

Bernard Kerik indicted on federal fraud, conspiracy charges

By Bill Van Auken
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Bernard Kerik, the former head of the New York City Police Department, who was briefly a nominee to head the US Homeland Security Department, was arraigned Friday in US federal court in White Plains, New York on a 16-count indictment that includes felony charges of fraud and conspiracy.

Among the principal charges against Kerik is that he took some \$255,000 worth of goods and services from a New Jersey construction and waste haulage company linked by investigators to the Gambino crime family. In return, he is said to have helped the mob-connected firm by lobbying city officials to approve it for contracts.

Kerik is also charged with accepting—shortly after the September 11, 2001 terrorist attacks—a rent-free luxury apartment worth \$9,000 a month on Manhattan’s posh Upper East Side from a real estate management firm that was also seeking city business. The firm ended up covering some \$236,000 in free rent for the then police commissioner.

The indictment further charges Kerik with taking and failing to report a \$250,000 loan that originated with an Israeli industrialist seeking business deals with the federal government. This was in 2003, a period in which Kerik was sitting on several government boards and had been appointed as a senior police advisor under the US colonial administration in Iraq.

Other charges include tax evasion on his illicit income, falsely claiming \$80,000 in charitable contributions on his tax returns and lying to US officials during the vetting process for his nomination to the Homeland Security post.

The principal charges related to the mob-linked firm were already well known. Kerik pleaded guilty to misdemeanor charges covering basically the same offense in a state case in 2006, receiving no jail time and merely a \$221,000 fine.

Earlier this year the former police commissioner rejected a plea deal with the US government because he would not, as in the state case, escape jail time. The charges he now faces carry a maximum sentence of 142 years in jail.

The focus of media reaction to the Kerik indictment has been on how it—not to mention a trial that could play out in the midst of the 2008 election campaign—will affect the political fortunes of Republican presidential frontrunner and former New York City mayor, Rudy Giuliani. It was Giuliani who tapped Kerik, first to head the city’s sprawling jail system and then to become head of its nearly 40,000-member police department. Then, after leaving office, he recommended Kerik to Bush for the post of Homeland

Security secretary.

Campaigning in Iowa, Giuliani told reporters: “I made a mistake in not clearing him effectively enough. I take responsibility for that.” He dodged further questions on whether he would stand by Kerik, affirming that it was inappropriate to discuss a matter before the courts.

Giuliani’s evasion won’t wash. During the state case against Kerik, Giuliani was compelled to acknowledge under oath that he had been briefed on the ties of his nominee for police commissioner to the mob-connected businessman, but that he had no recollection of it. This represented a fallback position from his earlier claims that he had known nothing about the matter.

One would think that being told that the man he wanted to head the country’s largest police department was accepting money from people linked to the mafia would be something the mayor, a former federal prosecutor, would have picked up on. The only credible explanation is that Giuliani knew and appointed him anyway.

Moreover, Kerik was not just some job applicant whom the mayor failed to thoroughly investigate. Rather, he was handpicked by Giuliani and installed in senior positions for which he was manifestly unqualified.

The relation between Kerik and Giuliani began when the latter was running for mayor against incumbent Democrat David Dinkins in 1993. A junior-ranking NYPD detective, Kerik was attracted to Giuliani’s law-and-order program and became the Republican candidate’s bodyguard and chauffeur.

In gratitude for Kerik’s personal services and unquestioning loyalty, Giuliani appointed him to a sinecure in the city’s jail system and then made him correction commissioner. In 2000, he appointed him police commissioner. The choice of a high school dropout to head the NYPD, the largest US police department, sparked significant controversy, given that mid-level police supervisors are required to hold a college degree.

That Giuliani did not know about his protégé’s corrupt practices is simply not credible. The city’s Department of Investigations had uncovered his ties to the mob-linked firm during its investigations of the company and they were aired again in the routine probe of Kerik when he was nominated to head the police department. And one of the principal officials Kerik was lobbying on the company’s behalf was the head of the city’s Trade Waste Commission, who just happened to be Giuliani’s cousin.

