Christopher Feth

In April of 2019 an Apple employee and American Citizen Andreas Gal was detained for 3 hours at the airport when 3 men requested to search his iPhone and MacBook Pro (both devices provided by his employer, Apple and had nondisclosure agreements signed regarding them), reports Soo Youn from ABC News in an article titled [Apple employee detained by US border agents over his iPhone and laptop speaks out](https://abcnews.go.com/US/apple-employee-detained-us-border-agents-iphone-laptop-speaks/story?id=64003137). According to the airport these requests for search are regular and inconsequential — though by the time Andreas was released he had his global entry card revoked and could no longer skip pre-screenings when arriving in the U.S. Andreas never did have his devices confiscated or searched but the screening was by no means inconsequential. Andreas later filed a complaint with the American Civil Liberties Union Foundation (ACLU) against the U.S to find out why he was selected for screening in the first place. Andreas has made upwards of 100 prior international trips and was never stopped for screenings. Among other misconducts Andreas was told he does not have access to an attorney when being provoked to hand over his devices.

In the United States all citizens are protected from unreasonable searches and seizures by [the Fourth Amendment](https://www.supremecourt.gov/publicinfo/fourth Amendment). The attempted search and seizure of Andreas at the airport in April violated his fourth amendment right for privacy on his devices — never mind the fact that Andreas has signed nondisclosure agreements on those devices. An article on [Non-Disclosure Agreements](https://www.rocketlawyer.com/article/non-disclosure-agreements) by RocketLawyer specifically talks about the inability of those who sign NDA’s to share business secrets or otherwise sensitive information with others — including the government (unless they have a warrant). Though Andreas is the major player in this example — the airport itself stated that these searches are routine and therefore violate citizen fourth amendment rights frequently. These violations are illegal and although they are unfair, Andreas’ case brings consequences that may reduce these violations moving forward.

The obvious positive consequence of Andreas’ time being wasted at the airport and his rights violated is the increase in awareness of the rights American Citizens are given from the fourth amendment and NDA’s (if applicable). Many more Americans who read about Andreas’ case will know that if in the future go through the airport and
are detained for searching their electronic equipment, they can deny those searches rightfully. This case also brings positive consequences for Apple as their employee being so loyal to his agreement and their providing of equipment to their employee for his work I believe only shows positive qualities of employment at Apple. The negative consequences are fairly obvious as well as it’s clear that rights violations happen everyday at the airport and although citizens may now be more aware of their rights at the airport, the employees detaining people and searching them at the airport are also now more aware of these rights and may be more clever in maneuvering around them. This experience may have soured Andreas' perception of airport security, a negative consequence as well. Being that the case is so recent there has not been an update from the airports security on new policies regarding these searches — though they’ve launched an investigation into Andreas’ case (Soo Youn, 2019).

The Fairness or Justice Ethical approach describes by the Markkula center in their article A Framework for Ethical Decision Making describes an ethical framework where one’s actions can be justified by a defensible law — seemingly the exact mindset that Andreas had when denying the airport security access to search his electronic equipment given by his employer. Andreas did have several legal grounds that not only him but all American citizens would have (equal rights, an important aspect of the fairness ethical approach) to stand on that the airport security did not. The airport security may have taken the Utilitarian Ethical approach that weighs the greater good of a situation (also described by the Markkula center). The airport security may consider protecting the nation from potential terrorism a greater good to human rights in America — though notice that in this case the fairness/justice ethical approach clashes with the utilitarian approach. Andreas was ethically justified but so might have been the airport security.

from Ch 4 ~ Examine a Case: Rights, Privacy, or Security Failure - Ganges

20 hours ago

Christopher Feth

Hi Jordan,

Very thorough interpretation to the Snowden case in relation to his time at the CIA and NSA. I find it’s also worth mentioning that although Snowden did violate U.S code 793 -- the grounds that the information he released are actually property of the U.S Department of Defense instead of those that the data was collected from (citizens) would surely be shaky in court and I think U.S code 798, the release of classified
information, which Snowden more clearly violated is a more solid ground. I think at the moment whose property data is is a grey area in the United States and therefore Snowden may be able to escape those sentences if he were to come back to the U.S but it's surely no question that Snowden releasing the procedures of the CIA and NSA would be considered releasing classified information -- though the information could be argued to be property of the D.O.D or the citizens of America.