

Much has been made of the benign nature of this particular event where no discussion of terrorism occurred. A post about the trip on New York magazine's website claims, "What has civil-liberties advocates really worried is just how far the NYPD has stretched the parameters of its domestic espionage program—until now, at least, the official line was that the force only pursued leads about suspected criminal activity. Clearly, that's no longer the case."

Such histrionics are hardly warranted. In the subway-bomb-plot trial of Najibullah Zazi and Adis Medunjanin, it was disclosed that operational planning for the plot occurred on the basketball courts of Kissena Park and while hiking on Bear Mountain, north of New York City. Neither a bucolic setting nor a recreational endeavor guarantees peaceful intentions.

The AP also has claimed that these and other investigations have occurred with insufficient oversight. One article uncritically quoted New York Civil Liberties Union lawyer Christopher Dunn, who declared of the NYPD anti-terrorism program: "At the end of the day, it's pure and simple a rogue domestic surveillance operation." He continued: "One of the hallmarks of the intelligence division over the last 10 years is that, not only has it gotten extremely aggressive and sophisticated, but it's operating completely on its own. There are no checks. There is no oversight."

In particular, the AP has asserted that the modified Handschu Guidelines gave the NYPD operational carte blanche. "He scrapped the old rules and replaced them with more lenient ones," reads an August 23, 2011, article describing U.S. District Judge Charles S. Haight Jr.'s decision to modify the guidelines in 2002. "It was a turning point for the NYPD."

But far from providing evidence of this charge, the whitewater-rafting case reveals it as folly. The Handschu Guidelines require written authorization from the deputy commissioner of intelligence when utilizing human intelligence. That requirement was met here as it has been in every other case. Moreover, an internal committee reviews each investigation to ensure compliance, and a legal unit based in the Intelligence Division evaluates every field intelligence report generated through an investigation. This committee meets regularly every month, and at one meeting at the end of my tenure, no fewer than 10 attorneys and five assistant or deputy commissioners were in attendance. It is important to note that investigations are discontinued unless they reasonably indicate that an unlawful act has been, is being, or will be committed.

As a matter of Police Department policy, undercover officers and confidential informants do not enter a mosque unless they are doing so as part of an investigation of a person or institution approved under the Handschu Guidelines. Likewise, when undercover officers or confidential informants have attended a private event organized by a student group, they have done so only on the basis of a lead or investigation reviewed and authorized in writing at the highest levels of the department.

Given my dual role as a former director of intelligence analysis at the NYPD and a visiting lecturer at Columbia University, I took a special interest in this issue and personally reviewed the documents in question to see the number of times that NYPD human sources were present on local campuses in the last five years. The numbers are very small and almost always involved intelligence-collection efforts limited to individuals who were under investigation, not the broader student body.

So, yes, in 2006, given the trends observed both here and overseas, the NYPD thought it

prudent to learn more about what was occurring at Muslim Student Associations in the region via open sources, and the six-month initiative generated six months' worth of public-information reports. The NYPD did not send undercover sources to infiltrate MSAs throughout the northeast. Both the open-source initiative and the few investigations where undercover officers examined the activities of university students as part of an ongoing investigation authorized by Handschu Guidelines have led to a greater understanding of the relationship between terrorism and university organizations and have, as a result, kept New York City safer.

In total, the NYPD has helped to prevent 14 terrorist attacks on New York City and its surrounding areas and permitted exactly zero deadly plots to materialize in the 11 years since 9/11. Its success, based on the math alone, is indisputable. But in a free country, success is not enough. Civil libertarians are correct in asserting that safety at the cost of political freedom would betray the highest American ideals. And the unlawful targeting of New York City's minorities would constitute nothing less than a cultural and spiritual gutting of the greatest, most diverse city history has seen. But neither of those travesties have occurred, thanks to the genius of America's Constitution and the NYPD's exquisite adherence to it.

Sadly, the absence of wrongdoing goes only so far in a media-driven society shaped by the 24-hour news cycle and explosive headlines. The damage the AP inflicted upon the NYPD's reputation cannot be mitigated wholly by this or any other honest airing of the facts. Indeed, one can argue that inflicting such damage—not debating police methodology—was the point of the AP's series.

The war on the NYPD's method of combating terrorism is a war on the war on terror by proxy—an effort to portray the least controversial aspect of homeland security as instead a matter of great civil-libertarian concern. Long before the AP series, the war on the war began with efforts to discredit the federal government's endeavors to collect intelligence from combatants and terror suspects captured on the battlefields of Afghanistan and Iraq. It zoomed in on the rights of those detained overseas and at the American base in Guantánamo Bay. Now it has come home, to take on a once universally heralded and supported effort at domestic counterterrorism at the epicenter of the 9/11 attacks, New York City.

Having impugned military and intelligence efforts to fight terrorism, these foes are now taking aim at the most conventional kind of anti-terror approach—one that works within the domestic criminal-justice system, is overseen by courts, and is being managed by a police department that has rigorously kept to the terms of legal limits to which it agreed nearly 30 years ago.

By portraying the NYPD efforts as rogue operations, the AP and the Pulitzer committee are seeking to slacken attempts inside the United States to stop terrorist plots before they happen. Letting these false and misleading stories alter local counterterrorism work would be catastrophic. It has taken many hard years to craft the effective anti-terrorism policies that serve us so well today. Now, with al-Qaeda on the ropes, our renewed sense of security can morph easily into complacency—and terrorists will be sure to exploit any new opportunities to attack. The price of maintaining the safety of New Yorkers has been kept remarkably low, not only for residents but for the country as a whole. Preventing another devastating attack from occurring in the city after 2001 was much more than a local necessity. Such an attack would have been devastating to national morale.

And it still would be.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 297, 298, 299, 300, 301, 302, 303, 304 and 305. Had I been present, I would have voted "Aye" on rollcall vote Nos. 300, 301, 302, 304 and 305. Had I been present, I would have voted "No" on rollcall vote Nos. 297, 298, 299, and 303.

PERSONAL EXPLANATION

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. ROE of Tennessee. Mr. Speaker, on May 30, 2012 I was recorded as voting "no" on rollcall No. 303, the Franks amendment to H.R. 5854. I intended to vote "aye" and would like that to be noted in the RECORD.

H.R. 5186, THE HALT INDEX TRADING OF ENERGY COMMODITIES OR HITEC

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 1, 2012

Mr. MARKEY. Mr. Speaker, I rise today to discuss H.R. 5186, the Halt Index Trading of Energy Commodities, or HITEC, Act. I recently introduced this bill with Representatives FRANK and DELAURO because I believe urgent action is needed to protect our nation's oil and refined product commodities markets from artificial and excessive levels of volatility caused by the trading practices of certain Wall Street traders. Since 1991, Wall Street investment banks such as Goldman Sachs have created and marketed a new financial product known as commodity index funds, which are really energy speculation funds, gasoline gambles. These energy speculation funds track the financial performance of one or more commodities. If a speculation fund has an investment in oil and the value of oil goes up, then the value of the fund goes up; if the value of oil goes down, the value of the speculation fund goes down.

These investments have been incredibly popular with investors but have had an adverse effect on the operation of the markets for the commodities that comprise the funds. Hundreds of billions of dollars have been invested in various energy speculation funds, artificially inflating the prices of our commodities. While these energy speculation funds may be driving up prices for many different commodities, they are having an especially pernicious effect on energy commodities. According to testimony submitted to the House Natural Resources Committee, excessive speculation added nearly \$1.00 to the per gallon price of