. This lesson is designed to prompt student thought on the balance between national security and individual privacy. Should technology companies be required to include “backdoors” for law enforcement to access encrypted data on devices for the sake of national security? This lesson is appropriate for English and social studies courses.

Learning Outcomes:

- Through research and the reading of legal policy and court opinions, students will develop an opinion on whether technology companies must cooperate with law enforcement for the sake of national security.
- Students will develop an awareness of cybersecurity laws and the lack thereof while researching this topic.

Activities:

1. This lesson is designed to be a writing prompt for students. However, it could easily be turned into an in-class debate over the issue.
2. The students should be given background information on the San Bernardino shooting incident that happened in 2015. Now referred to as a terrorist attack, 2 individuals (married couple) opened fire on a social services center during a holiday party, killing 14 and wounding 22 people. Both shooters were later killed in a police shootout as they fled. As the FBI investigated the shooters, they wanted access to encrypted information in one of the individuals' phones. However, the iPhone was locked and a brute force attack would have resulted in loss of data (10 unsuccessful attempts would wipe the phone clean). The FBI, under the All Writs Act, asked Apple to unlock the phone. Apple refused, citing the First Amendment. Apple was uncomfortable writing software that would trump security features. There is also no law on the books compelling Apple to do such a thing. The issue went to court but was left unresolved as the FBI withdrew the case after finding another way around the security feature to access the encrypted data.
3. Students should be asked to develop an opinion on this issue. A national security incident has just occurred. There may be evidence on the phone that would prevent future harm. However,

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there are no laws in which Apple (or a similar device maker) must abide. Should technology manufacturers have to include a “backdoor” in its products so that law enforcement can access encrypted data in the name of national security?

4. Students can be given a variety of resources to help them develop an opinion. A list of sources is included below.
5. This is a challenging topic and if the teacher wants thoughtful responses, students should be given time to research and think through the legal issues.

Suggested Topics to Avoid:

- [Communications Assistance for Law Enforcement Act \(CALEA\)](#)
- [All Writs Act](#)
- [Fourth Amendment](#)
- [US v New York Telephone Co, 1977](#)

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