



Written by [Joe Wolverton, II, J.D.](#) on September 16, 2019

DOJ Demands Apple, Google Turn Over Names of Gun Scope App Users

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With all the many assaults on the purchase and use of firearms, you might believe that the government couldn't infringe much farther into the territory of that right. You'd be wrong.



In an exclusive story, [Forbes reported](#) that the U.S. government “wants Apple and Google to hand over names, phone numbers and other identifying data of at least 10,000 users of a single gun scope app.”

This represents, according to the information discovered by *Forbes*, a case in which “American investigators demanded personal data of users of a single app from Apple and Google. And never has an order been made public where the feds have asked the Silicon Valley giants for info on so many thousands of people in one go.”

As unbelievable as it may seem, the Trump administration Department of Justice has filed an order with a federal court seeking to compel Apple and Google (owners of the App Store and Google Play, respectively) to turn over the names and other information of users of an app called Obsidian.

According to the description on Apple's App Store, with Obsidian “you can connect to your ATN [American Technology Network, the developer of Obsidian] optical device via built-in wifi network capability. This enables you to watch live video streaming from the device, shoot photos, or videos and configure device settings for your personal needs.”

And from the company's website:

Obsidian Core is the technology behind our Smart HD Optics. Based on the industry's most advanced digital image processing architecture, a variety of image sensors, intuitive user interface, and a range of environmental sensors, this cutting edge platform technology powers our Smart HD Optics line.

And:

The new Ultra HD Sensor and Dual Core Processor technology, offers the processing power that will deliver a picture quality that is unmatched, with no loss of resolution up to 10X magnification. New speeds allow us to simultaneous video record in full 1080 HD while streaming to your Obsidian App. Our state-of-the-art internal battery provides ultra-low power consumption and offers around 20+ hours of use on most models, taking away the worry of power management!

The government's grab is based on an investigation being carried on by the Immigration and Customs Enforcement (ICE) department. The agency, *Forbes* reports, is “looking into illegal exports of ATN's scope.” The company itself, however, is not under investigation per the Justice Department order. The



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order claims, though, that “ICE has repeatedly intercepted illegal shipments of the scope, which is controlled under the International Traffic in Arms Regulation (ITAR).”

This is sufficient reason, the government insists, to demand that Apple and Google hand over the names, addresses, and other personally identifying information from everyone who has downloaded ATN’s Obsidian app.

Forbes reports that the app has been downloaded over 10,000 on the Google Play store, but as Apple doesn’t provide download numbers, it’s impossible to say how many Americans may soon have all their personal data — including their addresses — transferred from Apple and Google to the computers of the U.S. Department of Justice.

This should serve as a warning to anyone — gun owner, Obsidian user, or not — who believes that the right to keep and bear arms is the last barricade between absolute tyranny and the lasting liberty of this country. There is no room for partisan excuse-making.

Should the federal court approve the Department of Justice’s order, instantly thousands of Americans will have had their right to be free from unwarranted searches and seizures violated by a few unelected and unaccountable black-robed oligarchs.

The Fourth Amendment to the U.S. Constitution mandates that any such action on the part of the federal government must be based “upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

There is no such support in the Justice Department’s order! There is no particular description of the place, person, or thing to be seized, thus, this is an invasion as deep and despotic as any of the many similar trespasses committed by the current administration.

In light of the lack of historical education in this country, perhaps a brief rehearsal of how important the rights protected by the Fourth Amendment is in order and would put the government’s demand that the personal data of the users of an app be given to them in proper perspective.

James Otis is a name that is almost completely forgotten by contemporary Americans, but he was once the most famous lawyer in the colonies, and it was his renowned recrimination of unreasonable searches in Boston that earned him fame and influenced his countrymen to resist the tyranny of these deprivations.

At a trial challenging the constitutionality of the General Writs of Assistance, Otis spoke eloquently and persuasively in favor of freedom from the unreasonable searches being carried out by 18th-century government agents:

Now, one of the most essential branches of English liberty is the freedom of one’s house. A man’s house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient.

This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Mr. Pew had one of these writs, and, when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware; so that these writs are negotiable from one officer to another; and so your Honors have no opportunity of judging the persons to whom this vast power is delegated. Another



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instance is this: Mr. Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of the Sabbath-day Acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, "Yes." "Well then," said Mr. Ware, "I will show you a little of my power. I command you to permit me to search your house for uncustomed goods" — and went on to search the house from the garret to the cellar; and then served the constable in the same manner.

In 1788, nearly three decades after Otis' speech in defense of the right to be free from unwarranted searches and seizures, his equally eminent sister, Mercy Otis Warren, echoed her brother's bold attack on despotism. Writing under the pseudonym "Columbian Patriot," Warren said:

There is no provision by a bill of rights to guard against the dangerous encroachments of power in too many instances to be named: but I cannot pass over in silence the insecurity in which we are left with regard to warrants unsupported by evidence — the daring experiment of granting writs of assistance in a former arbitrary administration is not yet forgotten in the Massachusetts; nor can we be so ungrateful to the memory of the patriots who counteracted their operation, as so soon after their manly exertions to save us from such a detestable instrument of arbitrary power, to subject ourselves to the insolence of any petty revenue officer to enter our houses, search, insult, and seize at pleasure.

Today, though, we have not been taught the truths that the Founders were taught. Liberty, to the Founders, was, as Thomas Paine eloquently said, a "celestial object" and they felt that to fail to fight for its protection would be disappointing the divine Giver of that object.

Perhaps since we haven't known such liberty, we don't feel so fervently protective of it as our ancestors did. We live in the post-9/11 era where the rights guaranteed by the Fourth Amendment and almost all others in the Bill of Rights have been forcibly seized from the people and laid by agents of government on the altar of "safety."

As of press time, Apple and Google have not filed responses to the order.

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