

**Statement for the Record
Senate Judiciary Committee
Hearing on Encryption
December 10, 2019**

Thank you, Mr. Chairman.

Today's hearing provides an opportunity to examine how technology companies and law enforcement can work together to obtain encrypted information that is vital to investigating and prosecuting serious crimes while protecting people's privacy

Encryption technology is a very important part of maintaining security and personal privacy.

It protects personal information by using a scrambled code and allows users to send sensitive financial or other information over the internet.

At the same time, it is equally important to acknowledge that law enforcement has historically been able, under strict legal requirements, to intercept and obtain communications in order to investigate crimes.

Recent Developments

This issue really came to the forefront following the shooting in San Bernardino, California, on December 2, 2015.

Fourteen people lost their lives that day, and 22 more were injured. But a cellphone was found at the scene of the crime.

As part of the investigation, the Federal Bureau of Investigation was unable to unlock it.

And despite a lawful court order, the phone's manufacturer refused to assist law enforcement in unlocking the phone.

Luckily, the FBI was ultimately able to unlock the phone, but that easily could have ended up not happening, and the investigation would have been halted there.

The incident showed the importance of bringing technology companies and law enforcement together in order to find ways to cooperate for our safety.

That is why, in 2016, I announced legislation to address this issue. While I chose not to introduce that legislation, I still believe Congress should be considering ways to address this problem.

More recently, the *New York Times* published an article titled: "The Internet is Overrun With Images of Child Sexual Abuse. What Went Wrong?"

The article explains that "increasingly, criminals are using advanced technologies like encryption to stay ahead of the police."

These developments concern me a great deal. I hope our witnesses today will address how we can help law enforcement and technology companies stop this terrible trend before it gets worse.

Privacy Concerns

I understand that technology companies are worried that providing access to encrypted information may create unintended weaknesses that hackers could exploit.

It would be helpful if our witnesses today could identify ways technology could comply with the legal process without creating unacceptable security vulnerabilities.

Conclusion

Everyone agrees that having the ability to safeguard our personal data is important.

At the same time, we've seen criminals increasingly use technology, including encryption, in an effort to evade prosecution.

We cannot let that happen.

It is important that all criminals, whether foreign or domestic, be brought to justice.

I look forward to the testimony today and the witnesses' help as this Committee takes on this important issue.

Thank you, Mr. Chairman.