

Congress of the United States
Washington, DC 20515

March 10, 2016

Director James Comey
FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Director Comey,

In the aftermath of the San Bernardino terrorist attack perpetrated by two radicalized individuals, the federal government embarked on an investigation of all available evidence in the case. This investigation includes an Apple iPhone 5C used by one of the terrorists, equipped with advanced security features, such as proprietary encryption.

After it was announced by the Federal Bureau of Investigation that they were unable to unlock this phone, the Bureau requested that a federal judge issue a motion to compel, pursuant to the All Writs Act of 1789, requiring Apple Inc. to create a new version of its software that could disable these security features. Understandably, Apple Inc. opposed this motion on the grounds that assenting would jeopardize the integrity of its product and the security of its customers. Clearly, this case poses an unprecedented legal issue as to the ability of the federal government to compel a private company to, quite literally, break its own product in order to acquiesce to the demands of federal law enforcement.

In light of the San Bernardino terrorist attack, we believe that the FBI ought to demonstrate that not only is there pertinent information located on this iPhone that could aid in its investigation, but that they are pursuing this investigation within the parameters set forth by the United States Constitution. Furthermore, we believe that the FBI must demonstrate how it believes the All Writs Act of 1789 may be interpreted to compel a private company to break its own product.

As you pointed out in your testimony to the House Committee on the Judiciary on March 1st, we must continue the current public debate about how best to ensure that privacy and security can “co-exist and reinforce each other, and continue to consider all of the legitimate concerns at play, including ensuring that law enforcement can keep us safe.” In addition, you suggested that the decision in *Apple v. FBI* could set a precedent for future cases and that Congress will ultimately have to determine the proper approach to address the questions posed by this case.

In order to continue this current discussion, we respectfully request that the FBI present to Members of Congress, in a classified setting, the details of their investigation, as well as the specific evidence being sought on the iPhone in question. As the People’s elected representatives, it is critical that we receive answers to these questions so that we may better understand the FBI’s argument for its broad and unprecedented reading of the All Writs Act and its bearing on our national security.

By securing this briefing, we not only ensure that Congress has a better understanding of the legal challenges our law enforcement agencies face, but we also have a real opportunity to bring clarity to the issue, ensure that our agencies are not forced to rely on relatively obscure legal bases, protect the legitimate privacy rights of American citizens, and modernize our laws, if necessary.

We appreciate your attention on this matter and look forward to your timely response.

Sincerely,



Matt Salmon
Member of Congress



Tulsi Gabbard
Member of Congress



Dave Brat
Member of Congress



Morgan Griffith
Member of Congress