

# Give Washington a civilian review board

By AMITAI ETZIONI

WASHINGTON

**T**RUST in the Bush administration has fallen to such a low point that in order to restore at least some of it, we need a national civilian review board. The board will be composed of eminent Americans of both parties, similar if not the same people who served so well on the 9/11 Commission.

Equipped with security clearance, the board would determine whether our intelligence services are being used in line with the Constitution and our international obligations. It would issue a series of reports about the ways that the government is using the vast arsenal of special powers it amassed since 9/11 without disclosing details about sources and methods.

Thus, such a committee would act much like local civilian review boards that have formed in some 60 percent of our nation's largest cities where the public has lost trust in police departments after revelations of widespread corruption and abuse.

Why restore trust in the Bush administration? Simply, homeland protection cannot function effectively when so many Americans distrust the government. Above all, given that existing checks and balances are failing, new ones are urgently needed.

The board must set straight the grossly miscast national security debate. The No. 1 issue is not whether the government requires many new security measures — but rather to ensure that these powers are not abused. Take the uproar over the National Security Agency (NSA) spying on Americans. The main concern is not the fact that such surveillance is taking place; indeed, some Americans may be cooperating with terrorists. Moreover, colleagues at the NSA pointed out to me that often it is impossible to tell the nationality of those online. Each year about 300 million foreigners visit the United States and surely some of their messages to home bases deserve to be monitored. Hence the issue becomes under what conditions such surveillance is authorized, by whom, and above all what mechanisms are in place to ensure proper and not excessive use.

One may say that there are already accountability mechanisms built into the government in the form of the Foreign Intelligence Sur-

veillance Court (which authorizes surveillance of “agents of foreign powers” in the US), the office of inspector general, and Congressional committees. However, President Bush has circumvented all of these checks and balances. Also, the secrecy of the FISA court is hardly a public confidence builder. The inspector general's reports are useful but sporadic, and Congressional committees are highly political and partisan. Ergo, a new countervailing factor, independent of the government, is called for.

A civilian board should be composed of distinguished Americans whom the public trusts. Its reports on the ways new security measures are employed are likely to have similar effects as those of the Church Committee, set up in the 1970s to review US intelligence activities. A civilian review board, however, would continue to serve and could be renewed on five-year intervals.

**If the government needs to spy on citizens, let the people review the government.**

**A**SIDE from reviewing the use of special powers, the civilian review board will examine the government's checks and balances. Some hold that the FISA court is too lax, that it never turns down a request for surveillance. Others hold that FBI agents fear damaging their career if their requests are rejected and hence apply only if they have a very strong case. Still others assert that authorization is too slow. The public deserves to find out from an independent board whether FISA is too lax or too tight, and what might be done to set it right. The same holds for all the other new powers and the institutions that are supposed to keep them in check. For instance, what might be done to beef up the office of inspector general?

The Bush administration has squandered the trust of too many Americans to be able to repair the breach on its own. Congress can do some of the work, now that some Republicans no longer automatically toe the line. However, the extraordinary exercise of power calls for an extraordinary countermeasure: an independent body, not beholden to the government, that the people can trust.

■ Amitai Etzioni's most recent book is “How Patriotic is the Patriot Act?: Freedom Versus Security in the Age of Terrorism.”

