

The Bernie Kerik saga

The war on terror and the rise of the political underworld

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16 December 2004

The ignominious collapse of George W. Bush's attempt to install Bernard Kerik as his secretary of homeland security has lifted the lid on the rather ugly can of worms that constitutes political relations within America's ruling establishment.

The "global war on terrorism" constitutes the keystone of all of the Bush administration's foreign and domestic policies. As the Department of Homeland Security (DHS) is responsible for US defenses against terrorist attacks, the job offered to Kerik is ostensibly one of the most important and complex in Washington, involving the leadership and coordination of multiple and competing agencies.

Kerik had no qualifications for the job. He had never worked in Washington, never held elective office and, until becoming the chauffeur and bodyguard of Rudolph Giuliani eleven years ago, when Giuliani was the Republican candidate for mayor of New York, was a high-school dropout whose experience consisted of stints as a jail guard and undercover narcotics cop.

He was rapidly elevated to top city posts under Giuliani, first as correction commissioner and then, in August 2000, as police commissioner, where he remained with little distinction for slightly over a year.

What made Kerik a hot property was September 11, 2001. Administration officials declared that appointing the ex-cop to head the Homeland Security Department would provide "9/11 symbolism" to Bush's cabinet. Having an individual who was present when the Twin Towers fell in New York, it was apparently reasoned, would lend the DHS' color-coded terror alerts greater credibility.

What precisely Kerik did on September 11, besides tag along with the mayor, is never discussed. The most publicized description of him on that day was given by Giuliani, who claims to have turned to his police commissioner as the first tower fell and declared, "Thank God George Bush is president."

In delivering this tall tale to the Republican National Convention in New York last August, Giuliani neglected to include the punch line: "Because we're going to get rich!"

Both Giuliani and Kerik cashed in shamelessly on one of the greatest tragedies in US history. Kerik rushed into print with his autobiography—only slightly behind his boss—including photographs of "Ground Zero" purloined from the police department's files. To get the book out in time to make top dollar, he ordered police detectives to do research for him in Ohio, investigating the murder of the mother he never knew. He was subsequently fined \$2,500 for exploiting city cops as his personal servants.

Afterwards, he joined his mentor as an associate at Giuliani Partners. There he has postured as a security expert, gaining lucrative deals and seats on boards of directors that have transformed him into a multi-

millionaire. He recently cashed in over \$6 million worth of stock options that he earned for serving for a year and a half on the board of Taser International, promoting its electric stun gun to US police departments.

The luster of Kerik's "9/11 symbolism" has been more than tarnished by some of the revelations that have surfaced since his nomination.

The *New York Daily News* broke the story that Kerik secured an apartment for himself overlooking the "sacred ground" of the World Trade Center site, using it to carry on two simultaneous extra-marital affairs, one with a female correction officer and the other with his millionaire publicist, Judith Regan. Initially, the apartment was obtained on the pretext of providing a rest area for rescue workers sifting through the rubble below.

Abuses of power and mob ties

That Kerik had affairs is not the issue, except perhaps in the context of the hypocritical "moral values" campaign waged by his political benefactors in the Republican Party. What is important is Kerik's gross and brutal abuse of power.

In the case of the correction officer, Jeanette Pinero, he and the city have been the subjects of multiple lawsuits charging that he used his power as correction commissioner to retaliate against supervisors whom he saw as crossing either her or her friends in the city's jail system.

With Judith Regan, the abuse was even more chilling. After she misplaced her cell phone at a Fox News Channel studio, where she had a talk show, Kerik dispatched crack homicide detectives to the homes of several junior-level Fox employees, rousting them out of their beds in the middle of the night and interrogating and finger-printing them. The phone was later found in the studio.

Then there are the multiple reports tying the former head of the New York City correction and police departments to mob-connected figures. The latest, published by the *Daily News* on Wednesday, recounts how in 1999 Kerik purchased two apartments in a well-appointed building in the Riverdale section of the Bronx, and then had them converted into one huge unit. The report described the renovation as "opulent," including "extensive marble and granite and a large rotunda."

The expensive real estate deal was carried out just months after an arrest warrant was issued against Kerik over his failure to make payments on his only asset, a condo in New Jersey.

