

Beware: Ray Kelly for Next FBI Director?

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Ray Kelly at the 2010 Tribeca Film Festival

Our senior senator, to whom President Obama pays considerable heed, is vigorously campaigning for our police commissioner to become the FBI director when the incumbent, Robert Mueller, ends his 10-year term this September.

“The country needs him,” Chuck Schumer explains. “Ray Kelly is a world-class choice, and he’s at the head of the list whether it’s fighting terrorism, drug crime, or street crime. . . He’s the pre-eminent law enforcement person in the country” (*Daily News*, March 13).

Indeed, no one in American law enforcement exceeds our police commissioner in stopping and frisking blacks and Hispanics on the street.

Moreover, the rest of the country will be impressed, as Schumer insistently pursues his goal, that in ultra-sophisticated Manhattan, the often-quoted Quinnipiac University Polling Institute showed, according to a March 17 *Wall Street Journal* report, that the voters acclaim Kelly’s job performance (67 percent to 20 percent).

A Kelly enthusiast, Mayor Michael Bloomberg, who has himself long cultivated aspirations for residence in the White House, has, in all the boroughs but Manhattan, an approval rate of 39 percent, his lowest in eight years. In Manhattan—the pollsters didn’t reach me—Bloomberg barely reached a majority of 55 percent.

But once Kelly makes it, I’m sure he’ll often welcome Bloomberg’s staying overnight in the Lincoln bedroom.

However, our iconic Ray Kelly says (*Daily News*, March 18) that he has “no plans” to leave his post. I understand his tactical maneuvering. Why—until he’s actually nominated by Obama—should Kelly have to answer irreverent questions about his civil liberties record here from the NYCLU, the national ACLU, and the relatively small number of other active Bill of Rights guardians in our land?

Even the Tea Partiers—although some carry the Constitution in their pockets—have not aggressively focused on the Obama administration going beyond even Bush and Cheney in suspending our individual liberties, such as privacy, in that founding document.

If nominated, Ray Kelly will, I expect, be eased into the Oval Office.

This real possibility brought back for me the regime of J. Edgar Hoover, and in view of the record of the FBI under Bush-Cheney and Obama, I’m not surprised that FBI headquarters in Washington is still named after the ubiquitous Mr. Hoover.

Preparing to write my second book of memoirs, *Speaking Freely* (Knopf), I got through the Freedom of Information Act my considerable FBI file, including many pages during Hoover's reign when I was a frequent critic of him. A characteristic entry was my attendance at a meeting of "radicals" in North Africa. I've never been to Africa, north or south.

As for the current FBI, Ray Kelly—whose record as this city's police commissioner has shown an aversion to individual civil liberties, particularly to the Fourth Amendment—would cherish the present "Guidelines for Domestic FBI Operations," signed into law toward the end of the Bush administration and since then thoroughly endorsed by President Obama and his lapdog, Attorney General Eric Holder.

J. Edgar Hoover would have been delighted to learn that under these guidelines—which would have enraged James Madison and Thomas Jefferson—the FBI can conduct a "threat assessment" as it protects our national security, against any one of us.

Without a judicial warrant (judges can be pesky in these matters) and, dig this, without any specific suspicion of criminal activity, they can track whomever they choose.

Is this still America? While still head of the FBI, Director Mueller, testifying before the Senate Judiciary Committee, solemnly assured Illinois Democrat Dick Durbin that before any FBI surveillance can begin, there has to be at least some suspicion of wrongdoing.

After his testimony ended, someone in his office must have whispered in his ear because he sent Durbin a note saying he had misspoken on that matter. He had also misspoken when he testified that race is never a factor when an FBI agent is conducting a "threat assessment."

As many black and Hispanic New Yorkers would tell President Obama—if he cared to ask before nominating Kelly to run the FBI—race is a starkly disproportionate factor in Commissioner Kelly's long record of stop-and-frisks on our streets.

Think the spirit of Hoover isn't still haunting the FBI? Last July, the ACLU charged that "the FBI is still refusing to make public the portion of the [Domestic FBI] Guide that deals with sending agents or informants into houses of worship and political gatherings" (Associated Press).

Do you think FBI Director Kelly would insist on revoking that part of the guidelines? Just as under Hoover, if you go to a public gathering or to pray, you could be tracked into a database just because of your presence. The ACLU and some of its affiliates have ample evidence that this is already happening.

In fact, even George Orwell would be stunned to learn how extensive a surveillance society this country has become—and there's much more contempt coming for what's left of our personal privacy.

On December 10, the *Washington Post's* Dana Priest, together with William Arkin, revealed in "Monitoring America" that: "The United States is assembling a vast domestic intelligence apparatus to collect information about Americans—using the FBI, local police, state homeland security offices, and military criminal investigators. . . . The system, by far the largest and most sophisticated in the nation's history, collects, stores, and analyzes information about thousands of U.S. citizens, many of whom have not been accused of any wrongdoing.

"The government's goal is to have every state and local law enforcement agency in the country feed

information to *buttress the work of the FBI, which is in charge of terrorism investigations in the United States*” (emphasis added).

Would you trust your fading privacy to an FBI headed by Ray Kelly as the “Monitoring America” operation expands?

And what if Chuck Schumer, influential as he is, fails to get Ray Kelly nominated to the FBI director?

Would the next nominee by Barack Obama—or by a Republican president elected in 2012—be asked by enough of the media in all its forms, the Congress, or the citizenry, whether he or she has any objections to enforcing the FBI Domestic Guidelines or cooperating with “Monitoring America?”

How many of the New Generation—having been passively conditioned to what they know, partially, of their being surveilled—care about their vanishing privacy as, for example, they flock to be on Facebook? There, the FBI chooses its “persons of interest.”