

# Kerik declines Homeland Security nomination: why Bush lost his hand-picked henchman

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With Bernard Kerik's sudden withdrawal as the nominee to become the new secretary of the US Department of Homeland Security, the Bush administration has confronted its first major crisis in its efforts to reconfigure itself for a second term.

The episode involving the former New York City Police Commissioner is by no means a minor matter, given the ceaseless invocation by the Bush White House of a supposed terrorist threat as the justification for all of its policies, both foreign and domestic.

With Kerik, Bush and his handlers believed that they had someone ideally suited to the job. The ex-cop's claim to fame stemmed from having stood at the side of then-Mayor Rudolph Giuliani at the moment the first tower of the World Trade Center fell on September 11, 2001. White House aides gushed last week that Kerik's mere presence would bring "9/11 symbolism" to Bush's cabinet.

Kerik's other principal qualification was his unquestioning loyalty to his benefactors, most principally Giuliani, whom he served as chauffeur and bodyguard when Giuliani was running for mayor of New York. Giuliani reciprocated, first by making him head of the city's jails, and then of its police department.

The official explanation given for Kerik's decision to decline the nomination was his sudden discovery that he had a "nanny problem." As the story goes, while completing a review of his personal finances, he discovered to his supposed surprise that a woman he had hired to work in his home did not have legal immigration status, and that he had not paid payroll taxes on her behalf.

Few familiar with Kerik's career believe that this supposed lapse in judgment was the real reason for his decision not to seek the nomination. Some have cited his financial activities after leaving city government along with his benefactor Giuliani at the end of 2001, which have made him a very wealthy man. Much of this wealth has come from serving as a pitchman for security-related companies that do business with US government agencies. His biggest windfall—\$6 million—came from selling stock given him as a board member of Taser International, the maker of an electric stun gun, whose increasing use by US police departments has led to a number of deaths.

Others point to news reports of a New Jersey warrant for Kerik's arrest on six-year-old charges concerning his failure to meet payments on a condominium.

More likely, what scuttled Kerik's nomination was the threat that long-simmering charges and scandals stemming from his tenures as commissioner of New York City's Correction Department and Police Department were about to boil over. The day before he called Bush to

say he could not go forward with the nomination process, Kerik was compelled to give a deposition in a civil lawsuit brought against him and New York City by a former prison supervisor, Eric DeRavin III.

DeRavin charges that Kerik destroyed his career with the city in retaliation for the supervisor's disciplining of a female jail guard, who allegedly was having an affair with Kerik. He further claims that he was set up on false sexual harassment charges and repeatedly denied promotions because of his conflict with the woman, Correction Officer Jeanette Pinero.

Kerik was represented at the hearing by Joseph Tacopina, a New York attorney who defended one of the cops charged in the 1997 stationhouse torture and sodomy of Haitian immigrant Abner Louima.

Attorneys for DeRavin had deposed Pinero two days earlier. According to a report in *Newsday*, "About halfway through Pinero's deposition on Tuesday, attorneys for the city began to raise the issue of having the deposition sealed, particularly the parts that concerned Kerik and Pinero's relations."

Meanwhile, the newspaper reported, Kerik's lawyer, Tacopina, contacted news organizations urging them not to report "personal attacks" against his client.

The allegations by DeRavin, a former deputy warden, are not easily dismissed, because they dovetail with charges made by a number of others against Kerik concerning his actions as corrections chief. Together, they present a picture of a manager who manipulated sexual and ethnic tensions within the jails in order to reward those he favored and punish anyone who crossed him.

Another prison supervisor, Captain Herbert Reed, has filed a multi-million-dollar lawsuit against Kerik and the Correction Department, charging that Kerik attempted to fire him and then subjected him to systematic retaliation for his attempt to discipline another female correction officer, who was a close friend of Pinero.

He too was set up on phony sexual harassment charges that were subsequently dropped. The administrative court, in dismissing these allegations, found that the case raised "very serious issues about the governance of the department" and that the Reed case had exposed a "gross abuse of power and misuse of the...disciplinary process to protect a favored employee."

There is evidence that Kerik worked to cover up cases of genuine sexual harassment and violence by those close to him. One involved his top aide, John Picciano, who was accused in 1998 of manhandling and using a gun to threaten a female correction officer with whom he was having an affair. Picciano followed Kerik into the police department and subsequently into former Mayor Giuliani's consulting

firm. The Queens County district attorney has reportedly launched a criminal probe into the cover-up charge.

This pattern of abusive and potentially criminal activity apparently did not begin with Kerik's tenure in the city prison system. The *Washington Post* published a December 8 article based on the testimony of nine former employees of the hospital in Saudi Arabia where Kerik worked as a supervisor of the security staff 20 years ago.

They placed Kerik at the center of a spying operation ordered by the hospital's administrator, Nizar Feteih, against "several women with whom he [Feteih] was romantically involved and men who came in contact with them."

