



Encryption and the Law

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Strong end-to-end encryption is legal in the United States today, thanks to our victory in what's come to be known as the Crypto Wars of the 1990s. But in the wake of Paris, San Bernardino, and Orlando, there is increasing pressure from law

enforcement and policy makers, both here and abroad, to mandate so-called backdoors in encryption products. In this presentation, I will discuss in brief the history of the first Crypto Wars, and the state of the law coming into the Trump Era. I will then discuss what happened in the fight between Apple and the FBI in San Bernardino and the current proposals to weaken or ban encryption, covering proposed and recently enacted laws in New York, California, Australia, India, and the UK. Finally, I will discuss possible realistic outcomes to the Second Crypto Wars, and give my predictions on what the State of the Law will be at the end of 2017.



Nate Cardozo is a Senior Staff Attorney on the Electronic Frontier Foundation's digital civil liberties team. In addition to his focus on free speech and privacy litigation, Nate

works on EFF's security and crypto policy and the Coders' Rights Project. Nate has projects involving export controls on software, state-sponsored malware, automotive privacy, government transparency, hardware hacking rights, anonymous speech, electronic privacy law reform, and Freedom of Information Act litigation. A 2009-2010 EFF Open Government Legal Fellow, Nate has a B.A. in Anthropology and Politics from U.C. Santa Cruz and a J.D. from U.C. Hastings.