

RAY KELLY VS. MINIMAL OVERSIGHT

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In the AP's first report on the NYPD's CIA-on-the-Hudson, they quoted City Councilmen Peter Vallone reassuring that his private conversations with Ray Kelly were adequate oversight.

"Ray Kelly briefs me privately on certain subjects that should not be discussed in public," said City Councilman Peter Vallone. "We've discussed in person how they investigate certain groups they suspect have terrorist sympathizers or have terrorist suspects."

A month and a half of damning new revelations later, Vallone is not so sure.

Peter Vallone, the chairman of the council's Public Safety Committee, said the council doesn't have the power to subpoena the NYPD for its intelligence records. And even if it did, he said the operations are too sophisticated for city officials to effectively oversee. More oversight is likely needed, he said, perhaps from the federal government.

"That portion of the police department's work should probably be looked at by a federal monitor," he said after Police Commissioner Raymond Kelly testified Thursday at City Hall.

But Kelly—whose cops are being filmed on an increasingly frequent basis beating and pepper spraying peaceful protestors—likes it just fine with no oversight.

Kelly told council members that the

department's internal accountability was rigorous and ensured that civil rights were being protected. And he said everything the department does is in line with court rules, known as the Handschu guidelines, that limit how and why police can collect intelligence before there's evidence of a crime.

"The value we place on privacy rights and other constitutional protections is part of what motivates the work of counterterrorism," he said. "It would be counterproductive in the extreme if we violated those freedoms in the course of our work to defend New York."

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"The AP stories make it hard to believe we're getting the balance right," said Brad Lander, a Brooklyn councilman.

"That's your opinion," Kelly said.

"We're following the Handschu guidelines."

With regard to Kelly's racial profiling program (as opposed to the overreaction to Occupy Wall Street), it's not actually clear who, with City Council abdicating their oversight role, can perform that oversight. The AP notes that the Obama Administration and Congress aren't in a rush to exercise oversight over the CIA-on-the-Hudson either.

Which is precisely how Ray Kelly gets away with doing what he's doing.