Moreover, the actions summarized in the federal indictment

constitute only a part of the web of scandals surrounding the police commissioner. In the aftermath of September 11, for example, it emerged that Kerik had taken over an apartment overlooking the rubble of ground zero meant to serve as a rest area for rescue and recovery workers. Instead, he appropriated it to carry on two simultaneous extramarital affairs, one with a female jail guard and the other with his millionaire publisher.

In both cases, the commissioner's messy personal life spilled over into official abuses of power. In the case of the jail guard, the city was confronted with lawsuits brought by jail supervisors who said that they were retaliated against by Kerik for attempting to impose discipline on his girlfriend. And in the case of the publisher, Judith Regan, the police commissioner dragooned homicide detectives into police-state-style visits to the homes of junior level employees at Fox Television to interrogate them after Regan reported that her cell phone had gone missing during an appearance on the network.

In his autobiography, *The Lost Son*, Kerik includes a revealing account of a meeting in which Giuliani told him he was going to name him first deputy correction commissioner, a post for which the street cop felt himself woefully unprepared. After convincing him he could do the job, Giuliani led him downstairs to a dimly lit room where senior administration aides waited. Each embraced Kerik and kissed him on the cheek.

"I wonder if he [Giuliani] noticed how much becoming part of his team resembled becoming part of a mafia family," Mr. Kerik wrote. "I was being made."

There is no doubt that Giuliani not only noticed the resemblance, but reveled in it. Throughout his tenure at City Hall, one of the mayor's less than endearing quirks was a constant recitation of lines from his favorite movie, "The Godfather," which would send his aides into titters.

Behind this ritual was a mindset that intermingled arrogance, criminality and authoritarianism, producing atrocities like the stationhouse torture of Abner Louima and the police killings of Amadou Diallo and Patrick Dorismond, as well as a series of corruption scandals.

Once Giuliani was forced from office by term limits—though not before trying to cancel the 2001 election on the grounds that only he was fit to lead the city after 9/11—he and Kerik both cashed in on their September 11 fame.

Giuliani proclaimed Kerik a "hero" of the terrorist attacks, though the police commissioner's function on that day was not that different than when the two first met—trailing the mayor north from ground zero as a kind of glorified bodyguard. Meanwhile, he left behind an emergency response that was in chaos, in which lack of coordination and failure of communication between the NYPD and the Fire Department has been singled out as a factor in the horrendous death toll among firefighters that day.

Kerik became a "security expert" in Giuliani's new consulting firm, while raking in millions of dollars serving on the board of Taser Inc., manufacturer of the electric stun gun, and acting as a spokesman for US drug companies trying to use a supposed security threat as a pretext for blocking cheap imports from Canada.

It was not just Giuliani who knew what Kerik was up to, but the

Bush administration as well. While some aides had uncovered information about Kerik's links to mob-connected individuals, Alberto Gonzales, then the president's counsel and later US attorney general, overrode their concerns and recommended his appointment to the Homeland Security post.

For the Bush administration, the combination of avarice, loyalty and criminality that characterized the former police commissioner made him a perfect fit for the job. He would function well in an administration that was carrying out criminal wars, sanctioning torture, conducting illegal domestic spying and handing out no-bid contracts to politically connected companies like Halliburton and Blackwater.

In the end, the geyser of scandals that erupted after Kerik's nomination was announced made his elevation impossible. The administration found that it simply couldn't get away with it.

The twisted saga of Bernard Kerik is a reflection of the corruption and criminality that is pervasive throughout the US political establishment and among the ruling elite as a whole. At the same time, that such an individual could have been chosen to head the Homeland Security Department is the clearest proof that the so-called "war on terror" is a fraud.

That Kerik was grossly unqualified to head what is, at least on paper, one of the most important federal agencies was, from the standpoint of the administration, beside the point. It wasn't looking for someone capable of coordinating responses to domestic emergencies. Rather, its aim was to capitalize on Kerik's identification with September 11 as a propaganda device to advance its campaign to terrorize and intimidate the American people into submitting to further wars and even more sweeping attacks on democratic rights.

As Kerik's indictment is being weighed for its potential impact on his former benefactor, Giuliani, it should be recalled that one of the more enthusiastic endorsements for his nomination to the post of Homeland Security secretary three years ago came from none other than the Democratic presidential frontrunner, New York Senator Hillary Clinton.

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