How Kerik—then the chief of the city jails—paid for his luxury apartment in the Bronx is a mystery. But the *News* report does shed light on who did the renovations. The contractor was Ed Sisca, who only a week before had

been indicted in a bid-rigging scandal for which he ultimately was sentenced to four-and-a-half years in prison. His father, Alphonse “Funzi” Sisca, is described as a leading figure in the Gambino crime family, who spent the 1990s in prison on a heroin-trafficking conviction.

Earlier reports have raised serious questions about Kerik’s ties to Frank DiTomasso, the owner of Interstate Industrial, a construction company that for years has faced allegations of mob connections. Kerik convinced DiTomasso to hire both his brother and Lawrence Ray, who acted as the best man at his wedding. A mob informant testified at the trial of Peter Gotti that DiTomasso had paid kickbacks to the Gambino family for years. The construction boss regularly visited Kerik at his office in the correction department.

Ray, who was indicted in a mob stock swindle, reportedly gave thousands of dollars in gifts to Kerik—after paying for his wedding—that were never reported to the city. Municipal officials are legally required to report any gift worth more than \$50 from someone involved in business with the city. City employees who have violated this regulation have routinely been fired.

These scandals implicate not just Kerik, but Giuliani as well. September 11, as the administration and its supporters never tire of saying, is the day “everything changed.” For Giuliani, this was certainly true. He was able to exploit the terrorist attacks to obscure his record as a mayor hated by large sections of the city’s population for his identification with police brutality and repression, as well as attacks on welfare and social services. Also swirling around his administration were charges of corrupt dealings with politically connected contractors.

Suddenly, all this was ancient history as far as the media was concerned. Giuliani became “America’s mayor,” the symbol of New York’s indomitable spirit and refusal to bow to terrorism. The ex-mayor promoted and profited off this phony image.

In the midst of this hoopla, there was little or no examination of what role Giuliani’s leadership actually played in the events of September 11. Few bothered to recall that his administration had stonewalled efforts by firefighters to obtain radios that would have enabled them to hear the warnings that the building was about to fall—while mysteriously signing a contract for devices totally unsuited for that purpose.

Nor did they ask how his actions—which amounted to using the terrorist attacks as a photo-op, rather than developing a serious emergency management plan—contributed to the rescue efforts. The disorganization and confusion of the administration on that day, its lack of preparation for a serious emergency—summed up in the collapse of Giuliani’s \$15 million high-rise “bunker” in the World Trade Center—contributed to hundreds of unnecessary deaths.

It is impossible to believe that Giuliani was unaware of the multiple allegations against his protégé Kerik. The city’s Department of Investigations, which reports directly to the mayor, opened an investigation into Kerik’s ties to DiTomasso and Ray before he was named police commissioner. The chief of enforcement for the city’s Trade Waste Commission, who happens to be Giuliani’s cousin, has come forward to say that in 1999 Kerik buttonholed him, putting in a good word for the mob-linked construction outfit.

A second court-ordered probe was opened up by the investigation department into Kerik’s abuse of authority in the city jails on behalf of his girlfriend, but was aborted, presumably on the mayor’s orders.

Kerik held his positions in city government precisely because he was unconditionally loyal to Giuliani. The mayor could count on him both for unquestioning support and to keep his mouth shut when required. In turn, Giuliani covered up for his subordinate. It was no accident that the standing joke at City Hall in those years was the constant recitation of quotes from “The Godfather.” *Omerta*—the code of silence—was strictly observed.

What was the real legacy of “America’s mayor,” beyond his ubiquitous

presence on the nation’s television screens in the aftermath of September 11?

He came into office in the midst of the longest uninterrupted Wall Street boom in the country’s history. An ex-federal prosecutor, his most high-profile cases were his televised arrests of Wall Street deal-makers like Michael Milken—people whose offenses were benign compared to the orgy of speculation and swindling that Giuliani was to celebrate once he became mayor. His other big case saw him successfully arguing for the deportation of Haitian refugees back to the Duvalier dictatorship.

Giuliani: inequality and repression

Giuliani brought the prosecutorial mindset into City Hall, carrying out policies that effectively criminalized the poor and homeless and unleashed the city’s police department—which swelled to an army of 40,000—in a relentless “quality of life” enforcement campaign. The aim of this campaign was to drive New York’s mostly black and Hispanic working class youth off the streets and secure the city for the population of super-rich and affluent upper middle class concentrated on the island of Manhattan.

The implications of this policy became hideously apparent in 1997, when Abner Louima was sodomized with a broomstick in a Brooklyn stationhouse bathroom, and in the murder of Amadou Diallo two years later in a hail of 41 bullets fired by plainclothes cops.

