

Prosecutors: Kerik criminal, not hero

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When President George W. Bush announced at the White House on Dec. 3, 2004, to the assembled media that Bernard Kerik was his choice to be secretary of the Department of Homeland Security, he noted that, like President Theodore Roosevelt, Kerik had once held the position of New York City police commissioner.

Three years later, when federal authorities announced to the assembled media that Kerik had been indicted on public-corruption and tax charges, FBI Special Agent David Cardona, too, mentioned that Kerik and Roosevelt once held the same job.

"There the similarity ends," Cardona said.

The man who once was held up as a hero alongside his friend and mentor former New York Mayor Rudolph Giuliani in the wake of the Sept. 11 attack in New York City is now waiting to find out what federal prison to report to on May 17. That is when he will begin serving a four-year prison term for tax fraud and lying to White House officials who vetted him for homeland security positions. He was sentenced Thursday in federal court in White Plains.

Kerik fell far

Kerik, 54, rose from the humblest of beginnings, a high school dropout born in Newark, N.J., to a mother who was a prostitute and eventually abandoned him to the care of her pimp's mother. He went on to lead one of the most storied law enforcement agencies in the world and then was tapped by the president to safeguard the nation against terrorists.

But Kerik the American success story was actually something less, federal prosecutors said: He was a common criminal.

"The indisputable facts show that the defendant, while a public servant...engaged in a pattern of criminal conduct," Assistant U.S. Attorneys Elliott Jacobson, Perry Carbone, and Michael Bosworth wrote in court papers filed in U.S. District Court in White Plains. "They also show the defendant lied repeatedly about matters of substance ... when he was vetted for sensitive national security positions."

Prosecutors also attached an addendum that lists 20 crimes they say Kerik committed between 1998 and 2007.

Not listed was the allegation that brought the federal investigation of Kerik to light in 2006. Federal prosecutors probed whether Kerik and former Westchester County District Attorney Jeanine Pirro conspired to illegally bug her husband Albert Pirro Jr.'s boat.

Jeanine Pirro was in the midst of a failed bid for state attorney general when news of the probe surfaced as well as tapes of her discussing with Kerik her concerns that Pirro was cheating on her with another woman on his boat. The tapes were made as part of the corruption probe that led to Kerik's federal indictment.

Probe led to charges

For a while, both Pirro and Kerik were under investigation by federal authorities in White Plains.

Federal prosecutors expanded the probe to include Pirro's defunct home-jewelry business and whether she improperly used the resources of the District Attorney's Office for campaign work.

Pirro was never charged with any wrongdoing.

But Kerik was indicted in November 2007 on charges of public corruption, tax fraud, and lying to the White House.

In the indictment, prosecutors laid out a case of a man who sold his office in 1999 when he was the city's commissioner of corrections for \$255,000 worth of renovations to an apartment he bought in the Riverdale section of the

Bronx.

Interstate Industrial Corp., a waste management company owned by Peter and Frank DiTomasso, enlisted Kerik's influence and assistance in efforts to convince New York City officials that it had shaken off mob ties and was clean enough to win municipal contracts.

Kerik's brother, Donald, and the best man at Kerik's wedding, Larry Ray, worked for Interstate.

The renovations included marble bathrooms and a jacuzzi, a marble entrance rotunda, new walls and floors and a new kitchen.

In exchange, Kerik agreed to help Interstate. He met with officials from the city's trade waste commission and the department of investigations and questioned conclusions that Interstate had mob ties.

'Dilemma' of success

U.S. District Judge Stephen C. Robinson called Kerik's case the dilemma of the successful public servant. As he rose up the ranks, from decorated detective to commissioner of corrections to police commissioner, Kerik rubbed elbows with successful people who had been rewarded with riches for their accomplishments. All the while he was still living on a public servant's salary.

"When he got to that dilemma he made some bad choices about how to reconcile this," Robinson said.

How Kerik reconciled it was highlighted in an e-mail

Kerik sent to Larry Ray after a restaurant meeting with city investigators in July 1999 where Kerik spoke up for Interstate.

"I put my reputation and integrity on the line defending whatever you asked without question," Kerik wrote in the e-mail. "I feel like I'm on welfare and I can't stand it when you or Frank (DiTomasso) pay, so I won't go. I can't afford to go out every day to eat, to have a million dollar house ... I can't go out and buy a motorcycle or car, or a Rolex watch at the drop of a dime like I've watched you do."

After the e-mail, Interstate and the DiTomassos paid a contractor for the apartment renovations, federal prosecutors said.

Web of lies unravels

It was from that involvement that Kerik's problems flowed. He failed to file tax returns that included the payments from Interstate as income. He lied to White House officials who asked about the DiTomassos and Kerik's involvement with Interstate. He never told them about the \$255,000 worth of renovations or how he interceded with city officials on the company's behalf — in addition to failing to mention \$250,000 he owed an Israeli businessman who did business with the Department of Defense.

Even the event that brought Kerik to the national stage — the Sept. 11 attacks — was an opportunity to enrich himself, federal prosecutors said.

"He more than once unlawfully used public office for private profit, and then, after leaving government," they wrote, "became a wealthy man by shamelessly exploiting the most horrific civilian tragedy in this nation's history."

In his autobiography, Kerik wrote about the pride he felt when he was given the commissioner's shield "solid gold with five platinum stars and the seal of the city, the same shield that Theodore Roosevelt carried."

Prosecutors Jacobson, Carbone, and Bosworth said Kerik "would have done well to have remembered something else Theodore Roosevelt left behind."

Then, they quoted Roosevelt's 1903 state of the union address:

"No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right, not asked as a favor."