Employees complained to the Saudi Ministry of Health, the report states, after Kerik helped orchestrate the victimization of a doctor whom Feteih disliked. The doctor and his wife were picked up by the hospital's security staff on trumped-up charges of possessing wine and beer—illegal in Saudi Arabia—and turned over to the Saudi police and expelled from the country.

The employees also said that Kerik participated in an attempt to retaliate against employees who had complained to the authorities, forcing some of them to go into hiding. One was briefly jailed, while the hospital administrator announced plans to have another committed to a mental hospital.

"Kerik was a goon," a former hospital manager told the *Post*. "They were the Gestapo...They made my life so miserable."

A paramedic who worked at the hospital told the newspaper, "Men and women had to be careful with security, but Bernie was the one we watched out for the most."

A doctor now working in upstate New York recounted a session with Kerik. "He summoned me to his office and slid a piece of paper toward me and said, 'I want you to tell me what is incorrect in this,'" the doctor recalled. "It was an account of how I'd dated some women. I said, 'Besides the spelling errors, it's correct.' He got out of his chair and said, 'Don't get fresh with me doc.'"

The doctor said he had seen Kerik spying on him from a hospital security car after he left a female employee's apartment late at night.

"Bernie Kerik was an enforcer," said another doctor. "It was sinister."

Ultimately, Saudi authorities concluded that the employees' charges were valid. Both the hospital administrator and Kerik were fired and Kerik was immediately deported.

Whether the Bush administration was aware of this history when it selected Kerik is unclear. What is certain, however, is that the White House was attracted to him precisely because of his demonstrated willingness to carry out any action—no matter how sinister—on behalf of his superiors, and his complete contempt for the rights of those over whom he wielded power.

As head of the Homeland Security Department, Kerik would be in charge of agencies with extensive police powers, including the Secret Service and immigration enforcement.

In a comment made to *Newsday* concerning opponents of the war in Iraq, Kerik declared last year: "Political criticism is our enemy's best friend." There is no doubt that if he had received the nomination, Kerik would have been prepared to use all the power at his disposal to suppress such criticism.

This nomination was emblematic of the increasing criminalization of the entire American ruling elite. Giuliani, a man hailed in the media as "America's mayor" and the personification of steadfastness and courage, zealously promoted Kerik for the position, seeing it as a means of boosting his own influence—and opportunities for profit

making—within the administration. Kerik was welcomed onto boards of directors and embraced as a fitting spokesman for everything from such instruments of torture as the Taser gun to the supposed superior safety of American prescription drugs over their cheaper Canadian alternatives.

The inability of Bush to place the ex-jail boss and narcotics cop in this position was not due to any outcry from his ostensible political opponents in the Democratic Party. Indeed, several leading Democrats, including New York's two senators, Charles Schumer and Hillary Clinton, had praised the appointment. These two made the improbable claim that Kerik would serve as an advocate for the people of New York—something he had never shown the least inclination to do during his years as a city official.

In the end, the nomination was sunk by the hatred Kerik had generated among those over whom he had been given power. They persisted in calling the man Bush described as "one of the most accomplished and effective leaders of law enforcement in America" an "enforcer" and a "goon." The danger that a section of the media—admittedly a rather narrow one—would put Kerik's real record before the public made his appointment impossible.

There is little precedent in America for taking a former chauffeur and bodyguard and placing him at the head of one of the most powerful agencies in the country. Such appointments are more common under a different type of regime. It was Adolf Hitler, it should be recalled, who placed his chief bodyguard, a former chicken farmer, Heinrich Himmler, at the head of Germany's most powerful police apparatus, the Gestapo, and ultimately in command of much of the German army.

In his biography of Mussolini, the historian Denis Mack Smith noted that most of the Italian fascist dictator's ministers "were less than competent and some would have been in prison in any other country."

Bush may not be a Hitler, nor is Kerik a Himmler. But the elevation of certain social types—with distinctly criminal features—to the highest positions in government is symptomatic of a profound decay of democratic norms and a movement toward authoritarian and violent methods of rule. The attempt to install such a figure at the head of a law enforcement agency with immense powers over the lives and democratic rights of the American people constitutes a serious warning.

In its second term, the Bush administration is preparing an escalation of surveillance and repression against the American people. The complicity of leading Democrats in the nomination of Kerik demonstrates that there exists no commitment to democratic rights or significant opposition to police-state measures within either major party.

New potential candidates have already been named for the job Kerik was obliged to forfeit. Among them are Asa Hutchinson, a deputy secretary at Homeland Security; Frances Townsend, Bush's domestic security adviser; and Joseph Lieberman, the senator from Connecticut and Democratic vice presidential candidate in 2000, who ran in the 2004 Democratic presidential primaries on a pro-war platform barely distinguishable from that of the Republican Party.



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