Such repressive violence was the byproduct of the ever-widening social chasm in New York, with opulence in some areas only a stone’s throw from dire poverty. One recent study found a single census tract in upper Manhattan where the wealthiest 20 percent of the population earned an average of \$561,762, 50 times more than the poorest 20 percent, whose average income was just \$11,634.

While the city enjoyed unprecedented budget surpluses, Giuliani continued slashing social programs aimed at ameliorating conditions for the majority of the city’s population earning poverty wages. Instead, the money was funneled back into the coffers of Wall Street and the wealthy elite in the form of repeated tax cuts.

Taken together, this breed of politics and the social relations they upheld created a toxic atmosphere of corruption. So much money was being made by those whom the Giuliani administration served, it is hardly surprising that those within the administration would find a way to enrich themselves—both before and after they left office.

Nor can it come as a shock that Giuliani would recommend Kerik as a candidate for high office in the Bush administration, where, after all, the same relations predominate. Kerik fit right in with an administration that had come into office through fraud, bankrolled by Enron’s Kenneth Lay. Kerik’s close ties with companies doing business with US security forces are entirely in sync with a government in which Halliburton continues to make payments to Vice President Dick Cheney.

According to accounts from within the Bush administration, it was the president himself who was pressing the hardest for Kerik’s rapid appointment. Kerik was the kind of man he—and his father before him—feigned to be: a self-made millionaire, still rough around the edges. Bush, the Yale-educated heir of New England aristocrats, and Kerik, the high-school dropout and “lost son” of a murdered prostitute, arrived from opposite ends of the social spectrum to a common political, moral and intellectual point. Bernie was Bush’s kind of guy.

In charge of vetting the former New York City police commissioner was White House Counsel—and current nominee for attorney general—Albert Gonzales, who played a key role in drafting the legal rationale for the abductions, detentions without trial, and pervasive torture that characterize

the “war on terror.” No doubt Gonzales saw in Kerik—the former jail boss and undercover cop—a fitting administrator for just such policies.

Nor would the White House counsel be overly sensitive to allegations of unseemly ties to private interests. Before becoming then-Governor Bush’s general counsel in 1992, he spent a decade working at a Texas law firm representing Enron. In 2000, the scandal-plagued energy corporation helped bankroll Gonzales’s campaign for re-election to the Texas Supreme Court.

It is far from clear whether Gonzales’s services to Enron ended once he entered the administration. He has led the fight to prevent the public release of documents on Cheney’s secret energy task force, which reportedly included extensive private meetings with Enron’s chairman, Kenneth Lay.

The issues surrounding Bernard Kerik’s nomination concern not merely the corruption of a single individual, nor are they really about incompetence in the investigation conducted by the White House.

Kerik is representative of the debased and semi-criminal character of the oligarchy that rules America. That is why he was welcomed onto corporate boards and feted not only by the Bush administration, but the Democratic Party as well. New York’s two Democratic senators—Hillary Clinton and Charles Schumer—not only endorsed him for the Homeland Security post, but reiterated their support even after the multiple revelations of corruption and abuse of power. Bernie was also their kind of guy. Thoroughly corrupt themselves, they were attracted to him.

Kerik’s alleged corrupt practices in New York would get merely a wink and a nod from the likes of Enron’s Lay, Tyco’s Dennis Kozlowski and so many other CEOs who have enriched themselves through multi-billion-dollar looting and swindles.

With the “war on terror,” the crimes of this ruling elite are whitewashed in a wave of manufactured fear and phony patriotism, while the brutish and criminal methods that it practices at home are projected onto the world arena in wars of aggression, colonial occupation and torture.

It was Karl Marx who wrote that financial parasitism, which today permeates American capitalism, is dominated by the drive “to get rich not by production, but by pocketing the already available wealth of others.” It is characterized, he wrote, by “an unbridled assertion of unhealthy and dissolute appetites...particularly at the top of bourgeois society—lusts wherein wealth derived from gambling naturally seeks its satisfaction, where pleasure becomes debauched, where money, filth and blood commingle.”

The financial aristocracy, he wrote, “in its mode of acquisition as well as in its pleasures, is nothing but the rebirth of the lumpenproletariat on the heights of bourgeois society.”

The saga surrounding the meteoric rise of Bernard Kerik and his sudden demise has provided this profound analysis with a fresh and living expression.



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