



National terrorism commission could have wrapped up vital work today

Matt A. Mayer

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When politicians wonder why Main Street Americans think so little of them, they can look no further than what they failed to do after the winter terrorist attacks in Paris and San Bernardino.



http://www.aei.org/wp-content/uploads/2016/08/twenty20_5afbee9a-73ad-42ac-9e65-29e2773f04b3_capitol-e1470058045512.jpg

Twenty20.

After those two ISIS directed and inspired attacks, many individuals, including myself, called for the creation of a national commission on terrorists' use of technology to investigate the marriage of terrorism and technology, and what "worst-best" solutions Congress should enact to strengthen our security. Any legislation proposed by a national commission would strive to balance the needs of our security entities with the preservation of our civil liberties. My [report came out on January 6](https://www.aei.org/wp-content/uploads/2016/01/National-commission-on-terrorists-use-of-technology-is-needed.pdf) (https://www.aei.org/wp-content/uploads/2016/01/National-commission-on-terrorists-use-of-technology-is-needed.pdf), 2016. I specifically noted that "[b]ecause time is of the essence, the commission should have six months to form, investigate the issue, and issue its recommendations. It is a short timeframe, but this issue must be solved."

Had Congress acted, today would have been the six month deadline for the national commission to finish its work and send recommendations to Congress. Unfortunately, not only did Congress fail to launch the

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national commission, it failed to enact any legislation over the last six months to deal with the growing threat from ISIS and other terrorist organizations. Since my report came out, the situation has only gotten worse. Specifically, the [Federal Bureau of Investigation and Apple engaged in a legal battle](https://www.aei.org/publication/apple-vs-fbi-congress-must-act-before-the-next-crisis/) (https://www.aei.org/publication/apple-vs-fbi-congress-must-act-before-the-next-crisis/) over access to the encrypted smartphone used by San Bernardino terrorist Syed Rizwan Farook and, most concerning, [deadly terrorist attacks have since occurred in Belgium, America, Turkey, France, and Germany](https://www.aei.org/publication/on-nice-and-the-true-believers-of-the-21st-century/) (https://www.aei.org/publication/on-nice-and-the-true-believers-of-the-21st-century/).

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In remarks last week, FBI Director James Comey [repeated his call for America](https://www.fbi.gov/news/speeches/humility-adaptability-and-collaboration-the-way-forward-in-cyber-security) (https://www.fbi.gov/news/speeches/humility-adaptability-and-collaboration-the-way-forward-in-cyber-security) to have the debate on terrorists's use of technology. Director Comey stated:

At some point, encryption is going to figure in a major event in this country. We've got to have the conversation before that happens because after that happens that time for reflection will be significantly reduced and this is a hard conversation. It's a conflict of two values that we all share. It does not fit in a tweet. You can't shout it at each other. I very much hope that companies and private sector actors of all kinds and ordinary citizens and people of government will look for ways to have a productive conversation about this.

Nobody has the high ground; nobody is a devil. In this conversation we all share the same values. We may weigh them differently but I know that Apple cares deeply about public safety and I know the FBI cares deeply about privacy and security on the Internet. I hope you'll join in that conversation, which means we will probably have to wait until after the election to have this space in American life to have that conversation, and that's fine.

Given what has transpired in Europe and America over the last six months, does it really make sense for us to wait until after the US elections to get the debate underway? Of course not. Congress needs to pass simple legislation forming a national commission immediately so the commission's work is complete early in 2017.

Congress's continued failure to act in the face of a rising threat renders us less safe and undermines the faith Americans have in our elected officials.

Learn more: [Enhanced Human Intelligence Is Key to Defeating Terrorists](http://www.aei.org/publication/enhanced-human-intelligence-is-key-to-defeating-terrorists/) (http://www.aei.org/publication/enhanced-human-intelligence-is-key-to-defeating-terrorists/) | [Time to leverage local law enforcement to stop terrorists](http://www.aei.org/publication/time-to-leverage-local-law-enforcement-to-stop-terrorists/) (http://www.aei.org/publication/time-to-leverage-local-law-enforcement-to-stop-terrorists/) | [Feinstein-Burr encryption bill is too clever by half](http://www.aei.org/publication/feinstein-burr-encryption-bill-is-too-clever-by-half/) (http://www.aei.org/publication/feinstein-burr-encryption-bill-is-too-clever-by-half/) | [National commission on terrorists' use of technology is needed](http://www.aei.org/publication/national-commission-on-terrorists-use-of-technology-is-needed/) (http://www.aei.org/publication/national-commission-on-terrorists-use-of-technology-is-needed/)

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