

RON WYDEN
OREGON

RANKING MEMBER OF COMMITTEE ON
FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:
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COMMITTEE ON BUDGET
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January 25, 2018

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue Northwest
Washington, DC 20535

Dear Director Wray:

I write to you to express my serious concerns about recent statements you made about your policy views on encryption.

Last July, we met as part of your confirmation process. During our conversation you told me that you had yet to form specific views on encryption. At my request, you committed to keeping an open mind and to continuing a dialogue with me before you took a public position on the issue.

Earlier this month, you gave your first public speech on the topic of encryption at Fordham University. Citing Silicon Valley's success in driverless cars and virtual worlds, you claimed in your speech that companies "should be able to design devices that both provide data security and permit lawful access with a court order." You claim that you're "not looking for a 'back door.'" but "the ability to access the device once we've obtained a warrant from an independent judge."

Regardless of whether the Federal Bureau of Investigation labels vulnerability by design a backdoor, a front door, or a "secure golden key," it is a flawed policy that would harm American security, liberty, and our economy. In addition to taking issue with the obvious technical flaws in your proposal, I am disappointed you did not contact me prior to your speech, as you promised you would.

Your stated position parrots the same debunked arguments espoused by your predecessors, all of whom ignored the widespread and vocal consensus of cryptographers. For years, these experts have repeatedly stated that what you are asking for is not, in fact, possible. Building secure software is extremely difficult, and vulnerabilities are often introduced inadvertently in the design process. Eliminating these vulnerabilities is a mammoth task, and experts are unified in their opinion that introducing deliberate vulnerabilities would likely create catastrophic unintended consequences that could debilitate software functionality and security entirely.

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

U.S. COURTHOUSE
310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST, SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

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I would like to learn more about how you arrived at and justify this ill-informed policy proposal. Please provide me with a list of the cryptographers with whom you've personally discussed this topic since our July 2017 meeting and specifically identify those experts who advised you that companies can feasibly design government access features into their products without weakening cybersecurity. Please provide this information by February 23, 2018.

Sincerely,

A handwritten signature in black ink that reads "Ron Wyden". The signature is written in a cursive style with a horizontal line underneath it.

Ron Wyden
United States Senator