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SENATE JOINT MEMORIAL 8007

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State of Washington

56th Legislature

1999 Regular Session

By Senators Finkbeiner, Benton, Brown, Hochstatter, Kline, Shin and Winsley

Read first time 01/20/1999. Referred to Committee on Energy, Technology & Telecommunications.

1 TO THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED  
2 STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE  
3 OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF  
4 THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE JUSTICE  
5 DEPARTMENT, THE DEPARTMENT OF COMMERCE, AND TO THE FEDERAL BUREAU OF  
6 INVESTIGATION:

7 We, your Memorialists, the Senate and House of Representatives of  
8 the State of Washington, in legislative session assembled, respectfully  
9 represent and petition as follows:

10 WHEREAS, Consumers and businesses have a legitimate interest in the  
11 protection of their privacy and keeping financial, personal, and  
12 proprietary information confidential; and

13 WHEREAS, Individuals should be secure from government interference  
14 in their right to privately conduct communications; and

15 WHEREAS, The threat is spreading that information transmitted  
16 electronically will be seized by hackers or criminals and used for  
17 illegal purposes, such as theft and fraud; and

18 WHEREAS, Consumers and businesses will not transmit information  
19 electronically if they do not feel that their information is adequately  
20 protected; and

1       WHEREAS, United States consumer commerce on the world-wide web is  
2 expected to reach six billion dollars in 1998; and  
3       WHEREAS, Washington state has a large and growing number of  
4 successful businesses that depend on the future viability of electronic  
5 commerce; and  
6       WHEREAS, Electronic commerce will not prosper unless business  
7 information is secure and consumer privacy is protected; and  
8       WHEREAS, The technology exists to protect digitally transmitted  
9 information and encryption programs are the key to information  
10 security; and  
11       WHEREAS, The market for encryption is large and growing; and  
12       WHEREAS, Encryption programs are manufactured worldwide in  
13 countries that place no restrictions on encryption; and  
14       WHEREAS, American software makers will be unable to compete  
15 globally if not permitted to manufacture and sell strong encryption  
16 products both domestically and abroad and will lose market share to  
17 foreign software makers; and  
18       WHEREAS, Foreign dominance in the encryption market will mean the  
19 spread of products that do not meet United States law enforcement  
20 needs; and  
21       WHEREAS, Criminals will use various means to acquire encryption  
22 even if it is banned; and  
23       WHEREAS, New and innovative methods are being developed and should  
24 be developed to catch criminals without inhibiting free trade; and  
25       WHEREAS, Washington state software manufacturers could contribute  
26 to the development of innovative law enforcement methods; and  
27       WHEREAS, Foreign dominance in the encryption market will mean the  
28 loss of domestic jobs; and  
29       WHEREAS, The software and computer services sector supports 7.5  
30 percent of Washington state's aggregate employment; and  
31       WHEREAS, The average wage per Washington state software sector  
32 employee is almost five times the state-wide average income; and  
33       WHEREAS, A loss of jobs in the software and computer services  
34 sector will create severe economic repercussions in Washington state  
35 and throughout the nation; and  
36       WHEREAS, The optimal United States policy would promote privacy and  
37 information security, not bar the manufacture, sale, or use of any form  
38 of encryption within the United States; give priority to research,  
39 development, and deployment of new technological capabilities for law

1 enforcement for use in coping with technological challenges; and  
2 streamline and progressively relax export licensing controls of  
3 cryptography;

4 NOW, THEREFORE, Your Memorialists respectfully pray that United  
5 States policy promote privacy and information security; not bar the  
6 manufacture, sale, or use of any form of encryption within the United  
7 States; give priority to research, development, and deployment of new  
8 technological capabilities for law enforcement; and streamline and  
9 progressively relax export licensing controls on cryptography.

10 BE IT RESOLVED, That copies of this Memorial be immediately  
11 transmitted to the Honorable William J. Clinton, President of the  
12 United States, the Justice Department, the Department of Commerce, the  
13 Federal Bureau of Investigation, the President of the United States  
14 Senate, the Speaker of the House of Representatives, and each member of  
15 Congress from the State of Washington.

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