



McCAUL - WARNER COMMISSION ON DIGITAL SECURITY

THE CHALLENGE WE FACE

Digital security is essential to our way of life. We rely on tools like encryption to exchange emails and texts away from prying eyes, to shop online, to protect our health and business records, and much more. These days, more of our sensitive information is on our mobile devices—often fully encrypted and safe from thieves and hackers. Without these protections, the web would be a far more dangerous place and our data would be at risk.

Criminals and terrorists are using secure communications to evade detection. They hide their violent plots and illegal activities in virtual safe havens, using end-to-end encryption to stay under the radar. As the bad guys are “going dark,” law enforcement is worried we are “going blind”—unable to disrupt their plots before innocent people are harmed. In other words, we can’t stop what we can’t see.

How can we keep our data safe while also keeping our country safe? Weakening encryption and other digital protections would seriously endanger our privacy and security. At the same time, doing nothing puts our public safety and national security at risk. We cannot let child predators, human traffickers, drug cartels, and violent extremists get away with horrible crimes.

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It is time to come together to confront these challenges. The issue of “going dark” has driven a wedge between law enforcement and our nation’s leading innovators. But we must stop shouting past each other and start talking with each other. Americans have heard too much bluster and too little substance, and so far Washington has failed to bridge the divide.

We need a Digital Security Commission—now. Chairman Michael McCaul (R-TX) of the House Homeland Security Committee and Senator Mark Warner (D-VA) of the Senate Intelligence Committee are calling for an independent Digital Security Commission to bring all stakeholders together, once-and-for-all. The Commission’s goal will be to develop recommendations for maintaining privacy and digital security while also finding ways to keep criminals and terrorists from exploiting these technologies to escape justice.

HOW WOULD IT WORK?

- 1. Assembling our brightest minds.** The people most capable of finding creative solutions are the experts themselves, not politicians. The Commission will bring together leaders from tech companies, the privacy community, law enforcement, and others to examine the intersection of digital technology and national security.
- 2. Creating an open, honest national dialogue.** This panel would engage with all the key stakeholders to get to the heart of these challenges and will not shy away from the hard issues. Its work will not be shrouded in secrecy or kept entirely behind close doors. Instead, the Commission will publish its findings and recommendations in a publically available report for all to consider.
- 3. Getting the answers we need, promptly.** Criminals and terrorists are moving at broadband speed, so we cannot move at bureaucratic speed. The Commission will be charged with delivering initial findings to Congress at six months and issuing a final report after a year.

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THE WALL STREET JOURNAL.

“Our country has always been strongest when we come together. We feel the best way forward would be for the government to... as some in Congress have proposed, form a commission or other panel of experts on intelligence, technology, and civil liberties to discuss the implications for law enforcement, national security, privacy, and personal freedoms. Apple would gladly participate in such an effort.”

Los Angeles Times

“McCaul and Warner’s greatest strength in the assembly of their proposed commission is their joint credibility. Mixing the counterterrorism expertise of the conservative McCaul with the tech experience of the Democratic Warner could bring legitimacy to their proposal by appealing to people from both law enforcement and tech.”

 **American Enterprise Institute**
By Matt A. Mayer

“Blue-ribbon commissions are usually a form of Beltway escapism, but in this case a detailed report and recommendations from leading minds in technology, law, computer science, police and intelligence could help shape a rough consensus—or at least establish a common set of facts. Such a halfway house might also help calm political tempers and marginalize the absolutists.

“A mature democracy—if America still is one—ought to be able to work out these crucial matters of national security through legislative deliberation.”



“...there are legitimate interests on both sides, and the courts aren’t the right venue to balance them. That’s Congress’ job.

“That’s why it makes sense for Congress to bring together experts from the worlds of tech and law enforcement to search for an alternative to orders such as the one Apple is fighting, as House Homeland Committee Chairman Michael McCaul (R-Texas) and Sen. Mark Warner (D-Va.), a member of the Senate Intelligence Committee, are expected to propose early next week. Their legislation would create a commission to find ways to address technological barriers to law enforcement and national security without making personal and business data more vulnerable to hackers.”

 **MORNING CONSULT**

“A national commission of experts should analyze the issues involved in encryption and provide Congress and the president with recommendations on how best to protect private sector equities while giving law enforcement the necessary tools to protect us from increasingly sophisticated terrorists.”