

Chairman Jason Chaffetz
Opening Statement
Committee on Oversight and Government Reform
Subcommittee on Information Technology Hearing
“Encryption Technology and Potential U.S Policy Responses”
Wednesday, April 29, 2015

I thank the Chairman and I appreciate your passion and this topic. It affects literally every American. It affects people all across the world. I think one of the great questions that will be posed to our society – and certainly our country as a whole – is how to find the right balance between personal privacy and national security. I for one am not willing to give up every bit of privacy in the name of security. So how do we find that right balance? It’s not easy to find.

In response to the recent moves by Apple and Google mentioned by Chairman Hurd, FBI Director Comey recommended, “a regulatory or legislative fix,” which would force companies to manufacture their mobile devices in such a way that law enforcement can access the data on those devices with a warrant or court order.

I have at least three general concerns with Director Comey’s proposal as I understand it.

First, it’s impossible to build a backdoor only for the good guys... you think, just the good guys can get this. If somebody at the Genius Bar can figure it out so can the nefarious folks in a van down by the river.

As Alex Stamos, Yahoo!’s chief information security officer, recently explained: “All of the best public cryptographers in the world would agree that you can’t really build backdoors in crypto. That it’s like drilling a hole in the windshield.”

The Commerce Department’s National Institute of Standards and Technologies’ chief cybersecurity adviser agreed, saying, “There’s no way to do this where you don’t have unintentional vulnerability.”

I worry about those unintentional vulnerabilities.

We have a wide variety of experts on the panel today to help us examine some of the potential economic, privacy, security, and geopolitical consequences of introducing a vulnerability into the system.

Second, we already live in what some experts have referred to as “the golden age of surveillance” for law enforcement.

Federal, state, and local law enforcement have never had more tools at their disposal to help detect, prevent, and prosecute crime.

It seems we hear every day there is a new and often startling story about the U.S. government's ability to track its own citizens.

I recognize technology can be a double-edged sword and may pose challenges for law enforcement as well, but we are certainly not going dark, and in many ways have never been brighter.

Third, strong encryption prevents crime and is a part of the economy.

People keep their lives on their mobile phones. A typical mobile phone might hold a person's pictures, contacts, communications, finances, schedule, and much more personal information – in addition to my Words with Friends which is critical to my daily sanity.

If your phone is lost or stolen you want to know your information is protected. Encryption does that. There is a reason the world's largest technology companies are increasingly developing stronger and more user-friendly encryption techniques.

It's not because they are anti-law enforcement.

On the contrary, it's because sophisticated cyber hacks are near daily events. No one is immune from digital snooping - from the White House to corporate America to private citizens.

The opportunities brought to us by modern technology are nearly limitless – but not if the system is compromised.

Strong encryption helps ensure data is secure and allows companies and individuals to operate with confidence and trust.

I look forward to hearing from our witnesses today.

We have choices to make. Do we allow the 99 percent of Americans who are good, honest, decent, hardworking and patriotic people to have encrypted phones? Or do we need to leave a backdoor open and create vulnerability for all of them? Because vulnerability is all or nothing folks. It's not just a little bit. It's not just for the good guys. And that's why we are having this hearing today.