President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

October 27, 2016

Dear President Obama,

On September 29, 2015, Access Now, EFF, and a coalition that grew to nearly 50 organizations and companies initiated a petition using your "We the People" platform. The petition asked you to "[p]ublicly affirm your support for strong encryption," and to "[r]eject any law, policy, or mandate that would undermine our security" online. It also asked you to encourage other governments worldwide to do the same.[1] The petition, also available at SaveCrypto.org, garnered more than 100,000 signatures in fewer than 30 days.

According to the blog post announcing the creation of We The People, "if a petition gathers enough online signatures, it will be reviewed by policy experts and you'll receive an official response."[2] At the time our petition was submitted the threshold for official response was (and currently is) 100,000 signatures within 30 days. Further, the website pledges an official response within 60 days of meeting that threshold.

It has been 365 days — a full year — since our petition exceeded 100,000 signatures, and while in December 2015 your administration created an online portal for signatories to offer more information, there has still been no substantive response.

Encryption tools enable journalists, whistleblowers, organizers, and regular people to communicate securely. It assures users of the integrity of their data and authenticates individuals to companies, governments, and one another. Further, the ability to confidently communicate and conduct business online is a necessary foundation of economic growth in the digital age. The United Nations Special Rapporteur for freedom of expression recently noted, "[e]ncryption and anonymity, separately or together, create a zone of privacy to protect opinion and belief."

In the 365 days since our petition hit the 100,000 signatory threshold to ensure a response from the administration, the FBI attempted to force Apple to build an entirely new, insecure operating system to bypass its security protocols and the U.S. Congress and legislatures in individual states have debated passing harmful anti-security legislation that would endanger the technology sector globally. Around the world, governments have capitalized on the lack of leadership in support for encryption and implemented harmful laws and policies. China specifically cited to the rhetoric in the U.S. last December when it passed a new law that likely

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[1] A petition requesting President Obama "publicly affirm [] support for strong encryption" and "[r]eject any law, policy, or mandate that would undermine our security" was hosted at https://www.savecrypto.org using the White House's We the People API. The Administration has committed to replying to any petition that achieves 100,000 within 30 days. The "Save Crypto" petition achieved that threshold on October 27, 2015.
[2] "Petition the White House with We the People" September 22, 2011. Available at: https://www.whitehouse.gov/blog/2011/09/22/petition-white-house-we-people

bans end to end encryption, with no upper limit on fines for non-compliant companies.[3] The UK is on the cusp of passing a law that could, practically, have the same impact. And from Brazil to Russia to India we are seeing other actions or proposals that could undermine the security of the global internet.

Mr. President, your response is urgently needed to clarify the United States' position and establish its leadership on this critically important topic. The United States should once and for all repudiate any type of mandate requiring third-party access to encrypted data, both stored and in transit.

The leading candidates for president have commented on the importance of strengthening U.S. cybersecurity.[4][5][6][7] A cornerstone to those plans must be an increase in the development and use of strong encryption.

Sincerely,

Access Now
Advocacy for Principled Action in Government
American Library Association
Amnesty International
Center for Media Justice
Consumer Technology Association (CTA)
Constitutional Alliance
Electronic Frontier Foundation
Free Press
Freedom of the Press Foundation
Fight For the Future
Global Network Initiative
Human Rights Watch
New America's Open Technology Institute
Niskanen Center
OpenTheGovernment.org
Restore the Fourth
World Privacy Forum

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[3] Mike Masnick, China Using US Encryption Fight To Defend Its New Encryption Backdoor Mandate, Techdirt, December 28, 2015, china using us encryption fight to defend its new encryption backdoor mandate.

[4] DONALD J. TRUMP PROMISES IMMEDIATE ACTION ON CYBERSECURITY IN HIS ADMINISTRATION, (2016), https://www.donaldjtrump.com/press-releases/donald-j.-trump-remarks-on-cybersecurity.

[5] Hillary Clinton's Initiative on Technology & Innovation, (2016), https://www.hillaryclinton.com/briefing/factsheets/2016/06/27/hillary-clintons-initiative-on-technology-innovation/.

[6] Keep the Internet Free. Protect Privacy. Get a Warrant., JohnsonWeld.com, https://www.johnsonweld.com/internet_freedom_and_security (last visited Oct 24, 2016).

[7] Network World questionnaire, , http://www.jill2016.com/idgnetworkworld (last visited Oct 23, 2016).