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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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September 10, 2015

Via Electronic Transmission

The Honorable Sally Q. Yates
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Deputy Attorney General Yates:

I am writing today to continue the conversation that we began earlier this summer when the Senate Judiciary Committee held a hearing entitled "Going Dark: Encryption, Technology, and the Balance between Public Safety and Privacy." At that hearing, you testified "that balance must be struck in such a way that allows [law enforcement] to continue to enforce court orders to obtain the critical information that we need to combat crime and national security threats" and that you intended to "work with the communication providers to try to figure out a way with them where we can get access to the information that we need through them." After the hearing, I also submitted questions for the record that asked you to provide more information about any impending legislative proposal and your ongoing efforts with providers. I requested that you respond to those questions by July 30, 2015.

While our initial conversation was productive, I was surprised to read in the *New York Times* that the Department of Justice had recently sought and obtained a court order in "an investigation involving guns and drugs" that required Apple to "turn over, in real time, text messages between suspects using iPhones" but that Apple had responded that the messages were "encrypted and that company could not comply."[1] The Department reportedly considered taking Apple to court to compel compliance with the court order, but these plans have "been shelved for now."

In the spirit of continuing our conversation on this important and complicated issue, I respectfully request that you provide members of my staff with a briefing on these recent events. I would also appreciate that you promptly respond to my questions and that, going forward, the Department of Justice makes sure this Committee is advised of significant legal developments in this area of the law.

Sincerely,

Chuck Grassley

Charles E. Grassley
Chairman

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[1] Matt Apuzzo, David E. Sanger & Michael S. Schmidt, *Apple and Other Tech Companies Tangle with U.S. Over Data Access*, Sept. 7, 2015, http://www.nytimes.com/2015/09/08/us/politics/apple-and-other-tech-companies-tangle-with-us-over-access-to-data.html?_r=0.